

LISA BABICK

A man in a dark suit and tie is shown from the chest up. A large target symbol is superimposed over his chest. He is holding the lapels of his jacket with both hands.

GUILT FOR THE **GUILTY**



The Story of Steven Crea, a government target who was wrongfully convicted

Guilt for the Guiltless: The Story of Steven Crea, the Murder of Michael Meldish and Other Tales

by Lisa Babick – aka “MS”



“...the other thing we’ve learned...is just how large the universe of other people who wanted the guy dead is.”

Judge Cathy Siebel on Michael Meldish during a bail hearing for Steven D. Crea on August 3, 2018

On November 15, 2013, on a quiet street in the Throggs Neck neighborhood of the Bronx, 62-year-old Michael Meldish was found dead in his car with a single, fatal gunshot wound to the right side of his head.

Police were more than giddy about the murder, immediately telling news outlets they believed it was a “gangland-style” execution.

Meldish was one of the reputed leaders of the Purple Gang – a criminal group that controlled the drug trade in the Bronx and Harlem in the 70s and 80s. They were said to have killed and dismembered over 100 rivals, with Meldish having committed at least half of those murders himself. Police described him as a “stone-cold killer.”

Law enforcement pursued Meldish for more than 30 years but was wildly unsuccessful in bringing any charges against him even though he had been arrested 18 times since the early 70s. Joseph Coffey, former head of the NYPD Organized Crime Homicide Task Force, blamed it on witnesses who wouldn’t come forward.

“They had the people so terrified they just wouldn’t cooperate,” he said. He then added that Meldish’s murder “should have happened a long time ago. I call it vermin killing vermin – poetic justice.”

Despite spending what seemed to be an inordinate amount of time trying to “pin murders” on Meldish to no avail, law enforcement had no such problems when it came time to find the killers of this particular “vermin.” Reportedly, authorities identified the suspects “within days.” Yet, it took nearly a year before any arrests were made.

Eventually, four defendants were brought to trial for the events of that chilly November night in 2013 – Steven L. Crea, Matthew Madonna, Christopher Londonio, and Terrence Caldwell.

The murder and the trial that followed made headlines around the world and while the juiciest details made the pages of various media outlets, the complete story of what happened never did.

What follows is an in-depth look into the case of Steven L. Crea and how the government wrongly won a conviction against an innocent man for a murder he didn't commit, participate in, or have any knowledge about.

TRUTHS AND LIES

Before we delve into the details of this sordid tale, there are some basic facts that need to be clarified.

First, there is no such thing as Crea Sr and Crea Jr – only Steven L (the elder) and Steven D (his son.) While our main focus is on the elder Crea, his son plays a major role in the story we're about to tell. We'll be referring to the elder Crea as Steven L or Crea and the younger Crea as Steven D. But what's important is that this common Crea misnomer is a fact that was clarified by Assistant U.S. Attorney Jacqueline Kelly at the July 21, 2017 bail hearing for Steven L when she told the Court: "...Stevie Crea, Jr – he's not actually a junior; they have different middle names."

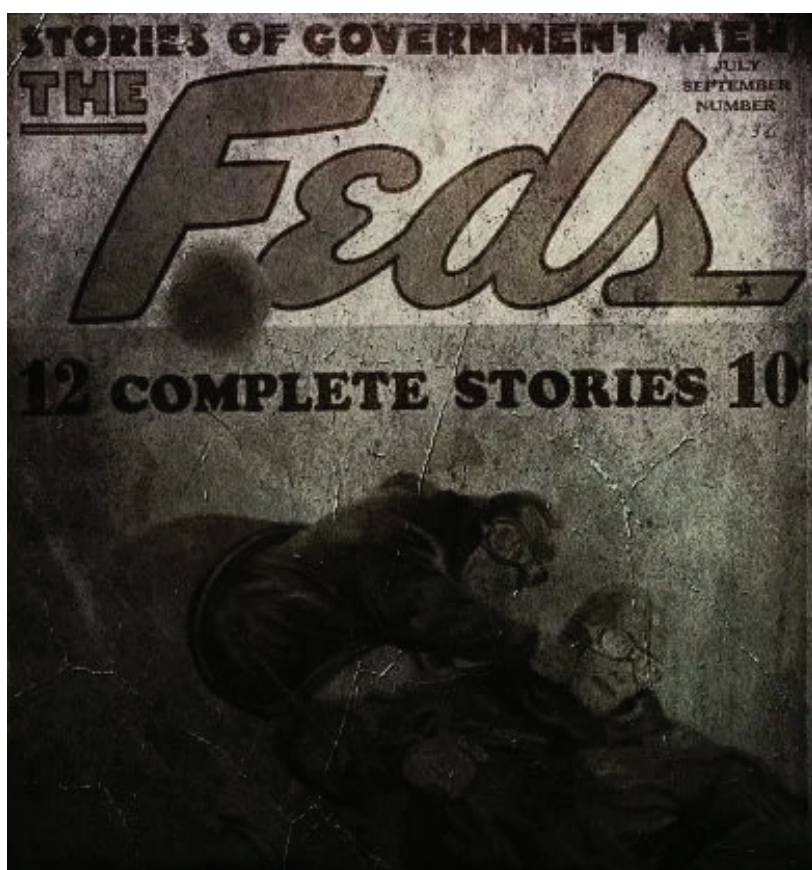
Next, like most of us, Crea has probably been called a lot of things in his lifetime, but he has never been called "Stevie Wonder," "Wonder Boy," or "Herbie" – by people who know him personally and people who don't.

Sure, you see those nicknames floating around the web, in news reports, and on government indictments, but those nicknames don't exist in the real world. Even law enforcement knows Crea's nicknames aren't real. Plus, Crea's middle name is not Lorenzo. We're not going to tell you what his real middle name is because, quite frankly, it's none of your business, but Lorenzo isn't it.

The point of bringing up these issues is to show how the government likes to pick and choose when it wants to tell the truth and when it wants to fib in order to further their case – even when it comes to the smallest of details. But Crea's bogus nicknames aren't small details as they become a very significant part of the case against him.

In addition, based on our review of all the public documents available in this case, it should be immediately noted just how low the feds will go when they have a target or targets in their crosshairs. They'll pay criminals or use lying and desperate "witnesses" to assist with their dirty deeds. They'll outright lie and manipulate the facts to reach their goals, even throwing temper tantrums in the middle of a trial to get their way. They'll leak misinformation to the press complete with Hollywood-style storylines and use the media in the cruelest of ways to keep their narrative front and center without even thinking of how it might affect the families of those they've accused or even the accused themselves.

Because, after all, the feds are doing it in the name of "justice." But their brand of justice doesn't follow the "playbook" when it comes to organized crime. Instead, they pull out their secret down and dirty one that follows no rules.



SITTING DUCKS

Although back in November 2013 law enforcement claimed it had identified “the suspects” in the Meldish murder, it wasn’t until the following year that the murder case started to pick up steam.

The first to be arrested was Christopher Londonio on November 8, 2014, on unrelated state gun charges. Londonio was an alleged “soldier” in the Lucchese Family and also a friend of Meldish. He was released on November 14 after posting bail.

Six months later, on May 5, 2015, Terrence Caldwell was picked up in Harlem and questioned by the NYPD about the murder. Caldwell was a friend of both Londonio and Meldish and was also an alleged “associate” of the Lucchese Family, though that’s debatable. He was held without bail on suspicion of murder.

On May 11, only a few days later, Londonio was hit with federal gun charges brought in a complaint by FBI agent Theodore Otto. SDNY Special Agent John Carillo was also involved in the investigation. Londonio was once again arrested, but this time there was no bail. He stayed behind bars.

Newspapers erroneously reported that Londonio and Caldwell **had been charged** with Meldish’s murder. In addition, “sources” leaked to Gang Land News that Londonio was the **“definite new suspect”** in the murder. The sources claimed there was “evidence” linking both Londonio and Caldwell to the crime, but no murder charges had yet been brought against either of them from the state or the federal government.

Gang Land later reported this happened so that “state probers” could gather and present “evidence” to the grand jury.” And federal “probers” would continue to try and gather “evidence” throughout the entirety of the case, even after they brought indictments against all the players allegedly involved. But, at this time, Londonio was only a small fish in a big pond and the feds wanted to use their little fish to catch bigger and better ones.

One of the ways they did this was by tickling the wires – a method that has always been a **favorite of theirs**. And in this particular world, they always seem to turn to their favorite source to do it – Gang Land News.

Gang Land News is a subscription-based online publication that touts itself as “the nation’s foremost expert on the American mafia.” It’s published by Jerry Capeci, who covered the **organized crime beat** for the NY Post (and who still occasionally contributes to its pages.) Gang Land is also reportedly read by alleged mafia members and federal officials alike, so it was the perfect vehicle for a fishing expedition by the feds.

But there was a problem. The “exclusive” information being leaked and published was speculation, and it was painting two men guilty in the eyes of the public and the potential jury pool before anyone was even officially charged with murder.

In essence, Gang Land News had become the unofficial spin machine for the prosecution as they desperately tried to put their ultimate fantasy case together. And it makes no difference if many times throughout this sordid tale it seemed that Gang Land was making fun of their informational benefactor. The fact is the majority of what was being published, especially in the early stages, was one-sided “evidence” that was put into the public arena without any thought as to how this gossip, speculation, and misinformation might affect the potential defendants, if and when they went to trial – something that a renowned journalist like Capeci should have learned in **Ethics 101**.

What’s worse, the feds didn’t even know how to write this particular script. The only thing they knew for certain was that they wanted their big fish – aka Crea – and Londonio was the key to getting their man.

GOING FISHING

On June 4, 2015, both Londonio and Caldwell were officially indicted by a **Bronx grand jury** and charged for their alleged participation in Meldish's murder. Caldwell was accused of being the "trigger man" while Londonio was accused of being the "getaway driver." But the accusation was a state charge, not a federal one, and it would remain that way for nearly another year.

Even so, law enforcement turned it up a notch. They wanted Londonio to flip, but he wasn't biting. So, once again, they "leaked" information to see what they could catch.

In November 2015, Gang Land reported that Matthew Madonna, the alleged "boss" of the Lucchese Family, had been thrown into the mix. "Sources" told the outlet that prosecutors were "hoping" to include Madonna in the murder case based on information they received from "informants" as to how the hit went down. The rumor was that Meldish owed Madonna money for a gambling debt but refused to pay, even insulting and "disrespecting" the alleged "boss."

When this "news" hit, Madonna was in prison serving a sentence for an illegal gambling and loansharking conviction he got back in June of that year. Remember, too, that both Londonio and Caldwell were sitting in jail when the informant rumors made the rounds. In effect, the "sources" were surreptitiously pointing fingers at the two recently arrested Meldish murder suspects, even though the rumors being circulated were false.

And even though the feds supposedly had all this "evidence" against Londonio and Caldwell, the case was lost in limbo – except for more rumors planted in the media and TV show-like drama happening behind the scenes.

AS THE WORLD TURNS

In March 2016, Gang Land reported there was a battle brewing between two factions of prosecutors over who should be in charge of the Meldish murder mystery – Bronx or Brooklyn.

In the Bronx, Assistant D.A. Christine Scaccia, who had been in charge of the state case since Londonio and Caldwell were first arrested in 2015 was working with the Manhattan U.S. Attorney's office. That office was trying to "muster enough evidence" to file its own federal charges.

Over in Brooklyn, U.S. Attorney Nicole Argentieri was working on her own case and wanted Scaccia to "stand down." Argentieri claimed she had a "turncoat" with information that would blow the case wide open, but Scaccia wasn't budging. It seemed that everyone wanted a piece of this headline-worthy pie.

Plus, it was reported that lawyers for Londonio hadn't even received discovery material or any evidence at all to support the charges levied against him.

Prosecutors claimed it was because they didn't want to "jeopardize" their investigation, but it wasn't clear which faction's investigation was being jeopardized. Londonio's lawyer, Charles Carnesi, told Gang Land the evidence was "sketchy" at best.

If you think about it, it sounds reasonable. DNA, phone records, and license plate readers seem like pretty solid evidence, but no federal charges were brought and the state case wasn't moving along. Yet, two men – presumed innocent – were still sitting behind bars and others were being unfairly implicated. In addition, media reports were wild with rumors about "turncoats" who would blow the case wide open while Londonio and Caldwell were still sitting behind bars, unfairly implicating them as well.

It also begs the question as to why, if the evidence was so solid, did prosecutors need more time to "investigate?" Did they really possess the "evidence" they claimed they had?

One can speculate that not only did prosecutors not have the rock-solid evidence they claimed, but they also wanted more time to try to flip Londonio – and work on how they were going to piece together their case once Londonio made it clear he wasn't going to bend over to their desires despite their numerous underhanded attempts to do so.

THE ROAD TO NOWHERE

By September 2016, there was still no movement by either the feds or the state on the murder charges against Londonio or Caldwell. Londonio had already served 16 months and was set to be sentenced for the federal gun charges stemming from his May 2015 arrest.

He had previously agreed to a plea deal where the maximum sentence he could have received was 18 months, partly because he had no prior felony convictions.

But federal prosecutors were vehemently opposed to that sentencing even though they were the ones who had offered that deal in the first place. As it turns out, Assistant U. S. District Attorney Scott Hartman had changed his mind, and in a sentencing memo asked that Londonio be kept behind bars for at least “36 months or more.”

In other words, because the feds were so desperate to put together their trial of the decade, they wanted to renege on a plea deal and force an innocent man – who had already been sitting in jail for over a year – to serve an additional 20 months – three years total – for illegal gun possession charges. It's also possible they were more than a little perturbed that Londonio was refusing to cooperate and wanted more time to work on that, too.



Attorney Charles Carnesi who represented Christopher Londonio until his death in February 2019

In addition, Londonio was still unable to even start preparing his case against the murder charges because his lawyer still hadn't received the proper discovery material. It was a game the feds would play until the bitter end.

Carnesi described it best when he told Gang Land, "What we got was a roadmap to the discovery, but we got no discovery. We got police reports saying there were surveillance videos, but we didn't get the videos; we got another police report saying there are statements, but we didn't get the statements."

It appears that the feds were still in the outline phase of their movie and trying to find the players who would make their "evidence" fit.

THE DEPARTED

On February 13, 2017, federal prosecutors finally made their move and officially indicted Londonio and Caldwell for the murder of Michael Meldish and other racketeering offenses.

However, even though the murder had taken place in the Bronx where the case had been brewing since 2015, the feds decided to bring the case to White Plains – a suburb of New York nowhere near the scene of the murder or any of the other crimes charged.

Even White Plains Federal Judge Nelson Roman, who had been assigned the case, questioned the move. He even wondered about the fact that two of the three prosecutors involved were based in the Manhattan office. So, he demanded that the prosecution provide good reasoning as to why it shouldn't be transferred back there.

But Judge Roman wasn't given a chance to rule on the issue. He was abruptly removed and replaced by Judge Cathy Siebel, who had a long history with "organized crime" having previously served as an assistant district

attorney in the office's organized crime unit. Not even the defense was aware of the change, only learning from the docket sheet that Roman was "no longer assigned to the case."

Surprisingly, even Gang Land was scratching its head, stating that judge reassignments "are normally a matter of public record," except it wasn't so in this case. Capeci even reached out to both Roman's and Siebel's offices but was quickly rebuffed, both offices declining to comment without any specific detail.

At least not yet.

Later, it was revealed that prosecutors had given Roman a four-page letter explaining their reasons which included, among other things, that the Lucchese Family reportedly held their Christmas parties in Westchester County and that the White Plains prosecutors had already spent "so much time" investigating the case, it wouldn't be fair to move it to another jurisdiction.

But by this time the point was moot. It was staying in White Plains.

DIRTY DEEDS DONE DIRT CHEAP

In March 2017, the feds were back to their old tricks, turning once again to their favorite media outlet to report that federal prosecutors in Manhattan were planning to "hit the two top leaders" of the Lucchese Family – namely Crea and Madonna – for their reported role in Meldish's murder. Madonna had already been mentioned back in November 2015, but Crea was a new addition.

Not only did the feds provide Gang Land with an "exclusive" story complete with the names of those they were pursuing, but they wanted to make it clear (in case anyone missed it) exactly who Crea and Madonna allegedly were in the chain of command. It could be described as pre-trial hierarchy PR.

Although Gang Land reported that the specific titles of Crea and Madonna “vary depending on whom you ask and when you pose the question,” the two were identified by law enforcement “sources” as alleged “underboss” and “acting boss,” respectively. This accusation fit perfectly into the feds’ underlying scheme to catch the bigger fish. Bigger fish, of course, meant bigger headlines, but it also meant putting out a public narrative that had yet to be proven in court.

In addition, “sources” told Gang Land they were targeting Crea’s son Steven D for racketeering and murder charges, even calling him an alleged “capo” in the Family. All this, despite the fact that the 45-year-old Steven D had no criminal record.

So, imagine if you had no criminal record – aka innocent – and all of a sudden gossip started circulating about you being involved in a “criminal enterprise” in a “high-standing position” and that the feds were coming for you? Not only that, but also that your dad was a “top guy” and the feds were coming for him, too? No one here can say that gossip in the neighborhood wouldn’t have run rampant and that everyone would be hitting the internet, checking the papers, and turning on their local news to see what came next.

It doesn’t matter at this point what was going to happen in two months. What matters is that, once again, innocent men were being painted guilty in the public eye even before any official charges were brought against them. And all the rumors and gossip were circulating right smack in the middle of the very place where these men called home – and the very place from which the potential jury pool would be drawn.

It was about to become a media frenzy with almost daily coverage, including in-depth television reports about the “gangster” next door and all sorts of other delicious fodder. So, what happened to their “innocent before being proven guilty” constitutional rights when these men were already labeled guilty before even stepping into a court of law? Was the media coverage fair and unbiased? Or did it just highlight the parts that would make for great water-cooler conversation the next day?

THE INDICTMENT DOWNPOUR

On May 31, 2017, Gang Land's previous astounding "predictions" came true. Crea, his son Steven D, and Matthew Madonna were charged with Meldish's murder. Also charged in the superseding indictment were Christopher Londonio and Terrence Caldwell.

Fourteen other alleged members of the Lucchese Family were indicted on various charges as well, including attempted murder, extortion, loansharking, and labor racketeering.

Crea and Joseph Datello were charged with the attempted murder of Sean Richard, and the Creas, Vincent Bruno, and Paul Cassano were charged with the attempted murder of Carl Ulzheimer.

In addition, the elder Crea was charged with numerous other crimes under the **draconian RICO Act**, including almost everything every other defendant was charged with. It should be noted that Crea had been indicted on labor racketeering charges in 2000. He served a 36-month sentence after a plea agreement and wasn't released until 2006, with his supervised release restrictions being lifted in 2009.

For the Meldish murder, the feds were seeking the death penalty and didn't change their stance until May 29, 2018, after they tried milking everything they could out of any defendant they could with a death penalty sentence hanging over his head.

The last time an alleged "mafia" figure had been executed was in 1944. His name was Lepke Buchalter. More recently, in 2011, and somewhat relevant to this case as we'll learn later, a jury decided against the death penalty in the murder case of **Vincent Basciano** the alleged "acting boss" of the Bonanno Family, recommending instead another life sentence.

But the threat of the death penalty was a useful tool for the feds in getting people to flip. Former Bonanno **Joe Massino** famously did just that in 2004

after being threatened with death by the government. However, the feds weren't going to have that kind of success with any of the defendants in this case.

Madonna, who was 80-years-old at the time and in poor health, was still sitting in jail in New Jersey, his dreams of parole effectively dashed (he was supposed to be released in January 2017.) Caldwell was also sitting in jail. For Londonio, who was still sitting in jail as well, his story was about to become a real-life horror movie.

Crea, who was 70-years-old at the time, and his son Steven D were arrested, but bail was going to become a nightmare.

In fact, the whole case was about to become one big clusterfuck of inordinate proportions.

THE RATSQUA FILES

At the time of the indictment, the only witness the prosecution had tying Crea and Steven D to Meldish's murder was a guy by the name of **Frank Pasqua III**.

Pasqua was an informant who started working with the FBI in March 2015 after a drug bust in Mississippi. He had a long history of drug abuse and domestic violence and had previously been arrested numerous times on drug charges. Pasqua was also the son of Frank, Jr., an alleged member of the Lucchese Family and Frank Sr., an alleged member of the Gambino Family before his death.

Shortly after his arrest, Pasqua met with the FBI and told a fascinating story about how the Meldish hit really went down. It was a story that didn't quite gel with what the feds touted when they eventually charged Crea, Steven D, and the others in February and May 2017.

The “real” story, according to court records, was that Pasqua and his father had met with Steven D and “agreed to murder Meldish.” Steven D’s only explanation was that the hit order “comes from the top...Mikey’s got to go” and “my dad [Steven L. Crea]...knows about it.”

Following their “orders,” Pasqua and his father went to “pick Meldish up and bring him to Mulberry Street to pick up 100 grams [of heroin] on consignment” with the intention that they would wait until when Meldish could “pay for the 100 grams” to “kill him and keep the money.”

Pasqua reported that after arriving at the meet-up location, he and his father “walked towards (Meldish’s) car” and as Pasqua “began to get in the front seat,” his father told him to “go get the tablet (iPad)” from their car so they “can have a map” to get where they needed to go afterward.

Pasqua went to retrieve the iPad, and as he was doing so, he “heard what he initially thought was a car door slam” but “then realized it was a gunshot.” When he looked to see what was happening, he saw that “Meldish’s car door (was) left open” and that his father was “walking towards him.” Pasqua’s father then said, “It’s done,” and directed him “not to say anything,” but “if anyone asks them, (you) killed Meldish. So you can get credit for it.” The duo then left the scene and “dropped (their) car in front of a parking lot.”

The story seemed to fit with the reported evidence of Meldish’s murder scene. He was shot in the right side of the head presumably by a passenger in his car and the driver’s side door was open. But Pasqua’s story was about to change in a big way.

STRANGE TALES

In May 2015, Pasqua had been transferred from a Mississippi jail to the Metropolitan Detention Center (MDC) in Brooklyn.

While there, he also had an epiphany about what really happened the night Michael Meldish was murdered. Apparently, the first story he told was a “mistake” because according to him, he and his father weren’t involved in the murder at all. Yet, he insisted, Crea and Steven D were behind it.

The funny thing, though, is that his epiphany came only after he learned Londonio had been officially charged with Meldish’s murder. And the only part of his story that changed was that he and his father had nothing to do with it, but somehow he was still involved in a conversation with supposed “top guys” about a murder.

But there are even more oddities to this strange tale.

According to court documents, Pasqua originally told his story to FBI Agent Jennifer Laurie and Brooklyn U.S. Attorney Nicole Argentieri. But Pasqua’s story was suspicious. Even though back in 2016, the rumors were that Argentieri’s “informant” would blow the case wide open, the two decided to put Pasqua on a shelf.

Soon after, though, FBI Agent Ted Otto and U.S. Assistant Attorney Scott Hartman got wind of Pasqua’s tale and decided to dust him off as their golden ticket towards a federal indictment.

This particular change of agents and attorneys happened right before Pasqua had his epiphany. And Otto was already familiar with the case, having been the same agent who wrote the complaint against Londonio that got him arrested on federal gun charges and detained at the MDC in the first place. And while the government later claimed that Pasqua was “confused” about the details of the murder, Pasqua never once wavered from his original story during the four meetings he had with the FBI from March 2015 through October 2015.

Right after Pasqua's retelling of his tall tale to Otto and Hartman, he conveniently agreed to wear a wire and befriend Londonio in the hopes that Londonio would give the feds the evidence they needed to tie in their targets for a federal indictment. To make it even easier, they arranged for Pasqua to become Londonio's cellmate at the MDC.

During that time, Pasqua recorded a lot of conversations, too. After all, Pasqua had "connections," and it seemed logical that Londonio would feel comfortable talking with him.

From the time Pasqua agreed to wear the wire through July 2017, over 30 in-person and telephone recordings were made – while he was in jail with Londonio, while visiting Londonio after being released from the MDC, and even during telephone conversations with Londonio when he couldn't visit. Yet, in all those recorded conversations, not one implicated Crea, Steven D, or even Londonio himself in Meldish's murder.

Another interesting point is that prosecutors had not turned over the evidence or even released Pasqua's name to defense counsel because they said they "needed more time to secure CW-1's safety." But this was false because, during that time, Pasqua was still wired up trying to gather evidence from Londonio. He had secured 25 recordings after the May 2015 indictment and 11 more after the February 2017 superseding one.

Besides that, several of the conversations seemed to indicate that Pasqua didn't even believe the lies he himself had told and many showed Londonio didn't know much about the murder, either.

In a July 9, 2016 conversation, Pasqua told Londonio that he believed the Lucchese Family didn't have anything to do with the murder.

In a November 24, 2016, conversation, Londonio told Pasqua that "fucking anybody could of did this shit (Meldish murder), bro. The list goes miles long."

In a conversation on February 3, 2017, after Pasqua asked who committed the murder, Londonio replied, "Terry (Caldwell) didn't do it, bro." And in the

same conversation, Pasqua told Londonio he shouldn't worry about the murder charge because he "didn't have shit to do with it."

It didn't seem as though Pasqua was going to be a very useful witness for the feds, even with his new handlers. Besides his own revised story, there was no other proof to back up what he claimed. The government was so nervous about their "star" witness, it even filed a motion requesting the Court ban the defense from cross-examining Pasqua on his super shady past, including:

- A 2012 felony conviction for violating an order of protection and threatening his wife (which the feds called "deplorable" but wasn't an indication of a "witness's truthfulness.")
- A 2014 conviction for shoplifting (which the feds called "a simple shoplifting event" where he forgot to pay for an item he "accidentally" placed in his pocket.)
- Numerous incidents of **domestic violence**, including a 2006 rape accusation (because he hadn't actually been convicted.)
- Or any questions about his mental health or drug abuse (because it had no bearing on his "credibility.")

Despite their efforts to limit the damage, the government's golden witness was about to implode. They needed a backup and found someone who was an even bigger winner than Pasqua.

A HOOKAH-SMOKING AGENT AND HIS DELUSIONAL JAILHOUSE SNITCH

On September 13, 2017, federal prosecutors charged Londonio with concocting an elaborate and fantastical plan to escape from the MDC where he had been housed since being charged with Meldish's murder the previous February.

The feds said it was like a "script for a made-for-tv movie" that involved a hacksaw, dental floss, and rope made out of tied-up bedsheets with co-starring roles being given to his mother, father, wife, and even a priest.

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(Side Note: The September charges against Londonio barely made a blip on the news front, but in October 2019 – more than two years later! – after Gang Land obtained the 10-page detailed report taken by Otto, this sick, made-up fantasy story by the feds made headlines around the world. And they weren't nice. We're not going to get into the specifics of that ludicrousness here, but there's a lot to be said. The full story can be found [here](#).)

This bogus escape charge was based on information from a jailhouse snitch by the name of David Evangelista.

Evangelista was a grammar school-educated heroin addict with documented mental problems (including depression, anxiety, and PTSD) and suicidal tendencies (he once swallowed razor blades while in his prison psychologist's office) who had [robbed several banks](#) in Brooklyn in 2005.



He had been sentenced to 12 years in prison, but in November 2016, a few months before he was set to be released, he decided he was well enough to go back into society on his own and escaped from a Bronx halfway house.

He promptly robbed two more banks and attempted to rob a third. When he was arrested that December, he was taken to a hospital for evaluation (at his request) and then tried to escape from custody. He told marshals he had to use the bathroom, climbed onto the sink, and tried to escape through the ceiling. He even punched a hole in the wall to get to the adjacent room to facilitate his escape.

After he was subdued, he quickly attempted to make a deal with authorities to snitch on people he thought would be of interest to them in order to get a better plea deal for himself because he knew he was going to get slammed for the additional bank robberies and the escape itself.

Evangelista even offered up his own brother and another guy he had met in jail who he claimed had committed a murder. By the way, when Evangelista left the halfway house and before going on his bank-robbing rampage, he claimed he first went to dispose of the body of the man his jailhouse friend had supposedly killed. It was wrapped in a tarp and hidden in an alley – apparently.

Evangelista also wasn't a very skilled bank robber since he only got \$40 from one bank and about \$1200 at the other, but it was enough for him to buy heroin to satisfy his craving.

Despite all this intriguing information he had in his back pocket, prosecutors declined his offer. Perhaps it was because they knew he had a long history of lying and being a snitch, especially on people he was told to watch when officials "needed it." So, why pay him when they could get the information for free?

After the hospital incident, Evangelista was transferred to the Metropolitan Correctional Center (MCC) in Manhattan. On May 12, 2017, he was then

accidentally released. Instead of taking advantage of the situation, he decided to turn himself in (like the good boy he was) after visiting his mother, telling authorities that they had made a mistake. He became the jailhouse laughing stock.

He was also set to face an additional 45 years behind bars because of those additional crimes. Evangelista didn't want any more prison time because prison didn't agree with him. He desperately wanted to make a deal, which is why, he said, he walked back through the doors of the MCC.

While the odds didn't appear to be in his favor, he got lucky when Agent Otto opened a magic door.

THE MAGIC DOOR

Around this time, Londonio was “accidentally” put into the GEO facility in Queens. It was well known throughout the prison population as “the rat jail.” He sat there for 8 days before prison officials “realized” it was a “mistake” and returned him to the MDC. But you can be sure that “word” about his GEO visit had already gotten around. And it compounded the falsity and ludicrousness of the rumor the feds had already insinuated with all their informant rumors they leaked to the press.

Shortly after Evangelista's return to the MCC, he ended up talking with another set of prosecutors and agents who were willing to listen – the same ones, by chance, who happened to be working on the Meldish murder case (including Agent Otto.) Then, almost like magic, Evangelista found himself at the MDC where Christopher Londonio had just returned. He even ended up in the same cell block as Londonio – a convenient three cells down.

The very same day Evangelista arrived at the MDC, he met Londonio and the two reportedly became fast friends. So much so, that within that same week, Londonio bared his soul to his new best buddy – at least that's the first story the government told.

accidentally released. Instead of taking advantage of the situation, he decided to turn himself in (like the good boy he was) after visiting his mother, telling authorities that they had made a mistake. He became the jailhouse laughing stock.

He was also set to face an additional 45 years behind bars because of those additional crimes. Evangelista didn't want any more prison time because prison didn't agree with him. He desperately wanted to make a deal, which is why, he said, he walked back through the doors of the MCC.

While the odds didn't appear to be in his favor, he got lucky when Agent Otto opened a magic door.



Attorney George Goltzer
who represented Terrence
Caldwell

It kind of makes you want to ask the same question Caldwell's attorney George Goltzer asked of Evangelista at the October 2019 trial: "Is there something about you, your personality, if you know, that makes people confess to you?"

Evangelista claimed he didn't want to tattletale on his best buddy and tried to stay quiet but was getting nervous because he thought Londonio was going to go through with the escape. Evangelista hadn't yet been sentenced, and he still didn't have an official deal with the feds. But he didn't want to get into trouble by not saying something about it beforehand if Londonio happened to be successful – even though Evangelista himself was planning to join in on the escape.

So, on August 1, 2017, he decided to come clean and confessed all he knew to his prison psychologist who contacted the feds who then sent FBI Agent Otto to take Evangelista's statement. A month later, Londonio was hit with the escape charge – and the feds had a lot more "evidence" about Meldish's murder, too.

However, the whole scenario seems off. First, Londonio didn't know Evangelista from Adam. He and Evangelista didn't have any "connections" other than both of them being Italian. And they weren't even cellmates – only housed together in the same cellblock.

Yet, he “confesses” everything to this complete stranger he only knew for a week but never went into any detail ever with Pasqua – a guy he actually formed a relationship with? Think about it. Pasqua and Londonio were cellmates. Pasqua and Londonio talked on the phone. Pasqua even visited Londonio in jail. And Pasqua had been recording conversations with Londonio through July 2017. Yet, not one of these times did Londonio ever confess to him about the escape, let alone the murder.

But let’s get back to that confession.

Pre-trial court documents show that right after Londonio returned from a visit with his mother, he immediately “confessed” to Evangelista about everything Meldish. Evangelista reported that Londonio was “irate” because he learned that the Creas, who had ordered him to kill Meldish, had been released on bail “while he remained in custody.”

Londonio was referring to his mistaken belief that the Creas had gotten bail. However, Londonio never met with his mother on the day Evangelista claimed. And the information he received about the Creas’ bail was via an email discussion with her, not a jailhouse visit.

Even though Londonio’s mother had specifically said the Creas didn’t get bail, he thought they did when she wrote they were “in house.” And despite Evangelista’s claim that Londonio was “irate,” the July 13, 2017 email tells a completely different story.

In reply to his mother’s news, Londonio wrote: “interesting. wow. that’s great for them love ya ttyl” – a complete contradiction of Evangelista’s claim.

It wasn’t until a few days later in another email that Londonio realized he had misunderstood what his mother was telling him. But that wasn’t the only thing Evangelista had gotten twisted up this twisted fairy tale.

THE MYTH OF “STEVIE WONDER”

Londonio said a lot of things to Evangelista during his alleged “confession.” Now, remember, Londonio and Evangelista had only known each other for 65 days – a little more than two months before the jailhouse snitch had bared his soul to prison officials and the FBI. But like everything else the government claimed, that time period would change by the time the trial came around.

Remember too, that Londonio had known Pasqua a lot longer and talked with him a lot more as was documented in hours upon hours of recorded conversations. Yet, Londonio never went into this kind of spectacular detail. And while almost every other informant in this case was wired-up, Evangelista wasn’t. Was that because the government didn’t want to admit that they were setting up Londonio and the others even though Evangelista was a documented jailhouse snitch who reported on people when he was told to?

Londonio revealed to Evangelista that Meldish was “ordered” killed after being “disrespectful to the boss (Madonna).” Then “Stevie Wonder and son” passed down the orders to Londonio.

So, Londonio hired a “black guy” named “Terry” to shoot the miscreant. But the idea that the Creas had gotten bail while he was still sitting in jail bugged him beyond belief.

He told Evangelista that he “felt used by the people who gave him the order to kill Meldish because they knew he was friendly with Meldish which would afford easy access to (him).”

Plus, Londonio was “enraged” because he had heard from someone in the MDC that Madonna had reportedly called him a “rat.” Obviously, the government’s ploy had worked.

But let’s get back to that “Stevie Wonder and son” statement for a minute.

We already know that nobody calls Crea “Stevie Wonder” – and certainly not an alleged “soldier” when referring to one of his alleged “bosses” no matter how “irate” he may have been.

So, where did Evangelista get the bogus nickname “Stevie Wonder”?

Well, according to pretrial documents, it appears that after Londonio’s cell was searched following the bogus escape charge, eight Gang Land articles were found, and if you’re a regular Gang Land reader, you know that they love to refer to Crea by that bogus nickname.

At this point in the story, it’s unclear if he had previously read the articles in Londonio’s cell, but court documents show that Evangelista had read a Gang Land article provided to him by his lawyer before he talked with prosecutors. He also later admitted in court testimony that he had even talked with prosecutors and agents about a certain Gang Land article “one time.”

So, it’s fair to speculate that Evangelista might have read about “Stevie Wonder” from those articles. Perhaps he thought he would sound more credible using the nickname. Or it could be that Otto just helped him along – another “**Ted Otto special**” as Carnesi once said to Gang Land when referring to the escape charge. After all, the government needed something to tie Crea to the murder since Pasqua was a sinking ship.

If that seems questionable, then what about the hundreds of thousands of documents and tens of thousands of audio recordings the government possessed from over 20 years’ worth of investigations tied to the current case and even before? Somewhere in all of that material, someone would have to have said the words “Stevie Wonder,” right? Nope. In all of those recordings and documents, there was not one reference to anyone ever calling Crea “Stevie Wonder,” Wonder Boy,” or “Herbie.”

The myth of “Stevie Wonder” was on its deathbed, but like everything in the government’s magical world, “Stevie Wonder” got an unexpected life jolt in the first week of the trial. And like Pasqua before him, Evangelista’s testimony was about to transform into a magnificent work of art come October 2019.

FIGHT CLUB

Besides the Meldish murder accusation, Crea was facing other charges as well. He, along with his son Steven D, Paul Cassano, and Vincent Bruno were charged with the attempted murder of Carl Ulzheimer.

Ulzheimer was an alleged “associate” of the Bonanno Family who had reportedly disrespected Crea by refusing him entrance into the Coddington Social Club in the Bronx in 2012.

Crea was so incensed by the affront that he and Steven D handed down “orders” to take out the offender. These “orders” fell to Cassano and Bruno, who then traveled to Ulzheimer’s home “armed with a gun with the intent to shoot and kill” him.

At least that’s the story the feds told initially when the indictment came out in 2017. However, as the case went along, the story began to change so much so that the feds couldn’t even keep their “facts” straight. But perhaps it was because prosecutors were once again relying too heavily on informants who could best be described as the lowest dregs of society, including Anthony Zoccolillo and Peter Lovaglio.

MAMA’S BOY

In 2012, Anthony Zoccolillo starred in his own reality show on TLC called “Mama’s Boys of the Bronx.” It followed the lame adventures of a group of loser 30-something Italian-American guys who lived at home with their mommas. The show was such a bomb, it was canceled after only six episodes (one season.) Despite this, Zoccolillo tried to convince the producers of the show to give him a book deal about his life. They declined because his life was – like his show – lame.

Not only was Zoccolillo a failed reality show wanna-be star and book author, but he was also a failed drug dealer and fraudster.

In the early 2000s, he was arrested at Newark Airport in New Jersey after returning from Amsterdam with 20,000 oxycodone pills. He was sentenced to 33 months. As part of his deal, he agreed not to engage in any other illegal activities. However, after he was released, he found that his previous life of crime was too hard to resist, calling to him like a siren in the open seas.

According to court documents, he went to California and started a mortgage business “where he pretended to be a real estate agent” and would scheme people out of their down payments, keeping the “money for his personal use.” He was arrested and served additional time. This was also right after TLC kicked him to the curb for his failed reality show.

As a side note, he obviously had a hard time leaving the reality show life behind too because on April 10, 2012, he got busted on live TV breaking and entering into a house. How lame is that?

Man Convicted In Local Scam Now Starring In Reality TV Show - KGTV

www.10news.com/news/man-convicted-in-local-scam-now-starring-in-reality-tv-show ▼

Apr 10, 2012 - Man Convicted In Local Scam Now Starring In Reality TV Show. Anthony Zoccolillo Appears In TLC Show 'Mama's Boys Of The Bronx' ... Zoccolillo was videotaped by the 10News I-Team in 2007 as he entered a vacant house ...



In February 2013, he was charged with marijuana and oxycodone pill distribution and running an illegal gambling operation. Facing a mandatory minimum of 30 years in prison, it didn't take long for him to decide which side of the fence he wanted to be on. Almost immediately after he was arrested, he became a government informant and agreed to wear a wire to gather evidence against various alleged mobsters, some of whom he had known since childhood. In total, his actions were responsible for putting 30 alleged mobsters behind bars.

Zoccolillo's "work" helped convict alleged Genovese "soldier" Salvatore Larca in 2014 for allegedly running a pot distribution operation. Another case involved alleged members of the Bonanno Family. During that trial in January 2016, Zoccolillo told jurors he became an informant "out of the goodness of (his) heart. I felt it was the right thing to do." He also admitted that he had the "tendency to exaggerate."

According to court documents, while he was "acting" on behalf of the government, "he was caught having sexual relations with an underage girl" and was banned from seeing his young daughter because of this. When his government acting gig was over, "he asked his girlfriend, at the time, to go into WITSEC with him. She refused, so he beat her up and broke her nose, and she had to go to the hospital. He also stated numerous times that he would 'feed her prescription pills' (knowing she had an addiction) to keep her high. He knew that was the only time she was nice to him and he could control her."

Despite all that, the government still paid him for his services and supported him and his mother (who had gone into WITSEC with him), even to this day.

Even more stunning was the government accolades he received in 2014 after he was rewarded with time served for his 2013 drug charges. According to Gang Land, Judge Richard Sullivan, praised his performance, telling Zoccolillo, "You really were an extraordinary operator and that has to be acknowledged and rewarded loudly. The work you have done, the cases that you have made, the difference you have made is truly extraordinary, no doubt about it." Judge Sullivan, by the way, was the presiding judge during Larca's 2014 trial.

But in the case of Steven L. Crea, Zoccolillo's performance was only going to garner him a Razzie Award.

THE BULLSHITTER

Peter Lovaglio was another top-notch winner for the feds. Lovaglio – known on the street as Petey Bullshit – was an alleged “capo” in the Bonanno Family who was convicted for stock fraud in 2003. He turned government informant shortly after he violently slashed the face of a **Staten Island restaurant** owner, causing him to become blind in one eye. Lovaglio had been facing up to 25 years for the assault, but in March 2017, he was given only 8 years for the crime. **LCNBios** reported he became an informant on June 23, 2016.

Lovaglio was a **key witness** in the trial of alleged former Bonanno “boss” Joseph Cammarano Jr and alleged former Bonanno “consigliere” John Zancocchio in March 2019. Both were acquitted. Before that trial began, Lovaglio was accused by defense attorneys of being given a **“cheat sheet”** by prosecutors to help him during his testimony.

He was also picked up on tape demanding money from an FBI agent before he would provide information, telling the agent, “Without the money, don’t bother.” And in another wiretap, he told a friend the feds were going to “wipe out” his sentence.

Gang Land later reported that Lovaglio also had a history of violent domestic abuse, including “brutal beatings” of former partners.

Still, none of that mattered to the feds in Crea's case because Lovaglio knew everything about the Coddington Club confrontation that would lead to the alleged attempted murder of Carl Ulzheimer. And he would testify about it in excruciating detail in October 2019 – except his version of events would completely contradict those of Zoccolillo's.

WORD ON THE STREET IS...

When word first hit the streets about the alleged hit on Ulzheimer, rumors swirled like crazy. But despite all their supposed recordings and timelines, not even the feds could keep an accurate account of what really went down.

Was it early 2012 or late 2012? Was there one attempt or two?

At Steven D's bail hearing on June 15, 2017, the government claimed the attempted hit took place in early 2012 and that Cassano and Bruno had only made one attempt to find and kill their quarry before giving up.

But less than a month later at the July 21, 2017, bail hearing for the elder Crea, the prosecution changed its story, claiming the alleged hit took place in late 2012 and that there were two failed attempts on Ulzheimer's life. The government even beefed up the drama by claiming that "when Bruno and Cassano showed up at his house, he (Ulzheimer) pretended not to be home and the two left."

And then at Steven D's next bail hearing on July 28, 2017, the government dropped a bomb, claiming it had audio recordings that directly tied Steven D to the attempted murder of Ulzheimer.

"The evidence is quite strong against Mr. Crea," the government said. "It includes a recorded conversation in which a Genovese soldier, who is close with Mr. Crea, talks about Crea's specific role in the plan to murder this Bonanno associate." This was allegedly a conversation between Larca and Zoccolillo.

The government even upped the ante saying that after Ulzheimer denied Crea entrance into the Coddington Club, he told Ulzheimer, "I'm going to remember your face" – which, by the way, was a statement that changed during court testimony.

But like almost every part of this warped fairy tale, there were several problems with their claims.

First, Larca and Steven D weren't close at all. In the actual recordings, Larca doesn't speak too kindly about Crea, which didn't quite fit with the story of two guys being "close."

The government also claimed that on a May 22, 2013 recording, Larca is heard saying Steven D had a "hard-on" for Ulzheimer since the alleged Coddington Club incident. They added that this was the "direct proof" linking the Creas to the attempted hit on Ulzheimer.

Even Siebel agreed at the time, saying, "I think it is a fair inference from the recording that when Larca says they had a hard-on, he meant that the defendant and his father were out to get Ulzheimer for what happened in that club."

Yet, the actual recording indicated that the "hard-on" was for a completely different guy – Ernie Aiello, an alleged Bonanno "soldier." One other thing that should be noted is that all of these alleged "positions" changed through the trial. The government's "informant" witnesses couldn't agree on who had what position during their separate performances on the stand, as we'll see later.

In their desperation, the government even went as far as claiming that Vincent Bruno recounted in extraordinary detail to Larca, the story about how Steven D ordered the hit – "extraordinary detail" is key here as it was the government's ongoing mantra. They even said the entire conversation was caught on tape.

A short time later though, another government lie came to light. In a September 29, 2017 letter to Judge Siebel, the prosecution stated it, "has since re-reviewed the evidence and determined that the conversation between (Larca) and Bruno was not recorded." They even admitted that there was no recorded evidence at all from Larca "directly saying that the defendant (Steven D) had a direct role in ordering the murder."

Still, the prosecution arrogantly claimed that Larca's alleged statements would be verified by the jailed Larca himself when the government subpoenaed him to testify. Larca scoffed at the idea.

In a September 13, 2018 letter from Larca's attorney Vincent Martinelli to Assistant U.S. Attorney Scott Hartman, Larca stated that, if subpoenaed, his testimony "will be only helpful to THE DEFENSE."

Subpoenaed or not, Larca was not an informant and wouldn't be assisting the government no matter what they had dreamed up in their head. As it turned out, he was never called to testify.

NO ONE BELIEVED IT

If that wasn't enough, no one on the street even believed the stories being told about the alleged Ulzheimer hit despite the prosecution's insistence that recordings would show that both Cassano and Bruno were involved and that the Creas "ordered" it.

All of this information the government was claiming, mind you, came from both Zoccolillo and Lovaglio.

Like the false statements from Larca, the prosecution said it also possessed recordings of alleged Bonanno "soldier" Dominick Deluccia saying that Paul Cassano was involved in the murder and acted on the orders of the Creas. They said that Deluccia was recorded saying, "I know for sure (Paul) was involved."

Yet, it turns out, Deluccia said no such thing and didn't even believe that either Cassano or Bruno were involved.

In a March 9, 2013 conversation recorded by Zoccolillo, Deluccia makes a number of statements completely contradicting what the government claimed.

At one point in the conversation, Deluccia says, "To tell you the truth, we were laughing...I was like get the fuck out of here." At another point, he says, "I don't put it past anybody, but we don't – to be honest with you, we don't think so with him [Bruno]. And we never did."

In the same conversation, Deluccia even says, “I like him [Cassano].... I don’t see him doing it. And I don’t see him signing on for that....”

Even Zoccolillo had been recorded saying he didn’t believe the “attempted murder” happened. He even went as far to say that the entire story sounded “farfetched.”

Most interesting of all, though, was that Zoccolillo, Bruno’s own friend, was recorded telling Deluccia, “Vinny asked me, he was like, ‘Are you hearing this, what’s going around?’” So, even Bruno, the guy stuck in the middle of this mess, was questioning the talk on the street.

Eventually, Vincent Bruno himself decided to set the record straight.

SETTING THE RECORD STRAIGHT

By this time, Bruno had already taken a plea offer from the government. He was previously serving a reduced seven-year sentence for a prior drug conviction in February 2013 when the May 2017 indictment came down.

On December 8, 2018, Bruno wrote a five-page e-mail letter to Judge Siebel about the truth of what happened in regards to the attempted hit on Carl Ulzheimer. The letter was written 37 days before his original scheduled release date into a halfway house. He had yet to be sentenced for the 2017 charges but ultimately received an additional four years in prison. Below are relevant sections of his letter verbatim:

This part of my letter may seem unorthodox. I want to explain the contradictions and misstatements that were made on my charges. Hopefully, it will help shed light...they differ from the theory that has been presented. I am not a scholar of the law. I will not pretend to be. I do know my facts and truths...When I allocuted, I never once stated as the indictment claims – ‘that I drove to the victims house armed with a gun and knocked on the door, no one answered and I left then made a second attempt where the victim pretended not to be home and this all came to be because he disrespected a certain individual.’”

“I’m not denying that I drove to the victims home. I’m not denying that I had a dangerous weapon in the car. But – never once, let alone twice, did I get out of the vehicle and attempt to knock on his door. I have actually been to the victims house on numerous occasions. I have even been inside the home. We have known each other for years. In fact, he was willing to testify on my behalf that what was said in the indictment never occurred. I certainly never had a conversation with the Crea’s or Mr. Cassano to attempt or harm this victim in any way. I went to the victims home on my own account, based on an unrelated incident that involved someone passing disrespectful comments toward my sister in a bar, which is spoken about on the March 9, 2013, recording. When I drove to his house I saw that his car was not there, so I drove away. There was never a sit-down to settle the dispute. The first time I heard of this alleged sit-down was when I read my indictment.”

This part of my letter may seem unorthodox, and when read, I hope you do with an open mind. I am not denying my actions; in no way am I claiming innocence. I simply want to explain the contradictions and misstatements that were made on my charges. Hopefully it will help shed light, so I can be sentenced fairly and based on the truths of my actions. They differ from the theory that has been presented. I am not a scholar of the law. I will not pretend to be. I do know my facts and truths. What I understand is that the federal law for attempt is -- “a substantial step towards the commission of the crime.” I am not challenging the law. When I allocuted, I never once stated as the indictment claims -- “that I drove to the victims house armed with a gun and knocked on the door, no one answered and I left then made a second attempt where the victim pretended not to be home and this all came to be because he disrespected a certain individual.” I am not denying that I drove to the victims home. I am not denying that I had a dangerous weapon in the car. But -- never once, let alone twice, did I get out the vehicle and attempt to knock on his door. I have actually been to the victims house on numerous occasions. I have even been inside the home. We have known each other for years. In fact, he was willing to testify on my behalf that what was said in the indictment never occurred. I certainly never had a conversation with the Crea’s or Mr. Cassano to attempt or harm this victim in any way. I went to the victims home on my own account, based on an unrelated incident that involved someone passing disrespectful comments towards my sister in a bar, which is spoken about on the March 9, 2013 recording. When I drove to his house I saw that his car was not there, so I drove away. There was never a sit-down to settle the dispute. The first time I heard of this alleged sit-down was when I read my indictment.

Part of Bruno’s December 8, 2018 letter to Judge Siebel ([click to enlarge](#))

“There are also three consensual recordings on this matter that were recorded in 2013, which I learned were part of my 2013 discovery. They were not received until 2017. I went through the three tapes a hundred times. Both witnesses on two of the three tapes claimed, along with the person being recorded, that they doubt my involvement in this charged incident. In one of the tapes, the witness stated that I asked him about the rumors going around about me. Then the witness said the victim and I saw each other multiple times after the alleged incident date. On the third recording, the witness and another individual spoke about a story I told them. I still don’t know what story they were talking about. The court even stated at a co-defendants bail hearing that – ‘it could be one of many stories it doesn’t mean that that’s the story they are talking about.’”

“On March 9, 2013, the witness made a recording with another individual. The witness had been a government informant for at least a month by the time of the recording. The witness expressed doubts that I was involved. They went on to say I had questioned him about the ‘rumors’ that both the witness and the individual believed I was not involved. At the pre-trial motion hearing, it was brought to the court’s attention that I confessed my involvement to the witness, while I was hospitalized for an apparent drug overdose. When my lawyer inquired about more specifics related to the date, he received an email stating – ‘They are not sure exactly when that was, but they are sure he can find out.’ If I’m not correct about the exact wording in everything I said, I put in copies and transcripts for accuracy. I am still trying to get records from Jacobi Hospital from this incident. Weeks later, the account of the incident was changed to when the witness was in the hospital – and not me. The reason I reference this is because when I was in the hospital in late January of 2013, my memory of it does not fit the timeline of the Coddington Avenue club incident. I do know the witness was in the hospital in late January of 2013, which was when I supposedly told the witness about my involvement. If true, when he made the recording at the actual time, with nothing to lose, he said he doubted my involvement when telling the victim’s friend what I said.”

“In the same recording on March 9, 2013, the victim’s friend claimed that the victim was not even home that night. If that is true, how could he have pretended to be hiding behind the door, which was proffered to the court. In addition, as asked during the pre-trial motion hearing for more specifics regarding the timeframe of the firearm offense, it was answered via email – ‘On or about late 2012, Bruno and Cassano took a gun with them when they went to kill the victim.’ This is the same timeframe as worded in the indictment. I subsequently learned from the trial testimony of The People vs. Nicholas Santoro that the witness testified under oath that the whole ‘club incident’ was settled that day when both sides came to an agreement. The same day that this ‘club’ incident happened – I was in Oakland, California with the witness who confirmed he received a phone call about what occurred at Coddington Avenue. Then, he relayed the information about the incident to me. I told him that it does not concern us, and it is none of our business.”

I am sure that as a government witness, he would have been required to inform his case agent about this information during his proffer sessions. The first time I was in California, I was with the witness. he purchased our flight tickets with his credit card. I attempted to get the flight and credit card records. I was informed that the airlines only keep records for 13 months. I know they can be located through AUSA Peter Skinner and Rebecca Merlmestein, as my flight records were one of the reasons I was denied bail in 2013, as a flight risk. If I knew about the recordings in 2013, I would have had my lawyer inquire if I was a target in any open investigations. If yes, I would have had this matter addressed at that time.”

At my co-defendant's bail hearings, it was proffered to the court, I was on a consensual recording discussing who ordered the attempted murder, how it was planned, and what occurred that day. When challenged, it was proved no such recordings existed. However, it was never addressed how these misstatement originated. The alleged tapes caused me a lot of stress. These are the same recordings which had cost my co-defendants their liberty. As I mentioned earlier, I had driven to the victims home with a dangerous weapon in the car. I noticed his car was not at his house, so I left immediately. I never had any intention to harm him, but I merely wanted to speak to him about the disrespectful comments made to my sister at a bar. This was spoken about on a consensual recording between the witness and another individual. This was why I agreed to plea to my charge. The instrument mentions me alone, while I was reluctant to take the plea if it mentioned anyone else. As a man, I could not sit here and do time knowing people were charged with a crime in which they had no knowledge or participation. In another matter, as I stated earlier -- I never had a conversation with the Crea's or Mr. Cassano to go harm the victim. In fact, the only time I ever had a conversation with the elder Crea was after my incarceration for the current charges. I only wish that this was brought to the court's attention earlier than now. I need to clear this up to lift the burden that I been carrying on my shoulders, with people I know are falsely accused of my wrongdoings. No matter what sentence I receive by expressing the truths behind my charges, my time will be much easier.

Another part of Bruno's December 8, 2018 letter to Judge Siebel ([click to enlarge](#))

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"Your Honor, as stated in an article by Jerry Capeci one week after my plea allocution, he wrote that I was offered the same plea as Mr. Cassano and was rejected (which was offered to me right after our November 3, 2017 status hearing as a non-written offer). Capeci erred because I never denied it. I asked for coverage for my charges. I was told in order to get coverage, I needed to plea to the top charge and would receive 17 years of coverage (2000-2017). That would put me at 16-years-old when this investigation started. I felt that was excessive. I do not want the court to think I asked for coverage because I had anything to worry about. I never worried that anything like this would happen to me, yet here I stand in front of the court. I am being sentenced for a crime for which I am already doing time. Never once was the – 'ATTEMPTED ASSAULT IN THE AID OF RACKETEERING' plea presented to me in a written form. The only pleas I received in written form were – 'ATTEMPTED MURDER IN THE AID OF RACKETEERING' – and my 371 plea, which I took for defrauding the government of the United States. If I had received the same offer as Mr. Cassano's in writing, I would of taken it."

"In addition, I am still bothered that no matter how many times my charge is explained to me, I still cannot comprehend how my prior drug conviction is used as a predicate act. Just before my scheduled trial date, a new predicate act for assault was added to my indictment. It was never explained to my attorney or I who I assaulted and when. I know in the motion IN LIMINE, it claims in 2013, that my co-defendants and I, being alleged members and associates of LCN, had sold drugs to gain entrance and/or maintain our position in LCN. Throughout my instant case history, all my paperwork from 2013 (indictment, plea allocution, sentencing minutes, and PSR) is devoid of mentioning anything related to O.C. I have been to four different institutions since I began my incarceration. Before I am allowed to enter any prison, I have been interviewed by an S.I.S. Lieutenant, sharing a common question.

They ask (if it is on your record), ‘do you have any affiliations or associations with O.C.?’ Even with my new charge, when I arrived at MDC Brooklyn, my interview was devoid of the O.C. question. It was more surprising, since my instant case is a R.I.C.O. charge.”

“I have not written this letter to profess my innocence. Simply what I am charged with and allocuted to is a serious offense, no matter which way it is explained. I just feel that all these matters needed to be addressed and my actual involvement in this crime be presented in my words...I am confessing to my involvement as the truth reveals ..I understand that my charge claims it as a ‘mob’ related attempt on someone’s life, but after reading this, I hope those theories are not still the belief....I’m also tired of lying to my 4-year-old nephew and my 13-year-old cousin that I am in the military; not done serving our country. I do not want them to announce that they have a relative in jail and get bullied in school. The biggest misunderstanding about this is that I am in jail — but it is my family doing the time.”

RATSQUA REDUX

By this point, Frank Pasqua was still the government’s ace-in-the-hole witness for the Meldish murder even though David Evangelista was waiting in the wings. Good thing, too, because Pasqua was about to crash and burn.

At another bail hearing for Steven D on August 3, 2018, it was revealed that the government had hidden Pasqua’s original account of Meldish’s murder from everyone, including the defense team and even the Court. Defense lawyers learned about it only because the prosecution had finally released the information – three years after the fact.

The issue at hand was Pasqua’s new and improved version of the Michael Meldish murder which still featured both Creas at the center of this particular plot.

Throughout all of the bail hearings for father and son Crea, the prosecution had insisted it had almost irrefutable proof that they were directly involved in the plot to kill Meldish. And it was because of these claims that Judge Siebel kept denying Steven D bail.

Yet, it shouldn't have been that much of a surprise to Siebel because the government had been making an innumerable amount of "misrepresentations" about alleged evidence they supposedly had since she took over the case in 2017 and even before that when the case was first brought against Londonio in 2015.

But this bombshell didn't sit well with Siebel at all. She took the prosecution to task about their key witness, saying, "Now, you've got a theory (about the murder.) It may be a great theory. But another theory that fits the facts pretty darn well is that he's lying."

And while Hartman agreed that the prosecution should have been more forthcoming about their evidence, he insisted that Pasqua was telling the truth. He was, according to Hartman, just "confused" and the "inferences he drew" about what happened the night of Meldish's murder were "incorrect."

So, why did Pasqua change his story?

THE COURT: Let me ask another question. You say that now (Pasqua) realizes that Pasqua Jr. didn't do it. What caused him to change his mind?

MR. HARTMAN: So, we have never said to him that we think Pasqua Jr. didn't do it... At some point, (Pasqua) was confined to the MDC and he came into contact with Chris Londonio. Chris Londonio caused himself to be put in the same cellblock as (Pasqua). And in the course of their interaction,...(Pasqua) learned that Chris Londonio had been charged by the state with the murder of Meldish. And from that, I believe that (Pasqua) came to believe that he was not in fact there for the murder, as well as his subsequent interactions with the father...

In other words, Pasqua came to the conclusion that since somebody else was being accused, it probably would have been a good time to tell Otto and Hartman the truth of the matter. At least that's what they seem to want you to believe. So, what did Pasqua think he was at the MDC for? Oh, yeah – setting up Londonio.

Plus, the whole statement about Londonio “causing himself” to be put in the same cellblock as Pasqua seems just a little too odd. Was Hartman overthinking his pathetic explanation? Perhaps trying not to get caught with the fact that he and Otto were the ones who had probably “caused” Londonio and Pasqua to be placed in the same cell? Hartman knew darn well that they weren't cellblock mates but cellmates – another government lie that would be revealed during the trial. Maybe Hartman was the one who was “confused” and had a hard time keeping his jailhouse snitches straight.

Don't forget, Londonio never knew Pasqua before they ended up together at the MDC. And the Creas didn't know Pasqua at all.

In fact, at this hearing, Steven D's lawyer Joseph DiBenedetto told Judge Siebel, “And Judge, just to make it clear, there is one thing that my client wants your Honor to know. He does not know (Pasqua), does not know (Pasqua). He wants me to make that clear to this Court. My client does not know (Pasqua).”

Judge Siebel found herself in a tight spot.

She could no longer justify the prosecution's claim that Steven D was a “danger to the community” when their own witness was caught in a major lie and the prosecution themselves had hidden key information and made numerous “misrepresentations” about almost all of their evidence. She publicly admonished them, saying, “You knew at the last hearing that you were in the hot seat for misrepresentations made at a prior bail hearing.”

But in a rare display of **good conscience**, Judge Siebel finally granted Steven D his well-deserved bail after he had already spent more than a year behind bars.

“Additionally, we write to notify you that (Pasqua) has admitted to abusing drugs and alcohol at various points as an adult. In particular, (Pasqua) has informed Government investigators that he was under the influence of prescription drugs and alcohol on the night that he and Pasqua, Jr. encountered Michael Meldish in November 2013.”

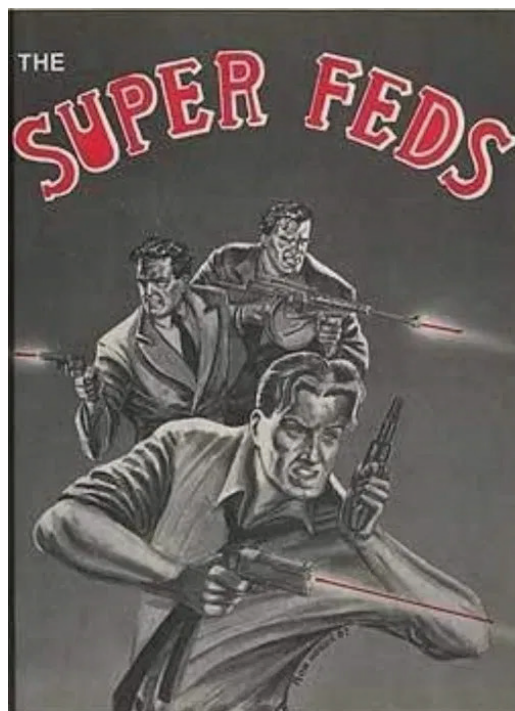
So, if Pasqua was “confused” about his role in the murder because he was under the influence, it’s logical to surmise that he must’ve been “confused” about every part of his delusional tale, even the parts that included the Creas.

But even more telling was the fact that the government failed to disclose **Pasqua’s April 2016** bust for smuggling heroin, suboxone, and other drugs into the Putnam County jail. If you look at the dates of the recordings we shared, Pasqua was obviously sitting at Putnam County after being “released” from the MDC.

But you also have to wonder how, after breaking his cooperation agreement (committing crimes are a big no-no) while holed up at Putnam, he was able to continue “working” for the government (with pay) “gathering evidence” from Londonio on the Meldish murder? And how was it that

Steven D, who had NO criminal record, was continuously denied bail because of this superstar witness’ “evidence?” It’s another mystery that may never be solved.

The Ratsqua had blown up in the government’s face. While the government should have retreated to the shadows with its tail between its legs and tossed the whole indictment in the garbage where it belonged, they stood their ground and continued to rewrite their script over and over. After all, they are the “super” feds.



THE JUDGE WON'T BUDGE

In September 2018, Crea's defense counsel officially requested that Judge Siebel remove herself from the case due to a conflict of interest and an inability to judge in a fair and impartial way. There was good reason for this request, too.

Back in the early 90s, while she was a prosecutor for the U.S. Attorney's organized crime unit, she worked on a case that involved alleged Lucchese Family "acting consigliere" Anthony Baratta.

When questioned, she claimed she remembered "basically nothing" about the case but asked prosecutors to investigate if there was "any overlap at all" between the two cases.

Gang Land reported that prosecutors had found "FBI intelligence and surveillance reports" during Baratta's investigation that included Crea. Prosecutors denied that Crea was part of that investigation even though there were surveillance photos of Crea and Baratta together labeled with their alleged positions that were used at Baratta's trial.

Maybe the feds couldn't gather enough evidence against Crea at that time, but they certainly weren't taking pictures of him (and labeling him with a position) just because he happened to be standing around. And that was the issue.

So, the defense brought in an outside expert by the name of Richard E. Flamm, who was well-versed in judge recusal cases (and had a long list of credentials) to evaluate the situation. After reviewing the facts, he determined that Siebel could not "preside impartially over this case" and said that according to law, "the Court is required to recuse itself."

Siebel wasn't convinced and decided to stay because the law also allows the sitting judge to decide whether or not she should recuse. She gave the defense a full explanation for her decision and even went into why she took over the case in the first place.

She said that Roman had to leave the case for “personal reasons” and that her calendar just happened to be free so she “volunteered” to take over the case because, she said, “I like to be able to help out a colleague.”

She also said she found it “satisfying to work on a well-lawyered criminal case and suspected that this would be one.”

But remember that when Siebel became the presiding judge, the only two defendants were Londonio and Caldwell – not that they weren’t well-lawyered – but it’s still an odd thing to say. Or perhaps Siebel, like many prosecutors and judges before her, just happened to have had a keen sense of foresight – or foreshadowing in movie terms – because not too long after, the full indictment came down.

THE ENDS JUSTIFIES THE MEANS

The FBI has a long history of working with informants and, as we can see even in this case, many of the government’s informants aren’t necessarily the **cream of the crop**. There are some very famous cases – Gregory Scarpa, Sr. and Whitey Bulger come to mind – of FBI agents engaging in rather **slimy schemes** to “get” their target, including providing names and addresses of other informants who were subsequently killed.

There have even been cases where prosecutors have allowed and even encouraged informants to lie on the stand. In the case of Joseph Barboza, his false testimony resulted in six men being convicted of murder in 1968. Four of the men were 100% innocent, but by the time the truth was revealed, two of the men had died in prison and the other two had already served 30 years behind bars. The prosecutors involved were never brought to justice.

In their 2017 indictment, Crea and Joseph Datello were charged with the “attempted assault and murder of (Sean Richard)...in retaliation for the decision by (Richard) to provide information to law enforcement. Datello, acting

with the blessing of Crea Sr., traveled to New Hampshire to find, assault, and kill (Richard.)”

While this particular event might not be as notable as Barboza’s, what happened behind the scenes is disturbingly familiar.

SEAN RICHARD

Sean Richard was the former son-in-law of John Riggi, a one-time alleged boss of the DeCavalcante Family. He had also been a business partner and close friend of Datello in the construction industry in the 90s.

In 2000, Richard was one of 37 defendants, along with Crea and Datello, who were facing charges of labor racketeering. Instead of facing the music, he decided to become a state witness in exchange for a new identity and a reduced sentence of five years probation. He claimed the reason he did it was that he feared Datello had been “given orders to kill him.” It was also later revealed that he stiffed Datello of a \$200,000 loan.

Both Crea and Datello took plea bargains in that case and were sentenced to three years each.

After testifying in that trial, Richards left his wife and two young children to enter the WITSEC program with a stripper he had fallen in love with while he was still married. Not only did he abandon his family, he also left them bankrupt and nearly homeless. His soon-to-be ex-wife was facing foreclosure on her home. And like most of the informants in the government’s arsenal, Richard was a drug addict and drunk who self-admittedly used pot, cocaine, and heroin.

None of it bothered Richard. He had a new life to look forward to. In a September 8, 2000 interview with the [New York Times](#), he boasted about upcoming movie and book deals, his new look, and how proud he was of being a rat. “The last thing anyone wants to be is a rat,” he said. “But you know something? I’ll be a rat and I won’t be in prison. I’ll be a rat and I’ll be alive.

So, what was the lowdown on the attempted murder of Sean Richard? Let's take a trip down this dark and dirty path.

THE ROLE OF A LIFETIME

Robert DeNero Spinelli was a lifelong drug abuser who had been in trouble with the law since the 1980s, serving numerous prison terms for drug trafficking and other crimes. He became a government informant in 2012.

Although his brother is alleged Lucchese “soldier” Michael Spinelli, Robert DeNero himself was basically a nobody who was only known around the neighborhood as “Mike’s brother.”

In 1998, he was convicted and sentenced to 10 years in prison for a failed March 1992 murder attempt on Patricia Capozzalo, the sister of alleged Lucchese “soldier” Peter Chiodo, who had flipped and was set to testify in the racketeering and murder trial of alleged Lucchese “boss” Vic Amuso.

According to Gang Land, at the time of **Robert DeNero’s sentencing**, his lawyer sought leniency from the court by claiming his client had an IQ of only 63, which classified him as “**mentally defective**” on the Wechsler Adult Intelligence Scale.

Hard to believe a guy who reportedly graduated from Rutgers University in 1993 with a Bachelor of Science in Sports Management and Exercise Science and attended an undetermined number of graduate classes at the New Jersey Institute of Technology (NJIT), earning fewer than six credits, could have such a low IQ.

But perhaps that IQ “lie” was part of his “role-playing” schtick, even though he told that lie to the Superior Court in New Jersey in February 2019 – eight months before he was set to testify in Crea’s trial. But we’ll get to that later.



The “mentally defective”
Robert DeNero

In 2011, Spinelli was charged with two counts of aggravated assault on a police officer, resisting arrest, possession of a weapon for an unlawful purpose, unlawful possession of weapon, drug possession and possession of drug paraphernalia after a traffic stop in **Brick, New Jersey**. The arresting officer had noticed Spinelli, who had multiple outstanding warrants on him, getting into the passenger side of a pickup truck. As he approached the vehicle, Spinelli tried to flee by taking control of the wheel from the driver. He didn’t succeed.

During a search of the vehicle after Spinelli was subdued, officers found a 5-inch steak knife, screwdriver, and copper mesh, commonly used as drug paraphernalia, underneath Spinelli’s seat. Two glass smoking pipes were recovered from Spinelli’s pants pocket.

He was facing four years for the charges but found a way out by going to the FBI and offering his services. In exchange, he received a reduced sentence of only six-months and started wearing a wire for the FBI in April 2012 – three months after he supposedly met Terry Caldwell. Plus, he had an “Amuso connection” – he claimed he had been his “messenger.”

In 2013, shortly after the Meldish murder and since he already had an “in,” Spinelli was partnered with an undercover agent by the name “Pete,” to find out everything he could about the murder and the possible involvement of Crea and Madonna. It was a dream come true for Spinelli.

Court documents reveal Spinelli became an informant to “get back at Matty” because, he claimed, “Matty” didn’t give him money that he supposedly promised after Spinelli had gotten out of jail. And he didn’t get “made” which was supposedly part of that agreement as well. He was more than a little upset that Madonna reportedly told him to “get a job” when he came around looking for that money.

While Spinelli pursued his ultimate target, he also more than happily pursued the FBI's ultimate target – Crea – interjecting his name in nearly every conversation he had because that's what Agent Otto wanted him to do – “get the guy (Crea) in the conversation.”

After figuring out all the details with his handlers, Spinelli set his sights on Joseph Datello – one of the people he thought would get him and the FBI closest to their main target because Datello was a friend and former business partner of Crea's. And they both had dealings with Sean Richard.

And the federal government was paying Spinelli very handsomely for his services, too. He even quit his job to work full-time for the FBI. Court documents reveal he was being paid a salary of \$4,500 per month. Plus, the FBI leased at least two new cars for him – first, a Nissan Altima then an upgrade to a Nissan Maxima. They picked up his car and medical insurance as well any travel expenses he had, including gas and his EZ-Pass. They paid for several storage units and even bought him clothes. In fact, he once asked them to buy him a cashmere sweater. “They pay all my expenses,” he boasted in court testimony.

Court documents also reveal that while Spinelli was earning his salary from the FBI trying to implicate Crea and others, he was stealing from his employer and committing other crimes as well. While he was selling his illegal cigarettes to various people, he would tack on an extra \$5 per carton and pocket the money. He was also selling oxycodone pills, pot, and cocaine on the side. He stored the cigarettes and drugs in the FBI-funded storage units where he also made his cocaine deals with guys from Miami.

In addition, he had filed a false insurance claim lying that his house had been broken into and all of his non-existent expensive jewelry had been stolen. And even though his new rides were being paid for by the government, he had to get the bank loans on his own, you know, so it looked like it was on the up and up. When he went to trade in his old pre-informant vehicle for his brand spanking new one, he couldn't get the loan because of his poor credit score, so he lied to the salesman about his salary and got the car anyway. Basically, a fraudulent bank loan application.

After all of his hard work the previous four years, Spinelli was put into the WITSEC program. He signed his cooperation agreement on April 21, 2017, and pled guilty to all the crimes he committed while working for the FBI and others prior to his new job, including racketeering and extortion.

And yet, like the Energizer Bunny, he kept going and going.

THE MENTALLY DEFECTIVE AND LYING ENERGIZER BUNNY

On December 13, 2017, Spinelli left the scene of an accident in South Brunswick, New Jersey after colliding with a vehicle stopped in front of him. The other vehicle's driver followed Spinelli where he had stopped several blocks away. When police arrived, Spinelli appeared intoxicated and had a cut above his eye which happened when he hit his head on the steering wheel during the crash. Spinelli refused medical treatment, denied being intoxicated, and said that he was hypoglycemic.

He failed the field sobriety test and when the breathalyzer results came back, it was found that his blood alcohol content was three times over the legal limit. He was charged with a DWI and reckless driving. Two days later, police added a charge of child endangerment because his 14-year-old son was in the car with him while he was driving drunk.

Spinelli fought the charges and attempted to get into New Jersey State's **pre-trial intervention program** (PTI) which is designed to give first-time offenders a second chance. When state prosecutors denied his request, he accused them of "patent and gross abuse of discretion" and appealed the decision. His lawyers claimed that prosecutors "had unduly focused on the negative factors and failed to give 'proper weight to . . . defendant's character traits and rehabilitative efforts.'"

Although he had two prior DUI convictions, he told the court that “society would be better served by his admission into PTI ‘where he can learn the lesson from [his] mistake and return to work and care for his family.’” He added that there was “‘simply nothing in the record to justify the prosecutor’s reliance’ on a pattern of anti-social behavior.”

By the way, not only did Spinelli lie about his Rutgers University degree, but he also told the appeals court that he was employed as a sales manager supervising over 20 employees and had worked at that company for 21 years. He also claimed he had no prior involvement with the criminal justice system – which, at this point, probably would have been wiped out by the good ‘ole U.S.A. because he had already signed a cooperation agreement.

In 2018, he won the appeal. However, state prosecutors fought back and a higher court reversed the lower courts’ decision. This was August 7, 2019 – two months before Crea’s October trial. You can read the [full document here](#).

Despite knowing all of Spinelli’s serious offenses while he was working for the government, prosecutors still fought tooth and nail to prevent Crea from getting bail.

During bail hearings in 2017 and 2018, prosecutors claimed they possessed audio recordings taken by Spinelli of Datello discussing the attempted murder of Richard that proved, just like the indictment said, he had Crea’s “blessing.”

Assistant U.S. Attorney Jacqueline Kelly informed the Court that:

“[I]n 2016, Joseph Datello got a tip about where the witness was located, and then made attempts to find him, including by traveling to a location where he believed the witness to be, and waited outside the house for him to emerge. Joseph Datello recounts all this in a recorded conversation with our confidential source. And he makes clear to our confidential source on some of these consensual recordings that he needed Steven Crea’s okay to carry out the killing.

So initially, he reports that Steven Crea would be happy if this resulted. But then – and that’s in a conversation from February 2017. But a month later, because of different things that are going on in this case – in fact, after the initial indictment in this case was filed charging Christopher Londonio and Terrence Caldwell with the murder of Michael Meldish, Datello reports that Steven Crea had told him to back off because of the heat that was on the family at the time. Because Crea told Datello to back off at that point, Datello tells the confidential source that he has to wait. So he has to wait for the approval. He can’t act without the approval of Crea. So those plans are put on hold. But again, this is after the okay was given and Datello made extensive attempts to locate the witness to carry out the killing.”

These alleged recordings were a major part of why both father and son Crea were denied bail because this was more “evidence” proving the Creas were a “danger to the community.”

However, what the government claimed it possessed, and what it actually possessed were, as usual, two very different things.

TELLER OF TALES

During much of his “undercover” work, Spinelli tried to paint a different picture of himself than who he really was – a nobody liar. After all, he was playing a “role.”

In February 2017 – a month before the May indictment – Spinelli tried to stir up trouble with his new “business” partner by bringing up Sean Richard, a subject that was a sore spot for Datello. No matter what their previous dealings, Datello had been betrayed by a “friend,” and Spinelli milked Datello’s feelings for all they were worth.

On February 12, 2017, Spinelli encouraged Datello to speak to Crea about the Richard situation. Apparently, Spinelli had convinced Datello to go looking for Richard, but Datello remembered Crea had said previously “don’t go near him.”

Spinelli urged him on anyway. “Stevie would have been so happy if you did that, believe me,” Spinelli said, but Datello wasn’t convinced, responding, “I don’t know.”

It was clear that Richard stayed on Datello’s mind as it appeared he had gone to Crea anyway to talk about Richard.

On February 21, 2017, Datello told Spinelli: “The thing you told me, he (Crea) wasn’t receptive to it, wasn’t at all receptive to it...it’s a federal informant.” He added that Crea told him “don’t fuck with him because he ruined your life once already. ”

Spinelli wasn’t giving up. In a conversation on March 8, 2017, Spinelli told Datello to go to New Hampshire to find Richard despite what “Stevie says.”

“You know what?” Spinelli said, “You got to make this fucking decision.”

However, Datello resisted, telling Spinelli once again, “He [Crea] told me not to” and said the idea was “crazy” as we’re “talking about a fucking informant.”

Despite knowing all that, and getting caught in their lies during prior bail hearings, the prosecution claimed that a March 22, 2017 recording had all the proof they needed. They said that Spinelli had asked Datello if Crea had been “botherin’” him about the attempt on Richard’s life and that Datello replied “he’s keepin’ back...he’s keepin’ back.”

This was to back up the government’s claim that Crea had told Datello to hold off on the hit because of the “heat on the family.” Just to be clear, this “evidence” was presented to Siebel at the hearings in transcript form. The defense hadn’t received the actual recordings, but when they did, they learned that Datello’s actual words were quite different.

While the government claimed Datello said “he’s keeping back...he’s keepin’ back,” what Datello actually said was “he’s a pretty good guy...He’s a pretty good guy.” In other words, once again, the government had manipulated the “evidence” and lied to the court to suit their needs.

And then there was this, which gives a clear look into how Spinelli – working on behalf of the government – was trying his hardest to please his employer and implicate Crea:

Spinelli: Yeah. I wanted Stevie to know, because I know that Stevie wouldn't let nothing like that go. Ya know – And he's not supposed to.

Datello: Right. Well, they do. When it comes to informants, they, they don't wanna know nothing about it. They don't either.

Spinelli: Really?

Datello: Yeah.

Spinelli failed at this task, but the dark truth of the attempted murder and assault of Sean Richard was just beginning to unravel and wouldn't be fully revealed until October 2019.

FRAME JOB


On **September 27, 2018**, Gang Land reported in an “exclusive” story details about how Datello had found Sean Richard. The information was from a report Capeci obtained from the FBI.

In the report, Datello had explained that “someone had contacted his daughter through her FaceBook page and told her that Richard was ‘living in New Hampshire’ and gave her his “new name, address, everything.”

Datello was suspicious, telling Spinelli, “It's weird how I got him,” but he called the girl who gave his daughter the information to confirm its authenticity and ask why she was doing it.

She told him, “I don't care what you do to him, I hate him.”

Gang Land speculated that “Spinelli and the FBI agents used a clever scam to get Datello to talk about his 2016 effort to whack Richard and his intention to kill him no matter how long it took. They did it by coming up with a



cockamamie story that Spinelli had found out where... a cooperating witness who had testified against (Spinelli) was living...and that their friend 'Pete' had found" Spinelli's rat."

Spinelli said, "He has a Christmas tree farm in upstate New York. Pete found a lot of information on FaceBook in 90 minutes."

Gang Land might have called it a "clever scam," but, in truth, it seems more like a frame job in the spirit of Scarpa and Bulger. And while Datello never found his quarry, one does have to speculate what would have happened if he did, and who would have been ultimately to blame if something dire had actually happened to Richard.

LIKE COCKROACHES SCURRYING FROM THE LIGHT

The shady tactics of the FBI once again hit the spotlight in a **November 15, 2018** Gangland “exclusive” article.

Gang Land reported that on August 14, 2014, Spinelli forgot to turn off his recording device and recorded a conversation between FBI Secret Agent “Pete” and FBI Super Agent Otto discussing a meeting Pete and Spinelli had with Brian Vaughan – another defendant in the case who ended up taking a plea offer from the government..

Pete was pleased with the outcome of the meeting, telling Otto they were certain they could convince Vaughan to commit the crimes they were setting him up for despite Vaughan’s resistance.

“He fits with our story,” Pete said. “We will get Brian good and we’ll open the door for cocaine.”

“We have to look at the bigger picture,” Pete continued. “It was a good day, a very good day. We’re beginning to open the door with him.”

James DiPietro and Joseph Gentile, who were Vaughan’s lawyers at the time, disclosed the recordings before Vaughan’s sentencing. Despite Siebel being aware of their existence, she “did not have anything to say about the FBI’s repeated pressure to make Vaughan do a drug deal he steadily rejected.” Siebel ended up sentencing Vaughan to seven years – six months more than the suggested maximum.

But there’s more.

Apparently, Spinelli’s tape recorder never stopped. After a meeting with Datello on the same day, Pete was caught on tape talking about Datello, saying, “So, if we can get him to facilitate something where he can implicate some guys here, that would be good.”

As they were driving away from Datello’s house talking about their next meeting with him on August 18, Pete gave Spinelli further insight into the FBI’s way of thinking:

“So, you see, a lot of times, you know, when we do this type of stuff, it’s very much like playing chess, right? So, you’re looking to – you see any – you call that planting a seed. In that in the future, three, four, five moves from now. That seed may grow into something else.”

You have to wonder if Pete had recently read Peter Lance’s book, *Deal with the Devil: The FBI’s Secret 30-Year Relationship with a Mob Killer*, which was published in July the previous year. In an interview with [U.S. News & World Report](#), Lance said, “What a Machiavellian strategist he was, what a chess player,” after being asked what surprised him most during his research on Gregory Scarpa, Sr. Perhaps, that was on Pete’s mind when he made his comment about “playing chess.”

A BIT OF MELDISH GOSSIP ALA SPINELESS SPINELLI — A SIDE STORY

As we’ve previously discussed, Spinelli interjected “Stevie” so much into his conversations that one might think he actually knew the guy, but it was all a glass pipe dream of his – a starry-eyed wish that would never come true. No matter who he tried talking to and no matter the subject “Stevie” was always on the tip of Spinelli’s tongue. It’s surprising that no one ever asked Spinelli if he had a secret crush on the guy.

But this constant “Stevie” fascination was a serious matter when it came to the government trying to “prove” Crea’s involvement in any of the crimes for which he was charged – especially the murder of Michael Meldish.

On an October 30, 2014, recording, James Maffucci (a co-defendant in the case) shot Spinelli down when he wouldn’t shut up about “Stevie”:

Spinelli: What's up with Stevie? Can I go to Stevie myself with this fucking situation?

Maffucci: Stevie who? Do you know him?

Spinelli: No. No.

Maffucci: How you gonna (sic) go see him?

Spinelli: You know what, it's done.

Maffucci: It's all over. It's done. And it's none of our business.

Spinelli: Right. It's not my business.

Maffucci: I mean, this is conversation —

Spinelli: We're having — we're gossiping.

Maffucci: Right.

But apparently, Spinelli wasn't done gossiping about "Stevie" and the murder. One of the most damning recordings the government claimed it possessed was of Maffucci stating Crea was directly involved. But once again the government lied.

What Maffucci really said to Spinelli on that March 9, 2017, recording was this:

"I don't think that Stevie had anything to do with it (Meldish's murder.)"

And just like Spinelli, the government kept going and going...their Pinocchio nose getting longer and longer.

THE GOVERNMENT GETS A DO-OVER

On October 18, 2018, Crea's lawyers wanted to review the grand jury minutes that led to the original indictment. The government had been caught in so many lies that they believed it might warrant a dismissal.

Anthony DiPietro, who had represented his own father in a criminal case and was no stranger to the shady tactics of the feds, wrote a 69-page Omnibus Motion demanding inspection. In a criminal case, the defense cannot automatically review the minutes. The request to inspect must either be granted by a judge or the judge herself can inspect the minutes.



Crea's attorney
Anthony DiPietro

However, Siebel had no intention of going down that dirty path to visit those minutes because she already knew what was hiding there. Instead of granting the request, she gave the prosecution an out, allowing them to file a "trial indictment." And it took her until January 14, 2019, to even make that ruling.

In it, she told the government exactly what to do and warned them what would happen if they didn't. We're positive she probably said this to them before in private conversation, but since there was a motion on the record, she had to respond publicly.

In her ruling she stated:

"The Government seems to be adhering to the position that the Datello recordings support the proposition that Datello's travel to New Hampshire was done with the blessing of Crea Sr. But it has not presented any justification for that position, and the portions of the recordings that have been brought to the Court's attention seem to support the opposite proposition. If the Government does not re-indict, I may inspect the grand jury minutes relating to Count Six...If the Government re-indicts and the new indictment reflects the same theory, I will inspect the grand jury minutes because at that point the Government's conduct could not be regarded as unknowing."

But yet, she was resistant to the idea that even if the prosecution continued to lie, she might not do what was judicially right anyway and threw that decision into the black hole of no return:

“If that inspection reveals a basis for the theory apart from the recordings so far brought to my attention, dismissal may not be warranted, but that’s a decision is for another day.”

How can she say that even if she did find blatant lies in the minutes, after she gave the prosecution an undeserving do-over, that it may not warrant a dismissal? Why even have a trial at all at this point?

And why does the prosecution get to re-review their evidence? It’s not like this was the first time they lied.

Still, the prosecution greedily took their second bite of the apple, but they didn’t bring their new indictment to the Court until July 31, 2019 – almost six months later. One can only speculate that the government made a complete overhaul of their script so they wouldn’t have to revisit their failed disaster movie again.



Robert Franklin –
Steven L. Crea’s
attorney

But surprisingly, even though the prosecution worked tirelessly to prove the “evidence” against Crea on the attempted murder of Sean Richard charge, that charge mysteriously disappeared in Crea’s “new” indictment. Perhaps it fell into the same black hole as Siebel’s decision on whether a dismissal was warranted.

While this was a minor win for Crea, it didn’t do much for Datello, who had already worked out a plea agreement with the government, receiving a sentence of 9 years.

Unfortunately, the mystery about what lies were told in those original grand jury minutes will never be revealed.

But out of the government's mysterious black hole emerged two new prosecutors. Hartman and Kelly were suddenly off the case replaced by Celia Cohen and Alexandra Rothman. Scotten, unfortunately, was still on the team. This changing of the guards might not seem like that big of a deal, but Rothman just happened to be a former law clerk for Judge Siebel. Even more interesting? Siebel officiated at Rothman's wedding.

Conflict of interest? Coincidence? We'll let you decide.

MIRAGES

In August 2019, Steven D agreed to a plea offer from the prosecution. He pled guilty for the alleged crimes charged in the indictment, but not all of them. Even though he was offered a 10-year deal if he would plead guilty to his participation in the murder of Meldish, Steven D declined. Throughout the ordeal, he never wavered from his innocence in relation to the murder, and he wasn't about to admit to something he had nothing to do with or had any knowledge about.

Steven D had even taken a lie detector test earlier to prove his innocence. It was given by former FBI Special Agent Jeremiah Hanafin, who spent over 20 years investigating violent and white-collar crimes and conducted more than 2500 polygraph examinations during his career. Here is the result:

A. Did you direct anyone to murder Michael Meldish? Answer: No.

B. Did you ever meet with anyone and plan the murder of Michael Meldish? Answer: No.

Hanafin concluded that Steven D "showed no deception." In other words, he passed the lie detector test with flying colors. He wasn't involved in any way, shape, or form, and took an extra three years for not giving in to the government's demands.

One thing that should be noted about plea bargains is that just because someone takes a plea offer, it doesn't necessarily mean they're guilty. There have been numerous articles written about the many reasons why people plead guilty to crimes they didn't commit. If I could, I'd even tell you about my own personal experience, but instead, here's something from Judge Jed Rakoff, a longtime judge in the U.S. District Court for the SDNY and a previous federal prosecutor and private criminal defense lawyer.

In an April 18, 2014 interview with [USC News](#), he stated, "Plea bargains have led many innocent people to take a deal. People accused of crimes are often offered five years by prosecutors or face 20 to 30 years if they go to trial...The prosecutor has the information, he has all the chips...and the defense lawyer has very, very little to work with. So it's a system of prosecutor power and prosecutor discretion. I saw it in real life [as a criminal defense attorney], and I also know it in my work as a judge today."

He explained it even further in a November 2014 article he wrote for the [New York Review of Books](#): "While, moreover, a defendant's decision to plead guilty to a crime he did not commit may represent a "rational," if cynical, cost-benefit analysis of his situation, in fact, there is some evidence that the pressure of the situation may cause an innocent defendant to make a less-than-rational appraisal of his chances for acquittal and thus decide to plead guilty when he not only is actually innocent but also could be proven so."

I've presented this information not to persuade you either way, but to give you a more thorough understanding of the plea bargain process. People make plea deals for all sorts of reasons. Retaining a lawyer for any amount of time is costly even for non-high-profile cases and when a case drags on for years, the costs can be astronomical. And like Rakoff said, sometimes the plea deal is better than the alternative because you never know what's going to happen in a court of law – even when you're 100% innocent.

The pre-trial hearings were one thing, but when the trial started, it became its own episode of the Twilight Zone.

THE TRIAL OF THE YEAR

The trial against Steven L. Crea and the others charged with Michael Meldish's murder began on Monday, October 7, 2019. Although this was a high-profile case, the jury was not sequestered even though they were ordered, like all juries, not to watch the news or read newspapers about the trial. But remember, there were already plenty of news reports beforehand about the murder and the **prior proceedings** – and the trial itself made the news nearly every night.

Plus, there were countless **news reports** about the various **plea bargain deals** other defendants had taken, including **Steven D**, Datello, Bruno, and Cassano which further painted Crea guilty by default. So, it's ridiculous to think that none of them wouldn't have come across something, even if it was accidentally.

We decided the best way to continue our story is to tell it with the witnesses' own words and lawyer sidebars, which the jury wasn't privy to. We supplemented this with our own narration throughout.

So we don't have to keep repeating whose lawyer was who, here's a run-down to help you keep it all straight.

On defense for Caldwell – George Goltzer, for Madonna Joshua Dratel and Andrew Patel, for Londonio – John Meringolo, and for Crea – Robert Franklin and Anthony DiPietro.

On the side of the government – Hagen Scotten, Alexandra Rothman, and Celia Cohen.

THE “MOB EXPERT”

First up on the stand was SDNY Special Agent and “mob expert” John Carillo. During his two-day testimony, he talked about the protocols of the “Mafia” and gave opinions about informants. But it was his testimony about Crea’s nicknames that would change the course of the trial.

During pretrial hearings, Judge Siebel ruled that the alleged “Stevie Wonder and son” statement made by Evangelista would not be allowed in court testimony because it was based on hearsay without corroboration. But after Carillo had already testified, she decided to resurrect the myth of “Stevie Wonder.”

In her ruling, the day after Carillo’s testimony, she said he had testified to something she “didn’t know was coming. He said that in his entire career of chasing the mob, he never heard of a murder sanction by the boss that did not involve the rest of the administration; specifically, the underboss.”

But Scotten’s initial questioning of Carillo didn’t include the term “underboss.” It wasn’t until Scotten did his re-direct, and after various defense counsel asked for clarification about the roles of different “administration” members, did Scotten realize his mistake and ask specifically about that magic word.

Q. Are you familiar with any murder that was sanctioned by the boss that did not involve the administration?

A. Not to my knowledge, no.

Scotten’s re-direct after defense cross:

Q. Do you remember being asked if it was in the boss’ absolute authority to order a murder?

A. Yes.

Q. In the case of a murder ordered by the boss, have you ever heard of an instance where the underboss was not also involved?

A. No, I haven’t.

First, Scotten never asked the question he said he asked. Secondly, Carillo was supposed to be a “mob expert” but he apparently wasn’t keeping up with the news about the saga of **Frank Locascio**, the jailed Gambino former “underboss” whose murder case is being reviewed because master rat Sammy Gravano offered new evidence that the “underboss” didn’t know the “boss” was going to kill the person Locascio was convicted of killing.

In addition, Carillo was the same agent who worked on the 2011 Vincent Basciano case where Basciano as “acting boss” of the Bonanno Family, sanctioned the murder of Randy Pizzolo without the approval of then “boss” and later informant, Joseph Massino. According to an FBI report:

“MASSINO reiterated his disagreement with several decisions that BASCIANO had made during his absence. He took particular offense to the fact that he had specifically told the BCF panel that they should all be in agreement before making anyone or killing anyone, and this order was ignored...MASSINO also noted that Basciano acted alone in ordering “RANDY” (RANDOLPH PIZZOLO) killed.”

So, it seems that Carillo might have had a temporary memory loss.

When it came time to nicknames, Scotten did even bother asking about them. Instead asking this:

Q. Do you know Madonna — whether Madonna and Crea are typically referred to by their full name?

A. No Matthew Madonna is referred to as Matty, and Steven Crea, Steven L. Crea is referred to as Stevie.

And since the “Stevie Wonder” myth was, at this time, not an issue, Crea’s lawyer Robert Franklin didn’t ask about that specific bogus nickname, either:

Q. Now, other than people in law enforcement, have you ever heard of anybody who has referred to my client, Steve Crea, as Herbie?

A. I have seen the nickname in writing, but I’ve never heard anybody use it.

Q. You’ve seen it in writing on an indictment, such as we have here; isn’t that true?

A. Yeah, and other places, true, yes.

So, it seems the government once again pulled out their dirty playbook because as luck would have it Siebel changed her ruling the very next day and denied numerous defense counsel requests to bring Carillo back to the stand so he could be asked about “Stevie Wonder.”

It makes you wonder if the government already knew what the answer would be and didn’t want their Pinocchio nose to grow any longer. But that nose kept growing and growing because, throughout the rest of the trial, almost every other government witness would add a jolt of life into that wondrous “Stevie Wonder” myth.

Carillo also had plenty to say about informants telling Londonio’s lawyer, John Meringolo that “if he’s known to be a liar” the government “shouldn’t use that person.”

And when it came to jailhouse snitches, he had an even stronger view saying “I would be skeptical and cautious with a jailhouse informant.” Now, to be fair, Meringolo actually used the term “jailhouse snitches” when asking Carillo if he found those to be the “most unreliable” of all snitches.

But Scotten was immediately offended telling Siebel, “I’m going to object to the term. It’s not appropriate for an officer of the court.” Of course, as we continue our story, Scotten makes many comments that seem rather inappropriate for “an officer of the court,” so his “holier than thou” attitude only applies to everybody else.

Carillo also testified he had taken thousands of surveillance photos either personally or via pole cameras over the course of his career. For this case alone, he took more than 2000 photographs of the defendants at wakes, Christmas parties...and the Coddington Club. But in all those photographs, he had only seen John Pennisi present twice – and only at wakes, no less. Remember that when it’s Pennisi’s turn to testify.

One final note, the government made a board to put the alleged hierarchy of the Lucchese Family in living color for the jury to see day in and day out. As each “member” of the Family was identified by witnesses, a picture of the person was put on the chart with their name and rank. Even though it

was a government exhibit and only relevant to the government's side of the story, Siebel allowed the "chart" to stay up throughout the trial – despite numerous objections by defense counsel that it was prejudicial to their clients.

SECRET AGENT MONEY MAN

Undercover Agent "Pete Pappas" (the secret name for the secret agent for security purposes) was Spinelli's partner in the FBI's scheme to "get" Datello and others with the ultimate goal of eventually snaring Crea. Although Pete didn't have any "scenes" with Crea himself, he openly talked about the "role" he played during his two-day testimony and provided insight into Spinelli's starring role.

He explained to Rothman that Spinelli was recruited by Agent Otto, who "tasked him to go back to his previous life, rekindle some of the older relationships he has and try to collect evidence on behalf of the government" and that his job as Spinelli's partner, was to be the money man.

A. What was the role that you played in this undercover operation?

A. So Mr. Spinelli had the background into the family and the business but he didn't have the capacity and the funding. So back in 2013, when the FBI, colleagues of mine approached me to participate in a case in an undercover capacity, my role was to create that capability, the money, the logistics, and the capacity for Mr. Spinelli to be able to do his tasks.

Q. In other words, you provided the money.

A. The money. Yes.

Q. What type of illegal activity did you participate in as part of this undercover operation?

A. The purchase of cocaine and other drugs, heroin. The sale of illegal stolen untaxed cigarettes and conspired to commit other crimes, and stolen goods.

Q. And did you provide the cigarettes to Spinelli and others?

A. Yes.

Pappas knew that Datello was one of the sub-targets and discussed what he knew about Datello's background. He testified that Datello had previously served time in prison, didn't have a job, and "owed money to a friend of his named Stevie" and that "he had participated in illegal activity, including selling drugs in the not too distant future."

Note how he mentions Datello "selling drugs in the not too distant future"...another federal official with foresight – except it wasn't Pappas who was sitting behind bars.

Pete took advantage of Datello's financial situation when Spinelli introduced them in August 2014 where Pappas introduced the idea of selling "illegal stolen cigarettes" so that Datello could "make some extra money." This was in addition to the drug deals Pappas wanted to make, which Datello had initially resisted (just like Vaughan.)

Although the money to be made was in drugs, it did seem odd, as Franklin brought up, that Datello would also be willing to deal in illegal cigarettes. But "Pete" had an explanation:

Q. Okay. Did you find it odd that someone would be dealing in kilos of cocaine or kilos of heroin and also be interested in selling untaxed cigarettes?

MS. ROTHMAN: Objection, your Honor.

THE COURT: Overruled.

A. Did I find it odd? Not really because Mr. Datello didn't have a job. He had a lot of contacts and he was on Social Security making \$1200 a month. An opportunity to go to contacts that he already knew, and make an easy 2 to \$3,000. It wasn't odd, it was the right thing to do.

Q. Okay. Considering his financial condition?

A. Absolutely.

It wasn't odd, it was the right thing to do." Just think about that statement for a minute and what the agent is implying and how his work, as we'll see, contributed to Datello "doing the right thing."

What was also interesting was that the background information provided to him by Agent Otto was devoid of some key information that shines a spotlight on who Otto's true target was:

Q. Just to explain, in connection with that, at the time of the meeting, did you know that he was a friend or had been in prison with my client, Steve Crea?

A. Yes, I had information based on access to FBI files, since I'm an FBI agent, but the information provided by Mr. Datello during the meeting, it was nothing more than the first names of his friends.

Q. That's exactly what I was getting at. So using my client, Mr. Crea, as the example, at some point in this transcript he talks about a Stevie. Did you assume it was Mr. Crea or did you think it might be somebody else? Did you have enough information to understand who he was referring to? That's what I'm getting at.

A. So I have enough context in this conversation to draw a logical conclusion that the Stevie that he was referring to, highly likely is Mr. Steve Crea.

Q. And at the time when this recording was made, did you also know that my client, Steve Crea, has a son by the name of Steven Crea?

A. I was not aware of the family member.

At this point, Pappas was under the gun and while he had been quite confident and detailed about what had transpired four or five years ago, including specific conversations and events, he stumbled when it came time to answer questions about that August 14, 2014 recording when Spinelli forgot to turn off his tape recorder. He claimed he didn't "remember" and that he couldn't "recall" the specifics of what he said.

Franklin wanted to make it easier for the good Agent by providing him with a verbatim transcript of what he said during the "off-mic" recordings. Although Judge Siebel eventually allowed Franklin to use the transcript, Rothman was not happy:

MS. ROTHMAN: First is, the witness's words on the recordings are not being offered for the truth. We have instructed the jury that those are – his statements and Mr. Spinelli's statements are not offered for the truth. What the defense is trying to do here is generally impeach the investigation, again, I believe by suggesting things that were said as part of their investigative steps.

think that's a reason to object to this line of cross-examination. Of course, I don't understand why the defense is going to be pointing out these statements. Again, they are not offered for the truth. Again, the only purpose is to impeach and unless they can prove there's something improper, which they haven't done yet.

All this objecting because maybe the government might be exposed. And this is only the second day!

Siebel allowed Franklin to continue and he showed agent Pappas the transcript.

Q. After reading that, does that refresh your recollection that those are the words that you said at that time?

A. It appears that I made those statements, yes.

Q. Okay. And I read them accurately to you?

A. Yes, sir, you have.

Q. Very good. So, the question that I have for you, when you testified on Friday that you were only in a supporting role, by several different attorneys and the Judge herself, but you were the one that was strategizing as to how you would approach and how Mr. Spinelli, and the two of you, would approach Mr. Datello in four days on the 18th, when you were going to be meeting him for dinner; isn't that true?

A. Sir, I recall that conversation, not so much strategizing. As an FBI agent, especially in an undercover capacity, when we are conducting an operation, we got to have a plan, and I was communicating maybe some of that plan with Mr. Spinelli.

Q. You were the one coming up with that plan; isn't that true? You said that reference to chess and making moves. You were planning on doing this for a period of time; isn't that true?

A. Sir, again, it was more chatting other than, you know –and less planning. The planning and the operation is something that falls on the case agents and not on the undercover.

Is he “shift blaming?” Because that's going to be an issue of contention with the government later. It also could be that as Franklin continued his questioning, things were starting to click in Pappas' mind about exactly what the government had been doing.

Q. And when you said, "So, if we can get him to facilitate something where he can implicate some guys here, that would be good," that was going to be your plan going forward and specifically for the meeting of August 18th?

A. If this is my conversation or the statement that I've made to Mr. Otto, it was because it was more like guidance and less, you know, planning or putting a seed.

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So, what was it, Agent Pappas? Planning, chatting, or guidance? Perhaps these next few parts will make it more clear:

Q. And you've told us that in the course of this undercover operation, and specifically with Mr. Datello, that you were playing a character; is that right?

A. I was, yes.

Q. And you were lying to him about this pretend character that you were, correct?

A. I was, I was doing my role, absolutely.

Q. Okay. But the things you were telling him were not truthful because it was a pretend character, it did not exist, this person who you were playing, pretending to be?

A. Yes. It was an undercover operation, yes.

Q. So, when you first met with him in person on August 14th at his home, do you recall that the conversation was about cigarettes, untaxed cigarettes? That's what he was talking to you about, he being Mr. Datello?

A. Very first meeting, highly likely, yes. I don't —

Q. And then at some point in that meeting, you suggested to him, in some fashion, that you could also move around cocaine, there could be some sort of a drug deal; isn't that right?

A. Highly likely, absolutely.

Q. And from the conversation that you had in the car that we've already talked about, he told you, I don't wanna do cocaine things, it's too dangerous, it's too risky, words to that effect; isn't that right?

A. He did allude to that, yes.

Q. Over the next few months, in dealing with Mr. Datello, you, you gave him some gifts; isn't that true?

A. Yes.

Q. One of them was a Johnnie Walker Blue Label. It's a fancy whiskey, correct?

A. Yes, sir.

Q. And at one point when he was – he had earned some money, I think it was about \$2,000, you suggested, here, I can give you a Rolex watch instead of the \$2,000, because the Rolex watch is worth dramatically more. Do you remember that?

A. Yes, sir.

Q. And he took the Rolex watch?

A. He did.

Q. And these were ways for you to move him along in the plan that you had for what you wanted him to do for you; isn't that true?

A. I portrayed a street guy who engaged in drug smuggling and fencing stolen goods, so I gave him an option to choose whatever he wanted to do. It wasn't part of the plan. It was part of my role.

Q. Well, your role is a pretend role; isn't that true?

MS. ROTHMAN: Objection.

THE COURT: I'll allow it.

A. It is a pretend role, yes.

So, drugs, illegal cigarettes, informant salaries, new cars, storage units, phones, cashmere sweaters, and even Rolex watches. Plus, there's that tiny issue of taking advantage of someone's financial situation and framing them...American taxpayer dollars hard at work.

THE NAME DROPPER

John Pennisi was an alleged “soldier” in the Lucchese Family who had a criminal past that included a 1990 manslaughter conviction. He was only 20-years-old at the time. In 1989, he and another man were dating the same girl. When the other boyfriend found out Pennisi was at her house, he went there to confront her, but her father sent him away. He left and went to a bar.

Pennisi was upset that the other man had the nerve to show up the girl’s house, so Pennisi called up a friend and hunted the other boyfriend down, shooting him in the chest and killing him. It was never determined which one of the two friends killed the other man, but Pennisi took off and went into hiding for months. He was finally arrested, brought to trial and sentenced to 17 years behind bars.

However, he had lied during his testimony at that 1990 trial to protect him and his co-defendant. This “false narrative” was brought to light at the **May 2019 trial** of alleged Lucchese “soldier” Eugene Castelle when the government admitted this fact to the Court, saying in part: “CW-2 has admitted to the Government that during his testimony in the 1990 trial, he deliberately made false statements in an effort to shield himself and his co-defendant from liability.”

While in prison, Pennisi had many problems. He tried committing suicide because he couldn’t deal with prison life. He was a very paranoid and jealous man, too. He required his former girlfriend to “answer him on FaceTime (even if she was traveling on a highway or otherwise unable to use her phone at that moment) to ensure that another man was not present with her” and had burned her hair and knocked her teeth out with his fist.

However, the defense wasn’t allowed to ask about any of this because it wasn’t relevant to his credibility. So, what was relevant to his credibility?

It seemed that the main purpose of having Pennisi testify was so the government could complete its special hierarchy board for the jury to see.

His testimony mostly consisted of identifying people in pictures and providing background information on the “Mafia” and Lucchese Family activities because he, apparently, knew everything and everybody even though he was a self-described “nobody.”

But despite being a “made” member from approximately 2013 to 2017 and knowing all the players allegedly involved, the prosecution didn’t even ask about the main plot of the trial – the murder of Michael Meldish.

Even Gang Land commented on it in their [October 24, 2019](#) column, stating, “You’d think that a wiseguy who’d been made before the hit, and was active for more than four years after it took place, would have heard some scuttlebutt tying Crea or former acting boss Matthew (Matty) Madonna to the slaying.”

Nonetheless, he had heard about the Coddington Club incident. And he also provided the jury with some interesting information, including step-by-step detail about his “making ceremony” and many other side stories that fit with the government’s and perhaps even the public’s image of what the “Mafia” is all about.

Before being sent to prison for that 1989 murder, Pennisi claimed he had a relationship with “the mob,” specifically the Gambino Family as explained to our favorite prosecutor, Scotten:

Q. Was there any particular person or people in the Gambino Family you had a relationship with?

A. Yes.

Q. Who?

A. Tony Moscatiello and John Jr.

Q. And do you know John Jr.’s last name?

A. Gotti.

Right off the bat, let’s name drop a big name because even if the jury didn’t know much about the “Mafia,” they probably had heard of that famous name, right?

Q. Did you have any kind of a formal relationship with them? Were you just friends, or was there something more?

A. We were friends and I was associated to them.

Q. In the terms used at the time, how would you have been referred to?

A. I was with them.

Q. How long were you around the Gambinos on the street?

A. Since I was maybe 14, 15 years old.

He went on to describe that while in prison, he maintained his close relationship with “the Mob.” “There was a lot of guys locked up with us,” he said. “We were, we were mostly Italian guys.”

When Pennisi got out of prison in 2007, he got a job in construction because he was on parole until 2012. At some point, he ended up getting into a fight with some Colombo guys at a restaurant owned by the girlfriend of his friend Anthony Guzzo. This conflict happened because, apparently, the Colombo guys didn’t want to pay their check.

Although he and Guzzo “won the fight,” Pennisi was concerned there might be a problem, so he went to speak with his childhood friend Joey DiBenedetto, who was allegedly a member of the Lucchese Family, for help. After the conflict was resolved, Pennisi was “put on record” with Joey. Later, he met an alleged “capo” by the name of John Castellucci, and then the doors to the Lucchese Family swung wide open.

Q. During this period when you’re on record with DiBenedetto, did you ever meet anybody more senior than Castellucci?

A. Yes.

Q. Who did you meet?

A. The administration and other members.

Q. And who was in the administration at the time you met them?

A. Matty, Stevie, Joe D.

Q. And what’s Joe D’s full last name?

A. Excuse me?

Q. What’s Joe D’s full last name?

A. DiNapoli.

Q. How were you introduced to Madonna?

A. I was introduced to him – I was introduced to him by Joe DiNapoli. And he said, “This is Matty. He’s the Acting Boss of the Family.” And he said, “Matty, this is John, amica nostra.” That’s how it was done.

Q. Other than just saying, “Hey, this is Matty,” is there significance to that? What is the purpose of such an introduction?

A. I don’t – what was the purpose?

Q. Yes.

A. Well, it had to be done.

Q. Why did it have to be done?

A. I was just inducted into the Family.

Q. Were you also introduced to Stevie Crea?

A. Yes.

Q. And do you recall who it was who introduced you to Stevie Crea?

A. It could have been one of two people. I don’t, I don’t exactly remember which one.

Q. Do you remember where you were introduced to Stevie Crea?

A. Yes.

Q. Where were you introduced to him?

A. At the club in the Bronx.

Q. And I’ll ask you more about the club in the Bronx in a minute. What was said when you were introduced to Stevie Crea? What was said?

A. How did —

Q. Yeah.

A. Like I said, I don’t know – it was one of two people who, who, who introduced us. They said, “This is Stevie. He’s the official Underboss of the Family. And this is John. Amica nostra.”

So, the first time he meets “Stevie,” this nobody is told Crea’s supposed position in the Family? Who would have guessed? And just to point out something else rather nifty...notice how Scotten refers to Crea as “Stevie”...just like he knew him personally.

And just so Londonio wouldn’t feel left out, because, you know, the government had given him so much attention for so long, Pennisi talked about him, too. The only one he didn’t talk about was Caldwell.

Q. And then, finally, when you were introduced to Chris, was anything said about Chris's position? Was he introduced as a boss or an underboss or anything like that?

A. He was not.

Q. So, what does that mean?

A. He was a soldier.

Q. What was your rank at the time?

A. Soldier.

Q. All right. This wasn't the first time you met the administration, was it?

A. No.

And "Chris" must be a close personal friend of Scotten's as well since he refers to him by his first name. By the way, are you catching the government's trickery here? Pennisi never says he was introduced to "Chris" as a "soldier" but he could infer that was Londonio's position because he wasn't identified "as a boss or underboss or anything like that." How does he know he wasn't an "associate?"

Q. Where did you first meet Madonna, Crea, and DiNapoli?

A. At the club in the Bronx.

Q. And how did you end up at the club in the Bronx for the first time?

A. John and Joey took me.

Q. John Castellucci and Joe DiBenedetto?

A. Yes.

Q. Did they say why you were going?

A. No.

Q. What happened when you got there?

A. They introduced me to everybody.

Q. Any women?

A. Excuse me?

Q. Were there any women there?

A. There was a woman like serving. One woman.

Q. Other than her?

A. Any —

Q. Any women other than her?

A. No.

Because it's a "boy's club," you know. No women allowed. But this will be proven false as well, which we'll see shortly.

Q. And you said you were introduced to people. Who do you remember meeting that day?

A. I met, I met — like I said, I met the administration and whoever else was, was there.

Q. No. I'm asking you if you met them. You weren't introduced in the sense you talked about before, were you?

A. No.

Q. And why, why is that?

A. I wasn't, I wasn't a member of the Family.

The problem with his testimony is that he says he met all of the administration and a whole bunch of other people at the club but wasn't introduced to them formally because he wasn't yet a made member. But, yet, he still met all of the supposed important people anyway, complete with full names and alleged titles. Also, he testified when he met Madonna, he had been inducted, but then said it wasn't the first time he had met him because he met him initially at the Coddington Club. He was also introduced to Londonio, but apparently that wasn't at the Coddington Club, either, but at a wake.

While it might not seem like a big issue, the way the testimony was presented made it seem like Pennisi was "in the know" and that everything else that followed was true and factual even though his testimony was conflicting from one segment to the next.

Let's see what happened after he met everyone that big day at the Coddington Club:

Q. And after you met, in the informal sense, everyone there, what did you do?

A. What did I do?

Q. What did you do? Did you stand around? Did you get something to eat? What did you do?

A. We were just talking, and then eventually I think we ate.

Q. Where did you sit?

A. At, at the table that they were sitting at.

Q. And can you describe the conversation in general terms?

A. It was just friendly talk. It was, you know, not — talk about prison or whatever.

Q. And were you an equal partner in that conversation?

A. At times, yes.

Q. Now, you said there were people there other than Madonna, Crea, DiNapoli, and Castellucci?

A. Yes.

Q. Do you remember any of their names today?

A. Yeah. A few. Richie, Richie DeLuca was there. Frankie, Carmin.

He then talked about how things work at the club — almost as if he had just read the pages of a movie script:

Q. Now, did you go to the club on subsequent occasions?

A. On what?

Q. Later occasions. Is that the only time you were in the club?

A. No.

Q. And, generally, what was going on there when you were there?

A. Just guys talking and eating. A lot of eating.

Q. Did you ever discuss any criminal activity in the club?

A. Did I? No.

Q. Did you hear it discussed?

A. Not really.

Q. And do you know if there's a reason for that?

A. Everyone was leery of bugs.

Q. Did you speak with other people in the Family, generally, about where to talk about things and where not to talk about things?

A. We — so, you don't really talk in there. If you had —

Q. And did you ever discuss why not to talk in there?

A. We were worried about law enforcement listening.

Q. Did you have a solution for that, if you wanted to talk business?

A. You could go outside, if you wanted to.

Q. What did you do outside?

A. Have the conversation you wouldn't have inside.

Q. Did you do a lot of that up at the club?

A. Did I do that? No.

Q. Did you see others doing it?

A. Yes.

Q. Did you see others doing it?

A. Yes.

Q. Who did you most often see doing that at the club?

A. Stevie.

Q. Who would Stevie talk with?

A. Mainly captains.

Q. And, to be clear, when you're saying "Stevie, you're referring to the Defendant here in court, Stevie Crea?"

A. Yes.

So, according to this testimony, "Stevie" must obviously be engaging in criminal activity because he wouldn't talk inside the club about anything important, only outside. And the reason he did this was because law enforcement might be listening. So, the logical conclusion would be if Crea was innocent then why would he have to hide his conversations? See how that works?

Also, think about this. Pennisi was at the club quite often, knew everything about it, and why people were there, but isn't it strange that in all that time, he never talked or heard anyone else ever discuss any criminal activities? So, was he just a hanger-on who had some special magical quality that all the supposed important people always wanted him around?

He then discusses the "incident" at the Coddington Club – the only thing relevant to the charges against Crea.

Q. Did you ever learn of any confrontations that occurred at the club?

A. Yes.

Q. And at the time you learned of this confrontation, were you a member of the Family?

A. Yes.

Q. Who told you about the confrontation?

A. Well, several, several people brought, brought it up.

Q. What was the status of those people in the Family?

A. Also members.

Q. And what did they tell you about the confrontation in the club?

MR. DRATEL: Objection, Your Honor, hearsay.

THE COURT: I think you can lay a foundation for who these people are and

purpose for the conversation.

MR. SCOTTEN: I think he's stated they were members of the Family. And I'll ask, Your Honor —

THE COURT: And when you say "members, you mean inducted members?

THE WITNESS: Correct.

Q. And when these people told you about the conversation, were you still doing Family business with them?

A. Yes.

Q. Did the confrontation concern matters of concern to the Family?

MR. FRANKLIN: Objection, Your Honor. This witness wasn't — he wasn't there. He doesn't know, except what he may have been told.

THE COURT: His own conversation he has been there for. You can answer. Did — from what you were told, was this confrontation that occurred at the club something that was of concern to the Family?

THE WITNESS: Yes.

THE COURT: Overruled. You can answer.

It appears that gossip has a role when trying to prove someone's guilt. However, considering the number of times Scotten asked Pennisi about this guy and that guy, it seems a bit odd that in this particular instance, he didn't bother asking which "made" guys told Pennisi the tale – maybe Scotten didn't need any more pictures for his board? Another point to remember as we continue through the trial is how the government was allowed to use hearsay testimony and gossip to present their case while the defense wasn't allowed to do the same.

Let's continue with the Coddington Club incident:

Q. So, what did these members of the Lucchese Family tell you about the confrontation at the club?

A. There was an incident prior to the confrontation where Matty had told members of the Bonanno Family that we — our Family didn't recognize a boss that was away in prison.

Q. Before you go on, where was the Bonanno Family's boss at the time?

A. He was in federal prison.

MR. DRATEL: Can we get a name, instead of just titles?

THE COURT: No. If you want, you can ask on cross.

Q. Do you remember his name?

A. Yes.

Q. What was his name?

A. Mikey Nose.

Q. And why did saying — well, what did they say about — Matty said about Mikey Nose?

A. Just, just that, that — that's what the problem was over, that he said that we didn't recognize a boss that was in prison.

Q. And how did that lead to a confrontation?

A. They took it as a sign of disrespect, being that our own boss was also in prison at that time. And they decided to confront — they got together, a whole bunch of them, and, and came into the club.

Q. Did they have anything with them when they came in the club?

A. Some had weapons.

Q. Was there any actual violence in the club that day?

A. Excuse me?

Q. Was there any actual violence in the club that day?

A. I was — no. I was told that there was no actual violence.

Basically no questions about anything of relevance. No date, no questions about what was supposedly said by Crea. No mention of Crea at all or even Ulzheimer. And why bring Madonna into it when he wasn't even charged with anything related to this supposed "incident?"

So, after meeting everyone under the sun in 2012 for no apparent reason, he talks about how he came to be inducted into the Family in 2013. Apparently, there was a fight with some Genovese guys at a strip club. Although no one was hurt, Pennisi was summoned back to the Coddington Club the next day to explain himself because he wasn't a made member and the incident caused some embarrassment. But it did speed up his induction into the Family.

A. I believe it was the next day I was told I had to go to the Bronx, to the club.

Q. By who? Who told you?

A. Little Joey.

Q. And what did Joe DiBenedetto do at that time? Did he go too?

A. Yeah, he took me there.

Q. And what happened when you and DiBenedetto got to the club in the Bronx?

A. He, he told me that we had to explain what happened, and he wanted me to explain what happened.

Q. Did, did DiBenedetto say why he wanted you to explain?

A. He said he wasn't a good talker, and he just — he — and he — Little Joey was inside the club at the time that all of this took place outside. He wasn't there. And he didn't know what I just told you. He wasn't part of that. So, he wanted me to explain that.

Q. And who did you end up explaining to at the club?

A. There was a group of — the administration was at the club. A group of guys also with them.

Q. Well, go ahead and give the names, as best you remember.

A. Matty, Stevie, Joe DiNapoli, Richie. Big John was there, myself, Freddy Boy —

Q. Okay. So —

A. — Little Joey.

Q. Sorry. Go ahead.

A. I said Little Joey was with me too.

Q. And so, Richie is the Richie DeLuca we discussed before?

A. Yes.

Q. And Big John is John Castellucci?

A. Yes.

Q. Have we mentioned Freddy Boy before?

A. No.

Q. Okay. Did you, in fact, explain what had happened to this group?

A. I did.

Q. And did the group say anything to you?

A. Occasionally, they would ask a question.

Q. Other than that, did you receive any information from the group?

A. Yes.

Q. Who told you what?

A. Stevie said who Ralphie and the other guy was.

Q. He explained to you their position in the Genovese Family?

MR. DRATEL: Objection, leading.

THE COURT: Sustained.

Q. What did he say when he said who Ralphie and the other guy was?

A. They were with the Westside.

Q. And did Stevie say anything further?

A. He said that Ralphie said I misrepresented myself.

Q. What did you understand misrepresented to mean?

A. That he was trying to say that I was talking like I was a wise guy when I was not.

Q. Did Crea say anything about whether this would be a problem? Did Stevie say anything about whether this would be a problem?

A. They, they didn't feel that I misrepresented myself. And they — he said that he also told Ralphie that my name was on a list to be straightened out, so I could talk to him any way I wanted to talk to him.

So, wait a minute? First, Pennisi was admonished for misrepresenting himself but then, at the same time, it was okay what he did because he was on a list to be “straightened out?” And why wasn't there a “sit-down?” Isn't that part of “Mafia legend” when there's a problem between two Families?

Q. So, couple things there. What does straightened out mean?

A. Inducted into the Family.

Q. And what does on the list mean?

A. When a person is gonna be inducted into the Family, his name is put on the list, and it's passed around within that Family and then to the other Families.

Q. And, so, what did you understand him to mean when Stevie said you could speak to Balsamo however you wanted because you were on the list to get inducted?

A. That's not the way he said it. He, he said, even if this Ralphie was, was, was telling the truth, that I spoke like that, I could speak like that. But he didn't believe that I spoke like that either, from what I, what I explained happened.

Q. And was there going to be — did he say anything about future interactions with the Genovese Family?

A. We were told we couldn't retaliate.

Q. Did Stevie say why?

A. He says it was settled.

Q. And did you speak with Matty at all about — Matty Madonna at all about this incident?

A. Yes.

Q. What did Madonna say?

A. He said that he, he told — he, he said he told the —

Q. Well —

A. — the West Side that — excuse me?

Q. I was just waiting for the court reporter. Go ahead.

A. He said he told the West Side that if they had sent us there to shake the place up like they believed, and we showed up in suits and a limousine, that we would be leaving in a hearse.

Q. And when we started this, you said this incident affected the timing of you getting straightened out?

A. Yes.

Q. How did it affect the timing of you getting straightened out?

A. It pushed it forward faster.

Q. Why?

MR. DRATEL: Objection.

Q. What is your understanding of why?

THE COURT: Well, first of all, what was the basis of the understanding, and then why.

Judge Siebel just helping out the over-enthusiastic and snotty Scotten before Pennisi continues with his tale because she needs to make sure the government keeps its facts straight...wouldn't want to miss any important detail in their narrative.

Q. How did you come to believe that this moved forward the timing?

A. They were concerned about the West Side also maybe looking to sneak and hurt us.

Q. When you say they were concerned, who was concerned?

A. Our administration.

Q. How do you know your administration was concerned?

A. Because they pushed to straighten us out right away, like within a week or so.

Because in the world of the “Mafia,” they just needed this dumbbell to help them out in case there was a “sneak.” Also, notice how Pennisi always says “our administration” – proof positive that he was, indeed, “in the club.”

Q. So, do you remember the date that you were inducted?

A. Yes.

Q. What date was that?

A. April 2nd.

Q. Of what year?

A. 2013.

Q. Did you know beforehand that this was going to happen?

A. Yes.

Q. How did you know?

A. I was on a trip in — to Saint Thomas with a girl, and I got a telephone call.

Q. From who?

A. Anthony Guzzo.

Q. And what did — what occurred during that call that caused you to believe you were gonna be inducted?

A. He asked me where I was, and I told him. I asked him 1 where he was. He said he was at the club in the Bronx and that he needed my mother’s maiden name.

Q. And what does that have to do with getting inducted?

A. Obviously, if your last name is Italian, that’s your father’s name. So, having your mother’s maiden name is — your whole bloodline is Italian.

Q. Did you also discuss getting made with anybody before it happened? Or did anybody discuss it with you?

A. Yes.

Q. Who discussed it with you?

A. Johnny Side Burns.

Q. And what did Johnny Side Burns tell you?

A. He was joking and he said, “Stay out of trouble because it’s any day now.” I knew what he meant.

Well, didn’t he already know he was going to be inducted because “Stevie” had told him his name was on a list? So, if his name was already on a list, why would Guzzo need to call him to ask for his mother’s maiden name? Wouldn’t “the administration” have wanted to know that before he was put

on that special “list?” And if Pennisi was “on record” with Joey DiBenedetto, why was Guzzo calling him for that information? Why not his “sponsor” or Crea or Madonna, for that matter, since he had such a great relationship with everyone already?

Pennisi then talked about his special day, going into excruciating detail about how it all went down from which expressway he took to get to the house in Staten Island all the way through to when he received his special souvenir knife from Big John. We’re not going to post the entire segment of testimony because it’s extremely lengthy, but here are parts of how it happened.

First, he and “Little Joey drove to Anthony’s house and picked up Anthony, and then we met Spanky at a diner in Staten Island.” They all got in Spanky’s car with another guy named “Patty or Patsy” and jumped on and off the “Korean War Veteran expressway” and “went through streets and then got to a house.”

He, Anthony, and Patty were brought “down to a basement” and then were called “one at a time” to go “upstairs.” When he got to the “top of the stairs” Spanky brought him “over to sit at a, at a dining room table.”

“There was a whole, a whole table full of guys” including “Matty, Little John, Joe DiNapoli, Joe Cafe, John Brody, Patty, the guy — Spanky. Little Joey.”

Scotten was a bit confused about John Brody and asked for clarification. He wanted to know if that was “his nickname” and whether “John Brody was, in fact, Italian.” He was — have to keep that “Mafia” image going.

No one spoke. “They were just sitting there.” On the table was “a gun, a knife, a picture of a saint, a lighter and a, like a diabetic needle.”

Q. A diabetic needle? What do you mean by that?

A. Just, I guess, what the diabetic people use to take their blood, test their blood.

Q. Oh, like to prick your finger?

A. Yeah.

He then talked about the knife, which Pennisi eventually turned over to the government:

Q. Did you ever see the knife again?

A. Yes.

Q. When did you see the knife again?

A. Big John had gave it to me.

Q. At a later date?

A. Yeah.

Q. Did he say why?

A. He said, "Keep this as a souvenir, a souvenir."

The first to speak was "Matty":

Q. So, after you were seated at this table, what happened?

A. Matty spoke to me.

Q. Do you remember what Matty said? Take us through it, as best you can.

A. He asked me if I knew why I was, why I was there.

Q. And what did you say?

A. I said I did not.

Q. Didn't you know why you were there?

A. I did.

Q. Why did you say you didn't?

A. You're not supposed to say that you know why you're there.

Q. And how did the ceremony go from there?

A. He said that I was there to be considered becoming a member of, of the — their Family, that they were Lucchese Crime Family, and if I wanted to become a member.

Q. What did you say?

A. I said yes.

Q. What happened next?

A. He, he asked me if, if I would kill, if asked, for the Family.

Q. Madonna asked you that?

A. Yes.

Q. What did you say?

A. I said yes.

Q. What happened next?

A. He said that if my child was dying in the hospital, and I got a call from

anyone in the Family, I would have to leave my child and go to the Family, and would I do that.

Q. Did you agree?

A. I did.

Of course, the worst scenario possible – a child dying in the hospital. We also need to mention that all of the above and all of the below is almost verbatim from Special Agent Carillo's testimony on day one when he described "Mafia" protocols, including the making ceremony. If you would like a visual of a "making ceremony," you can check out [this one](#) from HBO's The Sopranos.

Matty then asked him for his "trigger finger" (he's right-handed), then "Big John had the diabetic needle and he poked my finger, and Matty took my hand and they dropped some blood on the saint." Then they lit the saint and he moved "the saint from hand to hand while it was on fire." While that was happening he was to repeat after Matty:

Q. And what did he say? What do you recall?

A. He said that if I was to betray any member of the Family, that my soul would burn like the saint is burning.

Q. And did the saint, the picture of the saint actually finish burning?

A. It did.

After the saint picture stopped burning, Matty explained "the rules:"

Q. And as best you can remember, what did he say about rules?

A. He said that we were — as a member of the Family, I was never to go after or try to date anybody's wife or another member's wife or girlfriend, for that matter; that I was not to put my hands on any other member, but if they put their hands on me, just kill them and we would sort it out afterwards.

At this point, we have to mention that it appears if someone has a problem with someone else within their family, they can just "kill them" and it will be sorted out "afterwards" but only "if they put their hands on" you first.

Other rules included not getting involved "in drug dealing or have anything to do with drugs. And we're not to get involved with any kinds of lawsuits or stocks or bonds." Scotten didn't bother to ask why "members" couldn't get involved with stocks and bonds, so that's a mystery.

And then this:

Q. Did he say anything about money?

A. Yes.

Q. What, what did Madonna tell you about money?

A. He said that they were not there to shake us, shake us down. And that if, for instance, I owned a business, that, that money was mine. They was not gonna take legitimate money. But he said that anything I made on the strength of this was to — a percentage would go to the Family.

MR. SCOTTEN: If the record could reflect that when the witness said, “the strength of this,” he pointed to his — that’s his left breast pocket.

THE COURT: Okay. It will so reflect.

Q. What does it mean to say “the strength of this” and sort of grab or point to your left breast pocket?

A. It means button.

Q. What does button mean?

A. Button means a made member.

Q. Do you know where that term comes from?

A. Yes.

Q. Where does it come from?

A. Years ago, they used to call made members button men, and they would say that if an order was given to kill somebody, they would push a button.

Q. And, so, what does it mean to make money on the strength of your button?

A. Anything done illegally.

Q. And did Madonna say why you had to pay a percentage, some part of the money you made illegally, to the administration?

A. Yes.

Q. What did he say?

A. He said that we were the ones who had — meaning the administration, were the ones who would have bull’s-eyes on them.

Q. And did you understand what bull’s eye was a reference to?

A. Target for the government.

Q. Law enforcement investigations?

A. Law enforcement.

So, let's briefly recap. People talk outside so law enforcement can't hear about their illegal activities. When the "administration" calls on you to kill someone, you have to do it, even if your kid is dying in the hospital. You kick up money from your illegal activities because the "administration" is the target of law enforcement with the bull's eye on their back. And if they weren't doing anything illegal, they wouldn't have to keep things secret and worry about being a target. Oh, and don't forget the "making ceremony" because that's all part of the secretness of this society.

When it was all over, introductions were made. As you read this, think about Pennisi's previous testimony about who he met and when:

Q. Introductions to everybody. Do you remember the first introduction?

A. It was, it was introduction to Matty.

Q. By who?

A. Joe DiNapoli.

Q. So, this is the introduction you described at the beginning of your testimony?

A. Yes.

Q. Once DiNapoli introduces you to Madonna, what does Madonna do?

A. He introduces me to Joe.

Q. And was that the only introduction that day?

A. No. I was introduced to the whole table.

Q. And you said before —

THE COURT: May I just ask a question?

MR. SCOTTEN: Please.

THE COURT: Some of these people, you'd met before, right?

THE WITNESS: Yes.

THE COURT: So, what's the point of introducing you again?

THE WITNESS: Because they're introducing me as a, as a member of the Family now, not as meeting somebody.

THE COURT: Okay. Thank you.

Since Pennisi had never spoken about "Joe" before, Scotten clarified that Joe was "Joe Cafe," an alleged "captain" in the Family. It also allowed Scotten to highlight how alleged members of the "Mafia" are not "normal" — further painting a sinister picture.

Q. So, to be clear, when you had met — had you met Joe Cafe before, as in a personal sense, like, hey, this is Joe?

A. Yes.

Q. And in that introduction, in the way normal people use it, was anything said about Joe Cafe's status in the Family?

A. He was a captain.

Q. I know. But when you first met him, before you were inducted — okay?

A. Before? No.

Q. Yeah.

A. No.

Q. Similar to the kind of introduction normal people might engage in?

MR. GOLTZER: Objection.

THE COURT: Don't use the word "normal." Why don't you say everyday.

Q. Was it similar to an everyday introduction you might have with anyone?

A. Yes.

Q. When you were introduced to Joe Cafe after the ceremony, what was said, to the best you recall?

A. "This is Joe Cafe. Joe is a captain with the Family. This is John, amica nostra."

Q. And what is the purpose of doing this kind of — that kind of introduction, the one where you say amica nostra and state the person's rank, if they have one?

A. Well, first, that's how you introduce each other. And, second, is I need to know who he is.

Q. Why do you need to know who he is?

A. You need to know. You need to know who the captains are, who's a soldier, who's your administration.

Scotten then showed Pennisi more pictures for him to identify by name and rank, including Paul Cassano. He also provided information as to crews and who was in which crew and where the crew was based out of. Pennisi was like the government's own Mafia encyclopedia. When they were finished, all those pics were placed on that hierarchy board of the government's.

And, then the questions began about the government's favorite topic – Steven L. Crea:

Q. Now, you said earlier in testimony that you were introduced to Crea, this Crea, the Defendant, at the club. Was he present at your ceremony?

A. He was not.

Q. Was anything said about him at your ceremony?

A. Yes.

Q. What was said — well, who said it, first?

A. Joe DiNapoli.

Q. And what did Joe DiNapoli say to you?

A. He said that Stevie couldn't be here, but Stevie's your official Underboss.

Q. And you said earlier, when you were introduced to him in the formal sense, it was either one of two people. Who was it who introduced you to Stevie Crea?

A. It was either Big John or Johnny Side Burns. I don't remember which one.

Q. And when they did introduce you, did they state his position?

A. Yes.

Q. And what position did they state?

A. Underboss.

The power of recollection is strong with this one because, if you recall, Pen-nisi couldn't remember who had first introduced him to Crea. But now we know. And isn't it strange that he previously testified that he had already been told "Stevie's" alleged position? I get that it's a "making ceremony" and that's a different kind of introduction, but nothing like the government hammering it home for the jury.

And, of course, Scotten had to revisit the subject of "Chris." Have to establish that relationship, too.

Q. Now, you also said you were introduced to Chris at some point. Do you know Chris's last name?

A. Yes.

Q. What's Chris's last name, as best you remember it?

A. Londonio.

Q. Do you remember where you were introduced to him?

A. Yes.

Q. And where was that?

A. At a wake.

Soon after Pennisi was inducted, he was given his very first job which was to give a “hospital beating” to the ex-son-in-law of Crea. He was given Davidson’s picture and address by Big John, who told him to get the job done. However, Pennisi was having a hard time getting the job done.

Even though he had someone install a GPS device on Davidson’s car (he couldn’t do it himself because he had a bad back,) he hesitated because every time he thought it was the right time, he noticed cameras everywhere, and he didn’t want to get caught. Eventually, he became so paranoid, he removed the device from Davidson’s car and destroyed the laptop he was using to track the guy.

By this point, Big John was getting extremely frustrated with Pennisi. So, Pennisi and the Guzzo (who was assigned the job with him) decided that maybe shooting a warning shot at Davidson while he was getting in his car might be a good idea, but then they changed their mind.

When Big John heard about it, he was not too happy and called Pennisi into “the club.”

Q. And what did John say when he met with you about this?

A. He — excuse me my language. He said, “Who the fuck told you to shoot anybody? That’s not what you were told to do.” And I said, “Well, I don’t know what to do anymore because it’s just — you know, I gotta keep hearing it from you all the time.” He said, “So get it done, you won’t hear me.”

But the pressure Pennisi was feeling wasn’t going away, especially any time he went to “the club.”

Q. I want to ask you a bit more about that pressure from John. Were there particular times you noticed that pressure?

A. Yes.

Q. And when was that?

A. Well, after a while, I — I noticed it. Not in the beginning, but I — I — it was when we went up to the club in the Bronx.

Q. And when you went up to the club in the Bronx, did you see what Castellucci did there?

A. Yes.

Q. What did he do?

A. He went and took a walk with Stevie outside.

Q. After Castellucci walked with Stevie, how would you describe the pressure?

A. Well, when we would — when we would leave the club and get back to Staten Island, he would — he would start putting pressure on, saying that — he said, “yous are embarrassing us, this is got to get done. It’s becoming an embarrassment.”

Yous — first and only time that was ever said in any of the recordings or testimony in this case. Yous...funny. Can’t you just hear Big John saying that?

Eventually, Pennisi found out why this was such an important job.

Q. Yes or no. Did you ever learn where the order for this was coming from?

A. Yes.

Q. And how did you learn?

A. Johnny Side Burns.

Q. And what did Johnny Side Burns tell you?

A. Well, originally, we thought that this had something to do with one of the Long Island crews, and we figured that they were using us because, you know, people in Long Island knew them better than they knew us. But Johnny Side Burns came back from the club one day and he said, “Now I know why you’re getting all this pressure.”

Q. Okay.

A. I said, “Why?” He said, “This is for Stevie.” And I was a little confused because the guy, he looks like this, you know, innocent pudgy guy. I — I was — I couldn’t understand, like how would he — this guy be involved with Stevie. Then he said it has something to do with a lawsuit. So I — I thought maybe it was a construction thing or something like that.

At some point, Pennisi was told to back off because Davidson had a court appearance and Big John didn't want Davidson all bruised up at court. As it turns out, Pennisi never had to worry about the Davidson job again because someone else got the job done.

Q. Did Castellucci ever tell you whether it was accomplished?

A. He did.

Q. Did he say who accomplished it?

A. He called me one day and I met with him and we took a walk in Staten Island and he said, "Remember that thing that you took over a year to get done?" And I said, "Yes." And he says, "Well, my brother Spanky got it done in two days. Not a year, two days," he said.

In October 2018, Pennisi's shining star started to dim – at least that's what he thought. When he was at a wake, everyone he had previously been chummy with was ignoring him. He got paranoid and thought he might be in some trouble. Why? He wasn't sure but thought maybe people were suspicious of him because some guy had lifted up his shirt to signify he had "no wire" which gave Pennisi the impression people were thinking he was a rat. So, he took off to Georgia and went into hiding for a bit before going back to New York to walk up the stairs into the FBI's big building in the Manhattan sky.

And since Pennisi had all of this knowledge about the Lucchese Family and because all of these people he knew so much about were recently indicted, the FBI scooped up their new prize. On May 14, 2019, he signed a cooperation agreement, and soon after testified in another trial associated with alleged "members" of the Lucchese Family. That particular trial might have had more to do with him visiting the FBI than his paranoia about people thinking he was a rat. He also believed his girlfriend at the time was seeing another guy – Eugene Castelle – but it was just another Pennisi delusion.

It's hard to believe there's anymore to tell about Pennisi's sorry tale, but the defense was able to pull more out of him, including his alleged knowledge of the "Mafia" and more details about that Coddington Club incident.

Madonna's lawyer, Joshua Dratel was first at bat, and although he didn't clarify why he was asking these particular questions, it's clear that Pennisi wasn't the Mafia encyclopedia the government thought he was.

Q. The Genovese Family is considered the most powerful Family in New York?

A. I don't know.

Q. Is it the largest, as far as you know?

A. Possibly, yeah.

Q. And — so, during the period when you were made a member, when you were an associate and thereafter until the change in leadership, Vic Amuso remained the Boss of the Family, right?

A. Correct.

Q. And, in fact, he was able to do certain things even from prison in terms of issue orders and directives?

A. I guess if he wanted to.

Q. Well, did he take Johnny Joe Spirito off the shelf?

A. Excuse me?

Q. Did Amuso take Johnny Joe Spirito off the shelf?

A. I don't know if he took him off the shelf. I don't know.

Q. And he didn't — you didn't — withdrawn. He didn't send a note to take Johnny Joe Spirito off the shelf?

A. I just said I didn't know that he did that.

So, the alleged “boss” of one Family can put an alleged “soldier” of another Family on the shelf? That's something new.

During the next day of testimony before the jury was brought into the courtroom, Scotten got his panties in a bunch when he learned that Franklin was going to make a board of his own. Scotten's disdain for Crea was becoming more and more apparent as the trial went on.

MR. SCOTTEN: Mr. Franklin has informed me that during his cross-examination of Mr. Pennisi, he wishes to post a poster board on which Mr. Franklin is then going to write things. Mr. Franklin informs me he has done this in State Court. I've never seen it done. He wasn't able to provide a rule of evidence that supports it. I think it is likely to lead to all kinds of arguments about characterization since Your Honor has established that we're going to be very careful about any pedagogical aid only being put up if it's supported by the evidence. I'm sure Mr. Franklin is going to want to phrase things in ways that he thinks are fair but we think are not, and, therefore, we shouldn't be arguing about did he write it right, et cetera, et cetera, and there's a transcript for that.

If he wants to have something read back, there is a very able court reporter.

THE COURT: Well —

MR. FRANKLIN: Your Honor —

THE COURT: — he is doing it with this witness. He's not going to be writing things other witnesses said. So, we will be able to compare the witness's answer to whatever Mr. Franklin writes to see if it's —

MR. FRANKLIN: I'm not — just so we're clear, we had a very brief conversation. I didn't fully explain to him what I'm doing. There's a section of his testimony where there are a lot of different names of people that he's dealing with. So, when he says Jimmy and Joey, that was what I was going to write down, just so we have on a sheet who was involved in a particular transaction. I'm not characterizing it, I'm merely writing down what he would say. I believe earlier he had —

THE COURT: Sounds like the Defendant's version of the board. It sounds all right to me.

MR. FRANKLIN: Exactly. I've done this for 30-something years in state and federal courts. I've never had an issue with it. I'm not characterizing anything. I'm merely putting down what the witness says. Sometimes we have the witness do it and he had the police officers doing that. But that's — there is no characterization. I'm merely going to be taking names that he puts in and to show relationships and that sort of thing.

MR. SCOTTEN: If there is no characterization, we won't object. We will object if we think there's something wrong.

THE COURT: Sounds good. Let's get the jury.

MR. FRANKLIN: Your Honor, I'm sorry I caused a misunderstanding.

THE COURT: No problem.

So, Scotten is arguing about “characterizations?” Gotta love the government.

If Pennisi's testimony sounded rehearsed, there was a good reason as Franklin discovered.

Q. Before you testified yesterday, did you prepare with the prosecutors and the agents to give your testimony as to questions that would be asked, the answers that you would give?

A. Yes, sir.

Q. Now, there were pictures that we were shown yesterday of various people. Were you shown those pictures during your preparation session?

A. Some.

Q. I said “preparation session.” Was it more than one session to prepare you for your testimony here?

A. Yes.

Considering all the times Pennisi said he was at the Coddington Club, Franklin had some additional questions. One thing that should be noted is that the prosecution had two hours of video showing the comings and goings of people at the club. They only showed the jury snippets that fit with their narrative. Later during the trial, the defense brought their own witness to the stand, a woman who had worked at the club for many years. Her testimony, although given on a different day, will be shared below Pennisi’s.

Q. You said you had been in the Coddington club on occasion, correct?

A. Yes.

Q. And you say you’ve been there many times?

A. Yes.

Q. Inside the club, correct?

A. Inside the club.

Q. Can any member of the public go into this club?

A. I don’t — I didn’t see any, but I don’t know.

Q. What are the requirements for going into this club?

A. I mean, there was only members of the Family when I was there. I don’t know if it was requirements.

Q. I’m sorry. Going back to that same exhibit, which I seem to have lost again.

MR. FRANKLIN: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. This is on Page 4- — 3509-42, Page 420.

A. Okay.

Q. Now that you’ve had a chance for your recollection to be refreshed, can any member of the public go into the club?

A. I said no, but it’s — that was just my opinion. I mean, I don’t know if people walk in off the street and they get chased out or they’re welcomed. I don’t — I don’t believe so.

Q. Well, didn’t you say, “People from the street just don’t walk in there”?

A. I never seen anybody just walk in there.

Q. But you said those words?

A. Yeah.

Q. And you were under oath at the time?

A. Yes.

Q. Okay. And every time that you were there inside the club, there were not people from the outside, other than people related to organized crime, where you said there was one woman that would cook and do things like that?

A. There was two women that served and helped cook, yeah.

Q. But other than those two women, it would just be men from — people that you knew from your crew or a different crew, as you have described it?

A. Yes. And then sometimes some guys would be playing cards, sometimes with Stevie. I don't know who, I don't know who they were. I never was introduced to them. They were not, as far as I know, members. Maybe they were associated to somebody, but —

Didn't he testify that he met everybody at the club? Or was it only the people that really mattered? And since he was there so often, wouldn't he have known who these other people were since it was all "connected" people who hung out there? Also, he's a court-approved expert now, so he can offer his "opinion?"

Q. And you don't talk business in the club because you're afraid that it might be bugged or tapped in some way?

A. I don't talk? I mean, basically —

Q. Before that — criminal business is not discussed in the club because you're fearful that the club might be bugged and people could — the FBI could hear it?

A. Yes.

Q. And you've also testified that, as a result of that, when people want to discuss business, they walk outside and talk outside and then they come back?

A. Usually.

Q. That's what I'm referring to.

A. Usually. Sometimes there were conversations that were — that went on, and sometimes there wasn't. Sometimes people went outside.

Q. Did you speak with other people in the Family generally about where to talk about things and where not to talk about things?

A. Um, not, not really. We used to kid around about it. Don't talk too loud in here, or whatever.

Q. And did you ever discuss why not to talk in there?

A. I mean, it was common knowledge why we wouldn't talk in there.

Q. Is the reason why you didn't talk in there because you were worried about law enforcement listening?

A. Absolutely.

Q. Did you have a solution for that if you wanted to talk business?

A. We would go outside if we had to talk.

Sometimes they talked outside and sometimes they didn't. Yet, during his testimony with Scotten, he was firm in his answer that no one talked inside the club. It's too bad the defense wasn't able to prepare Pennisi as well as the prosecution did.

On October 31, 2019, a few days after Pennisi's testimony, the defense called Tomasa Viscuso to the stand. She worked at the Coddington Club for ten years. In her testimony, she explained that the Coddington Club had moved from its Coddington Avenue location to another location around 2013 or 2014, something that Pennisi never even mentioned, even though he claimed he had been going there regularly since 2012.

Viscuso was shown numerous interior pictures of the club when it was at Coddington Avenue, and she identified numerous people by name as well as gave some history on who they were – most of them were retired men and women from the neighborhood who got together to play cards and eat. She was also asked about Crea.

Q. Okay. Now, do you know Steve Crea?

A. Yes.

Q. How do you know him?

A. Friend.

Q. And have you also seen him at the club?

A. Yes.

Q. And when it was the Coddington Club, how often would you say he was at the club?

A. Every day.

Q. Would he leave at a particular time?

A. He left about 4:00, 4:30.

Q. And do you know why he would leave at around that time?

A. Yes.

Q. Why is that?

MR. SCOTTEN: Objection.

A. He had a sister —

THE COURT: No, no. When somebody objects, you wait for me to rule. If I say, sustained, you don't answer. If I say, overruled, you do. And I say sustained. Sounds like it calls for hearsay.

MR. FRANKLIN: Okay. Can we put up Government Exhibit 12, please.

BY MR. FRANKLIN:

Q. Ma'am, have you ever seen that person?

A. No.

Q. Has that person ever been in the Coddington Club when you were there?

A. No

Who was the person in Government Exhibit 12? John Pennisi. And why did the prosecution object before Viscuso could explain why Crea left at the same time every day? Well, apparently, the defense can't use "hearsay" testimony the same way the prosecution can (as we mentioned earlier) — such as when Pennisi described what he "heard" about the alleged Coddington Club incident.

THE EX-SON-IN-LAW

Next up was Edward Davidson, who had been married to Crea's daughter for many years. He was the "innocent, pudgy guy," Pennisi discussed the previous day. But Davidson was no innocent. While he was still married, he worked as a treasurer for a special education school and stole \$40,000 from them. He was arrested, charged with larceny, and sentenced to three years' probation. He was also ordered to pay full restitution. Crea loaned the money to Davidson, giving it to Davidson's lawyer (which Crea also paid for) who then gave the money to the school.

Before Davidson came to the stand to basically testify about nothing, Scotten

wanted to make clear what his stance was on the defense's possible cross-examination of Davidson...the most important thing being that Davidson "didn't take a dime from any small person."

He is the son-in-law who was the subject of the assault. He committed a larceny which we think has sufficient deception that the Defendants are welcome to ask him about it. The particular institution he stole from is some kind of school for disabled kids. We don't think the title of the school is at all relevant. To be clear, Your Honor, he stole from a for-profit school. He didn't take a dime from any small person.

You also have to wonder, who exactly is running the show here? Or is it all the same "enterprise" – aka – the government?

When Davidson took the stand, he talked briefly about his divorce from Crea's daughter, which happened sometime in 2015 after Davidson stole the money. The "bizarre incident" took place sometime in 2016. Apparently, while he was dropping something off at a Fed Ex box near his office, a car pulled up, some guys jumped out, ran over to him, and started hitting him with some sort of rubber tubing. He said it had a "whipping effect." He also added they had shouted something to the effect of "stop messing with the wife."

He thought the incident was odd, but he wasn't seriously hurt and didn't go to the hospital. It was so insignificant, he didn't even report it to the police.

When Franklin asked about it, Davidson said this:

Q. Okay. Now, do you believe that my client, Mr. Crea, had anything to do with this bizarre incident that happened to you in 2016?

A. I didn't think at the time. I, I have no idea who or why that incident happened.

Q. Do you think the fact of the matter is that it could have been anybody that did this to you?

A. Yes.

MR. SCOTTEN: Objection.

THE COURT: Sustained.

Q. Do you recall if you had been to a bar the night before and may have been talking to a woman in a bar?

A. I cannot give you specifics as to what I did the night before, sir, but is it a possibility? Yes.

Q. And there's a bar called Grumpy Jack's on Long Island. Is that where you used to go?

A. Yes.

Q. Okay. Did Steve Crea always treat you as a gentleman?

A. Yes.

MR. SCOTTEN: Objection.

Q. Was he always a gentleman to you?

MR. SCOTTEN: Objection.

THE COURT: I'll allow it. As far as you know.

MR. FRANKLIN: I'm sorry. I didn't hear, Judge.

THE COURT: The witness can answer, as far as he knows.

Q. Sure.

A. Yes.

Q. Thank you.

So, Steve Crea was a gentleman, even to an ex-son-in-law. No wonder Scotten objected to the question – that image didn't quite fit into the government's narrative.

SPINELESS SPINELLI

Robert DeNero Spinelli took the stand for two days to talk about his part in everything Crea – the Meldish murder, Sean Richard, and many other topics as well. No matter what his role was, Spinelli took pride in everything he did whether it was lying for the government or stealing from the government, he played his part.

Not even a minute into his questioning, and Spinelli was already telling lies when Rothman asked him the following:

Q. How far did you go in school?

A. Twelfth grade.

The first thing we have to ask is what happened to his degree from Rutgers? Was he lying in New Jersey? Or is he lying in New York? Does he even know what a lie is? Or is that his general state of being — liar 24/7? And while it might not seem that lying about a college education would be a big deal, he didn't lie about it on a job application or while boasting to a friend. He lied about it in a document to a court of law. That kind of lying is a bit more serious, especially when "telling the truth" is part of a cooperation agreement. Remember, that New Jersey incident resolved only two months before the start of this trial — and it wasn't in his favor.

When Spinelli was sent to prison for his attempted murder conviction, he was housed with Vic Amuso, the alleged "boss" of the Lucchese Family in Big Sandy, Kentucky. When he arrived there a year before his release, he had asked to be roomed with Amuso, who supposedly knew of him from the Cappozalo murder attempt. Later, Spinelli learned about Matthew Madonna, who Amuso said was the "acting boss" of the Family.

Before Spinelli got into the details about his involvement with Madonna and what caused the seething hatred that made him turn informant "to get back at Matty," he talked about meeting Michael Meldish and James Maffucci at a Cuban restaurant in Harlem in January 2012. He also met Terrence Caldwell.

What's strange about his testimony is this, when questioned by Rothman:

Q. Okay. Who were you with when you met Mr. Caldwell?

A. I was with Jimmy Maffucci and Mikey.

Q. When you say "Mikey," who are you referring to?

A. The Mikey that got killed. I don't remember his last name for a sec.

A bit later during that same line of questioning, he suddenly remembers. What's strange is that considering Meldish is the main charge in this trial, how is that so many people can't remember the guy's name?

Q. So at that time, Mikey and Mr. Caldwell were roommates?

A. Yes, ma'am. And his last name was Meldish. I was just stuck for a second. Sorry about that.

Q. That's okay. Thank you, Mr. Spinelli.

Since he was at the end of the day, there wasn't much more to ask him. However, there was a controversy brewing behind the scenes between the defense and prosecution regarding the next day's testimony. The government only wanted to play portions of Spinelli's recordings for the jury that he took while he was an active employee for the government- the ones that would best fit their narrative, of course.

In addition, those recordings weren't supposed to be viewed by the jury as "truth" – only what he said on the witness stand which was his interpretation several years later of what he really meant at the time.

Both parts of this are wrong. First, the government flip-flopped on the context issue several times throughout the trial. Sometimes they'd want to show everything whether it was emails or recordings for context. And other times, such as this, they only wanted to play certain portions. Plus, the idea that someone can interpret what they really meant four years after the fact, doesn't seem very fair. The government's reasoning was that when Spinelli made those recordings, he was playing a part – performing a role.

Still, not only is that wrong, but even if you think that's reasonable, why not play the entire recording, let Spinelli interpret it and then let the jury decide the truth of the matter. That would seem like the most fair thing to do, right?

Well, that's not how the government saw it. Sometimes the true story of what really happened is best told through the sidebars as is the case when it comes to Spineless Spinelli.

MS. ROTHMAN: I think the biggest question – issue is what the defense is permitted to do with recordings that Mr. Spinelli made that the Government does not intend to offer and, specifically, Mr. Spinelli's statements on those recordings. The Court has been clear that Mr. Spinelli's words are not for

the truth. He is acting at law enforcement's direction and the jury should not credit what he says in those recordings. Of course, his testimony here is different, but those recordings. We understand from conferring with at least counsel for Mr. Crea that they intend to point to Mr. Spinelli's statements in recordings as an attempt to impeach him. We don't think that's proper. And I haven't heard a compelling reason as to why they should be allowed to do that.

MR. DiPIETRO: So essentially, Your Honor, what we had proposed was, if the Government is going to elicit (Spinelli's) opinion as to certain statements — for example, that Datello says, "They just clipped somebody," and if the Government is going to elicit that he believes that to be Steven Crea, we feel that it's fair game to then elicit statements when he says, "Stevie had nothing to do with the murder," because it goes to the information that he's receiving in forming his opinion.

So we don't see why that wouldn't be fair game if he's going to testify that he has an opinion as to what certain statements mean and the universe of what he's receiving should be fair game. If he's receiving information from Maffucci, if he's receiving information from Vaughan, if he's receiving information that would lead him to say on tape "Stevie had nothing to do with this," it's not fair — it's misleading for him to come here now and say, "Oh, I took that one statement and that meant Steve Crea," and the jury doesn't get to know that he is actually saying quite a few times that Stevie had nothing to do with the murder.

So, here, in a nutshell, is the answer: Because the government has a target and his name is Steven L. Crea. And anything that makes it look like he wasn't involved doesn't work for the government. They want their man and no one is getting in their way. And the government doesn't play fair.

THE COURT: Let me just make sure I understand. He's going to testify, I gather — if he's not, maybe we don't have a problem, but if (Spinelli's) going to testify that when he heard Datello say, "They just clipped a guy," it was his understanding that they included Mr. Crea.

MR. SCOTTEN: Correct.

THE COURT: And your theory, Mr. DiPietro, is that his understanding has

been informed by what he was hearing from other people, and therefore — what?

MR. DiPIETRO: Well, it's also changed. It's changed over time. So he's going to come here in 2019 and say, "Oh, I thought I that was — that meant Steve Crea based on the information I'm receiving." But when he's on tape in 2017, 2016, he said, "Oh, I agree with you, Stevie had nothing to do with the murder."

MR. DiPIETRO: Okay. So also, there is conversations between Maffucci and Spinelli, and they're talking about who they believe to be involved in the murder, and when Stevie's name comes up, both of them unequivocally says Stevie had nothing to do with this. They have already shown that the — Maffucci is an alleged soldier. He has a basis of knowledge. He's communicating with all of these people. I just don't think it's fair if they get up there and Spinelli says, "Oh, I believed it was Steve Crea in 2019," and the jury has no clue that there's tape recordings out there before his testimony where it's not clear-cut he's saying Stevie had nothing to do with it. So how could that not be a prior inconsistent statement from his testimony on the stand, not just the recording date. But he's going to come in here and say, "I believe that to be Steve Crea."

Why should the jury be able to listen to a guy who 's allegedly in the Family and would be in the know when you have someone like Spinelli — a guy with no standing and only known as "Mike's brother" — tell the jury that what he recorded himself saying four years ago isn't really what he meant? Makes sense right? Not a chance.

Surprisingly, Siebel agrees, at least for the moment.

THE COURT: Well, is he going to say anything more than "When I heard this from Datello, I understood him to mean Steve Crea"? Is he going to — I don't understand how he gets to express an opinion on the stand.

MS. ROTHMAN: Your Honor is correct. He is going to interpret as he understood in that moment when Datello said, "He clipped him," who he understood that to be in reference to. Later statements in recordings — I mean, he's baiting witnesses. He's playing a pretend role —

THE COURT: And why can't he just say that?

MS. ROTHMAN: Your Honor, I think it's – it's improper. I mean, if these statements are not offered for the truth, they can't properly be used to show that it is an inconsistent statement.

“He’s baiting witnesses”...again, why is that okay? It’s not. It’s shady and should be illegal.

THE COURT: ... I'm not going to let the defense play the recordings. They can ask the witness, "Isn't it true that in the recording you made with such and such, you said Stevie had nothing to do with it?" And he'll say yes and then on redirect, you'll say, "Why did you say that?" And he'll say, "Because Agent Otto told me to to get the guy in the conversation."

But the government doesn’t want that either, because that’s just as shady and would prove the point that Crea is a target.

Siebel was going to make her ruling the next day, but the prosecution wasn’t done yet because they needed to take things out of context again when it came to Meldish’s murder.

MS. ROTHMAN: There is one additional issue which relates to a recording tomorrow... This is the conversation between Mr. Spinelli and Mr. Vaughan in which Mr. Vaughan says, "Meldish F'ed Matty out of a lot of money and then Matty told me to stay away from him." And then Vaughan goes on to opine that, "(another Family was responsible) which the Court ruled was inadmissible....Last night we advised defense counsel that we only intend to offer the first statement from Mr. Vaughan, which is that "Meldish F'ed Matty out of a lot of money," and not the second statement that "Matty told me to stay away from him."

THE COURT: All right. And what is the part that the defense wants to offer?

MR. DRATEL: The rest of the conversation, Your Honor. "But, you know, he was around Matty." We're talking about Meldish. "He was best friends with Matty. Then he fucked Matty out of a lot of money." That's the Government's theory. But on the next page...Mr. Vaughan says, "But I don't think it was them because I think it was (another Family's) crew."

But the other thing is also that at the end of it, see, he goes on and explains why he believes that because Meldish was on a construction sites and the

(another Family's) sites without permission or did things that were wrong and the (other Family) were upset with him. And then at the,,very end... Mr. Vaughan explains why it's important that he – that Mr. Meldish and Matty, Madonna are not in good graces. It's because – because Mr. Madonna is no longer protecting him and that's why (the other Family's) crew was allowed to kill him.

THE COURT: So the statement is "Yeah, when he was with Matty, they all know Matty's crew. You can't touch him. Once he fucked up with Matty, plus he did a lot of bad, they were — they were bad kids."

MR. DRATEL: Yes.

THE COURT: If the beginning of the conversation is a statement against interest because it shows that Mr. Vaughan is an insider, why isn't the rest of the conversation a statement against interest?

MS. ROTHMAN: Your Honor, because it's blame-shifting. It's pointing the finger for the Meldish murder on someone else, the (other Family) as opposed to his own boss of the Family.

THE COURT: But the declarant isn't shifting blame off himself. He's not being accused of anything, so it's not – it's not blame-shifting.

MS. ROTHMAN: He's shifting it off someone who he is very close with, Matty Madonna, who he has a financial relationship with...He's shifting the blame away from someone he cares about to someone he doesn't care about, the (other Family.)

THE COURT: Why would he say it if he didn't believe it?

MS. ROTHMAN: Because he doesn't want to be the person spreading the word that Matty Madonna ordered the hit on Michael Meldish, which is exactly what he insinuates in the second portion that we're not keeping in, that "Matty told me to stay away from him."

Blame shifting. Didn't that come up with Pappas? And the government's theory is bogus. Why can't the prosecution just let the jury decide because the way they're presenting it and what the whole context of the conversation is are two very different things.

THE COURT: If I understand correctly, you're putting in the part where he says he screwed Matty out of a lot of money and you're not putting in the part where he says, "Matty told me to stay away from him." If I understand the significance of that, that's Vaughan saying Matty told me to stay away from Meldish because Matty knew Meldish was going to get whacked and he didn't want me to be around when that happened. Is that the significance of that comment?

MS. ROTHMAN: Matty ordered him to be whacked, but sure.

THE COURT: Okay. So "Matty knew that Meldish was going to get whacked. Matty's my buddy. Matty doesn't want me to be around Meldish and get caught in the crossfire." So he's implicating Matty at least two ways so far. And then you're leaving out the part where he's saying, "But I think it was (Another Family's) crew." That doesn't seem fair.

At least here, Siebel is thinking like a judge is supposed to think. But, as usual, she comes to her senses the next morning when she makes her ruling at least when it came to Spinelli and Maffucci.

THE COURT: So, the Government can ask the witness if he said, in his capacity as an informant, things that he didn't believe, including that Stevie had nothing to do with it. The defense can ask that question if it doesn't come out on direct or it doesn't come out clearly. 613(a) doesn't require that the witness be confronted or be given — be shown the document or be given

the opportunity to explain. Before I admit any recording, those conditions must be met, but as I said yesterday, I don't expect the recording to be played.

But when it came to Madonna and Vaughan, it's a completely different story.

MS. ROTHMAN: Part 1 is —

THE COURT: — Meldish screwed Matty out of a lot of money...Part 2 is, "Matty told me to stay away from Meldish." And Part 3 is, "I think the (another Family's) crew did it."

MR. PATEL: There's a bit more in the conversation, Your Honor, about the (other Family) doing it. Vaughan — Spinelli asked him why he thinks (another Family) did it. And, and Vaughan goes on to explain what Meldish was doing to disrespect (that Family). And then he says that the falling out with

Matty essentially left Meldish unprotected. So, it's not just an accusation that the (other Family) did it. It's an explanation of Meldish's behavior and his relationship or his deterioration of his relationship with Mr. Madonna that results in the (other Family) being able to hurt Meldish.
THE COURT: I have to agree with the Government on this. So, that's going to stay out.

So, the jury isn't going to see the whole picture. If you remember, there was an issue with calling Otto to the stand to ask him about why he didn't follow up on other Families who might have been involved in Meldish's murder. That never happened, so Siebel decision on this fits with what she did earlier. Wouldn't want the truth to come out, now would we?

When Spinelli took the stand, he boasted about some odd things including how he was roomed with Vic Amuso at Big Sandy, Kentucky, just one year before Spinelli was to be released from his sentence for the attempted murder of Cappozalo.

As it always is with these informants, Amuso reportedly told him all about the Lucchese Family operations, including who was "acting boss" and "underboss." By the way, Spinelli had asked his counselor to be roomed with Amuso so that's how he found out all this information. And just to keep with the theme of Spinelli's fascination with "Stevie," here's the first time he mentions his name.

Q. Did Amuso also tell you who was the underboss of the Lucchese Family?

A. Yes.

Q. Who was that?

A. Stevie Crea.

"Stevie" – just like he knew him personally.

The next day the government knew it was going to look like the shady enterprise it was when Spinelli continued his day on the stand, and they wanted Siebel to read a jury instruction that the "government is not on trial." It's usually something that's read at the end of informant testimony, but the government wanted it read before. Siebel decided to do it only if it warranted, and at some point, it was going to be warranted.

However, Scotten had something to say about it because he was starting to feel attacked by the defense's questioning of his informant witnesses. He seemed to think that if the jury gets the instruction then it'll open their eyes as to why what happened needed to happen – and also help the government not look so shady.

THE COURT: Well, I will wait and see what happens. I will tell you, I remember what it's like to sit where you're sitting, and when those sorts of accusations are made, they loom large because they're personal, and they always outraged me too, but I will tell you, they do not land the way you're worried that they land. The percentage of the cross on that topic is, from where I'm sitting in the middle, very small, and I don't think the impact is, from where I sit as a neutral person, nearly what it feels like to you as the person on the receiving end of the implicit accusation in the question.

Thanks, mom. But also, she forgets she's not really neutral in this.

There was another concern by DiPietro about Spinelli's recordings when it came to the subject of Sean Richard:

MR. DIPIETRO: Your Honor already ruled on this, so I'm just, for record purposes, that we just maintain our objection. The Government intends on eliciting about the Sean Richard's attempt in 2016 and they're also going to be playing some recordings. Your Honor ruled them in as a declaration against penal interest for Datello. But I do think...this line of inquiry should be limited, because it's pretty clear that Crea had nothing to do with this, or any of the trial Defendants, and it's misleading to the jury and it's prejudicial to make them think that – and especially in light of the Government's claim yesterday that Spinelli is lying and just interjecting things – that any of these people on trial were involved in this 2016 plan to kill Sean Richard and it's highly prejudicial. So, we would just maintain our objection. Your Honor did rule it in, though, at the time – but at that time the new Indictment had not come down. And, also, when I reached out to the Government last night, they explained to me this is absurdly late, but I'm just maintaining the objection, not saying that – you know, just for the record, we are not waiving that this should not come in.

Then it was time for Spinelli to take the stand again.

Right before Spinelli was released from Big Sandy, Amuso had given him a job, and this job is what led Spinelli to his disdain for Madonna. Apparently, Amuso wanted Spinelli to deliver a letter to Madonna to extort \$4 million from Sal Avellino, a former alleged Lucchese Family “capo”, who had apparently been shelved, with the premise that if he wanted to be reactivated, he’d need to cough up the money. Plus, Amuso apparently told Madonna that Spinelli was to be made.

But the most surprising thing about this all was that Amuso was going to let Spinelli keep half the money – \$2 million as a reward for his role in the attempted Cappozalo hit, you know the one where he was only the switch car driver – a mile away. Amuso’s wife was to get \$1 million and Madonna the other million.

When Madonna told him to forget about Avellino and “get a job” because he was out on parole, Spinelli was incensed. Spinelli also didn’t like the idea that his job wasn’t going to be with the union he had worked for previously, but one that Brian Vaughan was involved with. Then, he heard from someone that Avellino was reinstated which infuriated him even more because he figured that Avellino paid the money and he didn’t get his part. Plus, Spinelli had never been “made.”

And that’s the basis of why he hated Matthew Madonna and made him his target when he became a rat.

He also talked about how he stole some pot from a Bonnano guy named Guido and was called out on it by Big John Castellucci, who told him Matty said he had to pay the money back. But Spinelli laughed in Castellucci’s face, and this interaction also gives us insight into Spinelli’s state of mind:

Q. What did he say to you about the debt?

A. He told me I had to pay the loan back.

Q. How did you respond?

A. I told him it wasn’t a loan.

Q. What did you mean by that?

A. I told him I robbed Guido.

Later, he got a call from Meldish that he had “bought the loan”:

A. Soon after, I got a call from Michael Meldish.

Q. Had you met Meldish before?

A. No, I haven't.

Q. What did Meldish tell you?

A. He called me on the phone and he told me he bought the loan.

Q. How did you respond?

A. I laughed at him.

Q. Why did you laugh?

A. I just — I told him, like this is a joke.

Q. What do you mean, it was a joke?

A. You want me to pay back something when I robbed the guy.

Spinelli discussed how he made between 200 – 300 recordings between 2012 and 2017 and explained a bit about why he did what he did, and it just makes us dislike him even more. Why is it that the FBI relies on total scumbags – and in this case a complete mentally defective one – to do their job for them?

Q. When you started working with the FBI, were you going to be investigating people who were not associated with the Mob?

A. No.

Q. Okay. Generally, through your work, what were you hoping to do?

A. Gather information.

Q. Gather information about what?

A. About extortion, drugs, murder.

Q. Any other crimes?

A. Robbery. Everything that the Mob was involved with.

Q. Okay. Now, if the recordings — and you made recordings, Mr. Spinelli?

A. Yes, I have.

Q. If the recordings you made were just of you talking, would that have been helpful to the FBI?

A. Absolutely not.

Q. Why not?

A. Because I wouldn't be giving them no information.

Q. So, what did you try to do when you worked for the FBI?

A. Gather as much information as I can.

Q. How would you do that?

A. By recording people. Going out, meeting people.

Q. During the recordings, would you sometimes say things that weren't true?

A. Yes, I did.

Q. Why would you do that?

A. To entice them to tell me things.

Q. Okay. And how would saying false things help you gather information?

A. Because they would tell me, oh, no, you're wrong about that; this is the way that happened.

And somehow, this is an acceptable method of operation? From a guy who obviously has a vendetta, and who is more than willing to do the FBI's bidding because they share a common goal of "getting" somebody?

Later, Spinelli talked about Datello and how that related to "Stevie." What Rothman is bringing up here is the recording where Spinelli forgot to turn off his tape recorder. Again, the tone of this guy:

Q. Okay. I now want to talk about a recording from August 2014 involving Joseph Datello. Let me first ask you a few background questions.

How did you get connected to Datello when you were working for the FBI?

A. Through Jimmy.

Q. Through Jimmy Maffucci?

A. Yes.

Q. And between 2013 and 2017, what were you and Datello 19 doing together?

A. Selling drugs.

Q. And you were doing these deals at the FBI's request?

A. Yes.

Q. Do you know why Datello was engaging in this drug dealing?

A. Yes.

Q. Why?

A. Because he was desperate. He had to pay Stevie back money, a loan that he had with Stevie.

Q. That's Stevie Crea?

A. Yes.

Of course he fails to mention that these “drug deals” were set up by Spinelli and Pete, but it’s good that he admits the reason why they felt Datello was the perfect guy to help them get closer to their main “guy.”

Spinelli goes on to talk about Sean Richard in depth despite the fact that the charge of attempted murder against Richard had been dropped in the new indictment. So, the only purpose of bringing that information into this trial was to paint Crea as the bad guy the government wanted the jury to think he was. We’ll get more into that when we get to the defense side of things.

For now, let’s see what Spinelli has to say about the Meldish murder:

Q. When Datello says, “I mean, this guy — this guy just clipped a guy because of a \$100,000,” who do you understand “this guy” to be in reference to?

A. At that point, I — I believed it to be Stevie Crea.

Q. Why do you believe that?

A. Because he said “this guy,” he was going to see him directly, and I know he wasn’t seeing Matty. He told me he 15 wasn’t seeing Matty.

Q. Now, based on your involvement in Cosa Nostra, where would the order to have killed Meldish come from?

A. Matty Madonna first.

Q. And then when you say, “I know — I know it wasn’t house,” and Datello responds, “Yeah,” what do you understand Datello to be acknowledging?

A. Acknowledging that in-house killed Meldish themselves. It wasn’t outsiders. It was among us.

Q. Meaning the Luccheses?

A. Meaning the Lucchese Family, yes.

Q. So, Mr. Spinelli, I had asked you — I had begun to ask you, when Datello says, “They clipped Meldish,” who do you understand that to be in reference to?

A. Matty Madonna.

Q. Anyone else?

A. Stevie Crea.

And the government continues to paint its dirty picture of Crea. Later, Spinelli goes into Datello’s supposed other financial troubles saying that he owed money to people in other Families as well, but that at least one other Family reduced his debt — but Crea never did.

Q. And as you understand Datello telling you, what did the (other Family) do with respect to Datello's debt?

A. They told him if he — they cut it in half because he came home from jail.

Q. Did Stevie ever agree to reduce Datello's debt?

A. Absolutely not.

THE COURT: That you heard of? Did you hear — ever hear anything about that?

THE WITNESS: Yes. He told me that Stevie wouldn't take a dollar off. He wanted every dollar he owed him.

He then gives his interpretation of a statement, claiming that Londonio was "made" after Meldish was killed. Something that would be completely contradicted later. Also something to consider is this particular recording wasn't played for the jury, it was taken off a government-produced transcript.

THE COURT: Again, this is — this is what the — what the witness says is not evidence, but you may consider what the witness says to interpret Mr. Datello's response.

MS. ROTHMAN: Thank you, Your Honor.

Q. And so after you say, Mr. Spinelli, "They were like good friends," and Datello responds, "Yeah, yeah, were very close," who do you understand Datello to be saying was very close?

A. Michael Meldish and the kid, Chris Londonio.

Q. And now turning to the next page, when you say, "Jimmy said supposedly right after that happened, the kid Chris got made like the next day," and Datello responds, "Yeah," what do you understand Datello to be acknowledging?

A. That right after that happened, Matty made that kid a made member in the Family.

Q. And that's Chris?

A. Right, Chris, yes.

Getting back to "Stevie"...

Q. So, Mr. Spinelli, you testified that to your knowledge, Datello gave the money that he earned from these drug deals to Stevie Crea, correct?

A. Yes.

Q. Where would he go to pay him?

A. To the club in the Bronx.

Q. How often would he go?

A. He had to go every month.

Q. How would he know when to go?

A. He got the phone call.

Q. How frequently would you and Datello discuss the money that Stevie — the money that Datello owed to Stevie?

A. A few — a few days a week. He constantly complained about it because it — it kept him broke. He had nothing because of it.

And more...

Q. When Datello says, “Listen, Stevie — Stevie, he don’t wanna know nothing about nobody, you know, he just wants to know one thing about me,” what do you understand Datello to be saying there?

A. What day are you bringing my money every month.

His testimony continues...

Now, what’s happening here is Rothman is playing select recordings, shotgun style, for Spinelli to give his interpretation. There is no context, just as the government wanted, to show the whole gist of the conversation. It’s hard to follow along, so imagine if you were the jury who just had to “hear” what was happening?

Q. When Datello says, “I wouldn’t go against that guy for nothing,” who do you understand him to be referring to?

A. I understand it to be Stevie.

Q. And then when he says — he goes on to say, “He’s a boss, I don’t go against bosses, their decision is their decision,” who is he referring to?

A. He could refer to Matty.

MR. PATEL: Objection.

THE COURT: What was your understanding at the time? And if you don’t know, just say you don’t know.

THE WITNESS: On — on the first part, I understood it to be Stevie. On the second part, I understand that to be Matty.

Q. So what have you asked Datello to do in this portion, Mr. Spinelli? And it may be easier to look back on Page 26 when you say, “I’d like you to say something to Stevie a little, just to see what he says.” What did you ask Datello to do?

A. Just to basically put me on record with him.

Q. Okay. And then turning to the next page, when you say, “I mean, he’s equal to the other guy, like, you know, he ain’t under nobody,” and Datello responds, “Yeah, but he ain’t gonna, he ain’t gonna go against him,” when Datello says, “He’s equal to the other guy,” who is Datello referring to there?

A. Him and Matty being equal to each other.

Q. And “him” is in reference to who?

A. Stevie Crea.

Q. Now, on the next page, when Datello says, “Because that guy wouldn’t go against his wishes, what he’s thinking, so they’re not going to go against one another” — this is on Page 28 — what do you understand Datello to be saying there?

A. They’re not going to — Stevie is not going to go against Matty for anybody.

And then Spinelli goes on and on about Datello’s debt to “Stevie” and they finally get to Sean Richard and that bogus FaceBook scheme he and Secret Agent Pete dreamt up. And remember, the Sean Richard charge is off the table, so think about why this is being presented at all. But mostly think about how the government thinks it’s okay to set a guy up for murder, even though he doesn’t admit that they’re the ones who sent Datello the FaceBook message.

Q. All right. The last set of recordings I want to discuss with you, Mr. Spinelli, relate to Steven Crea, Joe Datello and the attempted murder of Sean Richard. In 2017, did you learn from the FBI about an attempt to kill Sean Richard?

A. Yes, I did.

Q. Who committed the attempt?

A. Joe Datello.

THE COURT: I'm sorry. This is something the witness learned from the FBI?

MS. ROTHMAN: Your Honor, we're offering it as background, not — to explain what sets up this recording, not for the truth.

THE COURT: Anything that the witness was told by the FBI is not evidence.

A. I learned from the FBI that Joe Datello had found his witness from his previous case.

So, in this case what the FBI says isn't the truth? That's funny.

Q. Who was that witness?

A. Sean Richards.

Q. Okay. We previously discussed him, correct?

A. Yes.

Q. What did the FBI want you to do in connection with that information?

A. They wanted me to gather information to find out what his approach was, what he wanted to do, was he going to attempt to kill him.

Q. Okay. So, what did you do to get this information from Joe, from Mr. Datello?

A. I made up a story. I had a scenario, I had a witness who testified against me in my trial. And I told him that my witness was Upstate New York, that he had a Christmas tree farm. He was selling a lot of Christmas trees up there. And Pete located him for me and found out, and that I was going to go up there and kill him. So, I told Joe, "Jimmy told me that you had a situation where you found the guy who ratted you out on your previous case."

Q. Now, was it true that someone had cooperated against you in the trial involving Patricia Cappazzolo?

A. Yes.

Q. Was it true that you were planning to go attempt to kill that individual?

A. No, it was not.

Q. Okay. Now, as part of your work for the FBI, what were you trying to uncover specifically about this plan to kill Sean Richard?

A. I wanted to find out if Joe was going to kill him, and I wanted to find out if Stevie was part of it.

Q. Was part of it?

A. Yes.

Now, as you read this next part, think back to the pre-trial hearings when the Sean Richard attempted murder charge was on the original indictment and how Steven D was denied bail because of these recordings. And think about what the government said then compared to what is said now.

How does that change so drastically? They fought against bail so vehemently and then when Siebel gave them their do-over, the charge disappeared into the government's black hole. Remember, too that this is when Crea's counsel wanted to inspect the grand jury minutes and was denied.

So, based on the below testimony, doesn't it make you wonder that maybe the evidence that was presented to the grand jury to bring that original indictment was false? And if so, could that mean that other supposed evidence the government had was all a lie, too?

Q. Now, were you successful in finding out if Stevie Crea had approved the hit on Sean Richard?

A. No, I was not.

Q. So, what do you mean, you were not successful?

A. Joe didn't tell me that Stevie ordered him to do that.

Q. What did Joe tell you in these recordings?

A. Joe said that Stevie said basically leave it alone.

And then back to Londonio and those idiotic "rat" rumors...just so the government can justify their theories about Londonio's "confession" to Evangelista later on. This recording, by the way, was taken March 22, 2017 after Londonio had already been arrested and indicted for Meldish's murder and was dealing with the additional bogus "informant" rumors the government "leaked" to the press.

Q. And then when you say, "That the" — this is Line 390 — "That the kid, Chris, was under his son," and Datello says, "Yeah, I think so," who — when you say "under his son," who are you referring to?

A. He was under Stevie's son.

MS. ROTHMAN: We can keep playing.

(Audio playing)

MS. ROTHMAN: Pause it right there.

Q. When you say in Line 385, “If he goes bad, can he hurt Matty?” and Datello responds, “He could hurt everybody,” who is the “he” in reference to?

A. Chris Londonio.

And then he talks a bit about his vendetta against “Matty”:

Q. Mr. Spinelli, when you first sat down with the FBI in 2012, were you facing any State charges?

A. State charges, I had.

Q. What were they for?

A. Aggravated assault of a police officer.

Q. Tell us what happened.

A. I left my house and I was a passenger in a vehicle, and the cops pulled us over. And the cop went to my side to pull me out of the car, we had a little scuffle, and –

Q. And what happened? Was the police officer injured?

A. Yes.

Q. Did you attempt to resist arrest?

A. Yes, I did.

Please go back to our Robert Spinelli background and see for yourself how much the government allowed him to lie in this specific instance. It wasn’t a “scuffle” and the cops only pulled him out after he tried to flee...and so, so much more.

Q. What type of sentence were you looking at in connection with those — how many years were you looking at in connection with those State charges?

A. Four years.

Q. At that time, did you want to go back to jail?

A. No.

Q. So, what did you decide to do?

A. I tried to cooperate.

Q. Okay. And specifically — withdrawn. Was there any other reason that you agreed to cooperate at that time?

A. I wanted to get Matty back.

And there you have it. The FBI probably had a little party when Spinelli walked through their doors. Nothing like a guy with a vendetta to help their cause. And it's pretty sick, too. What a way of waste taxpayer dollars.

Also, even though Spinelli gives the reason for why he wants to get back at Madonna, do they really think that justifies their actions? Does it really mean anything when Spinelli said he had no issues with any of the other guys on trial except Madonna? Does the government think that washes away the shadiness of it all?

Quite frankly, after just this short amount of testimony from this guy, the government should put itself on trial. Here's the rest of that testimony:

Q. Why did you want to get Matty back?

A. Because of him not fulfilling the agreement he was supposed to fulfill when I got out of jail.

Q. What was that agreement?

A. He was supposed to give me the \$2 million after he made Sally active again.

Q. Now, at that time, when you sat down with the FBI, were you mad at someone named Chris Londonio?

A. I didn't even know Chris Londonio.

Q. Were you mad at someone named Terrence Caldwell?

A. Didn't even know him either.

Q. Were you mad at someone named Stevie Crea?

A. No, I was not.

Q. Did you make recordings only about Matthew Madonna or about all members of the Lucchese Family?

A. I made recordings about all members of the Lucchese Family.

Finally, Spinelli and the government were done with spinning their tales and it was the defense's turn to unravel the lies. They mostly focused on Spinelli's lies and deceit while working for the FBI, which we detailed in our Spinelli's background section, but there's something we'd like to highlight that Meringolo brought up during his cross:

Q. Okay. And I believe in the Witness Security Program, there's — there's federal agents, correct?

A. Yes.

Q. Like marshals, right?

A. Yes.

Q. And you're not supposed to lie to them, right?

A. Absolutely not.

Q. Okay. Isn't it a fact that you lied to them about your wife using heroin?

A. No, I did not.

Q. Okay. While you were in the Witness Security Program, did you provide heroin to your wife?

A. No.

MS. ROTHMAN: Objection, Your Honor.

A. Absolutely not.

Q. Maybe something will refresh your recollection.

THE COURT: He hasn't said he forgot. He said no.

MR. MERINGOLO: He said no?

Q. So you didn't lie to the marshals and say that you did not provide your wife with heroin and that you did provide your wife, you don't recall that.

A. I don't —

THE COURT: Sustained as to form. Try it again, Mr. Meringolo.

MR. MERINGOLO: Okay.

Q. Did you ever tell — eventually tell the marshals that you were providing your wife with heroin?

A. No, I don't remember that. I can't recall that.

The government once again getting nervous about their lying witnesses. It seems Spineless Spinelli got a little twisted in the wind with even more twisted tales unraveled by Meringolo.

Q. Maybe something will refresh your recollection? Okay. You can read the entire document, but I'm going to point you to the highlighted section.

MS. ROTHMAN: Your Honor —

A. I said that she did not — that I did not provide her with heroin?

THE COURT: The question is, now you've read that, does that jog your memory?

THE WITNESS: Yeah. I never said that. I never -it don't say that I said that.

Q. Okay. Okay. While you were in the Witness Security Program, did you ever — you saw doctors to get prescriptions filled, correct?

A. While I'm in the Witness Protection Program?

Q. Yes.

A. I never — I never received medicine while I'm in the Witness Protection Program. What are you referring to? I never received heroin from a doctor while in the witness protection —

Q. What about any other medications?

A. Only thing I received was be Suboxone for a few months.

Little big man finally getting knocked back down to size, slapped with a little reality, so to speak..

Q. Okay. But didn't you testify that you — you believed that Vic gave you the approval to get made?

A. Yes, I did.

Q. And that was another letter, right?

A. That was a letter that I took out.

Q. Right. And you read that letter, right?

A. That's right.

Q. And — and the letter, you gave it to Mr. Madonna?

A. Yes, I did.

Q. And that was from Vic Amuso?

A. That's right.

Q. And Vic Amuso said that you were supposed to get made?

A. That's right.

Q. And you didn't get made, right?

A. No, I did not.

Q. Okay. And when did you give Mr. Madonna this letter?

A. About two weeks after I got in the halfway house.

Q. Two weeks after you got — were you caught on surveillance with Mr. Madonna?

A. Not that I know of.

Q. Okay. Did the Government ever show you surveillance with you and Mr. Madonna?

A. No, they did not.

Now getting to Spinelli's second favorite subject...actually, he has more "affection" for "Stevie" than he wants to admit...

Q. Okay. Now, you also testified against Mr. Crea many 12 times here, right?

A. I spoke about Mr. Crea.

Q. I mean, there were — we are not going to go into the tapes, but there was about 20, 30, references to Mr. Crea that you analyzed, right?

A. Yes.

Q. And you knew — did you ever speak to a guy by the name of John Pennisi?

A. John Pennisi. I may have.

Q. You may have, right? Okay.

And you said that you were talking about Mr. Crea in his capacity as underboss in 2017, right?

A. That's right.

Q. Okay. Did anybody from the FBI tell you that that just wasn't true, sir?

MS. ROTHMAN: Objection, Your Honor.

THE COURT: I'm sorry, that...

MR. MERINGOLO: All right. Withdrawn.

THE COURT: — what the witness may or may not have told the FBI.

Nothing more than hearsay and manipulations of the truth.

Q. Okay. So, it's your — it's your testimony that in 2017, when you were just analyzing all these tapes, Mr. Crea was the underboss? That's your testimony, right?

A. As far as I knew.

Q. Okay. But, in fact, you really didn't know much but for talking to Joe Datello, right?

A. That's what I — I knew from Joe Datello talking about it.

Q. You know — I mean, listen, you were talking to Joe Datello for three years, right?

A. Yes.

Q. Right. And you — a lot of gossip in those calls or those consensuals, right?

MS. ROTHMAN: Objection, Your Honor.

THE COURT: If the witness agrees with the characterization, he'll say so. If he doesn't, he'll —

A. I wouldn't say gossip. I would say he was pretty nervous. I was worried about him every time he went up to there to see him.

Q. The whole time you were worried about him, right? 2015, 2016, 2017, right?

A. I was starting to worry about him.

Q. Right, okay. And he never had a scratch on his body, correct?

A. No.

Q. Okay. And you knew Mr. Datello. He was like a brokester, right?

MS. ROTHMAN: Objection, Your Honor.

THE COURT: He was a what?

MR. MERINGOLO: Brokester.

Q. He was broke, right? He was broke.

THE COURT: Oh, he was broke. Okay.

MR. MERINGOLO: Depends where you grow up, right?

Q. That's our jargon, but you understood me, right, Mr. Spinelli?

A. Yes.

THE COURT: All right. You gotta bring the rest of us along.

MR. MERINGOLO: Sorry.

Q. You knew he was broke, right?

A. I seen that, yes.

Q. Right. From the first conversation with him, you knew he was broke, right?

A. Yes.

Q. And I think even in the first conversation, if you recall, he — he didn't even have a few hundred dollars, right?

A. No, he didn't.

Q. Okay. And then you came along with these cigarettes, right? Correct?

A. That's correct.

Q. And that was supplied by the Government?

A. Yes.

Q. The ones that you kicked up an extra few dollars for yourself, right?

A. That's right.

Q. Okay. And then he started to make a few dollars, right?

A. That's right.

Q. And then originally, he didn't even wanna sell cocaine, right?

A. He — I don't believe he had too many customers.

Q. Okay.

A. But he had a person to get it from.

Q. Right.

A. He nobody to sell it to.

Q. But he — he didn't wanna do it, correct?

A. I wouldn't say that. He wanted to do whatever he can to pay Stevie back.

Q. Well, didn't one of the conversations — and we are not going in — didn't he say, "It's not worth it to go get a life sentence to make a thousand dollars"? Do you remember that conversation that you —

A. I remember that recently, that conversation, yes.

Q. Okay. And he — was he lying to you?

A. He was joking about that, referring to talking on the phone and getting busted to make a thousand dollars, you know.

Q. Right. He was — but that was a consensual recording. You were recording him.

A. Right.

Q. Right?

A. Right.

Q. So he didn't think you were wearing a wire, right?

A. Absolutely not.

Q. Okay. So he said, "I don't wanna do life for a thousand dollars," right?

A. He's telling me to be careful because he don't wanna go to jail for a thousand dollars.

Q. Exactly. But he was just — he was trying to make a living, right?

A. He was trying to pay Stevie back.

Q. Well — but he was just trying to make — he had never paid Stevie back for — for ten years and then you're all worried about him?

A. Do you know that?

Cocky ass bastard. "Do you know that?" Are you serious? And then Super Agent Ted Otto exposed..

Q. Well, when — he's talking to you in 2014 —

A. Okay.

Q. — about a supposed debt that was from the '90s, correct, before they went to jail, right?

A. Right.

Q. So in 2017, in the late '90's, that's about — that's about 18 years, correct?

A. Yes.

Q. And there wasn't one hair removed from his body, right?

A. That's right.

Q. Okay. But did you — you were playing a role there, right?

A. That's right.

Q. And every time you went out to talk about Stevie and Matty, you talked to Ted Otto, right?

A. Yes.

Q. Okay. And you — you had some sort of a script, right?

A. I wouldn't say a script. I wouldn't say it was a script.

Q. Okay. You would say you were prepared, right, for the conversation, for things that may come up, may not come up?

A. I was — I was on my — I mean, I was on my game.

Q. Okay. You were on your game, right?

A. Yeah, that's true.

Q. Okay. And you knew that my client, Mr. Londonio, was charged with the Meldish murder in 2015, correct?

A. I found out.

MS. ROTHMAN: Objection.

THE COURT: Overruled.

Q. And there were times during your conversations that you would inject — you would inject things about the Meldish murder, correct? Inject statements about the Meldish murder, right?

A. I may have.

Q. Okay. You have no firsthand knowledge of what happened, right?

A. No, I do not.

Q. Okay. And neither does Mr. Datello, right?

MS. ROTHMAN: Objection, Your Honor.

Q. To your knowledge?

THE COURT: Did he ever indicate to you he had firsthand knowledge of who killed Mr. Meldish?

THE WITNESS: He told me that Chris killed him.

THE COURT: Did he say whether he had firsthand knowledge?

THE WITNESS: No, he did not say "I have firsthand knowledge." He didn't say those words, no.

Think of all the money spent on this guy...new cars...cashmere sweater..new phones..tax-free salary...just so they can get their "target." Taxpayer dollars spent on trash...

Q. — you met with Mr. Madonna, he told you to go get a job, right?

A. That's what he said to me.

Q. Okay.

A. He gave me Brian Vaughan's number. He told me that "He'll put you to work at Local 20." I told him I wanted to go back to my local and he said, "Brian will help you do that," and that's what he did.

Q. Okay. But he told you to go work. He didn't tell you to go be a gangster, right?

A. He told me to just go to work when he —

Q. Go to work, right? Go to work. And you didn't — you didn't like that, right? You didn't want to go to work?

A. Well, we had — I gave him a letter —

Q. Did you want to go to work —

THE COURT: Mr. Spinelli, finish your answer, and then it will be Mr. Meringolo's turn.

A. I gave him the letter, told me he'll see me in a few weeks. He told me to reach out to Brian. That is what I did. Told me, "He'll put you to work back with your local and he will be in touch." That's what he told me.

Hearsay and rumors...that's all the government's got so far.

Q. Okay. Isn't it true that you testified — or not testified. Isn't it true that you debriefed that Mr. Londonio got made right after the murder?

A. I was told that.

Q. Okay. Who told you that?

A. Jimmy Maffucci and Joe Datello.

Q. Okay. So Jimmy Maffucci and Joe Datello told you that my client got made right after the murder, right?

A. Within the next week is what they —

Q. Within the next week, right?

A. That's what they said.

And that was that...for this day at least.

The following day on October 18, 2019, Gang Land's "exclusive" story about Londonio's bogus escape (from a 10-page detailed report he got from the FBI and which Gang Land had posted about) made headlines across the world.

But it was a story that appeared in one New York paper that caused the most concern for the defense. The entire defense team asked for a mistrial, which of course, Siebel denied. But what needs to be highlighted is Scotten's reaction to that nasty and unnecessary article during the sidebar before the jury came into the courtroom.

MR. SCOTTEN: — I just want to make clear that -make clear, after the Defendants were all asked if they wanted any redactions, for a bunch of Defendants who have all opposed everything the Government is trying to do to say, "hey, there's media attention here." So, I don't think the Court should be too indulgent of efforts to get a redo on the trial, which is where they seem to want to head, with a Post story that they all wanted.

THE COURT: Well —

MR. FREEMAN: Your Honor, that's, that's a little —

THE COURT: — I don't know —

MR. FREEMAN: — a little bit —

THE COURT: — if they —

MR. FREEMAN: — extreme.

THE COURT: I don't know —

MR. SCOTTEN: It's not a little extreme.

Makes me think that perhaps Scotten was in on the "leak" of that report to Gang Land.

Crea's attorney Franklin questioned Spinelli about the debt Datello owed to Crea and Spinelli was forced to admit the same things he said to Meringolo the day before – that despite the alleged amount, Crea never harmed a hair on Datello's head.

Spinelli even testified that when he was a shylock, if someone owed him that kind of money, whoever the debtor was, would probably have had some sort of repercussions for not making good on his payments. But nothing like that ever happened to Datello – even after eight years.

If I was a juror, what I would have gotten out of all of that testimony was that Crea wasn't this evil villain the government tried to make him out to be but more like what Datello said in that one recording the government "misrepresented" we talked about towards the beginning of this article — that Crea was a "pretty good guy."

And while we're not going to get into all of Spinelli's other testimony this day, we did want to share this little diddy from Rothman's re-direct.

Q. Do you remember being asked on cross-examination today by Mr. Franklin about you putting — attempting to get Stevie and Matty's name out of Joe Datello?

A. That's correct.

Q. Whose — as part of your work for the FBI, what were you trying to do, Mr. Spinelli?

A. I was trying to get all information about Lucchese members.

Q. And, to your knowledge, are Mr. Madonna and Mr. Crea members of the Lucchese Crime Family?

A. To my knowledge —

Q. If you can just back up a bit.

A. To my knowledge, they are the Boss and Underboss of the Lucchese Crime Family.

Q. Do you recall also being asked on cross-examination by Mr. Franklin if you had ever met Stevie Crea? Correct?

A. Correct.

Q. Based on your involvement in the Lucchese Crime Family, what do you understand to be the reason that you never met Stevie Crea?

A. Because Stevie Crea is an Underboss.

Q. And what about that fact makes it unlikely that you personally would have met Stevie Crea?

A. That's correct.

Q. I'm sorry. I'll — what about that makes it unlikely that you would have met Stevie Crea?

MR. FRANKLIN: Objection, Your Honor, as to his opinion.

THE COURT: Overruled.

A. Because I'm not a made member.

Q. In your experience, do underbosses of organized crime families typically meet with nonmade members or associates of those families?

A. Not usually, no.

So, what was the purpose of Spinelli always trying to get a meeting with “Stevie” if this was the tactic the government tried to use to slap back at the defense? I call it stupid meeting stupid.

And that’s the end of that tall tale...and basically nothing learned, once again, about the murder of Michael Meldish.

RICHARD REMEMBERS

Although the charge of attempted murder of Sean Richard was dismissed when the government brought their new indictment against Crea in July 2019, it didn’t stop the government from bringing Richard in to testify on their behalf. Richard’s only purpose was to talk about his prior dealings with Crea back in the 1990s. This had no relevance to the current case except that it involved the construction industry and was a way for the government to “connect the dots” in relation to the labor racketeering charge against Crea in this case.

But one thing to remember is that Crea had already taken a plea deal and served his time for that 2000 case which meant that what the government was doing here was basically “taking a second bite of the apple,” once again, by using “background” information to try to prove a “continuation” of the charges in Crea’s current case. And Richard’s testimony also included information about his relationship with Datello and how it related to Crea.

The government needed to paint a picture and although there were plenty of arguments between the prosecution and defense counsel beforehand about the relevance of Richard’s appearance, Judge Siebel allowed him to be called as a witness anyway. She even allowed the prosecution to play recordings Richard had taken in December 1999, after he became an informant, that helped paint their picture.

Of course, one of the very first things the government wanted to establish were those non-existent nicknames of Crea’s, which, by the way, Richard never brought up at any previous trial or proffering session he had with state or federal government.

Before getting into those magical nicknames, Richard talked about his past history, including marrying John Riggi's daughter and forming a construction company with her, which is how he ended up getting involved with Crea. He failed to mention, however, how he dumped his wife after becoming an informant, nearly leaving her penniless and running off with a stripper who went by the name of Lola. He also got remarried. It ended badly, but he was more than happy to discuss what happened.

One final note is to "listen" to Scotten's tone not only during his questioning of Richard but also during the sidebars. It gives an insight into how the government really felt about Crea. While you can say that's to be expected, when it came to Crea, it was more than excessive and blatantly "improper" as Scotten likes to say.

After forming his company with his wife, he started to get bigger and bigger jobs, mostly, he said, because of who his father-in-law was. At one point, he claimed he was receiving threats because his business was booming, including this one:

A. There was another time where I found a large ham in front of my front door, which was perplexing to me.

Q. Like a large piece of pork?

A. Yes, sir.

Q. Did you later come to understand the significance of the ham?

A. I went to visit my father-in-law in prison, and I asked him, you know, what did he think this was, and he said it was basically a message that I was being a pig.

Q. In what sense were you being a pig?

A. Just trying to push the company and gather more work and become more successful.

Well, he's definitely a pig – but not for the reasons he stated.

Eventually, Richard partnered up with Datello and started meeting with Crea at various times, so apparently, he knew things – especially about those non-existent nicknames:

Q. Having met with Crea regularly, do you know whether he was known by any nicknames at that time?

A. Yeah. He was called Herbie by a few people that were associates of his, and also Stevie Wonder.

Q. Do you have any idea what the basis for the Stevie Wonder nickname was?

A. He had — the Wonder Boy nickname came about because he had made so much money going back into the '70s. They called him Wonder Boy. He was a huge earner for the family.

It's odd that Richard claimed some of his associates called him every nickname in the government's book. Yet, in all of the recordings the government possessed no one is ever caught on tape using them. The only people who could testify to those nicknames were the government's own witnesses. Ponder that one.

Afterward, Scotten started asking questions about events from 1998 without clarifying the dates in question. When Crea's lawyer asked for a date clarification, this is what happened:

MR. DiPIETRO: Can we get a date, your Honor?

THE COURT: Yes. When was this?

THE WITNESS: This was in 1998.

THE COURT: Can we move into the period covered by the indictment, which is 2000 and forward.

MR. SCOTTEN: We can, your Honor, although this is part of the methods and operations that I think your Honor has admitted.

THE COURT: Let's move into the period covered by the indictment.

MR. SCOTTEN: Your Honor, I think I need to approach, then.

THE COURT: Okay.

(At the sidebar)

THE COURT: Now I'm confused. I don't understand why we can't just talk about whatever occurred in 2000. Why do we need to move into doing the same thing in 1998?

MR. SCOTTEN: Because, in 2000, Mr. Richard is, in fact, on the run. He's not on the job site. So this is specific examples of Crea doing business with the same people in the same manner that, for example, Randy Silverstein and all the people in the 2014 period are going to testify about. His personal interactions there are in '98, '99.

Scotten's arrogance shows through every time he uses his "in fact" clarification. It must come from his Harvard education. And yes, I'm "characterizing" him.

THE COURT: You lost me. If the witness doesn't know about what Mr. Crea was doing in 2000, then this is 404(b) evidence.

MR. SCOTTEN: I think you remember we also offered it under those grounds. So there's elements of his testimony that are clearly direct evidence, such as Crea being the underboss of the family in '97 up through 2000, and there are elements that are modus operandi, intent, knowledge with respect to conduct of the construction business...

THE COURT: I have no memory of ruling on this with an understanding that this guy has nothing that's within the timeframe of the conspiracy.

MR. SCOTTEN: It's not that he has nothing. It's just this stuff, which is also important, is not within the timeframe of the conspiracy.

Who wants to make a bet that sometime in the near future, Scotten is going to run for public office?

MR. DiPIETRO: This is clearly propensity evidence. And, your Honor, taking the government's proffer here, are they saying that Randy Silverstein is going to testify that there were unions that were bribed and similar conduct as this? Because I don't think he is. I've reviewed the 3500 material and it's not there. This is a far leap. This is to show that Crea did it then and, therefore, he's

doing it again now, and it's improper. And we're spending almost two hours on this.

THE COURT: What's the evidence going to be of what occurred within the 2000 to 2017 period? Is it going to be bribing union officials? Is it going to be strongarming union officials?

MR. SCOTTEN: Ms. Cohen can do that because she's putting in that evidence.

MS. COHEN: So there will be testimony regarding use of organized crime to resolve union and coalition disruption of job sites. There will be testimony of using bribes in order to obtain obstruction — sorry — construction contracts on which mob-associated subcontractors were either employed or getting first and last look and Mr. Crea's involvement in obtaining lucrative development contracts and securing necessary political approvals in order to engage in development and construction contracts.

THE COURT: So that sounds like pretty standard labor racketeering. Why is this MO? Why isn't it propensity what you're getting out of Richard?

MR. SCOTTEN: I don't think there is such a thing as propensity to engage in labor racketeering.

THE COURT: This is he did it before, so it makes it more likely he did it again.

MR. SCOTTEN: I think when you're doing the same thing with the same people, that's a continuation of a conspiracy. It's also knowledge and intent because, correct me if I'm wrong, their major defense was, I think, all this bad stuff was going on at Sparrow, for example, and Bronx Lebanon Hospital and, yes, I had a million-dollar loan to them at 16 percent interest, but I had no idea and I had nothing to do with any of this funny business. Now, if I'm wrong about that, it does become less relevant to knowledge and intent.

MR. DiPIETRO: But how does that connect to what he's testifying to that there was a promissory loan for someone else that had filed bankruptcy and could not get the bond? How does this line up?

MR. FRANKLIN: He got a performance bond, period.

MR. SCOTTEN: I don't care about the bond. I know they're very fascinated with that. The fact that Steven Crea is getting a huge amount of money, I don't think they have an argument that this is an innocent loan. The criminality of the loan is not what's important. The criminality of all the other stuff that Steven Crea's profiting from is relevant. And the fact that he's going to say I had no knowledge, but, yet, here's a witness who is going to say here is how he, in fact, plays a role in construction contracts —

THE COURT: You really need to let whoever is speaking finish, and that was Mr. Scotten.

Because she's fair and impartial...

MR. SCOTTEN: In a racketeering conspiracy where the question of one of the predicates is did he agree that others would do something, the fact that he does business through others who are doing this thing absolutely goes to knowledge. Here, the question isn't intent to defraud. I understand the case law your Honor's referring to. It's not as though we're trying to prove Crea's specific intent to defraud someone. The point here is where you claim ignorance and, yet, you have used the same people to do the same

thing in the past, you can no longer claim ignorance. When the Lucchese Family is doing all this at his direction in 2000, he cannot show up in 2014 and say the Lucchese Family's doing this and I'm the underboss, but I didn't know what they were doing.

THE COURT: And who are the same people.

MR. SCOTTEN: Joe Venice, the DiSimones.

MS. COHEN: They're not involved in Bronx Lebanon, but they are involved in other ways with Sparrow. It will include Larry Wecker. It will include Walter Steever.

THE COURT: And which of these people is this witness going to talk about?

MR. SCOTTEN: He's going to talk about Larry Wecker at considerable length. He will also talk about — and correct me if I'm wrong here. He's going to talk about Larry Wecker. He is going to talk about Wayne Cross, who is already in evidence through the business e-mail between Londonio and Maiorino. He's going to talk about a company called Al-An Elevator, which is controlled by Anthony DiNapoli, which is already in evidence through the e-mail found on Londonio.

At this point, Scotten was a little upset he wasn't going to get his way and threw one of his many sidebar temper tantrums (he also did it a few times in front of the jury, by the way):

THE COURT: Look, I'm ruling on this at a sidebar. This should have been tee'd up better than it was tee'd up. But this, under 403, has a massively prejudicial effect outweighed by the probative value. And the waste of time, the confusion of the issues. There's no MO here. The inference you want the jury to draw, which is he was a labor racketeer back in the '90s, therefore, when other people in the family were doing it in 2014, he must have been involved, I don't think is proper ...And even if he were, the amount of time it's going to take and the confusion of the issues that's going to cause, since it's all before the time frame of our conspiracy...I think it should stay out. If you want him to set up who is Larry Wecker, whatever, that's fine, but I'm not going to have an hour of what happened in the '90s on this.

MR. SCOTTEN: So two things, then. I do want to do the specific issue of last look and change orders. I do think that's a very specific MO issue.

THE COURT: It sounds like he was doing this himself. He's already testified

that he himself was using nonunion labor and why that's a great thing. That's all fine. **If he was doing scummy things** with change orders, he can explain how that works. That's fine.

MR. SCOTTEN: So you just want me to leave out the defendant's role in it? I'm not sure I'm understanding. Or you just want to move on faster and minimize?

Can't you just hear the whining in Scotten's voice? And it's certainly proper for a fair and impartial judge to use words like "scummy."

THE COURT: No. I want you to leave out the defendant's role. If you want to use him as somebody who knows — not as an expert, but somebody who can explain how construction works in a labor racketeer and what ways you can steal money in that business because he did it himself, he can explain.

MR. SCOTTEN: I mean, I do think it is certainly appropriate and sort of necessary for him to testify, for example, that the Lucchese Family is how he got — it's not just I did it, because he couldn't have done it by himself, but it's through organized crime I got last looks at bidding projects. In return for that, there's a price you pay. You pay that up the chain of command.

THE COURT: He can say he got that through his association with the family. That's how he was able to do it.

MR. SCOTTEN: But his association is with Crea, and it does continue into the charged period.

THE COURT: That's what I'm keeping out. No, it doesn't because he was a cooperator before the charged period.

MR. SCOTTEN: They are still doing — cooperators can testify as to continuing enterprise. They're still doing business in 2000. He's talking to them.

MR. DiPIETRO: '97 and '98. You just talked about a deal in '98.

THE COURT: Anything that's occurring in 2000 is fair game.

MR. DiPIETRO: Your Honor, can we get an instruction to the jury to mitigate this evidence?

Scotten doesn't even want Judge Siebel to frame all the previous testimony for the jury because that just wouldn't help out his underhandedness. And he backtracks and manipulates what he actually said previously...using the Judge's own words.

MR. SCOTTEN: There's nothing that's coming in that — he's talked about himself so far.

MR. DiPIETRO: I think the jury's going to get confused.

THE COURT: Yes. I mean, I will tell them that charges in this indictment allege an enterprise going from 2000 to 2017.

MR. DiPIETRO: Thank you.

THE COURT: And that sometimes evidence regarding matters before then is appropriately admitted as background, but it can't be a substitute.

MR. DiPIETRO: That's perfect. Thank you.

For a short time, Scotten followed the Judge's rulings, then he started sneaking in other information related to the timeframe Siebel had ruled out. It was testimony about profit splitting from a construction job. While defense counsel tried to interject, this time Siebel ignored defense's requests until she could no longer justify what Scotten was doing. Let's listen in:

Q. And do you know how that ten percent was divided?

A. Yeah. It was split between the DeCavalcante Crime Family, the Lucchese Crime Family and the Genovese Crime Family.

Q. And what role, if any, did you play in making those splits?

A. Well, we received the money once a month from Mr. Crea, and then we would — we would — it was turned into him, and we would divvy up the money accordingly.

MR. DiPIETRO: Your Honor, can we get a date again?

MR. SCOTTEN: I believe he testified it was throughout his period. This is a subject of the recording your Honor has already admitted.

MR. DiPIETRO: What's the date?

THE COURT: What is the time frame that this money is changing hands?

THE WITNESS: This went on from 1997 until I left in late '99.

Q. And in late '99, did you — yes or no — did you make a recording concerning the payment of this money?

A. I did, yes.

And then Scotten got testy with Richard because he knew he was deep into the red zone (bolded for your viewing pleasure,) but Siebel still let it continue.

Q. Did monies continue to be due from Larry Wecker to Crea continuing into 2000?

A. I know that Mr. Crea's been associated with Mr. Wecker for —
MR. DiPIETRO: Your Honor —

Q. Just answer the question.

A. I can't say.

Q. I'm asking you, as of your last meeting in December of 1999, did Mr. Wecker still owe the money?

A. Yes. In '99, he did, yes.

Q. So continuing on, what was the typical amount of these payments?

A. They varied because they were ten percent per job. It could be anywhere from, you know, eight to twelve thousand dollars a month.

Q. How was that money divided?

A. As I said, it was divided between the DeCavalcante Crime Family, the Lucchese Crime Family and the Genovese Crime Family.

Siebel finally put a stop to it. However, she changed her tune so everyone was aware of whose side she was really on – as if we didn't already know. The fairness and impartiality she had shown previously was clearly a temporary lapse in judgment:

MR. DiPIETRO: Your Honor, can we have another sidebar, please?

THE COURT: Okay.

(At the sidebar)

THE COURT: Why is this not what I just ruled out?

MR. SCOTTEN: This is exactly what you ruled in. This is literally the subject of the December 1999 recording that your Honor reviewed in detail, looked at the transcript. It was in our enterprise letter.

THE COURT: You have to remind me. What is the December '99 conversation?

MR. SCOTTEN: Okay. So we disclosed two recordings before we obtained the additional recordings from them. The December 1999 recording is between Crea, Datello and this witness. It's the only meeting he has with Crea when they're cooperating. He goes to Crea's restaurant, Il Boschetto, and they discuss the payment of the Larry money, which is what he's getting at. At that point, Larry was falling behind. He also had an additional debt to

*Crea which Datello and Richard were supposed to collect, and they have this discussion about, Joe, you need to go see Larry. They count out some different money there to divvy up. And that is exactly what's continuing on when Mr. Richard refuses to meet anymore. I think when we argued this, we pointed out, and I think your Honor agreed, that, one, an indictment that covers from in or about 2000 to 2017 would cover this in December of 1999 even if it didn't continue into the charged period. But in light of your Honor's more recent ruling, I also made a point to elicit this debt still outstanding at the end of that meeting, 20 days before the beginning of the charged period. Also, just to not come over here again, I'm going to get into the subject of Datello's debt to Richard, which — sorry — Datello's debt to Crea, **which is going to continue forever.***

THE COURT: That's within the time period.

Which is going to continue forevvvver is probably how Scotten said it.

Clear manipulation of the issue which DiPietro tries to point out below. Also, remember that Crea already served his time for those past events. If the government won't allow the defense to question informants on their past history because it has no bearing on "credibility," then why does the government get to bring up a defendant's prior history — especially one for which he's already paid his debt to society?

And, once again, Judge Siebel shows her true colors.

MR. DiPIETRO: Your Honor, just so the record is clear, the witness has testified that he does not know what happens after 1999. He's also interjecting the Colombo Family, Genovese Family. I mean, this is hours spent on stuff before the indictment.

MR. SCOTTEN: This has been five minutes of testimony spent.

MR. DiPIETRO: No, it's been a continuation. We haven't had anything in 2000 yet.

THE COURT: If we include the sidebars, it's an hour.

MR. SCOTTEN: I'm going in chronological order.

THE COURT: It's not your fault. I think Mr. Scotten's answered my question why this isn't what I just ruled out because if he's having a conversation in the end of '99 about this money that has to be collected on behalf of the

family and it's outstanding at the end of the meeting. I think it's a fair inference that — aside from the fact that he disappears from the scene, I think it's a fair inference generally that the relationship continues. But even apart from that, if he's in a meeting in December 1999 and the money is outstanding, I think it's reasonable to conclude that the money's outstanding in January of 2000.

MR. DiPIETRO: But what's the corroboration of any of that? What is going to connect this? Or they're just going to leave it hanging?

MR. SCOTTEN: I don't understand what he means by corroboration.

The Harvard-educated Scotten doesn't know the meaning of corroboration? Clearly, he's just being an....well, I'm not even going to say it.

MR. DiPIETRO: You're making an inference.

MR. SCOTTEN: There's a tape recording of him talking about it with Crea.

MR. DiPIETRO: That's '99.

MR. SCOTTEN: Corroboration that that continues?

MR. DiPIETRO: Yes.

MR. SCOTTEN: The end of the conversation when they're complaining about Larry still owing money and Datella says I'm going to go grab him up and your client says that sounds like a good idea to me. At the end of the meeting, when they're discussing what to do with this issue with Larry, Datello's conclusion is I'm going to go grab him up, and Crea says that sounds like a good idea to me. They don't conclude Larry just paid me. Actually, he can testify that he never received any of that money, as he should have, so it's more than just an inference.

THE COURT: He disappeared from the scene, too. Look, I think that that conversation relates directly to a scheme that bled into the charged period, or certainly on or about the charged period.

Sort of like the government's version of Choose Your Own Adventure. No corroborating proof — just a corroboration for the government's lies.

MR. DiPIETRO: So, your Honor, just for the record, the interjection of all these other crime families, is that going to connect up with the scheme at Bronx Lebanon because the Colombos, the DeCavalcantes? I mean, this is far afield.

*MR. SCOTTEN: The involvement is attached to the entire case. **There's been a wealth of evidence that the Mafia is a single enterprise that does business with each other.***

THE COURT: There's nobody from the DeCavalcantes or the Colombos on trial here.

*MR. SCOTTEN: **Well, he's from the DeCavalcantes. He can't help but talk about them.***

No, Scotten, you got it wrong. He was married to a woman whose father was an alleged DeCavalcante. Where did you get your information? From Petey Bullshit who heard it from Zoccolillo who heard it from your Mafia Encyclopedia John Pennisi?

THE COURT: No, but my point is a different one. My point is if it's the fact, and that depends on whether you believe this guy, but if it's a fact that these defendants were involved in something with these other people and it's otherwise relevant, you know, we can't just sanitize these other people out.

MR. DiPIETRO: But, your Honor, that's the problem, the relevancy of things happening in '97, '98, and then saying, oh, the Bronx Lebanon Hospital, Randy Silverstein. If the government's going to connect this all up and it's going to look clean, then that's fine, but if they're not —

THE COURT: What's the evidence going to be about what Wecker did in 2014?

MS. COHEN: So Sparrow continues to use a stable of subcontractors that are referred to them by Crea. And there's a standard practice that Sparrow uses with respect to this, what Randy will call preferred subcontractors, and these are subcontractors that came from Crea.

MR. DiPIETRO: You're saying Wecker worked at the Bronx Lebanon?

MS. COHEN: I'm not going to say that he worked at Bronx Lebanon. I'm going to say that he worked with Sparrow on the basis of being sent there under Crea during the charged time period.

More truths revealed...

MR. DiPIETRO: Did he get the job?

MR. FRANKLIN: No, no. That's wrong. Excuse me. That's false. Larry Wecker dealt with Randy Silverstein's father. And Randy Silverstein said I kept whoever we were using, I kept using them because they were pretty good workers. So he didn't have nothing to do with — Crea had nothing to do with it after his father, Silverstein's father, died in '97. They grandfathered them in.

MS. COHEN: They can cross-examine Mr. Silverstein if they want to. There's clearly a disagreement about what he's going to testify to. But I'm telling your Honor we intend to elicit on direct examination there is a stable of subcontractors that were developed during the time that Randy's father ran the company. That stable of contractors continues to be the "preferred set" for Sparrow for certain trades. And that continues whether or not they actually end up accepting work on the projects. They continue to be in that stable of subcontractors that get preferred treatment from Sparrow, and then that preferred treatment is the direct result of decades of relationships with LCN; specifically, Stevie Crea.

MR. SCOTTEN: And if I can, this will be both relevant currently, but I think the government will also want this on appeal, **God willing**. It is our position that the indictment does not charge a count of conspiracy to defraud Bronx Lebanon Hospital. It charges a conspiracy to commit racketeering. And so, for example, the fact of a debt being collected through the family in 1999, even if Mr. Wecker never appeared in the case again, would be highly relevant. We understand the Court's ruling, and I'm not disagreeing with it, but to extent there's some argument in the future about, oh, this is unfairly prejudicial, your Honor used

exactly the right word when you said continuing scheme. The whole thing is a continuing scheme. There's a continuing racketeering enterprise that does business by these methods. Now, I understand your Honor's ruling that there's a 403 concern, and we respect that, but the fact that a debt being paid into the charging period — and Mr. Richard is going to talk about talking to Datello and Truscello into literally the charged period — I don't actually think that's a terribly close call.

God willing. So, he's just drooling at this point...

MR. DiPIETRO: The association with Mr. Wecker which the government proffered was why the debt was relevant. If he doesn't get the job at Bronx Lebanon —

THE COURT: I understand Bronx Lebanon is a big piece of the labor racketeering, but there's RICO conspiracy here. They can throw in the kitchen sink.

MR. DiPIETRO: Your Honor, they also had the discretion to charge this from '97 on if they wanted to bring in this stuff.

And there it is....with RICO you can throw in the kitchen sink. That seems fair, right?

But at least one side of the aisle is polite even if Judge Siebel still doesn't know what the words "fair and impartial" mean.

THE COURT: This particular objection is overruled.

MR. DiPIETRO: Thank you.

(In open court; jury present)

Later, Richard testified that he had gotten remarried, It ended badly, but he was more than happy to discuss what happened because it supported the government's bogus theory about how Datello found Richard. Remember, even Gang Land thought the whole situation was odd. And there was no one to corroborate Richard's story, but I guess since Scotten didn't know what that meant, well, he could just play dumb:

Q. And during the time you lived in New Hampshire — well, let me ask you this. Were you living there under your real name?

A. No. It was a new identity.

Q. And while you were living in New Hampshire, did anyone learn your true identity?

A. Yes. My wife at the time.

Q. And do you know how she learned your identity?

A. I had some papers, briefcase, with publicity in things in the house, and she had found it and asked me about it. I was truthful with her.

Q. You said your wife at the time. Are you no longer married?

A. No. That's correct.

Q. And how would you characterize the breakup?

A. It wasn't good. I had to get a restraining order.

Q. Was anything said that caused you concern?

A. She promised me that she would make sure that my former cohorts wouldn't know where I was. And, apparently, she made good on that promise, so —

By the way, the government also failed to mention Richard's relationship with **other informants**, including one that he was even neighbors with (an attached townhouse) and formed a business partnership with — which apparently is against the rules. But the government can bend their rules and usually do whenever it suits their needs.

When Meringolo, did his cross, he only wanted to find out information about how Richard made those recordings back in 1999. Previously, Joseph Foti had testified how he didn't always wear the wire and some of the evidence the government presented was Foti's recollection about conversations without any recorded evidence.

In Richard's case, he did wear a wire, but like other informants before him, he steered the conversation to the topics the government wanted him to talk about. Meringolo just wanted to highlight that fact, but Scotten wasn't having any of it.

Q. You said you were cooperating with the District Attorney in Manhattan, correct?

A. Yes, that's correct.

Q. And at the same time you were cooperating with them, you were working with the NYPD on that case?

A. They were — they were together. It was one in the same. Q. So the NYPD and the New York District Attorney were part of that investigation, correct?

A. That's correct.

Q. And you put a wire on, correct?

MR. SCOTTEN: Objection. Can we have a sidebar on this?

MR. MERINGOLO: Judge, I'm not going into anything.

THE COURT: Need be?

MR. SCOTTEN: Yeah, I think so, your Honor.

(At the sidebar)

MR. SCOTTEN: To the extent that the Court intends to allow it all, Mr. Richard is not an appropriate impeach-the-investigation witness, nor is he an appropriate witness for general procedures of wiretapping, nor has he said a single thing about Mr. Londonio. So I don't see the relevance of this line of questioning.

Anything that might make the government look like the schemers they are – well, that's not relevant. But, why is there so much of that in this trial – with almost every witness and procedure? Doesn't that suggest that perhaps something might be wrong here?

HE COURT: Where is it going?

MR. MERINGOLO: It's going — when he said the NYPD were surveilling him while he went to wire up on Mr. Crea. That's it. They had a crew outside when he put the wire on and went in to surveil him. He testified to that already. I'm just going to highlight it.

MR. SCOTTEN: So if he testified to it, one, it has no relevance to him, but there's no I get to cross-examine to highlight.

The attitude on this guy. How come Siebel never yells at Scotten the way she does with Meringolo?

THE COURT: Well, they get to — since they're all together in a RICO conspiracy, they get to protect each other if they want.

MR. SCOTTEN: I don't think he's protected.

MR. MERINGOLO: Well, this is for Foti.

THE COURT: Let me just understand. What about Foti?

MR. MERINGOLO: Well, particularly, he said on direct that he was wired up by the NYPD and they were surveilling him.

THE COURT: That's what this witness said or that's what Foti said?

MR. MERINGOLO: No. Foti said there were times they did and times they didn't. So I just want to get — I want to confirm again that, this time, the NYPD was surveilling him. I cannot see how this is a problem. I'm not going to impeach him. I'm not going to do anything. I mean, I'm just asking him a few questions.

MR. SCOTTEN: It's still completely irrelevant.

MR. MERINGOLO: Judge, you want me to just proffer to you?

THE COURT: It's fine. Overruled.

(In open court; jury present)

Siebel wasn't a fan of Meringolo's, so it's even more surprising that she sided with him on this issue. It's just too bad we don't have any video of Scotten's reaction to the ruling. Did he stomp away or sulk back to his table?

BY MR. MERINGOLO:

Q. I'm back. So when you put a wire on and you went to see Mr. Crea that day, you said that the NYPD was somewhere close, correct?

A. Yes, sir.

Q. And prior to — did they put the wire on you or you did it yourself?

A. No, they placed the wire.

Q. They placed the wire and you went in — you know, preliminary, you had discussions with them, correct?

A. Yeah. Well, yeah, of course.

Q. With the wire?

A. Yes, yes.

Q. Okay. And you went in. And you knew they were somewhere around, correct?

A. Yes.

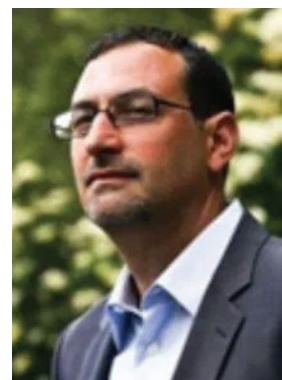
MR. MERINGOLO: No further questions.

And Mr. Meringolo proves his point.

“STEVIE WONDER” REBORN

David Evangelista was the jailhouse snitch that Christopher Londonio reportedly “confessed” to about his role in the Michael Meldish murder and his plans to escape the MDC. This witness was the government's backup after the failure of Frank Pasqua. He was the only witness that could tie Crea to the murder – and the only “proof” that tied Crea to the murder was that “Stevie Wonder and son” statement. Remember, by this time, Steven D has already made his plea bargain but had not agreed to the Meldish murder charge, taking an additional three years for refusing to bend to the government's demands.

In addition, that alleged statement was also the only “proof” that directly tied Londonio to the murder as well. Londonio had never “confessed” to anyone else, including Pasqua and numerous other wired-up informants, that he had a role in the murder – not even during that November 11, 2014 phone call he made from jail to his own voice mail account, which was reported by Gang Land News on **September 5, 2019**.



Christopher Londonio's attorney, John Meringolo

But the government put on their thinking caps (and maybe joined Otto in a bit of hookah smoking to free up their minds) and came up with a fantastical theory about why that was so – which we'll learn about shortly.

Evangelista testified for two days, but on the first day of testimony, Judge Siebel set the tone. Like she had throughout the entirety of the case, she wasn't about to show impartiality when it came to the most important charge against Crea and the other defendants.

Londonio's attorney, John Meringolo, had requested in a motion on October 14, 2019, to call the wondrous Agent Otto to the stand to testify during their presentation of the case. It wasn't going to happen in ten thousand blue moons, but before the jury came into the courtroom for the day, Siebel went into an incredibly lengthy reason why she was shooting the request down.

She started with this:

First, Mr. Londonio points out that Otto is the case agent, he was the main witness in the grand jury, he was a key player in the investigation, he was Mr. Spinelli's handler, and he participated in the investigation of third-party culpability. And they say this alone justifies calling him. I don't agree with that. There's no independent relevance of those facts, and those facts alone couldn't assist the jury in deciding whether or not the government's proven its case.

Hate to cut you off so soon, Your Honor, but the testimony and “evidence” presented to the grand jury for the original 2017 indictment was never verified back in 2018 when defense counsel demanded an inspection of those minutes after the government’s numerous misrepresentations during pretrial hearings. Siebel refused to inspect the minutes, instead giving the government an out by introducing a new “trial indictment” against the defendants. What that means is that the government cleaned up their bogus evidence, perhaps created new bogus evidence, and recharged the defendants – except in Crea’s case, they dismissed the attempted murder of Sean Richard charge. So, no one really knows what Otto testified to at that original grand jury hearing – and no will ever know because those minutes disappeared into a governmental black hole.

But moving on to the more specific things the defendant asserts, he next says the testimony is necessary to prove that Agent Otto misrepresented facts in the grand jury, specifically that CW-3, who, I gather, we’re going to meet today and Mr. Londonio were cellmates and that the prosecutor picked up on that testimony and incorporated it into a question and reinforced it and that is not the fact, they weren’t cellmates, they were unit mates a few cells down.

Separately, the defendant moves to dismiss Count Ten for the knowing use of perjurious testimony in the grand jury. I’ll get to that at the end. In terms of whether that is a ground for questioning Mr. Otto at this trial, that he, Agent Otto, said in the grand jury that CW-3 and Mr. Londonio were cellmates when really they were a few cells down from each other has no bearing on the issues the jury has to decide. If CW-3 says they were a few cells down and the defendants want to ask him if he ever told Agent Otto they were cellmates, they can ask him that, but that Otto misrepresented something in the grand jury, inadvertently or intentionally, doesn’t assist the jury in assessing any testimony here.

Remember, Agent Otto’s original “star witness” was Frank Pasqua, who was Londonio’s cellmate. It could be, as we’ve pointed out previously, that Otto couldn’t remember which snitch was which because the government’s story was in a state of constant rewrite. Count Ten, by the way, was the escape charge.

She goes on to say that “The motion also states that another reason to bring Otto to the stand was because he didn’t investigate” another organized crime Family “as an alternative suspect” in the “murder of Mr. Meldish.” “They go on to say that Mr. Otto ‘failed to timely investigate information implicating members’ of this other Family “and only followed up on those leads after the defendants requested disclosure of such information in this proceeding.”

Here, of course, there’s no evidence at all of a rush to judgment. The murder was in 2013, the Bronx charges were brought in 2015, and the federal charges in 2017. We’ve already seen from the NYPD officers that they were doing — I don’t mean this to come out the wrong way because I think they did a terrific investigation, but they were doing a standard homicide investigation. There was certainly no leaping to conclusions that I can see.

However, that’s inaccurate because the government started leaking information to the press prior to the 2015 indictment. In addition, as shown in the pretrial portion of this article, the government brought the indictment against the defendants based on the testimony of Frank Pasqua who was then dismissed for Evangelista.

The fact that the government, in the runup to this trial, followed up with sources who had given information in the past hardly shows that the FBI did not consider the (the other Family) a suspect or did not thoroughly investigate. The government confirmed yesterday, with respect to two of these sources in court and the third one by e-mail to all of us, that the three individuals with whom the government followed up recently were not Agent Otto’s sources. There’s no indication he had spoken to them before. That he followed up with them in 2018 and 2019 simply does not suggest that nobody followed up with them at the time or that their information did not go to the right people at the time.

But this was Agent Otto’s case so you’d think he’d want to be thorough. Then again, since he only wanted to “get the guy” – aka Crea – in every informant conversation, it wouldn’t matter if there might be evidence pointing to other suspects because those other suspects weren’t Otto’s target.

Further, as a practical matter, I'm not sure what more could have been done with their information given that, apparently, at least two of them had no personal knowledge and were just reporting what they heard on the street.

And, yet, here we are with David Evangelista who will be reporting what he heard in jail – plus every other informant who told their tales. None of which, by the way, had any “personal knowledge.”

So I don't think the evidence that the defense would elicit from Agent Otto shows a shoddy investigation or that anybody ignored the possibility of the (other Family) being responsible, but even if the evidence better showed a shoddy investigation, that doesn't mean it gets in.

So, what does that mean? If there was proof someone else was behind Meldish's murder, the evidence won't get in because it doesn't fit with Otto's goal of getting “the guy.”

As I said a moment ago, the purported evidence of a shoddy investigation does not even show a shoddy investigation, so its probative value is low and it's substantially outweighed by the prejudicial effect from waste of time, confusion of the issues and misleading the jury. That's in part because it shifts the focus away from the charges against the defendants and whether or not there's sufficient proof of those charges and on to the agents.

Not quite. What Otto's testimony would show was that Crea was innocent of the murder charge – and probably everyone else, too. And it wouldn't be for Siebel to decide, anyway – that decision is supposed to be the jury's. But, then again, as both Scotten and Siebel pointed out before Spinelli testified – the government isn't on trial no matter what kind of shady practices they do behind the scenes. Still, it begs the question that if the government had nothing to fear, why not lay it all out for the jury to see?

Likewise, here, plaintiff has not pointed to trial evidence the reliability of which would be undercut by the evidence regarding Otto's follow-up that they want to introduce, nor have they suggested how Otto's investigation is otherwise material to the defense. In these circumstances, evidence attacking the investigation would waste time, mislead the jury and confuse the issues.

Because when the government has nothing to fear, it needs to make clear that laying out all the facts might “mislead the jury” and “confuse the issues.”

Defendants next argue that Otto’s testimony is necessary because his prior murder cases resulted in acquittals or hung juries and that Charlie Carnisi reported Mr. Otto to the FBI for misconduct. This is the same Charlie Carnisi who, if I remember recently, was accused of being a criminal himself. I don’t think he was a criminal himself. But that’s irrelevant to anything going on at this trial.

Wait, what? If she didn’t believe that then why even say it? Was the clarification because she remembered she was on the record? And why is it irrelevant that someone reported Otto for misconduct? **Those cases** Carnesi worked on involved a lot of the same issues present in this case. And again, Siebel isn’t being very impartial when she’s calling Londonio’s former attorney a “criminal,” whether she means it or not. And the fact the man has died by this point makes her statement even more disturbing.

It didn’t matter, anyway, because Otto was never called to testify.

Later, there was an argument regarding the escape charge against Londonio and how Evangelista’s testimony would affect the other defendants, specifically, Madonna. Joshua Dratel is Madonna’s lawyer.

MS. ROTHMAN: I think that the general corroboration is useable against all defendants. CW-3 is going to make statements that do implicate Mr. Madonna, Mr. Crea, Mr. Caldwell, and so that corroboration and his testimony should be applied to all defendants. As to this particular statement, we recognize that its primary focus is Mr. Londonio.

MR. DRATEL: Its only relevance is to that count, so it would only come in against Mr. Londonio.

THE COURT: Well, I mean, the government just said that Evangelista is going to testify about things relevant to other counts, and to the extent this shows that he’s a trustworthy witness —

MR. DRATEL: That wouldn’t come in without Count Ten. And it’s only against Mr. Londonio. They wouldn’t be able to bolster him with that without content, so it only comes in against Mr. Londonio.

THE COURT: But everybody's going to stand up and say Mr. Evangelista is a liar.

MS. ROTHMAN: Except the government, your Honor.

THE COURT: Good point.

We can already see how this day is going to go...

Crea's lawyer, Anthony DiPietro, brought up an issue regarding the Londonio emails that were going to be a significant part of Evangelista's testimony and the government's "proof":

MR. DiPIETRO: Just to avoid a sidebar right away, and I'm not going to rehash yesterday's arguments about the e-mails, but I had reached out to the government last night and asked them to proffer as to how Chris' e-mails with his mother are admissible, under what hearsay exception. They said they're not being offered for the truth. The second part of the problem now is, in those

e-mails, it has that your Honor has denied my client bail, which then gives the inference to the jury that he's in custody.

THE COURT: Well, I mean, Evangelista is his cell buddy.

MR. DiPIETRO: Not my client.

THE COURT: Oh, I'm sorry. Mr. Crea. I'm sorry. I always get your back table mixed up. I mean, there's already evidence that he was convicted of a crime fairly recently, so —

MR. DiPIETRO: No. That was 2006.

THE COURT: Yes.

The flippancy. Maybe she hadn't yet had her morning coffee, but after nearly four years of hearings and days of testimony, you'd think she'd know which lawyer and defendant was which. Either that or just didn't care. We'd put our money on the latter. And didn't she say previously that she took the case because she knew it would be well-lawyered?

But also, she said Evangelista was Londonio's "cell buddy." Not true (that was Pasqua) and she should have remembered this because it was a huge issue in pre-trial hearings.

MR. DiPIETRO: All I'm saying is, if he's going to testify to a story, like I said yesterday, these e-mails are just there to improperly bolster him, and now we have issues of hearsay and we also have the issue of my client now being denied bail by you, and the jury's going to say, wow, the Judge denied him bail. Why is that? Is he dangerous? I mean, I don't think this is — it's 403 balancing. It shouldn't come in. I made my objection yesterday. And now it's just gotten worse. And the government hasn't offered any good reason as to why —

THE COURT: Haven't we been talking for months about this issue of Mr. Londonio being ticked off when he was erroneously informed that your client erroneously got bail?

MR. DiPIETRO: Yes, but your Honor had ruled this statement out and the sequence of how it happened as of a couple days ago, and now we have the issue where they're trying to introduce the e-mails, and the e-mails are now going to bolster the idea that your Honor denied my client bail. And it's hearsay. And they're just saying, oh, it's not offered for the truth. But it has serious 403 issues here. And I don't see why he can't just testify to his story, why we need these e-mails to come in to bolster his account.

THE COURT: Well, I mean, to the extent there's a problem, it's the same problem with the testimony as the e-mails. Why isn't it prejudicial because it's telling the jury that Mr. Crea's been detained?

MS. ROTHMAN: So, to be clear, the defense has pointed to the second e-mail in the chain, which is after Mrs. Londonio tells Mr. Londonio that they are home or something. I'll pull up the exact wording. Something a little ambiguous.

THE COURT: Jr. and Sr. are in house.

MS. ROTHMAN: Are in house. And then Mr. Londonio, the next day, responds interesting wow that's great for them. And they've argued don't believe CW-3, who's going to tell you that Mr. Londonio was fuming when he learned that Crea Sr. and Jr. got bail because look right here, ladies and gentlemen, he's happy about it. And then the entire chain shows that it's a bit more complicated than that.

THE COURT: The rest of the chain shows that they're in jail.

MS. ROTHMAN: The chain shows that there's uncertainty for about two days, whether they're in, whether they're out. Mr. Londonio keeps asking what did you mean by that. And then it's finally, only at the end, on the 14th

of July, two days later, that Mrs. Londonio says they are in custody. So if the defense is not going to cross-examine CW-3 on the purported inconsistency between CW-3's testimony and what e-mail number 2 suggests, then I think we could talk about removing sort of everything but maybe the first e-mail, but if they're going to go down that line to question his credibility based upon these e-mails and what he says, then we're allowed to introduce the whole picture. Again, your Honor can instruct the jury that they should not infer one way or another whether or not Mr. Crea and his son were on bail or not on bail, the jury should not use that fact in determining the guilt or innocence of any defendant, but I think we're allowed to anticipate and respond to we expect to be a pretty extensive cross-examination of CW-3 today.

THE COURT: Look, I think I will tell the jury none of this is admitted for its truth, they shouldn't infer anything about whether a particular defendant did or did not get bail and should not consider that fact in any way, but I don't think it's a huge surprise – I don't think it's – in the scheme of the evidence that's been introduced, I don't think it's a huge surprise that somebody who's an underboss of a crime family and who has a prior conviction for enterprise corruption might not be given bail. So I don't think the jury's going to say, whoa, now that I heard that he was detained pending trial, that changes how I look at him.

MR. DiPIETRO: I respectfully disagree. I think there's a string of case law on this issue. I also think the fact that it is your Honor who denied him bail is extremely prejudicial for this jury to draw that inference.

THE COURT: Well, I don't think that —

MR. DiPIETRO: And I think that's why we have the marshals here and they're dressed, because we try to avoid that substantial prejudice.

THE COURT: I mean, I agree, as a general matter, we do try to avoid that, but sometimes it comes in. Like, you know, all this evidence about the escape is coming in. I understand why someone would want to use the July 13th, 2017 7:46 a.m. e-mail to impeach Mr. Evangelista. Why is it that the government thinks that opens the door? So what if it later turns out that Mrs. Londonio was incorrect. The point is that Mr. Londonio said it's great for them that they got bail.

MS. ROTHMAN: Your Honor, it's the duration of the time period in which there's uncertainty as to whether or not Mr. Crea Sr. and Crea, Jr. have

received bail.

THE COURT: And what's the importance of that timing?

Rothman then goes on at length (almost three pages worth) to explain and have a mini-strategizing session with the judge regarding the government's theory. We're not going to include it because it will be brought out in testimony. However, DiPietro finally got a word in before Siebel's ruling:

MR. DiPIETRO: Your Honor, could I interject on this? I think there was a motion filed sometime prior. There's also a phone call on June 21st with Ann Meldish where she reports to Londonio that they got bail and he says holy shit, great for them, that's great. So the chain that my client's in custody and you denied him bail is not relevant. He's on notice that they got bail. His reaction is that it's favorable. And now the government wants to get in that, no, he wasn't really given bail and he's now in custody and your Honor denied bail, and that's the whole problem with this summary chart. It's prejudicial.

THE COURT: And the whole problem is I'm learning this the morning he's supposed to testify and neither side has given me the law. I know there's law on how we should try to keep it from a jury that someone's detained, but there are exceptions. I don't know what the exceptions are. I don't know what standard I'm supposed to apply. And that's the problem with this whole trial.

Wrong again. The defense provided law which Siebel rejected, the government didn't, throughout the "whole trial." And then Scotten joined in because, well, he's Scotten.

MR. SCOTTEN: Wait a second, your Honor. These e-mails have been marked as exhibits for weeks. If they wanted to move to exclude them, they should have moved to exclude them. The summary chart is a defense protest that, all of a sudden, the evidence is clear and the jury's going to understand it.

THE COURT: Well, the summary chart's fine.

MR. SCOTTEN: That's right.

THE COURT: If the underlying evidence is fine.

MR. SCOTTEN: So they had it weeks ago. This isn't a both sides issue.

MR. DiPIETRO: Let's just be fair here. This was four days ago, and your Honor ruled that's it's coming in as of Monday.

THE COURT: What did I rule on Monday?

MR. DiPIETRO: That these statements were coming in about Crea. These weren't coming in as of a couple weeks ago, it this issue — a few days ago.

MR. SCOTTEN: But they were coming in for like eight months.

MR. DiPIETRO: Well, you haven't even authenticated the records under 902. We never got certification. So I don't think they're coming in anyway.

THE COURT: Well, that's a separate problem.

MR. DiPIETRO: That's a separate point. So we'll see if that happens now. But, under 902, they're probably not coming in. But we didn't know —

THE COURT: I don't remember what I —

MR. DiPIETRO: You ruled that the statement in which the Creas were implicated about this whole bail thing —

THE COURT: Oh. Right. That was on Tuesday.

MR. DiPIETRO: That was on Tuesday or Monday of this week. So the idea that I'm going to make all these arguments on the fly, you know, is really not that fair. We're trying our best.

And there you have it, ladies and gentlemen. As it turns out the complete e-mails stayed in as did the chart only showing Londonio's side of the e-mail conversation with his mother. Also, the statement that was talked about that Siebel forgot was the "Stevie and son" statement that was the crux of the government's case against Crea. It was the statement Siebel had ruled out before the trial began and then changed her mind about after Carillo's testimony and the government's "evidence" that Spinelli would corroborate.

Plus, every other witness thereafter corroborated the nicknames, too, which is odd considering the government never mentioned any of that in pre-trial hearings or even in their argument after Carillo's testimony. Also concerning is Siebel's lapse of memory regarding such an important ruling that only happened a few short days ago as DiPietro stated. Take that as you will.

Let's move on to the main event.

Before Evangelista took the stand, the prosecution called Special Agent Timothy Geier who worked at the MDC at the time of Londonio's bogus escape and was part of the investigation.

He testified to a lot of things, mostly about emails and money transactions for the prosecution, and a lot more interesting things for the defense.

But first, the prosecution decided that in order to prove its case, it needed to bring up something from Londonio's uncle's past. Yep, you read that right — his uncle's past. Completely irrelevant, but since tensions were high already, why not just take it up a few more notches?

MS. ROTHMAN: Your Honor, the government offers Government Exhibit 505.

THE COURT: It's received.

(Government Exhibit 505 received in evidence)

MR. MERINGOLO: Judge, one minute. Can we see it?

THE COURT: Sure. You don't have it?

MR. MERINGOLO: No.

(Pause)

MR. MERINGOLO: Judge, we would object. These are records from —

THE COURT: No speaking objections. One second.

MS. ROTHMAN: I have another copy, your Honor.

THE COURT: I got it.

(Pause)

THE COURT: Well, why don't you go ahead and use it, but don't put it up subject to potential future redaction.

MS. ROTHMAN: I'm not sure I fully understand your Honor's ruling.

THE COURT: There's some — all right, come to sidebar.

MS. ROTHMAN: Sure.

(At the sidebar)

MS. ROTHMAN: Mr. Goltzer has explained your Honor's ruling to me. I think there are some things that are prejudicial in this.

THE COURT: I assume the problem is that it lists all of the crimes that Mr. Londonio's uncle committed.

MS. ROTHMAN: All we're looking to get in is the escape, the '77 escape, which is consistent with the testimony that CW-3 will provide and, also, that's already in the record from Mr. Foti from a few days ago. I can have him read that one piece of information off the form and then we can redact the other information. That's fine.

MR. MERINGOLO: For the record, we would object that the escape from the '70s comes in as to Mr. Londonio if he supposedly told Mr. Evangelista there's no reason for the BOP to go back and get records to show that this happened. It's just so prejudicial. It's not relevant. The balancing test —

*HE COURT: It's corroboration of Evangelista, and to whatever extent it's prejudicial to **Mr. Londonio that his uncle is a crook**, I think there's already evidence of that to the jury. I don't think the jury needs to know — it talks about narcotics and bribery and — I don't think that all the details of Mr. Malizia's prior crimes — but the fact of the escape, the probative value of that argument outweighs the prejudicial effect. The probative value of the other crimes does not. So, subject to the redaction of the other crimes, the government should just go ahead and question the witness about what it shows about the escape without putting the document up.*

“His uncle is a crook.” Wow. She couldn't have thought of a better and more impartial way to say that? That's just so wrong in every way. And while she might not say that out loud to the jury, the fact she says it behind the scenes just shows how two-faced she is in relation to her job as a judge.

MR. DiPIETRO: Your Honor, just quickly, we want to make an objection because the escape is not relevant to me, but if the government's going to keep offering prior consistent statements as to what Evangelista told him and then he acted on it, I would object because that's improper.

THE COURT: I sustained the objection to what the witness was told by Evangelista. Then there were some questions about whether what you found was consistent with what Evangelista told you. That's bolstering and I would have sustained an objection had there been one.

MR. DiPIETRO: I know, but I didn't want to highlight it. I just want to avoid it happening again. The escape is not my count by Evangelista is are relevant I just don't want the jury to.

THE COURT: You can just elicit from him what the facts are and argue at summation that what the witness found was consistent with Evangelista said, but you can't do it ahead of time.

*MS. ROTHMAN: I would just note that I don't think it's — we're not going to go beyond anything else. **He's done testifying about Mr. Evangelista, but I will say that, in opening, Mr. Meringolo called this a government-created crime. I think that is a sufficient basis for us to introduce prior consistent statements of Mr. Evangelista. We're moving on. Nothing else to say. But I will note that for the record.***

THE COURT: I don't even know what a government-created crime is. Maybe the jury does.

MR. MERINGOLO: We'll see.

They should just call themselves The Untouchables.

MR. PATEL: Your Honor, just briefly, this material is not actually being offered to corroborate Mr. Evangelista. It's actually being offered to corroborate Mr. Londonio, who Mr. Evangelista is an echo chamber. And we would ask your Honor — and, at best, it shows a genetic predisposition to escape, so it's really pretty questionable —

THE COURT: It might show where he got the idea.

MS. ROTHMAN: Exactly, your Honor. Thank you.

Couldn't have gotten the idea from Evangelista who had a prior history of escape. But let's just go back to the 70s and bring in Londonio's uncle. At this point, it is my firm opinion that the government is doing this specifically to get under Londonio's skin because he didn't bend over for them and flip despite everything they did to try to get him to do so. So, they bring up his brother (who had been killed by cops) and why not just throw in the "kitchen sink" by including his uncle, too?

MR. PATEL: Because no one ever thought of escaping from jail before, as your Honor noted the other day. Your Honor, we would again request the instruction that this has nothing to do with Mr. Madonna

MS. ROTHMAN: I don't think that's appropriate here, your Honor.

THE COURT: I don't think anything this witness says could conceivably be considered against Mr. Madonna.

MS. ROTHMAN: So just where we left off, the government offers 505, but will not publish it to the jury yet.

THE COURT: Received subject to redaction.

(Government Exhibit 505 received in evidence)

BY MS. ROTHMAN:

Q. Agent Geier, looking at Government Exhibit 505, what is the name of the inmate for whom these records relate?

A. Ernest Malizia.

Q. And I only want to ask you one question. Looking at the —

THE COURT: You may lead if you need to.

MS. ROTHMAN: Thank you, your Honor.

Q. Looking at the bottom of the record, which begins CCMRMKS, there's an entry that reads 77-CONSP escape, escape, and then (ESCFM fed DETNCTR) What does that entry mean to you, Agent Geier?

A. The entry means to me that, in 1977, this inmate was charged with conspiracy to escape from a federal detention center.

Q. And was the inmate sentenced for that escape?

A. Yes. Five years.

So, again, if anyone can explain to me how this is relevant to anything, please do. And wouldn't the inference to the jury, despite the redaction of Malizia's offenses, tell the jury anyway that Malizia was in jail for something...thus painting a prejudicial picture as defense said?

But then Meringolo got his shot...and...well, it was a very hot courtroom for a while.

Geier testified that he only interviewed Evangelista for a half-hour after he confessed about Londonio's planned escape. However, he didn't interview Londonio. So, right there, it's odd because you got a guy who's a known liar and they don't even take the time to "corroborate" the story he's telling – especially since the guy was on a suicide watch?

A few hours after Geier talks with Evangelista, he calls the FBI and talks to Agent Chris Munger. And even though there are cameras in the cellblock and the footage is kept for two weeks, the FBI doesn't ask for any footage or any other evidence to substantiate Evangelista's claims.

Because what he claimed was that Londonio had gone into Evangelista's cell and was working on his window to escape. So, wouldn't checking out the camera footage be a quick way to verify whether or not Londonio had actually gone into Evangelista's cell? But the FBI doesn't want to verify that because they know the whole "confession" is a bunch of bull.

Plus, there were cameras in the parking lot, which they could have checked just to verify the outrageous claim that Londonio's wife was dancing in the lot to see if anyone was watching. Because after he climbed out the window,

he was going to run through the parking lot where his dad would be waiting to whisk him away to freedom. But they didn't bother checking for Londonio's dancing wife, either.

So, the only evidence the prosecution had was a box of sheets that were supposedly found under Londonio's bed which they proudly displayed for the jury. No dental floss, no hacksaw, no pipe, no razors...nothing else to prove this bogus escape. If you think about it, what did Londonio do with all these other tools he supposedly had and which Evangelista saw?

And it gets better.

Now, if you remember the story about this bogus escape, one of the things the media talked about was that Londonio had lost lot of weight beforehand so that he could fit through the window. But what was never discussed was the fact that Londonio was put into the SHU (special housing unit) after Evangelista told MDC officials about Londonio's escape plan. This was on August 1, 2017. And this was when Londonio lost all that weight, not because he was planning to escape.

Meringolo is able to get Geier to testify about that a little bit, but the government is getting testy...and then they just explode.

First there was this:

Q. And do you know how much he weighed the day you put him in the SHU on August 1st, 2017?

A. You're asking me if I know his exact weight?

Q. You know, he was a big guy, right?

A. No. He had lost a considerable amount of weight from the picture I saw of him.

Q. Oh, oh. Really? Okay. So your testimony is that, on August 1st, 2017, he lost a significant amount of weight?

A. I'm saying that, from the picture that I saw of him, he had lost a significant amount of weight.

Ant then a short time later this:

Q. Do you know my client was placed in the SHU for 19 months?

MS. ROTHMAN: Objection, your Honor.

MR. MERINGOLO: They put the evidence in. They put the evidence in.

MR. SCOTTEN: What does that mean?

MS. ROTHMAN: Relevance.

MR. MERINGOLO: They put it in. Want to pull it up?

THE COURT: Overruled. If it's in, it's in.

Q. You put my client in the SHU for 19 months, right?

A. I did not place him in the SHU for 19 months.

Q. Well, you know he was in the SHU for —

A. I have no idea how long he was in the SHU.

Q. Okay. And let's describe what the SHU is. Tell the jury what the SHU is.

MS. ROTHMAN: Objection, your Honor.

THE COURT: Sustained.

Q. Now, when Mr. Evangelista came to talk with you. Did you do an investigation on him?

MS. ROTHMAN: Objection, your Honor.

THE COURT: Sustained.

Q. Well, you went and got these bed sheets, right?

A. Yes, sir.

Q. Okay. Did you ever retrieve dental floss from my client's cell?

A. Not that I can recall.

Q. Do you recall Mr. Evangelista telling you that my client wanted to cut the window with dental floss?

MS. ROTHMAN: Your Honor, objection.

THE COURT: Yes. I mean — well —

MR. MERINGOLO: He's doing an investigation.

THE COURT: Yes, but the investigation is not what the trial is about, Mr. Meringolo. And as you know and as I would have told the jury at the end, but I'll tell them now, too. It's not the government that's on trial, and the issue here is whether they've presented you with enough proof for you to find beyond a reasonable doubt that any defendant is guilty of any count. That's what the trial is about.

And once again, the government is not on trial. Why do they have to keep saying that over and over and over? But then Meringolo doesn't even get a question out before Rothman realizes things are going a bit haywire.

Q. During the meeting with Mr. Evangelista, did he tell you my client —

MS. ROTHMAN: Your Honor, can we have a sidebar, please?

THE COURT: Okay.

(At the sidebar)

MR. DiPIETRO: Your Honor, we have a serious issue.

THE COURT: Okay, but right now —

MR. DiPIETRO: Sorry, sorry.

THE COURT: Right now, the government has an objection. I'll rule on it and you're next.

MS. ROTHMAN: I have several objections, but I'll deal with the one that brought us here and I'll be as quick as possible. We were instructed and there was an objection to us eliciting statements from Mr. Evangelista on Mr. Geier's direct examination. I don't think it's proper for Mr. Meringolo now to insert Mr. Evangelista's statements into his cross-examination. You can ask Mr. Geier if he found dental floss.

MR. MERINGOLO: Let the Judge tell me, please.

Ah, but Mr. Meringolo, don't you know they're a team...they're one and the same.

MS. ROTHMAN: You'll have a chance to cross-examine Mr. Evangelista —

MR. MERINGOLO: I know you're going to say the same thing, Judge, but —

THE COURT: You tell me why the question is proper.

MR. MERINGOLO: Why I believe the question is proper is that it's relevant to what Evangelista told them was in the cell, meaning the bed sheets. Evangelista also has said we were going to use dental floss, we were going to use a saw, we were going to use this. So those things were not found.

THE COURT: So you can ask him if any of those things were found.

MR. MERINGOLO: I asked him if they found dental floss and they went crazy.

THE COURT: No.

MS. ROTHMAN: First, I didn't go crazy. You should be more respectful. I objected to asking him if Mr. Evangelista told you those things.

THE COURT: You can ask about dental floss, an axe saw or whatever.

Somebody should write a book...

MR. DiPIETRO: Your Honor, I'm moving for a mistrial again because Mr. Scotten voiced to Mr. Meringolo something about him being a liar in front of the jury, and this is totally improper. And these things are just building up. My client has a very minimal amount of evidence in this case, and the prejudicial overspill of all these things is really denying him a fair trial. And the fact that Mr. Scotten voiced something like that — and the jury heard it — and I confronted him about it on the side just to make sure. He said I may have said he lied or something. This is improper.

Apparently, Scotten called Meringolo a “liar” under his breath, as reported by defense counsel.

What kind of soldier was Scotten? I'm having a hard time believing he was Special Forces because his immaturity is way out of control — not being able to control himself like that...but this sidebar is all sorts of juicy...

MR. SCOTTEN: I don't think the jury heard it. So Mr. DiPietro is absolutely correct. It was improper. I don't think the jury heard it, although I'm concerned now if Mr. DiPietro heard it. It was directed towards him. I certainly was wrong. I just — he's out of control and it caused me to be out of control. It was inappropriate.

Seriously...WTF.

THE COURT: That was a little more out of control than Mr. Meringolo. Mr. Meringolo I do feel is disregarding my prior rulings from time to time. I ruled on the fingerprints, for example, and you are obviously trying to influence the jury with asking questions that you know are improper, and I'm going to start calling you out on it more directly. I'm just letting you know.

MR. MERINGOLO: It's my fault for not knowing. I wasn't here. I'm sorry.

THE COURT: I am just letting you know.

MR. MERINGOLO: I wasn't here at the last pretrial conference, Judge.

THE COURT: You can —

MR. MERINGOLO: No, I got a list of some of the rulings. It's my fault. I'm not blaming anybody else.

THE COURT: I'm just letting you know that I haven't been calling you out as directly as I might, but if I see that again, the jury's going to hear that you know perfectly well that I ruled that that was completely improper. So don't do it.

And, Mr. Scotten – this actually applies to both of you. Your passion is commendable. The way you're behaving is not. You, Mr. Scotten, you have to know that it's completely out of line to say something like that whether or not in the jury's presence. It is not what we expect from professionals, let alone Assistant U.S. Attorneys, number one. Number two, you shake your head yes, you shake your head no, you smile, you frown. Stone face.

MR. SCOTTEN: Yes, your Honor.

THE COURT: That is what we expect.

Okay, mom.

MR. SCOTTEN: Understood.

THE COURT: Write it on a sticky note and give it to Ms. Cohen if you need to vent. Don't let it happen began.

MR. SCOTTEN: So this is my concern, and if I bring it to the Court, maybe I will do a better job of not venting. We actually had a conversation with both Mr. Meringolo and Mr. Freeman before trial. We spoke to Mr. Freeman in particular, and he assured me that he would inform his colleague of all of the Court's pretrial rulings. And it should not be said in front of the jury. It is not that

he's wrong. If you find the term unprofessional. He is consistently speaking untruthfully to the Court. He knows perfectly well what the rulings are. There's no accident or mistake when he tries to insert, for example, you didn't investigate a guy who was on suicide watch. And I do think, at some point, we have to stop pretending that's he's sorry and acknowledge that that is just an untruth he is telling the Court to cover blatant disregard.

Folks, this is my article, and I'm going to say it like it is...what a whiny little child (and believe me there's a much stronger term I can use here.) How did Scotten become a U.S. Assistant State's Attorney? Did he whine so much that the powers that be just gave him the job because they wanted to shut him up? I mean, I just don't get it.

THE COURT: As I've said before, this shtick, it's very entertaining, but Mr. Meringolo is way more sophisticated and smart than he pretends to be. So I am going to make sure testimony, if you continue to disregard my rulings and do things that could be regarded as —

MR. MERINGOLO: Improper. I know.

THE COURT: I'll say improper. I'm going to call you out. I do not think that Mr. Scotten's equally improper remark caused any prejudice to Mr. Crea.

MR. DiPIETRO: Your Honor, my concern is Mr. Crea only. And the way the events have proceeded since yesterday, I think the right word is pretending that he's getting a fair trial. There's a lot of things happening here between the late ruling, between the stuff that came in for two hours yesterday, the comment of the AUSA now in front of the jury and the cumulative effect of that, that he's being deprived a fair trial. I'm not involved in these back and forths and I'm worried about Crea Sr. only.

THE COURT: Well, I'm here and I'm trying to evaluate the effect of all these things, and I don't think any of it comes close to depriving Mr. Crea of a fair trial. I'm going to instruct the jury that they need to disregard the personalities of the lawyers and any comments they may make to each other, and I'm going to instruct them that any such comments are improper.

MR. GOLTZER: Judge, they may like a couple of us.

MR. DiPIETRO: Your Honor, I would rather you not highlight it.

THE COURT: I'm not doing this when the jury is here.

(In open court; jury present)

THE COURT: Before we continue, let me just instruct you, ladies and gentlemen, that sometimes lawyers get a little worked up. You are to disregard the lawyers' personalities or anything they may say to one another. As I've said before, comments are improper. I hope all counsel will keep their comments to themselves. The only evidence comes from the witnesses and the exhibits and the stipulations. So I hope all the lawyers will be on good behavior and I won't need to address this any further.

Let's proceed, Mr. Meringolo.

Meringolo never got back to the SHU and Londonio's weight loss, asking instead about logistical matters at the MDC in regards to visitors. But before he ended his turn with Mr. Geier, he asked this in regards to an email exchange between Londonio and his mother:

MR. MERINGOLO: Could we blow up this part. If you can kindly blow up that part. Thank you very much.

Q. And, sir, do you see Christopher Londonio writes on July 30th, 2017 at 9:35 p.m.?

A. Yes.

Q. He's writing to his mother, Mrs. Londonio?

A. Yes.

Q. And isn't it true he says see you tomorrow get me 2 hot dogs and 2 burgers please love ya goodnight? Right?

A. Yes.

Q. That's not someone who's trying to lose weight eating two hot dogs and two hamburgers. We could agree?

MS. ROTHMAN: Objection.

THE COURT: Sustained. Save it for your closing argument.

MR. MERINGOLO: No further questions.

Boom. There it is....

That was pretty exciting, wasn't it?

The jailhouse snitch finally takes the stand. As expected, Evangelista tells a very detailed and interesting story about the events that happened when he met Christopher Londonio at the MDC. Rothman breaks it down.

Q. During what time period were you and Mr. Londonio together at MDC?

A. May to June, 2017.

Q. Were you with him —

MR. MERINGOLO: Objection.

THE COURT: Overruled.

May to June 2017? Huh. Interesting. I thought it was until August 1?

Q. What crime did you and Mr. Londonio commit together?

A. We were planning to escape.

Q. And how did law enforcement learn about the escape plan?

A. I told them.

Q. When did you tell law enforcement about the plan?

A. I told BOP staff.

Q. When?

A. In August, August 2017.

Q. And so for what period of time were you and Mr. Londonio together prior to you telling BOP staff about the escape plan?

A. Roughly three months.

Q. That would be May, end of May, June and July?

A. Yes.

Q. 2017?

A. Yes.

Q. Now, after you spoke with BOP staff, who did you speak with about the escape plan?

A. FBI.

Q. Now, whose idea was it to escape from the MDC?

A. Mr. Londonio.

Evangelista then describes how when he arrived at the MDC, he ran into a guy he knew from the MCC – an Albanian guy named RB who introduced him to Londonio. They were playing cards and he learned that Londonio was on the same cellblock as him. Even though Londonio had several other friends at the table, he apparently took a liking to Evangelista, so much so, that later “towards nighttime” Londonio invited him to come see him in the morning so he could show Evangelista “where we sit down for breakfast.”

After breakfast the next day, Londonio couldn’t stay away from his new friend and while they were playing basketball, Londonio inquires about Evangelista’s accidental release from the MCC which apparently Londonio had heard about. Then, according to Evangelista, Londonio says, “I wish that happened to me. I wish they made that mistake with me.”

So then, because this is how the government presents its questioning, Londonio finally gets around to asking about his new friend’s background:

Q. Now, before you discussed — you and Mr. Londonio discussed your accidental release from MCC, did he ask you any questions about your background?

A. Yes. Like where am I from, what neighborhood I’m from.

Q. And what did you tell him?

A. I told him the Sheepshead Bay area.

Q. And at that point, what did he ask you?

A. He asked me if I knew a few people.

Q. Who did he ask you if you knew?

A. Tommy Karate, Louie Daidone and Spinelli.

Q. Did you know any of those people?

A. I just heard of Tommy.

So, this guy doesn't know anyone that Londonio knows, but yet two years after the fact, he remembers all these guys' names, including Spinelli, which, by the way, he doesn't even bother mentioning his first name. Now, I'm going to pull a little government trick here. Back when Rothman was trying to establish how Evangelista and Londonio met, she had asked about the people sitting at the table playing cards with RB. This is what he says:

Q. Who was he playing cards with?

A. Mr. Londonio, a guy Tony and a guy named Michael.

Tony and Michael who? Apparently it doesn't matter to the prosecution unless it was Tony Montana and Michael Corleone. Who knows maybe Evangelista and Otto watched Scarface and The Godfather the night before and that's how he came up with those names.

So while playing basketball – that next day after they met – Londonio goes into detail about being placed in the GEO facility. You need to think about the logic here and why this would be the next topic of conversation considering Londonio was in jail since 2015. Why would he speak about this specific incident? Well, we can tell you why, but we'll play along with the government for a while.

Q. All right. So after Mr. Londonio asked about your accidental release from MCC, did you and Mr. Londonio discuss where he had been placed?

A. Yes, yes.

Q. What did he tell you?

A. He said the government — the government made a mistake and they put me in a GEO facility.

Q. And by me, you mean put him in a GEO facility?

A. Yeah. They put him in a GEO facility for eight days.

Q. Mr. Evangelista, do you know what GEO is?

A. I didn't know at the time, but I found out.

Q. What is GEO?

A. It's a place where they hold cooperating witnesses.

Q. And what, if anything, did Mr. Londonio say about his time at GEO?

A. He said when he was leaving, it was only a old man at the front desk and it was only one gate. It would have been easy to escape from there.

Q. So after that day, did you and Mr. Londonio continue to speak?

A. Yes.

Q. How frequently would you speak with him?

A. Mostly the day.

Q. Who would you eat your meals with at MDC?

A. Him, Mr. Londonio, Alex, Michael. A few people.

Q. Is it fair to say you became friendly over time?

A. Yes.

Who's Alex? And what happened to RB? Did Evangelista really mean Tony and just forgot?

Then "with time," Londonio goes into even more specifics about himself. Notice, the government doesn't want to get into the specifics of time because it probably wouldn't look good if Londonio bares his soul to the guy he just met all the nitty gritty details of why he's at the MDC.

Q. Now, just yes or no, Mr. Evangelista. With time, did you learn the reason that Mr. Londonio was in jail?

A. Yes.

Q. Who told you?

A. He did.

Q. What crime did he tell you he had been charged with?

A. Murder.

Q. Did he tell you the name of the victim?

A. Yes, he did.

Q. What was the name of the victim?

A. Meldridge.

Q. Meldridge?

A. Yes.

Q. Do you remember his first name?

A. No.

Q. All right. Did Londonio ask you why you were there?

A. Yes.

Q. And what did you tell him?

A. The escape. And I told him the old case.

Q. The old case and the escape?

A. Yes.

Q. Did you tell him the details of your escape from the halfway house?

A. No. I just told him escape.

Q. Now, did you later tell him — withdrawn.

So, let's analyze this for a moment. First, Evangelista can't remember what Meldish's name is, calling him Meldridge. And he doesn't remember Meldish's first name. But yet, Evangelista can remember all sorts of specific details about every other conversation he had with Londonio. And when he talks about why he's at the MDC, he just happens to mention the escape. That's sort of logical, but, remember, they had already discussed Londonio being at the GEO facility and him mentioning he could have escaped, and Londonio already knew Evangelista had been accidentally released from the MCC. So wouldn't it be more logical to think they would have had that escape conversation then?

And no other detailed conversation like who Meldridge was or something? I guess that's coming later, but before we move on to the next section of testimony, consider this. If they had already established such a strong relationship in just two days with Londonio sharing all kinds of information, why would it take so long to talk about other stuff? I mean, they were best buddies by that time...why later in the summer? Ponder those questions as we continue with Evangelista's story. Oh, and think about why the government only prefaces specific questions with "yes or no?"

Q. , Yes or no. During that summer in MDC, did Londonio discuss with you his plan to escape from the jail?

A. Yes, he did.

Q. Now, before we get to that, did Londonio tell you who, if anyone, he knew had previously escaped from a jail?

A. Yes, he did.

Q. What did he tell you?

A. He said his uncle escaped from a west side jail in the '70s, that he had a priest help him escape.

Q. Do you recall the uncle's name?

A. No; I do not.

Q. And what, if anything, did Londonio tell you about the fact that his uncle had used a priest?

A. Say that again.

Q. Sure. Let me rephrase that. Did Londonio say anything about a priest —

MR. MERINGOLO: Objection, your Honor.

THE COURT: Don't lead.

Q. Did you and Londonio ever discuss —

THE COURT: What else did he say about the uncle's escape?

THE WITNESS: That he had a priest help him smuggle a key in and he went out the side door.

MS. ROTHMAN: I can move on, your Honor.

Evangelista can't recall the uncle's name but remembers that it happened back in the 70s and that it included a priest and a key. Yeah. Okay.

The detail in these informant's stories just blow my mind:

Q. So let's talk about Mr. Londonio's escape plan. Without giving us all the details yet, through what — withdrawn. How was Londonio going to get out of MDC?

A. He was going to use the priest —

Q. Okay.

A. — to come see him to bring him an ax saw blade.

Q. Before we get to that, what was he going to physically go out of?

A. He wanted to go out — he was thinking about going out the vent first, but he said he couldn't fit through it, most likely he couldn't fit in the vent.

Q. So what did he settle on what he was going to go out of?

A. The window.

Q. Was there a particular window that he picked?

A. Yes.

Q. Which window?

A. My window.

Q. Do you know why he picked your window?

A. He said the window was messed up. There was rubber popping out of the window.

Q. Describe how he — did he tell you how he knew that?

A. Yes. He said because he knew — he knew — he said that he knew people that helped build the jail, that it was a rush job. He knew some of the Gambinos that build the jail and it was a rush job.

Q. And so he knew there was an issue with your window?

A. Yes.

Now, seriously. Two years later and Evangelista remembers Londonio told him it was the Gambinos who built the jail, but yet couldn't quite remember the name of the guy Londonio supposedly told him he killed?

Also, how the hell would Londonio even know that Evangelista's window had an issue? Did he ask someone for the blueprints to figure out that it just happened to be his new best buddy's window? I honestly have to say that if I was sitting on that jury, I'd have an extremely hard time keeping myself from laughing out loud.

Oh, by the way, that story about the Gambinos building the MDC came from another informant named Frank Fappiano who testified about that Family's involvement during Peter Gotti's 2004 **conspiracy trial**. And do you know who Fappiano's FBI handler was? None other than Ted Otto. So, no wonder Evangelista was able to recall such specific detail on that point.

And Evangelista's (or should we say Otto's) story continues:

Q. All right. What materials did Londonio need to escape from jail?

A. Well, he was going to have the priest —

MR. MERINGOLO: Objection. Time frame.

Q. During the summer of 2017, what materials did Londonio need to escape from jail?

THE COURT: What did he tell you?

A. He was going to have the priest bring in a hacksaw blade. His mother was going to bring in dental floss for him and everything. And he was going to go through the window.

A. And he needed sheets.

Q. Sheets. Before we get to the people outside, any other physical materials he needed – that he told you he needed to get out of the jail?

A. He needed the sheets. He needed the hacksaw blade. He needed the dental floss. And he was using a pipe and a razor.

Q. All right. So I want to go item by item, Mr. Evangelista. You mentioned that he needed dental floss.

A. Yes.

Q. What was that for?

A. To go through the window.

Q. Did he tell you where he got the dental floss from?

A. His mother, he said.

Q. Okay. Did he tell you how his mother had brought in the dental floss?

A. Through a visit, visitation.

Q. Did you —

THE COURT: Let me just clarify something. Did he say he had gotten it or he was going to get it?

THE WITNESS: He had gotten it.

Q. Did you see the dental floss?

A. Yes, I did.

Q. Do you recall where he stored it?

A. In his cell somewhere. I don't know exactly where.

Q. You also mentioned that a metal pipe was part of the plan. What was the metal pipe for?

A. To go through the window. To chip out the window.

Q. Did he tell you where he got the pipe from?

A. From the kitchen area.

Q. And did you see the metal pipe?

A. Yes, I did.

Q. Can you describe it?

A. It was like two inches long. It was a copper pipe. And it was like pinched — pinched on the bottom to make it look like a flat -like a screwdriver.

Q. And did Londonio tell you where he stored that metal pipe?

A. No.

Q. And before going on to the next item, can you describe what Londonio told you he was going to do with the dental floss?

A. To saw through the window.

Q. And specifically how was he going to —

A. I'm sorry. He was going to make two holes, one on each side, and put the dental floss through and saw through the window.

Just FYI something similar to this happened in upstate New York in 2015 when two guys used a hacksaw to escape from jail. But they didn't cut through solid steel bars on a window. Instead, they cut through a **metal steam pipe** and then crawled through it to get to freedom. And in 2012 at a federal prison in Chicago, a couple of guys escaped using **tied-up bedsheets** to get out of a window. It was a bit more complex than Londonio's plan, though.

But in regards to Londonio using dental floss to cut through the steel bars... In a 2009 **MythBusters episode**, they conducted an experiment to see how long it would take using that same exact scenario. Their results:

“Grant built a flossing robot, applied toothpaste to the bars (the grit used to clean your teeth, they reasoned, could be used to aid the floss), and let it run for a week. After a week, the bar had been worn away a fraction of an inch, which, by Grant's calculations, mean that you can cut through one bar in less than 300 days if you flossed 8 hours a night.”

This was a robot sawing away continuously for 8 hours a night and it took almost a year to get through one bar.

We'll just leave that there.

Amazingly, Evangelista's story wasn't quite done yet. And we're still only hearing the prosecution's side!

Q. Now, you also testified that he would use a blade.

A. Yes.

Q. And what was that going to be used for?

A. To go through the — there's a — like a metal guard. There's metal guards. To saw through it.

Q. Did Londonio tell you where he would get the blade from?

A. Yes.

Q. Where?

A. In his basement where his tools were.

Q. And how would he get that into the prison?

A. With the priest.

Q. Did Londonio tell you what, if any, steps he took to have a priest bring in the blade?

A. Yeah. He had to write — he had to e-mail the chaplain's office and find out the protocol for his priest to come see him.

Q. Now, you also mentioned that a razor was part of this plan.

A. Yes.

Q. What was the razor going — what did Londonio tell you the razor was going to be used for?

A. For the side of the window. There's caulking in the side of the window.

Q. And I think, finally, you mentioned sheets. What did Mr. Londonio tell you he was going to use the sheets for?

A. He was going to braid them up and put them out the window to go down the window. Sorry. Braid them up and wet them and put them down the window, out the window.

Whoops. Forgot a little detail there. They weren't just sheets. they were wet sheets. You know, makes them stronger.

Q. Do you know how many sheets Mr. Londonio had collected?

A. I would say anywhere from eight to twelve.

Q. Do you know — did Mr. Londonio tell you where he was keeping those sheets?

A. Under the bed in a box.

Q. Did Mr. Londonio tell you where he obtained those extra sheets from?

A. Yes.

Q. What did he tell you?

A. When people – when people get transferred, they got to – they got to put their sheets by the CO's office, all the extra linen. He would walk over there, get the sheets and go back to his cell.

THE COURT: What does CO stand for?

THE WITNESS: Correction officer.

Q. Now, aside from collecting these materials, what else did Londonio tell you he needed to do before going through with his escape plan?

A. He had to lose weight.

Q. Now, give or take, how much did Mr. Londonio weigh during that summer?

A. I would say 240.

Q. And could you observe any changes happening in his weight?

A. Yes.

Q. Describe those.

A. He was losing a lot of weight because he was just running up and down the stairs, eating bran flakes all the time, getting people's bran flakes. He was on a very strict diet.

Getting people's sheets. Eating people's bran flakes. Londonio was determined. So, if you were a CO at the MDC and you noticed some guy making a major change in his behavior, wouldn't that raise a red flag in your mind? I mean, he changes his eating habits, he starts exercising...and no one notices? And even if they didn't notice that odd change of behavior, wouldn't they have at least noticed how much weight Londonio was losing and question that? Why would he be doing that? Wouldn't you be curious if you were a CO? Aren't they trained to notice details? It's not like Londonio was in jail for something minor. He was being charged with murder. So, wouldn't that raise an even bigger flag?

And, of course, all the players involved in this elaborate escape plan still needed to be identified:

Q. Was anyone assisting in the escape plan —

A. Yes.

Q. — from outside the jail?

A. Yes.

Q. Who?

A. His father.

Q. What did Londonio tell you his father had done?

A. That he canvassed the area and, at 8:00 — past 8:00, there was no guards in the guard booths.

Q. You testified that Londonio's mother brought in dental floss, correct?

A. Yes.

Q. Aside from Londonio's father and his mother, anyone else from the outside involved in any way in the plan?

A. His girlfriend. His wife. I'm sorry. His wife.

Q. What had his wife done?

A. He told her to go in the parking lot and dance. So she went into the correction officers' parking lot where only they can park, where they park their cars. She went in there and she started dancing and nobody went over there to escort her out. No correction officers went over there to escort her out the parking lot. So he knew the security was lax.

MS. ROTHMAN: And, Ms. Becker, if we can pull up Government Exhibit 500, please.

Q. What did your windows at MDC look out on, Mr. Evangelista?

A. The correction officers' parking lot.

Q. And is that what you see in the photograph?

A. Yes.

MS. ROTHMAN: Okay. We can take that down.

Of course, there had to be an after plan:

Q. Now, did Londonio, Mr. Londonio, have a plan for what he was going to do once he got out of MDC?

A. Yes.

Q. Tell us about that plan.

A. His father was going to meet us across the street up the block. And he had money. He had \$150,000 waiting. And he had guns. And his father knew somebody within the vicinity, a few blocks away. We were going to go to that house and lay low.

Q. So let me ask you about those guns. Did Londonio tell you where the guns were being stored?

A. In the basement.

Q. The basement of what?

A. The father's house.

Q. And did Londonio tell you where his father lived?

A. In the Bronx.

Q. So after you and Mr. Londonio spent some time at a nearby house, where were you going to go next?

A. To Montecello. He had a house in Montecello that nobody knew about.

Q. What was going to happen up there?

A. We were going to stay there for a year. And he was going to get surgery done on his nose because his nose is noticeable and get some tattoos removed.

And here is the set-up to Londonio's state of mind ala the federal government.

Q. Now, from the beginning, Mr. Evangelista, did you think that Londonio was serious about his plan to escape?

A. Yes.

Q. Why was it that you believed he was serious about his plan?

A. Because he was talking about it every day. And he was angry with a lot of people. And his – and his mother – his mother – what he told me, because she – he lost a brother to a shooting and everything, and his mother did not want to lose another son and everything, so she would rather see him on the run than spend time in jail.

So, you might be wondering why Evangelista waited until August of 2017 to tell MDC prison officials about Londonio's escape plan. Well, the government needed to make sure there were no gaping plot holes, so Evangelista told the jury that he had first written his "lawyer a letter. I never got a response back. I was trying to go through him first." But then one day in August:

Q. So what was it in August 2017 that prompted you to report this to BOP?

A. Because he called me — he came in from the rec. He called me into my cell.

Q. Let me pause you. You who is he?

A. Christopher Londonio.

THE COURT: Can you back off from the microphone just a little bit. That's good.

Q. Go ahead, Mr. Evangelista.

A. He called me into my cell. Christopher Londonio called me into my cell. He told me to put the towel up. I put the towel over the door because it's a window that you can't see in and everything. He said just listen for noise. He went by the window. He took out the pipe out of his shirt and he went by the window and he went to the side of it and he started cracking at the window, on the sides of the window.

MS. ROTHMAN: Ms. Becker, can you please pull up Government Exhibit 501.

Q. Do you recognize that photograph, Mr. Evangelista?

A. Yes.

Q. What is that?

A. That's my cell.

MS. ROTHMAN: We can go to 503.

Q. Can you describe what you see in this photograph?

A. Yes. The window.

Q. And particularly what can you notice about the window?

A. That it's cracked.

Q. Do you see any damage to the window?

A. Yes.

MS. ROTHMAN: We can take that down.

Q. So after Mr. Londonio started chipping away at the caulking on the window in your cell, what did you do?

A. That's — I got — I got scared. I got nervous.

Q. What did you do?

A. The next day, I wrote — because I was afraid to go to correction officers because Mr. Londonio was friends with a lot of them. They used to tell him who the separation was in the building. So I was afraid to go to the correction officer inside the unit. I wrote — I wrote the psychology services.

Q. What did you —

A. And I told them I need to see you; if you don't come see me, I'm going to hurt myself.

Q. Mr. Evangelista, was the statement that you were going to hurt yourself true or false?

A. It was false.

Q. So if it wasn't true, why did you say it?

A. Because I wanted to get their attention to come see me.

Q. What happened after you sent that e-mail?

A. They came about — I would say a hour later, they called me out, Mr. McCabe called me out, and he took me to the side office, to the case manager's office.

Q. What happened there?

A. And I told him what was going on about the escape plan.

Q. Did the case manager ask you to do anything?

A. It was the psychologist. It was the case manager's office.

Q. Did the psychologist ask you to do anything?

A. Yes.

Q. What did he ask you to do?

A. He asked me to go back in.

Q. Into what?

A. Into the unit.

Q. Did you agree?

A. I said — I said no.

Q. Why did you say no?

A. Because there was already — there was two Bloods that saw me go into the side office already and I was scared.

Q. So instead of going back to your unit, your cell, where did you go?

A. I went upstairs to 82 unit. There was nobody in the unit.

So, prisoners at the MDC can go into whatever unit they want and no one notices? And although Londonio had already detailed his elaborate plan, Evangelista just somehow realized that maybe Londonio would go through with it? He's talking about dental floss, guns, razor blades, \$150,000 cash, nose jobs a, tattoo removal and all this other juicy stuff, and that didn't alarm Evangelista at all? He had already seen the dental floss and the bedsheets,

and he said earlier he had also seen the pipe, so why did he just now realize Londonio was serious? Did Evangelista think Londonio was just collecting these things because he had some extra time on his hands?

Plus, all these things and nobody at the MDC notices? How is that possible? Was it like something from an Alice in Wonderland movie where things would shrink and grow in size? You know what this magical fantasy tale is missing? A soundtrack. So, we suggest queuing up **White Rabbit** by Jefferson Airplane and then rereading this tall tale. It really sets the mood and gives the entire thing a new meaning.

The “very next day” Evangelista talked about Londonio’s escape plan with other staff at the MDC, eventually discussing it with the FBI. But, well, maybe Evangelista had too many magic mushrooms before he testified to this:

Q. Did there come a time after your conversation with Agent Geier that you spoke with the Federal Bureau of Investigation?

A. Yes, yes.

Q. Now, Mr. Evangelista, prior to that time, had you ever met with the FBI to discuss Mr. Londonio?

A. Never, never.

Q. Had you met with the FBI to discuss anything?

A. Never, no.

Q. What did you tell the FBI during your meetings with them?

A. I told them about the escape plan and what Londonio wanted to do.

This is all a complete lie as proven in our background information on Evangelista.

Now, however, it’s time for the feature presentation – David Evangelista Testifies about the Murder of Michael Meldish.

As in all fictional movies, the government needed to do a bit of set-up first (kind of like what they did to every defendant in this entire case with Crea being their main “villain.”) It’s called laying the foundation in legalese.

Q. Now, Mr. Evangelista, yes or no. Do you recall a time that Mr. Londonio came back from a court appearance and appeared angry?

A. Yes.

Q. Now, before you tell us about what you discussed, can you describe what made you think that he was, in fact, angry.

A. Because he came back real pissed off. I’m sorry. He came back pissed off from court.

Q. And did he say anything to you?

A. He said come here, I want to talk to you.

Q. And so where did you go?

A. We went outside.

Q. And what did he tell you?

A. No, I’m sorry. We went to my cell. I’m sorry.

Q. What did he tell you?

A. He told me that he went to court. Him and his co-defendants were put in the jury box, and everybody turned their cheek. The old man — nobody would say hello to him.

Q. Now, you said the old man and nobody would say hello to him.

A. Yes.

Q. At that point, did you know who the old man referred to?

A. No.

Q. Did you ask him?

A. Yes.

Q. What did he tell you?

A. Madonna.

Q. Now, did you and Mr. Londonio discuss the reason, if any, he believed no one was talking to him?

A. That Mr. Madonna was going around calling him a rat.

MR. DRATEL: Objection, your Honor, as to operation of his mind as opposed to why he believed.

THE COURT: Lay the foundation first. So the question and answer is stricken. Lay the foundation for — well, actually, I think the question was — let’s just clarify. Did Mr. Londonio tell you why he thought nobody was talking to him?

THE WITNESS: No. He just said that the old man, he's calling me a rat.

THE COURT: All right. So this was attributed to Mr. Londonio, so the objection is overruled. But, ladies and gentlemen, Mr. Londonio's statement, if you believe it to have been made, that Mr. Madonna was calling him a rat is not admitted for the truth of the fact that Mr. Madonna was in fact calling him a rat, but only for the whatever effect it had on Mr. Londonio. It's not evidence that Mr. Madonna was in fact calling Mr. Londonio a rat. And it's not admissible against any defendant other than Mr. Londonio except to whatever extent you find it reflects on the witness' credibility.

MS. ROTHMAN: Thank you, your Honor.

What's interesting is how Pennisi set this "shunning" story up when he talked about what happened to him at that wake before he turned rat. This just confirms that this is what happens in a "secret" club...

Q. So just so the record is clear, Mr. Londonio told you that he believed Mr. Madonna had been calling him a rat, correct?

A. Yes, yes.

Q. And how did Mr. Londonio appear to respond to the fact that he believed Mr. Madonna had been calling him a rat?

A. Very angry everything. Because he said all the work that he's been — all the work that he's done for the guy, Mr. Madonna.

Q. Did Mr. Mr. Londonio tell you what, if anything, he was going to do in response to —

A. Yes.

Q. — his belief that he had been called a rat?

A. Yes.

Q. What was he going to do?

A. That he was going to call Mr. Madonna's lawyer and tell his lawyer to have him to stop calling me a rat.

Q. Do you know the attorney's name?

A. I don't know, no.

Q. Now, did you and Mr. Londonio ever discuss this incident again?

A. Yes.

Q. What did he tell you?

A. Well, he came to me. He called me. He got up — he went on the phone. He came to me when he got off the phone and he says I just called Mr. Madonna's lawyer and told him to tell his client to stop calling me a rat. And I told him I don't think that was a good idea.

Q. Did Mr. Londonio tell you if anyone else had been calling him a rat?

A. Yes.

Q. Who?

A. Stevie Blue.

Q. What did he tell you — do you know who Stevie Blue is?

A. No, I don't.

Q. What did he tell you about what Stevie Blue was doing?

A. That Stevie Blue was going around telling people that he was a rat.

Q. And did he give you any details about any encounters he had with Stevie Blue?

A. Yes.

Q. What did he tell you?

A. That he went over to the unit one day. He saw Stevie, Stevie Blue. He tried to talk to him and Stevie Blue was like, no, I can't talk to you right now and everything.

Q. How did he respond to that?

A. He was very upset.

And don't forget, the government tried to make Londonio look like a rat all the way back in 2015 when he was first arrested and charged with Meldish's murder. Remember, all those informant stories "leaked" to Gang Land? And now they're twisting their own tale to manipulate the jury even more..

Q. Now, you testified at the beginning that Mr. Londonio told you he had been charged with murder, correct?

A. Yes.

Q. Yes or no. Did he discuss with you what role he played in the murder?

A. Yes, he did.

Q. And what was that role?

A. That he was just the driver.

Q. Did he say who the shooter was?

A. Yes, he did.

Q. Now, you testified at the beginning that Mr. Londonio told you he had been charged with murder, correct?

A. Yes.

Q. Yes or no. Did he discuss with you what role he played in the murder?

A. Yes, he did.

Q. And what was that role?

A. That he was just the driver.

Q. Did he say who the shooter was?

A. Yes, he did.

Q. What did he say?

A. He said his friend Terrance Caldwell.

Q. How did he describe his friend?

A. As a black guy.

Q. And before I go on, Mr. Evangelista, what word did Mr. Londonio use to refer to Mr. Madonna?

A. Boss.

Again with the exquisite detail, Yet, in the beginning, he called Meldish “Meldridge” and couldn’t remember his first name. But he remembers everyone else, their first and last names, nicknames, the color of their skin, titles and positions...everything – except the name of the guy who got murdered.

A major blunder by the government for sure, which they can’t fix without exposing themselves, so they just go with the flow and hope the jury doesn’t notice. How many of these other “witnesses” forgot Meldish’s name, too? Kind of odd, isn’t it?

Q. Now, yes or no. Did Mr. Londonio tell you the reason that Meldridge had been killed?

A. That he disrespected the boss and it couldn’t be fixed.

Q. Yes or no. Did Londonio tell you how he felt about having participated in the murder?

A. He said he felt used.

Q. And can you explain what you mean by he said he felt used.

A. He felt used because all the stuff that’s going around, people calling him a rat and everything, and that they knew that he was close with Meldridge and that he made the phone call to get Meldridge out the house.

Q. Did Londonio tell you who he felt used by?

A. Madonna.

Q. Mr. Evangelista, yes or no. Do you recall another time when Londonio came back to his cell angry?

A. Yes.

Q. Now, did he tell you where he was coming from?

A. Yes.

Q. Where was he coming from?

A. From the computer. From the computer area.

Once again the government lies. If you recall, in pre-trial hearings the government claimed that Londonio was angry after a visit with his mother. They didn't mention anything about Londonio coming back "from the computer area." Also, notice how many times the government directs its witness to only answer "yes or no." It's obvious Evangelista is nervous. Sometimes he backtracks to give more detail in his answers. Sometimes he even apologizes before he fixes his blunder. He doesn't want to make a mistake because he knows his performance is being rated.

Q. Did you speak with him after he came back to the cell?

A. Yes. He called me in the cell.

Q. And tell us what he said during that conversation.

A. Well, when he went in the cell and everything – his mother e-mailed him that Stevie — Stevie and his son got bail. He went in the cell. He bended down, took out a white piece of paper from a bin and everything, and he was like my mother just told me that Stevie and his son — Stevie Wonder and his son just got bail. He said these pricks had more to do with it than me.

And there you go ladies and gentlemen. A perfect example of what I just described. And the most important example – the very thing and the only thing that ties Steven L. Crea to the murder of Michael Meldish and Evangelista gets it wrong before he corrects himself. He says "Stevie and his son" TWICE before he finally clarifies and says "Stevie Wonder and his son."

As a side note, in pre-trial hearings the government never mentioned that Londonio supposedly said "these pricks." If he truly said that, you can be

sure they would have brought it out to prove their point. So, it's clear this was added to bolster their story to the jury.

So, did the government have some sort of pre-determined facial expressions to let Evangelista know he needed to fix his mistakes?

Or is it possible that the FBI gave Evangelista some sort of earpiece where someone nearby gave the answers as he went along? Is that why he stuttered so much as he spoke? Could that be why he messed up Meldish's name? He thought he heard "Meldridge" and that's what he repeated?

Once again, we'll leave that there. Now, it was the defense's turn.

First up to bat was John Meringolo who quickly establishes that David Evangelista is nothing more than a liar.

He clarifies that he learned everything about Londonio within the first 30 days of meeting him, although Evangelista originally claimed it was within a week. Maybe he realizes that it sounds like a bunch of bull, but his entire story about Londonio's "confession" is about to collapse.

Q. Okay. Now, when you were proffering, you proffered about a number of things on your direct testimony, correct? You talked about the Meldish murder, right?

A. Yes, sir.

Q. Okay. And Chris Londonio, when did he confess to every single thing that he told you? When did that happen?

A. That was in a matter of time.

Q. Over time, right? Right? Right away or it took time to get to know you or he just loved you from the beginning and said, oh, this and that?

MS. ROTHMAN: Objection, your Honor.

MR. MERINGOLO: Withdrawn.

THE COURT: Sustained.

Q. Period of time give me. Was it within 30 days or was it after 30 days?

A. When we first started talking, it was a week.

Q. So he says I confess everything to you, Mr. Evangelista, and I want to escape within a week?

MS. ROTHMAN: Objection, your Honor.

THE COURT: Sustained, Mr. Meringolo.

Q. He wants to get into this escape with you within a week of knowing him, right?

A. He starts talking about it.

Q. And then within a week knowing everything you said on direct testimony, it's what you're saying my client told you, right?

THE COURT: Sustained as to form.

MS. ROTHMAN: Objection.

Q. Everything my client told you about the Meldish murder that you told this jury happened within a week?

A. No, no, no, no.

Q. No? When? When did it happen?

A. Within time.

Q. Well, it's only 65 days. When is the time? Within 30 days? Within 60 days?

MS. ROTHMAN: Objection. Compound questions. Badgering.

Q. Was it within 30 days, sir?

THE COURT: That's fine.

A. Yes, yes.

THE COURT: Everything that you reported you learned from Mr. Londonio. Did you learn it in the first 30 days?

THE WITNESS: Yes. Within the first 30 days, we spoke a lot.

Q. Okay. Now, you talked about my client helping you — my client wanting to escape the prison, right?

A. Yes, sir.

Q. Okay. And you said that he was going to get his father involved, right?

A. Yes, sir.

Q. Okay. And you also said that Mr. Londonio said that his father was scouting the area out, right?

A. That's what Christopher told me.

Q. Okay. And you also said that his wife was dancing, right?

A. That's what he told me, yes.

Q. Okay. Did you ever see his wife dance?

A. I never saw her personally, no.

Q. Did you ever see a video of his wife dancing in the parking lot?

A. No.

Q. Did you know his wife was in Las Vegas during this period of time? Did he tell you that?

MS. ROTHMAN: Objection, your Honor.

THE COURT: Did he ever say his wife was in Las Vegas?

THE WITNESS: No. He never told me.

Q. Okay. And did he ever tell you that his father had triple bypass surgery in December of '16?

A. No. He never told me that.

Q. Did he ever tell you that his father had multiple stents put in in the beginning of 2017 and the spring of 2017?

THE COURT: Sustained.

The record should reflect Ms. Rothman rose.

So, the two of them spoke a lot within the first 30 days. But they only talked about the escape and murder and nothing else? If they were such good friends, why wouldn't Londonio have shared other information with him, like personal information about his father and wife – especially considering the two of them were pivotal in the big escape plan?

Why? Because he's a liar and a patsy and it wasn't his story anyway – it was probably Agent Otto's. What is it with these FBI agents forgetting all the details?

He saw the dental floss that Londonio's mother supposedly sneaked into the MDC in a balloon, but they never found dental floss in Londonio's cell

(only that big box of sheets.) And he never saw the hacksaw either that the priest was supposed to bring in. In fact, the priest didn't have anything to do with Londonio at all, even though Evangelista denies it:

Q. Okay. Isn't it a fact that you asked Mr. Londonio — that you told Mr. Londonio that you had suicidal thoughts and he knew a priest and you wanted him to ask a priest to speak with you? Isn't that true, sir?

MS. ROTHMAN: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: Answer it?

THE COURT: Yes.

A. Never, ever.

Q. Never?

A. Never.

And then the truth is revealed...

Q. Okay. So from June — or say June 1st until August 1st, 60 days, there was no hacksaw?

A. No, sir.

Q. There wasn't?

A. No.

Q. So then he couldn't escape — his plan, he couldn't have an escape plan, correct? If he doesn't have the hacksaw, how's he going to get out?

A. He was trying to see how the procedure was for the priest to come in to give him the hacksaw blade. That was part of his plan.

Q. But you said you were so nervous. That's why of you went to SIS. Right? Because he damaged the window, you said.

A. Yes.

Q. What did he damage the window with?

A. The pipe. The two-inch copper pipe.

Q. But he didn't have the hacksaw to get out, right?

A. No, he didn't.

Q. Okay. So why were you — if you knew he couldn't get out, you were so nervous?

A. Yeah.

He never did get to explain because the prosecution objected and the Judge sustained.

Since the entire murder charge was basically based on a “he says/he says” type of premise, the only thing the defense had was to discredit Evangelista. One of the issues, besides the timeframe, was the letter Evangelista wrote to his lawyer before he went to his prison psychologist to tell him about what Londonio had said. Franklin asked him about that:

Q. Now, when you went to speak to this — you wrote your lawyer two letters, right? You wrote him a letter in June that was going to be a letter about your sentencing, right? You remember that?

A. Yes.

Q. And then you wrote him a letter in July, July the 17th, that you were asked about that was going to be about your attempt to cooperate; is that correct?

A. Attempt to cooperate?

Q. Well, you told him you had information about ISIS, right?

A. Yes.

Q. And you told him you had information about an escape?

A. Yes.

Q. And that's what you said in the letter?

A. Yes, sir.

Q. On July the 17th, when you wrote the letter, that was two months after you had met Mr. Londonio; is that correct?

A. Yes.

Q. Because you met Mr. Londonio in May of 2017, right?

A. Yes.

Q. And as of the June letter, you weren't telling your lawyer that he was confessing to a murder, were you?

A. I didn't say nothing in the letter.

Q. Okay. And in the July 17th letter to your lawyer where you discussed ISIS, you didn't write to your lawyer he told me about a murder, did you?

A. I didn't get into detail in the letter, no.

Q. The answer is you didn't write to your lawyer on July 17th about a murder, correct?

MS. ROTHMAN: Objection, your Honor.

THE COURT: Overruled.

Q. You may answer.

A. I didn't put the details inside the letter, no.

THE COURT: Did you put anything about the murder in the July 17th letter to your lawyer?

THE WITNESS: No, no; I did not.

Q. Not one syllable about that murder in the July 17th letter to your lawyer, correct?

A. Yes.

Q. And you had been with Mr. Londonio by that time for two months; is that correct?

A. Yes, sir.

Q. And on your cross-examination yesterday, did you tell the jury that either by the time 30 days had gone by or 60 days had gone by, you had all the information about the murder from Mr. Londonio?

A. Yes.

Q. And even though you say you had all of the information about the murder, you didn't tell your lawyer in the July 17th letter I have information about a murder; isn't that right?

A. Yes.

Q. In the June letter to your lawyer, you weren't discussing cooperation at all, correct? You were discussing your sentence?

A. Yes.

Q. And you were telling your lawyer the things that he could say to the judge to get you a lesser sentence, correct?

A. I don't recall that, sir.

Then Goltzer steps in to try to prove the guy's a liar with ulterior motives, but Siebel blocks his way.

MR. GOLTZER: May I approach the witness?

THE COURT: Yes.

Q. Take a look at what has been marked as TCC for identification.

MS. ROTHMAN: 3502-13?

MR. GOLTZER: Yes.

MS. ROTHMAN: What page?

MR. GOLTZER: The whole letter.

Q. Take a look at that and see if it refreshes your recollection as to what kinds of things you suggested your lawyer might say at sentencing.

THE COURT: I have to say, Mr. Goltzer —

MR. GOLTZER: I'm sorry, Judge?

THE COURT: — I'm not seeing that really to be a fair characterization.

MR. GOLTZER: Well, he agreed with it, Judge. He said that's what it was.

THE COURT: Okay.

A. I'm just talking about my mistaken release.

Q. All right. I'll withdraw the question, then.

Later, Goltzer steps up to the plate and Evangelista's story changed again about when Londonio "confessed":

Q. And you heard that stuff about Mr. Londonio or it was just he who told you? Did you hear any gossip about Mr. Londonio?

A. He told me his case. He told me.

Q. He told you his case in the first couple of days, first month?

A. Well, the first week.

Q. He told you about his case?

A. He told me about the GEO accident in the first week.

Q. He told you about GEO?

A. Yes.

Q. And he was ticked off?

A. Yeah. Then he said I'm being charged with a shooting I didn't even have nothing to do with. I was just the driver. Yes.

Q. Well, let me get this straight. In the first week, he told you I didn't have nothing to do with this, I was just the driver? In the first week?

A. Yes. That I'm being charged.

Q. Well, there's a difference between saying I was the driver and I'm charged with being a driver, isn't there?

A. Say that again.

Q. Do you see a difference between somebody telling you I'm charged with being the driver as opposed to I was the driver?

A. No. He told me he was the driver.

Q. In the first week?

A. Yes.

Q. So he confessed to you in the first week?

A. That's what — yes.

So, first according to Evangelista, Londonio “confesses” within time, then it was a week, then it was back to “within time” or within 30 days or something like that and now it’s back to a week? If this guy can’t even get his dates straight – ala all the Coddington Club Invasion controversy – why should anyone believe that any part of Londonio’s supposed “confession” is accurate?

And then it was time for Rothman to ask more questions, and this time, she felt the need to clarify some points, because after all, Evangelista isn’t anywhere close to being a liar.

BY MS. ROTHMAN:

Q. Now, Mr. Evangelista, do you recall being asked on cross examination about the time you left the halfway house in December of 20 — in November of 2016?

A. Yes.

Q. And you were charged with escape for that conduct; right?

A. Yes.

Q. Now, did your escape from the halfway house involve cutting through any bars?

A. No. No.

Q. Did your escape involve breaking any windows?

A. No.

Q. Did it involve stockpiling sheets under your bed in a box?

A. No.

Okay. I guess it doesn’t matter that the guy was had a history of escape...but let’s just clarify that his escapes were different than the one proposed by Londonio. We shouldn’t take that into consideration at all, but let’s talk about Londonio’s uncle back in the 70s because that’s valid.

Q. Can you explain how it came to be that over the course of the summer you learned from Mr. Londonio about his involvement in the Meldish murder and the escape plan?

A. From him.

Q. Was it all at once or was it over time?

A. It was over time. Period of time.

Again, the government can't figure out a timeline even though Evangelista testified numerous times and it was presented by the government in pre-trial hearings, that Londonio's confession happened within a week.

She then goes back to that lawyer letter:

Q. Now, when you wrote this letter, did you put every detail of Mr. Londonio's escape plan into this letter?

A. No.

Q. Why not?

A. Because I didn't know who was going to look at the mail. I didn't want to get into detail in a letter.

Q. Did your attorney respond to this letter?

A. No.

Q. Now, during the summer of 2017, was there a time when you agreed with Mr. Londonio to escape from MDC?

A. Yes.

Q. And you pled guilty to that conduct; correct?

A. Yes.

Q. You were asked on cross examination about when you reported Mr. Londonio's escape plan to BOP; correct?

MS. ROTHMAN: We can take that down. Thank you, Ms. Becker.

A. Yes.

Q. You testified you were nervous; correct?

A. Yes.

Q. Why were you nervous?

A. That day? Or what led me to talk to the staff people?

Q. What let you —

A. I was — I was nervous to talk to the staff, the regular staff, the security people, the COs, because Mr. Londonio had a lot of them in his pocket. They would tell him who the separation was. They would be going on computers for him. So I didn't want to get involved with that. So I got in touch with the psych, but it was the night before he started doing that with the window, that's what made me very nervous.

Q. Nervous about what?

A. They we would get caught.

Q. Now, when you first sat down with —

A. I — I'm sorry.

Q. Go ahead.

A. I knew I couldn't bring this out earlier, I didn't want to — I didn't want to tell Londonio —

MR. MERINGOLO: Objection.

A. All right.

THE COURT: Overruled.

Q. Go ahead, Mr. Evangelista.

A. I didn't want to tell Londonio, you know, I didn't want no part of it because I was scared that I was going to get kicked off the table and other things were to happen, and I didn't want to go back to SHU because I was suffering a lot in the SHU, in the Special Housing Unit.

He didn't want to say anything in the letter because he thought Londonio would see it? Okay.

Goltzer returns one more time. He also asks about the letter.

Q. Now, we can still agree, can't we, that there is not one word in this July 17, 2017, letter about the Meldish murder?

A. No, there's not.

Q. And that was two months after you met Mr. Londonio?

A. Yes.

Q. That was after you got information from him, what he was charged with and the things you went over on the cross examination I did?

A. Yes.

Q. Now, you said you were concerned — in response to the prosecutor's questions on redirect examination, you were concerned about who would read this letter; right?

A. Yes.

Q. And were you concerned about who would read this letter because it might expose you as a tattletale?

A. Yes.

Q. But the letter by its very words exposes you as a tattletale; doesn't it?

A. All right; yes.

Q. So if you added a few more details, such as details about a murder, it wouldn't have changed anything about exposing you as a snitch; would it?

A. I wasn't looking at it like that.

Q. The answer is it wouldn't have exposed any differently, you were exposing yourself as tattletale.

A. I would not put names in there.

Q. You would talk about murder without mentioning a name; right?

A. I guess, yes.

And that's the end of that. It's clear that Evangelista's entire story was nothing but a lie.

PETEY BULLSHIT

On October 29, Peter Lovaglio – aka Petey Bullshit – took the stand to testify about the armed invasion of the Coddington Club (how Robert Franklin described it during cross-examination) that allegedly occurred in 2012.

He told AUSA Cohen the incident took place after an alleged Lucchese “associate” told alleged Bonanno “soldier” Johnny Joe Spirito at a wake that the Lucchese Family was no longer going to recognize alleged Bonanno “boss” Mike Mancuso because there was a rumor he was a rat.

Q. Did there come a time after you were made captain when there were rumors spreading about Mancuso?

A. Yes.

Q. And in basic terms, what were those rumors?

A. That he might — some people were calling him a rat.

Did he mean to say Massino? Did the government screw up again with their “facts?” Or maybe they just wanted to start a new rumor to see what they could fish out of the pond.

Sometime after the wake, Spirito met with Lovaglio at a Staten Island park to tell him what he had heard and he wasn't too happy.

Q. What did he tell you?

A. He said he was at a funeral for a Lucchese member, an associate, and he was approached by a member of the Lucchese family and that they stated they weren't going to recognize Mike Mancuso.

Q. What does it mean to not recognize Mike Mancuso?

A. It means you're not recognizing the Bonannos.

Q. And what was Johnny Joe's reaction to what he heard at this funeral?

A. Oh, I wasn't there when he was at the funeral parlor, but his reaction to me was pretty serious at the park.

Q. What was your reaction?

A. Surprised.

Q. Why were you surprised that Johnny Joe had that reaction?

THE COURT: Were you surprised at Johnny Joe's reaction or what the Lucchese member —

A. I was surprised both, actually. I was surprised a Lucchese member would make a statement like that and I was also surprised his reaction was pretty emotional.

Q. But why did you think that — why were you surprised that Johnny Joe had an emotional reaction to that?

A. Because I mean, listen, that can happen. I mean, somebody, some knucklehead can make a statement like that. We'd be able to fix it at that point.

The two were then called to a meeting at a restaurant in Throggs Neck where they met with alleged "capo" Joe Sabello, Mike Facita, and alleged "consigliere" Ernie Aiello — all Bonannos — to discuss the perceived slight. There was talk that the response would be "show a strength, show a force" by going into the "Lucchese's club or headquarters."

Lovaglio didn't like the idea and suggested instead that they "go in three captains and we sit down and figure out what this slight was, if there was a slight at all, and work it out." However, Aiello shot it down. "He didn't want to hear it," Lovaglio said.

They let it sit for a while and then they were all "called back" to the restaurant and "that's the night we went in."

Lovaglio said there were about “ten made members and I can’t tell you how many soldiers. There was a lot of people.” Some of them were armed, including Johnny Joe who had “a pistol.” Then they all drove to the Coddington Club, some going in the front door, and others through the back after they arrived.

Lovaglio entered from a back door and the first person he saw was Big John (Castellucci) sitting at a table. Lovaglio said, “John, please don’t do anything crazy. Let’s just make this thing play out.” Everybody else was “just standing around in certain areas of the club” while Johnny Joe and the Lucchese’s Richie DeLuca “were in the middle of the club screaming and yelling at each other.

Nothing serious happened and the Bonnanos eventually left the club, but before leaving, Lovaglio had an interaction with Crea. Previously, Lovaglio had testified that he never met Crea, only knew “of him,” and had only “seen” him this one time in 2012. He described that encounter:

Q. What did you do as you were leaving the club?

A. I looked at Stevie and I just nodded to him.

Q. Why did you nod at Stevie?

A. Well, I kind of let him know that, you know, we were ordered to do it. The nod means a lot in this life sometimes.

Q. Why was it is important to you to nod to him and suggest that you were ordered to be there?

A. Well, the position he held and the respect we had for him.

Q. Did you see Crea do anything while you were in the club?

A. Ah, yes.

Q. What did you see him do?

A. It was an individual with us that I just met that night. Big German kid by the name of Carl, and he pointed to Carl and said, I won’t forget you.

Q. Now, had you seen Carl do anything during the course of the confrontation inside the club?

A. Yeah, when we first walked in there was a guy cutting fruit and he took the knife off the guy that was cutting fruit.

Q. Was it your impression that this knife incident was what caused Crea to point at Carl and say, I won't forget you?

A. No, I don't know if he even seen it.

Q. So what was your impression of why Crea had pointed at Carl and said, I won't forget you?

MR. FRANKLIN: Objection, your Honor. Speculative.

THE COURT: Lay the foundation first.

BY MS. COHEN:

Q. Did you observe the interaction between Crea and Carl?

A. I did.

Q. Based on what you observed with respect to Mr. Crea's reaction, in general terms, what was your impression of what caused that reaction?

A. There was more to it than just us walking in that club.

Whatever, the "more to it" was, Rothman didn't delve into it, but she did delve into the ensuing conversation Lovaglio had with Spirito at another meeting on Staten Island. Spirito told him "there was an assassination attempt on the kid Carl" which apparently happened "the next day."

He didn't know what happened after, only saying: "To this day, I don't know if it's ever resolved. I don't know if it's resolved. It just played out. There was an attempt on the kid, Carl, and I believe there was an attempt on one of their guys, meaning, you know, to kill them, and then it just died out at that point."

So, that was it? That's the government's proof? I was expecting so much more. Disappointing, but Lovaglio hadn't yet been questioned by the defense, so there was more to come.

Since much of this trial was based on hearsay and rumors, it made sense for Franklin (Crea's attorney) to question Petey Bullshit about what hearsay and rumors meant to him. There is no way to describe Lovaglio's answers except for you to read it yourself:

Q. You hear about things sometimes they're rumors or things you just hear. You have no way of knowing if they're correct or not; right?

A. Yes.

Q. So for instance, you mentioned something about you heard or you heard a rumor about Mancuso being a rat. Do you remember testifying about that?

A. I didn't hear a rumor about that. I heard Johnny Joe Spirito tell me that it was said by a Lucchese member.

Q. So that means you got information from someone else who had gotten information from someone else, and that's what they're talking to you about; is that right, in that instance?

A. No, I don't agree with that.

Q. It refers to Mr. Mancuso; correct?

A. That's correct.

Q. And then someone heard someone mentioned something about him who told it to the person who told it to you; is that right?

A. No, the person that told it to me was told to him by somebody else. He didn't hear it from somebody else. He was told it. It wasn't where that person heard it and it was a rumor. That individual told Johnny Joe that Mike Mancuso is a rat, according to the Lucchese Crime Family.

THE COURT: So Johnny Joe told you —

THE WITNESS: Right.

THE COURT: — that he heard from someone else that someone in the Lucchese family said that —

THE WITNESS: He said that's the Lucchese family's position.

THE COURT: Said that the Lucchese family is of the view that Mancuso is a rat.

THE WITNESS: Right.

BY MR. FRANKLIN:

Q. So in that instance it's three — it's coming from Lucchese to Johnny Joe and then to you; is that right?

THE COURT: No, it sounds like you skipped one. It's going from Lucchese to the person who spoke to Johnny Joe to Johnny Joe —

MR. FRANKLIN: Oh, that's right, there's actually a fourth person.

THE COURT: Is that what you're saying?

THE WITNESS: No, it went from the person in the funeral home to Johnny Joe to me.

THE COURT: Okay. I misunderstood.

BY MR. FRANKLIN:

Q. When you heard that, you had no personal knowledge that you had witnessed yourself of whether that was true or not.

A. Right. I didn't hear it myself; correct.

At the time, Lovaglio witnessed the armed invasion of the Coddington Club, Lovaglio was already an informant. However, he failed to report the incident to his NYPD handlers, but he had a good excuse for why he didn't.

Q. So when you knew that, whenever that first meeting was, you did not think that was important enough to tell the NYPD that something may happen, we're going to go to a club. Someone is going to have guns, things of that nature? You didn't think that was worth telling them?

A. I didn't think it was my obligation to tell them at that time.

Q. What was your purpose in acting as an informant for the NYPD?

A. It was to give historical information and to identify photos.

THE COURT: What were you getting out of it?

MR. FRANKLIN: That's what I was getting at.

THE WITNESS: Oh, what I was getting was I was not getting 24 months in prison at that point. I was only getting a four-month slap on the wrist with the violation.

I seriously wish I could have heard this testimony because this guy sounds like a moron and hearing his voice would have just added so much more to his, well, bullshit.

Lovaglio did eventually report the incident to the NYPD – reportedly on July 31, 2012, according to NYPD Detective Keller who testified after Lovaglio and said that was the day he took the report. Either way, based on that information and Lovaglio's testimony, the Coddington Club Invasion had to have happened before July 31, 2012, and the alleged attempted murder of Carl Ulzheimer the day after that. This is an important point to remember when Zoccolillo takes the stand the following day.

Also, consider this. If law enforcement was aware that there was going to be an armed confrontation between Families that were under active investigation, they would have been watching the club, right? But then again they

were already watching the club and had been taking photos on a regular basis. Yet, there were no photos of this incident. You'd think that even if they didn't know about it beforehand – that a bunch of guys storming a club would have gotten their attention and the cameras would have been whirring.

But what do I know?

Then Franklin got into the specifics of the Coddington Club Invasion:

Q. The only time you said you physically saw Steve Crea was that day sometime in 2012?

A. That's correct.

Q. I think you said when you got there, did you wait for all the other guys to get there as well before anybody went in?

A. A lot of guys got there simultaneously.

Q. And you said you went in the back?

A. Correct.

Q. The back door. And did some of the other people in your group go in the front door?

A. Yes.

Q. And did all of you enter the club? We'll call it social club?

A. Did all of us enter?

Q. Of all of the people you said between 20 and 25 people, did they all enter the club?

A. No, there was guys outside. About ten of us went inside.

Q. So about ten of you went inside and you came in from the back, did some of the people you were with come in from the front?

A. Yes.

Q. Was it evenly split, five and five, or something else, if you know?

A. I don't remember.

Q. You don't remember.

A. No.

Twenty-five guys and the FBI missed it...damn.

Q. Now, the club itself is a long — is it a rectangular room; is that right?

A. Rectangular?

Q. Yes, as opposed to square.

A. It looked square to me.

Q. It had round card tables?

A. I don't remember what kind of card tables there were. It was tables in the back.

Q. But you remember that there were people playing cards. You testified to that.

A. There was people there and there were some cards on the table, yeah.

Q. Were there people playing cards at both tables?

A. I don't remember how many people were playing cards.

Q. Other than what I am going to call the Bonannos, which are you people, coming in, how many people were in that club just as you got in there?

A. 10, 12, maybe; maybe more.

Q. So 10 or 12 or perhaps more, and then maybe 10 of your group, so that would be about 20 or 22 people in this club; is that a fair estimate?

A. Yeah. Well, there was — so guys that went in the back stayed in the back, a little area back there, and the guys that went in the front, stayed in the front.

Q. So since you came in the back, you stayed in the back.

A. Correct.

Q. Now, did you know any of the people, non-Bonannos, not the people you came with, but the people who were already there, had you met any of them before that moment?

A. At any time in my life?

Q. Yeah. Any time?

A. Yeah, I knew John. I knew Joe DiNapoli.

Q. You knew two people.

A. Yes.

Q. And were they there?

A. Yes.

Q. Were they in the front or the back?

A. They were towards the back.

Q. So that was closer to where you were?

A. That's correct.

Q. You said that somebody was yelling, the two people were yelling at each other, or screaming, something like that?

A. That's correct.

Q. From the Bonanno side, who was it?

A. It was Johnny Joe.

Q. That's the same Johnny Joe, the one with the gun?

A. Yes.

Q. And the person, the non-Bonanno who was screaming and yelling back at him, who was that?

A. Richie DeLuca.

Q. Had you ever met him before?

A. I think I might have met him once. I don't remember. I might have met him once.

Q. So you're not sure?

A. I'm not sure. I might have met him once.

Q. So as you sit here now, your recollection is of the non-Bonannos who are in that club, you had maybe Richie DeLuca and you had known two others. So you knew three of the approximately 10 or 12 non-Bonannos who were in that room; correct?

A. That's correct.

That's a lot of people to be in a small square room...how many? 30 or 40? And Lovaglio was able to see everything, even a little knife. Me? I'd be paying attention to the drama between the two guys yelling at each other just to make sure Johnny Joe didn't pull a gun or that Richie didn't throw a punch, but...

Q. For how long a period of time did this entire encounter take place. And the starting point would be when you talk walked in, and the ending point would be when you walked out. How much time elapsed?

A. I don't know, I'd be guessing at this point. Maybe 10, 15 minutes.

Q. And during that 10, 15 minutes, other than the two people you've described yelling and screaming at each other, was there any physical contact? Any punches thrown? People thrown to the ground?

A. No.

Q. And you described that a person who you described as Carl, who was a large German kid, took a knife away from someone who was cutting fruit; is that right?

A. That's correct.

Q. And was that in the front or the back?

A. That was in the front.

Q. So the person cutting the fruit, the non-Bonanno, was towards the front of the club?

A. Correct.

OMG. This guy is such an idiot.

Q. And when you say, a knife, is it a big knife or a little knife —

A. No.

Q. — if you recall?

A. Little knife cutting fruit.

Q. I can't hear you.

A. Little knife cutting fruit.

Q. Was the blade less than three, four inches?

A. Yeah. Probably, yes. I'm in the back. I can't see the size of the knife, but I don't assume it to be big.

Q. All right. So you're not quite sure, but you know it was a knife.

A. Yeah.

Q. So were you actually able to see him take away the knife or were there other people in the way since you're in the back and he's in the front, and we've got 20 people or so, are they blocking your view?

A. No.

Q. You were able to see that?

A. Yes.

Lovaglio's powers of observation and attention to detail was outstanding. No wonder the FBI loved him so much.

Q. And other than Johnny Joe and Richie DeLuca, were they yelling the whole time at each other?

A. Pretty much.

Q. Was anybody else making noise and yelling and screaming with them or is it basically them?

A. Just those two.

Q. And everybody else was just standing around?

A. Yep.

Q. The people who had been playing cards, were they seated when you first walked in?

A. Yes.

Q. Did they stand up at some point?

A. No.

Q. So all of the people who had been playing cards remain seated, according to you?

A. Yes.

Q. So when — okay. Now, you said at some point while you were there you said please don't do anything crazy, or words to that effect.

A. I said that to John, yeah.

Q. That's what I was asking. Who did you say that to?

A. John, Big John.

Q. So he was there as well?

A. I said that. John and Joe DiNapoli that's the two I knew.

Q. He was towards the rear where you were.

A. Yes, sitting in the back. Yeah.

Q. Did you yell at him or did you speak in a normal voice?

A. No. No. Very normal, very quiet.

Q. So the entire time, there was no actual violence. Nobody hit anybody. There was nobody fired a gun. There was nothing of that kind; correct?

A. No.

Q. The only actual touching, perhaps, would be the person who took the knife away from the other person?

A. That's correct.

Q. And as far as you saw that, that was not a violent act. It was just taking it away from him; correct?

A. Correct.

Q. As far as you were able to see?

A. That's correct.

Q. Did you actually see that or just see the big German kid with a knife in his hand?

A. No, I seen him do it.

As you read the next part, think about this. Lovaglio said he had never seen Crea before this Coddington Club Invasion, so how was he able to identify him in this massive crowd of people?

Q. Okay. At some point you said you were able to see Steve Crea, a person you had never met before; is that right?

A. Right.

Q. And where do you say he was in the club when you were there?

A. Standing in the front.

Q. So you're in the back and he's in the front; right?

A. Correct.

Q. Is he right by the door?

A. Not too far from it, yeah.

Q. He was close to the door. Literally the front of the place.

A. Yeah.

Q. And you were asked what was the interaction with Carl and Steve. Can you answer that? What was the interaction, if any, that you saw?

A. I seen Stevie point to Carl and say, I won't forget you. You I won't forget, is exactly what he said.

Q. I'm sorry. What did you hear him say?

A. You I won't forget.

Q. You I won't forget. And you were able to hear that from the back of the room while he was in the front of the room; is that correct?

A. Yeah.

I guess the yelling must've stopped.

Q. And then how did everybody know to leave? Did Johnny Joe say something? We're done here? What happened? How did you know it was time to go?

A. I don't remember how we all left, but eventually we all left.

Q. So there was no particular sign or now we can leave? You have no idea why it is that you all left at a particular time.

A. No.

Q. Did you all leave at the same time?

A. Yes.

Q. Did you go out the back door?

A. I went out towards the back door; correct.

Q. And the people who had come in the front, they went out the front, as far as you recall?

A. Yes.

And then, finally, a little more hearsay about Carl Ulzheimer ala Petey Bullshit.

Q. Now, you said afterwards that you — well, this person that you described as Carl, the big German kid — that will be this event; correct?

A. Did I see him afterwards?

Q. You never seen him since then?

A. I have never seen him since then, no.

Q. As far as you know, he's in good health?

A. I haven't seen him since then.

Q. Nothing happened to him; correct?

A. Did anything happen to him? Yeah, they tried to kill him.

Q. Did you witness that?

A. No, I was told that.

Q. I'm sorry. You did what?

A. I was told that.

I just can't stop laughing with this guy..lol.

Q. And how many people — the information that you got, came through how many people, if you recall?

A. Carl to Johnny Joe to me.

Q. From Johnny Joe to you?

A. Carl to Johnny Joe to me.

Q. So Johnny Joe told you Carl told him something.

A. Right. Somebody came to his house and tried to kill him,yeah.

Q. How much after this event did Johnny Joe tell you that Carl told him that something had happened?

A. How much time afterwards —

Q. Yeah.

A. — after he tried to kill him, he got killed?

Q. If that's what you think he said, how many days passed?

A. The next day.

Q. The very next day. What time did this — going back to the event at the club, what time of day was it when this occurred?

A. I believe it was towards nighttime. I'm not sure exactly what time, but it was towards night.

Q. Towards night?

A. Dusk maybe. It was a little light still but turning dark.

Q. So you didn't look at your watch and you can't give me an exact hour, but your recollection is it was getting dark out when this occurred?

A. I believe so. This is a long time ago.

Two points to consider. First, Lovaglio said the attempt on Ulzheimer took place “the next day.” This is an important point to remember when Zoccolillo testifies. Second, Lovaglio is able to recall in stunning detail everything that happened inside the club, including the size of the blade on the knife..or was that just his assumption?

Still, he can't remember what time of day this invasion took place? If it was that memorable, wouldn't that detail stay with you, too? But I guess since he didn't hear the information from someone else, it was bullshit he really couldn't pass along.

THE STAR WITNESS STARS IN...A SIDE STORY

On his first day on the stand under questioning by AUSA Cohen, Anthony Zoccolillo spent an exhaustive amount of time talking about the people he knew and dealt with who were alleged to be involved in “organized crime.” He described both his personal and business relationships with many of them although he himself wasn't a “made” member or even an official “associate.”

He wasn't on the stand to talk about the murder of Michael Meldish, but the attempted murder of Carl Ulzheimer after the Coddington Club Invasion of 2012. He did talk about Meldish a few times, but nothing in relation to the government's main charge.

It's strange that the prosecution would rest their case with a side story rather than the main event, but Zoccolillo was the government's shining star, and he put on quite a performance. And he seemed to revel in the attention he was getting from both the prosecution and the defense when it came to clarifying the details about his Ulzheimer tall tale – it got pretty heated at times.

Zoccolillo started off doing plenty of name-dropping, picture identifying and talking about his relation to the Genovese Family, who he claimed relatives of his belonged to and also about his connections to the Lucchese Family.

Q. Did members of your extended family also have connections to the Lucchese Family?

A. Yes.

Q. With which Lucchese member in particular?

A. As far as my family?

Q. Yes.

A. Steven Crea Senior, Matty Madonna, I mean, a handful of them pretty much. Most of them.

He knew Joseph DiNapoli when he was “very young” and DiNapoli would have “Fourth of July parties as a kid and I went to, like two or three of them in a row, each Fourth of July, until we got older and then we stopped having them.”

Zoccolillo was apparently a popular guy because his name-dropping continued. He met a guy named Joseph Lubrano, who went by the nickname Joey Relay, at a federal halfway house. After they both got released they started “hanging out” with Steven D “probably, four or five days a week.”

Q. What would the three of you do?

A. Go eat, go hang out in some social clubs or cafés. We usually meet up for breakfast at a diner called the Pelham Bay Diner. We'd go there probably a couple of days a week, or the Golden Eagle Diner in the Morris Park section of the Bronx. And then, from there, we'd kind of just bounce around throughout the neighborhood, you know, different social clubs or cafés.

And then the government wanted to confirm to the jury that Zoccolillo did indeed know Steven D by playing an audio recording:

Q. Do you recognize that voice?

A. Yes, ma'am.

Q. Whose voice is it?

A. Steven Crea Junior.

In 2004, Steven D “put up some money” for Zoccolillo and Joey Relay to open a social club.

Q. What was the club used for?

A. Mainly a hangout for us was — we were always kind of bouncing around. We started doing poker games, blackjack games, and they would have some meetings in there for the Lucchese Family.

Q. Let's talk about those Lucchese meetings. What was your role with respect to the Lucchese meetings?

A. I didn't have an actual role when the meetings were taking place, but the night before, or the day of, I would meet Steven Crea Junior there and Joey, and we'd get the place set up and you know, just go pick up some stuff whether it's plates, cups, and food, stuff like that, snacks.

Notice how every time he talks about Steven D or even some other people, he always makes sure to say their full name. Odd for someone who was such good friends with someone to talk that way when in other testimony he uses more casual terms, calling people by their first name or nickname. Notice, too, that he didn't have “an actual role in the meetings” even though he owned the club in partnership with Steven D and Joey Relay.

But Joey Relay wasn't around for the meetings, either.

Q. Where would Lubrano be during these Lucchese meetings at this time?

A. Um, he would stay up until the meeting was about to start, and then he would take off, and then I'd kind of shortly follow.

Q. Did you have an understanding as to why Lubrano didn't say for the meetings?

A. Yeah. He was paranoid because he was on parole or federal supervised release and just feared, you know, being associated with, you know, that high-level meeting, that he would get violated and sent back.

Since he was there until the actual meetings were about to start wouldn't he know who was attending those "high-level meeting(s)" The government didn't bother asking. Strange, considering that would be a major coup for them.

Zoccolillo then took off to California to commit his real estate fraud and Steven D and Joey Relay ran the club themselves. Still, Zoccolillo knew exactly what was going on.

Q. Based on your interaction between Lubrano and Crea Junior that you've described, did you reach a conclusion as to whether or not they were affiliated with organized crime?

A. Yes, ma'am.

Q. And what was your conclusion?

A. That they were Made members of organized crime.

Q. Which family?

A. The Lucchese Crime Family.

Q. And based on the same interactions, did you have an understanding of whether one of them was more senior than the other in the Family?

A. Yes. So, when I first started hanging out with the both of them, Joey Lubrano "Joey Relay" was a soldier in the Lucchese Crime Family, which it was explained to me that Steven Crea Senior really liked him and wanted to do that for him when he came home. And Steven Crea Junior was — I don't know what his position was when I first came home, but there was definitely some kind of power level there that was — you could see that Joey Relay kind of just really respected Steven Crea Junior a lot, and it looked like he was his superior. But there was a time when Joey Relay was promoted to Captain, so at that point, they were both Captains, but there was still always that level of respect from Joey to Steven Crea Junior.

This was in 2004 — another important date to remember later.

Zoccolillo's list of friends and acquaintances was extensive. He knew Sal Larca: "Grew up in the neighborhood with him. He's a little older than me, but knew him most of my life." And Dom Deluccia. He knew Carl Ulzheimer since he "was probably five, six years old. "We grew up together, me, him, and Dom Deluccia." He also "grew up" with Paul Cassano, having attended the same grammar school with him.

And there was more. Somehow he met Ernie Aiello and got involved in sports betting with him. He also knew Vincent Basciano Junior and Johnny Joe Junior, who he met through Aiello. With the exception of Larca and Cassano, he hung around with the others “five days a week or so. Maybe a little bit more with Dom and Ernie and a little less with Carl, but I seen Dom and Ernie probably five days a week, four, five.”

I guess after he got back from California, he dumped his old friends Steven D and Joey Relay. And, remember, Zoccolillo wasn’t a made member, but he still hung around everyone – like Pennisi – a shining star.

Then it came time to talk about Vincent Bruno, who he knew “from the neighborhood” and with whom he started doing business.

The date of this alleged Coddington Club Invasion is an important issue in the upcoming testimony. AUSA Cohen is the first to establish it. Larca was reportedly in charge of a pot distribution operation with Zoccolillo, Bruno, and others. They were getting their pot from a supplier in California with whom Zoccolillo had a previous relationship with. At one point, the supplier was withholding money, so Larca sent Zoccolillo and Bruno to California to resolve the issue by robbing the supplier.

Zoccolillo had taken a picture of Bruno in a ski mask while they were on the way to the robbery which the government proudly displayed to the jury as “proof” of the dates in relation to the Coddington Club Invasion. The photograph was taken July 30, 2012.

Q. Did you and Bruno end up attempting to commit this robbery?

A. Yes.

Q. So let’s put up — I’m sorry. What’s the date of this photograph?

A. July 30th, 2012.

MS. COHEN: Let’s put up Government Exhibit 731T, please.

Q. And Mr. Zoccolillo, what’s the date of this call?

A. August 1st, 2012.

Q. So a couple of days after the photograph of Vincent Bruno?

A. Correct.

Q. Remind us, at the time of this phone call, did you know that law enforcement was listening?

A. No, ma'am.

In that phone call between Bruno and Zoccolillo, they talked about the failed robbery and getting money from “Beef” – aka Paul Cassano – to buy more pot. The money was apparently coming from Steven D. However, Bruno informed Zoccolillo that while they were “gonna get” the money, “Beef said he ain’t gonna be around until Monday anyway.”

Then right in the middle, Zoccolillo brought up the subject of the main event: Michael Meldish, who also, apparently, might have been a reason for the Coddington Club Invasion. Zoccolillo met Michael Meldish once via Sal Larca but had “seen” him twice at a restaurant and “then one time right next door to Patricia’s in a cupcake store.” Meldish was part of the reason for the “bad blood” between the Bonannos and Luccheses.

And like Lovaglio, Zoccolillo learned a lot of his information through hearsay. He learned from Ernie Aiello about an altercation with Meldish at a “feast” of which the date is unknown:

Q. So, focusing on what you learned from Aiello about this altercation between the Bonannos and Meldish, what did Aiello tell you?

A. About the altercation?

Q. Yes.

A. So they were — Ernie Aiello was with Johnny Joe Junior and Tommy Garbage down at the — I forget the name of the feast, in front of Rao’s, the picture that we just looked at of Rao’s with Joey Urgitano. There was a feast there. And Michael Meldish was having some words with Tommy Garbage, and Michael Meldish kind of took a swing at him, and Ernie Aiello and Johnny Joe Junior went to work on him and threw him a beating.

Notice once again the use of full names – “Michael Meldish” and “Ernie Aiello,” so the jury won’t forget, apparently, even though he talked in casual terms about “Tommy Garbage” and “Johnny Joe Junior.”

He then discussed the reasons for the “bad blood” between the two Families and the Coddington Club Invasion. Unlike Lovaglio before him, who said that the incident was caused by a perceived slight by a Lucchese member towards the alleged Bonnano “boss” Mancuso, Zoccolillo related a completely different story:

Q. Did you have an understanding from Aiello at the time as to the state of the relationship between the Luccheses and the Bonannos?

A. Yes. It was not good.

Q. And from Aiello, what did you understand to be the reason that the relationship between the Luccheses and the Bonannos was not good at that time?

A. There was a few reasons. One reason was that the Luccheses were not respecting Ernie Aiello, or most of the Bonannos at that time, because the Boss had flipped and they weren't really recognizing them as a Family at that point in time, unless it was, you know, guys that they knew directly and well. There was also some situations between Michael Meldish and the Acting Boss of the Bonannos. I guess they were dating the same girl or something like that.

Not only were the reasons for the Coddington Club Invasion completely different from Lovaglio's but so was what happened during the Invasion:

Q. Did you come to learn whether the issues between the Luccheses and the Bonannos subsequently after the Meldish beating came to a head?

A. Yes, ma'am.

Q. And from whom did you learn about those events?

A. Um, quite a few. Specifically, it would be Ernie Aiello, Dom Deluccia, Carl Ulzheimer, Vincent Bruno, Sal Larca.

Q. Okay. So, focusing on what you learned from Aiello, what did Aiello tell you had happened?

A. He told me that — well, I was told the story first, and then when I bumped into Ernie, I had kind of just brought it up and we spoke in depth about it. He said that he went over to the Lucchese club on Coddington with a bunch of his Captains, and they kind of just went in there and tried to work things out. He didn't go into the details like I heard from some of the other guys as far as, like, bragging part about it, but they went in there to — to try

to get, you know, get everything kind of squashed between each other and you know, put everything to bed, and apparently they did.

Q. Now, when you say “put everything to bed,” what did you understand Aiello to be referring to?

A. Meaning the bad blood that they had between the both of them: recognizing them as a family; recognizing him as, at that time, he was a Captain; also from the beating that they threw or they beat up Michael Meldish at that feast or festival with Michael Meldish being an Associate of the Lucchese Crime Family.

What? So, at the time of the invasion, Aiello was in what position? Lovaglio said he was “acting consigliere” but Zoccolillo said that he was a “Captain,” right after he just said that Aiello went to the club “with a bunch of his Captains”

At this point, there’s not even any need to go further regarding the alleged Coddington Club Invasion because Lovaglio said that Aiello had no interest in coming to a peaceful resolution and “wouldn’t hear of it” when he made the suggestion. But Zoccolillo just testified that Aiello “went in there and tried to work things out.” But it gets better because Zoccolillo heard about the story from everybody.

Deluccia told him, “that he was proud of Ernie, how he went in there and handled himself and kind of put everybody in place and just took control of the whole entire meeting.”

Then Carl Ulzheimer told him about his interaction with “Crea Senior”:

Q. Without repeating what Carl — anything that Carl Ulzheimer said about what happened inside of the club, did Carl describe to you his role in the Coddington Club incursion?

A. Yes.

Q. What did he say his role was?

A. He was to stand outside the door of the club and not — not let anybody inside the club.

Q. Did he identify anybody to you that he prevented initially from getting into the club?

A. Yes.

Q. Who?

A. *Steven Crea Senior.*

It's interesting that the prosecution didn't want to hear what Carl had to say about what happened inside the club. Did he have a knife as Lovaglio witnessed? Was everyone just standing around? But even more interesting is that Lovaglio testified Crea was already inside the club standing by the front door and Ulzheimer was by the kitchen grabbing a knife from someone. Yet, Zoccolillo just testified that Crea wasn't even in the club because Ulzheimer was by the front door to stop Crea from getting in if he tried. And nowhere in the questioning by Cohen does Zoccolillo say anything about Crea supposedly telling Ulzheimer "I won't forget your face" as Lovaglio testified. Amazing turn of events. And it gets better.

Q. *Did you come to learn whether there was a response from the Lucchese Family to what happened in the Coddington Club? Yes or no?*

A. Yes.

Q. *Did you learn about that from, amongst other people, Vincent Bruno? Yes or no?*

A. Yes.

Q. *So, how many times did you discuss this with Vincent Bruno?*

A. *A minimum of two for sure. Could have been a couple of times more.*

Q. *Where were you when you first discussed this with Vincent Bruno?*

A. *Um, we were driving in a car. I believe that we were going to Mount Vernon to drop off some marijuana to the guy that we were partners with.*

Q. *And while you were in the car, what did Bruno tell you?*

A. *So, we were driving. He says, I got something to tell you, but you can't say nothing. And I said okay, what is it? And he goes, Remember those guys went to go kill Carl? And I said, Yeah. And he said, Well, that was me and Roast Beef. And I said, Well, why the F would you tell me that? I don't want to know that. I mean, that's not my business. Why would you try to drag me in? He's like, Well, you know, I'm not going to say nothing that I told you. I just wanted to get it off my chest. And I said, You know, Why would they even send you? And he's, Like, well, you know, Stevie Junior and the father, they trust me, and you know – they know that I'm close with Roast Beef. And I said, You know – I said I – just – doesn't make any sense. I said I don't want to know nothing do with this. You don't tell nobody that told me.*

Why would you try to give me information about an attempted murder? I said it's the stupidest thing I've ever heard. And he was, Like, no, no, it's all right, and he was kind of laughing. He goes, I just needed to get it off my chest.

“Roast Beef” and “Paulie Roast Beef” are other nicknames for Cassano. More importantly, Zoccolillo’s version of events and Bruno’s version of events (via his email letter to Judge Siebel) are completely different. And Bruno’s letter was in December 2018, several months before Zoccolillo’s testimony.

Also, keep in mind that Bruno confessed to Zoccolillo while they were in California doing that robbery Larca sent them on. You also have to wonder why a guy who likes to know everything and shared a lot of everything about what he heard and from whom he heard it several times during his testimony would be upset hearing the inside scoop about something as juicy as this. He did have a reality show, after all. Plus, for someone talking about a casual discussion, someone with “connections,” it seems a little odd he used the term “attempted murder” while telling his story. Just sayin’. He goes on to explain why he was so upset:

Q. Now, why did you have that reaction to what Vincent Bruno told you?

A. So, I mean, a few reasons. I think the main and logical reason is why would I ever want to know that — why would I want to be given information about an attempted murder? I mean, that just puts me at risk – forget about the law part about it. But if people are sending people to kill somebody and they found out that I knew about it, then I could be, you know, dragged into that for some reason, so that's number one. Number two is, I was very close with Chris and Carl. I mean, we grew up together, I mean, literally since, I mean, first grade. So, it's just not something that I wanted to know. I'm friends with both sides.

Q. When you say you were close with Chris and Carl, who are you referring to?

A. To Chris Ulzheimer and Carl Ulzheimer.

So, the guy was involved in all sorts of criminal activities and was even supposedly involved in a robbery against a pot supplier, but he gets bent out of shape after hearing about an alleged attempted murder from his best buddy? He might have wanted to forget about it, but apparently Bruno brought it up again while Zoccolillo was in the hospital in White Plains. And he also had heard the story from “quite a few” other sources, too, including Aiello, Deluccia, and Larca.

Q. So, once you got back from Miami and you're in the hospital and you're talking to Bruno, what do you recall Bruno saying during that conversation?

A. Well, somebody — Vincent Basciano Junior was at the hospital prior, and he was asking me if I heard this rumor that Vinny was the one that went to go try to kill Carl. And I played dumb to the story, obviously. I didn't want nobody to knew [sic] that I knew it, so I said, No, I didn't hear anything. He kind of got me up to speed supposedly of what he thought of what happened.

Q. Without saying anything that Mr. Basciano Junior told you, what happened with Mr. Bruno?

A. When he came?

Q. Yes.

A. We had the conversation again. And I said, You know, obviously it's out. Did you say anything? How is it out? It must have been you that said something. I mean, who else is going to leak the information? And he just kind of kept blowing it off. You know, he was probably just going around bragging about it because that's what he did.

But the government forgot part of the story, so they had to backtrack a little bit for Zoccolillo to explain what happened the day after the Coddington Club Invasion. Mind you, we still don't know why an attempt was made on Carl Ulzheimer's life. Also, at this point, he hadn't heard the Bruno story yet. He had gone to Ulzheimer's house before Bruno allegedly told him his role.

Q. Now, did there come a time after what happened at the Coddington Club that you went to Carl Ulzheimer's house?

A. Yes.

Q. And do you have an understanding of how close in time your visit to Ulzheimer's house was to when Bruno and Cassano had gone to try to kill Ulzheimer?

A. Yes.

Q. And generally, how close in time was that?

A. Within a few hours the next day.

Q. Why were you at Ulzheimer's house?

A. So he lived on Radcliffe Avenue, and my mother lived maybe 12 houses past him. So I was driving down to my mother's house to go pick up some money that I used to stash at her house, and I seen Chris, Chris and Carl outside. I had pulled over and then started speaking with the both of them.

Q. Okay. So, at the time that you get to Carl Ulzheimer's house, had you had this conversation yet with Vinny Bruno where he told you about going with Paul Cassano?

A. No.

Q. Okay. Without repeating anything that the Ulzheimers' might have said to you, what did you observe when you got to the house?

A. Chris Ulzheimer, Carl's brother, was installing security cameras.

The Court then took a short mid-morning break, but somehow in those few short minutes, Zoccolillo's added more detail: Chris and Carl were "standing outside both of their houses, because they live side by side, and Chris was installing security cameras." Big difference, because I'm sure at some point, Zoccolillo will talk about his conversation with Ulzheimer.

Zoccolillo goes into more detail about what Bruno and Cassano did that night:

Q. I want to go back to that conversation with Vinny Bruno. How did — what did he tell you about how he became involved in that attempt?

A. He told me that Pauley Roast Beef came and picked him up, they took a ride to — I don't remember the kid's name, Pauley Roast Beef and I grew up with him, he was in grammar school with us, Catholic school. They went to his house. I guess Pauley Roast Beef had some guns there. He picked up

a pistol, got back in the car and Vinny kind of, like, laughed and said, Give me that, you know, you're not cut out for that life, like joking around with him, and took the gun from him.

Q. Once they had the gun, where did they go in the car?

A. To Carl Ulzheimer's house.

Q. Once they got to Ulzheimer's house, what did they do next?

A. Vincent Bruno said that they pulled up in front of the house, maybe a house or so past the house. Vinny got out, went to the stairway and, like, banged on the door to see if Carl will come out and kind of stood along on the wall, waiting for him. Nobody came out. He didn't hear anything. They got in the car and left. And then they came back a second time and did the same exact thing, and also, Carl never came out.

Q. What was your understanding from Vinny Bruno about what he was going to do if Carl Ulzheimer opened that door?

A. Kill Carl.

So, what's not clear here is if Bruno and Cassano went to Ulzheimer's house the day after the Coddington Club Invasion, and then if the Ulzheimers' installed security cameras, why weren't they able to pick up Bruno and Cassano returning to the house for another attempt?

Finally, he got around to the whys of it all:

Q. What was your understanding from Vinny Bruno as to why he and Paul Cassano went to kill Carl Ulzheimer?

A. Because Carl Ulzheimer disrespected Steven Crea Senior at the Lucchese/Bonanno little feud that they had at the Coddington Club.

Q. What was your understanding from Vinny Bruno as to how this mission was communicated to him?

A. From Steven Crea Senior to Junior and Roast Beef. They had sent Roast Beef and said to take Vinny with him.

Q. I think you testified to this earlier, but did you have an understanding from — did you have an understanding as to whose crew in the Lucchese Family Paul Cassano was a soldier in?

A. Steven Crea Junior.

Soon after, Zoccolillo became a rat. He began recording conversations on February 21, 2013. For some reason, the government wanted the jury to hear some other alleged murder plot that didn't involve any of the defendants at the table. Madonna's lawyer, Joshua Dratel, called for a sidebar.

MR. DRATEL: They're introducing another murder plot in here, nothing to do with any of the defendants. It's really prejudicial. I don't know what the relevance is. I don't know what the relevance is of the conversation or some discussion with Stevie Crea Junior that's not here at trial. This is nothing to do with this conspiracy. I don't understand it.

THE COURT: Is this the Larca conversation?

MS. COHEN: It is, indeed. And I'm shocked to hear Mr. Dratel is not aware of the relevance of this conversation.

MR. DRATEL: The beginning part, the beginning part.

THE COURT: Didn't we have massive motions about this very conversation?

MS. COHEN: Indeed.

MR. DRATEL: I'm talking about the beginning part of it where they're killing someone else. They haven't connected anything.

THE COURT: Was that, at the beginning part of it, for the many months that we've been talking about this conversation?

MS. COHEN: It was, your Honor, and it is necessary context for Larca to describe conversation that he had had with Stevie Junior, who is going around saying the same things about Sal Larca, not stepping up because of what Ralph the General did. And the reason that is important is when the conversation then shifts to the attempt to kill Carl Ulzheimer, it's clear that Larca is referring back to Stevie Junior. You've got to have the whole conversation for the context.

MR. DRATEL: I don't think that has to be in here to be connected up in some way to this case, but you can start where they are talking about Stevie Junior, I don't see what they lose from that. It's just, I think it's not related to that. Sometimes you expect in an arranged representation, that it's relevant to the conspiracy, and the judge rules, but then you come here, and the witness testifies, and it has no relevance. That's the problem.

THE COURT: Overruled.

MR. DRATEL: Thanks.

And what's the most important point in this sidebar? The government saying, "You've got to have the whole conversation for the context." So, once again, Judge Siebel's impartiality doesn't exist and the government can manipulate the rules whenever it sees fit.

The recorded conversation between Larca and Zoccolillo had something to do with Larca's father but then the conversation turned to Bruno. Zoccolillo told Larca that Bruno had admitted the plot to him – and Larca, in Zoccolillo's interpretation said the same thing. But remember, the government admitted it had no recordings saying Larca made statements about Steven D being behind the attempted hit on Ulzheimer. However, that didn't prevent the government from playing that portion of the tape to the jury, complete with Zoccolillo's interpretation:

Q. So what are you and Larca talking about in this portion of the conversation?

A. About that Vincent Bruno had admitted to me that he was the one that went with Roast Beef to kill Carl. And Sal is saying that he came and told him the same thing.

Q. So, on page 12, when Larca says, I didn't even want to know, and he told Vinny, Don't ever effing repeat that, you'll wind up with a bad problem, what did you understand Larca to be saying?

A. That Vinny just needed to keep his mouth shut, that he would have a bad problem, I mean, probably from the people that sent him. I mean, you don't go around telling people that. He already told Sal and I. Who knows who else he told, went around bragging about it?

And the bullshit (yes, it has come to that) continues:

. What are you and Larca discussing in this portion of the conversation?

A. Sal Larca's referring to Ernie Aiello as this little Machiavelli, trying to prove himself by going into the Coddington Club and he was real nasty while he was in there.

Q. When Larca is saying, "I love you, you're my friend, I gotta do what I gotta do," what did you understand Larca to be saying?

A. Just meaning that if he's given an order to go handle it, I mean, he's –

friend or not, whatever the circumstance is, he'd have to handle it.

Q. So, on page 14, lines 363 to 367, when Larca says, "I told the same thing to Carl and Dom, don't be mad at anybody for coming to try and take a shot at you, they're doing what they're told," what did you understand Larca had told Carl and Dom?

A. Meaning don't take it personal from Vinny being one of the guys that came there to do that, you know, being that he was told to do by Steven Crea Junior and Steven Crea Senior, not to take it personal.

Remember, too, that Larca made it clear through a letter from his attorney to the prosecution that his testimony would only help the defense, and if the government really wanted to, they could have subpoenaed him to testify, but that didn't happen. So, that should tell you something.

Now, it was time for the defense to set the record straight...

Zoccolillo had a lot of stories to tell, but were some of his facts wrong? Crea's attorney Anthony DiPietro was the first to tackle the task. We'll have limited interruption during this part, so please, enjoy the show.

Q. When you came into this courtroom — let's start here, sir. Do you know my client, Steve Crea?

A. Not personally, no.

Q. You never met him, correct?

A. That's correct.

Q. Oh, when you told that story in the beginning, you didn't say that on direct, did you?

A. Say what?

Q. Did you say that on direct examination, that you had never met him?

A. I wasn't asked.

Q. You weren't asked. Okay. So, you came in and you said that he was relatives to you? He was a relative of ours?

A. No, I never said that.

Q. You didn't testify to that earlier?

A. I did not.

Q. Okay. But you never met the man?

A. That's correct.

Q. Never spoke to him on the phone?

A. No, sir.

Q. So would you agree with the statement that he doesn't even know who you are?

A. I can't say what he knows.

Q. Now we can agree, you've been cooperating since 2013?

A. 2012, the end of 2012, I think it was. No. I'm sorry, 2013.

Q. And during that period of time, you told the government everything that you knew, correct?

A. That's correct.

Q. You didn't leave out any details?

A. No.

Q. No omissions?

A. No, sir.

Q. So when is the first time you learned of this case?

A. Of this case?

Q. Yeah.

A. Probably sometime in 2013.

Q. 2013. This proceeding, this court proceeding?

A. Maybe not this court proceeding. I don't really understand the question.

Q. I'm sorry. Let me rephrase. When is the first time that you learned about this court proceeding?

A. So you mean the whole case or the few guys that are sitting in the courtroom?

Q. This case.

THE COURT: Well, let's be clear. Are you talking about the indictment?

MR. DiPIETRO: Yes.

THE COURT: Do you know when the defendants in this courtroom were indicted?

THE WITNESS: Sometime 2013, your Honor.

THE COURT: Maybe we should talk about that later.

Q. You agree you never met the man? You never met Steve Crea?

A. That's correct.

Q. How did you identify him?

A. I've seen multiple photos of him. I just know his photo.

Q. So your testimony is based on photos you've seen in the newspaper?

A. Not my photo — well, my testimony is not based on purely of what he looks like.

Q. Well, you identified the man in the court, right, you identified that picture?

A. Correct. I guess if you rephrase your question, I'll be able to answer accordingly.

THE COURT: Let me interrupt both of you. Please don't talk over one another. The court reporter is not going to get what either of you was saying.

THE WITNESS: Yes, your Honor.

Q. How did you identify Mr. Crea's picture today?

A. How did I identify it? I pointed to it, said his name.

Q. What's the basis of your knowledge?

A. I've seen his photo probably 100 times.

Q. You mentioned his name a lot today throughout your testimony —

A. That's correct.

Q. — as if you knew him?

A. Um, not as if I knew him personally.

Q. You have no firsthand knowledge about anything he testified to?

MS. COHEN: Can Mr. DiPietro let the witness answer his questions.

THE COURT: Yes. Let the witness finish his answer.

Q. Do you have firsthand knowledge about anything you testified to today?

MS. COHEN: Objection to form.

THE COURT: I think it's been —

Q. In regards to Mr. Crea, do you have firsthand knowledge about anything you testified to today?

MS. COHEN: Still, objection.

Q. Did you witness any of these events, sir?

MR. DiPIETRO: What's wrong with the question?

THE COURT: The question should be — I think it's clear, but we'll make doubly sure. You never had any personal interaction with Steve Crea Senior, correct?

THE WITNESS: That's correct.

THE COURT: Anything you told us today you learned about him, you learned about from other people?

THE WITNESS: That's correct.

Q. Did the government ever reach out to you in 2017 and ask you to think more about Steven Crea?

A. To think more about him?

Q. Yeah. Think more.

A. I don't believe so.

Q. Let me show you something to refresh your recollection. I'm showing you what's marked 35148-67. Just read the highlighted portions to yourself. Did the government in 2017 ask you to think more about Mr. Crea?

A. Once again, I do not believe so.

Q. Okay. Did you tell the government you will think more about Mr. Crea?

A. That's what it looks like, sir.

And then Judge Siebel jumps in to attempt to shield the government's true goal, but DiPietro doesn't back down...

Q. Did you forget —

THE COURT: Hold on a second. You can't just read something off the paper. The question is, now that you've seen the paper, do you remember saying that?

THE WITNESS: Yeah. That makes sense. I mean, I'm out of the neighborhood for years, but I wasn't told to think more about him.

Q. Let me ask you this. You don't know the man, right?

A. That's correct.

Q. What are you going to think more about?

A. As far as what my cooperation was and what I had given information about. Make sure I was correct.

Q. Do you know a gentleman by the name of Peter Lovaglio?

A. Maybe. I don't know. Sounds familiar.

Q. What about John Pennisi?

A. Sounds familiar.

Q. What about Robert Spinelli?

A. Sounds familiar.

Q. Did you tell them you would think more about them, too?

A. I can't recall.

Q. Let's talk about this confession that Mr. Bruno made to you on several occasions. Do you know why he confessed to you more than once?

A. Excuse me?

Q. Why would he confess to you more than once if you didn't want to know about it? Wasn't your testimony you said you didn't really want to know about it. You said don't talk to me about this; I'm friends with the other guys?

A. That's correct.

Q. So then he confessed to you again?

A. Well, he didn't confess again. We spoke about it again after I already knew from the first time.

Q. So you spoke about it in the hospital, correct?

A. That's correct.

Q. Now, when you interviewed with the government, you tried to be truthful?

A. I didn't try to be truthful. I was truthful.

Q. Did you ever tell the government that you couldn't recall the details of what Bruno told you in the hospital?

A. Did I ever tell the government — not that I know of. Maybe a word-for-word verbatim, possibly.

Q. 3514-84. Read the highlighted portion to yourself.

THE COURT: What page?

MR. DiPIETRO: Page 6.

Q. Does that refresh your recollection, sir?

MS. COHEN: Objection.

THE COURT: Hold on a second. 3514-84 at page 6.

MR. DiPIETRO: Page 6, five paragraphs down, your Honor.

THE COURT: Hold on one second. You can ask the question.

Judge Siebel seems to be a little flustered...if only there was video...

Q. Sir, did you tell the government that you could not recall what Bruno had talked to you about at the hospital?

THE COURT: We're talking — I'm sorry. I'm sorry. This is just —

MR. DiPIETRO: I'll lay a foundation. I'm sorry.

THE COURT: I'm sorry. This is just for my clarification. You're asking about the second conversation in the hospital.

MR. DiPIETRO: Correct.

THE COURT: Go ahead.

Q. Did you tell the government that you could not recall the details of what Bruno had told you at the hospital?

A. Yes. The verbatim conversation, I could not recall all of the details.

Q. Okay. Is your memory better today or was it better two years ago?

A. Probably the same.

Q. Probably the same. Okay. Sir, you also mentioned that when Mr. Bruno confessed to you in your testimony today, that he had told you this elaborate story about how Crea Senior ordered Crea Junior, and then it went down to Roast Beef, and then to Bruno, correct?

A. Correct.

Q. Okay. When you first met with the government, did you tell the government that Mr. Bruno never used the Creas' names?

A. I don't recall that.

Q. Okay. Let's see something to refresh your recollection. 3514-73, page 2 of 5, third bullet point. Does that refresh your recollection?

A. Not really. When was this?

THE COURT: The question was, "Did you tell the government that Bruno never used the Creas' names?" So if, looking at this, it jogs — and you said you didn't recall — if looking at this jogs your memory, and now you recall that you did say that, say you did say that. If it doesn't, then tell us it doesn't.

THE WITNESS: I honestly don't remember.

THE COURT: There you go.

Q. When you were speaking to the agents, you were being truthful?

A. Yes.

Q. And they were taking notes during those sessions?

A. Yes.

Q. And your testimony is your recollection today is as good as it was before when you were interviewed by them?

A. I'm sure it would be a little bit more fresher back then, for sure.

Q. Is it possible that you told the agents at that time that Bruno never mentioned the Creas' names?

A. It could be possible.

Q. Thank you. And then you wouldn't have added that detail for any purpose today, would you have?

A. No.

And the Coddington Club Invasion ala Zoccolillo:

Q. Also, about this club incident that you spoke — that you testified to, you said that you had learned that Mr. Crea was blocked from coming in the club?

A. Yes.

Q. And that that was Mr. Ulzheimer who was blocking him from coming in the club?

A. That's correct.

Q. And you said you may know Mr. Lovaglio. Do you know Peter Lovaglio?

A. I didn't say that I know him. I said I heard the name. Sounds familiar.

Q. And the testimony that you gave today was that Crea Senior couldn't get in the club; correct?

A. That's correct. Until the end, I think they let him in.

Q. So he wasn't standing in the back of the club and Carl Ulzheimer was in the front of the club, to your knowledge?

A. Correct.

Q. And they — he didn't verbalize a message to him across the club saying, I'll remember your face?

A. Correct.

So who would you give the Biggest Bullshitter award to for their performance? Mama's Boy or Petey Bullshit? Or would you just give it to the government?

A bit later, Zoccolillo discussed how he learned about the Ulzheimer hit.

Q. Okay. Let's talk about this supposed confession. What day did Bruno tell you he went to Carl Ulzheimer's house?

A. I haven't the slightest idea.

Q. You don't know?

A. I don't know the date that he told me.

Q. How many days after the event at the Coddington Club?

A. I also don't know that.

Q. Didn't you testify on direct you thought it was the day after?

MS. COHEN: Objection.

A. That he told me?

Q. Well, didn't you testify on direct that you went to Mr. Ulzheimer's house and he was putting up cameras the day after the Coddington Club?

MS. COHEN: Objection; mischaracterized the testimony.

Q. Well, sir —

THE COURT: The witness hasn't had a chance to answer, Mr. DiPietro. If the witness says that's — if the witness can answer the question that's not what he said, the witness will say that's not what he said. The question was whether you testified on direct that you went by the Ulzheimer's house on the way to your mother's on the day after the events at the Coddington Club.

THE WITNESS: The answer is yes to that, but the question that I got from him was, did he tell me the day after.

Q. I'll rephrase it.

A. Please.

Q. Your understanding was that the attempt had happened the day after the Coddington Club?

A. No.

Q. That was not your testimony?

A. No.

Q. Okay. So what is your understanding as to when the attempt occurred?

A. Some time after that situation happened.

Q. Well, how many days?

A. I haven't the slightest idea.

. By the way, did you ever see Mr. Bruno in Mr. Crea's presence?

A. No.

Q. Would it surprise you that they didn't know each other in 2013?

A. Not sure.

Q. Well, you hung out with Mr. Bruno every day, you said?

A. Uh-huh.

Q. Right? Did you ever see him in Mr. Crea's presence?

A. No, I did not.

Q. Did you ever see him field a phone call from Mr. Crea?

A. No.

Q. Did you ever review any phone records between him and Mr. Crea?

A. Not that I remember.

Q. Now, during this time period, did you ever tell people that the whole thing with Carl sounded far-fetched?

A. Yes, it's possible.

Q. You do. Okay. Did you ever tell Dom Deluccia that the whole thing with Carl, Vinny Bruno was a far-fetched story?

A. Yes, I did.

Q. You didn't testify that it's a far-fetched story today, did you?

A. Taken out of context because I was cooperating at that time, and I was protecting my cover.

Q. So the inculpatory statements about Mr. Crea you say are true?

A. I don't know what that word is.

MS. COHEN: Objection.

THE COURT: Sustained, Mr. DiPietro. Come on.

Q. Well, did you also tell —

THE COURT: The jury has been told, and I'm sure they remember, but I'll remind them again, that what a cooperating witness or an informant says on the recording is not offered for the truth of what the statements are, but just to give context to the answers of the other person.

Q. Did you also tell Dom Deluccia that Vinny Bruno was questioning the rumors about this event with you?

A. Please repeat that again.

Q. Sure. Did you tell Dom Deluccia a month before you talked to Mr. Larca that Mr. Bruno was questioning the rumors about the Carl incident, the same man that confessed to you?

A. I don't remember that.

Q. Maybe something will refresh your recollection.

A. Sure.

MR. DiPIETRO: We'll mark this as Crea F.

THE COURT: So the question is, does that refresh your memory on the subject that Mr. DiPietro asked you about?

A. Yes, it does.

Q. Did you tell Mr. Deluccia that Vinny Bruno was questioning the rumor about the Carl incident?

A. Yes, I did.

Q. And he's questioning the rumor about an event he confessed to you?

A. That's correct.

Remember that question we had about Aiello's status? Zoccolillo, the guy that knows everybody and everything still has no clue.

Q. Okay. By the way, you testified today about Ernie Aiello's status, correct?

A. That's correct.

Q. And you said he was the Acting Underboss?

A. There was a period of time that, short period of time that we heard that he was.

Q. That you heard he was?

A. Yes.

Q. You never marked the photo identifying him as the Acting Underboss?

A. It's possible.

Q. Not the Acting Consigliere, correct?

A. I don't know.

If you recall, Lovaglio said Aiello was the "acting consigliere." Also remember that Lovaglio reported his version of the Coddington Club Invasion to an NYPD detective on July 31st, 2012.

Q. Now, you spoke about this loan that you were trying to get — oh, you know, let's start — I take that back. How long were you in California with Mr. Bruno?

A. We weren't there permanently. We were back and forth.

Q. Okay, but on the night that you had attempted that robbery, remember the ski mask?

A. Uh-huh. Yes.

Q. How long were you there?

A. A couple of days.

Q. So when did you leave after that photo, after the attempted robbery?

A. What were you saying?

Q. On direct examination, you identified a photo with Mr. Bruno with a mask?

A. Correct.

Q. How many days after did you leave California?

A. I don't know.

Q. Was it one, two?

A. Like I just said, it could have been a couple days to a week.

MR. DiPIETRO: Can we pull up Government Exhibit 1307.

Q. Sir, what's the date on that photo?

A. July 30th, 2012.

Q. And Mr. Bruno was in California?

A. Yes.

Q. Would you agree, he can't be in California and New York at the same time?

A. Yes.

Q. He was with you, right?

A. Yes.

MR. DiPIETRO: Okay. So let's pull up also Government Exhibit 731, page 4, please. Can you go back a page? I'm sorry, Ms. Becker.

Q. Sir, what's the date of this recording?

A. August 1st.

Q. 2012?

A. Uh-huh.

Q. And that's after July 30th?

A. That's correct.

MR. DiPIETRO: Can we please go to page 4.

Q. Can you please read to the jury, starting at line 86, Bruno's statement to you — I mean, 85 — no, 86. I'm sorry.

A. To how far?

Q. Yes, please.

A. How far I said.

Q. His whole statement.

A. "Yeah, I'm gonna it, and Beef said he ain't gonna be around till Monday anyway. He said because he's goin' away and he ain't gonna see these guys till Monday, so he said he'll catch up with us."

Q. So he said Beef's not going to be around till Monday; is that correct?

A. Yes.

Q. Would you agree with me that August 1st is a Wednesday?

A. I can't tell you that. I don't have a calendar on me.

MR. DiPIETRO: Your Honor, will you take judicial notice that August 1st, 2012, is a Wednesday?

THE COURT: Well, luckily I have a magic device here. We can check that. August 12th, 2012 — oh, August 1st, 2012?

MR. DiPIETRO: Yes.

THE COURT: You know why? August 12th is my anniversary. August 1, 2012, let's see. There's a website that says it was a Wednesday. Yeah. Everybody seems to agree it was a Wednesday.

Q. Sir, we can agree — I'm sorry.

MR. DiPIETRO: I'm showing you what's marked Crea G, which is a calendar we'd like to offer into evidence, your Honor.

THE COURT: Okay. Crea G is received.

(Defendant's Exhibit Crea G received in evidence)

Q. You would agree that on the 1st, Mr. Bruno tells you Cassano won't be around till Monday, correct?

A. Correct.

Q. So we'll put here "VB Beef not around." And then we'll draw a line until Monday. Is that accurate, based on that recording, an accurate reflection?

A. Sounds right.

Q. And we can agree that you're in California because the 31st and 30th come two days before, right?

MS. COHEN: Objection to form.

Q. Well, you just —

THE COURT: Break it down.

MR. DiPIETRO: Okay.

THE COURT: One at a time.

Q. So go to Exhibit 1307, which we just looked at with Mr. Bruno with the mask, that's on July 30th, 2012, you're in another state?

A. Sounds right.

Q. So would you agree with me that the 31st and the 30th, come before August 1st, of July?

A. Yes.

Q. Mr. Bruno's in California?

A. Correct.

THE COURT: Mr. Bruno's in California on —

MR. DiPIETRO: The July 30th and 31st.

THE WITNESS: I don't know about the 31st.

THE COURT: I didn't hear that from the witness. That's why I'm questioning. He said the photo was taken on the 30th.

MR. DiPIETRO: Yes.

Q. Do you have any reason to believe that photo is not authentic?

A. I never said that. I said I can't confirm about the 31st.

Q. When did you come back?

A. I don't know, I already said.

Q. You don't remember that detail. You don't remember getting on a plane, coming back?

THE COURT: Did you come back with Mr. Bruno?

THE WITNESS: I would assume so.

THE COURT: Okay.

MR. DiPIETRO: Can we kindly put back up 731 at page Let's go back to Bruno's statement.

Q. When Beef said, "He ain't gonna to be around till Monday anyway," your interpretation of that is that Beef's not going to be around until Monday, correct?

A. That's correct.

Q. So the money that he was asking him about couldn't have been the night before?

THE COURT: Sustained as to form.

Q. Well, if he's saying Beef is not going to be around, I can't get an answer, what's your understanding if he saw him the night before?

MS. COHEN: Objection to form.

THE COURT: Sustained.

Q. Sir, if he saw him the night before, he would have an answer —

THE COURT: I think you just need to lay a little more foundation for the money and who is "he" and "him" in your question.

Q. At this time period, you're trying to get a loan from Beef, right, Roast Beef?

A. Correct.

Q. And you're waiting for Bruno to tell you whether Beef's going to give you the money?

A. That's correct.

Q. And he's saying Beef's not around, I haven't seen him.

A. He's saying he's not going to be around until Monday.

Q. Okay. So we can agree, from the time you get back to California until that Monday, Beef's not around?

A. From the time I get back from California or to California, you said?

Q. You're in California on the 30th, correct? You showed us that photo —

A. That's correct.

Q. — and you said that's when you were going to do the robbery. You didn't leave during the robbery and fly home?

A. No. I don't know if we flew out that night, the next day. I really can't remember.

Q. Okay, but a day later, you're talking to Mr. Bruno?

A. Two days later.

THE COURT: Two days later.

Q. Two days later. Okay. Two days later. And he's saying to you, Beef said he ain't going to be around?

A. That's correct.

Q. And what's your understanding of that?

A. That he's not going to be around.

Q. Okay. And Beef's the same guy in the car with Mr. Bruno?

A. Beef's the same guy in the car?

Q. Yeah. According to you, this confession?

A. When? In the car where I took the photo?

Q. Not when you took the photo. When they supposedly went to attempt to kill, without shooting, Mr. Ulzheimer?

A. That is correct.

Q. Beef is the same guy in the car?

A. That is correct.

So, on Monday, July 30, 2012, Bruno and Zoccolillo made an attempted robbery in California. There's a dated photo as proof. On Tuesday, July 31, 2012, according to Lovaglio, the Coddington Club Invasion took place. Then both Lovaglio and Zoccolillo claimed the Ulzheimer hit took place the very next day on August 1, 2012.

But on the August 1, 2012 recording, Bruno tells Zoccolillo that Cassano won't be around until Monday to get the money they asked for. So, how could the attempted hit have happened if one of the guys ordered to do it wasn't around? It seems that the story Bruno told in his letter to Judge Siebel in December 2018 was exactly what he said it was: the truth.

Remember that story Zoccolillo told about Joey Relay being promoted? Well, Zoccolillo didn't know everything like he thought:

Q. You testified earlier about a Joey Relay. Do you recall that testimony —

A. Yes.

Q. — in regard to a social club?

A. Yes.

Q. And you said that — what was the time period of that again?

A. When we had the social club?

Q. Yeah.

A. 2004.

Q. Okay. And you said during that time period, he got elevated to Captain?

A. During — sometime during that time, yeah.

Q. And you said that's because Crea Senior really liked him, right?

A. Yes.

Q. Did you know Crea Senior was in prison?

A. I did not know.

Zoccolillo was having a very bad day:

Q. By the way, are you a voice expert?

A. A voice expert?

Q. Yeah?

MS. COHEN: Objection.

THE COURT: Sustained.

Q. Well, you testified that you had — your understanding was that a call that was played earlier, that was Crea Junior's voice?

A. That correct.

Q. When's the last time you spoke to him?

A. At that restaurant.

Q. So how many years ago was that, sir?

A. Um, six, something like that.

Q. By the way, you showed us many photos of you and other people, you and Ernie Aiello, remember, he was giving the middle finger?

A. Uh-huh.

Q. I think your roll shows about 5,000 photos in one of the photos we looked at.

MS. COHEN: Objection to testifying.

THE COURT: Sustained.

Q. How many pictures do you have of you and Steve Crea Junior?

A. None probably.

Q. Did he ever call you on the phone?

A. Yes.

Q. Have you reviewed those records?

A. No. This was — we're going back to 2004 and 2003, I'm answering that for.

Q. So in 2012 when this was the events that we're talking about here, your phone was tapped, correct?

A. In 2012?

Q. Yeah.

A. I don't really know exactly when they were tapped.

Q. We just listened to the wiretaps?

A. Right, but you're not being specific. I don't know when it started, when it ended. I don't know any of that.

Q. Any calls with Mr. Crea or Mr. Crea Junior on those calls?

A. No.

Q. Sir, we can agree that you're not a witness to the alleged attempt on Mr. Ulzheimer, correct?

MS. COHEN: Asked and answered.

MR. DiPIETRO: I have no further questions, your Honor.

And the defense wasn't even done yet for the day...

Londonio's attorney, John Meringolo then exposed the trickster even more:

Q. Yeah.

A. I don't really know exactly when they were tapped.

Q. We just listened to the wiretaps?

A. Right, but you're not being specific. I don't know when it started, when it ended. I don't know any of that.

Q. Any calls with Mr. Crea or Mr. Crea Junior on those calls?

A. No.

Q. Sir, we can agree that you're not a witness to the alleged attempt on Mr. Ulzheimer, correct?

MS. COHEN: Asked and answered.

MR. DiPIETRO: I have no further questions, your Honor.

Wow. That's a new one. Who knew? He must've been very special.

Then Zoccolillo talked about how much money the government paid him for his "extraordinary" performances:

Q. Okay. How much money have you received from the government?

A. I don't know offhand.

Q. Would \$232,477.53 be accurate?

A. Sounds like a no. I mean, wish I knew where it was.

Q. Let me see if this will refresh your recollection. I'm going to show you two documents, one is 3514-93 and 3514-94. And I'd like you to go through all of these documents and look. Tell me if —

A. Okay. Repeat your question.

Q. Let me give you the correct number.

A. Yeah. It seems a little off from your original number.

Q. Well, if we can look — if you look — does it refresh your recollection that you got a total, if you look at both documents, a total of \$232,477.53?

A. I guess the definition of "got." I was never handed a total of 200-and-whatever-the-number-was thousand. I'm sure there's traveling expenses, hotel rooms, different expenses like that bundled up into that number, sir.

Q. Okay. As well as maybe rent?

A. That's correct.

Q. Electric?

A. No. That's not correct.

Q. Okay. So, you got 200 — you got a benefit of \$232,477. Could we agree with that?

A. That I got a what?

Q. A benefit?

A. If that's the word you want to use.

Q. What word do you want to use?

A. They were protecting me, for my safety, so I don't —

Q. In your safety, right, in your safety, they pay your rent, right?

A. In my what?

Q. You say they're protecting you, right?

A. Correct.

Q. So they pay your housing, right?

A. Yeah. They have to put me somewhere.

Q. And they pay your medical, right?

A. Yes.

Q. And they pay your travel, right?

A. Yes.

Q. And there are other fees that they pay, right?

A. And it's traveling related to cooperation and showing up to court, not wherever I travel.

Q. How many times have you showed up to court since 2015?

A. Since 2015, twice to court, but then obviously preps and different things like that.

Q. Well, you've been prepping for this case for approximately a year, right?

A. I don't know the exact time.

And how much did he get just to prepare for this case? And remember he wasn't even discussing the main charge. Imagine how much he would have "got" had he been a witness to that.

Q. If you could look at 3514-94 and read that paragraph, sir?

A. I don't have that piece of paper. Where am I looking at? Oh. Okay.

Q. So, isn't it true that over the last year, what's expended to you has been \$61,901.18?

A. No. That doesn't sound right.

THE COURT: Read it more carefully.

THE WITNESS: Thank you.

Q. Well, you have gotten money to help prepare, right?

MS. COHEN: Objection.

THE COURT: Read it more carefully.

MR. MERINGOLO: Okay.

Q. You have gotten money for travel and lodging, right, to prepare for this case, trial prep, right?

A. I've been reimbursed for travel and lodging.

Q. And in addition to this money, what is child support visitation? Why are you getting money for child support and visitation in 2016?

MS. COHEN: Objection.

THE COURT: Overruled. If the witness —

Q. If you remember?

THE COURT: Well, —

A. I never got —

THE COURT: The question contains a premise. If the witness doesn't agree with the premise, he'll say, I don't agree with the premise.

Q. Have you received moneys from the government for child support/visitation?

A. No.

Q. Could you look at 3514-93 there, sir, and if you could go down to 2016 and go over two columns. Does that refresh your recollection?

A. Doesn't. No, it doesn't. I don't know what that is, to be honest with you.

Q. Okay. But we can agree that, with all the money that has been given to you, whether it be rent or other things we just said, you never paid tax on that money, correct?

A. I think it was — I think it was net.

Q. You netted 234 —

A. Well, that's whatever the net was that they paid for it. I don't know the inner workings of how they do that sir.

Q. Okay. You're not curious?

MS. COHEN: Objection.

THE COURT: Sustained.

Why would he be curious? It's tax-free taxpayer dollar-funded money. Better than anything he made committing his crimes.

And why would the government be paying an informant child support and visitation? What does that even mean, and why wouldn't the government let Zoccolillo answer? Oh, that's right. He was banned from seeing his daughter because he was having sex with an underage girl. But yet the government is paying him child support? Either the government is sicker than I thought or Zoccolillo is full of shit.

But an even bigger question is why are our taxpayer dollars being spent on travel expenses for this guy (we won't even talk about all the other things the government is paying for) just to make up stories, while the guys he's making up stories about get to sit in a cell and have to buy their own soap which is about the size of those bars you find in cheap motel rooms. And I'm sure Zoccolillo wasn't sitting in a Motel 6. Also, why doesn't he have to pay taxes on that money? If I made over \$200,000 and didn't pay taxes, I don't think the government would be patting me on the back as they've done with Zoccolillo. It'd be more like cuffing my hands behind my back.

Well, Zoccolillo is someone's "star" and stars get star treatment....

Q. Let's talk about your Cooperation Agreement. Do you recall signing a Cooperation Agreement?

A. Yes.

Q. And do you recall the day that you signed the Cooperation Agreement?

A. Um, no. Not the exact day.

Q. Well, let me — isn't it true that you signed your Cooperation Agreement on November 14th, 2013, approximately?

A. Approximately. I feel like that's when I — when I turned myself in or —

Q. Well, this is —

A. I don't know —

Q. This is 3514-48. You could read the whole document. You can look at the first page and the last page.

A. Yes. That makes sense.

Q. Does that refresh your recollection that you signed your Cooperation Agreement on November 14th, 2013, sir?

A. That's correct.

Q. And isn't it true that you were facing life in prison?

A. I don't believe so.

Q. Okay. Let's see if this will refresh your recollection. 3514-48. And you could read after Count One, the entire paragraph.

A. "Count One of the information carries" —

Q. Read it to yourself.

THE COURT: Read it to yourself.

A. Okay.

Q. So isn't it a fact that you faced life in prison, sir?

A. I guess you could say that. I didn't — never knew that. I guess I never —

Q. Did you read this Cooperation Agreement when you signed it?

A. I'm sure I did. Yeah.

Q. And you had a lawyer?

A. Yes, I did.

Q. And you signed it?

A. That's correct.

Q. Your lawyer signed it?

A. Yes.

Q. And someone in the government signed it?

A. Yes.

Q. And you, as you sit here today, did not realize you were facing life in prison?

A. I don't remember.

Q. Okay. Well, could we agree that — did it refresh your recollection that now you were facing a maximum sentence of life in prison?

A. Yes.

Q. And isn't it true, pursuant to that Cooperation Agreement, that you were facing a minimum sentence of 20 years, correct?

A. That's correct.

And when liars get exposed, they start getting testy...

Q. Can you please tell the jury how much time you got in prison since the Cooperation Agreement, you signed it?

A. About two years, as I stated earlier.

Q. Well, isn't it true that after you signed the Cooperation Agreement, it was only 17 months that you did?

MS. COHEN: Objection, your Honor.

THE COURT: If the witness doesn't agree with the premise, he'll say, No, that's not correct.

A. Like I said, about two years. I don't know the exact to the day.

Q. Let me see if this will refresh your recollection. It's 3514-62. See if this refreshes your recollection the day that you received your sentence.

A. I know when I received my sentence.

Q. Oh.

A. I just said I don't know exactly to the day of how much time I did exactly.

Q. Does that refresh your recollection or isn't it true that you were sentenced on May 1st, 2015?

A. That's correct.

Q. Okay. So you signed your agreement on November 14th, 2013, and you were facing life in prison, and then you were sentenced to time served on May 1st, 2015, correct?

A. That's correct.

Q. So could we agree that was 17 months?

THE COURT: Time served was 17 months or 17 months from the day —

Q. From the day you signed the agreement —

THE COURT: We can't interrupt each other. I'm asking you whether you mean was time served 17 months or was it — is it 17 months between November 2013 and May 2015?

MR. MERINGOLO: November 14th to May 1st, 2015.

THE COURT: I guess —

MR. MERINGOLO: November 14, 2013 to May 1st, 2015.

Q. Can we agree that you signed the Cooperation Agreement November 14, 2013 and you were sentenced 17 months later to time served on May 1st, 2015?

A. That is correct.

Q. Now, isn't it true that you told this jury that you were — you weren't here pursuant to an agreement on direct examination?

A. That's correct.

Q. But, sir, you're in the Federal Witness Security Program, right?

A. Correct.

Q. And isn't it true that you have a deal as a federal witness, that you must fully cooperate and your failure to testify, you'll lose your benefits?

A. It's not a Cooperation Agreement.

Q. But it is an agreement, correct?

A. It's not an agreement of what you're asking me.

Q. Well, sir, if you decided not to testify, you would lose the benefits that you're receiving, correct?

A. I don't receive any benefits.

And then the government got its panties in a bunch again...

MS. COHEN: Your Honor, may we approach?

THE COURT: Yes.

(At the sidebar)

MS. COHEN: I'd ask to make this application to the Court ex parte.

THE COURT: Let me just look at what Mr. Meringolo handed me, which is 3514-63, which is a memorandum from somebody at Main Justice, Witness Security Program, to the government. And it says — it's dated August 26, 2015. And it says, This memo from Washington to the Southern District of New York U.S. Attorneys Office, it says you should also instruct the witness that failure to fully cooperate with you and your investigation/prosecution,

or failure to testify, or any attempt to intentionally undermine the government's case by providing false or incomplete testimony, is, in and of itself, a violation of program guidelines, could lead to immediate termination of the witness and family members from the program. The document obviously is not an agreement.

MR. SCOTTEN: We need to talk to you ex parte, and it will obviate this.

MR. MERINGOLO: Then I'll move on.

MS. COHEN: The government doesn't intend to prevent Mr. Londonio from engaging in cross-examination. If he chooses to withdraw this line of questioning, that's fine, but we're not intending to interfere with his right to cross-examine, but we do need to make this application ex parte if he is going to continue down that line.

MR. MERINGOLO: All I wanted to say, and Judge, you can stop me, it's okay, is that if you don't come here and testify, you'll lose your benefits in the WITSEC program.

THE COURT: I gather, the answer to that question is going to be maybe not what you expect. I don't know. Let me hear from the government outside your presence.

MR. MERINGOLO: I'm not making a big deal of this.

MR. DRATEL: We object; have our objection on record.

(Page 3860 sealed, by order of the Court)

(In open court)

THE COURT: Mr. Meringolo, you should move on to something else.

MR. MERINGOLO: Okay. One minute.

What is ex parte? An ex parte decision is one decided by a judge without requiring all of the parties to the dispute to be present. So, what was that secret government sidebar about? I guess we'll never know because Meringolo had to move on.

Court stopped early that day, but next day was Halloween, and the jury was in for a treat.

Before the jury was brought into the courtroom, Judge Siebel explained why she, once again, denied Crea's motion for a severance. Crea was going to call Londonio as a witness so that he could tell the truth about his conversations and interactions with Evangelista, much like Bruno did in his December 2018 letter regarding the attempted Ulzheimer murder.

Here are portions of the Siebel's ruling:

First of all, Rule 12 says that Rule 14 motions to sever have to be made before trial. The defendants have been aware since shortly after the superseding indictment in May of 2017 that the government's theory was that Mr. Caldwell was the shooter, and Mr. Londonio the driver, for the Meldish homicide, and that further, the government's theory was that the order came down from Madonna through Crea Senior and Crea Junior. If Mr. Londonio were going to exculpate Crea Senior, that motion could have been made with Mr. Crea Senior's severance motion in October of 2018.

Motions to sever under Rule 14 are committed to my discretion...But Rule 14 does not require severance even if prejudice is shown. Instead the tailoring of relief to be granted, if any, is in my discretion.

Mr. Londonio has put in an affidavit saying he would waive his Fifth Amendment rights and testify in a separate trial. Further, while the affidavit says that Mr. Londonio would waive given that he, quote, "has not pleaded guilty" or evidenced an intention to do so, it is unrealistic to think that he would be any more willing to waive his constitutional privilege against self-incrimination when called as a witness at a separate trial than he would be willing to insist on his privilege as a defendant not to take the stand.

Remember, Crea made many motions for severance and dismissal that were denied. In addition, the government did not hand over all the discovery material to the defense within the timeframe the Judge cites. Also remember, that while the government's "theory" about how the Meldish murder happened never wavered, the government's own witnesses told a different version of events. Remember, too, that much of the government's "evidence" they claimed it had to support their theory was either fabricated or manipulated. In legalese, it's called "misrepresented."

And as noted, the offer to testify coming well into a trial at which the government has offered substantial even abundant evidence against Mr. Londonio looks like a last-minute ploy to get a do-over.

Do-over? Isn't that what the government did when they were allowed to bring a new "trial indictment" against Crea – the one where the charge of the attempted murder of Sean Richard was dropped?

Also, Crea Junior could testify to some of the same things. And much of what Mr. Londonio says he would say, such as he never dealt directly with Crea Senior, is not inconsistent with the government's theory. But Mr. Londonio is the only witness who could testify as to his conversation with Evangelista. At the same time, what Mr. Londonio did or did not say to Evangelista is not quite as important as to what the facts of the matter are.

And Mr. Londonio, in his carefully-worded affidavit, has not denied that he drove Mr. Caldwell to shoot Mr. Meldish or said how he would explain away the evidence that he did, or deny that Crea Senior is the Underboss of the Family or address any number of other issues that seem to be more directly on point than whether or not Mr. Londonio confided in Mr. Evangelista.

What's on point is that Evangelista claimed Londonio "confessed" to him about a murder and the government is using that "confession" to try to bring a conviction against Crea and put him behind bars for life. The other things mentioned in the affidavit have no bearing on Evangelista's claims and Londonio doesn't have to admit or deny anything in an affidavit. That's what a trial is for. Also, this affidavit isn't about positions or driving a car, it's an affidavit for him to testify as a defense witness, specifically to rebut the alleged "confession" he made to Evangelista, which Judge Siebel just said Londonio was "the only witness who could testify as to his conversation with Evangelista." Further, is the judge qualifying the government's "evidence" as guilt? I thought she was supposed to be impartial?

And whether it would be Mr. Londonio or Mr. Crea who was severed-out, they are charged in a RICO conspiracy together, and basically all of the evidence against one would be admissible in a separate trial against the other, requiring essentially a repeat of the whole trial.

Except for the fact that you would have the only other witness to that alleged “confession” testifying about it, which would give the jury a true and balanced picture of what really happened. But why take away time and money from the government when they it could be better spent on informants like Zoccolillo?

Then the fireworks began with re-direct by AUSA Cohen:

Q. Now, you were also asked on cross-examination about moneys that have been paid as part of your participation in the witness protection program. Do you remember that?

A. Yes.

Q. And particularly, you were asked about moneys that were paid for travel expenses; do you remember that?

A. Yes.

Q. Did the federal government ever pay for you to go on vacation?

A. No, ma’am.

Q. So the travel that the government paid for, what was the purpose of that travel?

A. Reimbursement for either flight and/or hotel.

Q. Flight and/or hotel for what purpose?

A. To come prep for trial. There was some taxi charges, too, or some transportation to and from the airport or something.

Q. All related to preparation for trial?

A. Correct.

Q. None related to personal travel?

A. That’s correct.

Defense never asked about personal travel, so why does the government feel the need to clarify that? It still doesn’t justify the government spending taxpayer dollars to cover travel expense for an informant. And, stupidly (because that’s really what it is), the government revealed that it doesn’t make the arrangements for the informant. The informant makes their own and the government reimburses. So, I can say with confidence, I doubt Zoccolillo was staying at Motel 6 while in New York.

Q. Now, do you recall being asked on cross-examination whether you ever saw Vinny Bruno meeting with Steven Crea Senior?

A. Yes.

Q. In your experience, does the Underboss of an organized crime family regularly meet with all of the Associates in the Family?

MR. DiPIETRO: Objection. He has no experience.

THE COURT: You can lay the foundation.

Q. Mr. Zoccolillo, in the 30 years that you spent in the Bronx, did you have close friends who were Associates of various organized crime families?

A. Yes.

Q. And did you also have friends who were Made members of various organized crime families?

A. Yes.

Q. Based on your experience, does the Underboss of an organized crime family regularly meet with all of the Associates in the Family?

A. Not — not very likely.

Again, this question was never asked by DiPietro and clearly comes from left field as a way for the government to establish some sort of hierarchy. During her direct examination, Cohen asked Zoccolillo what Bruno said to him in the car and Zoccolillo said that, “Stevie Junior and the father, they trust me” in explaining why he was asked to go on the bogus Ulzheimer hit. That is the only time anything was mentioned about anything related to the above questioning.

Q. Do you recall being asked on cross-examination about the Bonannos invading the Lucchese club on Coddington Avenue?

A. Yes.

Q. And do you remember being asked on cross-examination about what Carl Ulzheimer told you about what happened during that confrontation?

A. Yes.

Q. What did Ulzheimer tell you Crea Senior said to him during the confrontation?

A. That he wouldn't forget his face.

Check the cross by DiPietro. This was not the question that was asked. In fact, during Cohen's original questioning of Zoccolillo on the Coddington Club events, he never even mentions anything about Crea saying anything to Ulzheimer. She specifically tells him not to relate his conversation with Ulzheimer. The "I won't forget your face" statement was from Lovaglio's testimony.

This part we're including only for the sidebar portion to show you the shady thought process and bias of the prosecution and the judge:

Q. On cross-examination, you were also asked questions about whether Bruno made up the attempted murder of Carl Ulzheimer. Do you remember that?

A. Yes.

Q. Yes or no, do you have reason to believe that Bruno and Cassano did, in fact, go to Ulzheimer's house and try to kill him?

A. Yes.

Q. What is that belief based on?

A. Based on conversations with Vincent Bruno, understanding how it went down, the things that happened after the fact, the conversations with Sal. I mean, numerous ways.

Q. Did you ever have a conversation with Carl Ulzheimer about what happened that night?

MR. DiPIETRO: Objection.

THE COURT: That's a yes or no question.

THE WITNESS: Sorry. Repeat that.

Q. Did you ever have a conversation with Carl Ulzheimer about what happened that night?

A. Yes.

Q. Based on your conversation with Carl Ulzheimer —

MR. DiPIETRO: Objection —

THE COURT: Come to the sidebar.

(At the sidebar)

THE COURT: Did this come out on cross?

MS. COHEN: It did not, but Mr. DiPietro opened the door to this when he asked numerous questions suggesting the witness' only basis for knowledge

was Bruno and that Vinny Bruno made up going to Carl Ulzheimer's house. Ulzheimer told the witness that —

MR. DiPIETRO: You can't do that.

MS. COHEN: — men in masks came to the house, knocked on his door, and he saw them hiding so they wouldn't be seen, and he didn't open the door. We're not offering it for the truth. We're not going to stand up in closing and say we know this happened because Ulzheimer said it happened, but he attacked the witness' credibility and Vinny Bruno's credibility knowing —

MR. DiPIETRO: I'm entitled to do that.

MS. COHEN: Not when he knows that that's a false impression.

THE COURT: No. What exactly was said which was implying the witness' only information came from the unreliable Mr. Bruno?

MR. DiPIETRO: Just to clarify the record, Bruno is a declarant. I'm allowed to impeach him and his credibility.

THE COURT: That is absolutely true.

MR. DiPIETRO: How do I —

THE COURT: The government's argument only stands if something on the cross suggested that the witness only knew about this from Vinny Bruno. So if you can show me —

MR. DiPIETRO: I don't know if they have a citation.

MS. COHEN: I do have a citation. Can I get my papers?

THE COURT: Yeah.

MR. MERINGOLO: Before we break from sidebar, I'd like to bring one thing up so I don't get in trouble on recross.

THE COURT: Good idea.

MS. COHEN: Mr. DiPietro asked, this is page 3834, line 1 through 3, the implication of the question is that Mr. Zoccolillo's only source is Bruno and Larca —

MR. DiPIETRO: No. I was establishing that Larca's source was Bruno. That's not a fair reading of that.

THE COURT: I have to go with Mr. DiPietro on that one.

MS. COHEN: He also asked —

MR. DiPIETRO: If I may, this is improper at sidebar last minute. If they wanted to do this last night, they should have tee'd this up. This is extremely prejudicial to elicit statements by the alleged victim.

THE COURT: I haven't said they could do it.

MR. DiPIETRO: Okay. Thank you.

MS. COHEN: A couple of things. Number one, page 3836, this is with respect to the Deluccia recording in which Mr. DiPietro elicited Mr. Zoccolillo's statements about the meeting being far-fetched, the whole thing being far-fetched and that they were, quote, rumors also suggesting that this event did not happen.

THE COURT: The witness said, if I remember, that he said it as part of his —

MS. COHEN: Cooperation.

THE COURT: Cooperation.

MR. DiPIETRO: You could elicit that. I'm not objecting if you say, Sir, when you said this was far-fetched, you were playing a role, that's fine, but you can't elicit Carl's statement. It's a confrontation issue. I don't have a right to confront Ulzheimer.

MS. COHEN: Of course, we can't offer for the truth, the implication of the line of questioning is this event never happened.

THE COURT: The implication is that his testimony is based on what he heard from Mr. Bruno, and Mr. Bruno is unreliable. The one thing I didn't understand, and maybe this relates to that, is the witness said that his he saw the security camera going in the day after the attempt.

MS. COHEN: Correct.

THE COURT: He didn't explain how he knew it was the day after.

MS. COHEN: He knows it because of what Carl told him. He's going to say Carl told him about it the day it happened. He described this on direct examination.

THE COURT: He drove by and saw —

MS. COHEN: Correct. And he gets out and he starts talking to Carl and his brother, and they say we're putting up cameras. In sum and substance, you won't believe what happened last night. And they tell him what happened. And then Carl says I called Ernie, and he's on his way down here now. Subsequent to that, Mr. Bruno makes these admissions to Mr. Zoccolillo.

MR. DiPIETRO: Sorry. I can't hear you. I'm sorry.

MS. COHEN: Subsequent to that, Mr. Bruno makes admissions, makes these admissions to Mr. Zoccolillo. So when Bruno makes those admissions, Mr. Zoccolillo already knows that this attempt has happened. Now Carl can't tell him it was Vinny Bruno. He can tell him men came to my

house with a gun, trying to kill me.

MR. DiPIETRO: No —

Once again, the government is caught lying. What she asked Zoccolillo was this, which you can check back for direct reference: “So at the time that you get to Carl Ulzheimer’s house, had you had this conversation yet with Vinny Bruno where he told you about going with Paul Cassano?” Zoccolillo answers: “No.”

MS. COHEN: If Mr. DiPietro were really just alleging Bruno isn’t the one who did it, it may be different, but the clear implication of his line of questioning was Bruno completely made this up, never happened, we don’t even know if it was a real gun, we don’t even know if it’s a real gun, we don’t know if there were bullets, nobody was ever shot.

THE COURT: That’s fair. It could still have happened.

MR. DiPIETRO: Yeah.

MR. DiPIETRO: I didn’t say that.

MS. COHEN: Bruno is an exaggerator, he’s a pill-taker, you can’t rely on him.

MR. DiPIETRO: He’s the declarant.

MS. COHEN: Of course, Ulzheimer — I’m not going to ask him who did it. We’re not going to rely on his statement.

THE COURT: It’s hearsay. The questioning I think stayed on the side of the line of questioning the declarant’s reliability.

MR. DiPIETRO: I didn’t —

THE COURT: The problem with the Ulzheimer testimony is that it’s hearsay. I think what the government can do, and I think what’s fair, is you can elicit and you may lead through this, you can elicit that the security cameras were going up, but — and then he heard from Mr. Ulzheimer it was based on something that happened the day before, and that’s it.

MR. DiPIETRO: That is improper. I don’t — I can’t confront Mr. Ulzheimer. I didn’t even attack his credibility on direct — on cross-examination. I never attacked Mr. Ulzheimer’s credibility.

THE COURT: You basically suggested they should throw out this witness’ testimony because Mr. Bruno is unreliable.

MR. DiPIETRO: Mr. Bruno — they’re relying on Mr. Bruno’s statement.

They're not relying on what he witnessed. He's the declarant. I'm entitled to go after him.

MS. COHEN: You're entitled to go after Mr. Bruno as to whether he participated in it, whether he got the order from the Boss and his Captain. All of that is fair fame, but once you suggest that the event never happened, knowing that there's a false implication, you can't use the hearsay rules to create that false implication.

MR. DiPIETRO: For the record, this is completely improper. This is the alleged victim. Your Honor is now offering not for the truth but the alleged victim's statements. I cannot confront this gentleman.

THE COURT: First of all, what I suggested was only that the alleged victim said he was putting the cameras up based on an incident that happened the day before. That's it.

MR. DiPIETRO: And how do I impeach that?

THE COURT: I guess you don't.

MR. DiPIETRO: But I didn't open the door to Ulzheimer's credibility.

THE COURT: You know what? Here's my ruling. Mr. DiPietro is allowed to attack the credibility of Mr. Bruno. He is not attacking the credibility of Mr. Zoccolillo. You can go back over the testimony where that — the cross where he was asked if he thought the story was far-fetched, and you can elicit whether he, in fact, thinks it's far-fetched, and leave it at that.

MR. DiPIETRO: Thank you.

(In open court)

BY MS. COHEN:

Q. Mr. Zoccolillo, do you recall being asked on cross-examination about a conversation that you had with Dom Deluccia about the attempted murder of Carl Ulzheimer?

A. Yes.

Q. When you had that conversation with Deluccia, were you cooperating with law enforcement?

A. Yes.

Q. Were you wearing a wire?

A. Yes.

Q. During that conversation, did you say things that weren't true?

A. Yes.

Q. Why did you say things that weren't true?

A. Because I was cooperating and kind of just protecting myself.

Q. During that conversation, did you tell Dom Deluccia that you thought the story with Carl Ulzheimer was far-fetched?

A. Yes.

Q. Did you actually think that the story about what happened with Carl Ulzheimer was far-fetched?

A. No.

Q. When Bruno told you that he and Cassano went to kill Carl Ulzheimer, did you have any reason to disbelieve him?

A. No.

MS. COHEN: No further questions.

But Cohen forgot about how the dates don't line up, and everything else cited above.

It's also clear from the sidebar that Siebel put on her prosecutor's robes (or maybe she never took them off) because she's strategizing with Cohen, not acting as an impartial party like she's supposed to be. Note that when DiPietro asks how he would "impeach" Ulzheimer's conversation, Siebel replies, "I guess you don't."

And if you think this is the last time Siebel reveals whose side she's really on during this trial....just wait. But then again, she's been doing it all along.

DiPietro steps back into the ring...

RECROSS EXAMINATION

BY MR. DiPIETRO:

Q. Happy Halloween, Mr. Zoccolillo.

A. Same to you, sir.

Q. No tricks today, okay?

A. We'll see.

THE COURT: No treats, either.

Q. I hope I get some treats. You testified that in your experience, it would be

I guess in the presence of Mr. Crea; is that correct?

A. I'm sorry. Repeat that.

Q. You testified that, based on your experience, it would be unusual for Mr. Bruno to be in the presence of Mr. Crea; is that correct?

A. I think I based it on all Associates.

Q. And you were an Associate, right?

A. Yes.

Q. And you testified about a man named Ernie Aiello?

A. Yes.

Q. And you told us he was an Acting Underboss, correct?

A. That's correct.

Q. And you hung out with him every day?

A. Almost every day.

Q. So based on your experience, did Associates hang out with Underbosses?

A. Some. Not all.

Q. Thank you.

So, this guy can't remember something he said five minutes ago or he's dumb as a box of rocks. Probably both.

Q. You also testified that you didn't believe the story was far-fetched; correct?

A. That's correct.

Q. Sir, have you testified at any prior proceedings?

A. Relating to this case?

Q. Relating to any case.

A. Yes.

Q. And you were under oath in those proceedings?

A. That's correct.

Q. Did you omit any facts when you testified in those proceedings?

A. What's the word "omit"? What does that mean?

Q. Did you leave out any details?

A. Not that I remember.

MS. COHEN: Objection.

THE COURT: You can ask whether he answered the questions he was asked.

Q. Did you answer the questions you were asked?

A. Yes.

Q. Were you asked in a prior proceeding under oath about the events relating to Carl Ulzheimer?

A. I don't remember.

Q. Were you asked about the events at the Coddington Club regarding the Luccheses and the Bonannos?

A. I honestly don't remember.

Q. Let me see if something refreshes your recollection.

A. Sure.

Q. Showing you what's marked 3514-88, pages 32 of 120. Read the highlighted section to yourself.

MS. COHEN: Give me the page number again.

MR. DiPIETRO: Sure. It's page 32, 3514-88.

THE COURT: Page and line? Page and line?

MR. DiPIETRO: I'm sorry. It is page 2140, lines 15, going to the next page, line 4.

A. Okay.

Q. You see that, sir?

A. Yes, sir.

Q. Did you testify in a prior proceeding under oath about the alleged event at the Coddington Club?

A. Yes, sir.

Q. And did you testify —

MS. COHEN: Objection.

MR. DiPIETRO: Excuse me?

MS. COHEN: Objection.

THE COURT: Hold on a second.

MR. DiPIETRO: It's 3514-88, page 32 of 120, the transcript pages 2140.

THE COURT: Give me a second.

MR. DiPIETRO: Sure.

THE COURT: That was just to refresh his recollection about whether he had ever previously testified about the Coddington Club, and I think the witness said it did refresh his recollection. Now beyond that, I am sustaining, because I don't see anything inconsistent.

MR. DiPIETRO: Your Honor, on what basis?

THE COURT: Not inconsistent.

MR. DiPIETRO: I didn't ask a question yet.

THE COURT: Well, I think you started to say "And didn't you testify" —

Judge Siebel using her magic crystal ball to see into the future...

BY MR. DiPIETRO:

Q. Sir, you testified just now that you didn't believe the story was far-fetched; is that correct?

THE COURT: He said that Ulzheimer story, not the Coddington Club.

MR. DiPIETRO: Yeah. And I'm getting there, your Honor.

Q. Did you testify under oath that at that meeting, everything was resolved?

A. Yes.

Q. Did you mention, yes or no, an attempt on Carl Ulzheimer?

MS. COHEN: Objection.

THE COURT: If there's a basis to believe he was — asked about that, go ahead; otherwise, no.

Q. Did you leave out any facts on purpose?

MS. COHEN: Objection.

THE COURT: Sustained.

Q. Sir, did you ever exaggerate in your testimony in that prior trial?

MS. COHEN: Objection.

THE COURT: Overruled.

Q. Did you exaggerate in your testimony in that prior trial?

A. Yes, I did, about a story about the Yankees or something.

Q. Who is Mickey Mantle, sir?

A. A baseball player.

Q. Did you testify that he's connected to organized crime?

MS. COHEN: Objection.

Q. Yes or no?

THE COURT: I'll allow it.

Q. You think this is funny, sir?

A. Yeah.

Clearly an asshole.

THE COURT: What did you exaggerate, Mr. Zoccolillo?

THE WITNESS: I don't remember the exact wording, but I think I said, you know, probably he's connected, too, or something like that. I don't remember the exact wording.

A. You can refresh my recollection.

Q. Probably not based on facts, are you, sir?

MS. COHEN: Objection.

A. Sorry?

Q. Do you know Mickey Mantle?

MS. COHEN: Objection; out of context.

THE COURT: Sustained. I'm not saying you can't go here. I'm just saying, don't argue with the witness. Ask questions.

Q. Did you testify in a prior case that Mickey Mantle was connected to organized crime?

A. Yes.

Q. How do you know that, sir?

A. An assumption.

Q. So you just assume things, but you testify to them?

MS. COHEN: Objection.

THE COURT: Sustained.

Q. Can we kindly pull up Government Exhibit 1307.

MR. DiPIETRO: I'm just going to put my calendar on the ELMO.

MS. COHEN: Objection; outside the scope.

THE COURT: This is the document — yesterday, we called it G, but today we're calling it GG now because there was a G.

MR. DiPIETRO: It's not beyond the scope. He said the story is not far-fetched, so we're going to see.

MS. COHEN: Asked and answered.

THE COURT: I don't like speaking objections. I think I made that clear. Overruled. Or responses to objections that are speaking responses.

MR. DiPIETRO: Kindly put up 1307.

THE COURT: But Mr. DiPietro, based on the conversation at the sidebar, you want to tread carefully.

MR. DiPIETRO: I am. I am, your Honor.

Q. You see the timestamp on that photo?

THE COURT: I actually don't see what this has to do with what we're talking about.

So now she must see a problem for the government and backtracks, but it's too late. DiPietro keeps going.

Q. Sir, you testified that shortly after the event at the Coddington Club, that there was an attempt made, correct, on Mr. Ulzheimer?

MS. COHEN: Objection. Misstates the witness' testimony.

THE COURT: I think since we have to tread carefully here, I'm going to sustain, but I still don't see what this exhibit has to do with that.

Q. Sir, were you out at California at the time of this?

THE COURT: Of this photograph?

Q. Of this photograph?

A. Yes.

Q. Who is Rabbit, sir?

A. Somebody that was involved in the case with us.

Q. And when I asked you, Did you know when you came back from California, what was your testimony? Do you recall yesterday?

A. When I came back?

Q. Yeah.

A. That I wasn't sure.

Q. You weren't sure, right? Did Rabbit tell you in August 1st, 2012 —

MS. COHEN: Objection.

THE COURT: Sustained.

Q. Well, sir, how far is the flight from California to New York?

MS. COHEN: Objection.

THE COURT: I think we all know it's — if you fly direct, it's about six hours, give or take.

MR. DiPIETRO: Six hours.

Q. Did you tell Rabbit on August 1st that you were six hours away, sir?

A. I don't remember.

Q. Your phone was wiretapped during that time?

MS. COHEN: Objection.

THE COURT: I'm having difficulty seeing why this is within the scope. So if you need to tell me, come to sidebar. Don't talk. If you need to tell me, come to the sidebar.

(At the sidebar)

MR. DiPIETRO: In Agent Keller's testimony, over my objection, and they established that the date of the incident was July 30th, 2012.

Agent Keller was the NYPD officer Lovaglio reported the Coddington Club incident to. The date he took the report was July 31, 2012.

THE COURT: What difference does it make if this guy was in California on the day —

MR. DiPIETRO: With Bruno.

MS. COHEN: To the Coddington Club, not the Ulzheimer —

MR. DiPIETRO: And Mr. Lovaglio's testimony was the attempt was the day after, because he learned it from Ernie Aiello; that was the testimony in the record.

THE COURT: Take a cleansing breath.

MR. DiPIETRO: I'm sorry. Trying very hard.

THE COURT: The witness being in California on the date of the Coddington Club incursion, what does that —

MR. DiPIETRO: Mr. Bruno is in California with him, and also —

THE COURT: And Mr. Bruno is also not involved in the Coddington Club incursion.

MR. DiPIETRO: Correct.

THE COURT: If we can place the Coddington Club incursion on July 30th or 31st, there might be some relevance to this, which is beyond the scope of recross, which is already in the record.

MR. DiPIETRO: Hold on.

THE COURT: Where do we place the date of the Coddington Club incursion? Let me finish. I remember the agent testified that he learned about it from someone —

MR. DiPIETRO: Correct.

THE COURT: — on July 31st, so it must have been before July 31st.

MR. DiPIETRO: Correct. He said it was the day before. In the report, it says July 30th, was the incursion at the Coddington Club.

THE COURT: That, I don't think is in the record.

MS. ROTHMAN: It's not.

THE COURT: Because it would be hearsay.

MS. ROTHMAN: Correct.

MR. DiPIETRO: Now you're not arguing that's the date?

Took the words right out of my mouth. I hate to speculate, but maybe there was some collusion between the judge and the prosecution because when the date issue came up in the previous day's testimony, Siebel wasn't claiming the dates were irrelevant. She even helped along by looking up on her phone, presumably, the actual days from 2012 that Zoccolillo and Bruno were in California, even telling everyone about her "anniversary."

Remember, too, that the date of this alleged incident was a huge issue during pretrial hearings

THE COURT: What's in the record is that somebody told the agent about it on July 31st, so it must have occurred on July 31st or earlier. But since the witness and Mr. Bruno were not in attendance, the fact that they were in California at the time doesn't seem relevant, unless there's some —

MR. DiPIETRO: Yes.

THE COURT: — reason to believe — let me finish.

MR. DiPIETRO: I'm sorry.

THE COURT: I know you get excited, but you interrupt all the time.

MR. DiPIETRO: I'm sorry. I apologize.

MR. MERINGOLO: Should I butt-in and say we have to be calm?

THE COURT: It's only relevant if there's some evidence in the record that the Bruno attempt was also on — the Bruno Cassano attempt was also on July 31st or August 1st or whenever.

MR. DiPIETRO: And there is —

THE COURT: Right now, you've got in the record that Cassano said he was out of town until Monday, which is August 6th.

MR. DiPIETRO: I can go further with that.

THE COURT: Is there evidence in the record as to when the Ulzheimer attempt occurred in relation to the Coddington Club incursion?

MR. DiPIETRO: Yes.

THE COURT: What is that?

MR. DiPIETRO: Peter Lovaglio testified that it happened the day after and that Ernie Aiello had told him that. That's in the record, sworn testimony, by Mr. Lovaglio. And that's why I kept asking him, Do you know Peter Lovaglio? I wasn't doing it just — because I was drawing the connection the jury heard it the day before that Lovaglio said it was the day after. And we said, How did you know that? He said Ernie Aiello. It's in the record.

MS. COHEN: I don't think it is. I went back to check. If you know where it is

—

MR. SCOTTEN: I brought it over. We'll check the record.

MS. COHEN: Even if it were Aiello's statement, it's hearsay. That's not admissible for the truth of the matter asserted.

THE COURT: Well, I don't remember if there was an objection to it. Seems to me, it could be against his penal interest, against Aiello's.

MR. DiPIETRO: It's in the record.

Do we have a word search?

THE COURT: Page 3672, line 19.

"Question: So Johnny Joe told you Carl told him something.

"Answer: Right. Somebody came to his house and tried to kill him, yeah.

"Question: How much after this event did Johnny Joe tell you that Carl told him that something happened?

"Answer: How much time afterwards —

"Question: Yeah.

"Answer: — after he tried to kill him, he got killed?

"Question: If that's what you think he said, how many days passed?

"Answer: The very next day.

"Question: The very next day. What time did this — going back to the event at the club, what time of day was it when this occurred?

"Answer: I believe it was towards nighttime. I'm not sure exactly what time, but it was towards night."

So it looks like it's not clear to me the — and this came out on cross, that Carl told Johnny Joe who told Lovaglio that somebody had come to kill Carl the very next day; that's in there.

MS. COHEN: It's not clearly in reference to after the Coddington Club incursion. I mean, I have trouble figuring out what it's in reference to.

But it's YOUR witness????? Didn't you prepare him ahead of time like all your other witnesses, but now that you're being called out, exposed, or getting caught in another lie, you're backtracking?

I'm sorry, but this is supposed to be a fair and impartial trial and clearly, like what happened during pretrial, it has carried over in an even worse way in the actual trial.

THE COURT: Well, it says — the event seems to be the Coddington Club incursion.

MS. COHEN: Except that they're discussing the Ulzheimer attempt in the preceding questions. I think the witness is clearly confused.

“Confused.” The government’s excuse for all the witnesses that lie to them and for them. It’s the same thing they said about Pasqua. And again, why is Judge Siebel strategizing with the prosecution? If she wanted to be on the other side of the bench, she should never have accepted her judgeship and taken an oath to be fair and impartial and uphold the Constitution.

And clearly, she is clueless or blatantly ignores, what the duties of a judge are supposed to be in a court of law. The job of the judge in this situation is to listen to the prosecution’s reasoning for the objection – not to help them figure out how to cover up their blunders and lies.

THE COURT: Well, you can argue that, but the witness says the story came from Carl to Johnny Joe to me, and then Johnny Joe told the witness that Carl told the witness that somebody came to his house and tried to kill him. And then the question was how much after this event did Johnny Joe tell you that Carl told him that something had happened, and it says the very next day. Now this event is ambiguous. It could be read as saying how much after the Coddington Club incursion did Johnny Joe tell you that Carl told him this. I think a more fair reading is how much after the attempt to kill him did Johnny Joe tell Carl that it happened.

MS. COHEN: Exactly.

THE COURT: That’s what summations are for.

MS. COHEN: It’s not a basis to now cross-examine this witness beyond the scope.

THE COURT: It’s fine. You’ve already got all this.

MR. DiPIETRO: If your Honor —

THE COURT: I think the government’s read of the line of questioning is stronger, but that’s for argument.

MR. DiPIETRO: Okay. If you Honor is going to let them argue that’s not the correct date, I can take Cassano out of all of August with this guy right now, almost all of August.

THE COURT: Ahead.

MR. DiPIETRO: Okay.

(In open court)

BY MR. DiPIETRO:

Q. Sir, this photograph, you testified that it was taken while you and Vinny Bruno were in California; is that correct?

A. That's correct.

Q. And the timestamp on that photograph is 11:28 p.m.?

A. That's correct.

Q. What was your plans the next day?

A. I guess what part of the plan, whether it went through or it didn't go through, I guess there was different plans based on what happened.

Q. Okay. And I asked you before do you know a gentleman by the name of Rabbit?

A. Yes, I do.

Q. Who is rabbit?

A. Rabbit was one of the connects that we had in California.

Q. And did you speak to Rabbit during this time period?

A. During which period?

Q. The time period of July 30th into August?

A. Into August?

Q. Yes.

A. It would be possible. Can't tell you exactly.

Q. Did you tell Rabbit on August 1st, 2012, that you were not around because you were five hours away?

A. You'd have to refresh my memory.

Q. Okay. Did you say to Mr. Rabbit, No, I'm about five hours away right now I'm just trying to handle some other situation? Is the situation the robbery?

A. I really don't know.

Q. You could agree, though, sir, if you're in California, you can't be in New York at the same time.

A. That's correct.

Q. And Mr. Bruno was with you?

A. When?

Q. When you were in California?

A. I guess it depends on what day that you're asking and time.

Q. Well, in that picture, is he with you?

A. In that picture, he's with me; correct.

Q. Did he have the ability to disappear?

MS. COHEN: Objection.

THE COURT: Let's move on.

MR. DiPIETRO: No further questions.

So, why was this charge even brought against Crea and the others? And an even bigger question is whether this entire event was inflated or, better yet, dreamed up entirely by the government – ala – Londonio's bogus escape? And, most importantly, why was the government allowed to get away with it? It makes you wonder what else the government lied about to make their wishes come true.

The government might not have rested its case on the main attraction, but it ended with an eye-opening bang.

THE GOVERNMENT'S LIFELINE

Even though the government had been underhanded and shady throughout the entirety of this case, they didn't want to leave anything to chance.

So, before Judge Siebel sent the jury off to make their decision, she gave them a special instruction, called the Pinkerton liability, so that even if they believed Crea didn't have any involvement or knowledge about the murder of Michael Meldish, they could still find him guilty.

Why?

Because if the jury believed he was a member of a "club" (or "enterprise,") he "could have reasonably foreseen" – consulted his crystal ball – that somebody would have murdered Meldish.

So, think about how the prosecution presented their case, knowing full well they had absolutely no evidence to secure a conviction but told their fairy tale in a way to show that Crea was, indeed, part of a secret club.

Also think about Coffey's statement to the press that Meldish should have been killed "a long time ago." Or what Londonio told Pasqua that "anyone could of did this....the list goes miles long." Even Siebel said that there was a large universe of people who might have wanted Meldish killed. So, in truth, everyone – the entire "organized crime" universe – could have "reasonably foreseen" Meldish's murder.

But everyone wasn't the government's target – only Steven L. Crea. And that's why Judge Siebel stepped in and gave the government a lifeline and added the Pinkerton liability to the jury's instructions.

And with a BS rule like Pinkerton – what was the point of having a trial at all?


THE HAMMER FALLS

On November 15, 2019, after a six-week trial and nine days of deliberation, the jury found Steven L. Crea guilty of the murder of Michael Meldish. The jury reached the same verdict for Matthew Madonna, Christopher Londonio, and Terrence Caldwell.

Crea was acquitted of the bogus attempted assault and murder of Carl Ulzheimer. Londonio was acquitted of the bogus escape charge.

DOWN BUT NOT OUT

I just want to establish that I am not a licensed attorney at law, nor do I claim to be well-versed in case law. And I certainly don't want to come off as some "Philadelphia lawyer," but I do like to consider myself an intelligent woman, who is both level-headed and clear-eyed when I view and weigh things – especially things that concern a man's life hanging in the balance of my decision making.



And it just seems to me that it defies all logic and “Newton’s Law of Gravity and Relativity” that with all the vast and very serious inconsistencies in witness testimony, as well as what, in my opinion, is gross negligence, to say the least – if not an outright prejudice – on the part of this court against Mr. Crea, that a conviction could have been sustained and to “float” in this case.

What we have witnessed here is a level of prosecutorial misconduct the likes of which has rarely been seen inside a United States courtroom – unethical and most probably illegal and underhanded behavior and tactics by a prosecution team that had a “win at all costs, take no prisoners” attitude.

The result? Well, if it wasn’t so tragic it would actually be funny!

Crea and his codefendants WILL receive the “mandatory” life in prison sentence on the books for a crime which is highly suspect that they even committed in the first place. No wiggle room! No flexibility in sentencing because of extenuating circumstances or “suspect” evidence...to say it is revolting and stomach-churning would be the understatement of the year.

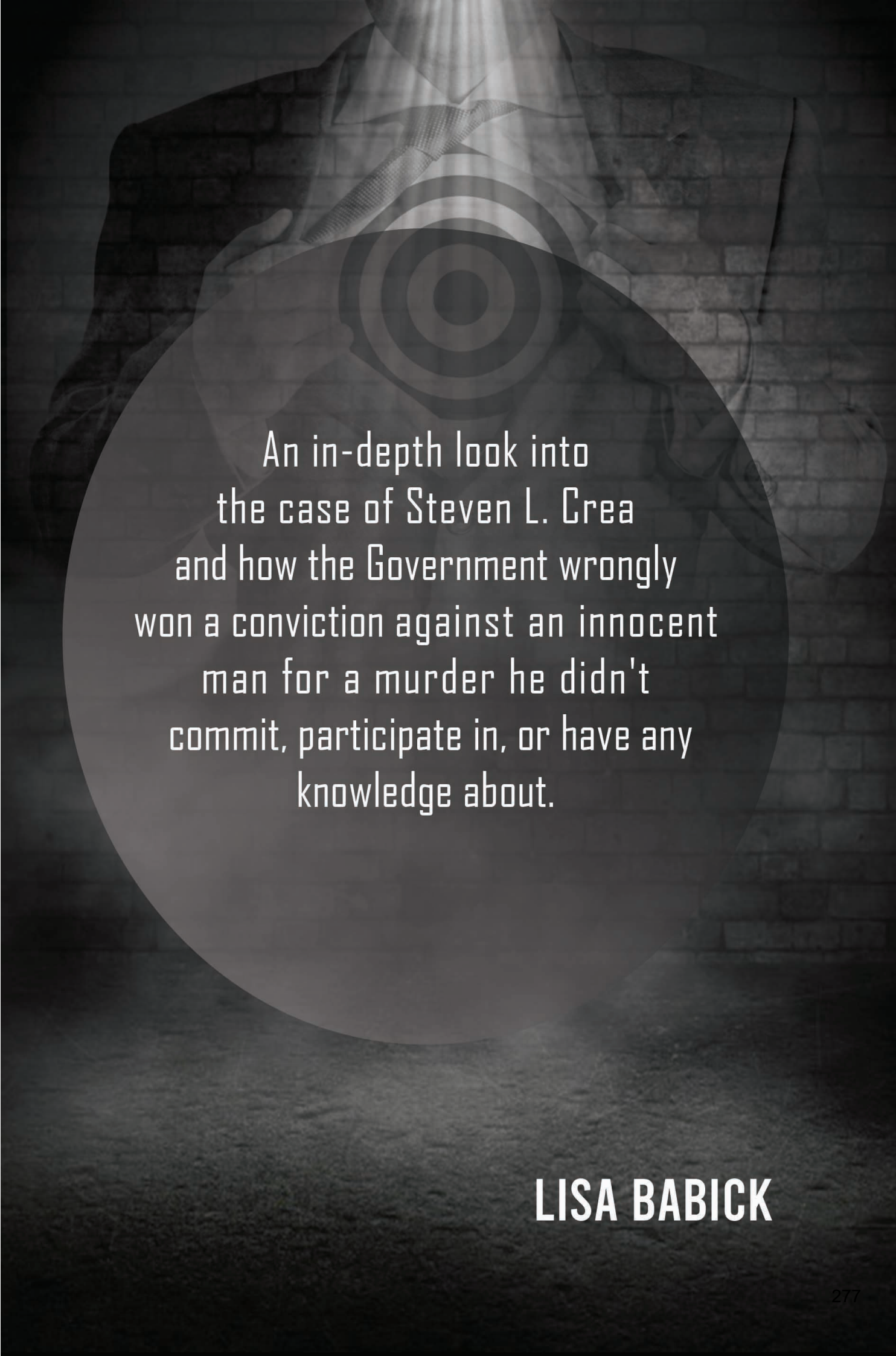
I am thoroughly revolted by this gross miscarriage of justice. And all true red-blooded Americans should be as well – not because Crea and the others are choir boys – clearly, they are not – but because if they are allowed to go down the judicial drain today, you or I, or another innocent American citizen may take that spin down the drain of “justice” in the future.

THE TRUTH IN BLACK AND WHITE

Below you can read Anthony DiPietro's Omnibus Motion submitted to the Court on October 18, 2019, on behalf of Crea which outlines many of the facts discussed above.

[Click to download](#)

[download](#)

A black and white photograph of a man in a suit and tie, standing against a brick wall. A spotlight shines down on his chest, where a target with concentric circles is superimposed. A large, semi-transparent dark circle is centered over the target and the text.

An in-depth look into
the case of Steven L. Crea
and how the Government wrongly
won a conviction against an innocent
man for a murder he didn't
commit, participate in, or have any
knowledge about.

LISA BABICK