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In FBI Murder Trial, Some Missteps and One Big Relief Gang Land

BY JERRY CAPECI

March 22, 2007

URL: <http://www.nysun.com/article/50990>

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There have been more than a few setbacks and embarrassments recently in the sensational year-old murder indictment against a former FBI supervisor, R. Lindley DeVecchio, who is accused of helping his mob mole wipe out his enemies.

Last month, a female investigator for the Brooklyn district attorney's office was forced to resign after carrying on an affair with an informer in the case. The investigator even hatched a plan to bear a love child with the informer while he was an inmate at a federal prison, sources said.

Two weeks ago, the chief of the office's Rackets Bureau, Noel Downey, the prosecutor who spearheaded the DeVecchio investigation, resigned to take a better paying position with the National Association of Securities Dealers.

Then last week, Supreme Court Judge Gustin Reichbach ordered prosecutors to establish that its case was not tainted by information it obtained from testimony that Mr. DeVecchio gave under a grant of immunity from prosecution.

And unlike most pre-trial defense motions, the burden of proof will be on prosecutors to demonstrate that they did not — directly or indirectly — use any immunized testimony by Mr. DeVecchio to convince a grand jury that he was involved in four murders from 1984 to 1992 that were ordered or committed by a Colombo capo, Gregory Scarpa.

Judge Reichbach ordered the entire prosecution team to submit sworn statements that they did not read Mr. DeVecchio's testimony about his many years of dealings with Scarpa, or use the fruits of his testimony to obtain an indictment.

During a spirited session, the judge also questioned a request by the lead prosecutor, Michael Vecchione, to postpone the trial until this fall, after his vacation.

The issue of a trial date arose when Judge Reichbach scheduled a May 15 pre-trial hearing to determine whether prosecutors had improperly used Mr. DeVecchio's prior testimony, thereby tainting the investigation and the subsequent indictment.

If he found no improprieties, the trial would follow immediately, Judge Reichbach said.

Mr. Vecchione, the lead prosecutor in the ongoing bribery trial of a Brooklyn judge, Gerald Garson, objected, citing a busy workload as well as his vacation. Judge Reichbach put off a final decision, but noted that he was inclined to set an early trial date because a co-defendant charged in one of the slayings had been detained for a year.

When Mr. Vecchione said a bail package could be worked out so the defendant, John Sinagra, could be released, Judge Reichbach said he was disturbed that Mr. Vecchione, who had insisted since last March that Sinagra was a danger to the community, now changed his mind, apparently to accommodate his desire for a vacation.

Judge Reichbach told Mr. Vecchione to call Scarpa's longtime common-law wife, Linda Schiro, to testify at the May 15 hearing. Ms. Schiro, the linchpin of the prosecution's case, has told the grand jury that Mr. DeVecchio assisted Scarpa in four murders, including that of Mary Bari, 31, a former girlfriend of a top Colombo mobster.

Other likely witnesses include an author, Peter Lance, and a forensic analyst, Angela Clemente, two self-styled DeVecchio gadflies who have read all of Mr. DeVecchio's testimony at three federal proceedings. The former agent's lawyers, Douglas Grover and Mark Bederow, contend that Mr. Lance and Ms. Clemente have tainted the investigation of their client.

Mr. Lance, who was an invited guest at the news conference at which District Attorney Charles Hynes announced the indictment last year, said he provided considerable assistance to the district attorney's investigation.

Ms. Clemente also provided help, Mr. Vecchione said at the news conference. Mr. DeVecchio's lawyer said Ms. Clemente pressured Ms. Schiro numerous times since 2004 to testify against Mr. DeVecchio and tainted the prosecution.

* * *

For all the bad news, the district attorney's get-DeVecchio team heaved a big sigh of relief last week after a top mob investigator who worked on the case was exonerated by a Staten Island grand jury of any wrongdoing in the death of a nextdoor neighbor.

The bizarre case began when a retired New York Police Department detective, Thomas Dades, confronted a gang of drunks, including a pipe-wielding ex-cop, at his house

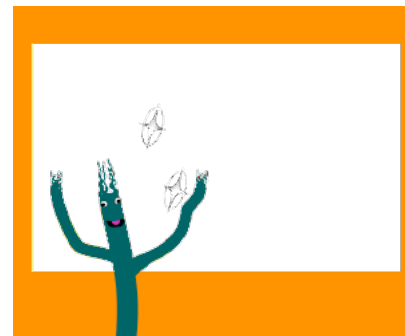
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after midnight before Christmas. During the fracas, Mr. Dades, who had drawn his gun, fell on top of a neighbor, James Colletta, who was trying to break up the altercation. Colletta broke several ribs, but declined medical attention. He died the following morning.

"Unfortunately, his neighbor died in the attack, but thank God that Tommy is an experienced, organized crime detective," Mr. Dades's attorney, James DiPietro, said. "A detective of lesser discipline, being attacked by a gang of drunks, would have fired his gun, justifiably. Tommy was able to disarm the situation, without firing his weapon."

* * *

Using information from a Genovese turncoat, Peter Peluso, the feds raised the stakes last week for a 75-year-old capo, Pasquale "Scop" DeLuca, by adding a murder allegation to a pending indictment that had previously charged him with extortion and gambling.

In following up on the new accusations, Gang Land has learned that during several tape-recorded discussions before Peluso began cooperating, he had exonerated Liborio "Barney" Bellomo, a co-defendant charged with taking part in the same murder — the 1998 slaying of family capo Ralph Coppolla, whose body has never been found.

On September 16, 2003, for example, Peluso, a longtime lawyer and trusted messenger, was heard telling capo John "Buster" Ardito that Bellomo, a former acting boss, "had nothing to do with it. He was away, and didn't even know what ... was going on."

Two months later, Peluso, who represented Bellomo and had visited him in prison, said: "Let me tell you something, if Barney was out, he would have saved Ralphie ... he would have tried."

In another discussion about Coppolla's murder the following spring, on May 12, 2004, Peluso reported that Bellomo "don't even know why ... he still don't know why they clipped him."

That July, as Gang Land reported last year, during another discussion with Ardito, Peluso changed his tune and recalled a jailhouse discussion in which Bellomo did approve Coppolla's execution, according to transcripts contained in FBI affidavits and other documents.

But earlier that year, on January 13, Peluso said Bellomo was on the outs with family leaders who ordered Coppolla's slaying and feared he might be killed by the same mobsters if the then-imprisoned boss, Vincent "Chin" Gigante, died in prison.

"This guy comes out," Peluso said, referring to Gigante, "he's behind Barney. If this guy don't come out, Barney knows he's got a problem with the other guys."

Sources say Peluso has told the feds that Coppolla was killed in DeLuca's social club. His attorney, Michael Marinaccio, was out of the country and could not be reached.

Manhattan federal prosecutors declined to comment on the new charges, or Peluso's changing tune in the thousands of hours of tape-recorded conversations during a nearly four-year probe.

"I look forward to a trial and having Barney vindicated," Bellomo's lawyer, Barry Levin, said.

There will be a status conference next week in the case, which is scheduled for trial in May.

This column and other news of organized crime will appear later today at ganglandnews.com

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