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Real Case Makes Point in 'Sopranos'

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No matter what the outcome of his upcoming murder trial in Brooklyn, R. Lindley DeVecchio, a former FBI agent, has already left his mark on American pop culture.

Sunday night, as an estimated 12 million viewers looked on, a fictional FBI agent cheered the news that a mob rival of Tony Soprano had been whacked by voicing a quote lifted directly from one allegedly uttered by Mr. DeVecchio during the bloody 1990s Colombo family war.

"We're gonna win this thing!" Agent Harris exclaimed. Earlier, Agent Harris, a balding man with a fondness for hero sandwiches at Tony's hangout, Satriale's Pork Store, was seen relaying information that led to the literally over-the-top slaying of Brooklyn mob boss Phil Leotardo in the final episode of "The Sopranos," the most unusual, and arguably the best, family drama in television history.

As were many scenes and subplots in the award-winning series, actions between Agent Harris and Tony Soprano were loosely based on real-life facts, or as in this case, real-life allegations.

According to testimony before the grand jury that indicted him, Mr. DeVecchio excitedly slapped his hands on his desk and said those same words when he learned that Lorenzo Lampasi, a rival of Colombo capo Gregory Scarpa Sr. — who was an informer for the ex-agent — was slain on May 22, 1992.

Brooklyn prosecutors say Mr. DeVecchio's words tend to corroborate charges that the former FBI supervisor helped Scarpa kill Lampasi. Whether the remark, even if true, bolsters the prosecutors' position about the murder is questionable.

Mr. DeVecchio's excited reaction to Lampasi's murder could be viewed simply as his inevitably partisan feelings for Scarpa, who had long been his informant, rather than prior knowledge that Scarpa was going to whack Lampasi. After all, if, as the indictment charges, Mr. DeVecchio helped the murderous gangster kill three others in the previous eight years, and if he had known that Scarpa intended to murder Lampasi, he might be expected to be more blasé when told about the rubout, not overly pumped up.

In any event, David Chase's decision to memorialize Mr. DeVecchio's words on HBO were overshadowed the next morning by a state Supreme Court justice in Brooklyn, who cited the

words of Humpty Dumpty in "Alice Through The Looking Glass" as he threw out murder charges against the ex-agent's co-defendant in a related case.

In a scathing 27-page ruling, Judge Gustin Reichbach ripped the Brooklyn district attorney's office and the New York City Police Department for shoddy and negligent work over the past 17 years, including the filing of "misleading" affidavits and other court documents during the pretrial process.

The testimony of one assistant district attorney, Judge Reichbach wrote, was "not unlike" Humpty Dumpty's words to Alice in Lewis Carroll's classic children's story: "When I use a word, it means just what I choose it to mean, neither more or less."

The judge stated that authorities were guilty of a "failure of both oversight and direction" that went as far back as 1990, the year that Charles "Joe" Hynes took over as Brooklyn's district attorney.

On Monday, Judge Reichbach dismissed an indictment against John "Johnny Loads" Sinagra, the accused triggerman in the May 27, 1990, slaying of Patrick Porco, ruling that the prosecution's long delay in filing charges against Sinagra violated his due process rights to a speedy trial. During the pretrial hearing, the district attorney's office acknowledged that it had received specific information naming Sinagra as Porco's assassin in 1995.

The judge also noted that Mr. Hynes's office failed to properly investigate a tip it received in 1990 "shortly after" after Porco's murder — and another in 1993 — that named a "Johnny Loads" as the killer, but he declined to find specific negligence before 1995.

Judge Reichbach had rejected an initial motion by Sinagra's lawyer, Joseph Giarmita, to throw out the charges. He later ordered a hearing when a 1995 memo written by a district attorney's office investigator surfaced with a report from an informer that Sinagra had shot and killed Porco while both were riding in a car. Judge Reichbach also expressed exasperation that the systemic problems that led him to dismiss the Sinagra indictment have not been addressed and that Mr. Hynes's office still has no policy to coordinate information about homicides between his office's investigators and NYPD detectives. "Clearly," he wrote, "the circumstances of this case argue powerfully for such procedures to be implemented."

During the hearing, the judge pointedly questioned prosecutors about why they did not call as witnesses Scarpa's longtime lover, Linda Schiro, and others who testified in the grand jury proceedings, noting that the information contained in the 1995 memo was a heavy burden for the prosecution to overcome.

In his ruling, the judge dismissed a claim by prosecutors that they learned that Ms. Schiro could help them solve the murder only in 2005 as "implausible." He noted that in 2000, she had publicly disclosed her relationship with Scarpa, and in 2001 she was cooperating with the feds. "No one ever bothered to ask her about the Porco murder" until 2005, he wrote.

A year later, at Mr. DeVecchio's arraignment before Judge Reichbach, his lead defense attorney, Douglas Grover, ripped the charges against his client as ludicrous and blasted members of the district attorney's office as ill-equipped and incapable of understanding organized crime or prosecuting mob cases.

"They don't make these kinds of cases, and they don't know how people act in these kinds of cases, and they don't know how to deal with witnesses in these cases," Mr. Grover said.

Judge Reichbach's ruling didn't put it quite that way, but he was openly critical of two current members of Mr. Hynes's staff — a prosecutor and an investigator — as well as criticizing the actions of two former investigators and a retired NYPD detective who testified at the two-week-long hearing.

After the ruling, Sinagra, who was held without bail for 15 months and last week rejected a plea deal that would have put him in jail for two to six years, walked out of court a free man. He told reporters he was returning to Las Vegas, where he worked as a limousine driver until his arrest.

In an effort to try and put their case back together again, the Brooklyn district attorney's office filed a notice that it would appeal the ruling, but it declined all other comment about it.

*** 86-Year-Old Capo Found Guilty: After two years of house arrest, 86-year-old Genovese capo **Ciro Perrone** began the real thing last week after a federal jury in Manhattan found him guilty of racketeering charges that included loan-sharking and gambling.

The jury rejected arguments by defense lawyer **Ronald Rubenstein** that tape-recorded conversations in which Perrone was either a participant or identified by others as a mob capo were merely idle chatter and not proof that his client had committed crimes during a five-year period that ended in 2005.

Perrone, who has spent little time behind bars during a mob career of more than 50 years, was remanded by U.S. District Court Judge **Robert Patterson**. He faces about four years in prison, according to **Gang Land's** quick and dirty estimate of sentencing guidelines. He is slated to be sentenced on September 14.

*** Union Boss's Delays Called Out by Co-Defendant: Federal prosecutors in Brooklyn have an unusual ally in their efforts to publicly depose the embattled president of the International Longshoremen's Association, **John Bowers**, about decades of alleged corrupt activities between the ILA and the mob.

An ILA vice president, **Arthur Coffey**, who is a co-defendant with Mr. Bowers in a wide-ranging civil racketeering suit against the dockworkers union, said Mr. Bowers's efforts to conduct the session in secret or postpone it are designed to prevent ILA members from learning of Mr.

Bowers's mob ties and personal use of union funds before the ILA's elections, which are set for next month.

"One can understand why Mr. Bowers would not want to answer questions under oath about these and numerous other matters," Mr. Coffey's lawyer, Gerald McMahon, said in court papers filed in U.S. District Court in Brooklyn. "But it clearly is in the public interest, as well as the interest of the ILA membership, for him to do so," wrote McMahon.

The session is scheduled to begin tomorrow.

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