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01m0boyf Trial
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----x

UNITED STATES OF AMERICA,

v.

08 CR 523 (CM)

EDMUND BOYLE,

Defendant.
-----x

New York, N.Y.
January 22, 2010
10:00 a.m.

Before:

HON. COLLEEN MCMAHON,

District Judge

APPEARANCES

PREET BHARARA
United States Attorney for the
Southern District of New York
JONATHAN B. NEW
JOHN T. ZACH
Assistant United States Attorneys

MARTIN GEDULDIG
DIARMUID WHITE
Attorneys for Defendant

ALSO PRESENT: THEODORE OTTO, Special Agent, FBI
ELIZABETH BUNER, Paralegal, US Attorney's Office

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01m0boyf Trial
(In open court, defendant and counsel present)
THE COURT: Good morning.
THE DEPUTY CLERK: Take a seat.
THE COURT: So I have two juror issues this morning.
One, is a juror missed his train and called. And I'm
not sure if he is even here yet.
And then we have a note from one of the jurors.
THE COURT: Okay. We have a note from juror number
nine, and she has some security-based questions, so we're going
to have to talk to her. I want to do that back in the robing
room with counsel.

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So could we repair there, please.
(Continued on next page)
(Pages 306-313 sealed by order of the Court)

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01m0boyf Trial
1 (In open court; trial continuing)
2 (Jury present)
3 THE COURT: Good morning, everybody. Have a seat.
4 One of our jurors, juror number nine, has had a sudden
5 personal emergency. And so we spoke to her this morning, and I
6 have had to excuse her. That's why we have alternates.
7 Mr. First Alternate, you are now juror number nine. So, you
8 can come on down and take that seat.
9 You know, in 85 percent of our trials, we'll never end
10 up having to use the alternates. But there is just always
11 something -- especially this time of year, I don't know. This
12 time of year stuff just happens. Hopefully we won't have a
13 snow storm. That's what I'm trying to avoid.
14 Okay, so we're going to bring Mr. DiLeonardo back.
15 And I believe we're ready for his cross-examination.
16 THE COURT: Sir, you are still under oath.
17 Mr. White, I believe it is you.
18 CROSS-EXAMINATION
19 BY MR. WHITE:
20 Q. Good morning, Mr. DiLeonardo.
21 A. Good morning, Mr. White, how have you been?
22 Q. Very good, and you?
23 A. Good.
24 Q. Fifty-four years old?
25 A. Yeah.

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01m0b0y1 DiLeonardo - cross
1 Q. So it's, what, seven and a half years since you began
2 cooperating?
3 A. Yeah, I would say so; yeah.
4 Q. Long time.
5 A. Yeah.
6 Q. And you testified at -- this is your 14th trial?
7 A. Fourteen.
8 Q. And you have been free on bail now for about four and a
9 half years?
10 A. That's correct.
11 Q. And I think you were in for, that would be about three,
12 three and a half years?
13 A. No, three. Just about three on the nose.
14 Q. And you're still with Madeline and Anthony?
15 A. Yes.
16 Q. And so things have worked out okay for you?

17 A. Yes. Thank God to her.
18 Q. You testified yesterday about your induction ceremony, that
19 it was a complete hypocrisy?
20 A. Correct.
21 Q. As a matter of fact, it started with a lie, didn't it?
22 A. Absolutely.
23 Q. And what's the lie?
24 A. You know what's going to go on in that secret society, it
25 is exposed before you go in, and the captain is telling you to
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01m0b0y1 DiLeonardo - cross
1 lie, that you don't know why you are there.
2 Q. When you go in, they ask you if you know why you are here
3 and you say no, but you do?
4 A. Absolutely.
5 Q. And everybody is in on the lie?
6 A. Absolutely.
7 Matter of fact, I'll give you an example. Paul
8 Castellano once told a soldier going to get inducted, I'm not
9 going to ask you if you know why you're here, because I don't
10 want to start you out with a lie.
11 Q. But you weren't not inducted by him, were you?
12 A. No.
13 Q. So you started your life out with a lie, like everybody
14 else in your time?
15 A. Absolutely.
16 Q. And, you know, members of the Mafia are sometimes referred
17 to as a man of honor, men of honor?
18 A. Yes. Used to be, yes.
19 Q. Do you agree with that title?
20 A. Depends, if you're the person saying it about yourself. In
21 the grand scale, no.
22 Q. Did you find members of the Mafia to be honorable?
23 A. At times, there were. There were guys that were honorable.
24 But there were, you know, like everything else, there were the
25 guys that were in it for themselves, like free agents.
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01m0b0y1 DiLeonardo - cross
1 Q. People who had like their own agenda?
2 A. Absolutely.
3 Q. And these people, would you call them trustworthy?
4 A. No, not really.
5 Q. Honest?
6 A. No.
7 Q. They lied for a living, basically, would you say?
8 A. Yes. One of the rules, were we were not supposed to lie to
9 each other, we hope not. But it became a matter of fact.
10 Q. It became a matter of fact that you lied to each other?
11 A. Absolutely.
12 Q. Not just to the outside world who you might be scamming,
13 but to your brothers, who you were supposed be brothers with,
14 there were lies in between them. Is that true?
15 A. Yeah, sure. Like I said, there were certain people that
16 you trusted that you could take their word for it. And then
17 there were others that you were always skeptical, because they
18 had a history of it.
19 Q. Name one that you would really take their word for
20 something if it was a matter of great importance in your life.
21 A. Paul Zaccharia, Jackie D'Amico. The guys I did work with,

22 they were pretty much honest in the things they were telling
23 me. It was the outside guys that always had a scam going on.
24 You had a crew. And usually that crew didn't lie to each
25 other.

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01m0b0y1 DiLeonardo - cross

1 Q. I notice you say "usually" because there were occasions
2 when they did lie?
3 A. Oh, yeah, absolutely.
4 Q. They lied to you, too?
5 A. Absolutely.
6 Q. And you lied to them a few times, I'm sure.
7 A. Sure, absolutely.
8 Q. The members of the Mafia, are they -- you said some of them
9 have their own agendas?
10 A. Sure.
11 Q. And they are motivated by their own self interest, would
12 you say that's accurate.
13 A. Yeah. Power, greed, ego; things of that nature.
14 Q. And the ones who lie, are they good liars, are they
15 proficient liars?
16 A. After awhile it could catch up to you, because there is
17 only so far you could go you could stretch that rubber band.
18 You know, you can lie a couple of times, get away with it if
19 you had a good rep. After awhile, people start to look at you
20 a little funny when you sit down with them.
21 Q. And those are people whose words you wouldn't take in an
22 affair of great importance in your life, is that the case?
23 A. Yeah, absolutely.
24 Q. How about somebody like Peter Gotti?
25 A. Oh, Pete Gotti lied.

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01m0b0y1 DiLeonardo - cross

1 Q. He lied?
2 A. Sure.
3 Q. He told you -- he told you that his brother, John Gotti,
4 had appointed him boss, right?
5 A. Yes. That's what he said, yeah.
6 Q. You don't know if that's true or not?
7 A. That is correct.
8 Q. And when he told you, he was speaking as boss?
9 A. He was speaking as acting boss at the time, and then later
10 on boss.
11 Q. How about Joe-Joe Corrozzo, is he somebody whose word you
12 would go to the bank on?
13 A. No.
14 Q. Why not?
15 A. Joe-Joe had a different look at Cosa Nostra than I did. I
16 had some sit-downs with him, and he certified some lies. And
17 from guys who he knew were lying. And just because it was me,
18 and he liked them, so he would push their agenda.
19 Q. How about you mentioned people, like, around you, or in
20 your crew -- let me withdraw that.
21 I'm a little confused as to what crew you were in as a
22 soldier. Were you in Sammy Gravano's crew?
23 A. No. I was officially in Jackie D'Amico's crew. But Sammy
24 and I, like I said, I know Sammy since I was 12. He used to
25 hang out with my brothers, or they hung out together. He's

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01m0b0y1 DiLeonardo - cross
1 10 years my senior. So I know Sammy since at least 12 years
2 old. We were very close. Even though we were on the same
3 crew, and he was ten years older than me, we hung out, like I
4 said, in late seventies, early eighties, up until he
5 cooperated.
6 Q. That's you and Sammy. But you were also close to the
7 members of his crew, right?
8 A. Right. Sure, sure.
9 Q. Like Eddie Garafola --
10 A. Absolutely.
11 Q. -- and Lou Vallario, and Frank Fappiano?
12 A. Oh, Frankie, I know since he is born, just about.
13 Q. Frankie was in Sammy Gravano's crew, correct?
14 A. Well, he was part of the Decicco group. Frankie Decicco
15 died, was murdered. Sammy got elevated, and he took him under
16 his wing.
17 Q. And Huck was in Sammy's crew.
18 A. Correct.
19 Q. And you -- did you spend a lot of time with those
20 particular guys, the members of Sammy's crew?
21 A. Oh, yeah, absolutely.
22 Q. But you were not -- you were not in the crew yourself?
23 A. No.
24 Q. Now, how about John Gammarano, was he in that crew?
25 A. Yes. Originally, he was with Jimmy Brown Failla. And then
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01m0b0y1 DiLeonardo - cross
1 when Danny Marino was taken out and made a captain, he was with
2 Danny Marino. And since he was heavily involved in
3 construction Gravano took him for a spell. And then went back,
4 after Sammy cooperated, through Danny Marino.
5 Q. And how about John Gammarano. Is he somebody whose word
6 you would take in a matter of most importance in your life?
7 A. No.
8 Q. Why not?
9 A. He's a certified liar.
10 Q. Explain what you mean by a certified liar.
11 A. John Gammarano had a habit of -- I don't know how he made
12 it this long, I don't know how he is still living under Paul's
13 reign, and John Sr. with Sammy, Frankie Decicco. He got away
14 with it. John had a lot of side deals in construction and
15 wouldn't turn a lot of moneys in.
16 Q. So he stole a lot of money from the family?
17 A. Oh, yeah.
18 Q. How about Eddie Garafola, you were close with Eddie
19 Garafola.
20 A. Yeah, what happened, after Sammy flipped -- I knew Eddie
21 before, we interacted, but very little, even they we were on a
22 murder together early on. I got close with him after Sammy
23 flipped, like I said, very close. He became my partner in the
24 construction business and, personally, also.
25 Q. Well, did Eddie lie to you?
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01m0b0y1 DiLeonardo - cross
1 A. Oh, yeah.
2 Q. Do you know if he lied to other members of organized crime?
Page 5

3 A. Oh, yeah.
4 Q. He was a pretty shrewd guy, Eddie.
5 A. Eddie was very, very sharp in the construction business.
6 Q. How about your brother-in-law, Frankie Fappiano, did he lie
7 to you?
8 A. Yes. He lied to me about his drug interaction with other
9 people, and when I questioned him about it, he denied it to me.
10 Q. He denied it to your face --
11 A. Absolutely.
12 Q. -- that he was involved in drugs?
13 A. Absolutely.
14 Q. And that was a lie, right?
15 A. Right.
16 Q. Did he own a company called Danro?
17 A. Sure.
18 Q. What was Danro?
19 A. It started as an oil company. Then it morphed into a
20 construction company. I think it was later Marrota.
21 Q. Did he use that for some scams?
22 A. Sure.
23 Q. And was he honest with you about the money he was making
24 off those scams?
25 A. Well, I had nothing to do with his company. You know, he

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01m0b0y1 DiLeonardo - cross
1 was on his own with that. But I had given him a customer. And
2 he, you know, he just -- he was a regular guy. This guy owned
3 oil trucks and delivered oil. And Frankie beat him for about a
4 hundred thousand.
5 Q. All right. Did he admit that to you?
6 A. He -- he had to admit it to me. First, he didn't, he said
7 he didn't. But I know he did.
8 Q. First he denied it, you knew he did it, so then he admitted
9 to it.
10 A. Sort of.
11 Q. Sort of admitted to it?
12 A. Sort of admitted to it.
13 Q. Joey D'Angelo, he was in that crew, too, wasn't he?
14 A. Sure.
15 Q. In Sammy's crew.
16 A. Well, Joey was younger. And, later on, he got straightened
17 out way after Sammy went in. But he was still learning the
18 ropes. His father was very close to Sammy.
19 Q. But he became a fellow crew member of Eddie Garafola, Huck,
20 Lou Vallario -- well, he became -- the same crew we have been
21 talking about, he became a member of that crew?
22 A. Absolutely.
23 Q. Did he ever lie to you?
24 A. Joey? I don't know. I don't know if I ever caught Joey in
25 a lie. Joey was pretty straight.

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01m0b0y1 DiLeonardo - cross
1 Q. Did he tell you that Danny Farmer had shot cousin Eddie
2 Garafola?
3 A. No, that's little confusing. I don't think I heard that
4 from Joey. I'm not sure.
5 Q. Do you remember him telling you that Frank Fappiano's gun
6 jammed, so that Danny Farmer shot cousin Eddie Garafola?
7 A. Yeah, but that wasn't from Joey. I heard that somewhere.

8 And I'm not sure where.
9 MR. WHITE: If I can just have a minute, your Honor.
10 Q. Did Joseph D'Angelo tell you that -- that he, Frank
11 Fappiano, and a son of some Bonanno family member murdered
12 someone in a Staten Island garage?
13 A. That's correct.
14 Q. And Richie Milo was also involved, he told you that?
15 A. That's correct.
16 Q. Was that true, or was it a lie, or don't you know if it was
17 true or a lie?
18 A. I took Joey at his word, from what I understood what he
19 told me. And as far as I know today, it was the truth.
20 Q. In terms of murders committed by the Gambino family, would
21 there -- the reasons for the murder -- well, the Gambino family
22 or any other family. Were the reasons for those murders
23 sometimes pretext?
24 A. Sure.
25 Q. And what do you understand by "pretext."
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01m0b0y1 DiLeonardo - cross
1 A. well, that's another reason.
2 Q. A false reason --
3 A. Yes.
4 Q. -- that's not the real reason for killing somebody?
5 A. Right. they will say a guy is a rat, he is not a rat.
6 Q. Your brother was killed by organized crime, correct?
7 A. That's correct. Colombo family.
8 Q. Colombo family. And what was the reason given for that?
9 A. My brother split. We were with the Gambino family. He
10 wanted to go hang out with the guys in the Colombo family.
11 They went into a lot of things. And one of them where street
12 level drug dealing, which I was opposed to. And it's something
13 personally opposed to. And he was told to stay away from me,
14 my brother, by the Colombo people. They were robbing banks.
15 They were going in banks, dropping down, and rifling out the
16 safety deposit boxes. They robbed four, five million, just on
17 one bank. They gave him 40,000. He was not happy. My brother
18 voiced his opinion. In the interim, they gave him a drug
19 route, selling pills, like a lot of the other guys.
20 There was an edict that came out from Paul Castellano
21 and the other families, that whoever gets caught dealing
22 drugs -- that's the first time I met John Gotti, Sr. -- that
23 they would we murdered.
24 So what they did when my brother complained about that
25 issue and some other issues, they killed him. So the pretext
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01m0b0y1 DiLeonardo - cross
1 would be that he was dealing drugs, which justified it with our
2 family, because I was there, and my family has a lot of
3 history, was he dealt drugs and he paid the price. And that's
4 what I was told after his murder by many different people that
5 I had to eat that, because of the drugs. But the pretext was a
6 lie, that he complained that he got robbed after robbing the
7 bank.
8 Q. What was your reaction to your brother's being murdered?
9 A. I was devastated. I -- you know, I got read the riot act
10 after my brother was killed by my own family. I was just an
11 associate at the time and who is going to rebuff the Colombo
12 family.

13 Q. Did you do anything about it?
14 A. I was ordered not to. If I did anything, or had any
15 thoughts, they would wash -- the Gambino family would wash
16 their hands of me. And I was told this is the life. He dealt
17 drugs, he gambled, he died for it. If you want to be part of
18 Cosa Nostra, this is the way it is. Eat it, put it in your
19 stomach, maybe one day you get even.
20 Q. Do you remember, I think you testified yesterday when you
21 learned, after you were denied bail, that you had been shelved,
22 that it broke your heart, you said?
23 A. Absolutely.
24 Q. Do you remember testifying once that it hurt more to get
25 shelved than when your brother was killed.

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01m0b0y1 DiLeonardo - cross

1 A. Absolutely. That was how much I loved that life.
2 Absolutely. My brother's death, like I said, was pretext with
3 a lie. But he was dealing drugs.
4 Q. You know, you said you loved the life, and I think
5 yesterday you said you were captain in the Gambino family and
6 you loved it.
7 A. Right.
8 Q. And, you know, at the beginning of my examination of you,
9 we discussed how the Mafia is really a treacherous organization
10 and not honorable people. It's not a true brotherhood, is it?
11 A. No. There are some you form those bonds with, absolutely,
12 that's -- that comes. There is a lot of true bonds. But, you
13 know, on the whole, it's a lie.
14 Q. And they're involved in almost every conceivable crime
15 against each other and the public at large?
16 A. Absolutely.
17 Q. What is it you loved about that life?
18 A. I was enamored with the -- since growing up, as a child --
19 and I'm not saying I was a product of my environment, I would
20 never do that. I knew, open eyes, going in, what I wanted to
21 do. And it was just a -- the law, everything I seen from my
22 grandfather and all the old timers. I was very close with a
23 lot of old timers. And what I seen from the outside was a lot
24 different than I seen once I was inside. And I was told that,
25 you'll see things differently. I felt I could change certain

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01m0b0y1 DiLeonardo - cross

1 things. I tried. I tried to get rid of some of those lies.
2 And I was told don't be a crusader at one point. Stop it. You
3 know, you put yourself in a jam. Like trying to save these
4 those three fellows from getting murdered, and messages to run
5 my business, which I did not. Like I said, I tried my best to
6 be pure Cosa Nostra. Did I do it all the way? No, at times,
7 myself.
8 Q. You said that even when you were a captain, you had been
9 there quite awhile when you were a captain, you loved it, you
10 loved being a member of the crime family.
11 Did you love committing crimes?
12 A. Yeah. Yeah. Absolutely, at the time, yeah, sure. The
13 money was rolling in. Most of the time every deal I made, was
14 a deal. It wasn't a victim, you know, that we went to. I
15 didn't kick nobody's door in, go rob their house, it wasn't
16 about me. But these were all deals. People were willing
17 participants that were being extorted, you know. And they

18 didn't know, if they stopped paying, they would have a problem.
19 But I woke up -- to answer your question, I guess, I
20 woke up every day with a pocket full of money, drove a Mercedes
21 Benz, got a big house. Had two houses. I liked girls, I
22 chased girls. I liked restaurants, I ate in the best. I had to
23 go on vacation, put 30,000 in my pocket. Nobody told me what
24 to do and when to do it. And I had power. And authority. How
25 could you not like that? You dealt with everything else.

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01m0b0y1 DiLeonardo - cross

1 Q. Did you say that people who were extorted were willing
2 participants?

3 A. They were willing participants in -- most of the time.
4 But, you know, if they -- like I -- if you wanted -- do you
5 want me to give you an example?

6 Q. I'm trying to think of what you mean by a willing
7 participant. Let me ask you this question. Were there
8 unwilling participants in the crimes of the Gambino family?

9 A. Oh, sure.

10 Q. Can you give me an example of that?

11 A. Oh, somebody involved in the Gambino family?

12 Q. In, or victims of, the Gambino family.

13 A. Oh, sure. Fellow named Louie DeBono. Sammy Gravano had an
14 argument with him years, years before, under Paul Castellano's
15 reign. And when everything flipped over, of course, Louie
16 wanted Sammy's life at one point. And Sammy wanted the beef.
17 When John and Sammy took over the family, Louie DeBono was not
18 a willing participant anymore. At times, he was offered to
19 come in, ordered to come in and did not. And he was murdered
20 for it.

21 So, was he a willing participant?

22 Q. How about members of the public who were victimized by the
23 crimes of the Gambino family. Were they willing participants?

24 A. Yeah, I had a fellow around me, a Jewish kid, Steve Kaplan.
25 I loved him, but -- he had the Gold Club, he had -- involved in

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01m0b0y1 DiLeonardo - cross

1 the Scores. He had a lot of money, the kid was a millionaire.
2 And he would pay us. He has been paying, even before I even
3 got involved, he has been paying Gambino family members. And
4 he knew any time he stopped paying money, he would have a
5 problem, loved him or not, he would have to pay. And once he
6 defied Cosa Nostra, he could get put in the hospital or worse.
7 You know, and it's been done before when people just don't
8 listen, once they are property of us.

9 Q. So are you categorizing him as willing or unwilling --

10 A. Both. He was willing, because he knew the rules and he
11 knew he could not stop.

12 Q. I think you testified yesterday that you're still sick
13 about the fact that you are cooperating, is that -- did you
14 talk about that yesterday?

15 A. Yes. It's very uncomfortable sitting here with Mr. Boyle
16 or anyone else. I don't feel comfortable doing it. People
17 will go to jail, have been gone to jail. I didn't like jail.
18 And, you know, it's -- again, it stills feel very uncomfortable
19 for me. I struggle daily with the fact of my cooperation. And
20 it will bother me to my death. It eats me up.

21 Q. Do you miss the old life; the power, the charm?

22 A. I miss some of it, yeah. But I'm happy in my new life with

23 my wife and my son. And getting on. But, like I said, I carry
24 a lot of guilt for things I did to people in society. Also,
25 what I'm doing to people every time I testify.

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01m0b0y1 DiLeonardo - cross

1 Q. We were talking about pretext for killings. How about
2 cousin Eddie, Eddie Garafola. Was there a pretext to that
3 killing?

4 A. Yes. They said that he was going to cooperate. And I
5 think there was an agenda by his cousin Eddie and Gravano to
6 take over his business.

7 Q. When you say his cousin Eddie, that's the other Edward
8 Garafola, right?

9 A. My partner.

10 Q. Your partner. So, you know, you think he was really lying,
11 or at least misleading, other members of the crew about the
12 real reason for murdering his cousin?

13 A. I think he pumped Sammy to the point that -- and you
14 couldn't pump Sammy too much, because he would kill you, you
15 know. He was -- there was a fine line with Sammy, you couldn't
16 cross it. And I think he just pumped him enough to kill him.
17 I don't feel the guy -- he was going to do five months in jail,
18 I think. What, he was going to flip for 5 months?

19 Q. You testified yesterday that they said he was a rat, but
20 you think otherwise.

21 A. Right.

22 Q. What did you think he was?

23 A. Nothing. I didn't think he did anything wrong. I just
24 think he was a victim.

25 Q. You pled guilty to the murder of Fred Weiss?

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01m0b0y1 DiLeonardo - cross

1 A. Correct.

2 Q. And do you think that was a pretext killing?

3 A. Well, they had Jimmy Brown and Angelo Paccione, I guess,
4 had thought that he may cooperate on his case. And so I -- I
5 don't know the facts of whether he was or not.

6 Q. So what was your role in that murder?

7 A. Yes, we were supposed to follow him around. Don Borghese,
8 another fellow, Lumpy, and myself, follow him around, get his
9 patterns. We were supposed to dig a whole, which we tried to,
10 and later on they did. Later on, Joe Watts set up a house that
11 was under construction in Staten Island with a fellow named
12 Danny Nunziato, who was a wiseguy from Jersey family, who was
13 friendly with Fred Weiss. And I was going to lure him back to
14 the house where he would be shot by Joe Weiss, and we would
15 clean up the area and then put him in the trunk, and then he
16 would be buried.

17 Q. And were other members of Sammy Gravano's crew involved in
18 that murder attempt.

19 A. Fappiano.

20 Q. Fappiano. And what was his role?

21 A. Same as mine. We were supposed to pose as construction
22 workers in the yard when this guy came in.

23 Q. And Eddie Garafola, was he involved?

24 A. Yes. Not with me. And that's -- I found out, later on, he
25 was.

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01m0b0y1 DiLeonardo - cross

1 Q. And how did you find out?
 2 A. He told me.
 3 Q. How about Jackie D'Amico.
 4 A. Jackie D'Amico was present when the order came from John
 5 Gotti, Sr. through Joe Watts. Jackie was my captain, so he had
 6 to be informed about it. He pulled -- Joe Watts pulled Fat Dom
 7 and myself out of club with Jackie, and gave us the orders that
 8 we had to kill Weiss.
 9 Q. You said "Fat Dom" who is Fat Dom?
 10 A. Borghese. He cooperated, also.
 11 Q. Fat Dom and yourself were in Jackie D'Amico's crew?
 12 A. At that time.
 13 Q. And other members of this murder conspiracy were in Sammy
 14 Gravano's crew, is that it?
 15 A. Yes. At one point, it was a little confusing. Because Joe
 16 Watts had a crew, that was -- they were to do the hit, and that
 17 was us. And then, later on, I went to go talk to Sammy
 18 Gravano. And he says we got a crew on it. You know, how do
 19 you guys have it. So they wanted to go straighten it out. And
 20 they sort of put us together.
 21 Q. In organized crime killings, have you had the experience
 22 where people took credit for a murder that they didn't commit?
 23 A. True.
 24 Q. Can you give an example?
 25 A. Absolutely. There was a couple called the Uvas, Thomas and
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01m0b0y1 DiLeonardo - cross

1 Rosemary Uvas. In the early nineties, they were going around
 2 robbing social clubs, wiseguy social clubs with machine guns.
 3 And a fellow named Don Pizonia and his crew caught up with them
 4 and machinegunned them. And after that, a couple of guys from
 5 the Bonanno family were going around taking credit for the hit.
 6 And it came to John Jr.'s attention. He told me about it, that
 7 he was going to go see Joe Messino, who was the boss of the
 8 Bonanno family, and told him that his guys were going around
 9 taking credit for a murder that they did not commit, our family
 10 committed it. So he wanted to put it on the record that his
 11 guys were taking credit for something they did not do.
 12 Q. Why would they be taking credit for a murder that they did
 13 not commit?
 14 A. The Uvas, at the time, were a trophy for the mob, major
 15 embarrassment, holding up everybody's social club in all the
 16 boroughs. And whoever killed them would have bragging rights I
 17 guess. And these guys decided to have the bragging rights over
 18 a double murder.
 19 Q. Can you think of another occasion when somebody took credit
 20 for a murder he didn't really commit? How about Danny Farmer?
 21 A. Oh, yeah, but he was on the murder.
 22 Q. But did he change his role on it?
 23 A. Well, what happened was -- no. I had a conversation with
 24 Danny after the hit, sometime after the hit of Eddie Garafola.
 25 And Danny had said that, you know, maybe one day me and you
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01m0b0y1 DiLeonardo - cross

1 could do a piece of work together. And then just putting this
 2 all in total context of what went on and what I knew already,
 3 with my brother-in-law being in, and Joey, and everybody else,
 Page 11

4 is that I figured that Danny -- I assumed that Danny was one of
5 the shooters on the hit.
6 Q. Have you ever seen -- in your experience, have you ever
7 seen somebody added to a hit who was really not there?
8 A. Maybe you could give me an example.
9 Q. Well, you testified yesterday with respect to the Eddie
10 Garafola murder, cousin Eddie, that Johnny Gammarano called
11 cousin Eddie to lure him toward that murder. You learned that
12 from Edward Garafola, didn't you? He told you that, didn't he?
13 A. Absolutely.
14 Q. Do you know if it's true?
15 A. Well, I took Eddie's word for it.
16 Q. Didn't Sammy Gravano say that Eddie Garafola was the one
17 who lured him.
18 A. That, I don't remember, Counsel. I don't remember reading
19 that. Otherwise, if I did and Eddie told me at that time, I
20 would have pulled him up on that.
21 Q. But if you only learned afterwards -- you read Sammy
22 Gravano's 302s, didn't you?
23 A. Yes, way back.
24 Q. And didn't you learn that Sammy, who was cooperating with
25 the government, claimed that Eddie Garafola is the person who

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01m0b0y1 DiLeonardo - cross
1 lured his cousin to his murder? Do you remember that?
2 A. I don't remember reading that. But if I did, Counselor,
3 like I stated, and he told me that, I would have pulled him up.
4 Q. And as you sit here today, do you know whether Eddie
5 Garafola was telling you the truth when he said that Johnny
6 Gammarano is the guy who lured my cousin to the murder?
7 A. Again, as far as I know, Eddie told me about a lot of
8 murders. And it was pretty much right on, on the things that I
9 knew, other information that I had. And if it's something
10 different, like I said, I only know what he told me.
11 Q. Right. On that particular issue, your only source of
12 information is that Eddie Garafola told you that?
13 A. That's correct.
14 Q. And aside from his telling you, you have no way of knowing
15 whether it is true or not?
16 A. Right. Like I said, I don't remember seeing that in
17 Sammy's material. Otherwise, it would have stuck, and I would
18 have asked him about it.
19 Q. Do you remember the murder of Mikey DeBat?
20 A. Oh, yeah.
21 Q. Now, Sammy said that Huck committed that murder, correct?
22 A. That's right.
23 Q. And didn't Eddie tell you that somebody else committed it?
24 A. That, I remember. Sammy had said that Huck had shot Mike
25 DeBat. And, later on, he told me that -- Eddie Garafola told

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01m0b0y1 DiLeonardo - cross
1 me that Joe Francolino had did the work, had shot him.
2 Q. So were either of those true, neither of them true, one of
3 them true?
4 A. Well, either one of them were true.
5 Q. But you don't know, you don't know --
6 A. I wasn't there.
7 Q. So you don't know if Eddie Garafola was telling you the
8 truth, and you don't know if Sammy Gravano was telling you the

9 truth.
10 A. Well, it was funny with Sammy's material. I'm sure you'll
11 get into that. It's that Sammy had changed a lot of stuff. He
12 had left me out of a murder. And, you know, I never read that
13 I was in a murder. So Sammy's stuff is questionable at times.
14 Q. I'm going to get into that.
15 A. I knew you would.
16 Q. One of the shooters in the murder of Eddie Garafola was
17 Joey D'Angelo, right?
18 A. Yes. Whose murder?
19 Q. Eddie Garafola, cousin Eddie.
20 A. Well, as far as I know. I thought it was Danny Farmer and
21 Frank Fappiano. But through all these trials, I'm beginning to
22 learn, like you just said, it wasn't them.
23 Q. And the reason you think it is Danny Farmer, is because you
24 read Sammy Gravano's 302 that didn't make any mention of Joey
25 D'Angelo in that murder, correct?

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01m0b0y1 DiLeonardo - cross
1 A. Yeah. But I knew he was there before that. I knew he was
2 there before Sammy flipped.
3 Q. My question is Sammy Gravano left Joey D'Angelo out of that
4 murder, didn't he?
5 A. It could have been. I don't remember seeing Joey's name
6 there.
7 Q. This is when Sammy Gravano, you talked about him
8 cooperating with the government yesterday. This was after he
9 cooperated with the government, you read a 302, an interview of
10 him by the FBI where he dropped Joey D'Angelo out of that
11 murder, true?
12 A. Yes, I'm pretty sure, like I stated earlier, he did the
13 same with me. I seen the 302, I believe, about the Jack
14 murder. And he never mentioned me, as far as the material. I
15 didn't read in total, totality, his material. I read a lot of
16 it, looking for my name, of course, when he first flipped. And
17 I don't remember seeing my name in any murders.
18 Q. Right. He left you out of the murder of Jack, which you
19 have admitted to and plead guilty to, correct?
20 A. And I believe Weiss, also.
21 Q. And he left you out of Weiss murder, which you just
22 explained you were involved in that murder.
23 A. Right.
24 Q. And, as a part of fact, this whole crew we have been
25 discussing, Sammy's crew, after he cooperated, for like the

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01m0b0y1 DiLeonardo - cross
1 next ten years or so, none of them got arrested or indicted on
2 any information that Sammy Gravano provided, isn't that true?
3 A. That was one of the concerns about his crew, and what to do
4 with them, and those other three fellows that people wanted to
5 kill. Absolutely.
6 Q. And you testified yesterday that Sammy testified at the
7 trial of John Gotti, Sr. And you were asked by the prosecutor
8 whether Mr. Gotti was convicted. And you said yes.
9 In that trial -- that was a highly publicized trial,
10 wasn't it, the trial of John Gotti.
11 A. Worldwide.
12 Q. And I'm sure you had a vivid, vivid interest in the
13 testimony that was coming in at that trial, through Sammy,

14 correct?
15 A. Yes, like I said.
16 Q. You followed the proceedings every day?
17 A. Absolutely.
18 Q. Would people go, from your crew or from your family, to
19 court, to monitor what was going on and what he was saying?
20 A. Well, what happened, Jackie D'Amico was my captain and he
21 was there every day. And he had asked me to get some actors
22 together to help them go to Court, sit in gallery, and maybe
23 influence the jury.
24 Q. And also you wanted to know what was being said, each day,
25 in the testimony, correct?

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01m0b0y1 DiLeonardo - cross

1 A. Yeah, sure.
2 Q. Because it could have implicated you in murders or
3 whatnot?
4 A. Right, exactly.
5 Q. Now, John Gotti was convicted. And Sammy testified at that
6 trial, correct?
7 A. That is correct.
8 Q. But you recall that there were also abundant evidence of
9 tape-recorded conversations of John Gotti introduced at that
10 trial, where he basically convicted himself out of his own
11 mouth; isn't that correct?
12 A. Exactly. They didn't need Gravano for that, right.
13 Q. They didn't need Gravano to convict John Gotti.
14 A. He convicted himself, like I stated. Absolutely.
15 Q. And at that trial, Sammy Gravano admitted that he committed
16 19 murders, isn't that correct?
17 A. That is correct.
18 Q. And, you know, and you knew when you decided to cooperate
19 that Sammy Gravano had been sentenced to 5 years imprisonment
20 as a result of his cooperation, didn't you?
21 A. Absolutely.
22 Q. I asked you earlier if you, yourself, had lied to other
23 members of organized crime, the Gambino family. And you said,
24 on occasion, you did, I believe.
25 Can you give some examples?

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01m0b0y1 DiLeonardo - cross

1 A. Yes. When I was asked about Eddie Garafola and how was he
2 doing, if he was behaving himself, when I knew he was taking
3 some money on the side, I would say everything is good.
4 Protected him. If he was caught robbing or anything like that,
5 possibility I would have to kill him.
6 Q. So, who were you telling these lies to?
7 A. John Gotti, Jr.
8 Q. And you were very close to John Gotti, Jr.?
9 A. Very, very close.
10 Q. I think you said he was a dear friend yesterday.
11 A. Oh, very, very close. I baptized his son.
12 Q. But you're misleading him, deceiving him about what's going
13 on.
14 A. Well, I don't like killing people over money. There was
15 only certain reasons I thought that warranted killing. There
16 was too much killing. I didn't want to become Sammy Gravano or
17 John Gotti, Sr. That wasn't going to happen if I had anything
18 to say about it.

19 So Eddie and I were bringing in a lot of money.
20 we put our freedom on the line, after Sammy, because we didn't
21 know who we were going to walk into, talking to, that could
22 have been cooperating. So Eddie did a lot of work for the
23 family. I got very close to Eddie. And I definitely lied so
24 he wouldn't get killed. Absolutely.

25 Q. And is that the only time you lied to another organized
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01m0b0y1 DiLeonardo - cross

1 crime guy in your -- how many years were you active, 17 years
2 or so?

3 A. It was a -- let's see, I think 14.

4 Q. Is that the only time you lied to -- when somebody was
5 going to get killed? I mean you would lie when it would serve
6 your own interest in some sort of deal, you would lie, wouldn't
7 you?

8 A. Well -- no. I typically raised the bar when it comes to
9 talking to wiseguys about deals. I had a pretty good rep about
10 being honest. Again, if it was to save somebody's life, I
11 lied.

12 Q. Would you be honest to John Gammarano, when you were in
13 your negotiations or exchanges with him.

14 A. Think I was pretty honest with John. I don't think he
15 liked that.

16 Q. You don't think he liked you being honest?

17 A. Yeah, I pulled him up several times.

18 Q. Aside from your interactions with other members of
19 organized crime, outside of organized crime, to the public at
20 large, to law enforcement, you would like all of the time. It
21 was a way of life, isn't that true?

22 A. Oh, yeah, it was my job, absolutely.

23 Q. And you would like to stay out of jail -- before you
24 cooperated, back then, during the life, you would -- whatever
25 needed to be said, you would say?

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01m0b0y1 DiLeonardo - cross

1 A. Absolutely.

2 Q. To keep you away from the police, keep them at bay.

3 A. Sure.

4 Q. I won't belabor this, but you talked about it yesterday.
5 You lied to your first wife, Toni Marie?

6 A. Every day.

7 Q. You -- is it accurate you were you were leading a double
8 life, like you had a wife, Toni Marie, and a son, Michael, at
9 home, and you had a girlfriend, I'll call her if you don't
10 mind, Madelina?

11 A. Sure.

12 Q. And a son in a parallel life, so to speak?

13 A. Oh, I had three lives. There was Cosa Nostra.

14 Q. Okay. We'll put that one aside.

15 A. Okay.

16 Q. Let's concentrate on these two.

17 How long did you live this double life with the wife
18 and Michael, and Madelina and Anthony?

19 A. I met Madeline, I believe, January of '98. And I have been
20 with her ever since.

21 Q. And how many years overlapped with your marriage to Toni
22 Marie?

23 A. The letter was sent to the house December of 2000. So that

24 was about almost two years, I would say.
25 Q. And during that period, did you buy another house and set
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01m0b0y1 DiLeonardo - cross
1 up a household with Madelina?
2 A. Sure.
3 Q. And where was that, in relation to your house with Toni
4 Marie?
5 A. 7 miles -- in Staten Island, 7 miles apart in Staten
6 Island.
7 Q. And Madelina, it was yours and Madelina's purpose -- or it
8 was intentional that she would become pregnant, correct?
9 A. Absolutely.
10 Q. As a matter of fact, she undertook fertility treatments
11 while you were with her?
12 A. Absolutely.
13 Q. And is it true that Toni Marie was also undertaking
14 fertility treatments at about the same time.
15 A. Yes, I don't know why she wanted to do that, because --
16 Q. But she was?
17 A. Yes.
18 Q. Not at the same location, I assume, the fertility
19 treatments?
20 A. Well, it wasn't simultaneous. It was --
21 Q. All right.
22 A. She tried in the mid nineties to maybe '97 or so, I
23 believe.
24 Q. Now, you would -- you would lie to Toni Marie every day
25 about this, correct?

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01m0b0y1 DiLeonardo - cross
1 A. Well, not -- I would lie about where I went. She didn't
2 ask me about Madeline. She did not know about Madeline. Or
3 any other girl I dated in the past. She did not know. But she
4 knew I was out a little bit too much. And she would question
5 me. And I would tell her, no, you're crazy, I'm not going --
6 I'm not seeing any girls.
7 Q. I noticed yesterday when you answered questions, you
8 looked -- you tend to look into the jurors' eyes?
9 A. Correct.
10 Q. Did you look into Toni Marie's eyes like that when you were
11 lying to her?
12 A. Yes. Toni Marie knew me very well. And she liked eye
13 contact.
14 Q. In addition to Madelina, or prior to Madelina, you had
15 numerous girlfriends?
16 A. Absolutely.
17 Q. I think, at one point, you may have said hundreds but I
18 assume that was an exaggeration. Maybe I'm wrong?
19 A. You're wrong. Through my lifetime? You know, I -- I
20 like -- I love women.
21 Q. And you had an apartment over in Brooklyn, did you?
22 A. Yeah.
23 Q. And Shore Road?
24 A. Sure.
25 Q. So is that like a fourth life?

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01m0b0y1

DiLeonardo - cross

- 1 A. No, that was part of the second life. But, you know,
2 Madeline came into that later on. But I had that apartment
3 from, let's say, the mid nineties.
4 Q. But you would bring girlfriends there?
5 A. Absolutely.
6 Q. And, obviously, Toni Marie -- Toni Marie never caught you,
7 did she?
8 A. Not that I know of.
9 Q. So you did a pretty good job misleading her, didn't you?
10 A. Like I said woman's intuition, women's instinct. She knows
11 her husband. And I tried my best.
12 Q. Have you ever described yourself as being Machiavellian?
13 A. Myself as Machiavellian? I don't know about myself. But
14 most people in the mob read Machiavelli, several times. And
15 some people, you read that book to try to figure out what
16 they're thinking. I found out John Sr. liked the Machiavelli
17 end of it, so to get in his head a little bit, I read it.
18 Q. You read it a couple of times, right?
19 A. Several times, Prince.
20 Q. The Prince by Maciavelli?
21 A. Sure.
22 Q. And The Prince is a very calculating person, correct?
23 A. Yes.
24 Q. He -- he plays every situation to his advantage, correct?
25 A. And he taught that, also, I believe.

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01m0b0y1

DiLeonardo - cross

- 1 Q. He taught it. And largely by deception, correct?
2 A. Well, power plays, what to look for; things of that nature,
3 sure.
4 Q. And deception.
5 A. Absolutely deception.
6 (Continued on next page)
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01MTBOY2

DiLeonardo - cross

- 1 BY MR. WHITE:
2 Q. Now Toni Marie is Frank Fappiano's sister, correct?
3 A. That's correct.
4 Q. Frank Fappiano was close to you, correct?

5 A. Like I said, I knew Frankie way before I knew his sister
6 existed. I knew the whole family very well, I just didn't know
7 he had a sister.
8 Q. And you were close to him during the '90s?
9 A. Yeah, sure.
10 MR. WHITE: If I may approach the witness with what I
11 marked as Defendant's Exhibit A for identification.
12 Q. Are you familiar with that photograph?
13 A. Oh, yeah.
14 Q. Does that accurately reflect you and Frank Fappiano back in
15 the '90s, is it?
16 A. Yeah, but I'm taller.
17 Yeah, that's it, sure.
18 MR. WHITE: I offer Defendant's Exhibit A in evidence,
19 your Honor.
20 MR. NEW: No objection.
21 THE COURT: Admitted.
22 (Defendant's Exhibit 1 received in evidence)
23 MR. WHITE: Your Honor, with your permission if I
24 could walk this along the jury rail?
25 THE COURT: Sure.
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01MTBOY2 DiLeonardo - cross

1 Is it OK if we could it Defendant's 1?
2 MR. WHITE: That's fine, your Honor.
3 THE COURT: OK.
4 BY MR. WHITE:
5 Q. And when is that approximately, Mr. DiLeonardo?
6 A. I know it's a wake in Brooklyn. The date I don't know.
7 Frankie was arrested I believe around '99, so it has to be
8 prior to '99.
9 Q. Well, couple of years prior perhaps?
10 A. Could be.
11 Q. Not ten years prior?
12 A. I don't think it would be that long, no.
13 Q. Was Frank Fappiano a smart guy?
14 A. Yeah, Frankie was sharp. He's pretty good in the
15 construction business and in business.
16 Q. In what?
17 A. And in business.
18 Q. And was a big earner for the Gambino family?
19 A. He was an earner but not a big earner. Like I said, I put
20 him in Local 23 to handle that end of the union.
21 Q. What kind of -- he was in Sammy Gravano's crew and then he
22 was in Louie Vallario's crew then he was in your crew?
23 A. Then back to Louie, yes.
24 Q. And how did he earn money for the family?
25 A. One little step, he was in D'Amico's crew for a little
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01MTBOY2 DiLeonardo - cross

1 while too, then me.
2 Q. And how did he earn money for the family?
3 A. Through the construction, through Local 23. I put him in
4 there. He was already in Local 282 Teamsters like I was.
5 Matter of fact, he was there a couple of years before me by
6 Sammy and he was doing some stuff with Sammy for construction,
7 bringing money in. Later on when I got involved I put him into
8 23.
9 Q. Was that the only illegal activity that generated money for

10 the Gambino family from Frank Fappiano?
11 A. I believe so.
12 Q. How about loan sharking?
13 A. No, he never turned anything for that.
14 Q. Extortion?
15 A. No.
16 Q. Drug dealing?
17 A. Absolutely not.
18 Q. He was involved in drug dealing?
19 A. Yes.
20 Q. But he pocketed the proceeds; is that it?
21 A. Oh, yeah. No, he couldn't turn any money to me from drug
22 dealing because he denied to me that he was involved in drug
23 dealing.
24 Q. I asked you was he a big earner. What do you consider a
25 big earner?

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01MTBOY2 DiLeonardo - cross

1 A. Somebody who brings in consistent money to the family or
2 has an industry, like myself had construction where I was
3 bringing in tens of thousands a month at times, that would be a
4 big earner for the family.
5 Q. Didn't he bring in money consistently? Maybe not your
6 league, but he brought in money consistently throughout the
7 '90s, didn't he?
8 A. Like I said, it would through 23, which would have been me.
9 I put that in total under what I did in my crew.
10 Q. So the money would go to him and then he would kick it up
11 to you when you were his captain?
12 A. He would give it to me or most of the times I would send
13 him out to see Pete Gotti because Pete was handling 23 with
14 Johnny Gammarano and Joe Brewster Delmonico. Joe Brewster used
15 to delegate and then again I put that responsibility on those
16 fellows, and they went directly to Pete most of the times with
17 that money.
18 Q. How about Eddie Garafola, was he a big earner?
19 A. Yeah, he was a big earner.
20 Q. How was he? Was he bigger than you?
21 A. Oh, yeah.
22 Q. And how did he make his money?
23 A. Through shaking down construction guys. He also was
24 involved in a big stock deal with Gem Steel and he was on the
25 payroll with them and other contractors that I didn't know

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01MTBOY2 DiLeonardo - cross

1 about that I slowly found out about.
2 Q. Isn't Gem Steel the one where people said he was pocketing
3 money? Did he pocket some of the money and turn some of it
4 over?
5 A. Yeah, there was a stock deal that went bad with the
6 Genovese family with Joe Polito who owned Gem Steel at the
7 time. And the only reason I found out about it is because it
8 became a beef and he came to me and we settled that beef. But
9 in the interim Eddie charged the guy a hundred thousand to --
10 shook him down for another hundred. And he told me we got a
11 hundred coming but I'm going to use it for my house upstate if
12 it's OK with you. I said it's not OK with me because we had to
13 turn part of the money over anyway. And he said well, right
14 now I need to use it, is that all right? I said all right but

15 in time you got to give it back. And he never gave it back.
16 Q. How about Joey D'Angelo, was he a big earner?
17 A. Joey and I had -- I put Joey on the stock market on my end
18 and he also had somebody on his end when he was with Louie
19 vallario's crew, a kid named Charlie who was pretty big on wall
20 Street. I really don't know how much he earned with Charlie
21 but he did earn a lot of money, and he earned a lot of money
22 with me.
23 Q. What do you mean by a lot? In a good year what would a lot
24 be?
25 A. Three, four hundred thousand just for the stock market.

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01MTBOY2 DiLeonardo - cross

1 Q. How about Huck Carbonaro, is he a big earner?
2 A. No.
3 Q. I think you testified yesterday that you gave him a loan,
4 it would be a loan shark loan but you didn't charge him any
5 interest.
6 A. That's correct.
7 Q. Huck was frequently broke; isn't that correct?
8 A. Yeah, he had lint in his pocket when he came back.
9 Q. Lint in his pocket meaning he was broke all the time?
10 A. Right.
11 Q. He was so broke that once he showed up decently dressed and
12 it drew suspicion, correct?
13 A. Absolutely, right.
14 Q. And he never paid back that loan I think you testified
15 yesterday.
16 A. Well, Eddie, when I asked for the money when I knew there
17 was something going on, because it wasn't one day he was he
18 dressed, it was every day he was dressed. And like you said,
19 it raised a flag. Eddie, being close, said Mike, I'll give it
20 back to you, which was something we would have worked out in
21 the future.
22 Q. A little deception by Eddie?
23 A. Sort of. He knows I was a soft touch. When I gave people
24 me to go on the lam across the street they wouldn't pay me.
25 Q. Did you respect Huck, Mr. DiLeonardo?

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01MTBOY2 DiLeonardo - cross

1 A. I respect him for capable, that the guy was a capable
2 murderer and force in the family and stood up, stood his
3 ground. After Sammy flipped he could have easily went in but
4 he did not.
5 Q. But as a person?
6 A. There was a couple of things that really irked me. I never
7 told him -- when I saved these guys' lives I never went and
8 told them listen, I just saved your lives. I didn't say
9 nothing. I wasn't looking for any credit like that and it
10 could have caused a problem, so I never told these guys. But
11 they knew I got them on the map. Louie vallario's whole crew
12 came to me for advice and to hang around for strength, get
13 their credibility back.
14 when they went to kill Sammy Gravano I was totally
15 against that hit. And I think at that point, between the
16 Hydell and not wanting to kill this kid because of
17 circumstances and not wanting to kill Gravano because of wild
18 circumstances that would have happened to our family if Sammy
19 Gravano was murdered and I was on it, I think when that

20 happened they lost respect for me that I wasn't blood thirsty
21 and kill these guys. I think that's when a disrespect started
22 on his part.

23 Q. On Huck's part?

24 A. On Huck's part. After I found out that they went to kill
25 Sammy after without telling me prior, I got annoyed.

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01MTBOY2 DiLeonardo - cross

1 Q. Your position was they should thank Sammy because Sammy
2 lied to the government to save them?

3 A. We were born again, virtually.

4 Q. You were born again because you knew Sammy had the goods on
5 all of you, all the murders you committed or many of the
6 murders that you committed and he never gave you up to the
7 cooperate when he cooperated.

8 A. Right.

9 Q. I think you testified that Huck had a little crew of people
10 around him?

11 A. He started -- yes, he started -- early on he was part of a
12 crew, later on he started to form a crew.

13 Q. And who were some of those people?

14 A. His nephews, Tommy, Lenny, Eddie, and some other people,
15 these triplets.

16 Q. Who are these triplets you referred to yesterday?

17 A. John -- I don't know, it was three brothers that lived in
18 the neighborhood.

19 Q. Are they actually triplets?

20 A. Yeah.

21 Q. That's not their names, Joe Triplet?

22 A. There's very few triplets so they're known as the triplets.

23 Q. What did three guys do, the triplets?

24 A. I believe one guy married a friend of mine's daughter in
25 the plumbing business, he straightened out. The other two guys

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01MTBOY2 DiLeonardo - cross

1 were hanging around with Huck, whatever they were doing.

2 Q. You don't know?

3 A. Something about banks at one time and some robberies. I'm
4 not too sure. I didn't pay too much attention and I can't put
5 a finger on it.

6 Q. Were they with Huck or were they with the Colombo family,
7 maybe?

8 A. Not that I know. Like I said, when I saw them -- and I was
9 surprised to see them, it was by Vallario's club with Huck. He
10 had a cafe where we hung out on 17th Avenue. And a lot of
11 times I would meet Louie there and there would be Huck sitting
12 around with all the guys with Louie.

13 Q. One of the crimes you pled guilty to was conspiracy to
14 kidnap and assault Curtis Sliwa, correct?

15 A. That's correct.

16 Q. What role did you play in that?

17 A. Yes, I was part of the initial discussion of getting Curtis
18 Sliwa and putting him in the hospital.

19 Q. This was incident in which Curtis Sliwa was shot in the
20 back of a taxi cab?

21 A. Yes, he was supposed to get a hospital beating but not
22 shot.

23 Q. How do you know was he supposed to get a hospital beating?

24 A. That's what Junior directed us that night to do.

25 Q. When did Junior direct you to do that?
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01MTBOY2 DiLeonardo - cross

1 when and where? How did that come about?
2 A. Curtis Sliwa -- do you want me give a preamble?
3 Q. Go ahead.
4 A. Curtis Sliwa had started this tirade about the Gottis for
5 years and there came a point in time where they had enough,
6 Junior had enough with his mouth and decided to put him in the
7 hospital with a baseball bat beating. And Junior had told me
8 to get Lou Vallario, Joe D'Angelo and bring them to a spot out
9 in Queens, a diner out there, which I did. When I went to
10 Brooklyn I couldn't find -- Louie wasn't around so I just took
11 Joey with me. And when we got to the meeting there was Nicky
12 Corozzo, who was captain, a fellow named Mike Yannotti, Junior,
13 and now us and a few other guys hanging around.
14 Q. Was Joey D'Angelo one of them?
15 A. Yeah, I took Joey.
16 Q. Where was this?
17 A. It was a diner, I believe it was Carousel on Cross Bay
18 Boulevard.
19 Q. In Howard Beach?
20 A. Yeah.
21 Q. And you took Joey D'Angelo there yourself?
22 A. Right.
23 Q. And what happened at that meeting?
24 A. John said -- he started out by saying we had to do a piece
25 of work for the family. And usually in that context a piece of
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01MTBOY2 DiLeonardo - cross

1 work means you'll kill somebody. But then he started to say he
2 just wanted to put Sliwa in the hospital, severe hospital
3 beating, and gave the orders to Nicky to handle it, Nicky
4 Corozzo and his crew, and put Joey on that beating.
5 Q. So at that meeting Junior Gotti told Joey D'Angelo that he
6 would be part of the beating and taken instructions from Nick
7 Corozzo, correct?
8 A. Absolutely.
9 Q. And he told the same thing to Michael Yannotti?
10 A. Correct.
11 Q. And after that beating -- you came to that meeting with
12 Joey D'Angelo, you said?
13 A. Sure.
14 Q. And did you leave the meeting with Joey D'Angelo?
15 A. Yeah.
16 Q. Where did you go?
17 A. Back to Brooklyn, I believe.
18 Q. You drove him back to Brooklyn?
19 A. Might have been. Maybe we made a stop, I'm not sure, but
20 we went back to Brooklyn.
21 Q. And was that plan ever executed?
22 A. Yes, that's when he got -- Mike Yannotti and Little Joey
23 went to find where he lived in Manhattan, had a cab. And when
24 Sliwa got in the cab, Yannotti was hiding behind the front
25 seat, Joey was driving the cab. As they pulled away Yannotti
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01MTBOY2 DiLeonardo - cross

1 jumped up and started shooting Sliwa. It was not supposed to
2 be a shooting.
3 Q. How do you know that?
4 A. Through Joey. Joey was very angry with Yannotti about
5 doing that.
6 Q. He talked to you afterwards, Joey D'Angelo?
7 A. Yeah.
8 Q. You were arrested in June of '02, correct?
9 A. Correct.
10 Q. And that arrest ultimately led to your cooperation, true?
11 A. True.
12 Q. That year, from June of '02 to June of '03, the worst year
13 of your life?
14 A. Oh, yeah, by far.
15 Q. After you were arrested there was a bail hearing conducted
16 I guess in this courthouse, correct?
17 A. That's correct.
18 Q. And the bail hearing was for you -- you were arrested with
19 Eddie Garafola also?
20 A. Lou Vallario and Fappiano.
21 Q. And there was a bail hearing, correct, that you all
22 attended except Mr. Fappiano, do you recall?
23 A. Yeah, because I think he was serving a sentence --
24 finishing up a sentence. I don't believe he was there, right.
25 Q. And how long after your arrest was this bail hearing;
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01MTBOY2 DiLeonardo - cross
1 couple of months, was it?
2 A. It was August.
3 Q. August. And you were arrested in June?
4 A. Right.
5 Q. That's two months now you have been in jail from the time
6 you were arrested until the bail hearing. Up until that time
7 did you ever spend more than a day or two in jail?
8 A. No.
9 Q. And during that hearing you heard arguments made to the
10 judge why you shouldn't get bail, correct?
11 A. That's correct.
12 Q. And one of the arguments was that you're facing life
13 imprisonment on the Fred Weiss murder, correct?
14 A. Correct.
15 Q. And you were a danger to the community?
16 A. Correct.
17 Q. And that there were numerous witnesses against you who
18 would testify at trial so the government had a strong case.
19 You heard that during the bail argument, correct?
20 A. Yes.
21 Q. And that there was evidence of numerous surveillance of you
22 meeting with different people within the Gambino organized
23 crime family. Do you remember that?
24 A. Oh, yeah, surveillance all over the place.
25 Q. And so bail was denied?
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01MTBOY2 DiLeonardo - cross
1 A. Correct.
2 Q. And at this time you were being housed in the Metropolitan
3 Corrections Center, the local federal jail?
4 A. Correct.
5 Q. During the ensuing months, next couple of months, you would

6 meet with your co-defendants to discuss the case, correct?
7 A. Correct.
8 Q. And your attorney. And you were evaluating what the
9 strength and the weaknesses of your case will be, correct?
10 A. Sure.
11 Q. Now during that time you started to get some messages from
12 the street regarding your status with the Gambino family,
13 correct?
14 A. During that time it was basically about the faucet being
15 shut off with the monies.
16 Q. If I could take that phrase and put it into a different
17 form, you got word to you that your money from the construction
18 business was being taken away from you?
19 A. Construction, stock, tattoo, whatever I had in the street I
20 wasn't given five cents.
21 Q. And the message you got, actually it came to you through --
22 it was passed through Eddie Garafola who was in the MCC with
23 you because his bail had been denied also, correct?
24 A. That's correct.
25 Q. And the message was actually from Huck Carbonaro?

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01MTBOY2 DiLeonardo - cross

1 A. That's correct. It was dual messages. I also got messages
2 from somebody else but through the construction.
3 Q. And the message from Huck was tell him he's got nothing
4 coming to him, he's done?
5 A. Yes, we had nothing coming. And I sent a message back that
6 I don't remember dying, I don't remember getting life yet.
7 Q. But you got that message relayed to you from Huck Carbonaro
8 that you're not getting any more money, you're done?
9 A. Correct.
10 Q. And then this is the guy Huck whose life you had saved?
11 A. Yes, and made him whole again monetarily.
12 Q. For a while?
13 A. Well --
14 Q. Then you got a message that you were being shelved?
15 A. Yes.
16 Q. And am I correct that that message was actually delivered
17 to you through Madeline?
18 A. Yes. Like I said, it wasn't a message from the mob, it was
19 a message through Madeline that she was picking out a snippet
20 from an associate around me that he heard from his father, who
21 was an old timer wise guy in our crew, so that substance coming
22 down. Because really she didn't know what she was talking
23 about, she couldn't see anything, and this is only Noel hearing
24 what his father told him from the street.
25 Q. Noel is Noel Modica?

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01MTBOY2 DiLeonardo - cross

1 A. Correct.
2 Q. And he got word that you were being shelved, he told
3 Madeline?
4 A. Right.
5 Q. And she told you?
6 A. Right.
7 Q. And so this is the event you say broke your heart,
8 devastated you, and you are not even getting it firsthand from
9 anybody, you're -- was she your wife at that point?
10 A. No, we weren't married yet.

11 Q. But you're getting it from your girlfriend that she doesn't
12 know what she's telling you but you know what the message is,
13 you're being shelved by the Gambino crime family?

14 A. That's exactly the point. That's the way I heard about it,
15 correct.

16 Q. And how did you react?

17 A. I was devastated. A couple minutes later I ended the
18 visit, went back to my cell.

19 Q. Why were you devastated?

20 A. Because I knew what that meant. Like I said, it's a total
21 embarrassment. I still don't know til today what I did wrong
22 to anybody out there. Again, it was something that was my
23 whole life. Every fiber of me was mob. And that's what I
24 loved, for better or worse or society. We were our own
25 government, and that's what I knew and that's what I wanted to

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01MTBOY2

DiLeonardo - cross

1 know. It's like compared to a loved one dying. Something died
2 at that point. And like I said, total embarrassment that I got
3 to do X amount of years in jail. I just came off a case
4 fighting for four months straight. So I was facing 20 years
5 and this is what you do to me after millions of dollars of
6 loyalty and all the guys that wouldn't have been dead if it
7 wasn't for me?

8 Q. After all the millions of dollars you brought in, your
9 loyalty, your wise counsel that you testified that you gave
10 over the 14 years or so that you were in, what reason could
11 they have for shelving you?

12 A. I think it was just a power play at that point.

13 Q. Could you elaborate on that?

14 A. I could give you some examples. During my tenure with
15 Junior in the street there's always somebody with agendas, as
16 Mr. White alluded to early on. Danny Marino was pulled in just
17 before he was going to jail to ask him some questions about
18 murders in our family. After they're satisfied with the answer
19 he gave that day, two weeks later Nicky Corozzo goes to
20 John, Jr. and starts yelling and hollering to break Danny
21 Marino. The guy just went to jail. You had him in the street
22 two weeks before, you wanted to kill him, you don't like what
23 he had to say, kill him. Now the guy goes to jail, you want to
24 take him down? That's the mentality going on. I told John
25 keep this guy as a captain.

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DiLeonardo - cross

1 Another captain was very friendly with John Gotti, Sr.
2 The guy was crippled in a wheelchair, he went to jail for
3 gambling, state prison. I go to a meeting one day with John
4 Gotti, Jr., Joe Watts was there, Danny Marino, Jackie Nose.
5 Danny Marino calls me in the room because they were there
6 talking for a couple of hours, and he said I want to talk to
7 you, we want to break Jackie Giordano. Why do you want to
8 break Jackie Giordano? He said, well, we want your opinion,
9 John said ask for your opinion. You can't break Jackie
10 Giordano, that's John's friend. I said only John can break
11 Jackie Giordano. What are you going to break him for? Nobody
12 likes him. His crew don't like him. So I talk him out of
13 that. And there was time and time with breaking guys in jail.
14 Are they out of their minds?

15 Craig DePalma, the guy almost flipped on my case. He

16 was a wise guy. His father is a wise guy for about a thousand
17 years, did a lot of time. They wanted to break him. He almost
18 cooperated against me in court. He came back, they were going
19 to break the kid finishing up an eight year bit. He didn't
20 cooperate. They wanted to break him. I sent a message to
21 leave the kid alone. They broke him after I came in and the
22 kid hung himself in jail. That's the mentality. why? I don't
23 know why.
24 Q. You had the faucet turned off?
25 A. Correct.

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01MTBOY2 DiLeonardo - cross

1 Q. No more money coming in?
2 A. Yes, two families out there.
3 Q. Two families, no money coming in. That was pretty
4 disturbing and shocking?
5 A. It wasn't the money, Mr. White. I was angry before, like I
6 said, I sent a message out, I don't remember dying or getting
7 life what are you guys doing?
8 Q. It wasn't the money, but in any event the money wasn't
9 coming in.
10 A. Listen, I couldn't have found money. I had money put away.
11 It wasn't a matter of somebody starving in the street. That
12 was making me angry. When it flipped the other way on me when
13 they took what I loved away from me and I knew I was finished.
14 When you take a cause away and I'm fighting a case for life,
15 what are you fighting for if you have no cause? My cause was
16 Cosa Nostra.
17 Like I said, I was on trial for four months seven
18 months before that. I was on trial for four months in Atlanta.
19 I beat that case. It was a miracle. But I was willing,
20 whatever they gave me, I was going to jail for. So this thing
21 about me not liking jail, nobody likes jail, but I stood trial
22 there when was I facing Draconian years.
23 Q. Not life imprisonment?
24 A. Well --
25 Q. Right?

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01MTBOY2 DiLeonardo - cross

1 A. Absolutely not. But listen, we don't know what will have
2 happened. I know what did happen.
3 Q. In any event, you learned that you are shelved and now you
4 make a decision to cooperate, correct, at that point?
5 A. That's correct.
6 Q. And you undertake to go to what's call called a proffer
7 session with the government, with some agents and some
8 assistant United States attorney, correct?
9 A. That's correct.
10 Q. And you sat down with them and you told them you want to
11 cooperate?
12 A. Right.
13 Q. And they asked you some questions. What did they ask you?
14 Generally speaking, what did they ask you in that initial
15 proffer session?
16 A. They wanted to know the big stuff, basically the murders
17 and things like that. First of all, what I did if I admitted
18 my role in my case specifically, and murders that I knew about.
19 Q. Did you go into great detail in that first meeting?
20 A. No, it was a very, very difficult meeting. It was short.

21 I had a very hard time sitting there looking at these guys.
22 And my head was spinning, so it didn't last that long.
23 Q. But after that meeting you're determined at that point to
24 continue on this effort to cooperate, to become a cooperating
25 witness?

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01MTBOY2 DiLeonardo - cross

1 A. Yes, I had got bail, right.
2 Q. No, I mean prior to getting bail, you came out of the
3 proffer, now do you go back to the MCC where you were?
4 A. Yes.
5 Q. And you made this decision you're going to cooperate at
6 that point?
7 A. Right.
8 Q. Now you eventually are released on bail couple weeks later
9 or so?
10 A. Maybe shorter.
11 Q. And you're released on bail with the consent of the
12 government, correct?
13 A. Correct.
14 Q. And the consent of the court. And the position is kind a
15 compassionate bail because your mother is ill?
16 A. Right.
17 Q. She was ill, but that wasn't the reason for the bail?
18 A. No, they wouldn't let me out for my mother, right.
19 Q. But the judge understood that when he released you on bail?
20 A. He knew all the conditions.
21 Q. And he knew you were undertaking cooperation at the time?
22 A. That's correct.
23 Q. Now between your initial proffer and being released on
24 bail, did you meet with your brother-in-law Frank Fappiano?
25 A. That's correct.

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01MTBOY2 DiLeonardo - cross

1 Q. That was in the MCC?
2 A. Right.
3 Q. At that point in time he was at the MCC with you?
4 A. He was moved over from Brooklyn and came there, yes, that's
5 correct.
6 Q. And what happened in that meeting with Frank Fappiano, your
7 brother-in-law?
8 A. I disclosed that I was going to cooperate and I thought he
9 should do the same.
10 Q. And how long was that meeting?
11 A. Maybe an hour and a half.
12 Q. And you discussed -- did you tell him you had been shelved
13 and this is what you're going to do and what your plans are?
14 A. Yeah.
15 Q. And was it an emotional meeting?
16 A. We both cried.
17 Q. And how did it end?
18 A. He said he was going to get a visit from his sister, I
19 believe, and his mother, and he would tell them. Because at
20 that point he told me he would -- he alluded to it that he
21 would come in. And then we left.
22 Q. And you kissed before you left, didn't you?
23 A. Sure.
24 Q. Now when you are released on bail you're released with the
25 idea of tape recording members of the Gambino family who are on

01MTBOY2 DiLeonardo - cross

- 1 the street, correct?
2 A. Correct.
3 Q. And certain people were targeted. Who determined the
4 targets for the tape recording?
5 A. Well, during the course of discussion was that being, like
6 I said, Joseph Corozzo was the consiglieri, and his job -- if
7 any captain has a gripe, his job is to meet with them and iron
8 it out. So that gave me a legitimate reason to talk to him
9 where he would come in. I couldn't just go ask for anybody and
10 start discussing crimes. So I had a reason where he had to
11 come in, he had an obligation.
12 The second one was Carbonaro because he was in on the
13 construction monies and that's what dried up also. And I was
14 handling Huck at that time with that, so I had a reason to
15 speak with him.
16 The other monies -- the other messages that I alluded
17 to earlier was from the stock market. It was a fellow named
18 Johnny Rizzo who was an acting captain for D'Amico, and he was
19 the one handling, from what I understood, my stock market
20 money. And I was going to go see him.
21 So those were the three guys and those were the three
22 reasons.
23 Q. And did you wind up tape recording those three targets?
24 A. No, they wouldn't meet with me.
25 Q. Did you tape record anybody?

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01MTBOY2 DiLeonardo - cross

- 1 A. Yes, Frank Cali, who was also in D'Amico's crew along with
2 Rizzo, he came to see me as a wise guy. An associate of mine,
3 Louie Mariani, who I knew since 16 years old.
4 Q. How did Lou Mariani come to see you?
5 A. I called him to come.
6 Q. You were close friends with him, weren't you?
7 A. From 16, yeah. I baptized both his children, he baptized
8 my son Michael.
9 Q. How did your wife Toni Marie find out eventually about
10 Madeline?
11 A. There was a letter sent, I think December 10 or 12th of
12 2000 sent to the house where she got the mail, she collected
13 the mail, went into the kitchen and opened the letter.
14 Q. What did the letter say?
15 A. Describing my son Anthony, said congratulations, stuff like
16 that, and about Anthony, and more to come was on the bottom of
17 the letter. As far as the rest of the content, pretty short.
18 Q. At that point Toni Marie didn't know Anthony existed,
19 correct?
20 A. No. Devastating blow. She knew it was true.
21 Q. Did Lou Mariani send that letter to her?
22 A. Over the course of time I tried to figure out who it was.
23 Initially I thought it was the FBI or city cops. And then as
24 time went on I started to figure it wasn't them, so I tried to
25 figure out who it was. Because Madeline wound up with a

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01MTBOY2 DiLeonardo - cross

- 1 letter, too, at her house when I moved her into the house in

2 2000, late 2000. And it was too close. There were too many
3 things going on. I tried to put it together and started to
4 come to terms that it could have been Louie because as close as
5 we were, there was things missing from his personality at that
6 point.
7 Q. Louie Mariani?
8 A. Yeah.
9 Q. Now I think you described on direct examination that you
10 attempted suicide?
11 A. Sure.
12 Q. And you pretty near succeeded?
13 A. I tried to give my life for the life, yeah.
14 Q. Give your life for the life of the Gambino family?
15 A. Cosa Nostra.
16 Q. Cosa Nostra. And did you say you took those sleeping pills
17 in the bathtub?
18 A. No.
19 Q. You were thinking -- what was your thought process at the
20 time that you took all of these pills?
21 A. Sure. I like a little bit of history, and like I said,
22 when I woke up and I had those bad dreams I went downstairs to
23 take another pill, I wanted to die a good soldier. I thought
24 about the samurai falling on their swords, Romans taking a hot
25 bath, slit their wrists, all the ways to die with honor. I
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01MTBOY2 DiLeonardo - cross
1 thought maybe I could go out that away with a bottle of pills
2 without the gore.
3 So like I said, these things hit me and I said I can't
4 do this, I can't hurt -- because I asked the government to
5 leave some people out if they could. I'll tell you everything
6 about everybody, all the information, but there are certain
7 people that are victims that I love, certain guys I love. They
8 had nothing to do with murders, basically, and if they would
9 leave them out. And they said no, they rejected the whole
10 thing. They said everybody or nothing. And that's what put me
11 into -- became problematic for me that I would hurt people that
12 I loved. So I went downstairs and, like I said, I wanted to
13 die with some honor, and those are the things I thought of.
14 Q. Who did you want to leave out?
15 A. Sal Romano, Tony Genovese, Sammy Genovese, Junior Gotti.
16 Q. John Gotti, Jr.?
17 A. Yeah. And a few other guys.
18 Q. And you said that they weren't involved in murders
19 basically. What does that "basically" mean?
20 A. Basically not all those guys -- Tony Genovese wasn't a
21 murderer, Sammy Genovese wasn't a murderer, Sal Romano wasn't a
22 murderer. Junior was, of course, but the rest of the guys, no.
23 Q. And what room were you in when you took these pills?
24 A. I was in my bedroom and Madeline and Anthony were in their
25 bedroom. Like I said earlier, I couldn't sleep. I would lay
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01MTBOY2 DiLeonardo - cross
1 down, ten minutes later I would be up, my mind was racing. And
2 this went on for about two weeks, so I was in pretty bad shape
3 as far as collecting thoughts.
4 Q. And if you had succeeded, Madeline and Anthony would have
5 found you dead in bed the next day of suicide, correct?
6 A. Again, when I described that story about me taking those

7 pills, that's part of what bothers me, that I can't believe I
8 tried to kill myself and how I tried to do it and where, right.
9 Q. That was your view of the honor?
10 A. Well, like I said before, my honor was to Cosa Nostra, I
11 thought at that point, open book.
12 Q. Now you woke up in the hospital after this suicide attempt?
13 A. Yeah, and was mad at Madeline for waking me up.
14 Q. Did you tell her you were mad at her?
15 A. Oh, yeah.
16 Q. What did you say?
17 A. I said how did you wake me up? Why didn't you leave me
18 alone? She started screaming: Do you believe this guy? Look
19 at him, he wants to be dead. What's the matter with you? She
20 flipped out on you.
21 Q. And you had no idea how you got to the hospital?
22 A. Ambulance. She told me the story, of course, yeah.
23 Q. And I believe you testified that when you came to, the room
24 was full of FBI agents or federal agents?
25 A. Sure.

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01MTBOY2 DiLeonardo - cross
1 Q. How long did you remain in the hospital?
2 A. Could have been two days.
3 Q. The plan you had with the government, correct me if I'm
4 wrong, was that you would go out and take people while you were
5 on this compassionate bail and thereafter you would be taken to
6 a safe house, correct?
7 A. That's correct.
8 Q. And that's because once you ventured down the street of
9 cooperation, especially being out taping people, you could not
10 safely go back to the MCC where you might be at risk; is that
11 correct?
12 A. Well, they could have put you in the seg. unit, in the hole
13 somewhere, they could have done that. Because eventually
14 that's what did happen. But the safe house was to continually
15 debrief us because they knew I knew a lot of stuff and it would
16 be quite extensive, and it would take months to go through.
17 We're still going through the process, it's years.
18 Q. The plan was for you to go to a safe house, but after your
19 suicide attempt you did not go to the safe house, correct?
20 A. No, I went to the hole.
21 Q. You went back to the MCC and you were put back in what you
22 call the hole?
23 A. That's right.
24 Q. And that's also called the Special Housing Unit?
25 A. There's the hole and then the special seg. unit. It was

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01MTBOY2 DiLeonardo - cross
1 built for terrorists.
2 Q. That's a more severe unit than the other hole?
3 A. More secure and severe, yes.
4 Q. And which one were you in?
5 A. The worst one, the more severe.
6 Q. Is that the one designed for terrorists?
7 A. Yeah.
8 Q. Now in terms of your daily needs, food, shelter, clothing,
9 et cetera, how were the conditions in that unit?
10 A. There was two lights on in the cell 24 hours a day, never
11 shut off. There was no heat. It was the middle of winter, it

12 was freezing in there. The toilet bowl froze it was so cold.
13 Food, I threw most of it away. When I went into prison I
14 weighed 218. At one point going up to the prosecutor's office
15 later on I was down to 150.
16 Q. 218 to 150, did you say?
17 A. Yeah. I got scurvy.
18 Q. You said the lights were kept on 24 hours a day?
19 A. Correct.
20 Q. How big were -- you were in a cell, I assume?
21 A. Yeah, you're in a concrete and steel cell with two cameras
22 and lights on, yeah.
23 Q. And how big is the cell?
24 A. Maybe six by nine.
25 Q. How many months were you in this cell?

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01MTBOY2 DiLeonardo - cross

1 A. First couple of days of December to May 22nd of '03. So
2 six months.
3 Q. And when you say the lights were on 24 hours a day, two
4 lights you said?
5 A. Yeah, whatever was in there.
6 Q. And what affect did that have on your ability to sleep?
7 A. That's rough. whatever you have, you have to curl yourself
8 up in a ball not to see the lights.
9 Q. Do you know why the lights were kept on 24 hours a day?
10 A. To watch you. That's what they told me.
11 Q. To watch you?
12 A. Yeah.
13 Q. And you said -- I think you said the water froze in the
14 toilet?
15 A. Yeah, I had no hot water and there was no heat.
16 Q. There was no heat in this cell?
17 A. No, there was no heat.
18 Q. And you went there from late December, January, February,
19 March, April into May?
20 A. Yeah.
21 Q. And how did you --
22 A. And they had the air conditioner on.
23 Q. No heat and the air conditioner was on cold?
24 A. Yeah.
25 Q. What was the purpose of that?

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01MTBOY2 DiLeonardo - cross

1 A. For ventilation.
2 Q. This is what you were told, for ventilation?
3 A. Yeah.
4 Q. So how did you -- why didn't you freeze to death?
5 A. Human body can take a lot of things. It was close. It was
6 close.
7 Q. How did you go to the bathroom when the toilet froze, the
8 water was frozen in the toilet?
9 A. Just a little bit, not full solid, a little bit.
10 Q. So you could use the toilet?
11 A. Yeah.
12 Q. What kind of food did you get?
13 A. Wasn't too appetizing. Most of the time I threw it away.
14 Some stuff put in it at times. The guards were playing around.
15 This is all the BOP playing around.
16 Q. What was put in there?

17 A. Pubic hairs.
18 Q. Why?
19 A. I don't know. I asked for the guy -- told the lieutenant
20 to tell the guy who put that in there to come in the cell. If
21 he has something against me, tell him to come in the cell.
22 Q. Did you get any medical care during this period?
23 A. No, there was no medical care. They came up, they would
24 knock on the door: will you move? Then they moved.
25 Q. You mean they moved away from your door?

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01MTBOY2 DiLeonardo - cross

1 A. They wanted to see if you had a pulse, then kept it moving.
2 Q. Did you get any psychiatric care?
3 A. No.
4 Q. Did you consider that you were being tortured?
5 A. At that point, absolutely.
6 Q. Did you know what you wanted to do at that point or were
7 you confused?
8 what was your state of mind during this several months
9 of torture?
10 A. Again I was confused about the whole decision about
11 cooperating. I was getting angry with the conditions. It was
12 giving me resolve, I guess, at one point I guess to stay alive
13 and to fight this.
14 Q. You mentioned Craig DePalma before?
15 A. Yes.
16 Q. Did you think of Craig DePalma when you were in that
17 special unit?
18 A. Absolutely.
19 Q. Why did you think of Craig DePalma?
20 A. I figured maybe when they brought him down to the landing
21 he got the same treatment by the guards. BOP can be very
22 vicious when they want to be.
23 Q. What happened to Craig DePalma?
24 A. He hung himself.
25 Q. Hung himself in the jail cell, right?

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01MTBOY2 DiLeonardo - cross

1 A. Yes.
2 Q. And you had seen him and he had lost a lot of weight?
3 A. During the course of my trial in Atlanta, yeah.
4 Q. He had been housed in the federal holding facility?
5 A. Yes, they called him to testify, and the first time I seen
6 him he sat at the prosecutor's desk and he was holding up his
7 pants. And I got a little angry with the prosecutor about his
8 condition.
9 Q. Did you think of doing the same thing Craig DePalma did?
10 Did it ever occur to you while you were in?
11 A. You have those thoughts, but I was angry with myself for
12 trying to take my own life and doing that to my family.
13 Because I started to realize where my priorities really lied
14 and who sticks by you in the worst of times. But you do think
15 about -- you think about all sort of things, and that's one of
16 them.
17 Q. Did you have enough clothes to keep warm?
18 A. No. At one point they took my socks and my underwear. And
19 that was it, I had a jumpsuit, that was it. I was naked for
20 the first week or so.
21 Q. You were naked in the freezing cell?

22 A. Yeah, the first week.
23 Q. Did anybody other than Bureau of Prisons officials bring
24 you any clothes?
25 A. The FBI -- after I started cooperating the FBI agent gave
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01MTBOY2 DiLeonardo - cross

1 me the shirt off his back, literally. He gave me a sweatshirt
2 and brought me socks. They fed me, gave me some hot soup and
3 stuff, juices, tried to get me better. When I went to the MCC
4 after the visits with the prosecutors and the agents they were
5 furious. The guards in MCC took everything away again and
6 ripped apart my cell, whatever I had in there. So they kept
7 doing it.
8 Q. So the agents could give you clothes so you could get a
9 little warmer then they would be taken away from you?
10 A. Yeah, I would be there when the prosecutor or agents would
11 be on the phone with the warden telling the guy leave this guy
12 alone, what he's doing this to him for, make his conditions
13 better. And he would say his conditions are fine.
14 Q. During this period when you were being tortured did you
15 have any meetings with the government?
16 A. Yes. Like I said, there was one in January that I sat
17 there with them for several hours. Got to a certain point and
18 I said I can't do it no more, I can't cooperate. And then
19 later on in March, sometime in March I fully cooperated, and I
20 would go up there just about daily.
21 Q. So by the time March comes -- approximately March 20th,
22 around that area?
23 A. I would say so.
24 Q. By that point in time after you have been in this unit for
25 over three months you make a decision to go forward with your
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01MTBOY2 DiLeonardo - cross

1 cooperation?
2 A. Correct.
3 Q. And you sat down with the representatives of the
4 government?
5 A. Correct.
6 Q. Somewhere in a room in the MCC or in the U.S. Attorney's
7 Office?
8 A. U.S. Attorney's Office.
9 Q. And there would be an agent present or a prosecutor. Do
10 you remember the first meeting?
11 A. Yes.
12 Q. First meeting there was an assistant United States attorney
13 named Joon Kim?
14 A. I believe Joon came later on. It was McGovern first,
15 Michael McGovern.
16 Q. And an FBI agent named William Heckel?
17 A. Heckel and Kenny McCabe was the investigator. They were
18 there most of time for several months.
19 Q. Over the next several days from that point on were you
20 proffered, if I can use that word, or debriefed every day?
21 A. Sure.
22 Q. And in those meetings would one or more of the government
23 representatives be taking notes as you were recounting whatever
24 you were recounting?
25 A. Yes, most of the time. I would say nine out of ten times
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01MTBOY2 DiLeonardo - cross
1 there was notes at that point.
2 Q. Excuse me?
3 A. At that point, early on.
4 Q. And were these sessions tape recorded?
5 A. No.
6 Q. Was there a court stenographer there?
7 A. No.
8 Q. Video camera?
9 A. No.
10 THE COURT: Mr. white, tell me when it's a good moment
11 to take a short break.
12 MR. WHITE: We can do it now, your Honor.
13 THE COURT: Take five minutes, ladies and gentlemen.
14 Don't discuss the case, keep an open mind.
15 (Jury not present)
16 MR. WHITE: Your Honor, could I ask you what time
17 we'll go to lunch?
18 THE COURT: 12:30, something like that.
19 MR. GEDULDIG: And could I ask you about the daily,
20 the copy, the transcript?
21 THE COURT: When Jim comes out. I'm supposed to have
22 gotten a call back. Hang on.
23 DEPUTY CLERK: I'll have an answer right now in five
24 minutes.
25 (Recess taken)
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01MTBOY2 DiLeonardo - cross
1 DEPUTY CLERK: CJA voucher for the transcript.
2 MR. GEDULDIG: Thank you, Judge.
3 (Continued on next page)
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01m0boy3 DiLeonardo - cross
1 THE DEPUTY CLERK: Jury entering.
2 (Jury present)

3 THE COURT: Mr. DiLeonardo can resume the stand.
4 You're still under oath, sir.
5 Please continue, Mr. White.
6 CROSS-EXAMINATION (Continued)
7 BY MR. WHITE:
8 Q. Before the break, Mr. DiLeonardo, we were discussing a
9 series of proffer sessions you had with the government
10 beginning on or about March 20th of 2003, and then proceeding
11 into the future.
12 And did there come a point in time where the
13 government offered you a cooperation agreement?
14 A. Yes. I believe that was around May.
15 Q. Now, up until that point, there was no agreement with you
16 to cooperate; you were simply, in effect, telling them if you
17 became a cooperating witness, this is information that they
18 would have available to them?
19 A. That's correct.
20 Q. And the government evaluated that, and they determined they
21 would offer you a cooperation agreement?
22 A. Correct.
23 Q. And, of course, you accepted it, and that was in -- in May
24 of 2003?
25 A. Correct.

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01m0boy3 DiLeonardo - cross
1 Q. Yes. And after you signed that cooperation agreement, were
2 you released from the special unit you were in in the MCC?
3 A. Yes. I believe that was on the first, the agreement. And
4 I was out the 22nd of that same month.
5 Q. Now, in conjunction with your entering into a cooperation
6 agreement, you also pled guilty to a number of crimes that you
7 have talked about on direct examination, correct?
8 A. Correct.
9 Q. And who decided which crimes you would plead guilty to?
10 A. The government.
11 Q. And you pled guilty to some crimes that you had not been
12 charged with before you undertook cooperation, correct?
13 A. Absolutely.
14 Q. Do you understand the concept of a "coverage" in a plea
15 agreement?
16 A. Yes, basically.
17 Q. Coverage means that, in addition to crimes that you are
18 pleading guilty to, there is like a side agreement not to
19 prosecute you for other criminal conduct; is that what you
20 understand by coverage?
21 A. No, I --
22 MR. ZACH: Objection, just to the characterization.
23 Q. Let the witness explain.
24 what do you understand coverage to mean?
25 A. When I was in the street, when a guy pled out to let's say

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01m0boy3 DiLeonardo - cross
1 a murder or several crimes, he would also maybe allocute or
2 talk about other things he did and get coverage for that
3 without being charged for it.
4 That's what I thought coverage was.
5 Q. And what does coverage mean in that context you just gave;
6 what does that mean, coverage?
7 A. That you would not be prosecuted, further, for those

8 crimes.
9 Q. Now, did it make sense to you, in entering into a
10 cooperation agreement, to admit to as much as you could that
11 you might have criminal exposure to, so that you would have
12 coverage for it?
13 A. Oh, yeah; yeah, sure.
14 Q. And I think you testified on direct examination that under
15 the cooperation agreement, you are basically a cooperator for
16 the rest of your life.
17 A. Yes.
18 Q. Meaning that you're obligated, by the cooperation
19 agreement, to do what you are doing today; to come to Court, to
20 testify, to meet with the government when they want to meet
21 with you, and ask you questions?
22 A. Correct.
23 Q. And if you refused, if you said I have had enough, I don't
24 want to do it anymore, your cooperation agreement could be
25 nullified, correct?

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01m0boy3 DiLeonardo - cross

1 A. Absolutely.
2 Q. And you could be prosecuted for some of these crimes that
3 you have had coverage for, correct?
4 A. Sure.
5 Q. And you could be exposed to the maximum sentences to all of
6 the crimes you have admitted to?
7 A. Correct.
8 Q. And one of the terms of your cooperation agreement is that
9 in order to -- withdrawn.
10 The cooperation agreement contemplates that, at the
11 end of the process, someday you will be sentenced?
12 A. Correct.
13 Q. And the government may present, to the sentencing judge,
14 what is called a 5K1.1 letter?
15 A. That is correct.
16 Q. And the 5K1.1 letter calls to the judge's attention the
17 fact of your cooperation, and the nature of your cooperation,
18 and that the depth of your cooperation.
19 Is that how you understand it?
20 A. And also the crimes that you have committed in your life.
21 Q. Which is basically what you have pled guilty to already and
22 gotten coverage for in the cooperation agreement?
23 A. That would be right.
24 Q. And in order to gain a 5K1 letter at your sentencing from
25 the government, the government has to find that you have told

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01m0boy3 DiLeonardo - cross

1 the truth, correct?
2 A. That's correct.
3 Q. And that the agreement provides that it's the government
4 that makes that determination of whether you have told the
5 truth --
6 A. Yes.
7 Q. -- is that correct?
8 And in addition to that, the cooperation agreement
9 requires that you provide substantial assistance to the
10 government, correct?
11 A. Well, "substantial" being that -- the total, total
12 information that I have. Is that what you are talking about?

13 Q. Yes.
14 A. Absolutely. As much as I knew, and what I supplied.
15 Q. And that it has value, it is not about some shoplifting at
16 the five and ten.
17 A. Right.
18 Q. Now, you mentioned yesterday in your direct testimony, that
19 you received monthly payments of \$4,500?
20 A. Yes. It was started out 2,600 then 2,200 a month. These
21 are all monthlies. And then within the last year, year and a
22 half, or so, it became 45.
23 Q. So \$4,500 a month. And is that tax free or do you have to
24 pay all of the taxes on that?
25 A. No, no taxes.

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01m0boy3 DiLeonardo - cross

1 Q. No taxes on that.
2 A. Right.
3 Q. And I think you explained that it is difficult for you to
4 maintain employment, because you're basically doing this,
5 meeting with the government, travelling around the country on a
6 fairly regular basis?
7 A. Sure.
8 Q. So would it be fair to say that you're pretty much totally
9 reliant on the government in this phase of your life?
10 A. Well, I wish they were not too totally reliant on me, and
11 we could stop this process. But, yes, I am obligated. And it
12 consumes a great amount of my time, yes, absolutely.
13 Q. And you're reliant on them. Your reliant on the government
14 for your whole well being at this point in your life?
15 A. Yes. It would be almost impossible to support myself and
16 my family without having an income, absolutely.
17 Q. You testified -- I think you testified yesterday that you
18 provided information as a cooperator with respect to at least
19 100 different individuals, is that correct?
20 A. I would say more than that.
21 Q. More than 100?
22 A. You mean provided information of.
23 Q. Yes.
24 A. Oh, more than that. Sometimes just tidbits. Or when a
25 case is coming up, you can see a case brewing as many times

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01m0boy3 DiLeonardo - cross

1 they talk to you about one individual. Yeah, I would say
2 hundreds.
3 Q. Hundreds. And many different events, incidents, meetings,
4 I guess conversations, I guess they go into the thousands,
5 perhaps?
6 A. Could be, yeah.
7 Q. Do you have -- do you ever have problems remembering the
8 details of these incidents, conversations, meetings?
9 A. That I had in -- previously, through the years?
10 Q. Yes.
11 A. Yeah, at times you gotta stretch your memory, sure.
12 Certain things, as you talk about things -- memory is funny,
13 you know. You just need something to trigger something, you
14 say, oh, yeah, that's right, you just rekindle old thoughts.
15 where sometimes maybe they are just lodged in the back of your
16 mind, unless you think about that person or incident, it's
17 really not there. Once you start thinking, they start to

18 sometimes kick up the dust.
19 Q. And what -- what do you mean something could trigger your
20 memory of something?
21 A. Well, once you start --
22 Q. What could prompt it?
23 A. Yes, let's say you stop focusing. There is a lot of things
24 you don't think about. I'm a deep thinker, I think all of the
25 time. But I usually just focus on certain areas. But let's
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01m0boy3 DiLeonardo - cross
1 say, they'll say, they will say give me a figure like John
2 Gotti, Jr. Now, I'll start thinking there, and through the
3 process, you just think about more things, and more. Because
4 nothing comes to you like this (snap), it's not a computer
5 disk. You know memories just unfolds on different incidents,
6 not that you keep remembering, it's ever evolving.
7 Q. Okay. And when you are in this memory process, do you
8 ever -- has it ever happened to you in your life that you
9 confuse an event, that something happened in one place, and you
10 had remembered it as happening in another place, or it happened
11 at one time, and you had remembered it at another time, does
12 that ever happen to you?
13 A. Sure, that happens, absolutely. That's human being, that's
14 being a human.
15 Q. When your memory is prompted, it doesn't have to be your
16 own recollection of it, somebody could give you a piece of
17 information, a part of the puzzle that triggers your memory;
18 has that happened to you?
19 A. In the course of my life, absolutely, sure. Somebody said
20 do you remember this. And then you go, oh, yeah, it comes
21 back.
22 Q. Have you ever had like a false memory, that you remembered
23 something fairly clearly, and then you realized afterwards that
24 it didn't happen that way at all, or that was on another
25 occasion, has that happened to you?
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01m0boy3 DiLeonardo - cross
1 A. That could happen, sure.
2 Q. Before you decided to cooperate during your years with the
3 Gambino organized crime family, you had exposure to a lot of
4 information that was out in the media, or in other channels of
5 communication about the operation of the organized crime; you
6 would read the newspapers about stories that were going on
7 trials, somebody's arrested?
8 A. Yes. They were sort of like a current event, and you take
9 what you can from a newspaper article. But my basis of knowing
10 about organized crime came from mentors, and people who told me
11 stories about guys in the past, and how Cosa Nostra evolved.
12 And, you know, and caught up to speed where you worked in that
13 time frame. But if I'm saying it clearly, you're talking about
14 just media events? Or just how I get my information.
15 Q. Well, other sources of information.
16 we talked, for example, about during John Gotti,
17 Jr.'s -- John Gotti, Sr.'s trial, you know, there would be
18 testimony in the courtroom, and that would be reported back to
19 people on the street who had an active interest in it. So you
20 could learn things about what was going on?
21 A. Absolutely.
22 Q. And you, over the course of these years, you would come in

23 contact with what we have been referring to sometimes as 302
24 reports?
25 A. Sure.

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01m0boy3 DiLeonardo - cross

1 Q. And a 302 report is a -- it's a report of interview
2 generated by the FBI, correct?
3 A. Correct.
4 Q. An interview, generally, with a cooperating witness or
5 frequently with a cooperating witness?
6 A. That's correct.
7 Q. And sometimes these 302 reports, copies of them, would get
8 into your hands, correct?
9 A. Oh, yeah, sure. We'd get them through lawyers.
10 Q. Get them from lawyers, or through co-defendants, or other
11 people?
12 A. Yeah, usually filtered out basically through -- the lawyer
13 is the one who would get it first, and it was spread out
14 through the streets.
15 Q. You would get it like through your lawyer, has that
16 happened to you?
17 A. In my case, I got them through my lawyer.
18 Q. Right. And then you would make copies and give them to
19 people who were interested and wanted copies?
20 A. Oh, yeah, sure.
21 Q. So copies of these interview reports could circulate, or
22 did circulate among members of the Gambino family and others?
23 A. Other families, too; right, exactly.
24 Q. So you would learn some things from those documents that
25 you didn't know beforehand, correct?

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01m0boy3 DiLeonardo - cross

1 A. That's right.
2 Q. And I'm talking, now, about the time before you before you
3 cooperated.
4 A. Sure, absolutely.
5 Q. And you know a website called "Gangland?"
6 A. Sure.
7 Q. Gangland is a website that, each week, publishes news about
8 the mob, organized crime, La Cosa Nostra, principally here in
9 New York City?
10 A. Yeah, he's Jerry Capeci, talks about the mob.
11 Q. He used to write an organized crime column for the Daily
12 News?
13 A. Absolutely.
14 Q. And you used to read that when he wrote it?
15 A. Sure.
16 Q. So by looking at Gangland every week, you could kind of
17 keep up on what's going on; people getting indicted, people
18 getting arrested, whatever is happening?
19 A. Well, usually, he's an after-the-fact guy. He don't, as
20 far as I know, he don't -- the FBI isn't telling him who is
21 going to get arrested in the next week. So these would just be
22 opinions of his, of what we already knew in the Street. I
23 already knew a guy got arrested, and I knew what he got
24 arrested for. Just a matter of let's see what the government
25 is telling Jerry Capeci, and that's the way we viewed it.

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01m0boy3 DiLeonardo - cross
1 Q. So it was a resource for you to just learn as much as you
2 could?
3 A. Yeah, like I said, we didn't take it for fact, because
4 Jerry, as far as I said, I know is -- isn't privy to certain
5 things. He don't talk to mobsters to know what they did in the
6 street.
7 Q. Who does he talk to?
8 A. That we know of.
9 Q. And then you would just hear word on the street from
10 compatriots of yours, other people: Did you hear this, this is
11 what happened?
12 A. Sure.
13 Q. You pick up information all the time.
14 A. Yeah, like I said, it's the coffee clutch in the mob. You
15 know, people talk.
16 Q. Now shift to after you -- after you cooperated. Many of
17 these resources were no longer available to you, correct,
18 like -- well, I don't know, I don't know what wasn't available.
19 A. No. There was no -- no real computers or anything you
20 could go on in prison, no.
21 Q. Not in prison, but you have been out of prison now for like
22 four and a half years?
23 A. Correct.
24 Q. And you can go on a computer, you can do a Google search,
25 correct.

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01m0boy3 DiLeonardo - cross
1 A. Sure, absolutely.
2 Q. You can access Gangland?
3 A. Sure.
4 Q. Have you accessed that since you have been out of prison?
5 A. I did it early on, but I don't anymore.
6 Q. Okay. And do you read newspaper articles about trials and
7 stuff like that?
8 A. I try to avoid as much as I can. But, you know, I'm an
9 avid baseball physician, huge baseball fan, and I read the New
10 York papers because I'm a Yankee fan. You know, you read the
11 papers, sometimes there's an article in there. Sometimes I'll
12 pass on it, sometimes I'll read it.
13 Q. You read the front section, as well as the back section?
14 A. That's what I said. Sometimes I read the whole section,
15 everything. But, like I said, yes.
16 Q. For example, if a prominent use that word "figure" like
17 John Gotti, Jr. has a big, highly-publicized trial, you would
18 be aware of that from the newspapers?
19 A. I testified in all those trials.
20 Q. But you would also read about it in the newspaper?
21 A. Sure. Well, basically, those articles would be over by the
22 time I got home.
23 Q. The articles would be over?
24 A. Yeah, whatever I did, sure.
25 Q. Have you had any contact with other individuals, any other

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01m0boy3 DiLeonardo - cross
1 cooperators, since you started cooperating. Have you had
2 discussions with them, communications, phone calls, e-mails;
3 any kind of communications?

4 A. No, not at all, Counsel.
5 Q. Have you any -- have you had any communications with them,
6 indirectly, like through family members?
7 A. No.
8 Q. How about like Frankie Fappiano, he is your brother-in-law.
9 I mean aren't you interested in his welfare, how he is doing,
10 things like that? Don't you have any kind of clue as to how
11 Mr. Fappiano is doing, or any desire to know.
12 A. Yeah, well, like I said, my son don't speak with me. His
13 mother, my ex-wife, really don't speak with me. So there is
14 really no communication.
15 Q. Has Madeline ever provided any kind of information to you
16 about what's going on while you were cooperating or while you
17 were in prison during your cooperation?
18 A. Oh, yeah, Madeline would come up to -- when I was in jail,
19 she would tell me certain things that were going on, whatever
20 she read.
21 I was hoping -- my brother-in-law Frankie had -- my ex
22 brother-in-law, Frankie, I was hoping he would cooperate,
23 because I didn't want to testify. And when his cooperation
24 come, it was in the paper that he cooperated. Same thing with
25 little Joey. And I was hoping for John, Jr. to flip, too.

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01m0boy3 DiLeonardo - cross

1 Q. What did you say about Little Joey?
2 A. Little Joey, also. Because I loved Little Joey. He was a
3 dear friend of mine. And I was hoping he would flip also. So
4 Madeline would tell me if and when and things of that nature.
5 Q. And he did flip.
6 A. Yeah.
7 Q. This is Joey D'Angelo, who you were referring to as "Little
8 Joey?"
9 A. Sure.
10 Q. And Frank Fappiano did flip.
11 A. Right.
12 Q. As you called it.
13 A. Right.
14 Q. Let's talk a little bit about the sequence in which you,
15 and then those people, Frank Fappiano and Joseph D'Angelo,
16 cooperated.
17 You began your cooperation or road to cooperation in
18 November of 2002. And you entered into a cooperation agreement
19 on May 1st of 2003, right?
20 A. Right.
21 Q. Now, about a month and a half after you began cooperating,
22 Huck Carbanaro and John Matera were arrested. Do you remember
23 that?
24 A. I don't remember the time frame, but I testified against
25 Huck at a trial.

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01m0boy3 DiLeonardo - cross

1 Q. Well, you knew they had been indicted long before their
2 trial, correct?
3 A. I'm not sure when they got indicted.
4 Q. It was between the time of your cooperation --
5 A. Yeah.
6 Q. -- and the first trial you -- the first trial you
7 cooperated at -- withdrawn.
8 The first trial you testified as a cooperating witness

9 was the trial of Peter Gotti and Thomas Huck Carbonaro;
10 correct?
11 A. That's correct.
12 Q. And that was in November, December of 2004?
13 A. Correct.
14 Q. About a year and a half after your cooperation agreement?
15 A. Right.
16 Q. And sometime in that year and a half time span, Huck
17 Carbonaro and was indicted?
18 A. Along with Pete.
19 Q. And John Matera.
20 A. And John Matera, right.
21 Q. And you knew that, correct?
22 A. I was given information of that. Like I said, you will
23 know when someone is going to get indicted. You figure out
24 after a while when they are focusing heavy on certain
25 individuals, if they are talking to you for thousands of hours
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401

01m0boy3 DiLeonardo - cross
1 about people, you know where they are going.
2 Q. And you had provided information about Huck Carbonaro and
3 John Matera relative to the murder of Frank Hydell?
4 A. Right.
5 Q. Now, a little over a year after you cooperated, did you
6 learn -- or did you learn that Frank Fappiano started to
7 cooperate?
8 A. Could have been that time frame. I'm not sure of that time
9 frame, but absolutely.
10 Q. Okay. Time is about right; year, year and a half after
11 your cooperation.
12 A. Could be, yeah.
13 Q. It was before the Peter Gotti trial.
14 A. Yes, I think so.
15 Q. Well, you testified at the Peter Gotti trial and Huck
16 Carbonaro trial, correct.
17 A. Right.
18 Q. And you knew that Frank Fappiano had already testified at
19 the very same trial?
20 A. Might have been, yeah.
21 Q. Do you remember that was one of the things that Madeline
22 told you, that Frank Fappiano had testified earlier in the
23 trial?
24 A. Yeah, it could be.
25 Q. Also, between the time of your -- between the time of your
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01m0boy3 DiLeonardo - cross
1 cooperation agreement and your testimony in November and
2 December of 2004 at the Peter Gotti and Huck Carbonaro trial,
3 you became aware that Joey D'Angelo had been arrested also?
4 A. Yeah, some of the time. I don't know the exact time frame,
5 but I remember, yes.
6 Q. And then after you testified in the Peter Gotti trial, you
7 came to learn that Joseph D'Angelo had become a cooperator
8 also.
9 A. Yes, I think I said that. Yeah.
10 Q. I would like to ask you a few questions about Frank
11 Parasole and, you know, his death.
12 How did you know Lenny DeCarlo?
13 A. Through Huck, through Tali's. That was Sammy's

14 headquarters at one point. And we played softball at times
15 together.
16 Q. And who did you understand Lenny DeCarlo to be; did you
17 know him well?
18 A. I -- I don't know him well. We didn't socialize together,
19 but -- he was younger than me. And I was pretty good ball
20 player at one time. And I was a little older fellow and they
21 would ask me to play on their softball team and I would play
22 with them and interact at Tali's a little bit.
23 Q. And did you consider him an associate of the Gambino crime
24 family?
25 A. Absolutely.

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01m0boy3 DiLeonardo - cross

1 Q. Did you ever remember describing him as a loose associate?
2 A. No.
3 Q. If I may approach the witness, your Honor --
4 A. Yes.
5 Q. -- with 3501-188, page 1880.
6 Mr. DiLeonardo, if I can ask you to take your time and
7 read the highlighted section to yourself.
8 A. Sure.
9 Yes. I guess the loose -- with the loose before that,
10 let me say loose again. But an associate is an associate. It
11 is just that once you're property, you are property.
12 Q. Does this refresh your recollection that you once referred
13 to him as "a loose associate?"
14 A. Yes. A loose cannon, and a loose associate, yes.
15 Q. Okay. And what did he do for the Gambino family?
16 A. What did he do? He was Huck's associate.
17 Q. But what did he do? How did he advance -- at the time or
18 up until the time of the Parasole incident, how did he advance
19 any interest of the Gambino family?
20 A. Well, he advanced it himself through his uncle, that he
21 wanted to get straightened out and be a part of the family.
22 That is why he was by Tali's every night.
23 Again, sometimes there is the big earners. And then
24 there is, like I described earlier, guys that don't earn. But
25 they are loyal. And that can get you, like I stated earlier,

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01m0boy3 DiLeonardo - cross

1 where you have to go, too, by being loyal. Not everyone can be
2 an earner, not everyone can be a killer. Sometimes you just do
3 loyalty.
4 Q. Did you previously testify that "he did nothing for us"
5 meaning he -- he -- "us" being the Gambino family?
6 A. Probably, yeah, could have, sure.
7 Q. You could have testified that he did nothing for us?
8 A. Yes, did nothing for me and the administration, but he is
9 doing something for his uncle. You don't have to have, doing
10 everything for the administration of the family as an
11 associate.
12 Once you became a made member, it takes on a different
13 color.
14 But as an associate, you could just be a butcher, like
15 I said. You could be a barber.
16 Q. Didn't you testify that he really didn't do anything with
17 the Gambino family on a previous occasion?
18 A. Yes. But as far as I know, he did not work at that time.

19 You're talking up until Parasole, right?
20 Q. Right.
21 A. As far as I know, he was a hang around guy with Huck, his
22 nephew, associate, hung around the bar, looking to further
23 himself. He didn't hang out with John Gotti, didn't hang out
24 with other administrative guys, he just stayed in Sammy's crew
25 with Huck.

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01m0boy3 DiLeonardo - cross

1 Q. You testified he really didn't do anything with the Gambino
2 family.
3 A. No, he wasn't an impact player at that part.
4 Q. No, the question -- I don't mean to be abrupt. But the
5 question is, did you testify that he really didn't do anything
6 with the Gambino family. That's a yes or no question.
7 A. And just -- well, I don't think it could be answered yes or
8 no.
9 Q. No, yes, did you testify to it.
10 A. Yes --
11 Q. I'm not saying is it true, false, or indifferent. Did you
12 testify to it on a prior occasion that he didn't do anything
13 for the Gambino family?
14 A. If that's -- what -- could I see it?
15 Q. Sure. Approaching the witness with the same exhibit, your
16 Honor, same location.
17 A. Right. If I may, could I --
18 Q. The question is did you testify to it?
19 A. Yes, but the context is this kid got a job because of his
20 uncle. The kid was around his uncle, that means he is with his
21 uncle.
22 Q. Okay.
23 A. And he really didn't do anything with the Gambino family,
24 he says that. But the Gambino family, itself. But he was an
25 associate of him. He had no function as construction business,

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01m0boy3 DiLeonardo - cross

1 garbage industry. He was not doing work for the family at that
2 time, not that I know of. He was an associate. Doesn't mean
3 that you to have be on the level of everybody else as an
4 associate at that point. He was aspiring to do it at that
5 point. Maybe he didn't come into his own. He came into his
6 own, but he is an associate and property of the family,
7 Mr. White.
8 Q. So the answer is, yes, you did previously testify he really
9 didn't do anything with the Gambino family.
10 A. Yes, absolutely. But the context is what I'm trying to
11 explain.
12 Q. And you helped get Mr. DeCarlo a job in construction, did
13 you?
14 A. Because he was Huck's associate nephew. That's what I'm
15 trying to tell you.
16 Q. But that's not what I'm asking you.
17 A. Okay.
18 THE COURT: It's a yes or no question.
19 A. Yes, I got him a job.
20 Q. And how did it come about that you helped getting him that
21 job?
22 A. He was Huck's nephew. I believe he just came out of --
23 that's what I'm going to tell you how I did it. You know, he

24 was Huck's nephew. And he just came out of jail, I believe,
25 did a small bit. And they asked to put him to work. He went
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01m0boy3 DiLeonardo - cross
1 to my brother-in-law Frankie and Huck. And they came to me to
2 get him a job, if it's okay to put him on one of the jobs,
3 Local 23. I said, okay, but he has to work. No problem. I
4 liked Lenny at the time, we played softball together.
5 Q. You said he just came out of jail.
6 A. I believe so.
7 Q. So he needed a job.
8 A. Right.
9 Q. In your experience, if somebody has been in jail,
10 especially for a felony, is it difficult for that person to get
11 a job?
12 A. Absolutely. Sure. Especially when you are unskilled. He
13 was unskilled, as far as I know, in anything. Like I said,
14 that was our place to put people was Local 23.
15 Q. And as long as he did the job, did the work, there is no
16 problem, right. There is nothing irregular about that, in your
17 view?
18 A. There shouldn't have been a problem. The kid was earning a
19 thousand a week.
20 Q. And did you think he was doing anything wrong by working
21 there, assuming he was actually doing the job?
22 A. No. No, I gave a soft cushion, sure.
23 Q. What do you mean by "soft cushion?"
24 A. I gave him an easy job. Like I said, he was unskilled.
25 Otherwise, you have to go to the back of line with the union,
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01m0boy3 DiLeonardo - cross
1 when you didn't have the connection. We ran the union, I could
2 put the guy to work.
3 Q. It's unskilled, it could be hard work, correct?
4 A. Yeah, no, you break your back at times, absolutely, sure.
5 I did it.
6 Q. Can an associate be an associate of two different crime
7 families?
8 A. Not that I know of.
9 Q. And do associates kick up a portion of criminal proceeds
10 they gain to their captain or whosoever above him.
11 A. Yes, that's the way it is supposed to work, absolutely.
12 Q. So, generally speaking, an associate would kick up to a
13 soldier, generally speaking?
14 A. Well, the associate could kick into a boss, too, directly.
15 It could -- depends how close you are, absolutely.
16 Q. But the general run-of-the-mill associate would kick up to
17 a soldier, and then it would go up the chain, theoretically?
18 A. Trickle up.
19 Q. Trickle.
20 A. Yes?
21 Q. Does it always trickle up?
22 A. No.
23 Q. Do you have any reason to believe that Eddie Boyle ever
24 gave a dime to Carbonaro?
25 A. That, I can't say. Nobody has ever told me he gave him
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01m0boy3 DiLeonardo - cross

1 money.
2 Q. You testified yesterday that, if my notes are accurate,
3 that anybody can be deemed an associate if they are close to
4 you. Anybody can be deemed an associate if they are close to
5 you. Now, I'll let you run with that, okay. What did you mean
6 by that?
7 A. Okay, thank you.
8 In other words, I get an example. It could be a
9 butcher, florist, a haircutter. It could be anybody that is
10 close to you that you want to protect from the wolves out in
11 the street. Especially, let's say, I came from Bensonhurst.
12 Usually, you need a flag. People didn't call cops, they called
13 us. So anybody could be an associate. It is just how -- what
14 your aspirations are, what your qualifications are. Then you
15 go to the next level of being a made guy and being in the
16 family. But the typical thing was just about everybody in the
17 neighborhood was associated with someone, was an associate of
18 somebody, because they needed the protection.
19 Q. Now, Mr. Parasole, Frank Parasole, you learned, was beaten
20 and by Lenny DeCarlo, and he was shot, correct?
21 A. Correct.
22 Q. Was that in furtherance of any Gambino family objective?
23 A. Like I stated earlier, he -- yesterday, it was
24 unsanctioned. It was something that he took upon himself to
25 do, without authorization from me or anybody else that I know.
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01m0boy3 DiLeonardo - cross

1 Q. And it was not part of the Gambino family agenda --
2 A. No.
3 Q. -- actually?
4 A. Parasole was the property of the Gambino family, and so was
5 Lenny. And he hurt a guy without permission.
6 Q. And it was actually against the Gambino family's interests,
7 wouldn't you say?
8 A. Oh, absolutely. Created a lot of problems.
9 Q. What kind of problems did it create?
10 A. Well, I like I said, I got some extra law enforcement
11 scrutiny. John Junior Gotti also got some. I gave some plate
12 numbers to Junior at one point. I said I got all these guys on
13 me all of a sudden. And he ran them. He says I got a lot of
14 heat, too. I had Queens guys on me, probably after I seen that
15 Tommy Dates, they switched the squads so we wouldn't recognize
16 the guys. So they gave me Queens squad on me after that.
17 THE COURT: Tell me when it is a good time to take a
18 break, because it's more or less the time I told the jury that
19 we would take a break.
20 MR. GEDULDIG: Yes, we may as well do it now, your
21 Honor. Because I'm actually in the middle of a section. So I
22 couldn't complete it within 15 minutes.
23 THE COURT: Okay. Then let's take a break for an
24 hour, ladies and gentlemen. Don't discuss the case, keep an
25 open mind.
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01m0boy3 DiLeonardo - cross

1 (Jury excused)
2 THE COURT: Okay, thank you.
3 THE WITNESS: Thank you.
4 (Luncheon recess)

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01MTBOY4

DiLeonardo - cross
AFTERNOON SESSION
(2:15 p.m.)

1
2
3 THE COURT: OK. Let's have a seat. You're still
4 under oath.

5 Mr. White.

6 BY MR. WHITE:

7 Q. Mr. DiLeonardo, before lunch we were talking about how the
8 shooting of Frank Parasole put heat on the Gambino family. And
9 what was your recommendation with respect to that situation?

10 A. My first one was to have the fellows -- being it was an
11 accident and law enforcement probably knew it was an accident,
12 the shooting, for those fellows to turn themselves in for
13 manslaughter charge; reduces sentence and takes the heat off
14 the family.

15 Q. Yesterday in your testimony you used the expression of a
16 mosquito bite, the shooting was the kind to cause a mosquito
17 bite. Is that what you were saying? You don't recall that
18 testimony?

19 A. No. Maybe I think when he shot -- sorry, I think maybe you
20 thought -- yeah, when he shot him in the rear, I don't mean the
21 context of the heat, I don't think I said that.

22 Q. OK, sorry. And you thought that the people responsible for
23 that could turn themselves in and maybe enter a plea to
24 manslaughter because it was an accident. It was not an
25 intentional killing, it was an accident that resulted from

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01MTBOY4

DiLeonardo - cross

1 intentional shooting.

2 A. Right.

3 Q. Who was it that you thought should turn themselves in, if
4 recall?

5 A. Lenny DeCarlo, Frankie Hydell, John Ferrisi, Charlie
6 Trentacosta and whoever else the police knew about.

7 Q. Why John Ferrisi?

8 A. I believe he and Charlie Trentacosta, they were associates
9 of my brother-in-law Frank, I think they brought the gun to the

10 scene.
11 Q. And I think you testified previously or earlier today that
12 that was an unsanctioned shooting. Lenny DeCarlo, did he get
13 punished in any way for that unsanctioned shooting that brought
14 all this heat on the Gambino family?
15 A. No. Again, because of his uncle, what he's done for the
16 family, all the work, no.
17 Q. How do you know that was the reason?
18 A. Because I didn't push for it to Pete or Junior or anybody
19 else to have this guy hurt.
20 Q. That would have been your call?
21 A. I could have pushed to have it done. In all fairness, for
22 what he did to that man, he deserved to die. That's just the
23 life. It happened before with guys who have done something
24 they shouldn't have done and were killed for it, or admonished
25 for it at least.

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01MTBOY4 DiLeonardo - cross

1 Q. Did Frank Fappiano authorize Lenny to conduct that beating
2 of Mr. Parasole?
3 A. From what I understand from Frank later on was it was
4 something about a crack, either he was going to give Parasole a
5 crack, Frank, or Lenny was going to give him a crack.
6 Q. And as you sit here today, do you know for sure whether
7 Frank Fappiano authorized that beating or he didn't authorize
8 that beating?
9 A. I don't know for sure.
10 Q. He told you he did not authorize it, right?
11 A. Absolutely.
12 Q. But you don't know if that's true or false; is that
13 correct?
14 A. Right, I'm only going by what he told me.
15 Q. I want to ask you a few questions about the Frank Hydell
16 murder. Do you recall that we spoke a little earlier today
17 about your very first proffer on March 20th of 2003 after you
18 had been in the hole at the MCC for four months or so under
19 those terrible conditions. Do you remember that initial
20 proffer? Can you picture that proffer when you went in there
21 and you sat down with the representatives of the government?
22 A. Not really.
23 Q. This morning I asked you whether Mr. Kim was there,
24 Mr. McCabe and Agent Heckel and you thought perhaps it was
25 Mr. McGovern instead of Mr. Kim?

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01MTBOY4 DiLeonardo - cross

1 A. I thought we were alluding to the earlier proffer, the ones
2 in November.
3 Q. No, I'm alluding to the very first ones in March after you
4 have not cooperated now for several months, you're in those
5 terrible conditions in the MCC, you decide you're going to go
6 forward with the cooperation and now you sit down for the first
7 time to begin in earnest a series of proffers beginning with
8 this one on March 20th.
9 A. Yes, Joon Kim could have been there, absolutely.
10 Q. And do you recall, if you can as you sit here, that in that
11 first proffer after this four months stretch, first in the
12 series of proffers, the very first crime they asked you about
13 was the Frank Hydell murder?
14 A. I don't know. I remember the Gravano conspiracy, that

15 might have been one of the first part. We talked about a lot
16 of things. I don't remember the exact first one in March
17 exactly.

18 Q. Let me show you Government Exhibit 3501-133 for
19 identification and see if this refreshes your recollection.
20 Just look it over. There's no question pending except whether
21 it refreshes your recollection as to who was there, perhaps,
22 and what crime they first asked you about and you provided
23 information about.

24 A. Yes, the date is correct, like you said.

25 THE COURT: You're mumbling.
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01MTBOY4 DiLeonardo - cross

1 THE WITNESS: Sorry.

2 A. The date is correct, and does say Frank Hydell.

3 Q. OK. So does that fresh your recollection that is what --

4 A. Not really, it sort of refreshes my recollection somewhat.

5 Q. Now in that interview you told them what you could recall
6 about the Frank Hydell murder, the facts you knew, correct?

7 A. Sure.

8 Q. And you told them about Huck Carbonaro having visited Joey
9 D'Angelo and Joe Serrano and telling you there's going to be a
10 pinch, you then spoke to Huck and then you related to them what
11 Huck told you.

12 A. I think you misspoke by accident, you said Huck visited
13 Joey. I visited Joe. That's what you meant.

14 Q. Yes, you visited Joey D'Angelo, thank you, and Joe Serrano,
15 and then when you returned you spoke to Huck and Huck told you
16 what had happened, described how the murder of Hydell had taken
17 place?

18 A. Correct.

19 Q. And he told you that he had driven the car and his nephews
20 Lenny and Tommy Dono had been involved and John Matera had made
21 the phone call?

22 A. Right, met him at the place or lured him out, right.

23 Q. Now I'm trying to focus your recollection, if you can, on
24 this one meeting on March 20th, 2003, the first time you
25 provided details about the Hydell murder. If you can recall,

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417

01MTBOY4 DiLeonardo - cross

1 do you remember saying to those government representatives and
2 possibly Eddie Boyle, "possibly Eddie Boyle," do you recall
3 saying that?

4 A. Possibly Eddie Boyle?

5 Q. Yes.

6 A. No.

7 Q. Frank Hydell -- this may sound like deja vu to you, I'm
8 going to ask you: Do you remember describing Frank Hydell as a
9 loose associate?

10 A. I may have used that choice of words, associate
11 nonetheless.

12 Q. But I'll ask you what I asked you earlier.

13 A. If I could again go back to context, if you like.

14 Q. I will show you in context --

15 THE COURT: I think I would like Mr. White to ask the
16 questions and then you answer the question that he asks.
17 That's what I would like. Thank you.

18 THE WITNESS: Thank you, your Honor.

19 Q. What did you mean when you said Frank Hydell is a loose

20 associate?
21 A. I guess the context that I meant was that they didn't
22 function directly within the family doing certain things at
23 that point, they were associates of those people. If I can
24 give you an example, a fellow like Lou Vallario became a
25 captain in the family and it was only -- he has about 15 years

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01MTBOY4 DiLeonardo - cross

1 on me, he used to deal cards in the club.
2 Q. Used to deal what?
3 A. Cards in the club. But he was an associate. But in my
4 thinking he wasn't an associate that had any potential at the
5 time. His skipper at the time was never going to straighten
6 Louie out until something changed. But Louie used to deal
7 cards. He never gave money to the mob, he earned money from
8 the mob. That's the way I think about the importance of an
9 associate going up the ladder at that point. So there's the
10 early stages and then the later stages where you become
11 important by doing certain things.
12 Q. Now Frank Hydell, he was the nephew of Danny Marino,
13 correct?
14 A. That's correct.
15 Q. Danny Marino was a captain or soldier?
16 A. Danny was a soldier at one time then a captain.
17 Q. At this time in 1998 he was a captain?
18 A. Absolutely.
19 Q. But he was in prison?
20 A. Right.
21 Q. And you, as a captain also at the time, you had taken over
22 responsibility, had you not, for Danny Marino's crew?
23 A. Sure.
24 Q. So theoretically were you responsible for Frank Hydell?
25 A. Yes.

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01MTBOY4 DiLeonardo - cross

1 Q. And did you have anything to do with Frank Hydell?
2 A. No.
3 Q. Why not?
4 A. He was Danny's property. He was property of the Gambino
5 family, but this is what I mean, that he functioned only with
6 Danny. He served no other function for the family. If he
7 would have been involved let's say with Danny in construction
8 like John Gammarrano and Louie Black and Billy Scotto doing some
9 functioning within the family and getting paid for their
10 function, Frank Hydell was not functioning at that level where
11 I had to interact with him. With the other associates, I did.
12 Q. Danny Marino is in jail now at the time?
13 A. Sure.
14 Q. So you're saying that Frank Hydell is basically associated
15 with Danny Marino rather than with the Gambino crime family at
16 large?
17 A. Well, he is associated with the family. Danny is not his
18 own family. And he is responsible -- Danny is only a
19 soldier -- even as a captain, he's only a player in the family.
20 People, entities, everything belongs to the family. It's just
21 he's coming to him and he's not a factor for the family. Like
22 we don't take attendance and say where is Frankie Hydell today.
23 They know he belongs to him and if he has anything going on
24 that we should know about, then we would know about it. To me

25 that would be like a loose associate. I guess that's the
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01MTBOY4 DiLeonardo - cross

1 context which I mean.
2 Q. So you really had no dealings with Frank Hydell?
3 A. No, not at all.
4 Q. But yet you had knowledge of any of his activities?
5 A. Yes, I had learned that he was doing some robbing cars and
6 other things in the street.
7 Q. Narcotics trafficking?
8 A. That I didn't hear.
9 Q. Do you know who he was robbing cars with?
10 A. All the kids in the neighborhood. There was five families
11 and basically everybody is with somebody. But then that age
12 group seemed to meld a lot better together. I didn't really
13 know all those kids. And they would do a lot of things without
14 putting things on record, putting things on record, they would
15 do things on their own together jointly.
16 Q. And the neighborhood you speak of is Bensonhurst?
17 A. Bensonhurst, Bay Ridge.
18 Q. And I think you testified yesterday that you were told by
19 Sonny Guiliano that Hydell, Frank Hydell was a rat.
20 A. Correct.
21 Q. And who is Sonny Guiliano again?
22 A. He's a soldier with George Decicco.
23 Q. And you testified yesterday that you thought that
24 conversation was in March of '98, Frank Hydell being murdered
25 in April of '98. Do you recall that testimony?

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01MTBOY4 DiLeonardo - cross

1 A. Yes.
2 Q. Hadn't there been rumors around for a long time that Frank
3 Hydell was a cooperater before Sonny Guiliano told you that?
4 A. Sure, absolutely.
5 Q. How long would you say?
6 A. It could have been about six months, maybe, more or less
7 that I heard rumblings like that.
8 Q. And in addition to hearing this from Sonny Guiliano, you
9 talked about you were at Areo's?
10 A. Areo's.
11 Q. In Brooklyn, a restaurant?
12 A. Right.
13 Q. You spoke to Alley Boy Persico there, right?
14 A. Right.
15 Q. And he was with BH, was it?
16 A. Yes.
17 Q. And are those both members of the Colombo crime family?
18 A. BH was an associate, Alley Boy was the acting boss.
19 Q. And were you with anybody on that occasion?
20 A. I think Joey D'Angelo was with me.
21 Q. Then you wound up talking to -- after you heard about this,
22 you talked to Huck and Eddie Garafola both separately and
23 together on a number of times about the fact that it was
24 rumored that Hydell was a cooperater, correct?
25 A. Right.

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01MTBOY4 DiLeonardo - cross

1 Q. And that both of them thought that Frank Hydell should be
2 killed, correct?
3 A. Correct.
4 Q. And what did you think?
5 A. I think there was too many witnesses and if we kill Hydell
6 where does it stop? The next guy -- like I said earlier, there
7 was a guy called into the grand jury, one guy that we knew
8 about. And every time you feel somebody may cooperate, you
9 kill them? You may kill 30 people maybe.
10 Q. So it was not common sense to kill one when there could be
11 many other similar witnesses, correct?
12 A. Well, common sense in Cosa Nostra and my common sense
13 happened to collide at that point. I guess because Cosa Nostra
14 says the guy is a rat, you kill him and suffer the
15 consequences. Mine was a little differently because I had a
16 different strategy, like I articulated earlier.
17 Q. Did you also think that killing a government informant,
18 especially one that might have knowledge about the Parasole
19 shooting, would bring even greater heat upon the family and the
20 administration of the family?
21 A. Oh, yeah. But at that point it wasn't about protecting the
22 people on the Parasole hit, because like I said, I thought they
23 could strategically turn themselves in as a manslaughter
24 charge. So it wasn't to protect the Parasole hit, they were
25 doing it to protect themselves from getting arrested for doing
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01MTBOY4 DiLeonardo - cross
1 any time. So yes, it doesn't matter if a guy is a cooperator,
2 if they kill me tomorrow, that's the life, I accepted that
3 already. So those calls are made when I reach omerta. Like
4 Frankie was part of the life, doesn't matter what the pitfalls
5 are.
6 Q. My question is what did you think. Did you think killing
7 Frankie Hydell would be actually bad for the family because it
8 would bring heat on and bring the heat on for a time when you
9 are already under some heat because of the Parasole shooting?
10 A. Yeah, like that and the Gravano thing, same thing.
11 Q. Well, Gravano was a cooperating witness or had been a
12 cooperating witness, but here is somebody that is going to be a
13 government informant and they have knowledge of a sensitive
14 shooting, and to kill that person will bring great heat on the
15 Gambino family. That was your thinking, too, wasn't it?
16 A. You turned the light on a little bit. Now Frankie was
17 cooperating, right, and goes in and tells the truth that this
18 guy was shot by accident. And then if it wasn't a hit, it
19 would take the heat off of us, right, in theory, if he went in
20 and said that? Of course nobody told him it was a sanctioned
21 hit, so by him cooperating it may have taken the heat off us
22 but still left those guys who murdered him liable for arrest.
23 So it was self-serving interest on Huck and his crew to kill
24 this guy.
25 Q. Serving their interest but not the best interest of the
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01MTBOY4 DiLeonardo - cross
1 family.
2 A. Again it still may create heat, absolutely, there's a body
3 dropped, who killed the guy. Now the next step, let's
4 investigate who killed Frank Hydell. It's now more than to
5 cover up Parasole. That wouldn't be the issue if Frankie told

6 the truth. The next step would be who killed him. Now you
7 have two bodies drop. So what's coming next? Then we would
8 create a lot of heat.
9 Q. That's a bad thing for the family?
10 A. At that point.
11 Q. So when Huck tells you that he went out and he's
12 responsible for killing Hydell, he's done it, he's done
13 something that in your view is really against the interests of
14 the family, although it may be for his own selfish reasons and
15 for those of his nephews or whoever he's trying to protect.
16 A. Yes, you could look at it that way, but in his mind I guess
17 he was doing something to enhance his position in the family.
18 Q. You can't speak for his mind, can you?
19 A. Yes, because later on --
20 Q. I'm asking your mind.
21 A. No. Well --
22 THE COURT: You can't -- in answering the questions
23 you're limited to what you know; you heard it said, this, that,
24 but you are not to speculate about what goes on in people's
25 minds.

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01MTBOY4 DiLeonardo - cross

1 THE WITNESS: OK.
2 Q. Put another way, whoever killed Frank Hydell under those
3 circumstances, would that person gain respect of the Gambino
4 family?
5 A. Does it go back to me being speculative now again?
6 Q. What do you think as a powerful, important member of the
7 Gambino family? What was your opinion? Would that be somebody
8 who would gain respect in the family?
9 A. Sure. Kill a rat? Absolutely.
10 Q. No, kill that rat under those circumstances where there's
11 heat on the family, there's other people out there, it's an
12 unsanctioned hit to kill this person, would that -- and the
13 person is a government informant regarding a possible crime
14 that the Gambino family was involved in, would that gain the
15 respect of somebody to do an unsanctioned hit like that?
16 A. Yes, and I'll tell you why. For one, the guy is a
17 cooperator. If Huck killed him and his crew, he didn't get
18 permission, OK, he could be admonished for that. But two,
19 Danny Marino came home and he swallowed the murder of his
20 nephew, a second nephew. So he understood the life that it was
21 the right thing to do was kill a rat. Nephew, and he had to go
22 home to his wife. He understood the life. You kill the rat.
23 The guy rats and he gets killed, he deserved it.
24 Q. So basically the people who killed Hydell are getting -- an
25 unsanctioned killing, right?

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01MTBOY4 DiLeonardo - cross

1 A. As far as I know, Pete didn't know about it.
2 Q. Pete Gotti knew about it?
3 A. As far as I know, he did not know about it.
4 Q. So the people who committed this unsanctioned hit
5 essentially got a pass on this sneak job?
6 A. Again, if Pete Gotti -- you opened up another door. Pete
7 Gotti, by me acknowledging -- I'm a captain in the family --
8 acknowledging an unsanctioned murder, went like this to me and
9 said goodbye and never mentioned it to me again, he's accepting
10 the unsanctioned hit of a rat. So there's a captain and the

11 acting boss of the family accepting it as part of Gambino
 12 business.
 13 Q. OK. So the people who killed him gained respect in your
 14 eyes?
 15 A. Yes, throughout the family.
 16 Q. In your eyes?
 17 A. In my eyes, no. I was annoyed with it because it may not

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- 17 A. Yeah.
- 18 Q. And you didn't know John Matera, did you?
- 19 A. I heard the name in the neighborhood but I don't believe I
- 20 ever met him.
- 21 Q. Did you know anything about him?
- 22 A. No.
- 23 Q. Soon after the murder of Frank Hydell was Tommy Dono
- 24 proposed for membership in the Gambino family as a made member,
- 25 a soldier?

01MTBOY4 DiLeonardo - cross
1 A. Yes, Huck was mounting a little push for Tommy to get
2 straightened out.
3 Q. Mounting a push to you? Did he push him to you?
4 A. He brought him around a couple of times. They knew the
5 quickest way would probably be through me to get it done. But
6 I really wasn't enamored with Tommy.
7 Q. Why is that?
8 A. He was a coke head.
9 Q. Was a coke head. And you didn't think it was so prudent
10 for Hydell to have been killed, correct?
11 A. That's correct.
12 Q. Are you saying -- was that a reason why Huck was proposing
13 him?
14 A. Yes, that's what I believe. And he was close to him. Huck
15 started to want -- like I said, Huck was part of a crew most of
16 his whole life. Now I think Huck was looking to spread his
17 wings; volunteer for the Gravano murder and other things. He
18 had different aspirations at this point and wanted to start his
19 own crew and be formidable.
20 Q. How long had Huck been in the Gambino family?
21 A. Associate and -- decades.
22 Q. Just starting to spread his wings then?
23 A. He had Gravano around then. Gravano was the guy, Sammy
24 Gravano.
25 Q. But Gravano had been off the scene for eight or nine years?
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01MTBOY4 DiLeonardo - cross
1 A. Exactly. So now was his time.
2 Q. What was he doing during the -- what was he waiting for
3 those eight or nine years?
4 A. Like I said, they were sitting in the background worried
5 about themselves getting killed and getting their credibility
6 back, which I told you I had done that.
7 Q. You got their credibility back?
8 A. Absolutely, and their lives.
9 Q. When you cooperated, you inculpated -- you gave information
10 against people who were very close to you, didn't you?
11 A. Sure.
12 Q. Like Joey D'Angelo?
13 A. Sure.
14 Q. And Frank Fappiano?
15 A. Everybody.
16 Q. And there were some who you were urging to cooperate,
17 correct?
18 A. Sure.
19 Q. Like Frank Fappiano?
20 A. Yes.
21 Q. Did you ever urge Joey D'Angelo to cooperate?
22 A. I never seen Joey any time.
23 Q. But you hoped they would cooperate, correct?
24 A. Yes, so I won't have to sit in this chair against them,
25 absolutely.
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01MTBOY4 DiLeonardo - cross
1 Q. And not only that, but the testimony you gave against them
2 wouldn't hurt them that much if they cooperated because they
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3 could get a 5K1 letter themselves and avoid a potential
4 sentence of life imprisonment that your information was
5 exposing them. True?
6 A. Yes, if I testified against them, they were dead. Once I
7 testified and told the truth about them, how could they win?
8 Q. But they could win by cooperating like you, sir, right?
9 A. I don't consider this a win, Mr. white. There's no winners
10 here. My family, my children. Forget about me because I made
11 this bet when I was a little boy, but they're on the list.
12 People are going to go to jail, people are in jail, people are
13 going to die in jail. There's no winners.
14 Q. You could step down and say to the government I had enough
15 of this.
16 A. I would spend the rest of my life in jail.
17 MR. WHITE: That's right.
18 No further questions, your Honor.
19 THE COURT: Mr. Zach?
20 REDIRECT EXAMINATION
21 BY MR. ZACH:
22 Q. Mr. DiLeonardo, you were asked some questions about the
23 time you spent at MCC while you were trying to figure out if
24 you were going to cooperate. Do you recall those questions?
25 A. Sure.

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01MTBOY4 DiLeonardo - redirect
1 Q. And what was the unit that you were put in after you were
2 put back in, what was it called?
3 A. 10 South.
4 Q. 10 South. Now what had you done immediately before being
5 put back in 10 South?
6 A. I tried to commit suicide.
7 Q. When you were in 10 South were you in suicide watch?
8 A. Yes.
9 Q. So when you were in the room with the lights on all the
10 time, that was suicide watch, right?
11 A. No, that was typical for that whole floor, whatever cell
12 block, that was the way it was.
13 Q. And when you were down there -- strike that.
14 Did there come a time that you learned why the guards
15 were treating you that way?
16 A. Yes.
17 Q. What did you learn?
18 A. They didn't like cooperators.
19 Q. And who were these guards that didn't like cooperators?
20 A. The ones -- you had a special security to get to that
21 floor, and whoever was up there at that time. I mean there was
22 rotations, of course, because 24 hours a day. And there was
23 probably a dozen or so. They weren't all like that, there was
24 a few good guys, and they were transferred off the floor every
25 time somebody tried to be nice to me.

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01MTBOY4 DiLeonardo - redirect
1 Q. So would it be fair to say the people treating you more
2 poorly there were people that, quote, didn't like cooperators,
3 as you said?
4 A. Correct.
5 Q. And was it your understanding that the FBI was trying to
6 sort of torture you in any way?
7 A. Like I said, early on I thought it was just being put to

8 me. And then later on when I started going up and cooperating
9 and they couldn't call these people off -- I was there when
10 they called the warden, the agents and the prosecutors, and
11 demanding that I had clothes and proper food and heat. And I
12 went back and they just abused me even more. I asked for a
13 haircut once. The prosecutor called up and said give this guy
14 a haircut. They chained me to a chair, handcuffed me and
15 shaved my head. So that was their way of saying you got a
16 haircut.

17 Q. Who runs the prison that you were in?

18 A. BOP, Bureau of Prisons.

19 Q. Do you know what the Bureau of Prisons is?

20 Is that the U.S. Attorney's Office?

21 A. Oh, no, it's complete -- like I said, the agents and the
22 prosecutors were really upset by my conditions. I know that
23 for a fact.

24 Q. Now you at this time you were deciding whether or not to
25 cooperate. Did there come a time that an incident took place

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01MTBOY4 DiLeonardo - redirect

1 with your son Michael?

2 A. Yes.

3 Q. Could you describe what happened with your son Michael?

4 A. This would be during the time in 10 South?

5 Q. Yes.

6 A. After that first -- well, the next time I tried to
7 cooperate in January I went to up see the prosecutors and then
8 quit, I hadn't seen my son Michael. He hadn't come to see me
9 when I was in population all that time. All the sudden I get a
10 visit from him. And during the course of the visit he's urging
11 me -- he's about 16 at the time -- urging me not to cooperate.
12 And we were talking. Quite emotional.

13 He came back on his second visit, week later, and told
14 me he went to go see Uncle John, John, Jr., up in Ray Brook
15 Prison. My son was summoned up there to see him. And on this
16 next visit my son started telling me that Uncle John said he
17 would forgive you, treat you like his brother Peter that made a
18 mistake. We'll go to that vineyard in California, Napa valley,
19 Sonoma Valley that we always wanted to go to and do all these
20 nice things together.

21 He manipulated my son. And it made very, very angry
22 at that point. He was sending me a message that I have access
23 to your son any time I want to get him, and like I said,
24 manipulated my boy. My son was totally against it from the
25 beginning on his own, but this just reinforced what kind of bad

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01MTBOY4 DiLeonardo - redirect

1 thing I was going to do. And it really, really upset me
2 because I didn't tell my son he was being manipulated at that
3 point. I told him, Michael, as soon as I walk out of here,
4 whenever it is, if I ever do, they're killing me. There's no
5 way around that. They have to kill me.

6 So I got -- I was really angry at that point about
7 that message and I decided to pick up the phone. It took me
8 another three weeks to a month to come to a decision, but I
9 made the decision to cooperate.

10 Q. And when you say your son Michael was against it, what was
11 he against?

12 A. My cooperation.

13 Q. And with that interaction that your son had with John
14 Gotti, Jr., was that a factor in your decision to cooperate?
15 A. It worked against John's strategy, it only got me angry.
16 Q. Another quick question. When you were put in the MCC after
17 you attempted to commit suicide, were you able to go back in
18 the general population?
19 A. No.
20 Q. Why not?
21 A. To state the obvious, they would have killed me, possibly.
22 Q. That was because at that point it was understood that you
23 were trying to cooperate, right?
24 A. Sure.
25 Q. Now you were asked some questions about Sammy Gravano and
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1 his cooperation. Do you remember those?
2 A. Sure.
3 Q. Some of the questions were do you recall reading things
4 called a 302. Do you recall that?
5 A. Sure.
6 Q. Could you describe to the jury what a 302 is?
7 A. It's a when somebody gives information to an FBI agent
8 there's paraphrasing, little columns or sentences really on the
9 total subject that you talk about.
10 Q. And do you know, can you go to the public library and look
11 at 302s?
12 A. No.
13 Q. Would it be fair to say that they're sort of secret law
14 enforcement documents?
15 MR. WHITE: Objection to the leading, your Honor.
16 THE COURT: Objection sustained.
17 MR. ZACH: I withdraw the question.
18 Q. Now did you come upon the 302s that related to the
19 testimony or information that Sammy Gravano had provided to the
20 government?
21 A. Yeah, not all of them but some of them.
22 Q. And you reviewed those?
23 A. Sure.
24 Q. Now in reviewing them, and from hearing his testimony when
25 you went to trial, did it become apparent to you that he left
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1 certain people out?
2 A. Certainly, including me.
3 Q. And describe what it is -- what it means to be that he left
4 someone out?
5 A. Well, when he's at the debriefings he didn't tell them
6 about who was actually there at times.
7 Q. So it's fair that he wasn't being totally truthful?
8 A. Right. He was truthful in a lot of stuff but a lot of
9 stuff I benefited and a lot of other people benefited from.
10 Q. And were you ever charged immediately after or shortly
11 after Sammy Gravano cooperated?
12 A. Never charged.
13 Q. Now when you decided to cooperate did you want to leave
14 people out?
15 A. Yes, but my thing was there I would tell you everything
16 about everybody but don't indict them. That was my request.
17 Q. That was the request made, right?

18 A. Yes, totally truthful but don't indict them.
19 Q. What was that request accepted?
20 A. No, I was met with a stone wall, no.
21 Q. And so when you cooperated what is your understanding of
22 who you would have to cooperate against?
23 A. Anybody that they brought an indictment against.
24 MR. ZACH: Could we put up Government Exhibit 50,
25 please.

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01MTBOY4 DiLeonardo - redirect

1 Your Honor, may I approach the witness?
2 THE COURT: You may.
3 Q. Showing you what is already in evidence as Government
4 Exhibit 50. You said on cross-examination you were asked
5 questions about seeing Huck and a number of people around Lou
6 Vallario's club. Do you remember those question?
7 A. Absolutely.
8 Q. When did you see them around Lou vallario's club?
9 A. I guess after '98, at times.
10 Q. So the late '90s?
11 A. Yeah, late '90s into 2000.
12 Q. Whose crew was Huck Carbonaro around?
13 A. Vallario.
14 Q. So it would be fair to say that Lou Vallario was his boss
15 within the Gambino family?
16 A. He was a captain.
17 Q. And that is who you saw Huck and his crew members around at
18 that time?
19 A. Sure.
20 Q. And who were some of these people that you saw around Huck
21 at that time?
22 A. Tommy Dono, Eddie Boyle, and I like say, these triplets,
23 and like I said, a whole bunch kids I did not know.
24 Q. Staying a moment on the topic of Huck Carbonaro, I think on
25 cross-examination you testified that in the mid '90s he was

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01MTBOY4 DiLeonardo - redirect

1 broke, essentially he had no money?
2 A. Right.
3 Q. Now did there come a time -- when he was broke, did there
4 come a time that he took on more responsibility in the Gambino
5 family from when he was broke?
6 A. Yes, Eddie and myself put him on the construction committee
7 to help out and generate pay.
8 Q. Was that a good move for him?
9 A. Yeah, he was earning zero before that.
10 Q. When did he get put on the construction committee?
11 A. I would say late '90s sometime. Like I said, he did a
12 little until I officially put him on, went to Pete and told him
13 I would put Huck on. We gave him pays, 500, a thousand a
14 month, something like that.
15 Q. When you were in prison you testified that Huck was not
16 giving you money; is that true?
17 A. It wasn't even so much the money, my message to Huck was --
18 I wasn't hearing anything except the bad message we were
19 robbing, which was a falsehood -- was that you're my eyes and
20 ears, I put you on the map. You're close to Eddie, are you
21 screwing Eddie too? Excuse my language. Where is your
22 loyalty? He shut us right down.

23 Q. What was his position in the construction business at that
24 point?

25 A. It was only him and Richie Gotti at the time in the street
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1 running the construction.

2 Q. So he was sort of at the top of the construction component,
3 right?

4 A. Sure.

5 Q. That's a big move from the mid 1990s having only lint in
6 his pocket.

7 A. Big move since it took my end with it.

8 Q. Now you were also asked some questions about Lenny DeCarlo.
9 You testified on cross-examination that you played softball
10 with Lenny DeCarlo?

11 A. Sure.

12 Q. And Lenny DeCarlo received a job in the union, right?

13 A. Correct.

14 Q. What union was that?

15 A. Laborer's Local 23.

16 Q. Now would Lenny DeCarlo otherwise have been able to get
17 that job?

18 A. Unless his uncle went elsewhere through another person,
19 maybe Vallario or directly to Pete, but he had to get through
20 the Gambino family.

21 Q. Let's say he showed up on the job site and said: I want to
22 work.

23 A. They would have thrown him off.

24 Q. How did he get that job?

25 A. Gambino family.

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1 Q. How is it that the Gambino family was able to control the
2 unions?

3 A. We controlled that union from the first day, probably 60
4 years ago, whenever it started.

5 Q. Was one of the ways your ability to place Gambino members
6 and associates within the union?

7 A. Yeah, bosses, stewards, formens, control jobs. We had it
8 from the president all the way down from the first day of
9 inception.

10 Q. So would it be fair to say that Lenny DeCarlo had been
11 installed in that union job just like the union job that you
12 got when you were young?

13 A. Absolutely. I worked in the same union as a kid and I
14 worked. I was there every day.

15 Q. Now talking about various rules relating to the Gambino
16 family, what would happen if an individual was using the name
17 of the Gambino family to extort people even though that person
18 wasn't actually with the Gambino family? Would that be a
19 problem?

20 A. Yeah, if we found out we would --

21 MR. WHITE: Objection, your Honor, beyond the scope of
22 cross.

23 THE COURT: Overruled.

24 A. We would probably search them out and find out what their
25 reason -- who they were. And of course that would be strange

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1 because anybody that is going to be involved we would know, so
2 it's either law enforcement or somebody trying to make a scam.
3 Q. Say somebody was lying and doing that, would that be a
4 problem using the Gambino name?
5 A. Sure.
6 Q. What sorts of consequences may there be for that?
7 A. We would do our homework, find out who this person was. If
8 it was somebody that was with us and taking money and putting
9 it in his pocket, there could be all kinds of penalties.
10 Q. What would that range of penalties be?
11 A. Admonishment or beating.
12 Q. Mr. DiLeonardo, are you familiar with the term "on record?"
13 A. Sure.
14 Q. What does it mean to be on record with someone?
15 MR. WHITE: Objection, your Honor.
16 THE COURT: Objection overruled.
17 A. It could be -- on record could be a person that's on
18 record, an entity, a thing, something that belongs -- it could
19 be a possession of the family.
20 Q. And for an associate in the Gambino family, what benefits
21 does an associate get for being associated with a member of the
22 Gambino family?
23 A. You get the umbrella of the family, the coverage, the
24 protection, the bragging rights, the vehicle to make money, to
25 get permission to go into -- if you want to be a bookmaker or
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1 shylock or something else, open up a business, once you're
2 involved with the family the steps are to go put things on
3 record with your higher ups.
4 Q. What are some of the practical benefits of having that
5 umbrella behind you?
6 A. It's protection from the family and the permission to do it
7 as long as you kick into the machine and you feed the beast,
8 give it money.
9 Q. You have that protection if you have a dispute with a
10 different family?
11 A. That's what it's from, it's protection from other families,
12 not law enforcement or citizens, it's from the other La Cosa
13 Nostra groups out there. That's what the protection is from.
14 We protect you from ourselves.
15 Q. Now you were asked about your reliance on money received
16 from the government to basically live on at this point in your
17 life. Do you recall those questions?
18 A. Sure.
19 Q. Now do you like testifying?
20 A. I hate it.
21 Q. How does preparing for trial or testifying disrupt your
22 life?
23 A. It's extremely stressful. Like I said, I carry this with
24 me everyday anyway. When trials come up it adds to the stress.
25 And I bring to it to my family and I change, my personality
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1 changes, I get more introverted.
2 Q. Would you rather be working?
3 A. I would rather be doing just about anything but testifying.

4 MR. ZACH: One moment, your Honor.
5 No further questions.
6 MR. WHITE: Just a couple, your Honor.
7 THE COURT: Of course.
8 RE-CROSS EXAMINATION
9 BY MR. WHITE:
10 Q. Mr. DiLeonardo, you testified about five minutes ago that
11 after you began to cooperate agents of the government called
12 the MCC where you were being kept under these poor conditions
13 that you described and tried to make the situation cured. Did
14 any of them call the MCC before you cooperated?
15 A. No.
16 Q. You testified that after 1998 you would see Huck's --
17 people around Huck hanging around Louis Vallario's club?
18 A. Sure.
19 Q. And this would be like in 1999, 2000, 2001, those years?
20 A. I would think so, yes.
21 (Continued on next page)
22
23
24
25

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01m0boy5 DiLeonardo - recross
1 Q. And did you see Eddie Boyle?
2 A. Yeah, I would see Eddie at times. I don't remember
3 exactly.
4 Q. Did you know that he was in prison from January of 1999
5 until September of 2001?
6 A. Yes, I know he did maybe a couple of bits.
7 Q. He wasn't hanging around Lou Vallario's club while he was
8 in prison, was he?
9 A. 2001?
10 Q. 2000 -- January 1999, until September 2001.
11 A. So it was after that I seen him there. I told you, I'm not
12 clear of the time frame.
13 MR. GEDULDIG: Nothing further, your Honor.
14 THE COURT: Anything else?
15 MR. NEW: No, your Honor.
16 THE COURT: Okay. Thank you, Mr. DiLeonardo.
17 THE WITNESS: Thank you. Have a nice day, your Honor.
18 THE COURT: You may step down.
19 (Witness excused)
20 Folks, we're not going to start with another witness
21 today. We're going to break -- we're not going to break. The
22 government is looking at me like, oh, my God.
23 MR. NEW: Could we approach just for one second?
24 THE COURT: Do you have a little bitty short witness?
25 MR. NEW: Yes, your Honor.

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01m0boy5 DiLeonardo - recross
1 THE COURT: We'll do have a little bitty short
2 witness. I didn't want to get anything going on into Monday.
3 Call your little bitty short witness, Mr. New.
4 MR. NEW: I'm sure you'll hold me to that, your Honor.
5 THE COURT: You bet I will.
6 MR. NEW: The Government calls Teresa Mazzaresse.
7 THE COURT: Of course it would be a tremendous
8 inconvenience for a little bitty short witness to have to come

9 back on Monday.
10 THE DEPUTY CLERK: This way, please. Step up on the
11 witness stand, remain standing in front of the chair. Raise
12 your right hand.
13 TERESA MAZZARESE,
14 called as a witness by the Government,
15 having been duly sworn, testified as follows:
16 DIRECT EXAMINATION
17 BY MR. NEW:
18 THE COURT: You may inquire.
19 Q. Before we begin, would you mind pulling the microphone a
20 little closer to yourself so we can hear you better?
21 A. Okay.
22 Q. Thank you, Ms. Mazzaresse, how old are you?
23 A. Forty-two, today.
24 Q. Happy birthday.
25 Are you married?

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01m0boy5 Mazzarese - direct

1 A. Yes.
2 Q. And what do you do now for a living?
3 A. I do accounting.
4 Q. Now, back in April of 1998, were you doing accounting?
5 A. Bartending.
6 Q. Where were you bartending?
7 A. Scarlett's.
8 Q. Where is Scarlett's?
9 A. Sand Lane. It was located across cross the street from my
10 home.
11 Q. And that's in what borough?
12 A. Staten Island, New York.
13 Q. What type of bar or restaurant is Scarlett's?
14 A. A go-go bar.
15 Q. Now you said at that time it was across the street from
16 your home?
17 A. Yes.
18 Q. Where were you living?
19 A. Third floor, 280 Sand Lane; top floor.
20 Q. What kind of building was that?
21 A. It was like a -- there was a Chinese restaurant on the
22 first floor, apartment second, three -- three-family building,
23 but they had, actually, a restaurant on the first floor. It
24 was small.
25 Q. And --

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01m0boy5 Mazzarese - direct

1 A. Three stories.
2 Q. And did you have a front window to your apartment?
3 A. Yes.
4 Q. If you looked out the front window, what would you see in
5 front of the building?
6 A. Sand Lane. And I could see Scarlett's. I could -- I could
7 see Verrazano Bridge, all -- you could see a lot of stuff from
8 my window.
9 Q. Now, when you say you could see Scarlett's, what part of
10 Scarlett's could you see?
11 A. If you were looking at the front door of Scarlett's, you
12 would be able to see the left side of Scarlett's which was on
13 Sand Lane. And the front door, which was on, I think, Robin

14 Road. And, at that time, there used to be a parking area, like
15 right on the corner of Sand Lane and Robin Road.
16 Q. How big was that parking area?
17 A. It was only, like, one-car parking; you know, 1,1,1, maybe
18 like five cars or seven cars could park there. I can't
19 remember exactly.
20 Q. Was there any lighting in that parking lot?
21 A. Yes.
22 Q. What sort of lighting.
23 A. The lights were coming from above, plus there was some
24 streetlights around.
25 Q. And was there anything that obstructed the view from your
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01m0boy5 Mazzarese - direct
1 window down to that parking lot?
2 A. No. I mean, of course, there were things in the way. You
3 know, there might have been street poles, but I had plenty of
4 view of the place.
5 Q. And now I want to take you back to the night of April 27th,
6 going into April 28th, 1998.
7 were you home that night?
8 A. Yes.
9 Q. And what were you -- well, before I ask that, were you
10 alone in your apartment that night?
11 A. Yes.
12 Q. Do you have any pets?
13 A. I had a pit bull at the time.
14 Q. And was your pit bull with you?
15 A. Yes.
16 Q. And now what were you doing around midnight?
17 A. Probably sitting on my computer, because if I was sleeping,
18 I don't wake up for anything. So I think I was sitting on my
19 computer back then. But to recall exactly, I -- I just know I
20 was in my home.
21 Q. And you were awake?
22 A. Awake. Wide awake.
23 Q. And what happened around midnight?
24 A. Well, I thought it was between 12:00 and 1:00, but it was a
25 long time ago. I heard a gunshot. I don't remember if it was
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01m0boy5 Mazzarese - direct
1 one or two. And I peeked out the window, because I didn't want
2 anybody to see me. And I saw a man lying on the ground. So my
3 first thought was call 911, maybe his life will get saved.
4 Q. Did you see anything else when you looked out the window?
5 A. I saw a man standing over him with a hat. I couldn't see
6 his face. It was late. It was dark, you know, and I was
7 looking above on an angle. So I just saw a man reach out with
8 his right hand. I think he shot another shot or two. And then
9 he jumped into a vehicle, I believe, and went up Sand Lane,
10 home. In a big vehicle.
11 Q. Let's go through this a little slower.
12 A. Sure.
13 Q. The man you saw standing, what did you see him do?
14 A. Shoot the man that was on the ground already. Again.
15 Q. How did he shoot him?
16 A. Right hand.
17 Q. Did he have a gun in his right hand?
18 A. Yes.

19 Q. And how was holding his arm at the time that you saw him
20 shooting him?

21 A. Straight up.

22 Q. And how was he acting?

23 A. To me, it just seemed very cold because of the way he
24 jumped in the car and took off.

25 Q. Now, could you describe him in any way?

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01m0boy5 Mazzarese - direct

1 A. I just remember a baseball cap and, maybe, a little bit of
2 baggie clothes. I thought he had jeans on. And he was thin.

3 Q. Could you tell his height at all?

4 A. Well, everybody is tall next to me. I'm 5'1". So I would
5 say between 5'8" and 6', 6'2" maybe. But, you know, it is hard
6 to tell from where I was. I was across the street, up above
7 three flights, and at night. And nervous, you know. I didn't
8 want to get involved, I just wanted to try to save someone's
9 life.

10 Q. Did he appear to be disabled in any way?

11 A. Not that I saw. It happened very quick. You know, I
12 looked, called 911 -- I don't remember before or after it
13 finished. But it just happened fast.

14 Q. Now, you said you saw him jump into a car. What kind of
15 car was it?

16 A. It was a big car. And it seemed like maybe like type of
17 cars that the guys drive on 86th Street; you know, the Italians
18 you know. I'm Italian, so I know. You know, that's just what
19 it seemed like. But it seemed older. And it was a big car. I
20 don't remember if it was one door, two door. And I don't
21 remember what side he jumped in, so I --

22 Q. What color was the car?

23 A. I thought it was around -- it was white. But I don't know
24 if I'm remembering correctly, it was a long time ago.

25 Q. And you say you were trying to describe the type of car

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01m0boy5 Mazzarese - direct

1 that this was. Any particular models of cars come to mind?

2 A. Yeah. Reminded me of like maybe a Cadillac or something
3 like that. Old, big car.

4 Q. Some sort of big luxury-type car?

5 A. Perhaps.

6 Q. Now did you see what direction the car came from?

7 A. No.

8 Q. Did you see --

9 A. I don't remember.

10 Q. Did you see where it went?

11 A. I swore it went up Sand Lane.

12 Q. In which direction?

13 A. Toward Highland Boulevard, away from the water.

14 Q. And while you were looking out the window, did you notice
15 anybody else on the street other than --

16 A. No.

17 Q. -- the man on the ground and the man with the gun. I'm
18 sorry, can you please answer that again?

19 A. Oh, I said no. I'm sorry, no.

20 Q. And did you see any cars driving down the street?

21 A. No, I don't recall anything like that. But I'm sure, you
22 know, they go up and down, here and there. But my focus was
23 just on what happened. You know, I was a little startled.

24
25

Q. And after you looked out the window, what did you do?

A

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