

This Week in

GANG LAND

The Online Column

April 26, 2007

By Jerry Capeci

Judge Carves Up G-Man Murder Case; Time Off Eases Prosecutors' Grief

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Exclusive

Prosecutors with the Brooklyn District Attorney's office seemed almost giddy after a spirited court appearance last week on the pending murder case against former FBI agent R. Lindley DeVecchio.



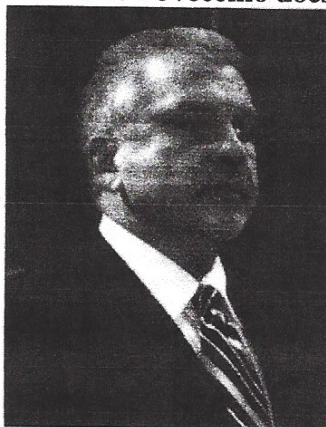
Under aggressive urging by lead prosecutor Michael Vecchione during a pre-trial conference, Supreme Court Justice Gustin Reichbach agreed to put the trial off until September 10 – a move that will allow Vecchione and a co-prosecutor to enjoy previously scheduled summer vacations.

Outside the courtroom, prosecutors Vecchione and teammates Kevin Richardson and Monique Ferrell joked about the judge's decision to slightly relax the former agent's bail restrictions on weekends.

On a request by DeVecchio's lawyer, Douglas Grover, Reichbach had extended the ex-agent's curfew on Friday and Saturday nights from 9 PM to 1 AM.

"Now he can see 'The Departed,' " cracked one prosecutor, referring to the Oscar-winning movie that is loosely based on the corruption of a veteran FBI agent by a Boston mob associate, according to an account by sharp-eared New York Post reporter Patrick Gallahue.

But what DeVecchio does with the additional four hours should be the least of the concerns that Vecchione (left) and his co-prosecutors have about the 13-month old indictment that charges the former agent with four murders from 1984 to 1992.

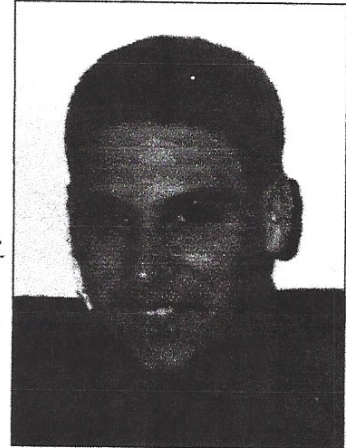


Reichbach also voiced a growing impatience with prosecutors, making several major rulings against the DA's office. Referring to an April 6 court filing that argued against a pretrial hearing in the case, the judge said "specious" was the "only word to describe" much of their reasoning in the brief. He termed one argument – that it was difficult for the DA's office to secure testimony by federally protected witnesses – as "patent nonsense."

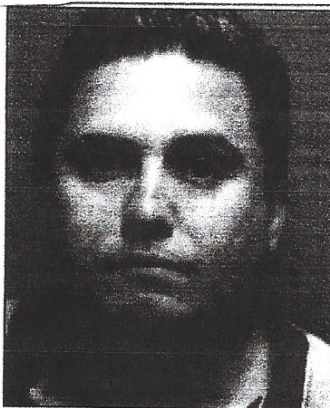
In the toughest blow to the sensational case brought by Brooklyn DA Joe Lyrus, Reichbach severed the case of DeVecchio's lone codefendant, John Sinagra, and scheduled his trial to precede the ex-agent's. This will force prosecutors to use their key witness, Linda Schiro, three months before she takes the stand against the former G-man, enabling his lawyers to better prepare for her testimony.

Schiro is the former lover of Gregory Scarpa Sr., the late Colombo capo who was a longtime informer for DeVecchio. She claims to have taken part or overheard discussions between the men that tie the ex-agent to the four murders alleged in the indictment.

Schiro has also fingered Sinagra, a former relative by marriage, in one of the slayings, the 1990 murder of Patrick Porco, 18. Sinagra allegedly killed Porco, a buddy of her son Joseph, after DeVecchio alerted Scarpa that Porco (right) was about to cooperate with police and implicate the younger Scarpa in a murder. Sinagra's trial begins June 11.



Reichbach also scheduled a pre-trial hearing to decide whether Sinagra's case was tainted by a pre-indictment delay of more than 10 years, and should be dismissed. The judge reversed an earlier ruling and set a hearing for May 16 after prosecutors



disclosed that, contrary to prior assertions that Sinagra (left) first became a suspect in late 2005, the DA's office had learned of his alleged involvement in Porco's slaying in 1995.

Prosecutors scored one win when Reichbach agreed that a full blown hearing was not required on defense charges that the Brooklyn DA's office had improperly obtained its indictment by using testimony for which DeVecchio had received immunity, until after his trial.

But the judge also set the stage for a major pre-trial confrontation between the former agent's defense team and Angela Clemente and Peter Lance, two DeVecchio gadflies whom Grover has described as part of a "cottage industry of self-styled forensic investigators and journalists" that were used by the DA's office to jump start its probe.

Clemente, who describes herself as a forensic analyst, was cited by Vecchione last year as a driving force behind the DeVecchio indictment. Lance is an author who claims in a book and on his website that he helped the DA's probe. Both have stated they will fight subpoenas from Grover and co-counsel Mark Bederow that require them to testify about their use of DeVecchio's immunized testimony in their research and the impact it may have had in the DA's probe.

The judge specifically mentioned Clemente and Lance as witnesses he expects to testify at a hearing that is limited to testimony from persons who have had involvement in the investigation but will not be called as trial witnesses. The hearing is set for August 8.