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Earlier tipster makes art pitch

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ELLIS
In addition, because these two long-time criminals are furnishing information from the same source, the authorities are looking for the best treatment from the state's prison system. And their rivalry could potentially result in negotiations over the return of the paintings. They appear to be competing not only for the money but also for the attention of federal investigators and the friendship of their mentor, Conner.

A colorful character straight out of an Elmore Leonard novel, Ellis boasts about his scars and tattoos, about the money bars he used to use, his friendships with Mafia "wise guys" and his willingness to beat up anyone who "disrespects" him. While reluctant to criticize Youngworth directly, Ellis nonetheless named the only true spokesman for Conner. He lived for 20 years and former estimate of Lemper Federal Penitentiary in California.

"Who is very devoted to me," Ellis says. "We've been through hell and high water. He believes in me, he's my teacher. I love him very much."

Conner's attorney, Martin Leppo, confirmed the friendship between his client and Ellis. "I am aware of Rocco Ellis, and he plays an important part in the overall Gardner matter," Leppo said.

After fasting for weeks in his cell while Youngworth acted the headliners, Ellis is now going public with what he has told investigators about the Gardner theft. He says, for example, that David Houghton, an armorer and art appraiser from Malibu who had dated Conner's sister, planned the heist. According to Ellis, Houghton, who has since died, visited Conner in prison in Illinois three months before the theft and sought his advice.

At that meeting, according to Ellis, Houghton identified 13 artworks as targets. All but two were eventually stolen, Ellis says. Houghton paid \$25,000 apiece to two experienced robbers, and then hid the paintings in a duffel bag inside a steamer trunk until his death at 42 from a heart attack in 1962, Ellis says.

One of the robbers who deserted police uniforms and hid up the Gardner's security guards, according to Ellis, was Robert Donald DeVore, a reputed Mafia associate who was murdered in 1981. Ellis says he does not know who the other robber was, but believes the man is still alive and no longer in the Boston area.

Federal officials declined to comment on the validity of this scenario. Ellis said he refused to inform on any living person. Asked where the paintings are today and who is hiding them, Ellis refers the questions to Conner. He does say that their location is deteriorating.

By revealing his role in the Gardner investigation, Ellis hopes to highlight his current effort to vacate his 1980 tax abuse conviction. That legal challenge, now pending in US District Court in Springfield, raises the same issue that led a state Superior Court judge to overturn the conviction of two members of the Anschutz family in the well-known Felix Day Care case in 1995.

Like the Anschutzs, Ellis says he was denied his constitutional right to confront his accuser because the child whom he was convicted of abusing was allowed to testify with her back to him. Ellis, who has been harassed, beaten and had teeth knocked out by other inmates for his crimes, insists he is no child molester, and he has got a cadre of devoted friends and supporters still attempting to fix his innocence.

"If they let me out tomorrow on the Gardner thing, I'd still pursue a retrial," he says. "If you know me, you'd know I could never do that again."

He's no art thief either, but he considers himself lucky to know the best in the business: Conner. "Paying the jail money 'pennies,'" Ellis recalls the initial meeting when Conner offered him a ticket to wealth and freedom — the inside story of the Gardner heist.

First, Ellis tags on the wall, the way he did in a federal prison in Oklahoma City that summer of 1990, a few months after the Gardner theft, to find out if the "M. Conner" in the next cell was the old buddy from a Massachusetts prison. He crosses "Unchained Melody" — the signature song that Conner, a former rockstar, sang back then to identify himself.

Then he painstakingly Conner's picture as they walked together in

the prison yard. Ellis had been complaining that he had been framed by a former girlfriend for sexually abusing her daughter. Promising to help, Conner began drawing in his air-outlined paintings, to be exact.

Born in North Adams, the 68-year-old Ellis has a criminal record that includes convictions for statutory rape, obscene possession and attempted extortion.

While in prison in 1985, Ellis met Catherine DeCotis, who was married to his former counselor. By the time of his release from prison in 1986, her marriage was breaking up. Ellis began living with DeCotis and her 6-year-old daughter. That same year, he and DeCotis had a daughter of their own.

But the family harmony was short-lived. Ellis and DeCotis separated antagonistically. In 1990, as Ellis was pushing in court for custody of their daughter, DeCotis accused him of sexually abusing her other daughter.

The case was heard in federal court because Ellis was charged with interstate transport of a minor with intent to commit rape and abuse. At Ellis's trial in 1990, Judge Frank Freedman allowed the girl to testify at a table set up next to the jury box, with her back to Ellis. She testified that Ellis had inserted his hands, fingers

and toes in her vagina and forced her to have oral sex with him. The prosecution also contended that the girl had overreacted to become fat and non-interactive to Ellis, and that Ellis had taunted and ridiculed her.

"This child was severely traumatized, beyond the point of many I have worked with," says Susan Via, who prosecuted Ellis and is now an assistant US attorney in Tucson. "She was gravely harmed."

Ellis insists he never abused the girl. He says that she twice accused and sexually abused him, and that he suspects a family friend of abusing her. Although he hoped to win his story to the jury, Ellis says, his attorney refused to put him on the stand. His lawyer, Morris Goldings, says he strongly advised his client not to testify, and Ellis made the final decision.

Describing the assault as "unusually brutal, cruel, brutal and degrading," Freedman sentenced Ellis to 25 years in prison without parole. Ellis lost an appeal in 1991.

Then Ellis found an unexpected benefactor: Diana Sandgren, a Newbury Heights resident and former human services worker. Sandgren, who had become friendly with Ellis in 1986, began researching his case. DeCotis "just had the optimum moment to bring this allegation of child sexual abuse," Sandgren says.

The McMartin case was on the national news every night. There was enormous national hysteria, and an industry had sprung to reveal child sexual abuse."

Sandgren accumulated nearly 20 affidavits from Ellis's friends and family contending that he was a good parent and that they saw no evidence of abuse. One prosecution witness, who had testified about the taunting of the victim, said in a 1990 affidavit he had changed his mind and believed in Ellis's innocence.

Sandgren also discovered that Ellis's lawyer, Goldings, had previously represented DeCotis in seeking a liquor license. Goldings, who did not disclose his prior representation of DeCotis at Ellis's trial, says he did not have a conflict of interest because her case was unrelated to Ellis's.

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DeCotis, who has since remarried, declined comment. Ellis, who swears his daughter's name on his left hip, is not allowed to have any contact with her, but does not want to surrender his rights as her father. Ellis also sought favor from authorities by contending that he had inside information on the 1980 bombing of a US highway in Beirut. But

the account was never substantiated. In 1985, after the deaths of Houghton and Donald, Ellis began shopping information about the art theft to federal prosecutors. But when they refused to move him to the jail of his choice, he dumped up. After the museum raised its rewar-

last year from \$1 million to \$5 million, Conner authorized Ellis to give up negotiations.

Ellis says he has no doubt that his information will prove correct, and that the paintings will turn up. "There are two things I don't do," he says. "Stand, or lie."

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