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Cop-robber? Jury says he's innocent

By Dave Racher

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The cop swore that David Moto, 34, was the man who had robbed him in a South Philadelphia gas station in 1990.

But after defense lawyer A. Charles Peruto Jr. argued that Officer William Gallagher was mistaken, a jury last week acquitted Moto in 10 minutes.

Gallagher said he was off duty, filling up his car's gas tank at Broad and Fitzwater streets at 3:20 a.m., March 29, when Moto, of Camden, shoved what he thought was a gun into the back of his head and said, "Fork over the money and your wallet."

The officer said he turned toward Moto and was standing within two feet of him when the robber stole \$185 in cash and his wallet, which contained the officer's badge.

Gallagher said he was positive Moto had been the stickup man.

The prosecution introduced a police sketch made about an hour after the crime that even Peruto admitted "looks just like my client."

When the prosecution contended that Moto fled the city after the crime, Peruto argued that Moto wasn't even aware he was wanted until his arrest in 1993.

The attorney told the jury that Moto, 'is the victim' in the case because the delay in arresting him "robbed him of his right to present an alibi"