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House News & Cases

Two Mob-Related Murder Cases on Rocks

by Charles Sweeney (charles@brooklyneagle.net), published online 06-04-2007

Alleged DA-Police Failure to Act on Info Could Sink Pair of Slayings

By Charles Sweeney

Brooklyn Daily Eagle

JAY STREET — What's good for one murder defendant is good for another — so goes the thinking of the defense attorney for accused murderer Craig Sobel, who faces charges in the mob-related shooting of a teenager after an egg-throwing incident on Halloween in 1989.

Sobel's attorney, Bruce Barket, is following the stratagem of another murder defendant in a related homicide case in the same courtroom. In that case, defense attorney Joseph Giaramita has tried to convince state Supreme Court Justice Gustin Reichbach to dismiss murder charges against his client, John Sinagra, who is charged with gunning down a witness to the Halloween shooting.

Like Giaramita, Barket wants the charges dropped because he claims police and prosecutors "failed to act in a prompt and timely manner" on information linking his client, Sobel, to the Halloween shooting. Barket claims prosecutors and police had the information on Sobel almost 10 years ago and failed to act.

Halloween Shooting

On Oct. 31, 1989, Dominic Masseria, 17, was killed in a drive-by shooting in Bensonhurst. At the time, witnesses had linked Sobel to the murder, but Reyes Aviles, 38, was charged and convicted for the crime. The Masseria case was listed as closed.

In the wake of new information brought to light as a result of the investigation of ex-FBI agent R. Lindley DeVecchio, Sobel's name came up in connection to the Masseria shooting.

During the DeVecchio investigation, Aviles was subsequently interviewed in jail, and he named Sobel as a participant in the Masseria murder. A limousine driver also claimed to have seen Sobel with a shotgun that night.

Related Murder

In the car the night of the shooting were 17-year-old Patrick Porco, an eyewitness to

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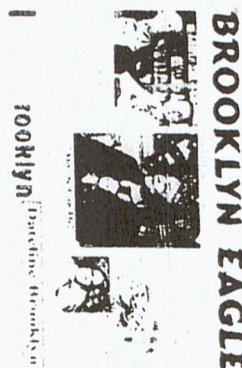
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Masseria's murder, as well as another young man, a famed mobster's son.

DeVecchio allegedly heard that Porco was about to become a police informant — something that could pose a problem for his prize informant, Colombo crime family capo Greg "The Grim Reaper" Scarpa Sr. Sinagra is charged with rubbing out Porco or orders from Scarpa.

Failure to Act?

According to Sobel's defense attorney, Bruce Barket, police failed to act in a prompt and timely manner on information implicating his client in the shooting death of Masseria.

- This week's pre-trial hearing on the matter saw testimony from a former prosecutor in the case, Noel Downey, who is now in the private sector. Also taking the stand was
- another prosecutor who worked the case. He said "no one" mentioned Sobel's name during the Masseria investigation.

"There was no witness that ever made reference to a person named Craig," said Assistant District Attorney James Leavitt, apparently rejecting Barket's claim that investigators sat on information. "You have this guy named Aviles who says on a polygraph that this person named Craig [Sobel] was involved in the homicide — so he did exist," Barket said. "You knew he existed."

- "Yes," Leavitt said. "But to the best of my recollection, at the time, I had three people leaving the scene. I had no information that a fourth person [Sobel] was involved."

Barket mentioned Sobel's own interview with police at the time of the shooting. He also mentioned a limousine driver who claimed to have seen Sobel with a shotgun — information that police had at the time of the murder, but failed to act on.

As a result of the failure to act, Barket wants state Supreme Court Justice Gustir Reichbach to dismiss murder charges against Sobel.

Potential Dismissal

Reichbach has threatened to dismiss Sinagra's murder charges if the defense can successfully demonstrate the failure of police and prosecutors to act promptly on the information implicating him from almost 10 years ago.

At the heart of the hearing involving Sinagra's case is a memo produced by Giaramita prepared by an investigator for the Brooklyn District Attorney's Office, which names Sinagra as a suspect in the Porco murder.

The memo, prepared in 1997, almost 10 years ago, suggests prosecutors had information that Sinagra was indeed a suspect. Reichbach has already said publicly that if it becomes clear that prosecutors ignored such information, he would not hesitate to dismiss the murder counts against Sinagra. Sobel's attorney, Barket, has tried to demonstrate a similar failure to act — though the last stage of the hearing has yet to happen.

Reichbach has asked both attorneys to submit written arguments to complement the testimony of witnesses — after one more day of testimony in the Sobel matter. After considering those arguments and the testimony, Reichbach has said he will then issue his decision.

The hearings have had an air of strangeness in one sense. Both Barket and Giaramita have had to argue that their clients were indeed likely suspects and that evidence did exist which implicated their clients in heinous murders — something that is usually the purview of prosecutors.

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Counting the minutes until I can go to a Nets game right here in Brooklyn and visit an avant-garde piece of architecture, at the same time!

It's a good idea, but I wish they would change the scale or design of it somehow.

I'm indifferent, Atlantic Yards project doesn't really effect me.

This might be the absolute worst thing to happen to Brooklyn — way to strangle the soul of a city, Ratner.

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