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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, : CR-03-0970 (SJ)

-against- : United States Courthouse

: Brooklyn, New York

EDMUND BOYLE, :

Defendant. :

March 14, 2005

: 9:30 a.m.

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TRANSCRIPT OF CRIMINAL TRIAL
BEFORE THE HONORABLE STERLING JOHNSON, JR.
UNITED STATES SENIOR DISTRICT JUDGE, and a jury

APPEARANCES:

For the Plaintiff: ROSLYNN R. MAUSKOPF, ESQ.
United States Attorney
BY: THOMAS SEIGEL, ESQ.
JOEY LIPTON, ESQ.
Assistant United States Attorneys

For the Defendant: MARTIN GEDULDIG, ESQ.
JOHN C. MERINGOLD, ESQ.

Court Reporter: FREDERICK R. GUERINO, C.S.R.
225 Cadman Plaza East
Brooklyn, New York
718-330-7687

Proceedings recorded by mechanical stenography, transcript produced by CAT.

1 THE COURT CLERK: Case on trial. United States
2 of America v. Edmund Boyle.

3 THE COURT: We'll have the draft charge today,
4 maybe overnight, and have the conference tomorrow.

5 MR. SEIGEL: You plan on going right to
6 closings?

7 THE COURT: Yes.
8 Who is the next witness?

9 MR. SEIGEL: Judge, the first witness is going
10 to be a short witness. James Junga is his name.

11 THE COURT: James who?

12 MR. SEIGEL: Junga, J-u-n-g-a. He will be very
13 brief, very brief.

14 THE COURT: Bring in the jury.

15 (The jury enters the courtroom at 9:45 a.m.)

16 THE COURT: Have a seat, ladies and gentlemen.
17 Nice seeing you again.

18 THE JURY: Good morning, your Honor.

19 THE COURT: Like my second grade class.
20 You have a witness?

21 MR. SEIGEL: Yes, Your Honor. The government
22 calls James Junga.

23 J A M E S J U N G A,

24 called as a witness, having been first duly.
25 sworn testifies as follows:

1 THE COURT: State and spell your name for the
2 record, please.

3 THE WITNESS: James Louis Junga, J-u-n-g-a.

4 DIRECT EXAMINATION

5 BY MR. SEIGEL:

6 Q. Sir, how are you employed?

7 A. Airline pilot.

8 THE COURT: How?

9 THE WITNESS: Airline pilot.

10 BY MR. SEIGEL:

11 Q. Tell us in what county do you reside?

12 A. Suffolk County.

13 Q. How long have you lived in Suffolk County --

14 THE COURT: What airline?

15 THE WITNESS: Continental.

16 Q. Now, sir, have you ever had occasion to go to
17 Syosset, New York?

18 A. Yes, sir.

19 Q. Are you familiar with the Bank of New York in
20 Syosset?

21 A. Yes.

22 Q. I would like to show you now on the screen what is
23 already in evidence as Government's Exhibit 6A.

24 I will keep going, Judge.

25 Let me show you 6A. It is already in evidence.

1 Take a look at that, please.

2 (Pause)

3 Do you recognize that, sir

4 A. Yes.

5 Q. What is that?

6 A. That's the picture of the bank.

7 Q. The Bank of New York in Syosset?

8 A. Yes.

9 MR. SEIGEL: Thank you.

10 Judge, I will publish it to the jury for a
11 second.

12 THE COURT: It is in evidence already?

13 MR. SEIGEL: It is, Judge.

14 THE COURT: Go ahead.

15 BY MR. SEIGEL:

16 Q. Sir, I would like to direct your attention now to
17 1998, specifically to a date in October, October 12, 1998.

18 Did you go to that Bank of New York in Syosset
19 on that day.

20 A. Yes, sir.

21 Q. For what purpose?

22 A. To withdraw money out of the ATM.

23 Q. Now, tell us what happened when you got to the Bank
24 of New York?

25 A. Well, as I pulled into the parking lot, there was a

1 vehicle parked adjacent to the overnight deposit box, and
2 as I pulled in, I thought it was a little unusual there
3 was a male white leaning out of the driver's side of the
4 vehicle, and he had a crowbar in his hand, and the crowbar
5 was lodged in the night deposit box door, or somewhere in
6 that area.

7 Q. And was there another person in the vehicle?

8 A. Well, at the time I didn't see him, but as they
9 pulled away, because I had passed their vehicle to park in
10 front of the building where the ATM was located, that when
11 I got out of my car and pulled away, I saw there were two
12 males in the vehicle, one driving, obviously, and one in
13 the passenger seat.

14 Q. Do you remember anything about the vehicle?

15 A. Again, it's been six and a half years, but if I
16 recall, I believe it was a small van or a, what do you
17 call it, a sports utility-type vehicle.

18 Q. Now, when you parked your car, what, if anything, did
19 you do next after you parked?

20 A. Well, I got out of the car obviously to go in, but I
21 thought again, because of the fact that it seemed strange,
22 obviously I thought at first because it was a holiday and
23 it was daylight that it possibly was bank employees and
24 they were working on the box, maybe it was jammed or
25 something like that, but it just didn't seem right to me.

1 So I was going to walk to that side of the building. It
2 is a very small building, as you can see, maybe 20 feet
3 from where I parked my car, and as I went to go turnaround
4 and to get out of the car, they pulled away. So I didn't
5 really get a chance to see the vehicle very close, except,
6 as I said, it was a mini van. I believe it was light
7 green in color. But that's all I really saw, except for
8 the two males as they pulled away.

9 Q. Now, you said it was a holiday?

10 A. Yes.

11 Q. Do you know what holiday it was?

12 A. It was Columbus Day.

13 Q. When you observed this activity, what, if anything,
14 did you do?

15 A. Well, as I said, I wanted to go check it out, but
16 they did pull away. I did walk over to the night deposit
17 box because it became apparent they weren't bank
18 employees. I don't recall if there was damage or not, but
19 I did look at the box and I thought I should call the
20 police. So I went back to my cell phone and did call the
21 police.

22 Q. Did you ever get to take out money that day?

23 A. Yes.

24 Q. Did you get an ATM receipt?

25 A. Yes.

1 Q. And where has that ATM receipt been since that day?

2 A. It's been in my records in my home.

3 Q. I will show you what has been marked for
4 identification as Government Exhibit 27.

5 Sir, do you recognize that.

6 A. Yes, sir.

7 Q. What is that?

8 A. It is the ATM receipt for that day.

9 MR. SEIGEL: Your Honor, the government offers
10 Government's Exhibit 27.

11 MR. GEDULDIG: No objection.

12 THE COURT: Received.

13 (Whereupon, Government's Exhibit 27 was received
14 and marked in evidence, as of this date.)

15

16 MR. SEIGEL: I will take that back from you for
17 a second.

18 Judge, we'll give a shot at different technology
19 here and see if this will work.

20 BY MR. SEIGEL:

21 Q. Sir, can you see on that screen or would you rather
22 look at the big screen?

23 A. This one is clear.

24 Q. You can make it out?

25 A. Yes, sir.

1 Q. On the receipt does it give the date?

2 A. Yes, 10/12/98.

3 Q. What about the time?

4 A. 1727.

5 Q. And what time does that correspond to?

6 A. 5:27 p.m.

7 Q. And is that the time that you were at the bank?

8 A. Approximately.

9 Q. And is the address of the bank on there?

10 A. Well, it is sort of cut off, but --.

11 Q. I'm sorry?

12 A. 550 Jericho Turnpike, Syosset, yes.

13 MR. SEIGEL: Judge, nothing further for this
14 witness.

15 THE COURT: Cross?

16 CROSS-EXAMINATION

17 BY MR. GEDULDIG:

18 Q. Mr. Junga, after this incident passed, I think you
19 said you called the police; am I light?

20 A. Yes, sir.

21 Q. And they responded?

22 A. Yes.

23 Q. Did you talk to police officers that day?

24 A. Yes, sir.

25 Q. Were you at the Bank of New York when you had this

1 conversation?

2 A. Yes.

3 Q. Did you have any conversations after that with the
4 police?

5 A. Not with the police, with one of the bank -- I am
6 assuming someone in security from the Bank of New York
7 called me shortly thereafter within a month of the
8 incident.

9 Q. Okay.

10 The day that you spoke to the police, the day
11 the incident actually took place, did the police ask you
12 to describe the two men that you saw that day.

13 A. Well, they asked me if I saw what they looked like
14 and I said they were white males. Other than that, I
15 couldn't describe them.

16 Q. As far as height, you saw one of these men outside of
17 the car; is that right?

18 A. Well, leaning out of the car, that's what looked so
19 strange, because he was actually in the car. His legs
20 were in the car, but he was, I guess to use his body
21 leverage with the crowbar, so he was leaning out of the
22 car.

23 Q. So you couldn't tell how tall he may have been?

24 A. As I said, he was not standing, he was leaning, so I
25 couldn't tell.

1 Q. Did you see anything remarkable or anything that
2 stood out about any of them?

3 A. About the individuals, no. As I said, I believe it
4 was a light green mini van. But other than that, I
5 couldn't tell you except for two white males.

6 MR. GEDULDIG: Thank you.

7 MR. SEIGEL: No redirect, Judge.

8 THE COURT: Okay. Have a nice day.

9 THE WITNESS: Thank you.

10 MR. LIPTON: The government calls Salvatore
11 Mangiavillano.

12 S A L V A T O R E M A N G I A V I L L I A N O,

13

14 called as a witness, having been first duly
15 sworn,

16 testifies as follows:

17 THE COURT: State and spell your name for the
18 record.

19 THE WITNESS: My name is Blas Salvador
20 Mangiavillano. The first name is Blas, B-l-a-s. The
21 middle name S-a-l-v-a-d-o-r. The last name is
22 Mangiavillano, M-a-n-g-i-a-v-i-l-l-a-n-o. I'm also this
23 known by Salvatore Mangivilano, S-a-l-v-a-t-o-r-e,
24 M-a-n-g-i-v-i-l-a-n-o. I also go by the street name of
25 "Fat Sal" on the street.

1 THE COURT: Have a seat.

2 DIRECT EXAMINATION

3 BY MR. LIPTON:

4 Q. Good morning.

5 A. Good morning.

6 Q. How old are you?

7 A. Forty.

8 Q. Are you married?

9 A. Yes, I am.

10 Q. Do you have any children?

11 A. Yes, three.

12 Q. What are their ages?

13 A. Sixteen, 15 and 11.

14 Q. Are you currently in the Witness Security Program?

15 A. Yes, I am.

16 Q. Are you living in an undisclosed location in another
17 part the country?

18 A. Yes, I am.

19 Q. How long have you been living in that location?

20 A. About three months.

21 Q. Where did you live before that?

22 A. Prior to the Witness Protection Program, I was in
23 prison.

24 Q. How long were you in prison?

25 A. Five years.

1 Q. Where were you born?

2 A. I was born in Buenos Aires, Argentina.

3 Q. When did you come to the United States?

4 A. When I was eight years old.

5 Q. Who did you come with?

6 A. My mother, father, and two brothers.

7 Q. What was your residency status when came to the
8 United States?

9 A. I entered the country as a lawful permanent resident.

10 Q. Where were you living?

11 A. Bensonhurst.

12 Q. How far did go in school?

13 A. The eighth grade.

14 Q. Do you have a GED?

15 A. No.

16 Q. Are you planning to get a GED in the future?

17 A. Yes.

18 MR. GEDULDIG: I object, Judge, what he intends
19 to get in the future.

20 BY MR. LIPTON:

21 Q. When did you start committing crimes?

22 A. At the age of 13.

23 Q. What crimes did you commit?

24 A. I stole car radios and stole cars.

25 Q. Did you go on to commit other crimes?

1 A. Yes, I did.

2 Q. What were some of the crimes you committed?

3 A. I sold drugs, robbed cars, robbed banks, and
4 burglarized bank.

5 MR. GEDULDIG: Could he go a little slower,
6 Judge?

7 THE COURT: Yes.

8 Q. Well, you mentioned banks that you robbed?

9 A. Yes, that's correct.

10 Q. Did you commit those robberies with any other people?

11 A. Yes, I did.

12 Q. Who were some of the people you committed bank
13 robberies with?

14 A. That I committed actual bank robberies with?

15 Q. Yes?

16 A. Eddie Boyle, Chris Ludwigsen, and Bekim Fiseku.

17 Q. You mentioned Eddie Boyle.

18 Who is that.

19 A. Eddie Boyle is a person sitting right there.

20 Q. Please describe something he's wearing?

21 A. He's wearing a shirt white shirt, I believe, with a
22 tie with blue stripes on it, and a suit.

23 MR. LIPTON: Let the record reflect that the
24 witness has identified the defendant.

25 Q. What bank robbery did you commit with Eddie Boyle?

1 A. The National Westminster Bank, 69th Street and Fifth
2 Avenue.

3 Q. When did you do that?

4 A. If February of '94.

5 Q. What was your role?

6 A. Getaway driver.

7 Q. What was Eddie Boyle's role?

8 A. One of the guys that went in.

9 Q. Was that robbery successful?

10 A. Yes, it was.

11 Q. How much money was robbed in total?

12 A. Approximately 900,000.

13 Q. How much did you get?

14 A. I got about \$220,000, Eddie got \$220,000, and a
15 couple of thousand extra he got.

16 Q. Let's go back?

17 You mentioned stealing radios and cars at an
18 early age.

19 A. Yes.

20 Q. Did you go on to commit other crimes?

21 A. Yes.

22 Q. What did you do next?

23 A. After that I sold drugs.

24 Q. What kind of drugs?

25 A. Cocaine.

1 Q. How old were you when you started selling cocaine?

2 A. About 17.

3 THE COURT: Was it blow or crack?

4 THE WITNESS: Powder cocaine, sir.

5 BY MR. LIPTON:

6 Q. Who did you sell cocaine with?

7 A. Teddy Persico was my partner.

8 Q. Who is he, I'm sorry?

9 A. He's a made member of the Colombo crime family now.

10 Q. What is the Colombo crime family?

11 A. The Colombo crime family is one of the mafia families
12 of New York, out of the five families.

13 Q. Who is Ted Persico related to?

14 A. Carmine Persico, Sr.

15 Q. Who is that?

16 A. The boss of the Colombo crime family.

17 Q. Who else is he related to also?

18 A. Teddy Persico, Sr. is his father, Ali Persico Jr.,
19 among other Persico high-ranking members of the Colombo
20 crime family.

21 Q. Did you obtain money from other drug dealers?

22 A. Yes, I did.

23 Q. How did you obtain that money?

24 A. I extorted them.

25 Q. How were you able to extort other drug dealers?

1 A. Because of my ties to the Colombo crime family.

2 Q. How long did you sell drugs with Ted Persico for?

3 A. Until about 23 years old. That's the night he was
4 arrested and other members were arrested.

5 Q. Try to keep it slow?

6 Did you sell any other drugs.

7 A. Marijuana.

8 Q. When did you sell that?

9 A. The first time I sold marijuana I was about 19 years
10 old, in the '80s.

11 Q. Okay.

12 Besides selling drugs, did you ever take drugs.

13 A. I tried drugs.

14 Q. What did you try?

15 A. I smoked marijuana about 20 times in my life, cocaine
16 one time in my life, and I tried a quaalude once.

17 Q. Did you ever lie about your drug use to a probation
18 office at any time?

19 A. Yes, I did.

20 Q. Was that before or after you were cooperating?

21 A. Part of my cooperation.

22 Q. Did you tell the government about your drug history?

23 A. Yes, I did.

24 Q. Did you also associate with members and associates of
25 other organized crime families?

1 A. Yes.

2 Q. Which one?

3 A. The Gambino crime family, specifically, among other
4 families.

5 Q. What associates or members of the Gambino family did
6 you associate with?

7 A. One of the associates is Eddie. Members were Thomas
8 Carbonaro, "Huck," he's a made member, and my uncle
9 Charles Marsala. He's a made member.

10 THE COURT: Of the Colombos?

11 THE WITNESS: The Gambino' crime family, your
12 Honor.

13 THE COURT: Huck is Gambino?

14 THE WITNESS: Yes, he is.

15 BY MR. LIPTON:

16 Q. Who else?

17 A. Tommy Dono. He's an associate of the Gambino crime
18 family; Lorenzo Manino, an associate of the Gambinos; John
19 Trippi, he was an associate with the Gambino family; James
20 Giordano, an associate of the Gambino crime family, among
21 others.

22 Q. Those are people you hung out with?

23 A. Hung out and did business with, stole cars with them.

24 Q. The first person I think you said was Eddie?

25 A. Eddie Boyle, yeah.

1 Q. Okay.

2 Now, did Thomas Carbonaro have a nickname.

3 A. Yes, "Huck" .

4 Q. Let me show was has been marked for identification as
5 Government's Exhibit 2Q?

6 MR. LIPTON: May I approach, your Honor?

7 THE COURT: You may.

8 Q. You recognize who is this is?

9 A. Yes, I do.

10 Q. Who is that?

11 A. That's "Huck," Thomas Carbonaro.

12 MR. LIPTON: The government moves 2Q.

13 MR. GEDULDIG: No objection.

14 THE COURT: Received.

15 (Whereupon, Government's Exhibit 2Q was received
16 and marked in evidence, as of this date.)

17 THE COURT: Can everybody see that?

18 MR. LIPTON: We'll get the easel, your Honor, so
19 that we can put it up there.

20 THE COURT: Go ahead.

21 BY MR. LIPTON:

22 Q. Did you commit crimes with Thomas "Huck" Carbonaro?

23 A. Yes, I did, sir.

24 Q. When were you first introduced to him?

25 A. About 1981.

1 MR. GEDULDIG: I will object to testimony
2 relating to Thomas "Huck" Carbonaro. He's not in the
3 indictment.

4 THE COURT: I don't know what relevance it has.

5 MR. LIPTON: We went over this as part of your
6 motion.

7 You allowed this in. This is part of the
8 association.

9 THE COURT: I will allow it.

10 BY MR. LIPTON:

11 Q. Let's put this up?

12 When were you first introduced to Thomas
13 Carbonaro.

14 A. In 1981.

15 Q. Who was Thomas Carbonaro with at that time?

16 A. He was with Sammy "the Bull," Salvatore Gravano.

17 Q. Who was that?

18 A. He became the underboss of the Gambino crime family.
19 At that time he was a made member of the Gambino crime
20 family.

21 Q. I believe you mentioned before Tommy Dono?

22 A. That's correct.

23 Q. Who is that?

24 A. Tommy Dono is Thomas Carbonaro's nephew.

25 Q. Who is this, Government's 2F?

1 A. That's Thomas Dono.

2 Q. How did you know him?

3 A. I know him from his brother. I know him since he's
4 about 12 years old.

5 Q. Did you go on to commit crimes with him?

6 A. Yes, I did.

7 Q. Now, what does the mean to be an associate of an
8 organized crime family?

9 MR. GEDULDIG: Objection, Judge. He's not been
10 qualified as an expert on organized crime.

11 THE COURT: If he knows, I will let him answer
12 it.

13 Do you know what it means?

14 THE WITNESS: Yes, I do, sir.

15 THE COURT: Answer it.

16 THE WITNESS: It means that you are protected by
17 that member of the family, whoever you are with. Eddie is
18 with Huck, that's who protects him. Huck protects Eddie.

19 Q. Were you a member of organized crime?

20 A. Yes, I was.

21 THE COURT: Now, just a second.

22 When you say protected or associated, he's
23 protected, but he's not made.

24 THE WITNESS: Exactly. He is protected.

25 THE COURT: I understand. You got to let the

1 jury know.

2 THE WITNESS: He's protected. He's under the
3 umbrella from Huck. He protects him from other criminals.

4 BY MR. LIPTON:

5 Q. What does it mean to be a made member of organized
6 crime?

7 A. You are formally inducted and have a license to
8 protect him from other criminals.

9 Q. Is it important to know who is in what family and
10 what status they hold?

11 A. Yes, it is.

12 Q. Is that important when you are committing crimes?

13 A. Yes, it is.

14 Q. Why is that?

15 A. Because --.

16 MR. GEDULDIG: Objection.

17 A. You don't commit no crimes --.

18 MR. GEDULDIG: Objection.

19 THE COURT: I will allow it.

20 A. You don't commit no crimes against any other members
21 of organized crime, or you don't commit any crimes against
22 any associates of organized crime. You don't rob them,
23 assault them. You don't take something that belongs to
24 them. They are basically protected by whoever they are
25 with, or it could be a made member of another family that

1 has something and basically you are not allowed to touch
2 them.

3 Q. You mentioned you are related to somebody in the
4 Gambino family?

5 A. Yes, I am.

6 Q. Who is that?

7 A. Charles Marsala.

8 Q. And who is your understanding of what your uncle's
9 position was?

10 A. A made member.

11 Q. Now, in your criminal past -- did you commit in your
12 criminal past credit card fraud?

13 A. Yes, I did.

14 THE COURT: Just a second.

15 Q. When did you commit that credit card fraud?

16 A. I committed credit card fraud about, I believe,
17 around 1985, '86, '87, starting about '84.

18 Q. Who did you do that with?

19 A. Greg Scarpa, Sr. He was a made member of the
20 Colombo crime family, and he later became a captain of the
21 Colombo crime family.

22 Q. What did you do?

23 A. I bought credit cards from him that were cloned and I
24 used those credit cards to make purchases in stores.

25 Q. Did you also do insurance fraud and bribery?

1 A. Yes, I did.

2 Q. When did you do that?

3 A. 1991 to about 1993.

4 Q. How did you commit those crimes?

5 A. I owned a collision shop with someone else that was
6 under someone else's name.

7 THE COURT: You owned a what?

8 THE WITNESS: An auto body shop, collision shop.

9 A. What would happen is, if somebody got into an
10 accident, the car would be brought to my shop, and if
11 there was say \$4,000 in damage on the car, I would give
12 the adjuster that the insurance company sent down, I would
13 give him ten percent of whatever he wrote up additionally.
14 Like instead of him writing up \$4,000, he writes up
15 \$6,000, and I would give him \$200, ten percent of the
16 additional.

17 THE COURT: You gave him ten percent, you said,
18 \$200?

19 THE WITNESS: On the extra of the overwrite. So
20 if the real write would be for \$4,000, he would write it
21 for \$6,000.

22 THE COURT: You gave him ten percent?

23 THE WITNESS: Ten percent of the overwrite.

24 THE COURT: Okay.

25 BY MR. LIPTON:

1 Q. Did you ever work on any non-criminal jobs?

2 A. Yes, I did.

3 Q. When was that?

4 A. At different times in my life. I worked from when I
5 was about 16 to 17 or 18 I worked in a construction
6 company. I worked inside the garage helping the mechanics
7 fix the trucks and stuff, then I became a laborer and I
8 joined the union.

9 Q. How did you get the union job?

10 A. Through my uncle.

11 Q. That's the same uncle you mentioned before?

12 A. That's correct, sir.

13 Q. Were you involved in any assaults while growing up?

14 A. Yes, I was.

15 Q. Did one occur at Pastels?

16 A. Yes.

17 Q. Pastels, what is that?

18 A. Pastels was a night club that was owned by Ali Chase,
19 the captain in the Genovese crime family.

20 Q. Where is that located?

21 A. Bay Ridge, Brooklyn. I believe on 92nd Street,
22 between Fifth and 6th Avenues.

23 Q. What happened?

24 A. A couple of people from the Gambino crime family
25 disrespected me and I assaulted two of them.

1 Q. What year was that?

2 A. 1987.

3 THE COURT: Just a second.

4 You say they insulted you?

5 THE WITNESS: They disrespected me. They
6 grabbed the girl's hand and pulled her, and the girl was
7 trying to pull away from them. I told them to let go of
8 her. They said we want to talk to her. I told them again
9 to let go of her, and after they let go of her, I
10 assaulted them.

11 BY MR. LIPTON:

12 Q. Who did you assault?

13 A. Frank Cali and another kid Nick Esposito.

14 Q. Who is Frank Cali?

15 A. Frank Cali is a made member of the Gambino crime
16 family today.

17 Q. Who was that?

18 A. An associate of Johnny Pam a captain in the Gambino
19 crime family.

20 Q. Did anything happen the next day as a result of that
21 assault?

22 A. Yes.

23 Q. What happened?

24 A. My uncle reached out to me and asked me what happened
25 and I told him what happened. He told me to sit tight and

1 wait for him to get back to me.

2 Q. Were you involved in any other assaults or fights as
3 a follow-up to that fight?

4 A. The next day.

5 Q. What happened there?

6 A. I was driving down 18th Avenue and I seen another kid
7 that was there with them, Alex. He was related to a
8 member of the Luchese crime family, Enzo Napoli.

9 THE COURT: What was his name?

10 THE WITNESS: Enzo Napoli, E-n-z-o, N-a-p-o-l-i.

11 THE COURT: What was the street name?

12 THE WITNESS: That was his name, Enzo Napoli.

13 He went by his own name. He was a Sicilian from the other
14 side.

15 THE COURT: Okay.

16 BY MR. LIPTON:

17 Q. What happened when you saw him?

18 A. When I seen him, I stopped the car. I got out of the
19 car and I assaulted him.

20 Q. Did you have anything with you at the time?

21 A. I had a gun in my waistband.

22 Q. Did you brandish or display it?

23 A. As I assaulted him, I assaulted him in front of
24 Johnny Gambino's cafe. Other associates came out and I
25 flashed a gun at them.

1 Q. What was the purpose of that?

2 A. To let them know that I would hurt them if they
3 attempted to intervene with me and the other guy.

4 Q. Did they intervene?

5 A. No, they did not.

6 Q. What happened as a result of that encounter?

7 A. As a result of that encounter, my uncle spoke to
8 Johnny Gambino. After that my uncle -- Johnny Gambino
9 told my uncle I was with the Colombos, and my uncle told
10 them I wasn't, and after that my uncle told them I was no
11 longer with the Colombos and to report back to him.

12 Q. Did you have to go see Johnny Gambino at some point?

13 A. Yes.

14 Q. Why was that?

15 A. To apologize to him for assaulting Alex in front of
16 his place.

17 Q. How long were you selling cars?

18 A. Until incarcerated, 2000, sir.

19 Q. How did you go about stealing cars?

20 A. Different ways, either rob them myself with others,
21 or I had other steal the cars.

22 THE COURT: When you say rob them, talking about
23 car jackings?

24 THE WITNESS: No car jackings, sir. Stole them
25 at nighttime or in the daytime when the owners weren't

1 occupying them.

2 THE COURT: All right.

3 BY MR. LIPTON:

4 Q. So you break into the cars and steal them?

5 A. Break into them and steal them, yes.

6 Q. Now, at some point did you get a driver's license?

7 A. Yes, I did.

8 Q. In your real name?

9 A. No, under Salvatore Mangivilano.

10 Q. When you say Mangivilano --

11 A. It is missing a view letters.

12 Q. Which letters?

13 A. It's missing an "a" after the "i," and instead of a
14 double "l," it's only got one "l" in it.

15 Q. Did you use your real date of birth on that license?

16 A. No, I did not.

17 Q. Why did you get a license in a fake name and date of
18 birth?

19 A. Because under my real license I owed a lot of money
20 in violations. I couldn't get a real license.

21 Q. How long did you use that real license in the fake
22 name?

23 A. Into 2000.

24 MR. GEDULDIG: Objection to the characterization
25 real license in a fake name.

1 Q. Explain what type of license that was?

2 A. Went to the Motor Vehicle Department in Florida,
3 showed them a phony birth certificate, and obtained a
4 driver's license. I took the road test and written test
5 and obtained the driver's license with the last name
6 misspelled and a different date of birth.

7 MR. GEDULDIG: That's not a real license, Judge.

8 THE COURT: He got a license. Whether it is
9 real or not, the jury will decide. Okay.

10 Q. How long did you have that license you just
11 described?

12 A. From around 1987 to about 2000.

13 Q. Now, later on who did you steal cars with?

14 A. Later on I stole cars with Tommy Dono, Gerard
15 Bellafiore, Chris Ludwigsen, Eddie Boyle, among others.

16 Q. Who is Gerard Bellafiore?

17 A. Gerard Bellafiore is a criminal associate of mine.

18 Q. I will show you what has been marked as Government's
19 2E.

20 Do you recognize who that it.

21 A. Yes, Gerard Bellafiore.

22 Q. How did you know him?

23 A. I played little league ball with Dino. He's my age,
24 from my neighborhood.

25 Q. How long did you know him for?

1 A. Gerard I would say I first met him like as an adult
2 maybe when I was around 23, 24.

3 Q. Did you go on to commit crimes with him?

4 A. Yes, I did.

5 Q. Whose Chris Ludwigsen, how did you know him?

6 A. Chris Ludwigsen I met through Gerard. I was
7 introduced to him through Gerard.

8 Q. Let me show you Government's Exhibit 2B?

9 Who is that.

10 A. Chris Ludwigsen.

11 Q. Did you go on to commit crimes with him as well?

12 A. Yes, I did.

13 Q. Let me show you Government's Exhibit 2A.

14 Who is that.

15 A. Eddie Boyle.

16 Q. Okay.

17 How did you know Eddie Boyle.

18 A. I met Eddie Boyle the first time from James Giordano
19 and John Trippi.

20 Q. T-r-i-p-p-i. John Trippi and who else?

21 A. John Trippi and James Giordano.

22 Q. When was that, approximately?

23 A. I would say around 1982, '83.

24 Q. Who are those individuals?

25 A. Associates of the Gambino crime family. They were

1 with "Sammy the Bull" at the time.

2 Q. What did you know about Eddie Boyle at the time?

3 A. He was a good car thief.

4 THE COURT: He was a what?

5 THE WITNESS: A good car thief.

6 Q. When did you start first doing criminal activity with
7 Eddie Boyle?

8 A. About 1991, when I owned the body shop.

9 Q. What criminal activity did you start doing?

10 A. I started buying stolen car parts from him.

11 Q. How did that work?

12 A. If I will a car that was crashed in the shop that
13 needed parts. Eddie would come buy all the time and I
14 would tell him I need a vendor, I need taillights. I need
15 a nose. When I say nose, a complete front section of the
16 car, or whatever I needed for a car.

17 Q. Explain why you would need parts for a car and would
18 you have to have Eddie Boyle get them?

19 A. I needed to repair the car, and if I bought them from
20 Eddie, it would be a lot cheaper than buying from a
21 dealer. Eddie would have somebody steal the car, strip
22 the car, and sell me the parts.

23 Q. Was Eddie Boyle reliable?

24 A. He was very reliable.

25 Q. How did he get the cars for you?

1 A. Stolen cars. He would steal cars and drop them off
2 sometimes to me, too.

3 Q. Over time, did you start to develop a relationship
4 with Eddie Boyle?

5 A. Yes, I did.

6 Q. Did your relationship with Eddie Boyle progress from
7 just stealing cars?

8 A. Yes.

9 Q. What other crimes did you commit with him?

10 A. Bank burglaries and the robbery I described before.

11 Q. Did Eddie Boyle become part of the group with bank
12 robberies?

13 A. Yes, he did.

14 Q. Did you call the group the Boyle group?

15 A. No, we did not.

16 Q. Did you have a name for the group?

17 A. No, we did not.

18 Q. Even though you had didn't have a name, did you
19 commit bank crimes?

20 A. Yes.

21 Q. What was the purpose?

22 A. To make money.

23 Q. Did you?

24 A. Yes, I did.

25 Q. What bank burglary did you commit with Edmund Boyle?

1 A. I attempted to burglarize a bank in the Borough Park
2 section of Brooklyn.

3 Q. Where is that located?

4 A. 48th Street and 13th Avenue.

5 Q. When was that?

6 A. That was, I would say, about 1991, '93.

7 Q. Who did you first plan that burglary with?

8 A. Me, Tommy Dono, Bekim Fiseku.

9 Q. What did you talk about with Tommy Dono?

10 A. We had -- I had discussion with associates of the
11 Colombo crime family, and they were going to shut down the
12 alarm system of ADT for the whole city. They told me that
13 I could burglarize places with ADT throughout the city. I
14 got Dono and said what would you think of getting Eddie
15 involved. We needed extra help to do this bank burglary.
16 We were going to burglarize the bank vault. Dono thought
17 it was a good idea, but Eddie was on record with his uncle
18 Huck.

19 Q. Who is Huck?

20 A. Thomas Carbonaro, a made member of the Gambino crime
21 family.

22 THE COURT: Eddie who?

23 THE WITNESS: Eddie Boyle.

24 THE COURT: His uncle is Huck?

25 THE WITNESS: No. Tommy Dono -- I had a

1 conversation with Tommy Dono and I asked him what would he
2 think about bringing Eddie along with us on his bank
3 burglary. Eddie told me before we asked him to bring him
4 on a bank burglary, he would have to ask his uncle Huck to
5 bring him along, because Eddie was on record with Huck.

6 THE COURT: Okay. Dono is?

7 THE WITNESS: Huck's nephew.

8 THE COURT: Huck is the nephew, but Eddie was on
9 record with Huck?

10 THE WITNESS: Yes. So before we could bring
11 him, we had to get permission.

12 THE COURT: I understand.

13 BY MR. LIPTON:

14 Q. What does it mean to be on record with somebody?

15 A. He was under his umbrella. He was protected by him.

16 Q. Did Tommy Dono go to Huck?

17 A. Yes, he did.

18 Q. What happened?

19 A. He came back to me and told me it was okay for us to
20 bring Eddie, and Huck would like to join us, too, on the
21 bank burglary.

22 Q. Did you ask Eddie Boyle to do the bank burglary?

23 A. Yes, I did.

24 Q. What did he say?

25 A. He was willing to come.

1 Q. Did you get anybody else?

2 A. Huck, Eddie, "Ned the Head," and me, Beck, Dono,
3 Eddie and Huck.

4 Q. I show you Government Exhibit 2D and ask you if you
5 recognize who that is?

6 A. That is Beck.

7 Q. How did you know Beck?

8 A. From Chris Ludwigsen.

9 Q. About when did you meet him?

10 A. I would say around 1990.

11 Q. Did you go on to commit crimes with Beck?

12 A. Yes, I did.

13 Q. And showing you Government's 2M?

14 Do you recognize who that is.

15 A. That is "Ned the Head" .

16 Q. How did you know him?

17 A. Beck's cousin. He introduced him to me.

18 Q. Did you go on to commit crimes with "Ned the Head" ?

19 A. Yes, I did.

20 Q. Now, did you get any tools in preparation for the
21 burglary?

22 A. We had a lot of tools.

23 Q. Who did you get tools with?

24 A. Eddie helped me get them. Beck helped me get them.
25 Tommy helped me get the tools.

1 Q. What kinds of tools did you get to do this burglary?

2 A. Blow torches, special art cutting tools, a core drill
3 that drills a 12-inch hole through concrete and steel, gas
4 tanks we needed. We needed water hoses. There were
5 numerous tools we needed.

6 Q. Okay.

7 What were you targeting at this bank.

8 A. We were targeting the safety deposit bank vault.

9 Q. Inside the bank?

10 A. Inside the bank.

11 Q. Did you do surveillance of the bank beforehand?

12 A. Yes, we did.

13 Q. With who?

14 A. Me, Eddie, Beck, and Tommy.

15 Q. How did you get to the bank on the day of the
16 burglary?

17 A. Huck drove us in Eddie's blue van.

18 Q. Was that registered legitimately with Eddie Boyle?

19 A. No, it was not.

20 Q. Okay?

21 When you went to the bank on that day, who were
22 you with.

23 A. In the van was me, Beck, Tommy, Eddie, and Huck.

24 Huck was driving and the four of us were passengers.

25 Q. Where were the others?

1 A. We were all inside the van together. "Ned the Head"
2 was parked a block away watching in front of the bank.

3 Q. Okay.

4 What did Ned the Head have with him.

5 A. A two-way radio, a walkie-talkie that he would speak
6 to us on.

7 Q. What is a two-way radio?

8 A. A two-way radio you can transmit and speak to each
9 other.

10 Q. So, a walkie-talkie?

11 A. Yes, a walkie/talkie.

12 Q. What did you do when you got to that bank?

13 A. We got to the bank. We walked in through the back
14 alley and broke into the bank. We proceeded to work on
15 the bank vault, trying to break open the bank vault.

16 Q. Now, what were you doing specifically?

17 A. Specifically? I was trying to drill through the
18 wall.

19 Q. What was Eddie Boyle doing?

20 A. Eddie Boyle I told him to go up on the roof of the
21 bank vault. I know there's an air vent that comes out of
22 the vault. I told him to go up there and check it and see
23 if it had been cemented around or try to break it so that
24 we could have a hole already started.

25 Q. Did he try to break the vent?

1 A. Yes, he did.

2 Q. What happened?

3 A. He banged on it. It was solid steel. It made like a
4 real loud dinging noise a couple of times he did it.

5 Q. What happened as a result of that noise?

6 A. As a result of that noise, Huck called us on the
7 two-way radio and told us we were making too much noise.

8 Q. What did you decide as a result?

9 A. As a result, we panicked and we left.

10 Q. What did you plan on doing?

11 A. Excuse me?

12 Q. What did you plan on doing when you left the bank?

13 A. We planned on coming back the next day to make sure
14 nobody from the building next door had heard us, and come
15 back the next day if the alarm company still hadn't
16 responded or the cops had not responded.

17 Q. Did you follow through on that plan?

18 A. Yes, we did.

19 Q. Did you?

20 A. The next day the cops were there. The alarm company
21 was there. Everybody was there.

22 Q. Did you get money from that bank?

23 A. No, we did not.

24 Q. After the burglary attempt, did your relationship
25 with Edmund Boyle progress?

1 A. Yes.

2 Q. Did it involve stealing cars together?

3 A. Yes, it did.

4 Q. How?

5 A. Breaking into them in the daytime, the nighttime,
6 stealing them when parked.

7 Q. Could you go through an example of stealing one of
8 those cars?

9 A. How we broke the steering column and all of that?

10 Q. Yes.

11 A. Jimmie open the door, break the window, or jimie the
12 door lock with a screwdriver, get in the car, and either
13 bust-out the tilt steering column, or if it was a Ford,
14 slam the screwdriver into the transmission and twist the
15 screwdriver so that the car would start.

16 Q. How many cars would you estimate you stole with
17 Edmund Boyle?

18 A. Twenty, thirty.

19 Q. Over what period of time?

20 A. Over like a couple of months period, a year period,
21 two-year period.

22 Q. Do you know what Eddie Boyle did with some of the
23 cars you stole?

24 A. Yes, stripped them.

25 Q. What did that mean?

1 A. Take them apart.

2 Q. What did he do with the parts?

3 A. Sold them.

4 Q. Did you go to attempt any other bank burglaries with
5 Eddie Boyle?

6 A. Yes, we did.

7 Q. What bank?

8 A. We attempted to burglarize a bank on 18th Avenue
9 between 71st and 70th Streets.

10 Q. When was that?

11 A. That was about 1992.

12 Q. Why did you plan on doing that bank burglary?

13 A. We had information that Johnny Gambino and Joe
14 Gambino -- Johnny Gambino was a captain in the Gambino
15 crime family, and Joe Gambino was also a member of the
16 Gambino crime family - they were majoring in narcotics
17 trafficking. They had been arrested --.

18 MR. GEDULDIG: Objection, Judge. It is not even
19 responding to the question.

20 THE COURT: Sustained.

21

22 MR. LIPTON: I'm asking, Judge, why he targeted
23 this bank.

24 THE COURT: What does this have, this other
25 stuff, narcotics have to do with this? It is

1 non-responsive.

2 BY MR. LIPTON:

3 Q. Without getting into narcotics and stuff, what do you
4 think was in the bank?

5 A. Two safety deposit boxes seized by the government.

6 Q. Whose safety deposit boxes were they supposed to be?

7 A. Johnny and Joe Gambino.

8 Q. How did you plan to get into the bank?

9 A. There was a butcher shop that lead into a Dollar
10 store towards the bank, break open the wall up high on the
11 ceiling and would be able to crawl across the bank's drop
12 ceiling and hit the vault in the middle of the bank.

13 Q. Who participated in that burglary?

14 A. Me, Tommy Dono, Beck, Huck, Eddie Boyle, and Joey
15 D'Angelo.

16 Q. Who is Joey D'Angelo?

17 A. He's a made member of the Gambino crime family.

18 Q. Leading up to the burglary, did you do anything to
19 check its security?

20 A. Yes, we did.

21 Q. What did you do?

22 A. Me and Eddie drove by to see if there was a parameter
23 alarm. I drove the car. Eddie got a bebe gun and broke
24 the window of the bank.

25 Q. What was the purpose of shooting out the window?

1 A. To break the window and see if the bank had a
2 parameter alarm.

3 Q. What did you find out?

4 A. We thought it didn't have a parameter alarm.

5 Q. What cars did you use in that burglary?

6 A. Eddie's blue van again. We used a white Ford van
7 that me, Eddie, Beck, and Tommy stole and then altered the
8 VIN numbers. Those two vans we used.

9 Q. Did you do anything the night before in preparation
10 of that burglary?

11 A. Yes. We broke into the butcher shop.

12 Q. What did you do when you broke in?

13 A. When we broke into the butcher shop, we took the lock
14 off of it and replaced it with our own lock, and brought
15 the tools we needed to bring into the bank.

16 Q. Who did that?

17 A. Me, Tommy, and Beck.

18 Q. What happened to that lock?

19 A. We took the lock off and changed it with our own
20 lock. Eddie took the lock and got the key for the lock
21 and wound up with the at the time.

22 Q. Did you go back to the bank the next day?

23 A. Yes, we did.

24 Q. What happened when you went back there?

25 A. We broke into the butcher shop, broke into the Dollar

1 store, and we broke the wall up on top. As we were
2 breaking the wall on top to get into the thing, we almost
3 finished when I hit my finger with the hammer, hitting the
4 bricks so that they wouldn't fall into the drop ceiling.
5 On hitting the bricks so that they wouldn't fall through
6 the shop ceiling, I hit my finger and blood squirted all
7 over the place.

8 Q. What did you do once you hurt your finger?

9 A. Once I hurt my finger, I had to clean up the blood so
10 that I wouldn't have to leave any trace evidence.

11 Q. What did you do?

12 A. I told everybody to look in the store for some
13 chemicals to clean up the blood, so that my blood wouldn't
14 be found. They looked for chemicals, and I wrapped my
15 finger up with a gauze bandage. I then put gloves on, but
16 the blood was coming through and everything.

17 Q. What happened after you cleaned the blood up?

18 A. I was still bleeding and so I switched spots with
19 Tommy Dono. He came in and I went outside. I would be
20 one of the lookouts so that I wouldn't drop more blood
21 inside the store.

22 Q. What was supposed to be done once inside the bank?

23 A. Once inside the bank, we were supposed to zap the
24 phone box with a stun gun so that it would send a large
25 electrical current in there, so that we could blow out the

1 phone system and the electrical system inside the bank.

2 Q. What happened when you switched, did that occur?

3 A. Yes. They did it.

4 Q. What happened?

5 A. I forgot to tell them to take the ground wire off, so
6 that the ground wire acts as a protector, as a surge
7 protector.

8 Q. So what happened?

9 A. They called me over the radio and they told me --
10 Eddie specifically called me over the radio that the shock
11 was coming back at him.

12 THE COURT: Coming back at him?

13 THE WITNESS: Yes. He was getting a shock from
14 the phone box. He was getting electrocuted because the
15 ground wire was still on. It was acting as a surge.

16 Q. Okay?

17 Did they continue to try to break into that bank
18 anyway.

19 A. Yes. I told them him just go ahead, continue
20 breaking in, and they were drilling through the vault.

21 Q. What happened when they were drilling through the
22 vault?

23 A. They called me back on the radio and told me that the
24 phone was ringing.

25 Q. What did you tell them?

1 A. That if the phone was ringing, they set the alarm
2 off, and they told me Eddie had fallen through the drop
3 ceiling.

4 Q. What happened next?

5 A. I told them to get out because the alarm was going
6 off.

7 Q. Did they come out?

8 A. Yes, they did.

9 Q. Did you get any money from that bank?

10 A. No, we did not.

11 Q. Shortly after that attempt, were you also involved in
12 an attempt to burglarize the night deposit box of a bank?

13 A. Yes.

14 Q. Where was the bank located?

15 A. Howard Beach, Queens, on Cross Bay Boulevard.

16 Q. When was that?

17 A. It was on 4th of July, I believe around 1993.

18 Q. Who was involved in that bank burglary?

19 A. Me, Huck, John Matera, Joey D'Angelo, Tommy Dono, and
20 Eddie Boyle.

21 Q. Showing you --

22 THE COURT: Where on Cross Bay Boulevard?

23 THE WITNESS: Right off the Belt Parkway, your
24 Honor, next door to the supermarket. Right next door to
25 the supermarket.

1 THE COURT: The Waldbaum's?

2 THE WITNESS: I don't remember the name of it.
3 It is indented. It is next to the supermarket.

4 THE COURT: Okay.

5 BY MR. LIPTON:

6 Q. Let me show you what has been marked Government
7 Exhibit 2K and ask you if you recognize who that is?

8 A. John Matera.

9 Q. How did you know him?

10 A. Since we were young kids in the neighborhood.

11 Q. Did you commit crimes with him?

12 A. Yes.

13 Q. How did you plan to commit this bank burglary?

14 A. We planned on attaching this core drill that I
15 described before that drills like a 12-inch hole that we
16 use to drill a hole in the bank vault. At this time we
17 used like a six-inch hole, and set it up on the wall to
18 drill through the wall and the safe.

19 Q. What happened when you got to the bank?

20 A. We attached the drill to the wall.

21 Q. And just describe how you went about attaching the
22 drill to the wall?

23 A. Joey D'Angelo ran a power wire from about hundred
24 feet away. There was a little cap on the sidewalk that
25 was electric for one of the signs. Joey D'Angelo ran an

1 extension cord cable to run it through there. I drilled a
2 hole through the wall to set the anchor and drill the hole
3 in the wall. We bolted it and covered it up with a
4 refrigerator box or a washing machine box and had a remote
5 control for the drill and were able to operate the drill
6 by remote control.

7 Q. What was Eddie Boyle doing while you were setting it
8 up?

9 A. He was a lookout at the time on the street.

10 Q. Was he on foot or in a car?

11 A. He was outside his sister's black Monte Carlo.

12 Q. What happened after you set the drill up?

13 A. As we set the drill up, two maintenance guys from the
14 supermarket were able to come to the window and were
15 looking at us, but we put it up there anyway. They kept
16 on looking at us and we walked away. We said if it works,
17 it works. If they do call the cops or they don't call
18 them, we didn't know if they would.

19 Q. What was your intention? How was it going to work
20 that you were actually going to get money from the bank?

21 A. We would drill the hole through the bottom through
22 the brick and through the safe, and after the hole was
23 drilled, we would take the drill back out and would be
24 able to stick our arms in there and grab the bags out of
25 the night depository box.

1 Q. After you set up the drill and saw the maintenance
2 workers, what happened next?

3 A. All of us got in the car and watched them and seen
4 them and listened to the police scanner to see if the cops
5 were called the maintenance guys called the cops.

6 Q. What is a police scanner?

7 A. A radio that you -- like a walkie/talkie, but you
8 can't talk on it. You can program it and listen to the
9 police frequency.

10 Q. Did the police show up?

11 A. Yes, they did.

12 Q. Did you drill into the bank?

13 A. Yes, with the remote control.

14 Q. What happened when the police came?

15 A. They drove by a number of times and then drove away.

16 Q. Were you able to get any money from the bank?

17 A. No, we were not.

18 Q. Did you do anything with the van?

19 A. The van that we used, the white van we described
20 before, we attempted to set it on fire.

21 Q. Why did you attempt to set it on fire?

22 A. Because the maintenance workers had seen it.

23 Q. What was your goal in setting it on fire?

24 A. To make sure that they didn't find any fingerprints
25 or anything inside the van.

1 Q. Who was involved in destroying the van?

2 A. Me, John Matera, Tommy Dono, Eddie Boyle, Joey
3 D'Angelo and Huck.

4 Q. Were you also involved in attempting to burglarize an
5 armored car?

6 A. Yes.

7 Q. When was that?

8 A. In about late 1993, I believe.

9 Q. Where was that?

10 A. Upstate New York.

11 Q. Who did you do that with?

12 A. That was me, Frank Carbonaro, no relation to Huck, an
13 associate of the Gambino crime family, "Philly the Jap"
14 I don't know his last name.

15 THE COURT: Billy the Jap?

16 THE WITNESS: "Philly the Jap" .

17 THE COURT: Philly the Jap?

18 THE WITNESS: I don't know his last name, your
19 Honor.

20 A. Tommy Barrett, an associate of the Genovese crime
21 family, Huck, and Eddie.

22 Q. Eddie Boyle?

23 A. Eddie Boyle.

24 Q. How did you plan to do that burglary?

25 A. We had information that one of the armored trucks

1 went out on a Sunday and made the pickups from all of the
2 supermarkets. There was no one in the office to unload
3 the truck, so they would just park the truck among other
4 60 trucks that were parked outside a parking lot with a
5 fence around it. They would park the truck and unload it
6 Monday morning.

7 Q. How did you plan to commit that burglary?

8 A. Me and Eddie we would wait in the bushes, and once we
9 watched the truck pull in there and see the truck where it
10 was when they parked it, we would cut a hole in the fence
11 and drill the lock out and take the bags out. Frank
12 Carbonaro and Tommy would pull the car up, pass the bags
13 over to them, load up the car they were in, and leave.

14 Q. Were you able to carry out that burglary?

15 A. No. Frank Carbonaro and Tommy Barrett kept on
16 driving by the place. They were seen by the guards. The
17 guards called the cops and they were arrested, the both of
18 them.

19 Q. Did you get any money from the burglary?

20 A. No, we did not.

21 Q. You previously mentioned the National Westminster
22 Bank robbery. Let me turn your attention to that?

23 How did you first plan to get involved with the
24 robbery of that bank.

25 A. Chris and Beck contacted me.

1 Q. How long before the robbery did they contact you?

2 A. About two weeks.

3 Q. That's Chris Ludwigsen and Bekim Fiseku?

4 A. That's correct.

5 Q. Did you meet with them?

6 A. That's correct. Yes, I did.

7 Q. Had you been involved in crimes with them up to that
8 point?

9 A. I burglarized banks with them and dealt in stolen
10 cars with them.

11 Q. What did they tell you?

12 A. They told me that they had information that this bank
13 on a certain date, the Westminster Bank, they would count
14 up about \$600,000 in the basement of the bank and they
15 would pack it up for the armored truck to come and pick it
16 up.

17 Q. Did Chris and Beck tell you where they got that
18 information?

19 A. From Beck's cousin the plumber.

20 Q. What did you do with that information?

21 A. They told me we could go there and try to break open
22 this like grating on the sidewalk that lead to the
23 bathroom window, so that we would be able to go in through
24 the bathroom window and hide in the bathroom, and in the
25 morning when people were in there counting the money, we

1 would be able to open the bathroom door and go in on them.

2 Q. Let me show you what I have put up on the screen as
3 3A and ask you if you recognize what this is?

4 Do you recognize what that is.

5 A. Yes, the National Westminster Bank. There's the
6 grating I'm talking about right there, (indicating.)

7 Q. That's the grating that they first told you about?

8 A. Yes, that one right there.

9 Q. Keep your voice up and tell the members of the jury
10 what happened. Did you go to the bank?

11 A. Yes, we did. We went to the bank.

12 Q. What happened when you got there?

13 A. We went there, me, Chris, and Beck. Chris had this
14 big six foot pry bar inside his truck and he tried to pry
15 it open and tried to get it off the sidewalk, to break it
16 from the cement, but it was cemented in and he couldn't do
17 it.

18 Q. What did you do as a result of that?

19 A. I said, let me check the basement doors that open up
20 off the ground.

21 Q. Okay. What did you do?

22 A. We went over to the basement doors over here,
23 (indicating,) and see if we could open them up.

24 Q. I ask you if you recognize this photograph?

25 A. Yes.

1 Q. What is that?

2 A. That's the basement door that we went in through.

3 Q. What did you do when you got over there?

4 A. When we got over there, from prior experience I
5 noticed cement around them that was very weak and got pins
6 around them that sticks in the cement. We tried to bust
7 it open that way, and the cement was already broken up, so
8 we were able to lift it up off the thing.

9 I asked Beck if there were any alarms down
10 there. He got on the floor to see if there was any
11 alarms. He said there was none. We put it back down.
12 For some reason or another we went to open the door and
13 the door was real loose. It came up a lot, so we knew we
14 could get in through there. We discussed it further. We
15 left and went in the car and discussed it a little
16 further.

17 Q. All right. You can return to the stand now.

18 What did you discuss when you got back into the
19 car.

20 A. We knew we could get in through there. We discussed
21 that, and I told them we could do it, but we need somebody
22 else, an extra guy. Three of us couldn't do it.

23 Q. What did you say?

24 A. I said I have somebody else I could bring, do you
25 mind me bringing him.

1 Q. Who were you referring to?

2 A. Eddie Boyle.

3 Q. Are you talking to Chris and Beck?

4 A. Chris and Beck.

5 Q. What did they say?

6 A. Beck knew him. He said, yeah, that's good. Eddie is
7 good. He can come with us. Chris agreed to it.

8 Q. Did Chris know him?

9 A. I don't think Chris knew him at that time.

10 Q. Did you ask Eddie Boyle?

11 A. Yes, I did.

12 Q. What did he say?

13 A. He was willing to come.

14 Q. What did you guys do next?

15 A. Talked to Eddie and showed Eddie, and he decided we
16 needed a bolt cutter. When we lifted the door up, we
17 could see a chain. There was a chain there that held the
18 door together, so you couldn't open the door totally. We
19 went to get the bolt cutter. We went to Eddie's house and
20 got the bolt cutter. We went back and lifted the door up,
21 I did, while Chris stood behind me, and Eddie and Beck --
22 Eddie snipped the chain with the bolt cutter.

23 THE COURT: What time of day was this?

24 THE WITNESS: Nighttime, around eleven, twelve
25 o'clock, your Honor.

1 Q. Is this the first time that you first talked to Chris
2 and Beck?

3 A. Yes, the first night.

4 Q. Where was Eddie's house?

5 A. 59th Street, between Eighth and Ninth Avenues.

6 Q. Now, after you cut the chain, did you come back to
7 the bank later?

8 A. Yes, we did.

9 Q. What happened when you came back to the bank?

10 A. When we came back to the bank, we seen there was
11 maintenance workers there salting the sidewalk, like
12 cleaning it up, like snow and stuff. It was snowy and
13 stuff, and the basement doors were wide open. So I told
14 them to drop me off.

15 Q. What did you do when you were dropped off?

16 A. I walked by the bank to look down to see where it
17 was.

18 Q. Could you see in the room?

19 A. Yes, I did.

20 Q. What did it look like?

21 A. It looked like a storage room, a broom closet.

22 Q. Did the workers leave at some point?

23 A. Yes, they did.

24 Q. What happened then?

25 A. We opened up the doors, but I don't remember who went

1 downstairs. It was either Eddie or Beck, or both of them.
2 They went into the room and they checked the room. They
3 came back and reported to me that the room was a broom
4 closet, and that there was a door leading into the room.
5 We knew it was the main room where the vault was, with the
6 information we had. They told me the door was like a
7 bathroom door, meaning the door was like a paper thin
8 door, no heavy steel door. They were able to kick it
9 open, if they had to.

10 Q. Was anything done to the door or wall around the
11 door?

12 A. No, I don't think so.

13 Q. What was the plan for the robbery, who was going to
14 do what?

15 A. The plan would be that I would drive the getaway car,
16 Chris the crash car, and Beck and Eddie would go
17 downstairs to take the money from the people.

18 Q. What is a crash car?

19 A. A crash car is a car that would avoid anybody from
20 stopping us. It is a stolen car. If he had to crash into
21 the police car that was trying to stop us or block their
22 way, whatever he had to do, he would block the police from
23 following us any further.

24 Q. What were Eddie and Beck going to have when they went
25 down?

1 A. They would have the duffle bag, the duct tape,
2 handcuffs, and we agreed to have a fake gun, and ski
3 masks.

4 Q. Okay?

5 Who had the gun.

6 A. Who had the gun? Eddie brought the gun.

7 Q. Had you seen that gun before?

8 A. I think it was the same gun that we used to break the
9 window on 18th Avenue, a bebe gun.

10 Q. Did you have a discussion about the fake gun?

11 A. Yes, we did.

12 Q. What was that?

13 A. I told them to make sure we use a bebe gun, not a
14 real gun. To make sure they empty the cartridge in the
15 bebe gun, and after the robbery to leave the bebe gun in
16 the place.

17 Q. Why did you have that discussion?

18 A. I had the discussion because I knew if we got
19 arrested, and we got arrested for a bebe gun, it was no
20 big deal. It wouldn't be as much as having a real gun.
21 If we left it there, it was one piece of evidence we
22 wouldn't have in the truck with us, if we got chased or
23 something.

24 Q. What was the point of having the gun when you went
25 down there?

1 A. To hold the people up, to scare the people.

2 Q. Did you think you needed a real gun?

3 A. I knew we didn't need a real gun.

4 Q. What was the duct tape and handcuffs for?

5 A. The duct tape, if we needed duct tape, if there were
6 extra people there, to tape them up and to duct tape their
7 mouths shut so that they wouldn't scream and alert other
8 people upstairs at the bank, and handcuff them to restrain
9 the people.

10 Q. Who was going to do the handcuffing and taping?

11 A. We decided that Beck would hold the gun -- hold the
12 people at gunpoint, while Eddie duct taped and handcuffed
13 everybody.

14 Q. Did you do anything in advance with the duct tape?

15 A. I helped Eddie put it on his sweater shirt, tape it
16 onto his sweat shirt. It was already precut so that he
17 wouldn't have to unroll it and cut it, so that he could do
18 it really fast, untape it from his sweat shirt and tape
19 the people's mouths, or whatever he had to do with the
20 tape.

21 Q. What cars did you plan to use?

22 A. We had a black stolen SUV, and Chris would use his
23 Ford Explorer as the crash car, and we would use Beck's
24 mother's mini van as a switch car.

25 Q. Were you going to use Eddie's van for anything?

1 A. Eddie parked his van in a neighborhood, in case we
2 got chased and needed a car. He parked the blue van I
3 described before in the neighborhood with the keys hidden
4 in the van, so that if we got chased, we could make it
5 back to that van and get away.

6 Q. Was that van locked or unlocked?

7 A. Unlocked.

8 Q. Did you use that same van for any other bank jobs?

9 A. Yes. We used it for the attempted bank burglary on
10 13th Avenue in Borough Park, and the attempted bank
11 burglary on 18th Avenue.

12 Q. When did you plan to do the robbery?

13 A. We planned on doing the robbery the next morning.

14 Q. Did you go to the bank the next morning?

15 A. Yes, we did.

16 Q. What happened when the got there?

17 A. The armored truck that we had information to pick up
18 the money was already there.

19 Q. What did that mean?

20 A. That meant people were going to give the armored
21 truck guard money, and they were ready to go inside.

22 Q. When you got to the bank and saw the armored truck,
23 what did you do?

24 A. We realized it was too late to rob the bank.

25 Q. Okay?

1 So what did you do after that.

2 A. We decided that we would park outside and watch the
3 armored truck guard come out, and see if our information
4 was right.

5 Q. Did you do that?

6 A. Yes, we did.

7 Q. What did you see?

8 A. I seen the armored truck guard come out with a hand
9 truck with a few bags stacked up on a hand truck that they
10 were coming out of the bank with.

11 Q. And did you see anybody else?

12 A. I seen this short guy with a big fat mustache running
13 around -- not running around, but looking around, like a
14 real wiry guy who caught my attention.

15 Q. Did you think he was with the bank?

16 A. It looked like he was in the bank just wiry looking
17 around and for some reason he caught my attention.

18 Q. Okay.

19 Did you plan to come back to the bank on another
20 day.

21 A. We planned to come back the following week.

22 Q. The next week did you go back to the bank?

23 A. Yes, we did.

24 Q. With who?

25 A. Me, Eddie, Beck pulled up in a black SUV and Chris

1 pulled up in his Ford Explorer.

2 Q. Did you do anything with the other cars that you
3 described before?

4 A. Yes. Eddie's van was parked in the vicinity
5 somewhere and we parked Beck's mother's mini van, parked
6 it around Seventh Avenue and 71st Street.

7 Q. Is that the area of the bank, also?

8 A. A couple of blocks away from the bank.

9 Q. Who did you have in the car with you?

10 A. A two-way radio, a radio, another two-way radio,
11 another walkie-talkie that I would be able to program not
12 only to listen to the police, but able to program this
13 walkie/talkie to be able to talk to the police on.

14 Q. What is that called?

15 A. An Ikon radio.

16 Q. Did you have anything else in the car?

17 A. The stolen SUV had a built-in cell phone. I had
18 another walkie-talkie and a baseball cap I was wearing and
19 gloves not to leave any fingerprints inside the stolen
20 car.

21 Q. Okay?

22 Who was in the car with you.

23 A. Eddie and Beck.

24 Q. What did you do when you got to the bank?

25 A. When I got to the bank, I pulled up and let them out.

1 Q. Where did they go?

2 A. They went through the basement doors.

3 Q. What did they have with them when walking through the
4 basement doors?

5 A. Ski mask, handcuffs, duct tape, duffle bags. They
6 had a gun and they had a walkie/talkie that I would be
7 able to talk to them on.

8 Q. Where was your car located specifically?

9 A. The car was parked right in front of the basement
10 doors.

11 Q. On what street?

12 A. On Fifth Avenue.

13 Q. Where was Chris Ludwigsen?

14 A. He was parked on the other corner, on the opposite
15 corner. If I'm parked here. He was parked on the
16 opposite corner on 69th Street. I could see the front of
17 his car like that.

18 Q. I will show you Government's Exhibit 3B already in
19 evidence?

20 Show the jury where you were and Chris was, and
21 keep your voice up, please.

22 A. I was parked around where this black car and blue van
23 is, right there. Chris Ludwigsen was parked off of this
24 corner right here. You can't really see it, but back here
25 further, right, the first car off the corner. He was

1 facing that way.

2 Q. Which direction was your car facing?

3 A. The same way the black car is facing.

4 Q. You can go back on the stand. Thank you.

5 Now, once Eddie and Beck went through the
6 basement doors, what did you do.

7 A. I picked up the cell phone inside the stolen SUV and
8 I dialed 911.

9 Q. What did you do when you dialed 911?

10 A. I reported that I had just witnessed a car jacking on
11 Seventh Avenue and 92nd Street.

12 Q. Who did you make that call to?

13 A. To the 911 operator.

14 Q. What did you do next?

15 A. I hung up the phone. I picked up the two-way radio
16 that I had, the one I could speak to the police to and
17 listen to them on, and I called up and said I was a police
18 officer, that I was just involved in a shooting with
19 someone, that I had just attempted a car jacking and I was
20 casing it.

21 Q. Did you tell them where you?

22 A. Yes, in the vicinity of 92nd and Seventh Avenue.

23 Q. Why did you make the call?

24 A. To distract the police, to get them away from 69th
25 Street and Fifth Avenue, to get them to the other side on

1 92nd Street.

2 Q. How did you know how to use the two-way radio?

3 A. I used it on prior occasions.

4 Q. When?

5 A. When I committed bank burglaries.

6 Q. Did you also use it on any of your other jobs or
7 criminal scams before?

8 A. Yes. I used it when we had the collision shop. At
9 the collision shop we operated it to listen to police
10 calls and respond to them, the accident scene and stuff.
11 That's when I used that radio back then, too.

12 Q. So you are familiar with how it works?

13 A. Yes. I was familiar with it.

14 Q. Did you hear anything back on the two-way radio?

15 A. The police operator on the two-way radio, she called
16 in for radio assistance that there was a ten thirteen in
17 progress.

18 Q. Could you explain to the jury what you think a ten
19 thirteen is?

20 A. Police officer needs assistance.

21 Q. That was from the police dispatcher?

22 A. From the police dispatcher.

23 Q. Now, after you made that call and heard that on the
24 radio, what did you see next at the bank?

25 A. I seen the armored truck pull up.

1 Q. Okay?

2 Where was it coming from and where did it go.

3 A. It was coming from this.

4 Q. Could you get up and show on the map -- I'm sorry,
5 on the photograph, rather?

6 A. It was coming from this direction, (indicating,) from
7 like between Fourth Avenue and 69th Street, and it was
8 driving this way, right here, (indicating,) passed the
9 bank. Behind the bank was an alleyway, like a parking
10 lot, and we knew that from the prior week that the truck
11 would pull back there.

12 Q. Okay. You can resume the stand. Thank you?

13 Once you saw the armored truck going there, what
14 did you do.

15 A. When I seen the armored truck going there, I called
16 them on the radio, Eddie and Beck, and told them that the
17 truck is here, you got to go.

18 Q. Did they come right up?

19 A. No, they did not.

20 Q. What did you do next?

21 A. I called them another two times.

22 Q. What happened?

23 A. Then I decided that I would go get out of the stolen
24 car and go open the basement doors and get them out of
25 there, maybe they are not hearing me on the two-way radio,

1 maybe it is not transmitting.

2 Q. What happened?

3 A. I was about to get out of the stolen SUV when I
4 looked over my shoulder and saw the basement doors open up
5 and saw Eddie and Beck coming out of the basement doors.

6 Q. Did you see if they had anything?

7 A. They had duffle bags.

8 Q. Where did they go?

9 A. They got into the stolen SUV with me.

10 Q. Where did you go?

11 A. Once they got in, we made the right turn up 69th
12 Street, went up to Sixth Avenue, made another right, went
13 up two blocks, made a left, parked the stolen SUV. We got
14 out of the stolen SUV. Chris pulled up on the side of me.
15 I dumped the radios in Chris's trunk. Me, Eddie, and Beck
16 got inside Beck's mother's mini van.

17 MR. SEIGEL: May I approach, your Honor?

18 THE COURT: You may.

19 Q. Let me show you what has been marked as Government's
20 Exhibit 1A for identification?

21 I ask you if you recognize what this map is and
22 what this photograph is.

23 A. The photograph is the Westminster National Bank, and
24 the map is the map of the area.

25 Q. Okay.

1 Does that map and photograph fairly and
2 accurately represent that area and that bank as it looked
3 back then.

4 A. Yes, it does.

5 MR. LIPTON: The government moves 1A into
6 evidence, your Honor.

7 MR. GEDULDIG: No objection.

8 THE COURT: Received.

9 (Whereupon, Government's Exhibit 1A was received
10 and marked in evidence, as of this date.)

11 BY MR. LIPTON:

12 Q. If you can step down and we'll run through this real
13 quick for the jury.

14 Once you got in the car, could you tell us where
15 you were and where you went.

16 A. We were parked right around here. This is where it
17 says Bay Ridge Avenue, that's what I refer to as 69th
18 Street. It is referred to as 69th Street, even though it
19 is called a name. That's what we refer to it. I was
20 parked around here. I made the right-hand turn and I came
21 up to here on Sixth Avenue. I made another right, got to
22 this block I believe right here, and I made the left turn
23 and drove like almost all the way to the corner.

24 THE COURT: That's First Street?

25 THE WITNESS: First Street.

1 A. I parked on the right-hand side. I parked the stolen
2 SUV on the right-hand side. Beck's mother's mini van was
3 parked on the Avenue right here. When we got out, we went
4 around the corner and got inside the mini van.

5 Q. You can take the stand please. Thank you.

6 so, did you all get into the van

7 A. Me, Beck, and Eddie got in the van.

8 Q. Where was Chris Ludwigsen?

9 A. He was still driving his Ford Explorer.

10 Q. Had he followed you from that location at the bank?

11 A. Yes, he did.

12 Q. Did anybody try to intercede?

13 A. No.

14 Q. Did Eddie or Beck say anything when you got into the
15 van?

16 A. Beck says we only got about a buck fifty, 200 maybe,
17 tops, meaning \$150,000 or 200,000.

18 Q. Once you got into the van, where did you go?

19 A. We drove -- we got onto the highway and drove to my
20 house on Staten Island, over the Verranzano Bridge over to
21 my house.

22 Q. Where over the Verranzano Bridge is your house?

23 A. The first exit off the bridge.

24 Q. What happened when you got to your house?

25 A. We went in. I put the bags full of money inside the

1 house. I came back out and I told them to park their
2 cars. They parked their cars -- I think Chris parked his
3 behind the building and Beck parked his car down my
4 driveway.

5 Q. Was anybody home at your house when you got there?

6 A. Yes.

7 Q. Who was there?

8 A. My wife and my son.

9 Q. What was your wife doing?

10 A. My wife was in the bathroom vomiting.

11 Q. Do you know why she was vomiting, do you know?

12 A. She was getting ready to go to her brother's wedding
13 and she was nervous. She was in the bathroom vomiting
14 from her nerves, I believe.

15 Q. Were you going to the wedding that day?

16 A. No, I was not.

17 Q. Why not?

18 A. I didn't speak to my brother-in-law.

19 Q. You guys didn't get along?

20 A. I didn't get along.

21 THE COURT: I will give the jury their nature
22 break for five minutes, ladies and gentlemen.

23 (The jurors leave the courtroom for a recess at
24 11:00 a.m.)

25 (Continued on the next page.)

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1 (Whereupon, the jury enters the courtroom at
2 11:19 a.m.)

3 THE COURT: Have a seat, ladies and gentlemen.
4 Now we have to wait for the witness.
5 Be seated. Have a seat.

6 (Whereupon, the witness, Salvatore
7 Mangiavillano, resumes the stand.)

8 THE COURT: Have a seat.
9 You are still under oath.

10 DIRECT EXAMINATION (Continued)

11 BY MR. LIPTON:

12 Q. I think we stopped when you were back at your house;
13 is that correct?

14 A. That's correct.

15 Q. When you first got to your house, what did you do in
16 the morning?

17 A. We put it inside the house.

18 Q. Then at some point, did the others come into the
19 house?

20 A. Yes, they did.

21 Q. Where did you go?

22 A. We went right to the basement in the house.

23 Q. Do you know if the others saw your wife?

24 A. I remember Eddie seeing my wife --

25 THE COURT: Sustained.

1 MR. LIPTON: To his knowledge, your Honor.

2 THE COURT: Sustained.

3 BY MR. LIPTON:

4 Q. Did anybody say anything when you were going to the
5 basement?

6 A. Yes. Eddie asked my wife why was she vomiting.

7 Q. Do you remember anything else that was said?

8 A. And my wife told him while she was vomiting --

9 MR. GEDULDIG: Objection to what his wife said.

10 THE COURT: Sustained.

11 A. -- and she told him. --

12 THE COURT: Sustained.

13 BY MR. LIPTON:

14 Q. Where did you go?

15 A. We went right down to the basement.

16 Q. What did you do when you got to the basement?

17 A. We started opening up the money and breaking up the
18 money.

19 Q. How was the money packaged?

20 A. There was one double bag that had all loose money in
21 it, and then there were bags, sacks, where it was a
22 canvass sack with like a wire around it with a tag on
23 there. Inside that canvass sack there was like vacuum
24 packed money. The money was vacuum packed in plastic
25 wrap.

1 Q. Did you discuss the money that was in those bags, the
2 vacuum packed bags?

3 A. Yes.

4 I picked up one of the bags, and he says,
5 *There's \$58,000 right here on the tag. I told him, Let me*
6 *see that. I says, This doesn't say \$58,000. It says*
7 *\$580,000.*

8 Q. Did you count the money?

9 A. Yes, we did.

10 Q. How much money was there when you counted it?

11 A. In total?

12 Q. In total.

13 A. It was around \$900,000, around that figure. I don't
14 remember exactly.

15 Q. How did you split the money?

16 A. We split it up evenly amongst us four.

17 Q. What did you get?

18 A. I got around \$220,000.

19 Q. What Chris Ludwigsen get?

20 A. \$220,000.

21 Q. What did Eddie Boyle and Beck get?

22 A. First they got the \$220,000 each right there, and
23 then there was a couple dollars left. I don't remember if
24 it was like three or four thousand dollars. I don't
25 remember exactly how much it was. I know there was some

1 extra money left in the mix there. And Beck says, *We*
2 *should get this, we went in.* And so me and Chris said, go
3 ahead.

4 Q. Please slow down.

5 Was there any money supposed to go to Beck's
6 cousin who gave you the tip?

7 A. Yes.

8 Q. How much?

9 A. We were supposed to give him 10 percent.

10 Q. Did you give him any money from your cut?

11 A. Yes, I did.

12 Q. How much?

13 A. I gave him \$15,000.

14 Q. Is that 10 percent?

15 A. No, it is not.

16 Q. Did Eddie Boyle give him any money?

17 A. I told Eddie to give him only \$15,000.

18 Q. Did you discuss what happened when Eddie Boyle and
19 Beck went into the basement of the bank?

20 A. Yes, we did.

21 Q. What did Eddie Boyle say?

22 A. Eddie told me that the mustache guy that I described,
23 that the wiry guy outside the place he was, the guy
24 downstairs with the girl, he told me he handcuffed the
25 girl to the gate of the bank vault. There is like a solid

1 door and there is also a gate on the bank vaults. He
2 handcuffed her to the gate. He said the guy told him,
3 *Please don't hurt us, I will never say anything to anyone*
4 *I will never tell anybody anything.* Eddie just told him
5 *shut up* and put the duck tape over his mouth.

6 Q. What happened with the women?

7 A. He told her, the lady, *We are not going to hurt*
8 *anybody.* He handcuffed her -- He said, *We are not here to*
9 *hurt you. We are just going to take the money.* And he
10 handcuffed her to the gate, he told me.

11 Q. Did he tell you where he got the money from?

12 A. He says, the money in the sacks was right next --
13 they had a counting machine, money going in the sacks
14 right next to the table there outside the vault, and then
15 he went inside the vault after that and there was a couple
16 of safes in there.

17 He said that the safes were all -- he opened
18 them and he was able to just scoop the money out and dump
19 it inside the duffel bags. He opened each one
20 individually and kept dumping money out of the safes
21 inside the bank vault.

22 Q. What happened after you split up the money in your
23 basement?

24 A. Everybody left and went on their own.

25 Q. Now, what did you ultimately end up doing with your

1 share of the money?

2 A. Ultimately, I spent it, I gambled it, I lived on it.

3 Q. Did you do a lot of gambling?

4 A. Yes, I did.

5 Q. Was that legal or illegal?

6 A. Illegal gambling.

7 Q. Did you have a gambling problem while you were on the
8 street?

9 A. Yes, I did.

10 MR. GEDULDIG: Objection.

11 THE COURT: I will allow it.

12 Go ahead.

13 BY MR. LIPTON:

14 Q. Did you have a gambling problem while you were on the
15 street?

16 A. Yes, I did.

17 THE COURT: Asked and answered.

18 MR. LIPTON: I don't know if he answered it,
19 your Honor.

20 THE COURT: He did.

21 BY MR. LIPTON:

22 Q. Later on the night of the robbery, what did you do?

23 A. Me and Eddie, we went to Peter Luger's to have stake.

24 Q. Why did you go there?

25 A. Celebrate.

1 Q. Now, after the robbery, did you learn what Beck did
2 with his share of the robbery?

3 A. Yes.

4 Q. What?

5 A. Beck went out and bought a Toyota Land Cruiser for
6 himself, bought his girlfriend a white Mitsubishi Diamante
7 and had plastic surgery done on his girlfriend's chest and
8 lips.

9 Q. Do you know what Chris Ludwigsen did with his money?

10 A. He took the money and went and invested in a night
11 club down in Florida.

12 Q. Do you remember the name of the nightclub?

13 A. The first one was Risk.

14 Q. Do you know what Eddie Boyle did with the money?

15 A. No, I don't.

16 Q. Did you ever go to Eddie Boyle's apartment following
17 the robbery?

18 A. Yes.

19 Q. What did you see?

20 A. Eddie put a lot of money down into the basement
21 apartment. Put marble all over the place; in the
22 bathroom, in the kitchen. He bought new kitchen cabinets
23 and stuff like that. Brand new expensive kitchen
24 cabinets. That, I seen.

25 Q. Do you recall if you told anyone else besides the

1 people that participated about the robbery?

2 A. Yes.

3 Q. Who did you tell?

4 A. I remember specifically telling Gerard Bellafiore.

5 Q. Did you attempt to do any other robberies like the
6 National Westminster Bank?

7 A. Yes, I did.

8 Q. What other banks did you attempt to rob?

9 A. I attempted to rob a bank on 65th Street and 18th
10 Avenue, and I also attempted to rob a bank on New Dorp
11 Lane on Staten Island.

12 Q. Regarding the one on 65th and 18th Avenue, who did
13 you plan to rob the bank with?

14 A. Me, Gerard Bellafiore, Mike Mazzara, Fabrizio
15 DeFrancisci, and Beck.

16 Q. Was Eddie Boyle in this one?

17 A. No, he was not.

18 Q. What was the plan to get into this bank?

19 A. This bank, we knew the day that the armored truck
20 would come there and pick up the money. We were going to
21 make a hole through the roof on top of the vault. The
22 vault was on the first floor, and we knew that there was a
23 dropped ceiling. In the morning, when they opened up the
24 bank, we figured that the lady would be in there to take
25 out the money to get the money ready for the armored

1 truck. Beck and Mike Mazzara were supposed to drop down
2 through the dropped ceiling and take the money from the
3 lady.

4 Q. Did you attempt to carry out that plan?

5 A. Yes, we did.

6 Q. What happened?

7 A. They made the hole and then tried to open up the trap
8 door and sent the alarm off.

9 Q. Did anybody get stopped?

10 A. Yes, Beck.

11 Q. Did you end up carrying out at that robbery?

12 A. No, we did not.

13 Q. You also mentioned a bank robbery on New Dorp Lane?

14 A. That is correct.

15 THE COURT: You said Beck was stopped. Was he
16 arrested?

17 THE WITNESS: He was detained, your Honor.
18 Ultimately, I think they took a scanner from him, a police
19 scanner, and they let him go.

20 THE COURT: Okay.

21 BY MR. LIPTON:

22 Q. Was anybody else arrested from that robbery?

23 A. On that date, no, not on that date.

24 Q. You also mentioned a bank robbery on New Dorp Lane?

25 A. Yes.

1 Q. With whom did you plan to do that robbery?

2 A. Gerard Bellafiore, Tommy Dono, Beck, Fabrizio, and
3 Benny Geritano.

4 Q. What did you do to prepare to rob this bank?

5 A. We put a wireless camera, a wireless hidden camera,
6 inside the bank so we would be able to view. We knew they
7 would count up the money, and we would be able to see
8 through the camera from outside the bank inside the car.
9 We would be able to see the bank employees when they took
10 the money out of the vault. The plan was, once we seen
11 them take the money out of the vault, they would break the
12 side window on the bank and snatch the money from the
13 persons that had this money.

14 Q. What happened to that plan?

15 A. The hidden camera was discovered the next day by one
16 of the bank employees. They called the cops.

17 Q. Was the robbery carried out?

18 A. No, it was not.

19 Q. Did you ever get any money?

20 A. No.

21 Q. No, around the time of the bank robberies, were you
22 also involved in bank burglaries --

23 A. Yes.

24 Q. -- of night deposit boxes?

25 A. Night deposit boxes.

1 Q. Who did you start doing them with?

2 MR. GEDULDIG: Could we have a timeframe,
3 Judge?

4 THE COURT: Yes.

5 Q. Around this time in the 90s, early '90s, who did you
6 start doing night deposit box --

7 MR. GEDULDIG: Could we have a couple of days
8 instead half a decade.

9 THE COURT: Little more specificity.

10 MR. LIPTON: I'm sorry?

11 THE COURT: A little more specificity.

12 BY MR. LIPTON:

13 Q. In the beginning of the '90s, '90, '91, who did you
14 start doing night deposit box burglaries with?

15 A. Tommy Dono, Gerald Bellafiore, Beck Fiseku, Chris
16 Ludwigsen.

17 Q. How did they learn to do bank burglaries?

18 A. They learned from me.

19 Q. What is the first night deposit box burglary you did
20 with them?

21 A. Shore Parkway and Bay Parkway, Citibank.

22 Q. How did you go about burglarizing that night deposit
23 boxes?

24 A. That night deposit box, we took it off the wall and
25 took the money out of it.

1 Q. How did you take it off the wall, briefly?

2 A. With screws; unscrewed it. The first time we went
3 there, me and Tommy Dono unscrewed the box and somebody
4 walked up to us so we had to leave.

5 The next week, we went back and the screws were
6 already taken out. I told Gerard what to do. Gerard took
7 the box off the wall.

8 Q. That's Gerard Bellafiore.

9 A. Gerard Bellafiore, that is correct.

10 Q. How much money did you get from that bank?

11 A. I would say about \$7,000 each.

12 Q. How much in total, would you say?

13 A. About thirty something thousand dollars.

14 Q. After that, did you start burglarizing banks more
15 regularly with those individuals?

16 A. Yes, I did.

17 Q. How long did you continue to burglarize banks for?

18 A. I continued burglarizing banks until about May of
19 1996.

20 Q. Okay.

21 How many banks during that time would you say
22 you burglarized?

23 A. In excess of thirty.

24 Q. Was it always the same crew of people you did those
25 bank burglaries with?

1 A. No. Sometimes people changed.

2 Q. Why did they change?

3 A. Some people went to jail; some people didn't come
4 around.

5 Q. Okay.

6 Was there a main or a core group of people you
7 did most of the banks with?

8 A. Yes.

9 Q. Who was that?

10 A. Me, Beck, Gerald, Tommy Dono.

11 Q. Did you attempt to do any other bank night deposit
12 box burglaries with Eddie Boyle?

13 A. Night depositories, no.

14 Q. In 19 --

15 A. Excuse me.

16 I remember one out in Long Island.

17 Q. What year was that?

18 A. Around 1996.

19 Q. Okay.

20 Who was on that night deposit box burglary?

21 A. I remember me being there, I remember Eddie being
22 there and I remember Vinnie Kuminski being there, and
23 Tommy Dono.

24 Q. Who is Vinnie Kuminski?

25 A. He was friends with Mike Mazzara. He was also a bank

1 burglar.

2 Q. Where was that bank located?

3 A. Somewheres in Long Island, I think Route 110.

4 Q. Do you remember specifically where the bank was?

5 A. Not specifically where.

6 Q. Or the name of the bank?

7 A. No, I do not.

8 Q. What cars were you in?

9 A. I remember Eddie having his black Cadillac there and
10 we had a black Lincoln Town Car that the VINs were
11 altered. It was a work car we used, registered under a
12 bogus name that we were using to burglarize banks.

13 Q. What type of box is on that bank?

14 A. The box is a Mosler.

15 Q. Were you successful?

16 A. No, we were not.

17 Q. What do you remember about that burglary?

18 A. I recall Vinny Kuminski running across the main
19 street with a crowbar, like it was all right for him to do
20 it, you know, like in the middle -- it was late at night
21 but, still, there was cars driving and traffic. And
22 Vinnie Kuminski had this big crowbar like it was a flag,
23 and he was running across the street.

24 Q. Did you burglarize any other deposit boxes with Eddie
25 besides that one?

1 A. No.

2 Q. That's Eddie Boyle?

3 A. No.

4 Q. Besides Long Island, where else did you burglarize
5 banks?

6 A. I burglarized banks in New Jersey, Pennsylvania,
7 Delaware, Maryland, Washington, D.C., North Carolina,
8 upstate northern New York, Connecticut. That's about it.

9 Q. New York City as well?

10 A. New York City and New York State.

11 Q. Were many of them successful?

12 A. Most of them were successful.

13 Q. How much money would you say you made from the
14 successful bank burglaries?

15 A. Just the bank burglaries alone in total, I would say
16 close to a million dollars myself. Personally, myself,
17 about a million dollars.

18 Q. Okay.

19 Did you ever claim any of the proceeds from
20 those burglaries or robberies on your tax returns?

21 A. No, I did not.

22 Q. Now, are you taking steps now to resolve your tax
23 liabilities with the IRS?

24 A. Yes, I am.

25 Q. What have you done?

1 A. My lawyers talked to an IRS agent and he has made
2 arrangements for me to talk to him. They are trying to
3 get together for me to be able to speak to the IRS agent.

4 Q. In addition to the banks and cars you testified
5 about, were you also involved in other criminal activity
6 with Eddie Boyle?

7 A. I was involved in an assault with him one time.

8 Q. Okay.

9 MR. GEDULDIG: I object.

10 THE COURT: What was the question again?

11 MR. LIPTON: Was he involved in any other
12 criminal activity, your Honor. This was the subject of
13 the motion.

14 MR. GEDULDIG: This is an assault.

15 THE COURT: This defendant, talking about his
16 assault?

17 MR. GEDULDIG: No. He assaulted somebody. He
18 says he did it with Eddie Boyle. Assault has nothing to
19 do with bank burglaries or robberies or any other crimes
20 we are talking about.

21 MR. LIPTON: This goes to the relationship.
22 This was basis of our motion. Your Honor ruled on it
23 already. This was in there.

24 THE COURT: I will allow it, then, if I already
25 ruled.

1 BY MR. LIPTON:

2 Q. Let me actually back off and start with:

3 Did you ever vandalize any property with Eddie
4 Boyle?

5 A. Yes, I did.

6 Q. When did you do that?

7 MR. GEDULDIG: Can I have a continuing objection
8 to this?

9 THE COURT: Yes.

10 A. Around 1994.

11 Q. Why did you vandalize property with him?

12 A. Because Huck asked us to.

13 Q. Who is Huck?

14 A. Huck is Thomas Carbonaro.

15 Q. What were the circumstances around why he asked you
16 to do that?

17 A. His niece rented an apartment from this couple, and
18 the man kept on making physical passes at her.

19 THE COURT: At who?

20 THE WITNESS: At Huck's niece.

21 A. (Continuing) And she don't want nothing to do with
22 him, so she finally went and told the wife, *Please tell*
23 *your husband to leave me alone.* Then the wife and the guy
24 started getting on her, like the wife thought she was
25 lying or whatever, and she wind up having so many

1 problems, she had to get out of the apartment after
2 spending a lot of money in the apartment she rented from
3 them.

4 Q. What happened as a result of that incident with Huck?

5 A. Me and Eddie, we spray painted the guy's house all in
6 florescent pink paint.

7 Q. Before you did that, did you talk to Huck?

8 A. Yes, I did.

9 Q. What did he say?

10 A. Huck wanted me and Eddie to go over there and
11 physically assault him.

12 Q. Did you do that?

13 A. I told him I got something better to do to him, and I
14 explained to him about painting his house florescent pink.

15 Q. Go through who did what when you went to the house.

16 A. We pulled up to the house. Me and Eddie got out of
17 the blue van again, and we had a fire extinguisher with
18 florescent pink paint. This is an exclusive part of
19 Brooklyn, Dyker Heights. The guy had a nice brick house.
20 We got out. Eddie was holding the fire extinguisher and
21 started spraying everything. I was directing him where to
22 spray, the bushes, the sidewalk -- all only on his half --
23 the door, the stoop. The whole house was florescent pink.

24 Q. Did you go back and report to Thomas Carbonaro what
25 happened?

1 A. Yes, we did.

2 Q. What was his reaction?

3 A. He laughed. He was happy.

4 Q. Now, turning to the assault you discussed, who was
5 that assault on?

6 A. That assault was on Frankie Green. I don't know his
7 real last name.

8 Q. Who is that, to you?

9 A. Frank Green was an associate of Joey De Angelo,
10 Gambino Crime Family.

11 Q. When did this occur?

12 A. This occurred sometime in 1994.

13 Q. Why did you assault him?

14 A. We assaulted him because he was making fat chokes
15 about Huck.

16 Q. That's Thomas Carbonaro?

17 A. Thomas Carbonaro, that is correct.

18 THE COURT: He was making jokes about what?

19 THE WITNESS: He was making jokes, fat jokes,
20 about Huck.

21 THE COURT: Fat jokes.

22 THE WITNESS: In the middle of his jokes, he
23 would say, *Huck's fat underwear fall down*, all to do with
24 Huck's weight, how much Huck ate. All his jokes were
25 about Huck's weight.

1 THE COURT: And Huck didn't like that.

2 THE WITNESS: No. No.

3 BY MR. LIPTON:

4 Q. Who was involved in the assault?

5 A. Me, Tommy Dono, Benny Geritano and Eddie.

6 THE COURT: Did he give him a beating because he
7 was making jokes?

8 THE WITNESS: Yes. He kept disrupting like
9 that. He knows he's not supposed to do that because Huck
10 is a made member of the Gambino Crime family. You are not
11 supposed to be make a mockery out of him, a joke out of
12 him, and that's what Frankie Green was trying to do.

13 Q. What did you do?

14 A. I didn't want Eddie to hit him because he was a
15 friend of -- I told Eddie to watch the door, make sure
16 nobody else gets involved by the bar. We wanted to lure
17 him out of the bar on 74th Street and 18th Avenue where he
18 hung out, and there was a bunch of guys associated with
19 Joey De Angelo in the bar.

20 I walked in. I told him I had to speak him, got
21 him outside, and when I got him outside, I put my arm
22 around him and he realized, he knew something was going
23 on. When he saw Tommy Dono, he tried to run. I grabbed
24 him and pulled him in the storefront a couple of doors
25 away, and me and Dono don't proceeded to beat him.

1 Q. Was anybody else there with you?

2 A. Benny Geritano was waiting inside the car at first,
3 and Eddie stood by the door and made sure nobody got
4 involved and nobody in the bar came out and got involved.

5 THE COURT: What did you do? Bats? Fist?

6 THE WITNESS: First me and Dono hit him with our
7 hands and feet, and then Gerard came out of the car and
8 hit him with a gun that was about that big. I think it
9 was 44 or something. He hit him in the head. Then
10 Geritano wanted to shoot him, told us to move away so he
11 could shoot him. I told him, no, leave him alone, and
12 then we got in the car and Gerard was kind of mad at me
13 because I didn't let him shoot him.

14 Q. What happened as a result of that assault with regard
15 to Thomas Carbonaro?

16 A. Thomas Carbonaro didn't know that we went to assault
17 him at first. So Joey De Angelo went to Thomas Carbonaro
18 and asked why these guys assaulted Frankie, what did he
19 do. Huck called us down, and me and Dono went down to
20 talk to Huck and he asked me, *Why did you beat Frankie*
21 *Green?* I told him, *He was going around making a mockery*
22 *out of you, making fat jokes about you.*

23 Q. What was Huck reaction?

24 A. Huck wanted to beat him again.

25 Q. Now, were you also involved in purchasing handguns

1 from Eddie Boyle?

2 A. Yes.

3 Q. When was that?

4 A. I would say within a week of the robbery.

5 MR. GEDULDIG: Objection.

6 THE COURT: What was the question?

7 MR. LIPTON: He was involved in the purchase of
8 handguns, your Honor.

9 THE COURT: Now, why are we going over this for?
10 Why do we need all of this?

11 MR. LIPTON: This goes to the relationship, your
12 Honor. This is part of the motion.

13 THE COURT: All righty. All righty.

14 BY MR. LIPTON:

15 Q. When was that?

16 A. Around 1994, about a week after that robbery.

17 Q. Without getting into where the guns came from, did
18 Eddie Boyle come into possession of handguns, to your
19 knowledge?

20 A. Yes, he did.

21 Q. Did he offer to sell you them?

22 A. Yes, he did.

23 Q. How many?

24 A. He offered me three of them.

25 Q. What kind of guns were they?

1 A. Nine millimeters.

2 Q. How much did he charge you for them?

3 A. \$300 apiece, but we had to pay for them.

4 Q. Did you buy the guns from him?

5 A. Yes, I did.

6 Q. What did you do with them?

7 A. I resold them.

8 Q. Did you attempt to get more guns from Eddie Boyle?

9 MR. GEDULDIG: Objection.

10 THE WITNESS: Yes.

11 THE COURT: Let's move on.

12 BY MR. LIPTON:

13 Q. Now, have you ever fired a gun, yourself?

14 A. Yes, I did.

15 Q. Where was that?

16 A. Fired a gun inside a nightclub one time.

17 Q. Where was the nightclub?

18 A. In Sheepshead Bay, Brooklyn.

19 Q. Why did you fire the gun?

20 A. As a warning shot to the bouncers in there. They
21 were attempting to assault a friend of mine.

22 Q. What year was that?

23 A. That was around 1986.

24 Q. Was anybody hurt?

25 A. No.

1 Q. Have you ever fired a gun since then?

2 A. No.

3 Q. Let me turn your attention to 1995.

4 Were you arrested that year.

5 A. Yes, I was.

6 Q. For what?

7 A. For attempted burglary of a night depository box in
8 Delaware.

9 Q. What year was that?

10 A. It was '95.

11 Q. What was the date of that year?

12 A. September. I believe it was September 4th of 1995.

13 Q. What was your sentence?

14 A. My sentence? I was sentenced to 18 months
15 incarceration.

16 Q. Did you plead guilty to that?

17 A. Yes, I did.

18 Q. Was this federal prison?

19 A. Yes, it was.

20 Q. Were you involved in any assaults in prison?

21 A. Yes, I was.

22 Q. What happened?

23 A. I assaulted an inmate.

24 Q. Did you receive any punishment?

25 A. No.

1 Q. Did that conviction affect your residency status in
2 the United States?

3 A. Yes, it did.

4 Q. How did it affect it?

5 A. I was ordered deported because of that conviction.

6 THE COURT: He was ordered what?

7 THE WITNESS: Deported. Removed from the United
8 States, your Honor.

9 THE COURT: Oh, okay.

10 BY MR. LIPTON:

11 Q. Were you in fact deported and removed from the
12 country following the sentence?

13 A. Yes, I was.

14 Q. When was that?

15 A. Around May of 1998.

16 Q. Where were you deported to?

17 A. I was deported to Argentina.

18 Q. Is that where you were born?

19 A. That is correct.

20 Q. Did you commit any crimes while you were in
21 Argentina?

22 A. Yes, I did.

23 Q. What crimes?

24 A. I bribed, I guess, a government official.

25 Q. What did you bribe him for?

1 A. For a driver's license.

2 Q. At some point, did you leave Argentina?

3 A. Yes, I did.

4 Q. Where did you go?

5 A. Italy.

6 Q. Did anyone send you money while you were in Italy?

7 A. Yes. Chris Ludwigsen did.

8 Q. How much did he send you?

9 A. Couple of thousand dollars. I don't remember
10 exactly.

11 Q. Where did you ultimately end up after Italy?

12 A. In Canada.

13 Q. When did you get to Canada ultimately?

14 A. I got to Canada around December of '98.

15 Q. In Canada, did you ever overstay your Visa?

16 A. Yes, I did.

17 Q. Were you involved in any criminal activity there?

18 A. Yes, I was.

19 Q. Did any involve any schemes regarding companies?

20 A. Excuse me?

21 Q. Did any involve any schemes regarding companies?

22 A. Yes.

23 Q. When was that?

24 A. Me and Angelo Ciancio was getting ready to set up a
25 soda distributor to distribute soda to the bars. It comes

1 in boxes. Anyway there was one major company in Canada
2 that handled the whole Canada. Me and Angelo Ciancio
3 discussed burning down the manufacturer's plant where the
4 manufacturer had his plant that manufactured this boxed
5 soda.

6 Q. That was to get rid of the competition?

7 A. Get rid of the competition, that is correct.

8 Q. Did you take any steps to carry that out?

9 A. No, we did not.

10 Q. Were you involved in selling anything illegal in
11 Canada?

12 A. Yes, I was.

13 Q. What was that?

14 A. Forged car titles and VIN plates.

15 Q. From Canada?

16 A. From Canada.

17 Q. Did you do that with anybody in the United States?

18 A. Yes, I did.

19 Q. Who is that?

20 A. Gerard Bellafiore.

21 Q. Now, at some point, did you also sell car titles to a
22 person named Anthony Zaffarino?

23 A. Yes, I have.

24 Q. How did you know Anthony Zaffarino?

25 A. I met him the first time about 1998, '97. Yeah, '97.

1 When I was first released from prison, I was released on
2 bail from Immigration and met him from Chris.

3 Q. Ludwigsen.

4 A. Ludwigsen, that is correct.

5 Q. Did he have any nicknames, Anthony?

6 A. Yes, Fat Anthony.

7 Q. How many titles did you sell him?

8 A. One.

9 Q. When was that?

10 A. 1999.

11 Q. Can you describe how tall and how much Anthony
12 Zaffarino weighs?

13 A. Anthony Zaffarino is about six foot, six foot one.
14 He weighs, last time I seen him, he weighed about 250
15 pounds.

16 Q. Can you describe how tall Eddie Boyle is?

17 A. Eddie Boyle is about five feet nine, between 195 to
18 200 pounds.

19 Q. At some point, did you return to the United States?

20 A. Yes, I did.

21 Q. When was that?

22 A. Around September of 1999.

23 Q. How did you get back into the United States?

24 A. I snuck across the Canadian border, the Niagara River
25 on a jet ski.

1 Q. What was your immigration status when you returned
2 back to the United States?

3 A. As an illegal alien.

4 Q. Let me turn your attention to June 27, 2000?

5 Did you learn of anything happening that day?

6 A. June 27th of 2000, yes.

7 Q. What was that?

8 A. I realized -- I learned that the FBI was out looking
9 for me.

10 Q. What were they looking for?

11 Why were they looking for you?

12 A. To arrest me, I guess.

13 Q. What did you do as a result?

14 A. As a result, I traveled back up to the Buffalo area
15 of New York and discussed with members of organized crime
16 in Canada that I was looking to return back to Canada.

17 Q. Did you actually return to Canada?

18 A. No, I did not.

19 Q. Let me turn your attention to August 11, 2000 . Did
20 you learn anything that day?

21 A. Yes, I did.

22 Q. What was that?

23 A. I learned that I was already indicted.

24 Q. What did you do at the point you learned you were
25 indicted?

1 A. I contacted an attorney.

2 Q. Did you try to make a deal with your attorney to
3 surrender?

4 A. Yes, I did.

5 Q. What happened?

6 A. He told me that the FBI told him that they don't make
7 no deals with no -- I forgot the word they used. They
8 don't make no deals with any fugitives, it was.

9 Q. Let me turn your attention to August 21st.

10 What happened on that day?

11 A. I surrendered with my attorney.

12 Q. Were you incarcerated?

13 A. Yes, I was.

14 Q. Have you been incarcerated until recently?

15 A. Yes, I have.

16 Q. When did you get out of prison?

17 A. December of 2004.

18 Q. Was that pursuant to a bail application?

19 A. Yes, it was.

20 Q. Who made that application?

21 A. My attorney.

22 Q. Did the government oppose it?

23 THE COURT: Who was your attorney?

24 THE WITNESS: My attorney now is Darrell Paster.

25 THE COURT: Paster?

1 THE WITNESS: Yes.

2 THE COURT: Darrell or Daniel?

3 THE WITNESS: Darrell.

4 THE COURT: Okay.

5 Q. Did the government oppose that application?

6 A. No, they did not.

7 Q. Was bail granted?

8 A. Yes, it was.

9 Q. By whom?

10 A. By a judge.

11 Q. While you were in prison, did you receive any
12 discipline before you were a cooperator?

13 A. Before I was cooperating, yes.

14 Q. What did you do?

15 A. I received disciplinaries for being in possession of
16 stolen food service items and not reporting to work, not
17 going to school, stuff like that.

18 Q. Did you also receive any disciplines since you have
19 been cooperating?

20 A. Yes, I did.

21 Q. What was that?

22 A. I received a disciplinary for fighting.

23 Q. Were you punished?

24 A. Yes, I was.

25 Q. What was that?

1 A. I got time served.

2 Q. Where did you serve your time?

3 A. In the solitary confinement, in the hole.

4 Q. Was the judge who granted your bail application made
5 aware of that incident?

6 A. Yes, he was.

7 Q. While you were in prison, was anything done for your
8 family members?

9 A. Yes. They were given money.

10 Q. What was that for?

11 A. For support.

12 Q. Was it also for relocation?

13 A. And the relocation.

14 MR. GEDULDIG: Objection to the leading form of
15 the question, Judge.

16 THE COURT: You are leading.

17 MR. LIPTON: Just background.

18 THE COURT: Yes.

19 Go ahead.

20 BY MR. LIPTON:

21 Q. Was it also for relocation?

22 A. Yes. My family relocated.

23 Q. Who gave your family that money?

24 A. The government.

25 Q. Did you receive any financial assistance while you

1 were in prison?

2 A. Yes, I did.

3 Q. What did you receive?

4 A. \$150 a month.

5 Q. Who gave you that?

6 A. The government, the FBI.

7 Q. How much did you receive in total?

8 A. I don't remember, sir.

9 Q. That was during the time-- \$150 a month while you
10 were cooperating until you got out?

11 A. Yes.

12 Q. Now, did you have any outstanding traffic tickets for
13 moving violations when you were in prison?

14 A. Yes, I did.

15 Q. That you had gotten previously?

16 A. I had them previous, right.

17 Q. Were they paid for?

18 A. Yes.

19 Q. By whom?

20 A. By the FBI.

21 Q. How much was paid to get those resolved?

22 A. About \$9,000.

23 Q. Once --

24 THE COURT: \$9,000 in tickets.

25 THE WITNESS: Yes, I did, your Honor.

1 BY MR. LIPTON:

2 Q. Now, once you were bailed out of prison, were you
3 relocated by the Marshal Service?

4 A. Yes, I was.

5 Q. Was that to the Witness Security Program?

6 A. Yes, it was.

7 Q. Did you receive any financial assistance since you
8 have been in the Witness Security Program?

9 A. Yes, I have.

10 Q. What was that for?

11 A. That was for living expenses, and for a house to live
12 in, stuff like that.

13 Q. How much money have you received?

14 A. About twenty-something-thousand dollars so far.

15 Q. Who that from?

16 A. From the Marshal Service, WitSec.

17 Q. Let me turn your attention to July 9, 2001. What
18 happened on that day?

19 A. On July 2001, I pled guilty.

20 Q. To an Indictment?

21 A. Yes.

22 Q. What were the charges in that Indictment?

23 A. The charge was conspiracy and a burglary of a bank in
24 Glendale, Queens, on Woodhaven boulevard.

25 Q. Was there also another charge?

1 A. There was a superseding charge of illegal re-entry
2 into the United States after being deported.

3 Q. Who did you commit the burglary with that you just
4 mentioned?

5 A. That burglary, it was me, Gerald Bellafiore, Tommy
6 Dono, Mike Mazzara, and Afrim Kupa.

7 Q. How much time did you face in prison on those
8 charges?

9 A. Roughly around 47 to 63 months.

10 Q. How many years is that, about?

11 A. About four to five years.

12 Q. Turning your attention to December 11, 2001, what
13 happened on that day?

14 A. December 11, 2001, I was re-arrested again.

15 Q. For what crimes this time?

16 A. Racketeering conspiracy.

17 Q. What did those racketeering acts include?

18 A. Racketeering acts included the bank robbery of the
19 Westminster Bank there, the attempted bank robbery of the
20 bank on 65th Street and 18th Avenue, the attempted bank
21 robbery on New Dorp Lane, and one count of interstate
22 transportation of stolen money from Horse Heads, New York,
23 for a burglary of a night depository box.

24 Q. Let me turn your attention to July of 2002.

25 What happened in that month?

1 A. July 2002, I started to cooperate with the
2 government.

3 Q. What did you begin to do as a result of your
4 cooperation?

5 A. I signed -- at that point?

6 Q. Yes.

7 A. I was debriefed into the government.

8 Q. What does that mean?

9 A. Told the government about all the crimes that I
10 committed and crimes that I knew others committed.

11 Q. Let me turn your attention July 17, of 2002? What
12 happened on that day?

13 A. I ultimately pled guilty to the racketeering
14 conspiracy that I was charged with.

15 Q. And those crimes you just described before?

16 A. That's correct. That's correct.

17 Q. That also included the National Westminster Bank
18 robbery?

19 A. That's correct.

20 Q. How much time in jail were you facing under that plea
21 agreement for those charges?

22 A. For those charges alone, I was facing around eleven
23 years.

24 Q. Okay.

25 Was that guilty plea pursuant to a cooperation

1 agreement?

2 A. No, it was not.

3 Q. You had already started cooperating with the
4 government?

5 A. Yes, I did.

6 Q. Why didn't you plead guilty to a cooperation
7 agreement at that time?

8 A. Because for my safety and my family's safety, I
9 couldn't plead guilty to what I was cooperating. They
10 knew I was going to plead guilty, and they would be
11 looking over my court docket, meaning Huck and Eddie and
12 them, and I knew, once I pled guilty, that they would get
13 the transcripts of my plea allocution and read my plea
14 allocution, how I pled guilty and everything, see if I
15 cooperated or made any statements during my plea
16 allocution.

17 Q. At that point, had arrangements been made to secure
18 your family?

19 A. At that point I was trying to make arrangements to
20 secure my family.

21 Q. Was that basically the reason?

22 A. That was the reason.

23 Q. Okay.

24 Let me direct your attention to August 9, 2002.

25 What happened on that day?

1 A. August 9, 2002, I pled guilty to other charges, plus
2 pursuant to a cooperation agreement.

3 Q. This was new charges?

4 A. New charges.

5 Q. What are these new charges?

6 A. Conspiracy to kill Salvatore Gravano and Joe Waverly,
7 Joe Cacace, Waverly.

8 Q. Who is Salvatore Gravano?

9 A. Salvatore Gravano is the ex-under boss of the Gambino
10 Crime Family, also known as Sammy The Bull.

11 Q. Under which boss?

12 A. He was under John Gotti, Sr.

13 Q. Who is Joe Waverly, you said?

14 A. Joe Waverly was, at that time, when he was arrested,
15 he was acting boss of the Colombo Crime Family.

16 Q. Did you learn his real name at some point?

17 A. Yes. Joe Cacase.

18 Q. How did the government learn about those two murder
19 conspiracies?

20 A. I told the government about them.

21 Q. How did you get involved in the conspiracy to murder
22 Sammy The Bull Gravano?

23 A. Huck asked me to --

24 MR. GEDULDIG: Objection. What does his
25 involvement in a conspiracy to murder Sammy The Bull

1 Gravano have to do with this.

2 THE COURT: Agreed.

3 MR. LIPTON: We are going through his criminal
4 background. If they are not going to cross-examine him on
5 anything about it, we can through it quickly. This is
6 part of who this person is, and the jury needs to know.

7 MR. GEDULDIG: I don't intend to ask about this
8 conspiracy. Other than anything put out there by the
9 government, I don't intend to go into details about that.

10 MR. LIPTON: With that understanding, fine. This
11 is the reason we are going into this.

12 THE COURT: Okay.

13 MR. LIPTON: So we don't waste anybody's time, I
14 will make this quickly.

15 BY MR. LIPTON:

16 Q. Did you take, actually take steps, to carry out that
17 murder conspiracy?

18 A. Yes, I did.

19 Q. Were you successful?

20 A. No, we were not.

21 Q. In the course of that conspiracy, did you obtain
22 false identity?

23 A. Yes, I did.

24 Q. Driver's licenses?

25 A. Yes, I did.

1 Q. Did you obtain any weapons?

2 A. Yes. Guns.

3 Q. What was the plot that you were going to use to kill
4 Gravano?

5 MR. GEDULDIG: Same objection.

6 A. We were going to sniper him.

7 MR. LIPTON: This actually is relevant because
8 it has come up with another witness as to --

9 THE COURT: All right. Go ahead.

10 MR. GEDULDIG: I object.

11 MR. LIPTON: I am going through it quickly.

12 MR. GEDULDIG: Does that mean you are talking
13 faster?

14 MR. LIPTON: I'm sorry. I am not trying to
15 belabor the point.

16 BY MR. LIPTON:

17 Q. If you could just say what was the plan.

18 A. We were either going to shoot him with a snipers
19 rifle or use a directional explosive device to blow him up
20 with.

21 Q. Did you carry out that plan?

22 A. No, we did not.

23 Q. Was that basically a bomb?

24 A. A bomb, yes.

25 Q. Did you ever conspire to use a bomb in any other

1 criminal activity?

2 A. A fake bomb.

3 Q. In connection with what crime?

4 A. With another bank robbery.

5 Q. Where was that?

6 A. Upstate New York.

7 Q. What was the plan?

8 A. We was going to put this bomb -- we were going to put
9 this bomb outside the window and call the bank manager up
10 and tell her, *Look outside the bank window*, that there was
11 a bomb out there, and if she wouldn't give us the money
12 out of the night depository box, we would explode the
13 bank.

14 Q. Was it a real bomb?

15 A. No, it was a fake bomb.

16 Q. Did you carry out that plan?

17 A. No. There was a car accident in front of the bank we
18 were about to do it, and the police showed up.

19 Q. Without going into details, did you also conspire to
20 murder Joe Cacase?

21 A. Yes, I did.

22 Q. On how many occasions?

23 A. On two separate occasions.

24 Q. Sir, did you end up carrying out either of those
25 plans?

1 A. No, I did not.

2 Q. Were you going to use weapons to carry out that plan?

3 A. Yes.

4 Q. Did you use those weapons?

5 A. No, I did not.

6 Q. You pled guilty to both of those two murder
7 conspiracies against Gravano and Cacase?

8 A. That's correct.

9 Q. When you pled guilty to those conspiracies, was that
10 pursuant to a cooperation agreement?

11 A. That's correct.

12 Q. That was done in secret or in open court?

13 A. That was done in closed court.

14 Q. What was the reason for that?

15 A. Closed court, for my safety, and to protect me.

16 THE COURT: What difference does it make? He
17 pled.

18 MR. LIPTON: Judge, I guess just the reason why
19 he had to plead the way he did.

20 THE COURT: Let's move on.

21 BY MR. LIPTON:

22 Q. Do you have any tattoos, sir?

23 THE COURT: Tattoos?

24 MR. LIPTON: Yes, Judge.

25 I can explain it at side bar, why we are going

1 into some of these things.

2 THE COURT: Go ahead.

3 Q. Do you have any?

4 A. Numerous tattoos.

5 Q. Okay. Do you have any on your back?

6 A. Yes, I do.

7 Q. What does it say?

8 MR. GEDULDIG: Judge, I object.

9 THE COURT: I want to hear. I am going to
10 allow it. You say it is relevant.

11 What does it say?

12 A. On my back, it says, *Death before dishonor*, in big
13 letters.

14 Q. What does that mean?

15 A. It meant I would die before I would do anything
16 dishonorable, like I would die before I cooperate.

17 Q. What were the reasons you decided to basically
18 abandon that pledge and cooperate with the government?

19 A. People done the wrong thing by me.

20 Q. What do you mean by that?

21 A. Huck sent me \$50 in two years I was incarcerated. He
22 also sent a lawyer to test me, see if I was cooperating.
23 And just other stuff that was done.

24 I had to worry about other people cooperating
25 against me and telling about the murder conspiracies of

1 Joe Cacase or the Sammy Gravano conspiracy, because other
2 people were arrested during that period, such as Eddie
3 Garafolo, and I was worried he would cooperate, amongst
4 other things.

5 Q. Did you also hope that cooperating would reduce your
6 sentence?

7 A. Sure.

8 Q. Did you also hope it would allow you to remain in the
9 United States?

10 A. Of course.

11 Q. Now, did you reveal information about yourself under
12 the cooperation agreement?

13 A. Yes, I did.

14 Q. What kind of information?

15 A. All the crimes that I ever committed.

16 Q. Under the original plea agreement, you are facing, I
17 believe, eleven years?

18 A. Under the original ones, just on that one, yeah,
19 without the 2000 indictment, was eleven years.

20 Q. This was an additional fifteen?

21 A. I was facing an additional fifteen years by giving
22 the information I did on the conspiracy to kill Joe
23 Waverly and Salvatore Gravano.

24 Q. Under that agreement, could the judge run the time
25 consecutive?

1 A. If he wants to, he can run it consecutive.

2 Q. What does that mean?

3 A. He could stack one sentence on top of the other. He
4 could give me four to five years for the first. He could
5 give me the eleven to twelve on the second, plus he could
6 give me another fifteen years on the third sentence for
7 the other crimes that I pled fully.

8 Q. What is your understanding of your obligations under
9 the cooperation agreement?

10 A. That I have to fully cooperate with the government
11 and I have to be truthful and honest.

12 Q. What about testifying?

13 A. I have to testify when I am called to testify.

14 Q. Do you have any responsibilities regarding the taxes?

15 A. Excuse me?

16 Q. Do you have any responsibility regarding taxes?

17 A. Tactics?

18 Q. Taxes.

19 A. Taxes, yes.

20 Q. What's that?

21 A. I have to talk to an IRS agent before I could be
22 sentenced.

23 Q. What's your understanding of what the government will
24 do if you satisfy your obligations under the agreement?

25 A. They will file a 5K1 letter.

1 Q. What is a 5K1 letter?

2 A. A 5K1 letter is a letter filed to the judge letting
3 the judge know the cooperation I had done and let's the
4 judge decide if he wants to downwardly depart from the
5 sentencing guideline sentence.

6 Q. When you say downwardly depart, does that mean give
7 you a lesser sentence?

8 A. It is up to the judge if he wants me to give me a
9 lesser sentence.

10 Q. Who writes the 5K1 letter?

11 A. The United States Attorney's Office, I believe.

12 Q. Who does that letter go to?

13 A. It goes to the judge.

14 Q. Which judge?

15 A. My sentencing judge.

16 Q. Who is that?

17 A. Judge Korman.

18 Q. Does that letter obligate the judge to give you a
19 lighter sentence?

20 A. No, it does not.

21 Q. Who ultimately decides what your sentence will be?

22 A. Judge Korman.

23 Q. What is your understanding of what happens if you
24 lie?

25 A. If I lie, my cooperation agreement will be ripped up

1 and most likely I get 75 years in prison.

2 Q. When you say 75 years, why is that?

3 A. Stack everything up to together. It comes out to --
4 I mean, the judge could sentence me for every crime that I
5 admit to, everything that I admit to, and he could -- he
6 could sentence me to statutory maximums on everything.

7 Q. When you say statutory maximums, is that the most you
8 can get under the statute?

9 A. Yes.

10 Q. Now, if your plea agreement or cooperation agreement
11 is ripped up, are you allowed to take your guilty plea
12 back?

13 A. No, I am not.

14 Q. Has anyone made any promises to you as to what your
15 sentence will be?

16 A. No.

17 Q. As you sit here today, do you have any idea how much
18 time you'll get once you are sentenced?

19 A. No, I do not.

20 MR. LIPTON: Thank you very much, judge.

21 Nothing further.

22 THE COURT: Let me ask you.

23 Who gave you the contract on Sammy The Bull?

24 THE WITNESS: Who gave me the... Huck ordered me
25 to go with him basically.

1 THE COURT: Who gave you the contract on Joe
2 Waverly?

3 THE WITNESS: Nobody gave me a contract on
4 Waverly. I attempted to kill Joseph Waverly on two
5 occasions to protect a friend of mine, your Honor.

6 THE COURT: Who is the friend?

7 THE WITNESS: Frank Smith.

8 THE COURT: Okay. Cross?

9 CROSS-EXAMINATION

10 BY MR. GEDULDIG:

11 Q. Mr. Mangiavillano, you testified on direct that you
12 were in born in Argentina, right?

13 A. That's correct, sir.

14 Q. And you came to the United States when you were
15 approximately eight years of age?

16 A. That's right.

17 Q. You came in as a lawful permanent resident?

18 A. I entered the country as a lawful permanent resident,
19 right.

20 Q. As you sit here now, you are an illegal alien, is
21 that right?

22 A. As of this moment?

23 Q. Yes.

24 A. I don't know my status. I don't think I am an
25 illegal alien, no, sir.

1 Q. You re-entered the country illegally?

2 A. Yes, I did. Yes.

3 Q. Have you taken any steps to make your presence here
4 in the United States presently legal?

5 A. Yes, I have.

6 Q. Have they been granted?

7 A. Not yet.

8 Q. So you are here at this point in time illegally?

9 A. Like I says, I don't believe I am in this country
10 illegally.

11 THE COURT: He doesn't know, so go on.

12 BY MR. GEDULDIG:

13 Q. Do you have any court, Immigration Court, United
14 States District Court or any Judge who --

15 THE COURT: Move on. He doesn't know.

16 He doesn't know.

17 MR. GEDULDIG: This is my --

18 THE COURT: I understand. He said he doesn't
19 know.

20 MR. GEDULDIG: Well... okay.

21 THE COURT: For whatever it is worth.

22 MR. GEDULDIG: For whatever is worth.

23 THE COURT: It's worth.

24 BY MR. GEDULDIG:

25 Q. You say you dropped out of school when you were what,

1 16 years of age.

2 A. I legally dropped out when I was 16. I stopped going
3 to school when I was about 13, I guess.

4 Q. When you were 13 is when you started committing
5 crimes?

6 A. That's right.

7 Q. You started by stealing stereos out of cars?

8 A. That's right.

9 Q. And you lived in a house on Palisades street, is that
10 right?

11 A. That's right.

12 Q. You lived with your wife?

13 A. My wife and my kids.

14 Q. That house is where, in Staten Island?

15 A. It was in Staten Island, yes.

16 Q. And that was a house that I think you say was owned
17 by your father?

18 A. Yes.

19 Q. Not by you?

20 A. I didn't own that house, sir.

21 Q. And that house was later sold while you were in
22 Italy?

23 A. I was in Italy and Argentina when they sold that
24 house. I don't remember exactly where I was.

25 Q. Your family was living in that house?

1 A. No, they weren't.

2 Q. Okay.

3 When did your father buy that house?

4 A. I don't remember exactly when, sir.

5 Q. When did you move?

6 A. '91.

7 Q. Did he buy that house shortly before you moved?

8 A. No. A while before that.

9 Q. What was a while; years, months?

10 A. Maybe a year or two.

11 Q. A year or two before you moved in, he bought the
12 house?

13 A. Yes.

14 Q. Did any of the money you earned from all your crimes
15 go into that house?

16 A. I did some fixing in the house; yes, I did.

17 Q. Did you give him any money to help him buy that
18 house?

19 A. No, I did not, sir.

20 Q. Now, I would like to talk about your life of crime.

21 You testified at some length on direct from
22 Mr. Lipton.

23 You began by stealing cars, car radios, I think
24 was the first thing you started stealing. Is that right?

25 A. Car radios and cars together at the same time.

1 Q. All right.

2 So they were both done in the same timeframe?

3 A. Yeah.

4 Q. I think you said you stole cars up until you were
5 arrested in Delaware in 1995, 1996?

6 A. I was involved in car thefts until 2000, until I was
7 arrested in 2000, sir.

8 Q. Okay. So that's almost a quarter of century?

9 A. I would say so.

10 Q. You were also involved in the sale of cocaine?

11 A. That's right.

12 Q. You are not a drug addict, right?

13 A. No, sir.

14 Q. You never were a drug addict?

15 A. No, sir.

16 Q. So when you were selling cocaine, it was for the
17 money you could make from selling drugs?

18 A. That's correct.

19 Q. It wasn't to get money to feed a habit you had?

20 A. The only habit I had was a gambling habit.

21 Q. Right.

22 When you started selling cocaine, you were doing
23 it with Teddy Persico?

24 A. That's right.

25 Q. And Teddy Persico was then affiliated or associated

1 with the Colombo Crime Family?

2 A. That's right.

3 Q. Later he became a made member of that family?

4 A. That's right.

5 Q. He was a nephew of Ali Boy Persico.

6 A. Big Ali's nephew, little Ali's cousin.

7 Q. One of those Alis became the boss of the Colombo
8 Family?

9 A. I think in the end now he was the boss, yes.

10 Q. Which one?

11 A. Little Ali.

12 Q. Prior to Little Ali becoming the boss, there was
13 Carmine Persico, is that right?

14 A. His father, ALi Boy's father, was the boss.

15 Q. He was also an uncle to Teddy, your partner in drugs?

16 A. Teddy, yes.

17 Q. Carmine was also the boss of the Colombo Family?

18 A. That's right.

19 Q. Carmine became the boss, then later Ali Boy became
20 the boss?

21 A. His son later on, like years later, yeah.

22 Q. They are all Persicos?

23 A. They are all Persicos.

24 Q. Now, when you were with Teddy you had protection from
25 the Colombo Family for some of the things that you did?

1 A. That's right.

2 Q. Among the things you were doing was extorting other
3 drug dealers, right?

4 A. That's right.

5 Q. That's a dangerous profession?

6 A. I would say so.

7 Q. You did carry a weapon during the period you were
8 extorting drug dealers?

9 A. Most of the time.

10 Q. Your protection you got from the Colombo Family, what
11 kind of protection did they provide for you?

12 A. They would protect me from other members of organized
13 crime. That's the protection they provide.

14 Q. So that you wouldn't get hurt.

15 A. I wouldn't get hurt from any other organized crime
16 members, yeah.

17 Q. Or killed?

18 A. Or killed, yeah.

19 Q. You did this for about seven years or so, I think?

20 A. Probably around seven years, yes.

21 Q. You did it until Teddy Persico was sent to jail?

22 A. That's right.

23 Q. He was sent to jail for twenty years to life?

24 A. Twenty to life he got.

25 Q. On a drug case?

1 A. On a drug case.

2 Q. And during this period of time, you were also working
3 with a fellow named Carmine Sessa?

4 A. Carmine Sessa, yes. I had stolen car deals with
5 Carmine Sessa and his brother, Anthony.

6 Q. Cessa was also a member of the Colombo --

7 A. No. When I started, he was just an associate.

8 Q. He became a made member?

9 A. Became a made member or underboss or consigliere of
10 the family.

11 Q. He moved right up the leadership ladder?

12 A. Yes, he did.

13 Q. Also did some work with Bobby Zambardi.

14 A. I also did some stolen cars with Bobby Zambardi.

15 Q. I think you said you also sold marijuana.

16 A. That's right.

17 Q. You did that for ten years or more?

18 A. No, no, no. It wasn't that long. Couple of years,
19 maybe two three years in the beginning.

20 Q. You didn't do it from the 1980s until the 1990s?

21 A. On and off. Maybe it wasn't like a steady thing,
22 like a ten-year straight thing.

23 Q. You testified before, right? Right?

24 A. Yes, I have.

25 Q. And you've testified about some of these events

1 before?

2 A. That's right.

3 Q. I will ask you if you recall testifying the following
4 way.

5 THE COURT: Page.

6 MR. GEDULDIG: 370, Judge.

7 This is the testimony before Judge Casey on
8 November 30, 2004.

9 1370, line 6.

10 BY MR. GEDULDIG:

11 Q. I am going to ask you if you were asked this question
12 by a federal prosecutor and gave the following answer?

13 *Did you ever sell any other drugs other than*
14 *cocaine?*

15 *Answer: Yes, I did. Marijuana.*

16 *Question: And when was that approximately?*

17 *Answer: Approximately, 1980s into the 1990s.*

18 A. In the '80s and '90s, later on I sold marijuana
19 again.

20 Q. All right. You are talking about a period of more
21 than several years, here?

22 A. Like I says, it was on and off. It was wasn't like a
23 steady thing. Maybe two or three years, it might have
24 been steady.

25 Q. The total time you sold marijuana was for a period

1 more than couple of years, right?

2 A. That's correct, you could say that.

3 Q. You weren't on the corner selling nickel and dime
4 bags?

5 A. I wasn't on the corner. Other people were on the
6 corner for me.

7 Q. You were selling in quantity?

8 A. Not quantity. I was selling dime bags but other
9 people were selling for me.

10 Q. You had several people selling a quantity of
11 marijuana for you?

12 A. You could say that.

13 Q. When they added it all up, it came to a quantity?

14 No, you weren't a street peddler, you had other
15 people peddling for you.

16 A. Peddling for me in the street.

17 Q. How many other people were peddling for you?

18 A. At different points, two.

19 Q. What was the most?

20 A. What was the most that they sold?

21 Q. The most number of people you had selling drugs for
22 you?

23 A. At one time?

24 Q. Yes.

25 A. One.

1 Q. One person?

2 A. One person at one time, and then could be someone
3 else the next day. It could be someone else two years
4 later.

5 Q. Who was it that you sold to?

6 A. All different people.

7 Q. You don't remember their names?

8 A. Don't remember their names. I could start
9 remembering they're names if you asked me who they are.
10 Kid, Franco.

11 Q. Do you remember? Do you know their last name?

12 A. No, I don't remember the last name. You are talking
13 about 1980.

14 Q. Well, you are testifying about crimes in 1980.

15 A. Okay. I remember --

16 THE COURT: No, no, no. Nothing before you.

17 BY MR. GEDULDIG:

18 Q. You said you did credit card scams as well, is that
19 right?

20 A. That's right.

21 Q. The credit card scams you did with a fellow named
22 Greg Scarpa?

23 A. Greg Scarpa Sr.

24 Q. He was member of an organized crime family?

25 A. Member of the Colombo Crime Family.

1 Q. Where was he in the hierarchy of the Colombo Crime
2 Family?

3 A. Later on he became a captain.

4 Q. What kind of credit card scams did you work with
5 Scarpa?

6 A. He would sell me credit cards. He had cloned it, so
7 if you had a credit card in your pocket, he would have the
8 same credit card with your numbers on it. You wouldn't
9 know. He would sell me that credit card and you would
10 take that credit card and go make purchases with it.

11 Q. For instance, if you got a credit card like that, you
12 could go and buy a Cartier watch for \$5,000? You would
13 never have to pay for it.

14 A. Sometimes you could spend up to \$5,000?

15 Q. That's the way it would work, though, is that right?
16 You never had to pay for the items purchased on that card?

17 A. You would pay for the card and then whatever the card
18 had, if he had \$1,000 on it, you get \$1,000 on the item.
19 If it had \$500, you would get \$500.

20 Some cards didn't have nothing. You got stuck
21 paying the \$300 for the credit card, or the \$200, whatever
22 you paid for the credit card, and didn't make a dollar on
23 it.

24 Q. With regard to stolen cars, there was a whole bunch
25 of people you did work with, is that right?

1 A. Stolen cars, there were numerous individuals.

2 Q. Teddy Persico, you did some work with him?

3 A. Yes.

4 Q. Frank Smith, you mentioned his name, right?

5 A. Yes.

6 Q. Frank Smith was a fellow you did crimes with over a
7 very long period of time. Isn't that fair to say?

8 A. I was a criminal associate with Frank Smith for a
9 very long time.

10 Q. Yes?

11 A. Yes.

12 Q. When did you start with Frank Smith?

13 A. When we were 13 years old.

14 Q. Frank Smith is now in jail?

15 A. I believe so.

16 Q. When you were taking part in this conspiracy to
17 murder Joe Waverly, was Frank Smith then in jail?

18 MR. LIPTON: Okay, your Honor. We didn't go
19 into any of this because he objected to it.

20 MR. GEDULDIG: They went into it.

21 THE COURT: Don't argue. Overruled.

22 BY MR. GEDULDIG:

23 Q. When you were plotting to kill Joe Waverly, Joe
24 Cacase, Frank Smith was then in jail; is that right?

25 A. The first time he wasn't in jail.

1 Q. How about the second time?

2 A. The second time, yeah, he was in jail.

3 Q. What was the sentence he was then serving?

4 A. A fifteen-to-life sentence.

5 Q. What was that for?

6 A. What was it for?

7 Q. What was he doing fifteen to life for, yes.

8 A. For selling drugs.

9 Q. You also did cars with Sal Fusco?

10 A. Yes.

11 Q. He was a member or associated with a crime family?

12 A. When we were doing cars, he was related to crime
13 family members. I don't know if he was an associate at
14 that time.

15 Q. His relation was his father?

16 A. His father and his grandfather and his uncle.

17 Q. Okay.

18 So they were all in the same family?

19 A. They were all members of the Colombo Family, right.

20 Q. And Sal Fusco became a member of the Colombo Family?

21 A. That's correct.

22 Q. When you were stealing cars with Fusco, would it be
23 fair to say he wasn't a made member, he was an associate
24 of the Colombo Crime Family?

25 A. Was he an associate? I don't know if he was on

1 record, then, sir.

2 Q. He wasn't on record with his father, you mean?

3 A. I don't think he was on record, at that time.

4 Q. John Pelligrecco? Do you know that name?

5 A. Yes.

6 Q. You did cars with him as well?

7 A. Yes.

8 Q. Is he affiliated in some way with the crime family?

9 A. He later on became affiliated with the Colombo Crime
10 Family.

11 Q. You said Tommy Dono?

12 A. Tom Dono.

13 Q. You did a lot of crimes with a fellow named frank
14 Hydell?

15 A. Not a lot. Committed some car theft with him.

16 Q. He was primarily a car thief?

17 A. Hydell, to my knowledge, he was just a car thief.

18 Q. You did crimes with George Ludwigsen?

19 A. George Ludwigsen, I never committed a crime with
20 George Ludwigsen. I sold him a tag job one time, stolen
21 cars that the VINs had been altered.

22 Q. You testified in this courthouse the first time you
23 appeared in court, is that right?

24 THE COURT: Page.

25 MR. GEDULDIG: Page 824.

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Q. Do you recall that?

A. What's that?

Q. The first time you testified in a courthouse was in this courthouse, is that right?

A. Not in front of Judge Casey in Manhattan; you are talking about here in Brooklyn?

Q. I am talking about here in Brooklyn.

A. First time I testified was in Brooklyn, right.

Q. At that time, you testified about George Ludwigsen, is that not right?

A. What I testified to.

Q. I will ask you if you recall being asked these questions and giving these answers.

Page 824, line 6.

Question: George Ludwigsen?

Answer: George Ludwigsen.

Question: Ever did a bank job with him?

Answer: Not a bank burglary with him.

Question: What did you do?

I dealt with stolen cars with George Ludwigsen.

Do you recall being asked those questions and giving that answer?

A. I just said that, sir.

Q. I think you said one. This says stolen cars, with

1 George Ludwigsen?

2 A. Could be two cars.

3 Q. Could have been ten?

4 A. No. Definitely wasn't.

5 Q. In any event, you did crimes, you did cars with
6 George Ludwigsen?

7 A. Yes, sir.

8 Q. How long have you known George Ludwigsen?

9 When did you first meet him?

10 A. I met him from his brother Chris. I don't remember.
11 Not too long after I met Chris.

12 Q. When did you meet Chris?

13 A. I met Chris around 1988.

14 Q. So you've known George approximately the same period
15 of time?

16 A. A little after.

17 Q. You also did some crimes with John Matera?

18 A. Yes.

19 Q. What did you do with Matera?

20 A. I testified about that one bank burglary he attempted
21 to burglarize with me, and I dealt with stolen cars with
22 John Matera.

23 Q. Anthony Ferrara?

24 A. Stolen cars.

25 Q. Frankie Gerra (ph)?

- 1 A. Stolen cars.
- 2 Q. And Frankie Gerra is with the family as well?
- 3 A. So is Anthony Ferrara.
- 4 Q. I am asking about Gerra right now?
- 5 A. He is with the Colombo Crime Family.
- 6 Q. What about Ferrara?
- 7 A. He is with the Colombo Crime Family.
- 8 Q. So all of these car people that you were stealing
- 9 cars with, they were all with the Colombo Crime Family,
- 10 the ones that I just read off to you?
- 11 A. The ones you just read off, yeah.
- 12 Q. Now, you also did insurance frauds, is that right?
- 13 A. That's right.
- 14 Q. One of the things you did, you secretly purchased an
- 15 interest in a collision shop, right?
- 16 A. That's right.
- 17 Q. Your name didn't appear on any paperwork, right?
- 18 A. No.
- 19 Q. But you had an interest in that shop?
- 20 A. That's correct.
- 21 Q. And the frontman in that operation was a guy named
- 22 Louie Lama?
- 23 A. That's correct.
- 24 Q. He was also affiliated with organized crime, is that
- 25 right?

1 A. That is correct.

2 Q. I think later on he became involved with a fellow
3 named frank Fapiano?

4 A. He was partners with me. He was protected by Danny
5 Farmer, who Danny Farmer was his umbrella at that time or
6 before that --

7 THE COURT: Mr. Geduldig, remember that you have
8 a tendency to interrupt the speaker when he is speaking.
9 It creates problems for the court reporter. Let him
10 finish.

11 MR. GEDULDIG: He doesn't answer my questions,
12 Judge.

13 THE COURT: Let him finish. All right.

14 BY MR. GEDULDIG:

15 Q. I am going to try to ask you to answer the question
16 that I ask.

17 All right. Is that okay.

18 A. Sure. That's fine, sir.

19 THE COURT: Even if it is not. Okay?

20 Go ahead.

21 BY MR. GEDULDIG:

22 Q. And I think you paid, what, maybe \$25,000 for the
23 secret ownership in this collision shop?

24 A. I gave Louis Lama, \$25,000.

25 Q. That was cash?

1 A. No, I gave him a car.

2 Q. Okay.

3 One of the things you testified to was you would
4 pay off insurance adjustors, right?

5 A. Right.

6 Q. They would come to your collision shop, the car might
7 have \$100 worth of damage on it, you would give him 10
8 percent of any portion of an inflated bill, is that right?

9 A. Yes.

10 Q. So if he wrote up the bill for \$5,000, there would be
11 \$4,000 in profit for you, and you gave \$400 to the
12 adjustor?

13 A. I don't think he would -- not that much of a
14 discrepancy. Maybe like \$2,000, \$1,500, \$3,000 maybe if
15 the car had a lot of damage, but that's what he basically
16 wrote up. He wouldn't --

17 Q. Sure --

18 THE COURT: Basically, what counsel is saying,
19 you gave him 10 percent of the extra?

20 THE WITNESS: Yeah. He said a \$4,000 write-up.

21 THE COURT: Okay. \$1,000, \$2,000.

22 THE WITNESS: \$1,000 to \$2,000.

23 THE COURT: \$1000, you give him \$100. \$2,000,
24 you gave him \$200.

25 THE WITNESS: Right. It was never \$4,000.

1 THE COURT: I understand. Okay.

2 BY MR. GEDULDIG:

3 Q. One of the other things you would do while you owned
4 this collision shop, you would take a VIN number off a car
5 that wasn't stolen. Right?

6 A. Right.

7 Q. And then you would put that VIN number onto a car
8 that had been stolen, right?

9 A. I did that while I had the collision shop, before I
10 had the collision shop, and after I had the collision
11 shop.

12 Q. Is that called a tag?

13 A. That's a tag job.

14 Q. What you would do is buy a car that might have been
15 hit by a train at an auction, for very little money.
16 Right?

17 A. That's right.

18 Q. Could be a Mercedes, right?

19 A. That's right.

20 Q. Then you would take the VIN number off that crushed
21 Mercedes or the car that had been mangled, and you would
22 take the VIN number and put it on a Mercedes that had been
23 stolen?

24 A. Right. I would order one from Eddie. Eddie would
25 bring it to me, and I would put the VIN number on it.

1 Q. Try to answer my question.

2 A. Okay.

3 Q. You don't have to volunteer any information. All
4 right?

5 A. Okay.

6 Q. You would be able to sell the stolen car as if it
7 wasn't stolen at all, right?

8 A. That's right.

9 Q. You could take a car at auction and buy it for two or
10 three, four thousand dollars?

11 A. That's right.

12 Q. If it were a Mercedes, you switched the VIN numbers,
13 and you could sell the car for as much as fifty or sixty
14 thousand?

15 A. No. I would sell someone that knew the deal with the
16 car, that knew that the car was a tag shop. I couldn't
17 sell it through another auction or through mainstream
18 because it was too dangerous. I would only sell to other
19 criminal associates that new what time of day it was with
20 the car.

21 Q. How much would you sell it for?

22 A. Whatever. If it was like a twenty, thirty thousand
23 dollar car, I might sell it for ten thousand.

24 Q. Half the real value?

25 A. Sometimes half, sometimes a third.

1 Q. And the difference would be what you had paid for the
2 car in salvage and what you could sell it for?

3 A. I pay for three, four thousand for the paper and sell
4 it for eight thousand, ten thousand.

5 Q. You also registered cars under a fictitious name, is
6 that right?

7 A. That's right.

8 Q. You would create fictitious corporations?

9 A. I wouldn't create them. I had a guy, insurance guy,
10 that would do that for me. I would pay him.

11 Q. You would pay for him?

12 A. Right.

13 Q. It was like drug peddlers on the street. You weren't
14 actually selling the drugs, but the drugs belonged to you
15 and you were making the money, right?

16 A. Well, those cars that -- like, when he was
17 registering cars like that, I was using those cars to
18 commit crimes with, use in a robbery, stuff like that.

19 Q. In any event, you were using an insurance broker to
20 create fictitious corporations so you could register cars
21 to that corporation, is that right?

22 A. He told me -- he is the one that offered me --

23 THE COURT: Just a second. Can you answer the
24 question yes or no? And if you can't --

25 THE WITNESS: I can't answer that yes or no.

1 THE COURT: Answer the next question.

2 BY MR. GEDULDIG:

3 Q. Tell us then how you would do it.

4 A. The insurance broker offered that he could do the
5 service for me if I paid him, and I was willing to pay him
6 for him doing the service for me.

7 Q. So he did it for you?

8 A. Right.

9 Q. He knew that what you were doing was illegal, right?

10 A. I don't know if he knew I was robbing banks or
11 burglarizing banks.

12 Q. He knew that the registration of the cars were to
13 fictitious corporations?

14 A. Yes, he did.

15 Q. So that was illegal, right?

16 A. Yes.

17 Q. Okay.

18 Did you ever tell the government the name of
19 that insurance broker?

20 A. Yes, Shia (ph).

21 Q. What's his last name?

22 A. I don't know his last name.

23 Q. What's his address?

24 A. I don't know the address.

25 Q. Did you ever give him the address?

- 1 A. Long gone. Long time ago, sir.
- 2 Q. You don't know his last name?
- 3 A. No.
- 4 Q. When did you own this collision shop?
- 5 A. 1991.
- 6 Q. Then you would create fake accidents as well, isn't
7 that right?
- 8 A. Create fake accidents.
- 9 Q. Yes. Traffic accidents, that you would create them?
10 They weren't real traffic accidents? You would have one
11 car drive into another car and then claim an accident had
12 taken place. Drive a stolen car into another car?
- 13 A. We had parked a car and I would drive the car into
14 it? I did that.
- 15 Q. You would collect the insurance money?
- 16 A. That's right.
- 17 Q. The car that was hit would be one of your cars?
- 18 A. That's right.
- 19 Q. Registered to one of the bogus corporations you set
20 up?
- 21 A. That's right.
- 22 Q. And the insurance agent would get the claim on the
23 car, right?
- 24 A. Yes.
- 25 Q. So you knew that that employee of yours was involved

1 in a criminal act, right?

2 A. I don't know if we called him directly. If Geico was
3 the insurance company, I would call Geico direct and tell
4 them the car was in my shop, and they would come in,
5 adjust the car.

6 Q. You would use an insurance agent to get a fictitious
7 corporation but you didn't use him for selling or insuring
8 your cars?

9 A. Yes, he sold me the insurance.

10 Q. Did you have any of your fake accidents billed to
11 insurance companies that he represented?

12 A. Maybe.

13 Q. And you are saying that he didn't realize that you
14 were doing that?

15 A. I don't know if he realized it. He never asked me
16 about it. I didn't do that many times. I might have done
17 that once, three times, maybe, tops.

18 Q. Let me go back for a second.

19 You said you bought that secret interest in the
20 collision shop by turning over a car to Louie Lama. Do
21 you remember that?

22 A. Right.

23 Q. I am asking if you recall being asked these questions
24 and giving these answers.

25 MR. LIPTON: What page?

1 MR. GEDULDIG: Second transcript. 1575.

2 Why don't we start with line 7.

3 Q. I am going to ask if you recall giving these
4 questions and giving these answers:

5 *Why did you have to have him as the recorded*
6 *owner of the collision shop when in fact you were the*
7 *owner?*

8 *Answer: I owned part with Louie Lama. My part*
9 *was in cash. His part was on paper. He opened it on*
10 *paper completely, but I owned part of the shop too. I was*
11 *a partner with him, and we had a partnership, and he owned*
12 *the shop and I bought into the shop with him. I gave him*
13 *cash. I didn't need to show up on the papers. At that*
14 *point, he was not with Frankie Fapiano.*

15 *Question: But you said that it was a secret*
16 *ownership that you had, didn't you?*

17 *Answer: Yeah, nobody knew about it. It was a*
18 *secret ownership.*

19 *How much cash did you put into it?*

20 *Answer: I believe \$25,000.*

21 Does that refresh your recollection that in fact
22 you put \$25,000 in cash into that collision shop instead
23 of just putting up a car?

24 A. \$25,000 that I gave him the car. The car was worth
25 \$25,000. That's what I was selling it for, and that's

1 what he was giving me for the car. That's why he gave me
2 the partnership in the shop.

3 Q. You also did these bank burglaries? You did a host
4 of bank burglaries in your car, is that right?

5 A. That's correct.

6 Q. I think you said you began back in the early '80s?

7 A. That's correct.

8 Q. About 1982?

9 A. That's correct.

10 Q. And some of the people you did bank burglaries with
11 were the same people you did cars with?

12 A. In the beginning, yes.

13 Q. You did them with this guy John Pelligrecco?

14 A. Right.

15 Q. You did it with a fellow named Joe Dominico?

16 A. Joe deDominico.

17 Q. He is known as Joe Rooster?

18 A. Brewster.

19 Q. Did you know him for a long time?

20 A. Couple of years, yeah.

21 Q. When did you first meet Brewster?

22 A. I met Joe Brewster, maybe like in 1980.

23 Q. About the same time you met Chris Ludwigsen?

24 A. No, I didn't meet Chris Ludwigsen until about 1988.

25 Q. Chris Ludwigsen.

1 Ludwigsen was a friend of Brewster's, wasn't he?

2 A. Ludwigsen was a friend of Brewster's.

3 Q. Right?

4 A. I don't think so. Joe Brewster was dead by the time
5 he was -- '86, '87, he was already dead.

6 THE COURT: Let's go.

7 MR. GEDULDIG: One second, Judge. Okay.

8 Hold on.

9 BY MR. GEDULDIG:

10 Q. You also did cars with Gerard Bellafiore?

11 A. I did cars with Gerard Bellafiore.

12 Q. Yes?

13 A. Yes.

14 Q. You did many cars with Gerard Bellafiore?

15 A. Yes.

16 Q. Gerard, you had been doing crimes, banks, for many
17 years?

18 A. About 1988.

19 Q. And Gerard and you worked together many times?

20 A. Sometimes.

21 Q. In fact, the two of you have similar modes of
22 operation. Right?

23 A. Similar modes of operation?

24 Q. Right.

25 A. I don't...

1 Q. Well, one of the things that you commonly do is you
2 drop a letter or add a letter to your name on a driver's
3 license so that things can't be traced back to you.
4 Right?

5 MR. LIPTON: Objection, your Honor, form of that
6 question.

7 Q. You have a driver's?

8 MR. GEDULDIG: I will withdraw it and rephrase
9 the question.

10 BY MR. GEDULDIG:

11 Q. Do you have a drivers license in which your name is
12 misspelled?

13 A. I had one on my license. My name is misspelled on my
14 license, right.

15 Q. That was done on purpose?

16 A. That was done so I could have a driver's license.

17 Q. Also, so that people couldn't trace things back to
18 you?

19 A. Trace it back to me? I don't understand that
20 question.

21 Q. Well, you were in the United States illegally in 1999
22 and 2000 -- right -- before you surrendered yourself?

23 A. Yes.

24 Q. And did you use your license with the fake name?

25 A. Did I use it? If I got out or something, yeah, of

1 course. That's the license I had.

2 Q. That was in part so that if they checked and found
3 out that you were in the country illegally, you wouldn't
4 be put in jail and deported again, right?

5 A. That's-- number one reason was that, and plus, I
6 would have a driver's license. I didn't have no other
7 driver's license except for that one.

8 Q. You but weren't even allowed in the country, right?

9 A. That's right.

10 Q. So the license allowed you to move around the country
11 without being found out as to who you really were, right?

12 A. Yes.

13 Q. And Bellafiore did something very similar, didn't he?

14 A. He's an American. He wasn't in this country
15 illegally.

16 Q. Didn't Bellafiore have licenses in which he used his
17 real name? His real name ends in an E, does it not?

18 A. Yeah.

19 Q. Didn't he have licenses in which he ended with the
20 letter D instead of the letter E?

21 A. Bellafiord, I think one ;yeah.

22 Q. Didn't he also use the name Angelo, I believe, on
23 occasion?

24 A. I don't know about that.

25 Q. Didn't he use the first name William instead of

1 Gerard?

2 A. William Bellafiord, yeah, that's it.

3 Q. So the two of you used fake licenses, is that right?

4 A. Yeah.

5 Q. He didn't have one under his legal name either?

6 A. I guess so if he had gotten it like that.

7 Q. You are not guessing? You know it for a fact?

8 A. Yeah.

9 Q. Did he teach you that?

10 A. Did he teach me that?

11 Q. Yes.

12 A. No, I don't think so.

13 Q. Did you teach it to him?

14 A. Maybe.

15 Q. Okay.

16 I think you said you taught everybody how to do
17 these bank burglaries, right?

18 A. I was taught and I turned around, yeah, I took them
19 with me.

20 Q. In fact, I think you proudly say that a lot of these
21 bank burglaries are called Fat Sal Productions, right?

22 MR. LIPTON: Objection. I don't think there has
23 been any testimony about that.

24 THE COURT: Overruled.

25 MR. GEDULDIG: You can answer.

1 THE WITNESS: I never said that. I said other
2 people say that.

3 Q. What about you do?

4 A. But I never say -- I never -- I've never said that I
5 was proud of what I have done or proud of what people say
6 that I have done. Other people use that as something. I
7 don't use that personally.

8 THE COURT: Fat Sal Productions.

9 THE WITNESS: Fat Sal Productions. No one ever
10 called me that. Pat Spatano (ph) referred to me as Fat
11 Sal. I wasn't proud of what I done.

12 Q. You weren't proud?

13 A. I wasn't proud that I was a criminal.

14 Q. You did it for twenty-five years?

15 A. Yes.

16 Q. You were proud and happy when you got eight or nine
17 hundred thousand dollars out of the National Westminster
18 Bank?

19 A. I was really happy when I got that.

20 Q. You were proud of what you had accomplished?

21 A. I wasn't proud of what I had accomplished. I was
22 never proud of being a criminal, sir.

23 Q. What efforts did you make not to be a criminal?

24 A. Not many, sir.

25 THE COURT: I think this is as good a time as

1 any to let the jury go for lunch.

2 Be back at two, ladies and gentlemen.

3 (Whereupon, the jury leaves the courtroom
4 at.12:36 p.m.)

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1 A F T E R N O O N S E S S I O N

2 (Judge Johnson enters the courtroom at 2:10 p.m.)

3 (The jury enters the courtroom at 2:10 p.m.)

4 CROSS-EXAMINATION (Cont'd.)

5 BY MR. GEDULDIG:

6 Q. I was asking you about some of the people that you
7 did bank burglaries with, when we broke for lunch, and I
8 think we had left off with Zaffarino, who is a fellow that
9 you did cars with, right?

10 A. I never said I did bank burglaries with Zaffarino.

11 Q. You did cars with Zaffarino?

12 A. I did one car on one specific occasion.

13 Q. What occasion was that?

14 A. That was in 1999. I sent him papers for a Mercedes
15 500 coupe or it could have been a 600 coupe.

16 Q. That was when you were in Canada?

17 A. No, I was back in the United States already.

18 Q. That was using your connections from Canada?

19 A. That's correct.

20 Q. And there's a fellow named Willie Galloway?

21 A. Willie Galloway.

22 Q. You did banks with him?

23 A. Burglaries.

24 Q. Joe Angelo?

25 A. Joe Angelo burglaries.

1 Q. And Joe Angelo is Bellafiore's father-in-law?

2 A. That's correct.

3 Q. Frankie Gerra?

4 A. That's BF. I conspired to do one bank burglary with
5 him.

6 Q. Kupa, the Kupa brothers, right?

7 A. Kupa brothers? Did numerous burglaries with Afrim
8 A-f-r-i-m, Kupa.

9 Q. And Luizim was his brother?

10 A. Luizim was on one burglary, involved with me on one
11 burglary.

12 Q. Neat Bilali?

13 A. He did numerous burglaries.

14 Q. Mazzara?

15 A. He did a couple of bank burglaries and was involved
16 with two attempted bank robberies with me.

17 Q. Frank Costanza?

18 A. He was involved with one bank burglary in Delaware.

19 Q. John Matera?

20 A. He was involved in one bank burglary attempt on Cross
21 Bay Blvd.

22 Q. By the way, Costanza and the Delaware burglary, that
23 led to your deportation; is that right?

24 A. That's correct.

25 Q. Lee D'Avanzo?

1 A. I did bank burglaries with him.

2 Q. Vinny Kuminski?

3 A. Vinny Kuminski, I did bank burglaries and pleaded
4 guilty of bank burglaries with him.

5 Q. Did quite a few with him?

6 A. The one I described me and Eddie being on with him,
7 and the one I pled guilty in Glendale, Queens with him.

8 Q. Is it your understanding that you became known to the
9 FBI with Eddie and Kuminski --

10 THE COURT: No, I will sustain that.

11 Q. Anthony Ferrara, did you do bank burglaries with him?

12 A. I conspired to do one bank robbery with him.

13 Q. Ronnie Petrino?

14 A. No, sir, only involved in cars, not with bank
15 burglaries.

16 Q. Joe Gross?

17 A. No bank burglaries, cars and drugs.

18 Q. John Micali?

19 A. No bank burglaries. No nothing.

20 Q. No nothing?

21 A. John Micali? Nothing that -- no crimes that I
22 could specifically remember.

23 Q. You testified here in the Eastern District on a prior
24 occasion?

25 A. That's correct.

1 Q. I ask you if you recall being asked these questions,
2 page 756, the very last line 25, I ask you if you remember
3 being asked these questions and giving these answers:

4 THE COURT: Page?

5 MR. GEDULDIG: 756.

6 Q. "Question: This fellow John Micali, do you know him?

7 "Answer: Yes, I know John Micali.

8 "Question: Did you ever have bank jobs with
9 him?

10 "Answer: With John Micali, yes.

11 A. The transcript is right, I must have answered it
12 wrong because I know I never did any bank burglaries with
13 John Micali, because John Micali was home when I was in
14 prison. Then when I came home, I was only home for a
15 short time and doing no bank burglaries.

16 MR. GEDULDIG: I will ask the government to
17 concede that I read it accurately from the transcript.

18 MR. LIPTON: Judge, he read it accurately from
19 the transcript. I don't think that's what he testified
20 about.

21 THE COURT: Okay.

22 BY MR. GEDULDIG:

23 Q. Now, you testified that you were arrested in
24 September of '95 for this Delaware bank burglary, right?

25 A. That's correct.

1 Q. And you were initially arrested on a state charge; is
2 that right?

3 A. That's correct.

4 Q. And a few weeks later the Feds took over your case,
5 right?

6 A. The Feds indicted us, that's right.

7 Q. And it was as a result of that case that you
8 ultimately got deported, but you did time for that case;
9 is that right?

10 A. That's right.

11 Q. You did 18 months?

12 A. That's right.

13 Q. And you did 18 months in the federal system?

14 A. That's right.

15 Q. And then after you did your 18 months, Immigration
16 came into play?

17 A. That's right.

18 Q. And you had to post bail in order to get out on your
19 Immigration case?

20 A. That's right.

21 Q. And you posted \$30,000?

22 A. I didn't post it.

23 Q. Who did?

24 A. My father.

25 Q. Correct. And he put up cash or his house or how did

1 he get you out of jail?

2 A. I didn't ask him, sir.

3 Q. Well, you didn't ask him how he got the money
4 together?

5 A. I didn't have to ask him. My father told me, don't
6 worry, I will get the bail up and he got the bail up, and
7 he put it up. I believe it was in cash.

8 Q. Your father is a construction worker?

9 A. My father was a construction worker.

10 Q. And your mother is a seamstress?

11 A. My mother was a seamstress, that's correct.

12 Q. And how long a period of time were you out of jail
13 while your Immigration case was pending before you got
14 deported?

15 A. About four months, five months, roughly.

16 Q. And when were you out of jail?

17 A. I was out of jail from the end of September, October,
18 November, December, January, and I think February.

19 Q. Of what year?

20 A. Of '97 into '98.

21 Q. And did you commit any crimes while you were out on
22 Immigration bail?

23 A. Did I commit any crime out on Immigration bail? Not
24 that I can recall, sir.

25 Q. Now, once you were deported, you went to Argentina?

1 A. That's correct.

2 Q. And in Argentina you were there six months?

3 A. That's correct.

4 Q. And you didn't work?

5 A. I didn't work, no.

6 Q. And your family, your wife and children, were here in
7 the United States?

8 A. Yeah.

9 Q. And your father was hoping to support you in
10 Argentina?

11 A. My father gave me some money, sir.

12 Q. And he was also helping to support your family here
13 in the United States?

14 A. No. My wife I left some money. My brothers helped
15 my wife and are still helping my wife till today. I have
16 two brothers, not because of my wife. They help my kids.
17 They don't want them to go hungry.

18 Q. That's very generous?

19 And you were living at that point in time at the
20 house in Staten Island.

21 A. No, I was not, sir.

22 Q. Where was your wife living?

23 A. She was living in a house in Florida, sir.

24 Q. She had moved to Florida?

25 A. Yes.

1 Q. When did she move to Florida?

2 A. I would say before I got released from prison.

3 Q. Were you and your wife separated at that point?

4 A. Were we separated? Basically, yes.

5 Q. By that I mean if you could have lived together, you
6 would not have been living together?

7 A. No. I mean at that point like when I got deported, I
8 was separated from my wife. I wasn't with my wife.

9 Q. When you came out of jail, before you were deported,
10 were you living with your wife?

11 A. When I came out, I was living with her. I lived with
12 her at her grandmother's house first, then her mother's
13 house.

14 Q. Where was that?

15 A. In Florida.

16 Q. You were living in Florida?

17 A. Yes.

18 Q. What happened to the house on Palisades Drive or
19 something, it was a house that you lived in on Palisades,
20 right?

21 A. That's correct.

22 Q. Where was that house located?

23 A. Palisades Street.

24 Q. When was it sold?

25 A. I don't remember. Either when I was in Italy or it

1 could have been in Canada when they sold that house. I
2 don't remember exactly when.

3 Q. That was the house you and your family was living in?

4 A. My family lived in that house prior to me going to
5 prison. Before I went to prison, my wife and my kids and
6 myself moved. My father owned a two-family home on Job
7 Place. We moved into the downstairs apartment, which was
8 a two bedroom apartment, and lived in that house, sir.

9 Q. That was a house you lived in, the house was a
10 two-family, and your father also occupied it?

11 A. My father and my mother and my brothers and I
12 occupied that house until I was married, then I went back
13 there to live thereafter when I was getting ready to go to
14 prison, I went to live there, sir.

15 Q. So you have no idea when the Palisades house was
16 sold?

17 A. It was around the time either when I was in Italy
18 --.

19 THE COURT: Just a second.

20 Do you know, yes or no?

21 THE WITNESS: Not exactly.

22 THE COURT: He doesn't know.

23 Q. In any event, you were in Argentina for six months
24 and your father was sending you money to support you,
25 right?

1 A. He sent me money, that's right.

2 Q. You weren't working, were you?

3 A. No.

4 Q. You needed money to live, didn't you?

5 A. Yes.

6 THE COURT: He said his father sent him money,
7 whether it was to support him or anything else.

8 Q. Anybody else sending you money?

9 A. Not when I was in Argentina. I don't remember who
10 was sending me money.

11 Q. You went off to Italy?

12 A. That's right.

13 Q. You weren't working there either?

14 A. No.

15 Q. Your father was supporting you in Italy?

16 A. My mother had some money. She had inherited a house
17 there. The house was sold and I used some of that money.

18 Q. Did he send you any money in Italy?

19 A. My father, I don't remember him sending me money.

20 Q. While you were in Italy you met a fellow named
21 Ciancio?

22 A. I knew Ciancio prior to being in Italy.

23 Q. What was his name?

24 A. "Angelo Guinea," Angelo Ciancio.

25 THE COURT: That's what they called him?

1 THE WITNESS: Yes, Guinea.

2 Q. Angelo was a criminal like yourself?

3 A. Yes, he was.

4 Q. You knew him here in the States?

5 A. Yes, since kids.

6 Q. He had been deported as well?

7 A. Yes.

8 Q. You hooked up with Angelo in Italy?

9 A. Yes.

10 Q. And the two of you were similar in that you left your
11 home countries at a very early age; is that right?

12 A. That's right.

13 Q. Did you and Angelo commit crimes in Italy?

14 A. No, sir.

15 Q. So you then were living on whatever monies were being
16 sent to you and whatever monies your mother left from the
17 sale of her house; is that right?

18 A. Yes.

19 Q. And then there came a point in time around
20 Thanksgiving of what, around 1998?

21 A. That's right.

22 Q. You went to Canada?

23 A. That's right.

24 Q. You stayed there for the holiday?

25 A. That's right.

- 1 Q. Then returned to Italy?
- 2 A. That's right.
- 3 Q. And then you came back around Christmastime 1998 to
4 Canada?
- 5 A. That's right.
- 6 Q. And you came back with Angelo?
- 7 A. I didn't come back with Angelo when I came back.
- 8 Q. There came a point in time when Angelo was in Canada
9 with you; is that right?
- 10 A. Angelo didn't come to Canada for about -- I would
11 say he was there eight months after I was there. He was
12 only there for about a month with me.
- 13 Q. He was there long enough for the two of you to cook
14 up a plot to burn down a syrup factory; is that correct?
- 15 A. That's correct.
- 16 Q. And the idea that the two of you had was that you
17 were going to go into this soda-syrup business; is that
18 right?
- 19 A. That's correct.
- 20 Q. And the syrup factory you wanted to burn down was a
21 potential competitor; is that right?
- 22 A. That's right.
- 23 Q. You felt if you could burn down a competitor's
24 factory, it would make your business that much more
25 profitable?

1 A. That's right.

2 Q. That's what you and Angelo were going to do together?

3 A. That's correct.

4 Q. And in addition while in Canada, you made a
5 connection with a group that is similar to organized crime
6 here in the United States; is that right?

7 A. They are very similar. They are Canadian Mafia.

8 Q. They have a name that is somewhat different than
9 heard here?

10 A. Yes, N'Drangheta, N'D-r-a-n-g-h-e-t-a, I believe
11 that's how it is spelled. It is the same thing as the
12 Mafia, but they are from mainland Italy. They are from
13 Calabria.

14 Q. Where are you from?

15 A. I'm born in Argentina. My parents are from Sicily.

16 Q. When you went to Italy, where did you live?

17 A. In Sicily.

18 Q. You made this connection with Canadian Mafia, that's
19 where you were able to get these Canadian car titles; is
20 that right?

21 A. That's correct.

22 Q. You went into business with car titles with Gerard
23 Bellafiore; is that correct?

24 A. That's correct.

25 Q. You would send car titles to him and he would use

1 those car titles on tag jobs; is that what he would do?

2 A. That's correct.

3 Q. And Zaffarino was doing the same thing?

4 A. Zaffarino I sold him one time, sir.

5 Q. Same thing?

6 A. I sold him one car so that he could tag it.

7 Q. It was the same kind of thing that Zaffarino was
8 doing was exactly what Bellafiore was doing, right?

9 A. I sold him only one.

10 Q. Was it the same operation as what Bellafiore was
11 doing?

12 A. The same. I sold him a title and a set of VINS for
13 one car.

14 THE COURT: Was it the same? That calls for a
15 yes or no. Was the that the same thing they were doing,
16 Bellafiore and Zaffarino, was that the same thing they
17 were doing?

18 THE WITNESS: It was the same type.

19 Q. Now, Zaffarino and Bellafiore were in business
20 together?

21 THE COURT: Do you know?

22 A. No, I don't know.

23 Q. Well, you spoke to Zaffarino?

24 A. Yes.

25 Q. From Canada. And you spoke to Bellafiore from

1 Canada?

2 A. I don't know if I spoke to Zaffarino from Canada. It
3 might have been from New York. Once I was back in New
4 York, that's when Zaffarino asked me for the car title.
5 Gerard asked me for him for the car title and I hooked
6 this up. I think I was already back in New York.

7 Q. So you knew that Bellafiore and Zaffarino were in
8 touch with one another?

9 A. They stole together, I knew that.

10 Q. I thought I asked you that question that they were
11 partners?

12 A. You said that they were in business together. I know
13 Gerard and Zaffarino were --.

14 THE COURT: Just a second.

15 They stole together is different than being in
16 business together.

17 MR. GEDULDIG: I didn't say business. I said
18 partners.

19 THE COURT: There's a difference. Stealing
20 together does not necessarily make them partners.

21 MR. GEDULDIG: Okay.

22 BY MR. GEDULDIG:

23 Q. They knew one another, right?

24 A. Yes.

25 Q. And they were in contact with one another, to your

1 knowledge?

2 A. To my knowledge, yes.

3 Q. In fact, Bellafiore put you in touch or had Zaffarino
4 get in touch with you?

5 A. Yes.

6 Q. And you would make on each one of these car titles,
7 you could make as much as what \$6500, right?

8 A. That's correct.

9 Q. Tell me the last time you filed a tax return?

10 A. I told you -- that I filed tax return?

11 Q. Yes?

12 A. What year?

13 Q. I'm asking you the last time you filed a tax return?

14 A. The last time I filed a tax return I believe was
15 1990.

16 Q. And your understanding now is that you got to file
17 tax returns for all of the years from '90 until the
18 present day?

19 A. Yes.

20 Q. And you got to tell the I.R.S. how much money you
21 made from your criminal activities?

22 A. That's correct.

23 Q. And you are going to pay a tax on that?

24 A. I'm going to have to pay taxes. They have to order
25 me to pay taxes on that, that's correct.

1 Q. Do you have any money hidden away any place?

2 A. No, I do not.

3 Q. Do you have any money today?

4 A. Today, yes.

5 Q. How much money do you have?

6 A. About \$2100.

7 Q. And that's money that you earned or was given to you
8 by the government?

9 A. It was given to me by the WitSec marshal.

10 Q. You haven't earned any money since you have been
11 released from jail?

12 A. No, sir.

13 Q. But you are going to pay taxes on a million dollars
14 or more of criminal work that you have done?

15 THE COURT: Asked and answered.

16 A. Yes.

17 THE COURT: No. Asked and answered.

18 BY MR. GEDULDIG:

19 Q. And are you going to make restitution as well?

20 A. I have to, sir.

21 Q. Restitution, you are going to pay back the bank the
22 money you took from them?

23 A. I am going to pay whatever I could pay, of course.

24 Q. Now, you also have an ability to get fake IDs, right?

25 A. Not anymore. I don't have no ability to get them.

1 Q. Not today, but when you were out there working the
2 street, you had the ability to get fake IDs, right?

3 A. Yes.

4 Q. You could get driver's licenses, right?

5 A. Yes.

6 Q. You could register cars under fake names?

7 A. Yes.

8 Q. You could get other types of identification
9 documents, right?

10 A. What other types of identification?

11 Q. You could get boat registrations, library cards under
12 fake names, Social Security cards, things of that sort?

13 A. I never got a Social Security card, sir.

14 Q. You got a boat registration?

15 A. Not a boat registration, a boat operator's license.

16 Q. Under a fake name?

17 A. Under a fake name.

18 Q. From the State of New Jersey?

19 A. That's correct.

20 Q. You would get library cards under a fake name?

21 A. Yes.

22 Q. So you were able to get lots of fake identifications?

23 A. That's correct.

24 Q. And you did do that, right?

25 A. Yes.

1 Q. Now, when you came back to the States, you were in
2 Canada for a period of time from Christmas of '98 until
3 sometime in 1999?

4 A. September of '99, around that time, late September,
5 middle of September, around then.

6 Q. When you came back to the United States around 1999,
7 you didn't have any intentions of going into a legitimate
8 line of work, did you?

9 A. Of course I did, sir.

10 Q. You did?

11 A. Yes.

12 Q. What was it that you did?

13 A. I was going to work for my brother in the pizzeria,
14 sir.

15 Q. But you didn't do it?

16 A. I didn't do it. I did it sometimes, and then I
17 resorted to go on the murder and I couldn't go to work
18 because I was out spending time with Huck. In the
19 meantime, I wasn't able to go. When I went back to New
20 York, I went to work.

21 Q. So you weren't working any kind of regular period of
22 time, right?

23 A. No, sir, because, like I said, I was busy with the
24 Arizona thing.

25 Q. A few days; is that right?

1 A. Yes, that's correct.

2 Q. And from the time you came into the States until you
3 got arrested in August of 2000, so from '99 until 2000,
4 you were only working a couple of days during that period?

5 THE COURT: Asked and answered.

6 BY MR. GEDULDIG:

7 Q. Is that right?

8 THE COURT: Asked and answered.

9 MR. GEDULDIG: Judge, this is cross-examination
10 and he's a difficult witness.

11 THE COURT: Asked and answered.

12 MR. LIPTON: Judge --.

13 THE COURT: Sit down.

14 BY MR. GEDULDIG:

15 Q. Now, on June 27 of 2000, you learned that you were
16 going to be arrested, right?

17 A. That's correct.

18 Q. And you learned that because Bellafiore had been
19 arrested, right?

20 A. June 27 I called Bellafiore's house and his wife told
21 me.

22 THE COURT: Just a second. That calls for a yes
23 or no answer.

24 A. Yes.

25 Q. And the way you learned it was that Bellafiore's wife

1 told you that they were looking for you, right?

2 A. That's correct.

3 Q. The agents were in the house as you spoke to her?

4 A. That's correct.

5 Q. And she was talking to you in code, right? She
6 wasn't saying, oh, hello, Sal, the FBI is here looking to
7 arrest you, right?

8 A. No, she didn't say that.

9 Q. What did she say to you?

10 A. She said Patsy, the FBI is here looking for you.

11 Q. Patsy?

12 A. Yes.

13 Q. Are you Patsy?

14 A. No, I'm not. She knew my voice and knew exactly who
15 I was.

16 Q. She was talking in code so that the FBI wouldn't know
17 you were on the phone?

18 A. She was calling me different names so that the FBI
19 didn't know who was on the phone.

20 Q. You did that before, spoken in code to people inside
21 of jail?

22 A. I never spoke in code. People --.

23 THE COURT: Let's move along. Just a second.

24 Whether he called or not, she called him Patsy.

25 Q. I'm talking about when you are in jail, you are

1 testifying you never spoke in code to somebody outside of
2 jail?

3 A. One time I was asked speak to me in code was Afrim
4 Kupa, when he was arrested in Arizona along with Vinny
5 Kuminski and Joe Gross.

6 Q. You had spoken in code to people outside of jail
7 while you were in jail?

8 A. Afrim Kupa was trying to speak in code. I wasn't.

9 Q. He was successful speaking in code to you, wasn't he?

10 A. He told me he was arrested along with Vinny Kuminski
11 and Joe Gross. But from the last case I testified in, and
12 I got cross-examined, I believe it wasn't Afrim Kupa who
13 was arrested with him. It was Luizim Kupa.

14 Q. Came pretty close, though you mixed up the brothers,
15 is that what you are saying?

16 A. That's a big mix-up. The guy talking to me on the
17 phone I didn't know it was him. From what I learned from
18 cross-examination at the last trial, it wasn't him. It
19 was his brother that got locked up.

20 Q. That whole conversation was in code?

21 THE COURT: Let's move on past the code.

22 Q. Telephone conversations in jail, in federal jail, are
23 all recorded; is that right?

24 A. That's correct, sir.

25 Q. You knew that?

1 A. Of course.

2 Q. Are there signs posted telling the inmates that their
3 phone conversations are being recorded?

4 A. Yes, and anything you say can be used against you.

5 Q. That's the reason inmates speak in code; is that
6 right?

7 THE COURT: Sustained.

8 Q. All right. Let me ask you about your first plea.

9 You pled guilty to a bank burglary and the
10 illegal reentry into the country, right.

11 A. That's correct.

12 Q. And you were facing a sentence I believe of 47 to 57
13 months or thereabouts?

14 A. Somewhere around that range.

15 Q. And a year later you are indicted a second time; is
16 that right?

17 A. That's right.

18 Q. And on the second charge you are charged with a RICO
19 or racketeering charge, right?

20 A. Racketeering conspiracy.

21 Q. And those involved bank burglaries, right?

22 A. It involved bank burglaries and robberies.

23 Q. That involved bank robberies, and one of the
24 robberies involved was the National Westminster Bank,
25 right?

1 A. That's correct.

2 Q. That bank robbery named a whole bunch of people --
3 I'm sorry. That indictment named a whole bunch of people
4 who were arrested with you for the same RICO; is that
5 right?

6 A. For the same RICO or for the same robbery?

7 Q. Both, for the same RICO and for that robbery?

8 A. That robbery was only me and Beck charged with it.

9 Q. Okay?

10 You and Beck were both charged under the RICO
11 count with having committed the National Westminster Bank
12 robbery, right.

13 A. That's right.

14 Q. And the group you were charged with participating in
15 was known as the New Springville Boys; is that right?

16 A. That's correct.

17 Q. And the New Springville Boys was the group, the
18 racketeering enterprise, the association that was
19 responsible for the National Westminster Bank robbery; is
20 that right?

21 A. I don't know, sir.

22 Q. You don't know?

23 A. No. I don't understand you.

24 Q. You don't understand the question?

25 A. I don't understand the whole scenario.

1 Q. When you -- you pled guilty to that indictment,
2 right?

3 A. Yes.

4 Q. And one of the things that you said was that you
5 committed the robbery at the National Westminster Bank,
6 right?

7 A. I committed that robbery, yes.

8 Q. You pled guilty to that?

9 A. Yes, committing that robbery.

10 Q. And you said that you committed that robbery, the
11 National Westminster Bank robbery, as a part of the New
12 Springville Boys, right?

13 A. I committed associating with persons that were
14 members of the New Springville Boys.

15 Q. And that was the group, the RICO group or enterprise,
16 that put together the National Westminster Bank robbery?

17 A. The enterprise itself?

18 Q. The enterprise was the group responsible for the
19 National Westminster Bank robbery?

20 A. Maybe some members of the enterprise were, but not
21 the enterprise itself.

22 Q. Well, you were a member of the New Springville Boys,
23 right?

24 A. No. I used members of the New Springville Boys to
25 commit crime. I associated with them.

1 (Pause)

2

3 THE COURT: Question?

4 MR. GEDULDIG: I'm going to ask him a question,
5 Judge. Give me a second.

6 Q. You pled guilty to this New Springville Boys RICO
7 enterprise, right?

8 A. Racketeering conspiracy.

9 Q. And in pleading guilty, you explained to the court
10 your involvement through the New Springville Boys for the
11 robbery at the National Westminster Bank, right?

12 A. I robbed the bank, the Westminster Bank, using
13 members of -- in association with the members of the New
14 Springville Boys. I wasn't a member of the New
15 Springville Boys.

16 Q. You pled guilty on July 17 of 2002 to that charge?

17 A. Guilty of conspiring with the members of the New
18 Springville Boys.

19 Q. You pled guilty July 17, 2002 to that charge?

20 A. July 17? Yes.

21 Q. I'm going to ask you if you were asked these
22 questions and gave these answers, page 29, line 24:

23 "Question: Now the two robberies of the two
24 banks and the taking of the money across state lines from
25 the bank in Horse Heads, New York, did you do that as part

1 of your involvement in the group that the prosecutor calls
2 the New Springville Boys?

3 "Answer: Yes, I did, your Honor.

4 "Question: And were you in fact associated with
5 a group of other men who met regularly and engaged in a
6 series of criminal acts as part of their association, as
7 part of their friendship, as part of their being together
8 in this organization?

9 "Answer: I conspired with others that was part
10 of that organization.

11 "Question: So, some other men were also part of
12 this group that the prosecutor calls the New Springville
13 Boys, it had other men in it, you knew the group of people
14 I'm talking about?

15 "Answer: Right.

16 "Question: And you and they agreed that you
17 would continue to see each other and work together and
18 meet with each other, and that part of that ongoing
19 relationship would include a pattern of criminal activity?

20 "Answer: Yes, Your Honor."

21 That's what you said in response to questions
22 put to you by the judge, right.

23 A. That I conspired to commit, like I have been saying,
24 I conspired to commit with members. I wasn't a member.

25 Q. Those are the answers you gave?

1 THE COURT: Just a second.

2 MR. GEDULDIG: Judge, he just rolls on.

3 THE COURT: No, just a second.

4 It is yes or no. Do not override him or
5 interrupt him. Some of these questions he asked you call
6 for yes or no. You say yes or no. If you can't answer it
7 yes or no, say so.

8 THE WITNESS: It said right in the transcript,
9 your Honor.

10 THE COURT: No, no, no.

11 BY MR. GEDULDIG:

12 Q. When you pled guilty to taking part in the National
13 Westminster Bank robbery, did you ever mention Eddie
14 Boyle's name?

15 A. No.

16 Q. And you testified previously about the National
17 Westminster Bank robbery, right?

18 A. I believe so.

19 Q. On any occasion previously, did you testify that
20 Eddie Boyle was a member of the New Springville Boys?

21 A. No, I did not.

22 Q. And I think you've testified previously that the
23 commission of the robbery at the National Westminster Bank
24 was an act of the New Springville Boys conspiracy?

25 MR. LIPTON: Objection, your Honor, asked and

1 answered. That doesn't seem to be what he says.

2 THE COURT: Sustained.

3 MR. GEDULDIG: As to which aspect of the
4 objection?

5 THE COURT: Asked and answered.

6 BY MR. GEDULDIG:

7 Q. Let me go back for a second.

8 So now you've pled guilty on three separate
9 occasions, right.

10 A. Yes.

11 Q. And I think your testimony is that you were facing
12 potentially as much as 75 years in jail, right?

13 A. That's correct.

14 Q. You've gotten a 5K letter for your or you are hoping
15 to get a 5K letter from the government which would allow
16 you to get a reduced sentence, right?

17 A. That's correct.

18 Q. Now, you were in jail from the point in time when you
19 surrendered yourself in August of 2000 until this past
20 December, right?

21 A. That's correct.

22 Q. And it was days after you appeared and testified in
23 court that you got out on bail, right?

24 A. That's correct.

25 Q. And did you have to put up any money to get out of

1 jail?

2 A. Personally?

3 Q. Yes?

4 A. No.

5 Q. Did anybody in your family have to put up money?

6 A. Yes.

7 Q. Who was that?

8 A. I mean, I don't know if I should answer that because
9 of my family members' safety if I answer that question.

10 THE COURT: What is the question?

11 MR. GEDULDIG: Who put up money for him on bail.

12 MR. LIPTON: We object. Same objection that we
13 had with the previous witness. We discussed at side-bar
14 about the family members.

15 MR. GEDULDIG: Who put up bail? I'm not asking
16 for locations.

17 MR. LIPTON: The person? I thought it was
18 actually the location.

19 MR. GEDULDIG: I asked who put up bail.

20 MR. LIPTON: I withdraw that, Judge.

21 THE COURT: Who put up bail?

22 THE WITNESS: My father.

23 BY MR. GEDULDIG:

24 Q. He put up money?

25 A. He put up security.

1 Q. Did he put up cash money?

2 A. No. He put up a house, sir.

3 Q. So he didn't put up any cash?

4 THE COURT: He didn't put up cash. He put up a
5 house.

6 Q. So you are out of jail without having put up a dime
7 in cash; is that right?

8 A. If I am violating any conditions, my father would
9 lose his house.

10 MR. GEDULDIG: I'm trying to ask questions
11 before he answers my question.

12 THE COURT: Ask the question again.

13 MR. GEDULDIG: Could I ask the reporter to read
14 back that last question, Judge.

15 (The previous question is read back.)

16 THE COURT: Yes or no, if you can answer it.

17 THE WITNESS: No, not a dime.

18 Q. And you have certain conditions that you have to
19 comply with while out on bail; is that right?

20 A. That's correct.

21 Q. Is one of the conditions of your bail not to meet
22 with other criminals, felons, people who have committed
23 crimes?

24 A. That's correct.

25 Q. So, for instance, you wouldn't be permitted under the

1 conditions of your bail to meet with Gerard Bellafiore,
2 would you?

3 A. Of course not.

4 Q. Or with Anthony Zaffarino?

5 A. Of course not.

6 Q. Or Chris Ludwigsen?

7 A. Of course not.

8 Q. And you never called them on the telephone?

9 A. Definitely not.

10 Q. So you haven't spoken to them even indirectly through
11 your wife or brothers or cousins?

12 A. Definitely not, sir.

13 Q. And if you did do that, you would be in violation of
14 your bail?

15 A. That's correct, sir.

16 Q. And if by chance you should run into say Anthony
17 Zaffarino in a restaurant just by chance, you would be
18 obligated to report to somebody that you met him; is that
19 right?

20 A. I better report it to my handler.

21 Q. Your handler is an FBI agent?

22 A. No, the marshal, that somebody seen me and breached
23 my security, if I see somebody that knows me.

24 Q. Okay.

25 Who is the FBI agent that you deal with.

1 A. I deal with more than one FBI agent.

2 Q. Tell me the names of those?

3 A. Cindy Peil, Ted Otto, John -- I don't know his last
4 name. A few different ones. I don't even know their
5 names.

6 Q. The primary agents would be the two agents that are
7 in court here today?

8 A. That's correct.

9 Q. And one of your hopes is that you are going to be
10 allowed after you finish your cooperation testifying and
11 such that you would be allowed to stay in the country,
12 right?

13 A. Yes.

14 Q. And I believe you testified that the FBI has already
15 paid I think you said \$9,000 worth of tickets that you
16 have?

17 A. That's correct.

18 Q. And that's so that you can get an American license?

19 A. That's correct.

20 Q. But you are not yet permitted to stay in the country,
21 right?

22 A. I say I don't know that.

23 Q. Well, do you know if you have any condition that
24 allows you to stay in the country or that would force you
25 to leave the country?

1 A. Sir, I'm in the Witness Protection Program. I can't
2 reveal where I'm at, and I'm sure that the people who put
3 me in the Witness Protection Program didn't put me there
4 illegally. I'm pretty sure they put me there legally with
5 laws that apply.

6 Q. Do you have an attorney?

7 A. Yes, I do.

8 Q. What is his name?

9 A. Darrell Paster.

10 Q. Have you spoken to him about staying in the country?

11 A. Yes.

12 Q. What has he told you?

13 THE COURT: Sustained.

14 Q. Have you spoken to Agents Otto or Peil about staying
15 in the country?

16 A. Not that I recall, but I probably did.

17 Q. Have you spoken with any prosecutors like Mr. Lipton
18 or Mr. Seigel or Mr. Andres about staying in the country?

19 A. Yes.

20 Q. What have they told you?

21 A. They told me whatever it says in my cooperation
22 agreement, that if I stand by my cooperation agreement,
23 that they will sponsor me for an S visa.

24 Q. They told you if you do what you are asked to do in
25 your cooperation agreement, they will recommend that you

1 be allowed to stay in the country?

2 A. If I'm truthful and honest and I put up with all the
3 things of my cooperation agreement, of course.

4 Q. Who determines that you are truthful or not?

5 A. Who is it that determines it? The jury, sir.

6 Q. As far as the cooperation agreement goes, who is it
7 that determines whether or not you have been truthful or
8 honest?

9 A. The government.

10 Q. They are the only ones?

11 A. That's correct.

12 Q. That's Mr. Lipton and Mr. Seigel, right?

13 A. That's correct.

14 Q. If you say something that you don't believe is
15 truthful, they could rip up your cooperation agreement?

16 A. That's correct.

17 Q. So, as long as they are satisfied with your
18 testimony, your agreement doesn't get ripped up?

19 A. As long as I tell the truth, my agreement doesn't get
20 ripped up.

21 Q. According to them?

22 A. That's correct.

23 Q. Now, I would like to talk -- you were asked
24 questions on direct about "Joe Waverly," Joe Cacace?

25 Do you remember that.

1 A. Yes.

2 Q. Joe Waverly was a made guy in the Colombo family?

3 A. Yes, he was.

4 Q. And he ultimately I think you said became the acting
5 boss?

6 A. That's correct.

7 Q. And Joe Waverly is a fellow that you conspired to
8 murder, right?

9 A. That's correct.

10 Q. The first time you conspired to murder Joe Waverly
11 was when?

12 MR. LIPTON: Objection, your Honor. He objected
13 and said he was not going to go into it.

14 MR. GEDULDIG: You went into it.

15 THE COURT: You did.

16 MR. LIPTON: I asked him two questions, did he
17 commit it and how many times. That was it, your Honor.

18 THE COURT: When did you conspire, is that the
19 question?

20 MR. GEDULDIG: Yes.

21 THE WITNESS: 1987.

22 BY MR. GEDULDIG:

23 Q. And on that occasion, who was it that wanted you to
24 possibly kill Joe Waverly?

25 A. Who wanted me to possibly kill Joe Waverly?

1 Q. Yes?

2 A. Teddy Persico, Jr.

3 Q. He was in the Colombo family?

4 A. At that time he was already a made member.

5 Q. Is that the same Teddy Persico that you were dealing
6 drugs with?

7 A. That's correct.

8 Q. Nothing happened on that occasion; is that right?

9 A. No.

10 Q. And then there was a second occasion when you were
11 going to kill Joe Waverly as a favor to your friend Frank
12 Smith; is that right?

13 A. That's correct.

14 Q. Now, Frank Smith is a guy who you have done crimes
15 with since you were a teenager, right?

16 A. That's correct.

17 Q. And he was doing a live bid, 15 years to life, right?

18 A. That's correct.

19 Q. He was in jail and he asked you while you were out of
20 jail if you would kill Joe Waverly?

21 A. That's correct.

22 Q. And the reason that he wanted Waverly killed was that
23 he was afraid that Waverly would become an informant like
24 you are now and testify against him; is that right?

25 A. That's correct.

1 Q. Smith was fearful that Waverly would tell the
2 government that Smith had killed a judge named Aronwold?

3 MR. LIPTON: Judge, objection. This is
4 specifically the stuff that I skipped over.

5 THE COURT: Sustained.

6 MR. GEDULDIG: Judge, the only stuff --.

7 THE COURT: Sustained.

8 MR. GEDULDIG: Respectfully except, Judge.

9 THE COURT: Sustained.

10 MR. GEDULDIG: Could I have a sidebar?

11 THE COURT: No.

12 MR. GEDULDIG: This has to do with his motive
13 for testifying at this --.

14 THE COURT: No.

15 BY MR. GEDULDIG:

16 Q. In any event, you were going to kill Joe Waverly as
17 -- it's been testified to -- I'm just prefacing the
18 question, Judge?

19 THE COURT: Don't pay him any mind. I don't pay
20 him any mind.

21 MR. GEDULDIG: He keeps standing up.

22 B MR. GEDULDIG:

23 Q. You were going to kill Joe Waverly as a favor to a
24 friend Frank Smith; is that correct?

25 A. That's correct.

1 Q. And there came a point in time when Frank Smith was
2 going to become an informant; is that right?

3 MR. LIPTON: Objection, your Honor. It is not
4 only the same objection like the last time, but he's
5 asking him what this witness was going to become. It is
6 beyond the scope of direct.

7 THE COURT: First of all, I will sustain it for
8 the fact that how does he know what Frank Smith was going
9 to do.

10 MR. GEDULDIG: Well, it is his understanding.
11 We had a hundred questions about his understanding, Judge.

12 THE COURT: Come on, let's move on.

13 BY MR. GEDULDIG:

14 Q. You correct me if I'm wrong, if Smith is a
15 cooperator, he could give up information -- withdrawn.

16 Smith has a lot of information about criminal
17 activity that you have done; is that right?

18 MR. LIPTON: Objection, your Honor.

19 THE COURT: I will allow it.

20 A. He has some.

21 Q. And when did the conspiracy, the second conspiracy to
22 murder Joe Waverly, take place?

23 A. Sometime in 1994.

24 Q. You became a cooperator in 2002?

25 A. 2002, that's correct.

1 Q. So, Smith had information which could lead to your
2 being indicted for a whole host of crimes over a long
3 period of time before you ever became a cooperator?

4 A. Up until 1996 until I went to prison, yeah, he knew
5 certain things about me.

6 Q. Also before 1996 --

7 THE COURT: No, no. He answered he knew a lot
8 of things about him.

9 Q. Where is Smith today?

10 MR. LIPTON: Objection, your Honor.

11 Q. If you know?

12 A. I don't know, sir.

13 Q. Do you know if he's still in jail?

14 A. I don't know that.

15 Q. Do you know if he's a cooperator?

16 MR. LIPTON: Judge?

17 THE COURT: Sustained.

18 MR. GEDULDIG: If Mr. Seigel just whispers a
19 little lower, I will appreciate it.

20 THE COURT: Sit down.

21 BY MR. GEDULDIG:

22 Q. Well, you are a cooperator, right?

23 A. That's correct.

24 Q. Beck is in jail?

25 A. That's correct.

1 Q. Ludwigsen is a cooperater?

2 A. That's correct.

3 Q. Anthony Zaffarino is a cooperater?

4 A. I don't know that for sure.

5 Q. Well, he's out of jail, isn't he? You know him to be
6 out of jail?

7 THE COURT: He doesn't know for sure.

8 Q. You understand that he's out of jail?

9 A. I suspect that he's cooperating. I don't know if
10 he's out of jail or whatever.

11 THE COURT: No, no, you don't know.

12 BY MR. GEDULDIG:

13 Q. We went through a whole host of people before?

14 John Micali, you remember I asked you about John
15 Micali.

16 A. Yes.

17 Q. He's in jail, to your knowledge, right?

18 A. I think so.

19 Q. Joe Gross is in jail?

20 A. I don't know.

21 Q. Ronnie Petrino is in jail?

22 A. I don't know.

23 Q. Anthony Ferrara is in jail?

24 A. He's probably doing his sentence.

25 THE COURT: I couldn't hear what you said.

1 THE WITNESS: I said he's probably still doing
2 his sentence, your Honor.

3 THE COURT: Okay.

4 Q. Vinny Kuminski is a cooperator?

5 A. Yes.

6 Q. Lee D'Avanzo is in jail?

7 A. Yes.

8 Q. John Matera is in jail?

9 A. Yes.

10 Q. Frank Costanza is in jail?

11 A. Yes.

12 Q. Anthony Mazzara is in jail?

13 A. Anthony Mazzara? I don't know Anthony Mazzara.

14 Q. Do you know Mike Mazzara?

15 A. Yes.

16 Q. He's in jail?

17 A. Yes. I believe he didn't finish his sentence yet.

18 Q. Bilali is in jail?

19 A. Yes.

20 Q. He's also a New Springville Boy?

21 A. Yes.

22 Q. Luizim Kupa, K-u-p-a?

23 A. I'm not sure.

24 Q. One of the Kupa brothers, the one you spoke to, had
25 spoken to you in code while you were in jail, right?

1 A. Afrim.

2 Q. Frankie Gerra, BF, he's in jail?

3 A. Yes.

4 Q. Joe Angelo, Bellafiore's father-in-law?

5 A. Yes.

6 Q. He's not in jail, right?

7 A. I don't know.

8 Q. Willie Galloway is a cooperator?

9 A. Yes.

10 Q. Zaffarino is a cooperator?

11 A. I'm not a hundred percent sure about Zaffarino.

12 Q. Beck, Bekim Fiseku, is in jail?

13 A. Yes.

14 Q. Tommy Dono I think is waiting to go to jail?

15 A. I don't know.

16 Q. Chris Ludwigsen is in jail?

17 A. I believe so.

18 Q. Gerard Bellafiore is a cooperator?

19 A. Yes.

20 Q. Joe Brewster?

21 A. Joe Brewster?

22 Q. Is in jail?

23 A. Joe Brewster is dead.

24 Q. I'm sorry, you are right.

25 Pelligreco, do you remember where he is.

1 A. Pelligreco? No idea.

2 Q. Now, your job in setting up these burglaries and
3 robberies was to assign tasks to the different people,
4 right?

5 A. Not specifically.

6 Q. That was generally what you did, wasn't it?

7 A. Basically discuss things and we agreed upon it,
8 that's what we did.

9 Q. And you heard this phrase, and you told us that you
10 heard this phrase, Fat Sal Production. That was in
11 reference to burglaries or robberies that you put
12 together, right?

13 A. I believe so, sir.

14 Q. And that was actually a term of compliment to you
15 that you could do a job, that you could earn money, that
16 your productions paid off, right?

17 A. I believe so, sir.

18 Q. So, it would be fair to say that you were the one
19 that was more often than not in charge of one of these
20 operations, a burglary or a robbery, right?

21 A. Yes, you could say that.

22 Q. And you would pretty much decide who would be a
23 lookout or who might go into the bank or who might be on
24 the box?

25 A. You could say that.

1 Q. And you pled guilty to being a part of the group that
2 was designated the New Springville Boys, right?

3 A. I pled guilty to that conspiracy.

4 Q. That was a RICO?

5 A. A RICO conspiracy.

6 Q. And you never heard that phrase the New Springville
7 Boys; is that right?

8 A. I heard it.

9 Q. You didn't hear it before you were indicted, though?

10 A. I heard some people refer to certain individuals as
11 the New Springville Boys.

12 Q. That wasn't a name that was made up by the
13 government?

14 A. New Springville Boys?

15 Q. Yes?

16 A. No. Frank Costanza, Lee D'Avanzo, Rob McIvor that we
17 referred to as the New Springville Boys.

18 Q. By whom?

19 A. By the guys in Staten Island streets.

20 Q. That was the group you admitted to being a part of?

21 A. I pled guilty to conspiring with them.

22 Q. Now, you heard stories that get passed around that
23 are not true about people, right?

24 MR. LIPTON: Objection, your Honor.

25 MR. GEDULDIG: I will rephrase it.

1 BY MR. GEDULDIG:

2 Q. There was a story that was passed around that you had
3 taken part in a \$27 million armored car robbery, right?

4 MR. LIPTON: Objection, your Honor.

5 THE COURT: I will allow it.

6 Was there such a story?

7 THE WITNESS: Yes, there was.

8 Q. That wasn't true?

9 A. No, it was not.

10 Q. But John Gotti, Sr. passed word down to you that he
11 was looking for some money out of that score, right?

12 A. You are right.

13 Q. And then you passed the word back that I had nothing
14 to do with it, right?

15 A. That's correct.

16 Q. And then later they arrested the guys who actually
17 committed the crime?

18 A. That's correct.

19 Q. And there was also a rumor being passed around that
20 on the National Westminster Bank robbery you had done it
21 with Tommy Dono?

22 MR. LIPTON: Objection, Your Honor, to the
23 rumor.

24 Q. You had heard that, right, it was told to you?

25 MR. LIPTON: Same objection, your Honor.

1 THE COURT: I will allow it.

2 Did you hear that rumor?

3 THE WITNESS: Yes, I did, sir.

4 BY MR. GEDULDIG:

5 Q. You are saying it is untrue?

6 A. That was untrue.

7 Q. And Frankie Hydell was one of the guys passing that
8 rumor around, right?

9 A. That's correct.

10 Q. And he's a guy you dealt work with?

11 A. Stolen cars I dealt with him.

12 Q. And you are going back quite a few years with Hydell?

13 A. Yes.

14 Q. You knew him reasonably well?

15 A. Yes.

16 Q. There was a time I think when you were talking with
17 Special Agent Otto that you told him that you knew a
18 fellow named Carmine Carini who was in jail for a murder
19 he did not commit?

20 A. I needed to tell him about innocent people, just like
21 guilty people.

22 Q. Carmine Carini, you told him that information two
23 years ago?

24 A. Around that time.

25 Q. Where is Carmine Carini today?

1 A. I hope he's out of jail.

2 Q. You don't know where he is?

3 A. No.

4 Q. Agent Otto certainly has not told you.

5 Do you recall if the FBI has taken any
6 information with regard to --.

7 THE COURT: Sustained, sustained.

8 Q. Is it your understanding -- let me rephrase it.

9 Did you know anybody to use casinos to launder
10 their money.

11 A. No.

12 Q. It was your understanding that Afrim Kupa was
13 arrested for a bank burglary in Phoenix, Arizona; is that
14 right?

15 A. From my understanding, yes.

16 Q. Was that in '95?

17 A. No, I was in prison. It might have been like in '96
18 or '97.

19 Q. And it is your understanding that Bellafiore did bank
20 burglaries in Las Vegas?

21 A. Bellafiore did bank burglaries all over the place,
22 sir.

23 Q. I'm asking you about Las Vegas?

24 A. Las Vegas, yes.

25 Q. Have you ever heard the name The Night Drop Crew?

1 A. No.

2 Q. Have you ever heard the name The Boyle Crew?

3 A. No.

4 Q. The Bank Crew?

5 A. Yes.

6 Q. And the New Springville Boys?

7 A. Yes.

8 Q. Now, did you know how Gerard Bellafiore spent his
9 money from all of the criminal activity the two of you
10 were involved with?

11 A. I didn't count his dollars, you know.

12 Q. Did you see how he spent it?

13 THE COURT: I will sustain it.

14 BY MR. GEDULDIG:

15 Q. Well, you testified that Beck used the money that he
16 got from National Westminster for cars and operations on
17 his -- I think cosmetic surgery on his girlfriend'?

18 A. That's one particular robbery I know he did that.
19 Gerard, who knows what he did. I didn't watch what he
20 did.

21 Q. Did you see Gerard in cars?

22 A. Yes. Gerard had different cars every day.

23 Q. He had different cars every day, maybe that was one
24 of the ways he spent his money?

25 THE COURT: Sustained.

1 Q. You said you know how Beck spent his money?

2 Did you know how Eddie Boyle spent the money you
3 claim that he took from the National Westminster Bank.

4 A. Eddie I know spent money, like I said, on his
5 apartment that he was redoing and that's it. That's the
6 only money I know of Eddie spending.

7 Q. How tall did you say Zaffarino is?

8 A. Six foot to six foot one.

9 Q. How tall is Beck?

10 A. Beck is around 5 foot ten, around my height.

11 Q. And how much does Beck weigh?

12 A. Today I don't know. Back then he weighed about 180,
13 185 pounds.

14 Q. He was five ten or so and weighed about 180 pounds?

15 A. Yes,. He was real thin, Beck.

16 Q. And Zaffarino was not so thin?

17 A. Fat Anthony.

18 Q. He's an inch or two taller then Beck?

19 A. I would say more than that, three inches taller and a
20 lot wider.

21 Q. He's five or six inches taller then Eddie Boyle?

22 A. I would say about the same. You know, Eddie is five
23 nine, five ten. Beck is five nine, five ten. So if
24 Anthony is six foot, that is three inches taller, not five
25 inches taller.

1 Q. So, you are saying that Boyle, to your knowledge, to
2 your recollection, Boyle is five ten or five nine?

3 A. I would say five nine. He's under five ten.

4 Q. Is he shorter than Beck?

5 A. Shorter than me.

6 Q. Is he shorter than Beck?

7 A. I never measured the two of them.

8 THE COURT: The answer to the question is is he
9 shorter than Beck, yes, no, or I don't know?

10 THE WITNESS: I don't know. I don't think so.

11 Q. You did this Bank Westminster?

12 A. Yes.

13 Q. And you say you did other jobs with Boyle?

14 A. Yes.

15 Q. And you have no idea whether or not Beck is shorter
16 or taller than --

17 THE COURT: Asked and answered.

18

19 MR. GEDULDIG: Could I have just a second,
20 Judge.

21 (Pause)

22 BY MR. GEDULDIG:

23 Q. Did you come to understand that when Ludwigsen was in
24 Florida, that Bellafiore became a conduit for messages for
25 Ludwigsen in Florida and New York?

1 MR. LIPTON: Objection, your Honor.

2 THE COURT: What is the objection?

3 MR. LIPTON: I don't know if I understand it,
4 and I don't know if it is relevant.

5 THE COURT: Besides that?

6 MR. LIPTON: I don't think it is relevant, and I
7 think it is outside the scope of direct.

8 THE COURT: I will allow it.

9 BY MR. GEDULDIG:

10 A. Could you please repeat that, sir?

11 Q. Did you come to understand that Bellafiore was acting
12 as a conduit for messages for Ludwigsen who was in
13 Florida, messages between Florida and New York?

14 A. No sir. I know nothing about that.

15 Q. Let me show you what has been marked Government's
16 Exhibit 3500-SM-34.

17 You can read this whole document, but page 2 is
18 the one that I will ask you to look at.

19 (Pause)

20 Did you read it

21 A. This part here, sir?

22 Q. Read the whole thing, if you want. Read whatever you
23 want to read?

24 THE COURT: What is the question?

25 Q. What I asked him before, whether or not did he

1 understand that Bellafiore was a source -- was a conduit
2 for information between Ludwigsen in Florida and New York?

3 A. And I said no.

4 THE COURT: The answer is no.

5 Q. So that document in front of you is inaccurate?

6 A. I don't know.

7 Q. Well, you are reading it, aren't you?

8 A. I don't know what part to read.

9 Q. You can read the whole thing.

10 THE COURT: Just a second. He said no. The
11 answer is no.

12 A. There's puzzles here.

13 Q. Did you ever take part in conversations with a fellow
14 named Morano regarding Benny Geritano?

15 A. Yes, I did.

16 Q. And in those conversations did you talk about the
17 possible murder of Geritano?

18 A. That Morano wanted to do Geritano?

19 Q. Yes?

20 A. Yes. Morano told me he wanted to kill Geritano.

21 Q. What was your reaction to that?

22 A. I said all right.

23 Q. Was that part of the New Springville Boys operation
24 or no?

25 A. Morano killing -- no.

1 Q. Was Geritano part of the New Springville Boys?

2 A. No.

3 Q. Was Morano?

4 A. No.

5 Q. But you were?

6 A. I wasn't part of the New Springville Boys.

7 THE COURT: Asked and answered. He said he
8 wasn't.

9 MR. GEDULDIG: Judge --.

10 THE COURT: Question.

11 MR. GEDULDIG: I'm trying to find my pages here.

12 BY MR. GEDULDIG:

13 Q. You pled guilty on July 17, 2002?

14 A. Yes.

15 Q. I will ask you to look at this. It is 3500-SM-10?

16 A. Which page, sir?

17 Q. I will ask you if you recognize that to be your
18 guilty plea on July 17, 2002?

19 MR. LIPTON: Judge, I believe asked and answered
20 and read.

21 THE COURT: I think so, too. I don't know what
22 the question is.

23 MR. GEDULDIG: What I'm going to do is ask to
24 introduce his guilty plea before the court on that day in
25 evidence.

1 MR. LIPTON: I think he already read it in,
2 Judge. We have no objection to that, if he wants to put
3 it in.

4 THE COURT: It is received. What is the number?

5 MR. GEDULDIG: I believe it is letter Q.

6 THE COURT: Defendant's letter Q is received in
7 evidence.

8 (Whereupon, Defendant's Exhibit Q was received
9 and marked in evidence, as of this date.) Next question.

10 MR. GEDULDIG: I think I might be done if I
11 could have a second.

12 (Pause)

13 that's it, Judge

14 THE COURT: Redirect.

15 MR. LIPTON: Thank you, Judge.

16 REDIRECT EXAMINATION

17 BY MR. LIPTON:

18 Q. Mr. Mangiavillano, let me show you what has been
19 marked as Government's Exhibit 3500-SM-1 for
20 identification?

21 May I approach, Judge?

22 THE COURT: You may.

23 Q. I ask you to look at that?

24 Do you recognize what that is.

25 A. A cooperation agreement.

1 Q. Whose cooperation agreement?

2 A. Me.

3 Q. Go to the last page.

4 Is that your signature.

5 A. Right down here, yes.

6 Q. When is that dated?

7 A. August 9, 2002.

8 MR. LIPTON: The government moves 3500-SM-1.

9 THE COURT: Mr. Geduldig?

10 MR. GEDULDIG: I have no objection.

11 THE COURT: Received.

12 (Whereupon, Government's Exhibit 3500-SM-1 was
13 received and marked in evidence, as of this date.)

14 BY MR. LIPTON:

15 Q. I ask you on page 2 can you indicate what the
16 penalties are for the crimes that you pled guilty to
17 pursuant to that cooperation agreement, what is the
18 maximum penalty that you are exposed to?

19 A. On Count One, violation of 18 U.S.C. 371, the maximum
20 term of imprisonment is five years.

21 Q. For the second count?

22 A. Count Two, 18 U.S.C. 1959, 85, maximum term of
23 imprisonment ten years.

24 Q. Turn to the top of page 3. Read the sentence the
25 first full sentence above the number three?

1 A. The sentence imposed on each count may run
2 consecutively and may also run consecutively to the
3 sentence imposed for the prior plea.

4 Q. So, how much total time are you looking at on this
5 plea?

6 A. Fifteen years.

7 Q. And what is the sentence imposed for the prior plea?

8 A. The sentence imposed on the prior plea is the plea
9 that I pled guilty to, the racketeering conspiracy, the
10 plea that I pled to the bank burglary, and the reentry
11 into the country, illegal reentry into the country.

12 Q. How much time are you facing on those charges?

13 MR. LIPTON: I will object. We already had this
14 on direct. He went through all of this.

15 THE COURT: This is in evidence now.

16 MR. GEDULDIG: Yes, but it has to be something
17 that relates. This is his plea agreement.

18 THE COURT: Right.

19 MR. GEDULDIG: I didn't introduce his plea
20 agreement. It is improper redirect, Judge. I didn't go
21 into the plea agreement.

22 THE COURT: Go ahead.

23 BY MR. LIPTON:

24 Q. How much time are you looking at on your prior plea
25 before this one?

1 A. Before that one, I was looking roughly altogether
2 about 16 years combined, if sentenced to consecutive
3 terms.

4 Q. Does your cooperation agreement spell out the terms
5 of your obligations?

6 A. Yes.

7 Q. Does it require you to tell the truth?

8 A. Yes.

9 Q. What happens if you lie?

10 A. I don't get no 5K1 and the judge could give me all of
11 the time and everything.

12 Q. How much time is that?

13 A. I'm facing, like I said, statutory, like 15 years
14 there, 15 years by guidelines there, 30 years for sure,
15 plus the judge could go up further than that. He could
16 upwardly depart.

17 Q. Now remember when defense counsel asked you questions
18 about Anthony Zaffarino?

19 A. Yes.

20 Q. Did you tell the government about all of your crime?

21 A. Yes, I did.

22 Q. And all of the people you did them with?

23 A. Yes.

24 Q. Does that include Anthony Zaffarino?

25 A. Yes, I did.

1 Q. Did the National Westminster Bank robbery involve
2 Anthony Zaffarino?

3 A. No. The National Westminster Bank was me, Beck,
4 Chris, Eddie. Us four robbed that bank.

5 Q. When did you meet Zaffarino?

6 A. In 1998 -- '97, I'm sorry, 1997.

7 Q. When did the National Westminster Bank robbery occur?

8 A. In February 1994.

9 Q. Is there any possibility, any doubt in your mind,
10 that Anthony Zaffarino was not a participant in that
11 robbery?

12 A. Anthony Zaffarino had no involvement with me in that
13 robbery. It was me, Eddie Boyle, Beck, and Chris.

14 Q. Now, if you did the robbery with Anthony Zaffarino,
15 would you still reach a benefit if you told the government
16 about that?

17 A. If I told them Anthony Zaffarino had done the robbery
18 with me?

19 Q. Correct?

20 A. Of course I would have had to tell the government the
21 truth. If I'm lying, I'm doing everything I have done for
22 nothing.

23 Q. Is there any benefit to you lying about who actually
24 participated in the robbery?

25 A. It would make things a lot worse for me. The only

1 way I could benefit is by telling the truth.

2 Q. Did defense counsel ask you questions about not
3 naming Eddie Boyle in the guilty plea?

4 A. Yes.

5 Q. Did you plead guilty to the crime of the National
6 Westminster Bank robbery?

7 A. Yes.

8 Q. Did the judge ask you what you did to make you
9 guilty?

10 A. Yes.

11 Q. Did you tell him?

12 A. Yes, I did.

13 Q. Did the judge ask you details about the robbery
14 itself?

15 A. No, he did not.

16 Q. Did he ask you about Eddie Boyle himself?

17 A. No, he did not.

18 Q. Did he ask you any other names?

19 A. No, he did not.

20 Q. To your understanding, did you have to name anyone
21 else in your guilty plea?

22 A. No, I did not.

23 Q. So you didn't have to name Eddie Boyle?

24 A. No.

25 Q. You didn't have to name Beck?

1 A. No, I couldn't name them because if I would have
2 named them, I would have been called a cooperater by them.
3 Once they got my transcript, they would say he's a rat; he
4 told on us.

5 Q. At the time you pled guilty to that robbery, was it
6 public knowledge you were cooperating?

7 A. No.

8 Q. And did you plead guilty in secret or in open court?

9 A. In secret.

10 Q. What would happen if you would have named Eddie
11 Boyle, like defense counsel suggested?

12 MR. GEDULDIG: Objection.

13 THE COURT: Sustained.

14 A. He would have called me a rat.

15 THE COURT: No, no, sustained.

16 BY MR. LIPTON:

17 Q. And did the judge accept your guilty plea?

18 A. Yes, he did.

19 Q. Defense counsel had asked you questions about
20 individuals that you provided information about that are
21 in jail?

22 Do you remember those questions.

23 A. Yes.

24 Q. Pursuant to your cooperation agreement, did you
25 provide information on all of the crimes that you did?

1 A. Every crime that I committed.

2 Q. And all of the people that you did them with?

3 MR. GEDULDIG: Objection, asked and answered,
4 Judge.

5 THE COURT: I think so.

6 BY MR. LIPTON:

7 Q. How many people would you say you provided
8 information
9 on --

10 THE COURT: Sustained.

11 BY MR. LIPTON:

12 Q. Are all of the people that you provided information
13 on in prison, to your knowledge?

14 A. Most of them are, some.

15 Q. How about before you gave the information?

16 A. Some of them weren't. Now most of them are.

17 Q. Have you testified against other individuals besides
18 this trial?

19 A. Yes, I have.

20 Q. Who have you testified against?

21 MR. GEDULDIG: Objection, Judge.

22 THE COURT: I testified against Peter Gotti.

23 MR. GEDULDIG: This is not part of cross.

24 MR. LIPTON: Judge, he went into --.

25 THE COURT: Sustained.

1 BY MR. LIPTON:

2 Q. To your understanding, do you need to testify in this
3 trial to get a 5K1 letter from the government?

4 A. No, I do not.

5 Q. Does the outcome of this trial have any affect on
6 your cooperation, to your understanding?

7 A. No, it does not.

8 Q. Do you still get at 5K1 letter from the government as
9 long as you comply with your obligations, even if this
10 case didn't exist?

11 A. Yes, that's correct.

12 Q. When was the last time you saw or spoke with Chris
13 Ludwigsen?

14 A. The last time I spoke to Chris Ludwigsen I would say
15 is when I was in Canada in around early '99.

16 Q. That was before you started cooperating with the
17 government?

18 A. Way before.

19 Q. Do you have any idea who is testifying in this trial
20 besides yourself?

21 A. No, I do not.

22 Q. Have you had any contact with Chris Ludwigsen, either
23 directly or indirectly, since you have been in prison?

24 A. No, I have not.

25 Q. Do you recall defense counsel asked you questions

1 about the New Springville Boys crew and indictment?

2 A. That's correct.

3 Q. Did you plead guilty as a member of the New
4 Springville Boys crew?

5 A. No. I pled guilty to conspiring with members of the
6 New Springville Boys crew.

7 Q. Did you commit crimes with members referred to as New
8 Springville Boys crew?

9 A. Yes, I did.

10 Q. Who were some of the people you committed crimes
11 with?

12 A. Danny Costanza, Lee D'Avanzo, Beck, "Ned the Head,"
13 among others. Rob McIvor was my codefendant in Delaware.

14 Q. Did you commit crime with people outside the New
15 Springville Boys crew?

16 A. Yes.

17 THE COURT: Come on, let's rap this up.

18 MR. LIPTON: I'm sorry, Judge?

19 THE COURT: Let's rap this up.

20 MR. LIPTON: Yes, Judge.

21 BY MR. LIPTON:

22 Q. So the people in the New Springville Boys crew are
23 not the only ones you committed crimes with?

24 A. No.

25 Q. Did you only provide information on people that were

1 committing crimes that you knew of -- let me withdraw
2 that.

3 Did you provide any information on people in
4 jail for the crimes that they did not commit.

5 A. Yes, I did.

6 Q. So, are you aware of your duty to provide truthful
7 information about everybody?

8 A. About everybody, whether a person is innocent or
9 guilty, I still have to provide truthful information.

10 Q. Now you are on bail; is that correct?

11 A. That's correct.

12 Q. And you are in what is called WitSec?

13 A. That's correct.

14 Q. What is WitSec?

15 A. It is known to the public as the Witness Protection
16 Program.

17 Q. Do you have certain bail conditions?

18 A. Yes, I do.

19 Q. Are you allowed to be in contact with members from
20 your criminal past?

21 A. No, I am not.

22 Q. Is that part of the requirements of being in WitSec?

23 A. Yes, it is.

24 Q. Are you aware of the bail conditions of other people
25 who are cooperating with the government?

1 A. No, I am not.

2 Q. Are you aware of Gerard Bellafiore in the Witness
3 Security Program?

4 A. No, I'm not aware of where his whereabouts are.

5 Q. Now, what happens if you break one of the conditions
6 of your cooperation agreement when out on bail?

7 THE COURT: That's been asked and answered.
8 That's in the exhibit that is in evidence now, the plea
9 agreement.

10 MR. LIPTON: I am saying about the bail
11 conditions, not the cooperation agreement, your Honor.

12 THE COURT: All right.

13 BY MR. LIPTON:

14 Q. To your understanding being out on bail, what happens
15 if you break the condition of your cooperation agreement?

16 A. The government doesn't need to hold a hearing to have
17 me brought back to jail. The government tells me to come
18 back to jail, I must agree.

19 Q. Is everything you testified about today the truth?

20 A. Yes, it is.

21 THE COURT: Sustained.

22 MR. LIPTON: Thank you, Judge. Nothing further.

23 THE COURT: Recross.

24 RE-CROSS-EXAMINATION

25 BY MR. GEDULDIG:

1 Q. Let me ask you, you were just asked some questions on
2 redirect by Mr. Lipton about the New Springville Boys?

3 A. Yes.

4 Q. Do you have a membership in that group, right?

5 A. That's correct.

6 Q. I ask you if you recall these questions and giving
7 these answers on July 17, 2002 when you pled guilty, page
8 10, line 7:

9 "Question: The plea agreement says that in
10 Count One you are charged with, as I heard you say before
11 we went on the record, a RICO or racketeering conspiracy,
12 more specifically you are charged with being a member of a
13 group that the prosecutor describes as the New Springfield
14 Boys, and various members of the group are named in Count
15 One of the indictment. I know you read it.

16 The New Springville Boys is described in the
17 indictment as being an enterprise or a group of people
18 who are associated in fact, that engaged in activities,
19 that had an affect on interstate commerce, and those
20 activities were -- excuse me, and that you knowingly and
21 intentionally conspired or agreed with the other members
22 to participate in a pattern of criminal activity as part
23 of the activities of what the prosecutor calls the New
24 Springville Boys.

25 More specifically, you are charged in connection

1 with the guilty plea or the plea agreement with
2 participating in two conspiracies or agreements to commit
3 robberies, one of the National Westminster Bank on Fifth
4 Avenue in Brooklyn, New York, and one at the Chemical Bank
5 in Brooklyn, New York.

6 You are charged with both conspiring or agreeing
7 with others to commit those robberies and with actually
8 committing those robberies. You are also charged with
9 knowingly and intentionally transporting checks and money
10 of a value of more than \$5,000, more specifically
11 approximately \$47,000.

12 THE COURT: We have a question?

13 MR. GEDULDIG: Well, it is a long
14 question. I'm almost at the bottom

15 THE COURT: It really is.

16 MR. GEDULDIG: That's the way the judge is
17 speaking. What can I tell you, Judge.

18 In cash and money instruments stolen from the
19 night deposit box of the Chumang Canal Trust Company in
20 Horse Heads, New York, and you are charged with doing all
21 of these things as part of the criminal activity you
22 participated in as a member of a group of men who
23 associated with each other and were called the New
24 Springville Boys by the prosecution, at least.

25 Do you understand what you are accused of in

1 Count One?

2 "Answer: Yes, I do, your Honor."

3 So you understood that question, right.

4 A. Yes.

5 Q. And you pled guilty to that count, right?

6 A. Yes.

7 THE COURT: Okay. You can step down.

8 MR. LIPTON: Could I ask him one quick question?

9 THE COURT: No. One direct, one cross, one
10 redirect, one recross.

11 You can step down.

12 THE WITNESS: Thank you, your Honor.

13 THE COURT: Do you have another witness?

14 MR. LIPTON: Yes, we do, Judge. The government
15 calls Cindy Peil.

16 THE COURT: Just a second.

17 I will give you your afternoon nature break now.

18 (The jury leaves the courtroom for a recess at
19 3:30 p.m.)

20 (Judge Johnson enters the courtroom at
21 3:45 p.m.)

22 THE COURT: Now, as I understand it, you guys
23 wanted to do summations tomorrow? You will finish
24 tomorrow?

25 MR. SEIGEL: We'll finish probably early morning

1 tomorrow, Judge. We need to have a charging conference.

2 THE COURT: After you are finished, we'll have a
3 charge conference, then you have the summation and charge
4 on Wednesday.

5 MR. SEIGEL: If that's okay with the court.

6 THE COURT: Okay.

7 MR. GEDULDIG: I'm happy with that.

8 MR. SEIGEL: We'll sum up tomorrow, Judge.

9 THE COURT: It is all right with me.

10 MR. LIPTON: I would like to have the charge
11 conference before summation.

12 THE COURT: We are going to have the charge
13 conference before.

14 MR. LIPTON: And it is a question whether you
15 want to have the jury hang around and wait.

16 THE COURT: I will let them go.

17 Bring them In, Augie.

18 (The jury enters the courtroom at 3:47 p.m.)

19 THE COURT: Have a seat, ladies and gentlemen.
20 Let me give you some good news.

21 Well, first of all, Augie, swear the witness in.

22 MR. LIPTON: The government calls Cindy Peil

23 C I N D Y P E I L,

24 called as a witness, having been first
25 duly sworn,

1 testifies as follows:

2 The court clerk: Please state and spell your
3 name for the record.

4 THE WITNESS: Cindy Peil, C-i-n-d-y, P-e-i-l.

5 THE COURT: The good news is that a three to
6 four weeks trial we'll finish probably you will have it
7 Wednesday.

8 We'll finish up tomorrow and have it in your
9 hands Wednesday, and you can get rid of me.

10 Go ahead.

11 DIRECT EXAMINATION

12 BY MR. LIPTON:

13 Q. Who do you work for, Ms. Peil?

14 A. The Federal Bureau of Investigation.

15 Q. For how long?

16 A. Fourteen years.

17 Q. What is your current title?

18 A. I'm a Special Agent.

19 Q. What is your current assignment?

20 A. I'm assigned to Squad C-16, the criminal branch, and
21 we investigate the Gambino organized crime family.

22 MR. GEDULDIG: Could she speak a little louder,
23 Judge?

24 THE WITNESS: I will.

25 Q. How long have you been assigned to investigate the

1 Gambino organized crime family?

2 A. Since August of 2001.

3 Q. Where were you assigned before then?

4 A. I was assigned to Squad C-31 on the violent crime
5 branch, and Squad C-31 investigates truck highjackings,
6 illegal shipments, and other crimes.

7 Q. How long were you assigned there?

8 A. From about March of 1995.

9 Q. What is the Gambino organized crime family?

10 A. It is one of the five Mafia families in New York
11 City.

12 Q. What are your duties and responsibilities as an FBI
13 special agent for that squad?

14 A. We investigate violation of federal laws committed by
15 Gambino family members and associates.

16 Q. How many organized crime cases have you participated
17 in the investigation of?

18 A. Dozens.

19 Q. How many of those cases have involved bank burglaries
20 and bank robberies?

21 A. Four.

22 Q. When did you first start investigating cases
23 involving bank burglaries and robberies?

24 A. In approximately 1998 or 1999.

25 Q. And how many people were the target or subject of

1 those investigations, all total?

2 A. In excess of 40.

3 Q. And how many indictments involving bank burglaries
4 and robberies have resulted from those investigations?

5 A. Four.

6 Q. Does one of them include Eddie Boyle?

7 A. Yes, it does.

8 Q. Which one?

9 A. The present one.

10 Q. Is that which one in number of the four?

11 A. The last one, the most recent one.

12 Q. When did you first learn of Eddie Boyle?

13 A. In approximately 1998, 1999.

14 Q. What was your role or what is your role in
15 investigation of the case involving Eddie Boyle?

16 A. I am the co-case manager.

17 Q. What is a case agent?

18 A. A case agent is responsible for the investigation and
19 administrative duties assigned associated with the case.

20 Q. Who is the co-case agent with you?

21 A. Special Agent Ted Otto.

22 Q. Mr. Otto sitting here?

23 A. Yes.

24 Q. And you mentioned four indictments involving bank?

25 A. Yes.

1 Q. Were those cases all brought at one time?

2 A. No, they weren't.

3 Q. Why not?

4 A. The cases were brought --.

5 MR. GEDULDIG: I will object to her explanation
6 as to why something was or was not done.

7 THE COURT: It's his witness. I don't know why
8 she's testifying to it. Go ahead.

9 A. The cases were brought as the information came to us
10 and we were able to develop it.

11 Q. In general, how did you get the information to charge
12 the people in the bank cases initially?

13 A. From cooperating witnesses.

14 Q. What is a cooperating witness?

15 A. It is someone who has knowledge of criminal activity,
16 who decides to help the government, talk to the
17 government.

18 Q. How did you get the information that lead to the
19 charges against Eddie Boyle?

20 A. From three cooperating witnesses, primarily Chris
21 Ludwigsen, Sal Mangiavillano, and Gerard Bellafiore.

22 Q. Before those individuals provided information to the
23 government, had they been charged themselves?

24 A. They had.

25 Q. And how did you learn about the information that lead

1 to their arrest and indictment?

2 A. From other cooperating witnesses.

3 Q. Let me turn your attention to June 27 of 2000.

4 Did you participate in executing an arrest
5 warrant on that date.

6 A. I did.

7 Q. For whom?

8 A. Gerard Bellafiore.

9 Q. Where did you execute that arrest warrant?

10 A. At his home in Boca Raton, Florida.

11 Q. Did you also participate in executing a search
12 warrant at that location?

13 A. I did.

14 Q. What was searched?

15 A. His home and his vehicles.

16 Q. Did you seize any items from his home and his
17 vehicles?

18 A. We did.

19 Q. What did you seize?

20 A. We seized a variety of documents, a chain, a crowbar,
21 a fishing graff, among other things.

22 MR. LIPTON: Your Honor, may I approach?

23 THE COURT: You may.

24 Q. Let me show you what has been marked Government's
25 Exhibit 20.

1 That's I believe in your book.

2 I ask if you recognize what is in that
3 photograph.

4 A. I do.

5 Q. What is that?

6 A. It is the chain, the graff hook, and some like double
7 bags of things in the trunk of his car.

8 Q. And was that one of the cars that was searched?

9 A. Yes.

10 Q. Does it fairly and accurately show how those tools
11 looked back then?

12 A. It does.

13 MR. LIPTON: The government moves Exhibit 20.

14 MR. GEDULDIG: No objection.

15 THE COURT: Received.

16 (Whereupon, Government's Exhibit 20 was received
17 and marked in evidence, as of this date.)

18

19 MR. LIPTON: May it be published, your Honor?

20 THE COURT: It may.

21 Q. Describe what we are seeing in this photograph,
22 Government's Exhibit 20?

23 A. In the right-hand part of the picture in the trunk is
24 the graff hook. To the left of that is the chain with the
25 hooks. Then the double bags are just placed in there,

1 also.

2 Q. Are those the items that were shown in this trial
3 earlier?

4 A. Yes.

5 Q. Now, let me turn your attention to November 27, 2000.
6 What happened on that date.

7 A. Gerard Bellafiore we had a proffer session with
8 Gerard Bellafiore.

9 Q. What is a proffer session?

10 A. It is a meeting where information is exchanged.

11 Q. Was the that the first one that Gerard Bellafiore had
12 with the government?

13 A. Yes.

14 Q. Did you have additional meetings with him before he
15 signed his cooperation agreement?

16 A. Yes, we did.

17 Q. At those meetings did you ask him about crimes?

18 A. We did.

19 Q. What types of crimes?

20 A. All of the crimes he committed crimes he knew about
21 other people committing, generally everything he knew
22 about.

23 Q. After he signed his cooperation agreement did you
24 continue to meet with him?

25 A. We did.

1 Q. Did you start to get the details of those crimes?

2 A. Yes.

3 Q. How many banks would you say you covered,
4 approximately?

5 A. We covered close to a hundred banks, if not maybe a
6 little bit more than a hundred banks.

7 Q. Did it take sometime to sort through those details?

8 A. Yes, it did.

9 Q. How many meetings did you have with him to sort
10 through those details?

11 A. Probably 50 or more.

12 Q. In general, what did you try to do with the
13 information you obtained from Gerard Bellafiore?

14 A. We tried to corroborate the information he gave us.

15 Q. What does that mean?

16 A. It means to obtain independent evidence of the
17 information he had given us.

18 Q. Why did you try to do that?

19 A. To see if he was being truthful.

20 Q. In general, what sort of things did you try to do to
21 corroborate his information?

22 A. We tried to get records and documents and police
23 reports, and just other corroborative evidence.

24 Q. Were you able to find records for everything that he
25 told you about?

1 A. No.

2 Q. Why not?

3 A. Because due to the passage of time, sometimes the
4 records are just not available any longer. Also in the
5 case of some of the banks, if they didn't suffer a loss or
6 damage to the box wasn't severe, they didn't necessarily
7 know that they had been hit, and they didn't record it, so
8 it went unrecorded.

9 Q. Were you able to identify all of the banks right
10 away?

11 A. No.

12 Q. What did you try to do to identify the banks that
13 were in the area?

14 A. We decided to apply for a Takeout Order.

15 Q. What is a takeout order?

16 A. An order issued by a judge which allows us to take a
17 prisoner out of jail for the purpose of assisting in an
18 investigation.

19 Q. Did the judge grant the order?

20 A. Yes.

21 Q. Did you take Gerard Bellafiore out of jail?

22 A. We did.

23 Q. How many times?

24 A. Three different times.

25 Q. When was that?

1 A. In June of 2001.

2 Q. How long were you out with him each day?

3 A. All day, from early in the morning until late in the
4 evening.

5 Q. Did you take him back to the jail at the end of the
6 day?

7 A. Yes, we did.

8 Q. How many agents were with Mr. Bellafiore?

9 A. Three, including myself.

10 Q. Was he handcuffed at all times?

11 A. Yes.

12 Q. Did you locate many of the banks he told you about?

13 A. Yes.

14 Q. How did you find them?

15 A. Mr. Bellafiore directed us to the bank.

16 Q. And how many banks did he show you in total on those
17 takeout orders?

18 A. I think we covered I think about 40 banks on those
19 three days.

20 Q. Did that include any bank that he burglarized with
21 Eddie Boyle?

22 A. Yes.

23 Q. Where did you go the first day?

24 A. The first day we went to the State of New Jersey.

25 Q. When you got to New Jersey, how did you know where to

1 go?

2 A. Mr. Bellafiore told us where to go, told us the roads
3 to take, where to get off, where to turn, and took us
4 right to the bank.

5 Q. What were the banks in New Jersey that he directed
6 you to?

7 A. We went to the Shrewsbury State Bank, the Summit Bank
8 in Hillside, a few banks on 22, and some banks in northern
9 New Jersey, among others.

10 Q. Let me turn your attention to Shrewsbury State Bank?

11 Your Honor, may I approach?

12 THE COURT: You may.

13 Q. Thank you.

14 Let me show you Government Exhibit 1D that is in
15 evidence.

16 Could you see that.

17 A. I think so, yes.

18 Q. You mentioned Shrewsbury State Bank?

19 A. Yes.

20 Q. Is that the bank that you mentioned earlier?

21 A. Yes, it is.

22 Q. Did he tell you -- I'm sorry. I just want to make
23 sure you saw it.

24 Did he tell you how he knew about that bank.

25 A. Yes. He had discovered that bank on his travels to

1 Ray Catena Lexus, which is near the bank.

2 Q. And what did he tell you about Ray Catena Lexus?

3 A. He had been released to a halfway house, and while in
4 a halfway house he had leased a car from Ray Catena.

5 Q. Let me show you on the screen what is already in
6 evidence as Government 15E.

7 What is that.

8 A. This is a picture of Shrewsbury State Bank, a recent
9 picture.

10 Q. Did you take that photograph?

11 A. I did.

12 Q. When did you take it?

13 A. On the date we were out on the takeout order, I think
14 June 19 of 2001.

15 Q. Did you know anything about this bank attempt before
16 Mr. Bellafiore told you about it?

17 A. No.

18 Q. Did you do anything with the information that he gave
19 you about the Lexus dealership?

20 A. We did.

21 Q. What did you do?

22 A. I obtained records from Ray Catena Lexus.

23 Q. Let me show you what has been marked as Government's
24 Exhibit 28.

25 I believe that's in your book.

1 May I approach, your Honor?

2 THE COURT: You may.

3 Q. I ask if you recognize what that is?

4 A. I do.

5 Q. What is that?

6 A. It is a State of New Jersey Department of the
7 Treasury Division of Taxation, a motor vehicle dealer
8 sales and use tax exemption report.

9 Q. Where did you receive that record from?

10 A. From Ray Catena Lexus.

11 Q. Does it appear in the same or similar condition as
12 when you received it?

13 A. Yes, it does.

14 MR. LIPTON: The government moves 20H into
15 evidence.

16 MR. GEDULDIG: No objection.

17 THE COURT: Received.

18 (Whereupon, Government's Exhibit 20H was
19 received and marked in evidence, as of this date.)

20 MR. LIPTON: May I publish it, your Honor.

21 THE COURT: You may.

22 BY MR. LIPTON:

23 Q. Can you see that okay?

24 A. Yes.

25 Q. When was -- what vehicle was purchased, first of

1 all, sorry?

2 A. It is a Lexus LS400, 1998 year. It is four-door,
3 silver in color, and it was leased.

4 Q. And who leased this vehicle?

5 A. Patricia D'Angelo on September 22 of 1998.

6 Q. In the course of your investigation, did you learn
7 who Patricia D'Angelo was?

8 A. Yes. She's Gerard Bellafiore's wife.

9 Q. On the top it shows Ray Catena Lexus?

10 A. Yes.

11 Q. What is the address?

12 A. 2135 Highway 35 in Oakhurst, New Jersey, 07755.

13 Q. Now, did you do anything with the information that
14 Mr. Bellafiore gave you about the halfway house?

15 A. Yes.

16 Q. What did you do?

17 A. We obtained records from the halfway house.

18 Q. Let me show you what has been marked as Government's
19 Exhibit 29.

20 May I approach, your Honor?

21 THE COURT: You may.

22 Do you recognize what that is.

23 A. I do.

24 Q. What is that?

25 A. It is a document from the Brooklyn Community

1 Correction Center.

2 Q. That's one of the records that you obtained?

3 A. Yes.

4 Q. The same or similar condition as when you obtained
5 it?

6 A. It is.

7 MR. LIPTON: The government moves 29 in
8 evidence.

9 MR. GEDULDIG: No objection.

10 THE COURT: Received.

11 (Whereupon, Government's Exhibit 29 was received
12 and marked in evidence, as of this date.)

13 MR. LIPTON: I would like to read a stipulation
14 and publish it to the jury.

15 It is hereby stipulated and agreed by and
16 between the United States of America by Assistant United
17 States Attorneys Joey Lipton and Thomas J. Seigel, and the
18 defendant Edmund Boyle, also known as "Edward" and
19 "Eddie," by his attorney Martin Geduldig, Esq., that:

20 Two. If called as a witness, a representative
21 of Brooklyn Community Correction Center, 988 Myrtle
22 Avenue, Brooklyn, New York, would testify that Government
23 Exhibit 29 is a true and accurate record from Brooklyn
24 Community Correction Center.

25 The witness would testify that the record shows

1 that Gerard Bellafiore was designated to Brooklyn
2 Community Correction Center, a halfway house facility,
3 from August 18, 1998 to December 11, 1998.

4 That was Government Exhibit 42. He said that
5 before reading it is.

6 MR. LIPTON: May I publish this, your Honor.

7 THE COURT: You may.

8 Q. This is the record that you just described?

9 A. It is.

10 Q. And I don't think you need to read it but if you are
11 able to identify where on the record?

12 A. At the bottom the last paragraph.

13 Q. Yes?

14 A. Do you wanted me to read that.

15 Q. If you can read the first and last sentence?

16 A. Resident Bellafiore, Gerald, registration number
17 39676-053 entered the facility on 8/18/98.

18 Resident Bellafiore, Gerald, is due to be
19 released on 12/11/98. This is due to G.C.D..

20 Q. Okay.

21 Does Mr. Bellafiore give you any other
22 information about the bank, Shrewsbury State Bank.

23 A. Yes.

24 Q. What did he tell you?

25 A. That the night deposit box has been changed.

1 Q. Did you do anything with the information he gave you
2 about the box being changed?

3 A. Yes.

4 Q. What was that?

5 A. He contacted our office in Red Bank, New Jersey, to
6 see if they had any reports of that bank either being
7 burglarized or attempting to burglarize that bank.

8 Q. Did you learn if an attempt has been made?

9 A. Yes.

10 Q. What was the date of the attempted burglary?

11 A. September 28 1998.

12 Q. Did the FBI receive any photographs from the scene of
13 the attempted burglary of the Shrewsbury State Bank?

14 A. Yes, we did.

15 Q. Let me show you what has been previously marked, and
16 I believe this is in evidence, your Honor, but we haven't
17 shown it yet, Government Exhibit 15C and 15D.

18 May I approach, your Honor?

19 THE COURT: You may.

20 Q. I will ask if you recognize what these two
21 photographs are?

22 A. I do.

23 Q. What are they?

24 A. They are pictures of a pry bar that were recovered at
25 the scene of this attempted burglary.

1 Q. Same picture, same pry bar, two different pictures?

2 A. Correct.

3 MR. LIPTON: The government moves -- I think it
4 is moved and I ask to publish it, your Honor.

5 THE COURT: You may. They are received.

6 BY MR. LIPTON:

7 Q. What are they?

8 A. This is the pry bar, two different pictures of it.

9 Q. In the course of your investigation, did you become
10 familiar with that type of tool?

11 A. Yes.

12 Q. What was it used for?

13 A. It is used to pry the night deposit box off the wall
14 of the bank.

15 Q. Let me turn your attention to Summit Bank.

16 Can you see that on the map.

17 A. Yes.

18 Q. Government Exhibit 1B?

19 A. Yes.

20 Q. Actually, let me show you the next photograph which
21 is in evidence as Government's Exhibit 14B?

22 Do you recognize what is on the screen.

23 A. Yes, I do.

24 Q. Did you take that photograph?

25 A. I did.

1 Q. When did you take that?

2 A. The same day as we took the Shrewsbury State Bank
3 photograph. It was the first take out order day and it
4 was June 19, 2001.

5 Q. And when did you find this bank on that day?

6 A. This is the last bank that Mr. Bellafiore directed us
7 to on that day.

8 Q. Did you know anything about that bank being
9 burglarized before Mr. Bellafiore told you about it?

10 A. No.

11 Q. Did he tell you about burglarizing this bank?

12 A. He did.

13 Q. Did he tell you what cars were used?

14 A. Yes.

15 Q. What did he tell you?

16 A. In addition to I believe his Lexus, Eddie Boyle
17 rented a car from Newark Airport that was used on this
18 burglary.

19 Q. Did he give you the time frame when the bank was
20 burglarized?

21 A. The time between his halfway house stay and before he
22 went to Florida.

23 Q. Do you know when he moved to Florida?

24 A. In the winter of 1999, I believe February or March.

25 Q. What did you do with the information Mr. Bellafiore

1 gave you about the bank being burglarized?

2 A. Contacted our office in Newark, New Jersey to see if
3 they had any reports of this bank suffering a burglary.

4 Q. What did you learn?

5 A. That they did.

6 Q. When was that burglary? What date was that burglary?

7 A. January 9 this of 1999.

8 Q. Now, did the FBI obtain any records in connection
9 with that bank?

10 A. We did.

11 Q. What record?

12 A. From Hertz Rental Car.

13 Q. Let me show you what has been marked as Government's
14 Exhibit 34.

15 May I approach, your Honor?

16 THE COURT: You may.

17 MR. LIPTON: Thank you.

18 BY MR. LIPTON:

19 Q. Showing you this, I ask you if you recognize what
20 that is?

21 A. I do.

22 Q. What is that?

23 A. It is an informational print for rental record that
24 gives an account number and it is from Hertz Rental Car.

25 Q. Is it in the same or similar condition when you

1 received it?

2 A. It is.

3 MR. LIPTON: The government moves 34.

4 THE COURT: Any objection?

5 MR. GEDULDIG: No objection.

6 THE COURT: Received.

7 (Whereupon, Government's Exhibit 34 was received
8 and marked in evidence, as of this date.)

9 MR. LIPTON: Thank you, Judge. May we publish?

10 THE COURT: You may.

11 MR. LIPTON: We have a stipulation regarding
12 this.

13 Number seven on Government Exhibit 42:

14 If called as a witness, a representative of
15 Hertz at Newark International Airport, Newark, New Jersey,
16 would testify that Government Exhibits - and that's 34
17 and 35 and 36 - are true and accurate records from Hertz.

18 The witness would testify that Government
19 Exhibit 34 shows that on January 9, 1999, at 3:55 a.m., A
20 Ford Winstar van was rented with 14,444 miles on the
21 odometer from Hertz with a platinum card from American
22 Express with the name Edmund Boyle.

23 The witness would testify that Government
24 Exhibit 34 shows that the Ford Winstar van was returned on
25 January 9, 1999 at 4:51 a.m., with 14,455 miles on the

1 odometer and paid for in cash.

2 I will just have you go through and ask you
3 which record -- who rented this car according to this
4 record.

5 A. Edmund Boyle.

6 Q. What is the address given?

7 A. 824 59th Street in Brooklyn, New York.

8 Q. In the course of your investigation, had you become
9 familiar with that location?

10 A. Yes.

11 Q. What did you learn?

12 A. It is an address that Mr. Boyle uses.

13 Q. Are you aware of any other places where he resides?

14 A. Yes. He actually resides at 1208 85th Street in
15 Brooklyn.

16 Q. All right.

17 MR. GEDULDIG: I can't hear.

18 THE COURT: Keep your voice up again.

19 THE WITNESS: I will.

20 BY MR. LIPTON:

21 Q. Where else did you learn that he resided?

22 A. 1208 85th Street in Brooklyn.

23 Q. Now, does this record indicate that a credit card was
24 used?

25 A. Yes.

1 Q. Which credit card?

2 A. American Express card.

3 Q. Does this record indicate the car?

4 A. Yes, it does.

5 Q. What is Wind?

6 A. It is a Winstar mini van.

7 Q. And does it indicate how many miles in?

8 A. Actually the mileage out was 14,444 miles.

9 Q. Is that the mileage once they take it out of the
10 dealership?

11 A. That's leaving the rental agency.

12 Q. And what's the one above it?

13 A. Returning, the mileage in is 14,455 miles.

14 Q. Let me show you the next column. Does this indicate

15 --

16 THE COURT: 454 miles?

17 THE WITNESS: 14,455 miles.

18 THE COURT: So he only did 11 miles on it?

19 THE WITNESS: That's right.

20 Q. Does this show what date?

21 A. Yes. It was rented on January 9 of 1999 at 3:55 in
22 the morning.

23 Q. When was it returned?

24 A. It was returned on January 9 of 1999 at 4:51 in the
25 morning.

1 Q. Does it indicate what type of American Express card
2 was put down?

3 A. It is a Platinum card.

4 Q. Is that here?

5 A. Yes.

6 Q. And does it have an indication as to miles driven?

7 A. Yes. On the right-hand side, driven 11, that's for
8 the miles driven.

9 Q. Does this indicate whether or not it was paid in
10 cash?

11 A. It does.

12 Q. How do you know that?

13 A. At the end here it shows that he paid in cash and got
14 one cent change.

15 THE COURT: One cent change?

16 THE WITNESS: Yes, a penny.

17 BY MR. LIPTON:

18 Q. Where was this car rented from, according to this
19 record?

20 A. Where was it rented from?

21 Q. Where was it rented from?

22 A. Newark Airport, Hertz.

23 Q. I don't think I asked you, I'm sorry, the license
24 plate number. Can you see that?

25 A. Yes. Right in this column, New York license plate,

1 the license is W367E, as in Edward, V, as in Victor.

2 Q. Did the FBI also obtain surveillance videos from
3 Hertz?

4 A. Yes, we did.

5 Q. Let me show you what has been marked for
6 identification as Government's Exhibit 13A through G.

7 May I approach, your Honor?

8 THE COURT: You may.

9 Q. I ask you if you recognize what those are?

10 A. Yes, I am.

11 Q. What are they?

12 A. They are still shots of a surveillance video at the
13 Hertz rental counter at Newark Airport.

14 Q. On what date?

15 A. On January 9, 1999.

16 Q. Do you recognize the individuals in those
17 photographs?

18 A. I do.

19 Q. Who are they?

20 A. Edmund Boyle and John Micali.

21 Q. Did you have an opportunity to observe them in the
22 course of your investigation?

23 A. I did.

24 Q. Are you familiar with what they looked like?

25 A. I am.

1 Q. Judge, could we read a stipulation?

2 THE COURT: Go ahead.

3 MR. LIPTON: Thank you. This is actually we
4 don't need it there's a stipulation but it is on a
5 different sheet. We just move those.

6 THE COURT: It is received.

7 BY MR. LIPTON:

8 Q. Who do you recognize those individuals to be?

9 A. The person on the right of the screen is Edmund
10 Boyle. The person on the left is John Micali.

11 Q. Where do they appear to be?

12 A. This is the rental counter at the Hertz Rental Car
13 Agency at Newark Airport.

14 Q. Let me show you the next photograph.

15 A. The same two individuals.

16 Q. Next one, please?

17 A. The same two.

18 Q. The last one?

19 A. And that's Edmund Boyle.

20 Q. Okay.

21 Now, is there a time on the screen.

22 A. There is.

23 Q. And what do the rental records show?

24 A. The rental records show that the car was rented at
25 3:55 in the morning.

1 Q. Is that the same time as on the video picture?

2 A. No. The video is an hour off.

3 Q. Have you become familiar with surveillance videos in
4 the course of investigating this and other crimes?

5 A. Yes, I have.

6 Q. In your experience, are you aware of what accounts
7 for that hour discrepancy?

8 A. Yes. It is either Daylight Savings or Eastern
9 Standard Time the video clock not being changed.

10 Q. So which time is accurate?

11 A. The time on the printed form, 3:55, that's the time
12 that is accurate enough. It is the time that Hertz uses
13 to calculate the billing.

14 Q. Let me see the next photograph, please, 13E.

15 What is that.

16 A. This is a shot of the license plate on that vehicle
17 leaving the parking lot.

18 Q. Same license plate as you read from the record?

19 A. Yes.

20 Q. This is the vehicle rented by Eddie Boyle?

21 A. Correct.

22 Q. Go to the next one -- actually, go to the next one.

23 Who is that.

24 A. Edmund Boyle.

25 Q. And the one before, that same individual?

1 A. Same person.

2 Q. And is the time discrepancy they described in the
3 other photographs the same for these pictures?

4 A. Yes.

5 Q. Now, are you familiar with Newark Airport?

6 A. Yes, I am.

7 Q. Do you know approximately how far it is from Summit
8 Bank in Government's Exhibit 1B?

9 A. Yes. One way it is about approximately six miles.

10 Q. Now, did you take Mr. Bellafiore out of prison a
11 second time?

12 A. Yes, we did.

13 Q. Where did you go the second time?

14 A. We went to primarily Long Island.

15 Q. Once you got to Long Island how -- how did you know
16 where to go?

17 A. Once again, Mr. Bellafiore directed us, told us what
18 roads to take, where to turn, took us to the banks he had
19 knowledge of burglaries.

20 Q. What are some of the banks you saw out in Long
21 Island?

22 A. The Bank of Smithtown, the Fleet Bank in Northport,
23 First National Bank of Long Island in Northport, a Chase
24 Bank in Fort Salonga, and also others.

25 MR. LIPTON: Your Honor, may I approach?

1 THE COURT: You may.

2 Q. Showing you what has been admitted into evidence as
3 Government's Exhibit 1B.

4 Do you recognize this.

5 A. I do.

6 Q. Are these some of the banks that you went to?

7 A. Yes.

8 Q. I believe you said there were others?

9 A. Yes, there were others.

10 Q. Did you take photographs when you went to these
11 banks?

12 A. Yes, we did.

13 Q. Now, did you know anything about the banks and
14 burglaries of those banks, before Mr. Bellafiore told you
15 about them?

16 A. Only the Fleet Bank in East Northport.

17 Q. That's the middle one at the top?

18 A. Yes.

19 Q. How did you know about that bank?

20 A. Because Thomas Dono and Ronnie Petrino and Eddie
21 Boyle had been arrested after burglarizing that bank in
22 November of '98.

23 Q. Did Mr. Bellafiore tell you about burglarizing or
24 attempting to burglarize the bank on Government's Exhibit
25 1B?

1 A. Yes, he did.

2 Q. And what did you do with the information that he gave
3 you about those banks?

4 A. I contacted our Long Island office, or the Nassau and
5 Suffolk County Police Departments, to see if there were
6 any records of these banks either being burglarized or
7 attempting to burglarize these banks.

8 Q. What did you learn?

9 A. That they were.

10 Q. Now, did Mr. Bellafiore tell you what cars he used to
11 commit those crimes?

12 A. Yes.

13 Q. What cars did he tell you?

14 A. While he was in the halfway house, he rented several
15 vehicles from Dollar Rent-a-Car on Coney Island Avenue in
16 Brooklyn.

17 Q. Did he give you a time frame as to when he rented
18 those cars?

19 A. Yes, while he was in the halfway house.

20 Q. What did you do with the information that he gave you
21 about the rental cars?

22 A. We obtained records from Dollar Rent-a-Car.

23 MR. LIPTON: May I approach, your Honor.

24 THE COURT: You may.

25 Q. Let me show you what has been marked as Government's

1 Exhibits 30A and B?

2 I ask you if you recognize what they are.

3 A. I do.

4 Q. What are they?

5 A. These are rental agreements from Dollar Rent-a-Car on
6 Coney Island Avenue in Brooklyn.

7 Q. Are those the records that you received?

8 A. Yes.

9 Q. Are they in the same or similar condition as when you
10 received them?

11 A. Yes, they are.

12 MR. LIPTON: The government moves 30A and 30B.

13 MR. GEDULDIG: No objection.

14 THE COURT: Received.

15 MR. LIPTON: Thank you.

16 (Whereupon, Government's Exhibits 30A and 30B
17 were received and marked in evidence, as of this date.)

18 May I publish, your Honor?

19 THE COURT: You may.

20 BY MR. LIPTON:

21 Q. What are we looking at here?

22 A. This is the customer information is on the top
23 section. These are cars rented by Gerard Bellafiord, 410
24 Eldingville Blvd., Staten Island.

25 Q. That's Bellafiord with a "d" on the end?

1 A. Yes.

2 Q. Is that one of the fake names that he used?

3 A. Yes.

4 Q. And that address 410 Eldingville, did you learn in
5 your investigation what that address was?

6 A. It was a residence of Gerard Bellafiore's.

7 Q. On the top does it say which Dollar it was rented
8 from?

9 A. Yes. It is the Dollar Rent-a-Car at 1200 Coney
10 Island Avenue in Brooklyn.

11 Q. Does this record show what car was rented?

12 A. Yes. Actually for the term of this agreement, there
13 were two vehicles rented. One was a tan Contour and the
14 other one was a maroon Malibu.

15 Q. What was the term of that agreement?

16 A. It went from August the 31 of 1998.

17 Q. Point this out, right here?

18 A. Yes, through October 13 of 1998.

19 Q. You indicated that there were two cars?

20 What was the first car.

21 A. It is a tan Contour.

22 Q. That appears to be written in?

23 A. Yes.

24 Q. Do you know who wrote that in?

25 A. The manager at the Dollar Rent-a-Car.

1 Q. Do you know why that was written in the vehicle
2 number 4295?

3 A. The computer doesn't give the information on the type
4 of car for that vehicle.

5 Q. What does this record indicate regarding those two
6 different vehicles?

7 A. That the tan Contour was rented first, and then at
8 some point it was swapped for the maroon Malibu.

9 Q. When it says replaced, is that what you are referring
10 to as a swap?

11 A. Yes. That car was replaced.

12 Q. What was the next car he got?

13 A. A maroon Malibu.

14 Q. Let me show you the next one. Same record as before?

15 A. Yes, for the most part.

16 Q. All right?

17 What name appears as the renter on this record.

18 A. The renter for this one is William G. Bellafiord.

19 Q. Once again, the nickname for Bellafiore?

20 A. Yes. Again it is 410 Eldingville Blvd. In Staten
21 Island.

22 Q. Does it show the time period of this rental
23 agreement?

24 A. This one spanned from October 13 of 1998 through
25 December 10 of 1998.

1 BY MR. LIPTON:

2 Q. Now, the banks of New York; what were the burglaries
3 or attempted burglaries of those banks?

4 Actually, let me ask you specifically about the
5 Bank of Smithtown and Bank of New York.

6 A. The Bank of Smithtown and Bank of New York were
7 burglarized or attempted to be burglarized on October the
8 12th of 1998.

9 Q. Then how about the Chase Bank and the First National
10 Bank of Long Island in your report?

11 A. Yes. Those occurred between October 23rd and 24th of
12 1998.

13 Q. These records are from October 13, 1998 to 12/10/98.
14 What cars does the record show were presented.

15 A. Maroon Contour.

16 Q. Once again, is that written in?

17 A. Yes.

18 Q. What car did that replace? What was replaced by that
19 car?

20 A. The black Le Sabre replaced the maroon Contour.

21 Q. Okay.

22 All those cars were rented during the time
23 period that Mr. Bellafiore was in the halfway house?

24 A. Yes.

25 Q. I think you mentioned two takeout orders. Was there

1 a third?

2 A. There was a third.

3 Q. Where was the third.

4 A. The third primarily covered the five boroughs,
5 Westchester a little bit.

6 Q. Let me turn your attention to the banks in Wisconsin.
7 Did you take Mr. Bellafiore out of jail for
8 those banks?

9 A. No, we didn't.

10 Q. Why not?

11 A. Just wasn't feasible.

12 MR. LIPTON: Your Honor, may I approach?

13 THE COURT: Fine.

14 BY MR. LIPTON:

15 Q. I show you Government's Exhibit 1 C.

16 I ask do you recognize that.

17 A. I do.

18 Q. Did Mr. Bellafiore give you information about those
19 banks?

20 A. He did.

21 Q. What did he tell you?

22 MR. LIPTON: Withdrawn.

23 Q. Did he tell you about going to Wisconsin to
24 burglarize banks?

25 A. Yes, he did.

1 Q. How many times did he tell you he went there?

2 A. He and others went there several times.

3 Q. Did he tell you when the first time he went to
4 Wisconsin was?

5 A. Yes.

6 Q. What was the timeframe he gave you?

7 A. Sometime around the halfway house time and before he
8 moved to Florida, around the same time of the other banks.

9 Q. Did you know anything about these banks before
10 Mr. Bellafiore told you about them?

11 A. No.

12 Q. What did you do with the information that he gave you
13 about those banks?

14 A. We contacted our office in Milwaukee, Wisconsin to
15 find out if they had any reported burglaries or burglaries
16 for these banks.

17 Q. What did you learn?

18 A. That they did.

19 Q. What were the banks?

20 A. The first one, the one below, is M&I Bank, and it is
21 in the South Ridge Mall, and the other is a Guaranty Bank,
22 and that's located on West Brown Deer Road. Both in
23 Milwaukee.

24 Q. When did you learn that those were burglarized or to
25 be burglarized?

1 A. The attempts -- well, they -- the burglaries or the
2 attempted burglaries took place December the 19th through
3 the 20th, sometime in that time, of 1998.

4 Q. Did Mr. Bellafiore tell you how he got to Wisconsin?

5 A. Yes.

6 Q. What did he say?

7 A. He said that he flew.

8 Q. Did he tell you where he flew from and where he flew
9 to?

10 A. From Newark to Milwaukee, the airport in Milwaukee.

11 Q. Did he tell you how he got to the banks once he got
12 to Milwaukee?

13 A. Yes.

14 Q. What did he tell you?

15 A. That Eddie Boyle rented vehicles at the Milwaukee
16 airport.

17 Q. What did you attempt to do with the information that
18 he gave you about flying out to Milwaukee?

19 A. We tried to get records from the travel agency that
20 they used and then from the airline.

21 Q. Were you able to?

22 A. No.

23 Q. Why not?

24 A. Too much time had passed and they no longer had these
25 records available.

1 Q. Did you look at any other records?

2 A. Yes.

3 Q. What records did you look at?

4 A. A credit card, I believe it was an American Express
5 card that Gerald Bellafiore used.

6 Q. When did you get those records?

7 A. Those records we got before Mr. Bellafiore started to
8 cooperate.

9 Q. While you were still investigating him?

10 A. Yes.

11 Q. I show you what has been marked as Government's
12 Exhibit 32.

13 MR. LIPTON: May I approach, your Honor?

14 THE COURT: You may.

15 Q. I ask if you recognize what these are (handing).

16 A. I do.

17 Q. What are they?

18 A. It is an American Express bill for an account in the
19 name of Gerard Bellafiore.

20 Q. And where did you receive those from?

21 A. From the American Express.

22 Q. Is it in the same or similar conditions when you
23 received them?

24 A. Yes.

25 MR. LIPTON: We move Government's Exhibit 32,

1 your Honor.

2 MR. GEDULDIG: No objection.

3 THE COURT: Received.

4 (Whereupon, Government Exhibit 32 was received
5 in evidence, as of this date.)

6 MR. LIPTON: May we publish, your Honor?

7 THE COURT: You may.

8 (Whereupon, the above-referred to exhibit was
9 published to the jury, as of this date.)

10 BY MR. LIPTON:

11 Q. What does that show on the top?

12 A. This is a card in the name of Gerard Bellafiore.

13 Q. That's, once again, one of the fake names?

14 A. Yes.

15 Q. Fake alias name?

16 A. Correct.

17 Q. Turn your attention to the second page.

18 What does that transaction show, the top one?

19 A. Yes. On this is a charge to his credit card for
20 Continental Airlines traveling from Newark, New Jersey, to
21 Milwaukee, Wisconsin.

22 It gives a ticket number, and date of departure,
23 I think, if you pull away a little bit, is December the
24 18th.

25 Yes. December the 18th.

1 Q. Let me turn back and ask you when this bill is from?

2 A. The payment due date is February the 7th of 1999.

3 Q. So the 12/18 is from what year.

4 It would have been a charge for the previous
5 year of '98.

6 Q. Do you see the name Mustafa right here?

7 A. Yes.

8 Q. During the course of your investigation, have you
9 become familiar with that name?

10 A. Yes.

11 Q. What did you learn?

12 Whose name did you learn that is?

13 A. Afrim Kupa's girlfriend or fiance, her name is
14 Suzanna Mustafa.

15 Q. Do you know where she worked or what she did?

16 A. I am not sure.

17 Q. Did you look at their records?

18 A. Yes.

19 Q. What else did you look at?

20 A. Records from Hertz Rental Agency.

21 Q. Did you look at any other credit card records?

22 A. Yes.

23 Q. What records are those?

24 A. Another credit card used by Gerard Bellafiore.

25 Q. I show you Government's Exhibit 33.

1 MR. LIPTON: May I approach, your Honor?

2 THE COURT: Yes.

3 Q. Do you recognize this?

4 A. Yes, I do.

5 Q. What is that?

6 A. This is a Fleet credit card in the name of Patricia
7 Bellafiore and Gerard Bellafiore.

8 Q. Where did you receive those records from?

9 A. From Fleet.

10 Q. Same or similar conditions when you got?

11 A. Yes, sir, they are.

12 MR. LIPTON: The Government moves Exhibit 33.

13 MR. GEDULDIG: No objection.

14 THE COURT: Received.

15 (Whereupon, Government Exhibit 33 was received
16 in evidence, as of this date.)

17 MR. LIPTON: Ask to publish.

18 THE COURT: You may.

19 (Whereupon, the above-referred to exhibit was
20 published to the jury, as of this date.)

21 BY MR. LIPTON:

22 Q. Where does it indicate in these records?

23 A. The account is in the name of Patricia Bellafiore and
24 Gerard Bellafiore, 410 Eltingville Boulevard in Staten
25 Island.

1 Q. Same address you said before?

2 A. Yes. It is Fleet.

3 Q. Let me turn your attention to the second page of
4 these records.

5 I ask if you can zoom in on this.

6 Do you recognize what that is?

7 A. Yes.

8 Q. What are the top charges on the second page?

9 A. The first three charges are charges from GTE
10 Airphone.

11 Q. Move them over.

12 Does it indicate what date.

13 A. Yes. The calls were made on December the 21st.

14 Q. Looks like all three of them were made, top three?

15 A. Yes.

16 Q. Then there is a posting date?

17 A. Yes.

18 That is, December the 23rd is the posting date.

19 Q. What's the posting date and transaction date?

20 A. The transaction is the date placed and it wasn't
21 posted until the 23rd.

22 Q. In the course of your investigation, have you become
23 familiar with GTE Air --

24 A. Yes.

25 Q. -- and what those charges are?

1 A. Yes.

2 Q. What are they?

3 A. It is the airphone in airplanes, actually part of the
4 airplane.

5 Q. What was the date of the Guaranty Bank burglary?

6 A. It took place between December the 19th and the 20th
7 of 1998.

8 Q. So this call was transacted on the day after?

9 A. Correct.

10 Q. Now, since Mr. Bellafiore has been cooperating, have
11 you become familiar with his phone habits?

12 A. I have.

13 Q. How would you describe them?

14 A. Excessive.

15 MR. GEDULDIG: I didn't hear the answer.

16 THE COURT: She said excessive.

17 Did you say excessive?

18 THE WITNESS: Excessive, yes. He likes to use
19 the phone.

20 BY MR. LIPTON:

21 Q. Does he call you?

22 A. He does.

23 Q. Does he call Special Agent Otto?

24 A. Yes, he does.

25 Q. How often, on average?

1 A. I probably speak to him at least once a day.

2 Q. So you are in regular contact with him?

3 A. Yes.

4 Q. Let me go back now.

5 I think you said you also got records from
6 Hertz.

7 A. Yes, we did.

8 Q. And from where did you obtain records from Hertz?

9 A. The Hertz at Milwaukee airport.

10 Q. I show you what has been marked as Government's
11 Exhibit 31 A, B, and C.

12 I ask if you recognize these records.

13 MR. LIPTON: May I approach, your Honor?

14 THE COURT: You may.

15 MR. LIPTON: Thank you, judge.

16 BY MR. LIPTON:

17 Q. What are those?

18 A. These again are printouts from Hertz Rent-a-Car for a
19 vehicle rented from Milwaukee airport.

20 Q. Where did you receive them from?

21 A. From Hertz.

22 Q. Are they in the same or similar condition?

23 A. Yes.

24 MR. LIPTON: Government moves 31 A, B, C.

25 MR. GEDULDIG: No objection.

1 THE COURT: Received.

2 (Whereupon, Government Exhibit 31 A, B and C
3 were received in evidence, as of this date.)

4 MR. LIPTON: May I public.

5 THE COURT: You may.

6 (Whereupon, the above-referred to exhibit was
7 published to the jury, as of this date.)

8 MR. LIPTON: Let me read a stipulation before I
9 do that.

10 This is number 4 of Government's Exhibit 42.

11 *If called as a witness, a representative of*
12 *Hertz at General Mitchell International Airport Milwaukee,*
13 *Wisconsin, would testify that Government's Exhibits 31 A,*
14 *31 B and 31 C are true and accurate records from Hertz.*

15 *The witness would testify that the records show*
16 *that on December 18th, 1998, at 9:41 p.m. and 9:47 p.m. a*
17 *Ford Explorer and Chevrolet Lumina, respectively, were*
18 *rented from Hertz with a Platinum card from American*
19 *Express in the name of Edmund Boyle.*

20 *The witness will testify that the records show*
21 *that on December 21st, 1998, at 2:50 a.m. the Chevrolet*
22 *Lumina was returned to Hertz and switched for a Buick*
23 *Sentry in the name of Edmund Boyle.*

24 *The witness will testify that the records show*
25 *that the Ford Explorer and the Buick Sentry were returned*

1 to Hertz on December 21, 1998, at 8:19 a.m. and 8:48,
2 a.m., respectively, and paid for in cash.

3 Q. I would like to go through those with you quickly.

4 Who does this indicate is renter?

5 A. Edmund Boyle.

6 Q. Is that the same address and information as the last
7 record from Hertz?

8 A. It is.

9 Q. Once again, these are computer printouts?

10 A. Yes.

11 Q. Does it show what credit card was put down for this?

12 A. It was an American Express card.

13 Q. Right here?

14 A. Yes.

15 Q. Does this show what car was rented?

16 A. Yes.

17 It was a 1998 Lumina -- NLUM is Lumina --

18 Q. Move this up (indicating).

19 A. -- in the State of Wisconsin.

20 Q. Below that?

21 A. Yes.

22 Q. Next column.

23 Does it indicate when this car was rented?

24 A. It was rented on December the 18th of 1998 at 2147.

25 Q. Does this show when it was returned?

1 A. Yes. It was returned on December 21st at 1998 at
2 2:50 a.m.

3 Q. Does this indicate whether or not the car was
4 exchanged or returned for another car?

5 A. Yes.

6 If you go back up, right there, on the REM
7 section, that language means that it was a transfer
8 exchange.

9 Q. Right here?

10 A. Yes, for their vehicle.

11 Q. Does it also say "exchange" here?

12 A. Yes. Yes.

13 Q. Does it indicate what type of American Express card
14 was used?

15 A. It was a Platinum card.

16 Q. Go to the next record, which is Government's Exhibit
17 31 B.

18 Run through this quickly.

19 Once again, who is the renter?

20 A. Edmund Boyle.

21 Q. Same address?

22 A. Same address.

23 Q. This is a separate record, a separate record, a
24 separate car?

25 A. Yes.

1 Q. Same information about the credit card?

2 A. Yes.

3 Q. Are the numbers all the same, in terms of this
4 record, the last record and the previous Hertz?

5 A. Previous American Express card.

6 Q. Yes?

7 A. I believe so, yes.

8 Q. What date was this second car rented?

9 A. December the 18th.

10 I'm sorry, December the 18th of 1998 when it was
11 first rented. This one was then on December 21st of '98
12 at 8:19, it was exchanged for this car.

13 Q. This was the exchanged car?

14 A. Yes.

15 Q. And it was exchanged.

16 Okay.

17 Going to the last one, Government's Exhibit 31

18 C. This is a third record.

19 A. This is the third, yes.

20 Q. Does this relate to -- same renter name?

21 A. Yes.

22 Edmund Boyle, same address.

23 Q. Same American Express information?

24 A. Yes.

25 Q. When was this car rented?

1 A. This car was rented on December the 18th of 1998 at
2 2141.

3 Q. When was this returned?

4 A. It was returned on December 21, of 1998 at 8:48 in
5 the morning.

6 Q. Let's go back to what this car was.

7 A. The model?

8 Q. Yes?

9 A. NEX 8 is an explorer, I believe or an Expedition,
10 Ford.

11 Q. I believe you said one that was rented?

12 A. Right.

13 Q. Okay.

14 Let me turn your attention to upstate New York.
15 Were you able to take or did you take Mr. Bellafiore out
16 to upstate New York

17 A. No, we didn't.

18 Q. Why not?

19 A. The same reason. It just wasn't feasible.

20 MR. LIPTON: May I approach, your Honor?

21 THE COURT: You may.

22 Q. I show you Government's Exhibit 1 E as in Edward.
23 Do you recognize this?

24 A. Yes.

25 MR. LIPTON: Already in evidence.

1 Q. Did Mr. Bellafiore tell you about this?

2 A. Yes.

3 Q. What bank is that?

4 A. The M&T Bank in Johnson City, New York.

5 Q. Did he tell you anything about the burglary?

6 A. Yes.

7 That he and others had burglarized it.

8 Q. Did you know anything about this bank burglary before
9 he told you?

10 A. Yes.

11 Q. How did you know?

12 A. Because I knew that Eddie Boyle had been arrested
13 following the burglary of this bank.

14 Q. Did the FBI obtain any records for this bank?

15 A. Yes.

16 Q. Where did the records come from?

17 A. From Hertz at New York airport.

18 Q. Let me show you Government's Exhibit 35.

19 MR. LIPTON: May I approach, your Honor?

20 THE COURT: You may.

21 BY MR. LIPTON:

22 Q. I ask if you recognize this (handing).

23 A. I do.

24 Q. What's that?

25 A. It is another rental record from Hertz.

1 Q. You received that from Hertz?

2 A. Yes, I did.

3 Q. It is the same or in similar condition as when you
4 received it?

5 A. Yes.

6 MR. LIPTON: Move Government's Exhibit 35.

7 THE COURT: Received.

8 (Whereupon, Government Exhibit 35 was received
9 in evidence, as of this date.)

10 MR. LIPTON: May I publish, your Honor?

11 THE COURT: You can publish.

12 MR. LIPTON: Thank you.

13 (Whereupon, the above-referred to exhibit was
14 published to the jury, as of this date.)

15 MR. LIPTON: I will read a stipulation for this.

16 I will just put this on the screen.

17 Government's Exhibit 42. This is number 7.

18 *If called as a witness, a representative of*
19 *Hertz at Newark International Airport, Newark, New Jersey,*
20 *would testify that Government's Exhibit 35 is a true and*
21 *accurate record from Hertz.*

22 *The witness would testify that Government's*
23 *Exhibit 35 shows that on January 10, 1999, at 8:53 p.m., a*
24 *red Dodge Durango with New York license No. R38-3WZ was*
25 *rented from Hertz in the name Edmund Boyle.*

1 *The witness will testify that Government's*
2 *Exhibit 36 --*

3 We'll get there in one second.

4 BY MR. LIPTON:

5 Q. I will ask you about that in one second. Let's go
6 through this record quickly.

7 Once again, the same sort of printout we have
8 seen before?

9 A. Yes.

10 Q. Who is the renter?

11 A. Edmund Boyle, the same address.

12 Q. Same American Express information?

13 A. Yes.

14 Q. What car was rented?

15 A. The model indicates that it was a Dodge Durango.

16 Q. Okay.

17 What State was the license plate?

18 A. The license plate was from New York State. The
19 license is R38-3, W as in whisky, Z as in zebra. The
20 color is red.

21 Q. When was this rented?

22 A. On January 10th of 1999 at 2053.

23 Q. What time is that in regular time?

24 A. That is 8:53 p.m.

25 Q. When was it returned?

1 A. It was returned the next day, January the 11th of
2 1999, at 8:53 p.m.

3 Q. Does this indicate if it was in fact returned the
4 next day?

5 Where it says rented, what does that say?

6 A. I'm sorry, yes.

7 Theft. Renter billed.

8 Q. What did you learn that to mean?

9 A. That Mr. Boyle had reported the car stolen.

10 Q. Let me ask you.

11 Was this the same location as the car that was
12 rented on January 9th, 1999?

13 A. Yes. It was rented from Newark Airport.

14 Q. This was just a day later?

15 A. Yes.

16 Q. How was this car paid for, if you can tell?

17 A. Yes. If you go to the -- actually, the left-hand
18 column.

19 Q. Yes.

20 A. Go down.

21 Q. I'm sorry.

22 A. Right there.

23 FFP. That's final form of payment. It was
24 charged to the American Express card.

25 Q. This wasn't paid in cash?

1 A. No.

2 MR. LIPTON: Let me show you what has been
3 marked as Government's Exhibit 36 and ask to approach,
4 your Honor.

5 THE COURT: Go ahead.

6 BY MR. LIPTON:

7 Q. I show you Government's Exhibit 36 and ask you what
8 that is?

9 A. Yes.

10 It is a Vehicle Theft From Customer Report, from
11 Hertz.

12 Q. That record was received from Hertz?

13 A. Yes.

14 Q. Same or similar condition as when you received it?

15 A. Yes.

16 MR. LIPTON: The Government moves Exhibit 36.

17 THE COURT: Received.

18 (Whereupon, Government Exhibit 36 was received
19 in evidence, as of this date.)

20 MR. LIPTON: May we public this?

21 THE COURT: You may.

22 (Whereupon, the above-referred to exhibit was
23 published to the jury, as of this date.)

24 MR. LIPTON: Let me read a stipulation on
25 Government's Exhibit 42. This is number 7. The last

1 paragraph, it says:

2 *That the witness representative from Hertz from*
3 *Newark International, Airport Newark, New Jersey, would*
4 *testify that Government's Exhibit 36 shows that on January*
5 *11, 1999, at 8:55 a.m., Edmund Boyle reported to Hertz*
6 *that the Dodge Durango was stolen in front of his house*
7 *sometime between January 10, 1999 at 10 p.m. and January*
8 *11, 1999 at 8:30 a.m.*

9 BY MR. LIPTON:

10 Q. Can you go through and describe what this is?

11 First of all, from the top.

12 A. It is a Vehicle Theft From Customer Report.

13 Q. What's the date?

14 A. January the 13th of 1999.

15 Q. Go through and just describe what we are seeing?

16 A. The renter's name is Edmund Boyle. The street
17 address is the same 824 59th Street in Brooklyn, New York.
18 There is a home phone given. The year, make, and model is
19 1999 Dodge 4 x 4 truck. Date and time of the theft that
20 was reported to the police is indicated as January the
21 11th at 9 a.m.

22 Police department individual reported to is
23 indicated as the 66 Precinct. The address of the theft is
24 listed as 822 59th Street. Then some questions are
25 answered.

1 *Did you allow anyone else to drive the vehicle?*

2 Indicated: *No.*

3 Q. Was a valet parking service involved?

4 A. The answer is *no.*

5 Location of the keys at the time of theft, and
6 it states *in car.*

7 Q. Let's go back up to the side.

8 What does it indicate here?

9 A. The state is New York. There is a work phone listed,
10 the vehicle number, the license plate.

11 Q. Do you see what that says?

12 A. Looks like -- it is a little hard to read, R38-3WZ, I
13 believe.

14 Q. Is that the same one that was in the Hertz record?

15 A. Yes.

16 Q. Same police report or case?

17 A. Yes.

18 Q. What does it say there?

19 A. 247.

20 Q. Then what's this?

21 A. Date and time that the theft occurred is listed as
22 January the 10th, approximately -- it is hard it read.

23 Q. A.M.?

24 A. A.M. Approximately --

25 Q. 8:20?

1 A. Yeah. I could probably see it better --

2 Q. Sorry. Sorry.

3 MR. LIPTON: May I approach, your Honor.

4 THE COURT: You may.

5 BY MR. LIPTON:

6 Q. For the date and time of theft occurred, try to make
7 out to the best of your ability what it says.

8 A. January 10th, looks like approximately eight a.m.,
9 January the 11th.

10 Q. That's January 10th and January 11th?

11 A. Yes (handing).

12 Q. Okay.

13 Let me show you this last part. Do you see
14 where it says *customer statement*?

15 A. Yes. *Customer statement*.

16 Q. What happened.

17 A. Accidentally left keys on front seat.

18 Q. Can you make that out?

19 A. Something *beneath my jacket*, I think, or *with my*
20 *jacket*.

21 Q. Whose signature is that?

22 A. Edmund Boyle's signature and the date.

23 Q. The date?

24 A. The date is January 12th of 1999.

25 Q. When was the M&T Bank burglary again?

1 A. January 11th, 1999.

2 Q. And where was the car actually?

3 A. The car was abandoned in Binghamton, New York.

4 Q. So it wasn't outside that address?

5 A. No.

6 Q. Was the car actually reported stolen to the police?

7 A. As indicated on this, it was.

8 Q. Now, did you also obtain surveillance records?

9 A. Yes, we did.

10 Q. I show you Government's Exhibit 17 A through and F
11 and ask if you recognize these.

12 May I approach, your Honor?

13 THE COURT: Yes, you may.

14 MR. LIPTON: Thank you, judge.

15 BY MR. LIPTON:

16 Q. Take a look at those and see if you recognize what
17 those are.

18 A. I do.

19 Q. What are they?

20 A. These are, again, surveillance photographs, still
21 photographs, from a surveillance camera that was at the
22 Hertz counter at Newark Airport.

23 Q. On what date?

24 A. On January the 10th of 1999.

25 MR. LIPTON: I believe we have a stipulation on

1 that.

2 We move Government's Exhibit 17 A through F?

3 THE COURT: Go ahead.

4 (Whereupon, Government Exhibits 17 A through F
5 were received in evidence, as of this date.)

6 MR. LIPTON: Move those.

7 Can we publish.

8 THE COURT: Yes, sir.

9 (Whereupon, the above-referred to exhibit was
10 published to the jury, as of this date.)

11 BY MR. LIPTON:

12 Q. What is this?

13 A. January 10th, 1999.

14 Q. The day after the last surveillance photos we saw
15 from the same date?

16 A. Yes.

17 Q. Who are those individuals?

18 A. Again, it is Edmund Boyle on the right-hand side and
19 John Micali on the left at the counter.

20 Q. What is the next one?

21 A. Same two individuals.

22 Q. Next one?

23 A. Same two.

24 Q. Once again, do you see the time on the screen there?

25 A. Yes.

1 Q. Is that appear different than what the records said?

2 A. It does.

3 Q. What was the discrepancy?

4 A. Again, it is accounted for, either a power outage or
5 for some reason just the internal clock was not set
6 properly on the videotape.

7 Q. Let's go to the next one.

8 What does this show?

9 A. This is the outside of the rental agency, the parking
10 lot, and there are four different shots.

11 The left-hand -- bottom left-hand picture is of
12 the car, the license plate of the car, leaving, and the
13 bottom right-hand picture is of Edmund Boyle in the
14 driver's seat.

15 Q. Does the license plate number match that license in
16 the records?

17 A. Yes.

18 Q. The next one, please?

19 A. Essentially the same thing.

20 Q. The next shot?

21 A. Same thing.

22 Q. Okay.

23 The bottom right, all three pictures are Edmund
24 Boyle?

25 A. Correct.

1 Q. You indicated that the rental car was paid for by
2 credit car?

3 A. Yes.

4 Q. Which credit card?

5 A. American Express.

6 Q. Let me show you what has been marked as Government's
7 Exhibit 37.

8 MR. LIPTON: May I approach, your Honor?

9 THE COURT: You may.

10 How long are you going to be?

11 MR. LIPTON: I think this is the last record and
12 we are almost finished.

13 Q. Do you recognize what they are?

14 A. I do.

15 Q. What are they?

16 A. It is an American Express billing statement in the
17 name of Edmund Boyle.

18 Q. Where did you receive those from?

19 A. From American Express.

20 Q. Are they in the same or similar condition as when you
21 received them?

22 A. Yes.

23 MR. LIPTON: The Government moves 37.

24 MR. GEDULDIG: No objection.

25 THE COURT: Received.

1 (Whereupon, Government Exhibit 37 was received
2 in evidence, as of this date.)

3 MR. LIPTON: May it be published, your Honor?

4 THE COURT: Yes.

5 (Whereupon, the above-referred to exhibit was
6 published to the jury, as of this date.)

7 BY MR. LIPTON:

8 Q. Whose American Express records are these?

9 A. Edmund Boyle.

10 Q. When did you receive them?

11 A. Sometime during our investigation.

12 Q. Let me show you the second page, the last entry, the
13 last charge, rather.

14 What does that say?

15 A. Shows a charge on January the 10th of 1999 from a
16 Hertz Car Rental at Newark, New Jersey.

17 It gives the agreement number. The renter's
18 name is Edmund Boyle and a reference number.

19 Q. Does it also give date on the receipt side?

20 A. Yes.

21 January the 10th of 1999 and January the 11th of
22 1999.

23 Q. Let me turn your attention to banks in Ohio.

24 Did Mr. Bellafiore tell you about attempts to
25 burglarize banks in Ohio?

1 A. Yes, he did.

2 Q. Who did he say went to Ohio?

3 A. It was Mr. Bellafiore, John Matera, John Micali,
4 Vincent Kuminski and Edmund Boyle.

5 Q. Did he tell you how they got there?

6 A. They flew.

7 Q. Did you do anything to attempt to --

8 Did you do anything with the information that
9 Mr. Bellafiore gave you?

10 A. Yes. We tried -- they were attempts, so none of them
11 were successful. We tried to find the banks that they
12 attempted to burglarize. He wasn't really sure where they
13 were, so that was unsuccessful. We also tried to get
14 airline records.

15 Q. Were you able to get those records?

16 A. No.

17 Q. Why not?

18 A. Again, too much time had passed.

19 Q. Did you look at anything else?

20 A. Yes.

21 Q. What did you look at?

22 A. Mr. Boyle's American Express statement.

23 Q. The same statement?

24 A. Yes, the same statement.

25 Q. Let me show you what's on the top of page 1 of this

1 record, Government's Exhibit 37. I will zoom in in one
2 second.

3 What is the first charge there?

4 A. On December the 27th of 1998, Continental Airlines
5 gives a ticket number and a passenger name, Don Matera,
6 and continuing down the next passenger name is Vincent
7 Nelson. The next passenger name is Edmund Boyle.

8 Q. Turn it over for one second.

9 A. Next passenger is John Micali.

10 Q. Point this out.

11 A. The last passenger is Gerard Bellafiore.

12 Q. Go back to the first one.

13 The names were here?

14 A. Yes.

15 Q. And here?

16 A. Yes.

17 Q. And here?

18 A. Yes.

19 Q. Do the records say where they were flying to?

20 A. No.

21 Q. What are the dates of those charges?

22 A. December the 27th of 1998.

23 Q. In the course of your investigation did you come
24 across the name Vincent Nelson?

25 A. Yes.

1 Q. Whom did you learn that to be?

2 A. It is an alias for Vincent Kuminski.

3 Q. Did you investigate that person for bank burglaries?

4 A. Yes.

5 Q. Was he actually indicted for banks?

6 A. He was.

7 Q. In the course of your investigation, did you come
8 across an individual by the name of Don Matera?

9 A. It was a name that John Matera used.

10 Q. That was an alias that you learned in the course of
11 your investigation?

12 A. John Matera.

13 Q. Did you also investigate John Matera for bank
14 burglaries?

15 A. Yes.

16 Q. Was he also indicted?

17 A. Yes.

18 Q. Was that the same indictment as Eddie Kuminski?

19 A. Yes, he was.

20 MR. LIPTON: Judge, we have nothing further.

21 We would offer Government's Exhibit 42 if it is
22 not already in evidence, the stipulation signed by both
23 parties, dated March 8, 2005.

24 THE COURT: Okay.

25 MR. GEDULDIG: No objection.

1 THE COURT: Received.

2 (Whereupon, Government Exhibit 42 was received
3 in evidence, as of this date.)

4 MR. GEDULDIG: You want me to start out?

5 THE COURT: Are you ready?

6 MR. GEDULDIG: I am going to take more than five
7 minutes.

8 THE COURT: How many witnesses do you have
9 tomorrow?

10 MR. LIPTON: I think this is it.

11 THE COURT: Finish this one?

12 MR. GEDULDIG: I it think may be a little bit of
13 time. I don't want to have to cut an examination short.

14 THE COURT: We will have some witnesses
15 tomorrow?

16 MR. LIPTON: No, judge. We will have a
17 stipulation to read or by lines, but I believe we are
18 going to be done with witnesses.

19 THE COURT: What would be more expedient; to
20 start tomorrow?

21 MR. GEDULDIG: I would prefer that.

22 THE COURT: Okay.

23 I will let you go, ladies and gentlemen. Don't
24 discuss the case, keep an open mind, and see you tomorrow
25 morning.

1 (Whereupon, the jury leaves the courtroom
2 at.4:58 p.m.)

3 THE COURT: You are going to have a witness?

4 MR. GEDULDIG: I may call Agent Otto.

5 THE COURT: We will be finished in the morning.

6 MR. GEDULDIG: I think so.

7 THE COURT: Okay. I don't want to overwork,
8 Diana.

9 (Whereupon, at 4:58 p.m. the trial was adjourned
10 for the day.)

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