

1 (The following takes place out of the presence of
2 the jury.)

3 THE CLERK: Case on trial, USA v. Boyle.

4 THE COURT: We'll get the jury in. Where is the
5 witness?

6 MR. LIPTON: I think the agents are getting him.

7 THE COURT: Who is this witness?

8 MR. LIPTON: Gerard Bellafiore.

9 THE COURT: What is his nickname?

10 MR. LIPTON: He's been called in the street Skeevy
11 or Scissorhands.

12 THE COURT: Are we on target moving?

13 MR. LIPTON: Yes, Judge.

14 MR. SEIGEL: Yes, we are.

15 (Witness takes the stand.)

16 THE COURT: Now we'll get the jury.

17 (Jury enters courtroom.)

18 (Time noted: 9:45 a.m.)

19 THE COURT: Have a seat, ladies and gentlemen. How
20 did everybody make out with that snow and everything?

21 Okay. You have a witness, Mr. Lipton.

22 MR. LIPTON: Yes, Judge, the government calls Gerard
23 Bellafiore.

24 THE COURT: Stand up.

25 (Witness sworn by the Court.)

1 G E R A R D B E L L A F I O R E, having been first duly
2 sworn was examined and testified as follows:

3 THE COURT: Please state your name and spell it for
4 the record.

5 THE WITNESS: Gerard Bellafiore, G E R A R D,
6 B E L L A F I O R E.

7 THE COURT: Now, when you speak, speak into that
8 microphone -- have a seat. Speak into the microphone so
9 everybody can hear you, okay.

10 THE WITNESS: Okay.

11 MR. LIPTON: You can pull it toward you and you can
12 turn it up if you need to.

13 THE WITNESS: That's all right.

14 DIRECT EXAMINATION

15 BY MR. LIPTON:

16 Q Good morning, Mr. Bellafiore. How old are you?

17 A Thirty-four.

18 Q Are you married?

19 A Yes.

20 Q What is your current marital status?

21 A I'm still married but I'm separated.

22 Q Do you have any children?

23 A One.

24 Q Boy or girl?

25 A A girl.

1 Q How old?

2 A Seven.

3 Q Are you living in an undisclosed location in another part
4 of the country?

5 A Yes.

6 Q Who do you work for?

7 A I work for a company, I buy cars.

8 MR. GEDULDIG: Sorry, a company that does what?

9 THE COURT: Buy cars.

10 Q How long have you been living in that undisclosed
11 location?

12 A I've been there 17 months.

13 Q Where did you live before that?

14 A Jail.

15 Q How long were you in jail?

16 A Approximately 40 months.

17 Q Where did you grow up?

18 A Brooklyn, New York.

19 Q How far did you go in school?

20 A 12th grade.

21 Q When did you start committing crimes?

22 THE COURT: What school did you go to, high school?

23 THE WITNESS: New Utrecht High School.

24 Q When did you start committing crimes?

25 A When I was 15.

1 Q What crimes did you start committing?

2 A I was stealing car radios.

3 Q Did you go on to commit other crimes?

4 A Yes.

5 Q What were some of the other crimes you went on to commit?

6 A Stole car radios, I started; then I started stealing cars
7 and bank burglaries, burglaries and stuff like that,
8 commercial burglaries.

9 Q Did you commit those burglaries with other people?

10 A Yes?

11 Q Who were some of the other people you committed those
12 burglaries with?

13 A Me, Tommy Dono, John Micali, Eddie Boyle, my
14 brother-in-law Raymond, Mike Mazzara, Vinny Kuminski, William
15 Galloway, Fat Sal Mangiavillano.

16 Q And others?

17 A Yeah.

18 Q Now, you mentioned Eddie Boyle, who is Eddie Boyle?

19 A He's in the courtroom.

20 Q Do you see him?

21 A Yes.

22 Q Please point him out and describe something he's wearing.

23 A He's wearing a suit with a white shirt (indicating).

24 Q In the middle of the two gentlemen over there?

25 MR. GEDULDIG: Judge, I'd like to have the witness

1 testify rather than Mr. Lipton.

2 THE COURT: Yeah, let the record reflect you are
3 testifying though.

4 MR. LIPTON: I apologize, Judge.

5 THE COURT: Let the record reflect the witness has
6 identified the defendant Boyle.

7 Q How do you know the defendant Eddie Boyle?

8 A Through Fat Sal Mangiavillano and Thomas Dono.

9 Q What were some of the bank burglaries you committed with
10 Eddie Boyle?

11 A We did some in New York, upstate New York, Long Island,
12 New Jersey, and Wisconsin, Milwaukee.

13 Q Generally when did those occur?

14 A The end of -- toward the end of '98 to '99.

15 Q Did you also learn about other banks that Eddie Boyle
16 burglarized and robbed?

17 A Yes.

18 Q Were some of the bank burglaries you committed with him
19 successful?

20 A Yes.

21 Q What was the most money you made from any one of those
22 banks you mentioned?

23 A About \$84,000.

24 Q Which bank was that?

25 A Bank of Smithtown, Jericho Turnpike.

1 Q How much did you and --

2 THE COURT: When was that?

3 THE WITNESS: In '98.

4 THE COURT: '98?

5 THE WITNESS: Yes.

6 THE COURT: Okay.

7 Q How much did you and Eddie Boyle get from that burglary
8 personally?

9 A About 20 something thousand dollars, \$22,000, \$20,000.

10 Q Now, let's go back; you mentioned stealing car radios at
11 about 15?

12 A Yes.

13 Q What did you do with those car radios?

14 A Well, I used to sell them to like, you know, like a flea
15 market, they used to buy them.

16 Q Who did you steal car radios with?

17 A Me and Chris Ludwigsen and Joseph Stacio.

18 MR. GEDULDIG: And who?

19 THE WITNESS: Joseph Stacio.

20 Q Let me show you what's been already entered into evidence
21 as Government 2-V.

22 MR. LIPTON: May I approach, Your Honor?

23 THE COURT: You may.

24 Q Let me show you this book here. Do you see
25 Government 2-V?

1 A Yes.

2 Q Who is that?

3 A Christopher Ludwigsen.

4 Q Did you steal car radios with him?

5 A Yes.

6 Q Did you know him by any other names?

7 A Paciello, Chris Paciello.

8 Q Did you go on to commit other crimes with that person?

9 A Yes.

10 Q How long did you steal car radios for?

11 A Probably like three years.

12 Q How often would you say you did that?

13 A Almost every day.

14 Q How many car radios do you think you stole over that
15 time?

16 A A couple hundred.

17 Q Now, did you also steal cars?

18 A Yes.

19 Q How old were you when you started?

20 A I was about 17, 18.

21 Q Did you sell them?

22 A Yes.

23 Q Over the years who were some of the people you stole cars
24 with?

25 A Me, Chris Ludwigsen, Fat Sal, Beck.

1 Q And others?

2 A Yeah.

3 Q Let me show you in your book, it will be marked as
4 Government 2-C; do you see the government sticker on the
5 right-hand side?

6 A I'll find it.

7 Q Do you recognize who that is?

8 A Yes, that's Fat Sal Mangiavillano.

9 Q That's this person (indicating)?

10 A Yes.

11 Q Okay. Did you know him by any nicknames?

12 A Just Fat Sal.

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

14 A Yes.

15 Q Can you look in your book at 2-G.

16 Do you recognize who that is?

17 A Yes.

18 Q Is that this individual (indicating)?

19 A Ronnie Petrino.

20 Q How do you know him?

21 A I met him in '86.

22 MR. LIPTON: The government moves 2-G, Your Honor.

23 MR. GEDULDIG: No objection.

24 THE COURT: Received.

25 Q Did you steal cars with him?

1 A Yes.

2 Q Did he have a nickname?

3 A Yes, Ronnie the Peddler.

4 Q Did you go on to commit crimes with Ronnie the Peddler?

5 A Yes.

6 Q Now, how often were you stealing cars?

7 A Day on day off, not every day but mostly every day.

8 Q Well, how many cars would you say you stole over the time
9 you were stealing cars?

10 A A few hundred.

11 Q Now, in addition to stealing cars did you also tag them?

12 A Yes.

13 Q What is tagging cars?

14 A When you alter the identification number in the
15 windshield.

16 Q Is that also known as the VIN?

17 A Yeah.

18 Q Would you keep some of the cars that you stole?

19 A Yes.

20 Q Over the years did you own a lot of cars?

21 A Yes.

22 Q How often would you say you got a new or different car?

23 A I guess every 90, 60 days; 60, 90.

24 Q When did you start driving?

25 A I started driving when I was 15.

1 Q Did you ever have a valid driver's license?

2 A No.

3 Q Were you able to get one?

4 A No.

5 Q Why not?

6 A I have too many moving violations.

7 Q Is that before you were allowed to drive?

8 A Yes.

9 Q Now, over the years have you used a fake ID or license
10 that's in your real name?

11 A Yes.

12 Q Have you ever had a real legitimate license that was in a
13 fake name?

14 A Yes.

15 Q When was that?

16 A I got it in '92, November.

17 Q What name was that fake -- that real license with a fake
18 name in, what was the fake name?

19 A William Bellafiord.

20 Q Did you have a middle initial?

21 A Yeah, G.

22 Q That's not your real name?

23 A No.

24 Q How is that different from your real name?

25 A My first name is not William and the last name is with an

1 E, instead they put a D, and the date of birth is different.

2 Q The date of birth is different, how about the Social
3 Security number?

4 A The Social Security number is the same.

5 Q That's your real one?

6 A Yes.

7 Q And the date of birth is fake?

8 A Yes.

9 Q Did you pay somebody at DMV to get that license?

10 A Yes.

11 Q How much did you pay them?

12 A \$500.

13 Q Since then have you used that license?

14 A Yes.

15 Q And did you use that for non-criminal activity, like
16 living your life, bills and the like?

17 A That's what I used it for since the beginning.

18 Q Did that basically become your identity?

19 A Yes.

20 Q Now, growing up did you get arrested for stealing cars?

21 A Yes.

22 Q How many times?

23 A Twice.

24 Q Did you get convicted?

25 A I get convicted, yes, twice.

1 Q Did you serve time?

2 A Yes.

3 Q After stealing cars did you go on to commit other crimes?

4 A Yes.

5 Q Did those crimes include store burglaries?

6 A Yes.

7 Q What kinds of stores did you about burglarize?

8 A Mainly like fast food restaurants and, you know, video
9 stores.

10 Q Why did you pick those places?

11 A Because they would have the most cash over the weekend.

12 Q How would you commit those burglaries?

13 A Usually through the front door or the side like glass
14 door, break the window and then you run into the office where
15 they would have a little safe usually under the desk and you'd
16 be able to take it out of the store.

17 Q And in general how much would you usually get from those
18 types of burglaries?

19 A It all depends, it would go up from 5,000 up.

20 Q Okay. What was the highest?

21 A I would say 6,000, 7,000 like that.

22 Q What years did you do those burglaries?

23 A I would say back in like '89, '90, '91.

24 Q Who were some of the people you did those burglaries
25 with?

1 A Me, Mike Mazzara, Vinny Kuminski, Raymond Angelo which
2 he's my brother-in-law, Tommy Dono, James Calandra and others.

3 Q Chris Ludwigsen?

4 A And Chris Ludwigsen, yeah.

5 Q Let me show you in your book which is marked as 2-F, it
6 is already in evidence, 2-F as in Frank.

7 See that?

8 A Yes.

9 Q Who is that individual?

10 A Tommy Dono.

11 Q This person (indicating)?

12 A Yes.

13 THE COURT: When you say this person --

14 MR. LIPTON: I'm sorry, 2-F, Judge.

15 THE COURT: Okay.

16 Q How did you know Tommy Dono?

17 A I met him when I was young, I was like 12, 13.

18 Q I think you mentioned someone named Willy; did you
19 mention somebody named Willy?

20 A No.

21 Q Did you commit store burglaries Willy Galloway?

22 A Yes, William Galloway, yes.

23 Q Can you look at 2-I in your book.

24 A 2-I. Yes.

25 Q Who is that?

1 A William Galloway.

2 Q How did you know William Galloway?

3 A I know him since I'm 15, 14.

4 Q This individual in 2-I?

5 A Yes.

6 Q And I think you mentioned Mike Mazzara?

7 A Yes.

8 Q Okay. Can you turn to 2-P in your book.

9 MR. GEDULDIG: What was the exhibit number?

10 MR. LIPTON: 2-P.

11 A I have it.

12 Q Who is that?

13 A That's Mike Mazzara.

14 MR. LIPTON: The government moves 2-P.

15 MR. GEDULDIG: No objection.

16 THE COURT: Received.

17 Q How did you know Mike Mazzara?

18 A I met him through my brother-in-law, Raymond.

19 Q Now, did you go on to commit other crimes with Mazzara,
20 Galloway and I think you mentioned Tommy Dono?

21 A Yes.

22 Q And how many of those store burglaries that you described
23 do you think you did?

24 A I would say close to 100.

25 Q Now, did you ever get arrested for burglarizing any of

1 those stores, the fast food places specifically?

2 A Yes.

3 Q How many times?

4 A Two.

5 Q Did you plead guilty to those crimes?

6 A Yes.

7 Q Did you serve a sentence?

8 A Yes.

9 Q Now, did you go on to commit other crimes?

10 A Yes.

11 Q Did they include bank burglaries?

12 A Yes.

13 Q Was one of those banks -- I'm sorry, were they also bank
14 robberies?

15 A Yes.

16 Q Okay. Let me talk about the bank robberies. Was one of
17 the banks you robbed Chemical Bank in the Staten Island Mall?

18 A Yes.

19 Q What year was that?

20 THE COURT: Just a second, we're using this term
21 bank burglaries and bank robbery; what is your understanding
22 of a bank burglary as opposed to a bank robbery?

23 THE WITNESS: A bank burglary is done at nighttime,
24 there would be nobody in the building so it would be, you
25 know, less, no harm to any person. When you do a bank

1 robbery, you know who's in there and you -- basically it would
2 be fear and intimidation and that would be a robbery.

3 THE COURT: All right.

4 Q We're just going to focus on the robberies for now. Did
5 you do one in Chemical Bank in the Staten Island Mall?

6 A Yes.

7 Q What year was that?

8 A I would say in the end of 1991.

9 Q Who did you do that bank robbery with?

10 A Me, Chris Ludwigsen, James Calandra, Tommy Reynolds and
11 me, that's it, and William Galloway.

12 Q Okay. And was that robbery committed?

13 A It was a smash and grab.

14 Q When you say "smash and grab", just explain a little bit
15 what you mean by that?

16 A Well, we had somebody inside watching which would have
17 been Chris, he'd watch from inside the mall. When the lady
18 opened up the safe, he would tell us and two people would run
19 in which Jimmy Calandra and Tommy Reynolds did with a hammer
20 and broke the window and grabbed the money from the lady.

21 Q And that's what happened in this case?

22 A Yes.

23 Q Did anybody have guns?

24 A Yes.

25 Q Did you?

- 1 A No.
- 2 Q What was your role?
- 3 A I was the getaway driver.
- 4 Q Was that robbery successful?
- 5 A Yes.
- 6 Q How much money did you steal?
- 7 A Over 300,000.
- 8 Q Eventually were you charged with that crime?
- 9 A Yes.
- 10 Q Did you plead guilty?
- 11 A Yes.
- 12 Q Did you also rob a bank in Caesar's Bay?
- 13 A Yes.
- 14 Q What year was that?
- 15 A 1993.
- 16 Q That was a Citibank?
- 17 A Yes.
- 18 Q Who participated in that bank robbery?
- 19 A Me, James Calandra, MIkey Amin and Joe Buzz.
- 20 Q What was your role?
- 21 A Getaway driver.
- 22 Q Were you also involved in planning that robbery?
- 23 A Yes.
- 24 Q Was that successful?
- 25 A No.

1 Q Were you ever charged with that crime?

2 A Yes.

3 MR. GEDULDIG: Which bank was that?

4 MR. LIPTON: Citibank, Caesar's Bay.

5 Q You were charged with that?

6 A Yes.

7 Q Did you plead guilty?

8 A Yes.

9 Q Did you also try to rob CBS Studios in Manhattan?

10 A Yes.

11 Q What year was that?

12 A Around the same time, '91, '92.

13 Q Who participated in that robbery?

14 A Me, Joey Calco, Tommy Reynolds, James Calandra and Chris
15 Paciello or Chris Ludwigsen.

16 THE COURT: That's CBS on 57th Street?

17 THE WITNESS: Yes.

18 Q How was that robbery supposed to take place?

19 A Joey Calco worked in the place and he used to cash his
20 check downstairs, it was like a little room where they would I
21 guess service the people that worked there and you could cash
22 a check downstairs instead of going to a bank and it just had
23 a place with money and he knew where it was, the room, and we
24 were going to go into there and grab the money.

25 Q Did anybody have guns?

1 A Yes.

2 Q Did you?

3 A No.

4 Q What was your role?

5 A Getaway driver.

6 Q Was this robbery successful?

7 A No.

8 Q Were you eventually charged in connection with that
9 crime?

10 A Yes.

11 Q Did you plead guilty?

12 A Yes.

13 Q Now, later did you attempt to rob a bank on 18th Avenue
14 and 65th Street in Brooklyn?

15 A Yes.

16 Q Who did you do that with?

17 A Me, Fat Sal, Tommy Dono, Mike Mazzara, and Vinny Kuminski
18 and Beck.

19 Q Okay.

20 A I don't know his last name.

21 Q Okay.

22 MR. GEDULDIG: I'm sorry, which robbery is this?

23 THE COURT: Just a second, I didn't hear that
24 question.

25 MR. GEDULDIG: I'm asking the same question. I

1 didn't hear it either, I was just asking which robbery we're
2 talking about.

3 THE WITNESS: 18th Avenue.

4 THE COURT: No, no, no, repeat the question for the
5 record.

6 MR. LIPTON: I asked -- we were speaking several
7 questions ago about the robbery on 65th and 18th.

8 Q 2-D, is that Beck who you're referring to?

9 A Yes.

10 Q How did you know Beck?

11 A I met Beck in 1991.

12 Q Through who?

13 A Christopher Ludwigsen.

14 Q Did you go on to commit other crimes with him?

15 A Yes.

16 Q What was the plan for the robbery on 65th and 18th?

17 A To cut the roof open next to the vault, like right on
18 top, almost on top of the vault but in front of the door.

19 Q Okay. Did you attempt to carry out that plan?

20 A Yes.

21 Q What happened?

22 A Well, we started to cut the roof and then Mike Mazzara
23 pulled up a latch and the alarm went off and they had to get
24 off the roof.

25 Q Was anyone stopped in connection with that?

1 A Yes.

2 Q Who was that?

3 A Beck.

4 Q Did you end up carrying out that robbery?

5 A No.

6 Q In addition to bank robberies did you also commit bank
7 burglaries?

8 A Yes.

9 Q What part of the bank did you target to burglarize?

10 A Afterhours night deposit box.

11 Q Just explain what that is?

12 A It is where like I guess Burger King and McDonald's and,
13 you know, all stores would drop their money at night after
14 hours?

15 Q When the bank is closed?

16 A Yeah, commercial stores.

17 Q All right. When did you start committing bank
18 burglaries?

19 A '91.

20 Q Who did you start doing those with?

21 A Me, Fat Sal, Beck, Chris, Tommy Dono, William Galloway.

22 Q How did you learn how to do that?

23 A Fat Sal.

24 Q What was the first burglary of a night deposit box that
25 you did?

1 A Caesar's Bay, the one with the robbery, Caesar's Bay.

2 Q So, the same bank you did the robbery at?

3 A Yeah, earlier.

4 Q Who participated in that burglary?

5 A Me, Fat Sal, Beck, Tommy Dono and Chris.

6 Q Chris is Chris Ludwigsen?

7 A Yes.

8 Q How did you go about burglarizing that night deposit box?

9 A It has a little thin plate on it, you take that off,
10 there's four screws, you unscrew it and then you have to just
11 pry the box off the wall, it will come right off.

12 Q When you say "thin plate", just describe where that is on
13 the box?

14 A It would be like right under it, tin metal under it and
15 around it; if you take the tin off there's all screws behind
16 it and you unscrew four that I would know, there's four screws
17 I would know to take off, then it would just come off. It
18 would be like a door on a hinge on your house, same thing.

19 Q How did you go about removing the money from the box?

20 A At that time we used to use like a frog spear, they made
21 these things like points, that's what we were using at that
22 time but now they have a fishing gaff which is a hook, a lot
23 faster.

24 Q The first bank, was that successful?

25 A Yes.

1 Q How much was taken from that bank?

2 A Almost 40,000 almost, like 33, 34,000, like that.

3 Q After doing that bank did you start burglarizing night
4 deposit boxes more regularly?

5 A Yes.

6 Q Now, did you get arrested early on for burglarizing
7 banks?

8 A Yes, in 1991.

9 Q At that time how many banks would you say you had
10 burglarized?

11 A We did a couple, more than a couple, maybe about 25, 30.

12 Q Now, which bank did you get caught on?

13 A Oakland, New Jersey.

14 Q Did you plead guilty to burglarizing that bank?

15 A Yes.

16 Q Was that eventually a federal charge?

17 A Yes.

18 Q Did you serve time?

19 A Yes.

20 Q How long?

21 A Thirty-three months.

22 Q Now, while you were in prison did you receive any
23 discipline?

24 A Yes.

25 Q What sort in general?

1 A Refusing an order, being out of bounds, stuff like that.

2 THE COURT: Freezing an order?

3 THE WITNESS: Refusing.

4 THE COURT: Refusing an order and being out of
5 bounds?

6 THE WITNESS: Yeah.

7 THE COURT: What do you mean by being out of bounds?

8 THE WITNESS: They used to run like, you know, like
9 an hour, you have moves every hour; let's say you wanted to go
10 just say from your pod, that be would the cell you were in,
11 you wanted to leave there and go to the gym, you have ten
12 minutes to go to the gym; if you didn't make the gym, you were
13 locked outside, you would be out of bounds.

14 Q After prison were you on supervised release?

15 A Yes.

16 Q What is supervised release?

17 A Supervised release is like the same thing as probation.

18 Q So, you're not allowed to commit any new crimes?

19 A No.

20 Q Did you continue to commit crimes?

21 A Yes.

22 Q Did you do bank burglaries anyways?

23 A Yes.

24 Q Did you violate your supervised release?

25 A Yeah.

1 Q Did you go back to jail because of that violation?

2 A Yes.

3 Q When did you go back to jail?

4 A '97.

5 Q How long did you go back to jail for?

6 A Eighteen months.

7 Q Now, before you went back to prison about how many banks
8 did you burglarize between the first time in prison and the
9 second time?

10 A Say that again.

11 Q Before you went back to prison on the violation how many
12 banks had you burglarized up to that point?

13 A About 40; 30, 40.

14 Q Who were the main people that you committed those bank
15 burglaries with?

16 A Me, Fat Sal, Beck, William Galloway, Mike Mazzara, Vinny
17 Kuminski, Joe Angelo, Tommy Dono, John Micali, John Matera and
18 others.

19 Q Let me show you 2-H in your book.

20 A Yes, I got it.

21 Q Who is that?

22 A That's John Micali.

23 MR. LIPTON: The government moves 2-H.

24 THE COURT: Received.

25 MR. GEDULDIG: No objection.

1 Q How did you know John Micali?

2 A I met him when I got out of jail in '95, so like late
3 '96.

4 Q I'm not sure if you mentioned, did you know an individual
5 named Afrim Kupa?

6 A Yes.

7 Q Did you also do bank burglaries with him during that
8 time?

9 A On and off, yes.

10 Q Can you look at 2-L.

11 A I have it.

12 Q Who is that?

13 A Afrim Kupa.

14 MR. LIPTON: Government moves 2-L.

15 MR. GEDULDIG: No objection.

16 THE COURT: Received.

17 Q How did you know Afrim Kupa?

18 A I know that he's Beck -- they say he's Beck's cousin but
19 he's not his cousin but they're Albanian.

20 Q Is that what they call each other?

21 A Yeah.

22 THE COURT: Just a second, you mentioned Beck. Is
23 that his real name or nickname?

24 THE WITNESS: That's Beckeem (ph) is his real name
25 but I don't know his last name.

1 THE COURT: Is he related to Joey Beck?

2 THE WITNESS: No. I don't know.

3 THE COURT: Okay.

4 Q Did you go on to commit more crimes with Beck -- excuse
5 me, sorry, Micali and Kupa?

6 A Yes.

7 Q In general with these banks, what types of locations
8 would you look for to burglarize night deposit boxes?

9 A Like malls, strip malls where there would be a high
10 volume of stores.

11 Q More specifically, why would you try those banks?

12 A Because that's where the most money would be, you know,
13 if you go to a mall, that's where everybody goes to shop;
14 strip malls, same thing, there would be a lot of money, more
15 money than an average regular bank that would be on the corner
16 of, you know, any street.

17 Q Okay. Did you look for certain types of night deposit
18 boxes to burglarize?

19 A Yes.

20 Q Which ones?

21 A They were called D-Bolts, Mosler.

22 THE COURT: The safe?

23 THE WITNESS: Yeah, same company.

24 Q Those are manufacturers of these boxes?

25 A Yes.

1 Q And they were different types?

2 A Yes.

3 Q Why did you pick the D-Bolt and Mosler boxes?

4 A Those were the most ones that we learned how to do over
5 the years.

6 Q When you say "do", you were able to get those off the
7 wall?

8 A Yes. Well, the D-Bolt was first, we did that for a
9 while, then the Mosler we picked up later on as we went on.

10 Q So, you specifically looked for those types of boxes?

11 A Exactly.

12 Q Now, did you burglarize banks in New York City?

13 A Yes.

14 Q Where in New York City?

15 A I mean all five boroughs and Long Island, upstate New
16 York.

17 Q How about outside New York State?

18 A New Jersey.

19 Q Anywhere else?

20 A Wisconsin, Vegas, Florida.

21 Q Okay. Were many of the bank burglaries you did
22 successful?

23 A Most of them.

24 Q Now, up to 1997 what was the most money you got from any
25 one bank burglary?

1 A 360,000 in Bayonne, New Jersey.

2 Q Did you eventually plead guilty to that bank?

3 A Yes.

4 Q Now, after serving -- excuse me, when did you get out of
5 prison after serving time on the violation of your supervised
6 release the second time you went to prison?

7 A Around August of '98.

8 Q When you physically got out of prison where did you go?

9 A I went to a halfway house which is in Brooklyn, Myrtle
10 Avenue.

11 Q Is that the --

12 THE COURT: On Myrtle and Sumpter?

13 THE WITNESS: I think so. You might be right, yeah,
14 called CCC.

15 Q Do you know what that stands for?

16 A Correction Community Center.

17 Q Okay. What is a halfway house?

18 A Just to make, you know, when you get out you have a place
19 to live and find a job and, you know, help you get back into
20 society.

21 Q So, you stayed there before you actually go home for
22 good?

23 A Yeah.

24 Q Does the halfway house have rules and requirements?

25 A Yes.

1 Q Are you are allowed to commit any crimes?

2 A No.

3 Q Do you have to be there at certain hours?

4 A Yes, it revolves around your job, whatever your job is.

5 If you work from nine to five, you leave at 8:30, you have to
6 be back at 5:30.

7 Q Can you get permission or could you at that time get
8 permission to stay out on the weekends?

9 A Well, after two weeks of being in the halfway house
10 they'd let you go home for the weekends every weekend.

11 Q You'd have to come back during the week?

12 A Yes.

13 Q What happens if you broke the rules?

14 A If you break the rules they obviously will put you in
15 jail but sometimes, you know, if it is not serious enough they
16 won't, you know, they'll just take away your weekends.

17 Q When you say "take away your weekends", not let you out?

18 A Exactly.

19 Q When did you get out of the halfway house?

20 A I got out December 12th, 1998.

21 Q So, you were in the halfway house about four months?

22 A Four months.

23 Q While you were in the halfway house did you commit bank
24 burglaries?

25 A Yes.

1 Q And that was in violation of the rules obviously?

2 A Yes.

3 Q Who did you burglarize those banks with?

4 A It was me, Tommy Dono, Ronnie Petrino, Eddie Boyle, John
5 Micali and Woody at that time.

6 Q When you say "Woody", do you know that person's name?

7 A I don't know his real name, I just know him as Woody.

8 Q How did you know Eddie Boyle?

9 A I met him through Tommy Dono and Fat Sal; well, more
10 through Tommy Dono than Fat Sal but I knew of him through Fat
11 Sal.

12 Q Where did you actually meet him, do you recall?

13 A I would say by Tommy Dono's club, around there.

14 Q Where was Tommy Dono's club?

15 A 13th Avenue and 73rd Street.

16 Q When you say "club", what do you mean?

17 A It was like a little social club I guess you'd call it,
18 it was just a club to hang out in.

19 Q Did other people you did bank burglaries and robberies
20 with hang out there?

21 A Yeah.

22 Q What year did you meet Eddie Boyle there?

23 A '97.

24 Q Up to that point had you done any criminal activity with
25 him?

1 A No.

2 Q Did you know about Eddie Boyle from Fat Sal or Tommy
3 Dono?

4 A Yes.

5 Q What did you know?

6 A I knew that he was capable to come with us to do bank
7 burglaries and he was good with locks and, you know, he knew
8 how to steal cars, whatever, he was able to handle his end of
9 his business.

10 Q Now, did Boyle become part of the group that you
11 burglarized banks with?

12 A Yes.

13 Q Now, did you call yourself the Boyle Crew?

14 A No.

15 Q Did you have any name for your group?

16 A No.

17 Q Even though you didn't have a name did you burglarize
18 banks together?

19 A Yes.

20 Q What was the purpose?

21 A To get money.

22 Q Did you in fact get money?

23 A Yes.

24 Q What was the first bank you burglarized with Boyle?

25 A I would say the Long Island -- we went out to Long Island

1 to do banks, a Long Island bank, Bank of Smithtown.

2 Q That's located in Long Island?

3 A Yes.

4 Q Let me show you --

5 MR. LIPTON: I'm sorry, Your Honor, may I approach?

6 THE COURT: You may.

7 Q I show you Government Exhibit 1-B. Do you recognize what
8 that is, the map in general?

9 A Yes, a map of Long Island.

10 Q What are the photographs of in general?

11 A Some of the banks we've burglarized or attempted to
12 burglarize.

13 Q Does the map and the photographs fairly and accurately
14 show how the area and those banks looked back in '88 and '89?

15 A Yes.

16 MR. LIPTON: The government moves 1-B.

17 THE COURT: No objection.

18 MR. GEDULDIG: Received.

19 Q Now, is that where you went in Long Island to do the
20 banks with Eddie Boyle?

21 A Yes.

22 Q Is that while you were in the halfway house?

23 A Yes.

24 Q The first time that you went up to do those banks, the
25 first time you went out to Long Island to do those banks do

1 you remember what day of the week it was?

2 A The one we went to was on a Monday, it was a holiday
3 weekend.

4 Q Who was involved in that first, that first time you went
5 to Long Island on a holiday weekend?

6 A Me, John Micali, Tommy Dono, Ronnie Petrino and Eddie
7 Boyle.

8 Q Where did you leave from?

9 A We left from the halfway house.

10 Q Did you drive up there?

11 A Yes.

12 Q Do you remember what cars you took?

13 A I had a rental car at the time and we had Eddie's van and
14 Ronnie Petrino had his Cherokee.

15 Q Do you remember where you rented the car from?

16 A Dollar Rental Car.

17 Q In general when did you get that rent-a-car?

18 A I got it maybe like a week after I got out of the halfway
19 house.

20 Q Got out or --

21 A When I got to the halfway house.

22 Q Do you remember where the Dollar Rent-a-Car was?

23 A On Coney Island Avenue, approximately -- I don't know the
24 exact off street, it is on Coney Island.

25 Q Did you rent more than one car while you were in the

1 halfway house?

2 A Yeah.

3 Q All from Dollar?

4 A Yes.

5 Q Do you remember the cars that you rented while you were
6 in the halfway house?

7 A There was three of them. The first one we had car
8 troubles, I had to change it in, and then the second one wound
9 up being too small and then I got another one at the end of it
10 all, so I had three.

11 Q Do you remember in general what types of cars they were?

12 A Yes. The first car was a Dodge Intrepid, it was purple,
13 tinted windows. I had another one, that was a Ford Contour,
14 which was gold, and then the last one was a black Park Avenue
15 or either -- it was a Buick, I don't remember if it was a Park
16 Avenue or Le Sabre, could have been either one.

17 Q Okay. Was Eddie's van tagged?

18 A Yes.

19 Q What is that?

20 A Again, it is when you take the VIN number from a car that
21 is destroyed and put it in somebody else's car that is stolen.

22 Q Was that van used in other burglaries?

23 A Yeah.

24 Q Was there anything in the van when you went to do the
25 bank burglaries on that Monday?

1 A Yeah, the tools to commit these burglaries.

2 Q What type of tools?

3 A Screw drivers, ratchet set, light little hammers, five
4 pound hammers and crowbar, fishing gaff.

5 Q Did he keep those tools in the van?

6 A They were in the van at the time, yeah.

7 Q Did he keep them anywhere else that you knew of?

8 A In the garage or in the house, yeah.

9 Q Where was that?

10 A 13th Avenue or 12th Avenue and 85th Street, that's where
11 he lived at the time.

12 Q That's where you saw those tools?

13 A Yes.

14 Q When you got to Long Island, what was the first bank that
15 you went to go burglarize?

16 A The initial first bank we went to go burglarize was the
17 Fleet Bank which was -- that's why we left from the halfway
18 house to go there because it was supposedly early in the
19 morning before all the stores opened up but it didn't happen.

20 Q What happened when you got there?

21 A The place across the street was opening and they were
22 doing deliveries so we couldn't do it.

23 MR. LIPTON: May I approach, Your Honor?

24 THE COURT: You may.

25 Q I show you, ask you if you recognize some pictures, this

1 is going to be starting with Government Exhibit 10-A; do you
2 recognize what that is?

3 A That's the Fleet Bank.

4 Q Does that fairly and accurately show the bank back in
5 1998?

6 A Yes.

7 MR. LIPTON: The government moves 10-A.

8 MR. GEDULDIG: No objection.

9 MR. LIPTON: Can we please publish it, Your Honor?

10 THE COURT: It is received.

11 MR. LIPTON: I'm sorry, Your Honor, that's already
12 been admitted through a previous witness.

13 Q Okay. That's been admitted.

14 You see the bank on the screen now?

15 A Yes.

16 Q Were you able to burglarize that bank?

17 A No, that's the first one we went to, we couldn't do it,
18 no.

19 Q There's a screen up there, can you turn that up.

20 Is it on the screen there?

21 A Yeah.

22 Q Why weren't you able to burglarize that bank?

23 A We arrived there too late.

24 Q The stores were open?

25 A Yeah, well, the store across the street was open, it was

1 still early and we just couldn't do it.

2 Q What was the next bank you went to?

3 A The Bank of Smithtown.

4 Q How did you find these banks that are on the map?

5 A We went about just driving around days before looking for
6 banks.

7 Q And what did the Bank of Smithtown look like?

8 A Bank of Smithtown is a freestanding building in a
9 shopping center.

10 Q Where is the night deposit box in that bank?

11 A That one is under the building in the drive-through.

12 Q Let me show you in your book, if you could turn forward
13 to 5-A through D.

14 A This is 10, we got to go back.

15 Q Sorry, back.

16 A 5-D?

17 Q 5-A through D, there should be tabs there.

18 A I have it.

19 Q Just look at 5-A, B, C, D, see if you recognize those?

20 A That's the bank.

21 Q They fairly and accurately represent how that bank
22 looked?

23 A Yes.

24 MR. LIPTON: Move 5-A through D.

25 MR. GEDULDIG: No objection.

1 THE COURT: Received.

2 MR. LIPTON: Publish 5-A, Your Honor?

3 THE COURT: Yeah.

4 MR. LIPTON: Thank you.

5 Q What is this?

6 A This is the night deposit box.

7 Q In what bank?

8 A Of Smithtown, Jericho Turnpike.

9 Q Okay. Let's go to the next one, 5-C; what does that
10 show?

11 A That's the night deposit box.

12 Q I'm sorry, that's 5-B. Let's go ahead and publish 5-C.

13 A Same thing, night deposit box.

14 Q That's the close-up of it?

15 A Yes.

16 Q Now, when you got to the bank did you drive up to that
17 box?

18 A Yes.

19 Q In what?

20 A In the van, the work van we had.

21 Q What did everybody do when you got to that bank and you
22 drove up to the box?

23 A Well, we actually had to set up for it. All we did was
24 just monitor what was coming up and down Jericho Turnpike
25 which would be east to west of the bank.

1 Q Who did what?

2 A Tommy Dono was the lookout east of the bank and Ronnie
3 and John Micali were west of the bank on Jericho Turnpike.

4 Q Did they have any communication devices?

5 A Yes, walkie-talkie.

6 Q Was that common on your burglaries to have
7 walkie-talkies?

8 A Most of the time.

9 Q What were they used for?

10 A Just to let us know any cops were coming by or any cars
11 in general.

12 Q Who went to the box itself?

13 A Myself and Eddie Boyle.

14 Q What did you do when you got there?

15 A I took off the metal where you could see in the picture,
16 took off the tin metal, took out the four screws in the bottom
17 and then pried the drawer off.

18 Q Can you just get up and on this screen to your left point
19 out where you took the metal off and unscrewed the screws?

20 (Witness steps down.)

21 A Right here there's four screws, right here on the bottom.
22 You take the four screws out and that would be like a hinge
23 for the door itself and you just pry it off at the bottom and
24 the door falls right out.

25 Q And to get to those screws what did you have to do?

1 A To get to them?

2 Q Yeah?

3 A You have to rip off the metal, the tin that I showed the
4 jury at the bottom.

5 Q And did you do that on this box?

6 A Yes.

7 Q What was Eddie Boyle doing?

8 A Served mostly as lookout and handing me tools and then
9 when the time the box came off he had to hold it because there
10 was a wire on it.

11 Q What did you physically do to pry it off, what did you
12 physically use to pry it off?

13 A Like a three foot crowbar.

14 Q I'm going to show you what's been marked for
15 identification as Government Exhibit 25 B and ask if you
16 recognize what this is?

17 A That's a crowbar.

18 Q Just hold there here.

19 Now, is this like the one you used to burglarize
20 boxes?

21 A Yeah, like the one but this wasn't the one.

22 Q This wasn't the exact one on this day?

23 A No.

24 Q Was it similar to the one used on this bank?

25 A Yes.

1 Q Is that in the same or similar condition as when you --
2 withdrawn.

3 When was the last time you saw that crowbar?

4 A June 27th, 2000.

5 Q What happened on that day?

6 A I was arrested by the FBI.

7 Q Where was that crowbar?

8 A In the trunk of my Mercedes, to the best of my knowledge.
9 To the best of my knowledge, it was in the trunk of my
10 Mercedes, I was in handcuffs and taken out of the apartment, I
11 don't know what happened. I know it was taken from my house.

12 Q Is that the last time you saw that?

13 A Yes.

14 Q Is that in the same or similar condition --

15 MR. GEDULDIG: Can we have a location? He said it
16 was taken out of the trunk of his Mercedes.

17 THE COURT: Okay. Where was the Mercedes?

18 Q Where was your car and house?

19 A In Florida.

20 Q Is that in the same or similar condition as when you last
21 saw it back in 2000?

22 A Yes, in 2000, yes.

23 MR. LIPTON: Government moves 25 B.

24 MR. GEDULDIG: I'm going to object to that, Judge.
25 I don't think it relates to any charge in the indictment. It

1 is just a crowbar that was in his car.

2 THE COURT: Received.

3 Q Did you use that crowbar on bank burglaries?

4 A I used it, yes.

5 Q Did you use it on this particular bank?

6 A No.

7 Q Is that like the one you used on this particular bank?

8 A Similar.

9 Q What did you do once you got the box off the wall?

10 A I had to get the fishing gaff to take the money out of
11 the box.

12 Q What is a fishing gaff?

13 A It is a hook, you know, used to pull out, like you go
14 fishing, to get a bigger fish you have to get out of the
15 water, you use that hook, you get it close to the boat and use
16 the hook and pull it out.

17 Q I'm going to show you what's been marked for
18 identification as Government Exhibit 25-C and ask you if you
19 recognize what that is?

20 A Yes, a fishing gaff.

21 Q Is this one of the fishing gaffs you used to commit your
22 bank burglaries?

23 A Yes.

24 Q Do you remember the last time you saw that?

25 A Yes.

1 Q When was that?

2 A June 27th, 2000.

3 Q Is that in the same or similar condition as when you saw
4 it then?

5 A Yes.

6 MR. LIPTON: Government moves 25-C.

7 MR. GEDULDIG: Just one or two questions on a voir
8 dire.

9 VOIR DIRE EXAMINATION

10 BY MR. GEDULDIG:

11 Q Is that the the fishing gaff you used for that bank
12 burglary?

13 A No.

14 MR. GEDULDIG: Same objection.

15 THE COURT: Received.

16 DIRECT EXAMINATION (Cont'd.)

17 BY MR. LIPTON:

18 Q So, it wasn't on this but did you actually use that one
19 on bank burglaries?

20 A Yes.

21 Q And the one you used on this bank, is it like this one?

22 A Yes.

23 Q Okay. Now, what happened once you got the box off and
24 you used those -- you used a gaffing hook to take the money
25 out?

1 A Well, the box, as you can see, there's a huge hole in the
2 wall, the money is right there, it is a safe like if you had a
3 safe in the store, it would be the same thing but it would
4 have a hole in the top and that hole right there serves when
5 you open the drawer, you put the money in, it falls into the
6 safe. Now that the door is missing there is no hole,
7 there's -- it is just a huge hole, you can see right into the
8 safe and that's where the money would be.

9 Q So, how did you get the money out?

10 A With the fishing gaff.

11 Q And what is the money in?

12 A Usually in plastic bags. They used to be -- they have
13 canvas and plastic, either way, but usually it is plastic
14 bags.

15 Q Those are deposit bags?

16 A Yes.

17 Q What would you use to put the deposit bags in once you
18 got the money out?

19 A In a knapsack, laundry bag.

20 Q Now, did you get money out of this bank?

21 A Yes.

22 Q Do you recall how much?

23 A That was the one with the 84,000, 86.

24 Q Say it again?

25 A 84,000.

1 Q Approximately?

2 A Yeah.

3 Q Was that 84,000 in cash?

4 A Yeah, cash.

5 Q Now, were there other things in the deposit bags besides
6 cash?

7 A There would be receipts and some checks and money orders
8 and stuff like that.

9 Q What would you do with those items?

10 A Throw them away.

11 Q How did you end up splitting the money with the people
12 you did the burglary with?

13 A If there was five people, we'd go five ways and then we'd
14 take 20 percent off the top, whoever was up at the box would
15 get 20 percent.

16 Q So, whoever physically removed the box got extra?

17 A Yes.

18 Q Why is that?

19 A We would take more of the risk.

20 MR. LIPTON: Publish 5-D, Your Honor?

21 Q Do you see that?

22 A Yes.

23 Q What is that?

24 A That's the night deposit box, the back of it.

25 Q Now, is that the deposit box physically off the wall?

1 A Yes, that's the drawer.

2 Q This is where the box ended up after you took it off the
3 wall?

4 A After the job was done once we took it off, remember it
5 had a wire on it so we couldn't take it totally off at that
6 time.

7 Q Okay, and then once you got the money out --

8 A That's where it ended up.

9 Q Okay. Now, at some point after you began cooperating
10 with the government did you have a chance to go back to that
11 bank?

12 A Yes.

13 Q Who did you go back with?

14 A Special Agent Peil and Otto.

15 Q Of the FBI?

16 A Yes.

17 Q Was that part of your cooperation agreement to help
18 identify the banks you burglarized?

19 A Yes.

20 Q Where were you at the time?

21 A I was in another facility.

22 Q In jail somewhere?

23 A Yes.

24 Q Did the FBI agents physically take you out of jail to
25 locate those banks?

1 A Yes, they did.

2 Q Was there -- do you know if there was a court order to do
3 that?

4 A I believe so.

5 MR. GEDULDIG: Objection, Judge.

6 THE COURT: Just ask him does he know. I'll allow
7 it. I don't see the relevance of it.

8 Do you know, yes or no?

9 Q Did you know if there was a court order?

10 A No, I don't know per se.

11 THE COURT: He doesn't know.

12 Next.

13 Q Were you with the FBI agents?

14 A Yes.

15 Q Did you show them banks that you did?

16 A Yes.

17 Q And did they take photographs?

18 A Yes.

19 Q Can you look at 5-E through 5-H in your book.

20 A Yes, I have it.

21 Q 5-E, F, G and H. What are they?

22 A The Bank of Smithtown.

23 Q Does it indicate when those photographs were taken on the
24 photographs?

25 A Those are after -- those are the photos they took the day

1 that we went there, that I brought Special Agent Peil and Otto
2 to see.

3 Q Is there a date on the photographs?

4 A 6/21/01.

5 Q Do they fairly and accurately represent how the bank
6 looked on that day?

7 A Yes.

8 MR. LIPTON: Move 5-E through H.

9 MR. GEDULDIG: I'll object to those.

10 THE COURT: You'll object to them?

11 MR. GEDULDIG: Yeah, they're taken years after the
12 commission of the robbery. That they're accurate pictures at
13 that time doesn't mean they're accurate as to the date when
14 the crime was committed, Judge. The photos are not relevant
15 to the investigation of this case.

16 MR. LIPTON: He'll be able to explain that and if
17 there's any differences, you can cross-examine.

18 THE COURT: Well, you haven't laid a proper
19 foundation then.

20 MR. LIPTON: I can inquire further, Your Honor.

21 THE COURT: Go ahead.

22 Q Was this one of the banks that after you were cooperating
23 you went to take the FBI agents to?

24 A Yes.

25 Q That's the same bank you testified about earlier?

1 A Yes.

2 Q When you got there, was the bank in the same condition as
3 it was before?

4 A Yes.

5 Q Was there anything different?

6 A Yes, the night deposit box is moved to the front of the
7 building.

8 Q So, where it was previously located, it wasn't there
9 anymore?

10 A No.

11 Q So, in 2001 it was a different location than in 1998?

12 A Yes.

13 MR. LIPTON: I'd ask to publish them now, Your
14 Honor.

15 MR. GEDULDIG: Judge, the photos are not reflective
16 of the way the bank looked at the time of the commission of
17 the crime.

18 THE COURT: Mr. Lipton?

19 MR. LIPTON: I'm sorry, Judge, I missed that.

20 MR. GEDULDIG: I said these photos do not reflect
21 the way that bank looked at the time of the commission of the
22 crime.

23 MR. LIPTON: Judge, he's going to explain what the
24 differences are at the time that he went to see them with the
25 agents and the time they committed the burglary and where

1 there was a change.

2 THE COURT: Let him do that before I rule on whether
3 it is going to be admitted. What was the difference.

4 Q What were the differences between the bank back in 1998
5 and 2001?

6 A You go to 5 --

7 Q We can't see the pictures.

8 A Well, the night deposit box used to be in the
9 drive-through and now it is on the front of the building
10 which is on Jericho Turnpike.

11 Q What does the area where the box used to be look like?

12 A It was a wall, cinder block, a boarded-out wall, you
13 know, with concrete.

14 Q So, it looks like the box was cemented over?

15 A Yes.

16 MR. GEDULDIG: Objection to Mr. Lipton testifying.

17 THE COURT: You're testifying.

18 MR. LIPTON: Yes, no question.

19 THE COURT: You're still testifying.

20 Q What did the box look like specifically when you went
21 there in 2001?

22 A It is a new box on the wall.

23 Q And it's in the front?

24 A Yes.

25 Q Is there anything where the old box used to be?

1 A No, just a brick wall?

2 MR. LIPTON: We ask to publish them now, we think
3 we've laid an adequate foundation.

4 MR. GEDULDIG: Same objection.

5 THE COURT: Okay. Let's see them.

6 These are the ones that are objected to and what is
7 the purpose of moving these into evidence?

8 MR. LIPTON: To show that he was able to locate the
9 bank when he was in prison and it was not the same as when he
10 originally burglarized it.

11 THE COURT: I'll allow them.

12 MR. LIPTON: Thank you. May we please publish 5-E.
13 Publish, Your Honor?

14 THE COURT: Yeah.

15 MR. LIPTON: Thank you.

16 Q Is that the bank you were describing?

17 A Yes.

18 Q In this picture can you read the date stamp on the bottom
19 right?

20 A Yes.

21 Q What is that?

22 A 6/21/01.

23 Q Is that when you went to that bank with the FBI agents?

24 A Yes.

25 Q And the next one please 5-F; what is that?

1 A That's a picture of the drive-through without the box and
2 the cinder block wall.

3 Q And the next one please; is that the specific area that
4 you were describing before?

5 A Yes.

6 Q Is that where the box used to be?

7 A Yes.

8 Q And this is now 2001 when you went back with the agents?

9 A Yes.

10 Q Now, let's publish 5-C and 5-G together. Do you see it
11 on the screen, Mr. Bellafiore?

12 A Yes.

13 Q Is the left where the box used to be?

14 A Yes.

15 Q And what is on the right?

16 A No box.

17 Q And the next one please, is this -- what does this show?

18 A This shows where the box is in the front of the building,
19 as I said before.

20 Q In 2001?

21 A Yes.

22 Q Now, after this bank burglary back in 1998 did you go
23 to -- where did you go after you got the money out of the bank
24 back in 1998?

25 A We went back to Eddie Boyle's house and counted up the

1 money.

2 Q Later on that day did you meet back up with the same
3 people?

4 A Yes.

5 Q To do what?

6 A We went to another bank.

7 Q Who were the people you were with?

8 A Basically the same, me, Eddie Boyle, John Micali, Ronnie
9 Petrino and Tommy Dono.

10 Q Where did you go?

11 A We went back to Long Island to the Bank of New York.

12 Q What bank -- what does that bank look like?

13 A That's a freestanding bank on, I don't know, I think it
14 is on 25, I'm pretty sure, I don't remember, but I know it is
15 a freestanding bank.

16 Q Can you look in your book at Exhibit 6-A, B and C.

17 A Okay. Yes.

18 Q What do they show?

19 A They show the picture of the bank.

20 Q The Bank of New York?

21 A Yes.

22 Q Does it fairly and accurately show how it looked then?

23 A Yes.

24 MR. LIPTON: Government, moves 6-A through C.

25 MR. GEDULDIG: Can I see those?

1 MR. LIPTON: They're in the exhibit book we gave
2 you, 6-A through C.

3 MR. GEDULDIG: May I have a short voir dire, Judge?

4 THE COURT: You may.

5 VOIR DIRE EXAMINATION

6 BY MR. GEDULDIG:

7 Q Do the photos that you're looking at have a date imprint
8 on them?

9 A No.

10 Q In the bottom right-hand corner?

11 A No.

12 Wait, only one, the 5 -- 6-A doesn't, 6-B does.

13 Q What is the date imprint on 6-B?

14 A 1/28/05.

15 MR. GEDULDIG: Do you want to introduce C as well?

16 MR. LIPTON: Yes, A through C.

17 Q Is there a date imprint on C?

18 A Yes, C is 6/21/01.

19 Q When was this crime committed?

20 A In 1998.

21 MR. GEDULDIG: Same objection as I had before,
22 Judge.

23 THE COURT: What is the purpose of getting these
24 pictures after the crime was committed?

25 MR. LIPTON: Because we don't have pictures of the

1 actual date so these are pictures taken after the fact that
2 he's going to say, I think, are in the same or similar
3 condition as when he went to do it.

4 THE COURT: All right, for that limited purpose I'll
5 allow it.

6 MR. LIPTON: Can we publish 6-A, Your Honor?

7 THE COURT: Go ahead.

8 Q What's that?

9 A Bank of New York.

10 Q Now, on Exhibit 1-B, it is the bottom left-hand
11 photograph?

12 A Yes.

13 Q Does that show where it is accurately?

14 A Yeah.

15 Q Can we go to 6-B please.

16 Now, does that show -- what does that show in that
17 picture?

18 A It shows the drive-through and the night deposit box.

19 Q Once again, on the bottom right can you see the date
20 stamp?

21 A 1/28/05.

22 Q So, that was taken recently, right?

23 A I would imagine so, yes.

24 Q Does that look the same as it did back in 1998?

25 A Yes.

1 Q Do you recall what time of day you went to this bank?

2 A I got to say one thing, before you just said does it look
3 like --

4 MR. GEDULDIG: Objection, Judge, he's not responding
5 to a question.

6 THE WITNESS: He asked me a question.

7 MR. GEDULDIG: Objection.

8 THE COURT: No, no, you don't say anything unless I
9 tell you to say something. I'll sustain the objection.
10 Answer the question that was put to you.

11 THE WITNESS: Does it look like the box in 1998, no,
12 it doesn't because it was -- this is after the fact of being
13 put back on the wall. This is damaged. It wasn't damaged
14 before.

15 Q We'll go through that. So, this picture is from recent?

16 A Yes.

17 Q Okay. And when you say it was off the wall and -- let me
18 withdraw that.

19 Why don't you just describe once you got to that
20 bank back in 1988 what did you do, what happened?

21 A Well, Eddie Boyle and Ronnie Petrino were the ones on the
22 box this time. Me and Tommy Dono were across the street.
23 John Micali was in Ronnie's truck like west of that bank. We
24 served as lookouts and they attempted to take the box off the
25 wall.

1 Q Did you also have walkie-talkies this time?

2 A Yes.

3 Q Let me show you 25-D and E for identification.

4 Let me show you 25 D and 25 E and ask if you
5 recognize these. What are those?

6 A Three walkie-talkies and a scanner.

7 MR. GEDULDIG: And a what?

8 THE COURT: A scanner?

9 THE WITNESS: A scanner. A police radio, a police
10 scanner.

11 MR. LIPTON: Let me show defense counsel real quick.
12 I don't know if they've seen it.

13 MR. GEDULDIG: I didn't know what he said.

14 (Pause.)

15 Q Do you recall when was the last time you saw those items?

16 A Yes, June 27, 2000.

17 Q Were those items at your house?

18 A Yes.

19 Q Okay. Are they in in the same or similar condition as
20 when you last saw them?

21 A Yes.

22 Q Are those walkie-talkies that you used on bank
23 burglaries?

24 A Yes, in Florida.

25 Q On this one in particular?

1 A No.

2 Q But on other bank burglaries?

3 A Yeah.

4 MR. LIPTON: We move to admit 25-D and E.

5 MR. GEDULDIG: May I have a short voir dire, Judge?

6 THE COURT: You may.

7 VOIR DIRE EXAMINATION

8 BY MR. GEDULDIG:

9 Q Those items had nothing to do with the burglary of the
10 Bank of New York, is that right?

11 A No.

12 Q They were just used entirely for burglaries that you
13 committed in Florida?

14 A Yes.

15 Q With other people?

16 A Yeah.

17 Q Not this defendant here, Edmund Boyle, right?

18 A No, not these, no.

19 MR. GEDULDIG: I object.

20 THE COURT: Received.

21 DIRECT EXAMINATION (Cont'd.)

22 BY MR. LIPTON:

23 Q Now, those, it is two walkie-talkies; explain what they
24 are, again, sorry?

25 A Two walkie-talkies and this is a police scanner. This if

1 you know the program codes which you can buy in Radio Shack,
2 you can program fire codes, ambulance, anything, you can
3 program people's phones off this, it is 800 megahertz.

4 THE COURT: Tell the jury what the scanner does.

5 THE WITNESS: So, this, when you program anybody's
6 code, if the code is -- like I know pretty much some of the
7 codes, like 426.587 would be like a precinct, say the 100th
8 Precinct would be in Manhattan, you program that in here,
9 you'll hear everything that is going to go through Manhattan,
10 well, in that precinct area and if that bank was on First
11 Street down here downtown or in Manhattan, it would be, you
12 know, it would come up in code which we knew would be like,
13 you know, 513, we'll just use this for an example, 513 at 1:00
14 in the morning is us burglarizing the box and it is time to
15 leave because the cops are coming.

16 Q And the yellow things, just hold those up and explain
17 what those are?

18 A These are the walkie-talkies, I mean these ones here are
19 not the ones we used, these are actually cheaper ones, I had
20 these Florida. We had better ones than this here.

21 THE COURT: These you used -- you said you used them
22 in Florida?

23 THE WITNESS: Yes. These are just basically the
24 same thing, just in between if somebody was coming, it would
25 be the same thing, you'd have a lookout, they'd be on the

1 corner just to -- say if I was the lookout, which most of the
2 time I wasn't, if I was a lookout, I would say the cops are
3 coming down the block, you got to leave. You walk away from
4 the box, if you're a fair distance away from the box you'd be
5 okay.

6 THE COURT: What is the range of those
7 walkie-talkies?

8 THE WITNESS: Not too good, they're cheap, maybe a
9 block or two blocks.

10 THE COURT: That's in the city. If you were to be
11 say in Florida where there were no buildings, obstructions?

12 THE WITNESS: Exactly, that's why I bought them,
13 they would work ten times better in Florida.

14 THE COURT: So, if there were no obstructions you'd
15 get a greater distance?

16 THE WITNESS: Yeah.

17 Q So, the walkie-talkies you had on this bank were better?

18 A Far more better.

19 Q On this bank you said Boyle and Petrino were on the box?

20 A Yes.

21 Q Explain what they were doing?

22 A You have to knock off, I mean -- you have a close-up,
23 right?

24 Q Show the next slide.

25 You can stand up if it would be easier. Just point

1 out, try to describe it and keep your voice up.

2 A This here, you have a five pound hammer, you hit that
3 lock, it spins right off. Once the lock is off, the drawer
4 opens. Then what you do -- what I do is I would go from the
5 bottom over here and pry this metal piece up which would take
6 the drawer off. Obviously they did it that way and it wasn't
7 the right way and it got stuck and that's why we left.

8 Q When you say that way wasn't the right way, explain what
9 they were doing, what are they trying to get the box off with?

10 A They were prying it off with a crowbar like you showed me
11 before but a bigger one. When they tried it from the other
12 side it wasn't the right way, it was getting stuck.

13 Q What happened after they were trying to get the box off
14 the wall?

15 A A person pulled in the parking lot.

16 Q And then what did you do?

17 A We had to leave.

18 Q Did they get any money from that box?

19 A No.

20 Q Now, did the FBI also take you to this bank?

21 A I took the FBI to that bank.

22 Q Okay. You directed them there?

23 A Yes.

24 Q That was on that takeout?

25 A Yes.

1 Q And did they take pictures that time as well?

2 A Yes.

3 Q And, in fact, on 6 do you see the timestamp?

4 A 6/21/01.

5 Q Is that one of the photographs that the FBI took when you
6 went to that bank?

7 A Yes.

8 Q And I think you described around the edges of the box on
9 the lower right, what is that?

10 A That's where the damage was made on the box, in '98 it
11 wasn't like that.

12 Q Okay. When you went up to the box in '98 it wasn't like
13 that?

14 A No, it was in perfect -- you know, it was the condition
15 as it would normally probably be in, it should be in perfect
16 condition.

17 Q After you left that bank in '98 how did it look?

18 A It was almost off the wall.

19 Q Okay. Okay. Shortly after those banks did you attempt
20 to burglarize other banks on Long Island?

21 A Yes.

22 Q Was that on a different weekend?

23 A Yes.

24 Q Who was involved this time when you went to -- actually
25 where did you go to burglarize those banks?

1 A Back in Long Island, back on the same road actually in
2 the same area.

3 Q Who did you go with this time?

4 A Me, Tommy Dono, Eddie Boyle, John Micali, Ronnie Petrino
5 and Woody this time.

6 Q Let me show you what's been marked as 2-J for
7 identification and ask if you recognize --

8 MR. LIPTON: May I approach, Your Honor?

9 THE COURT: You may.

10 Q -- who this individual is?

11 A That's Woody.

12 Q Do you know his last name?

13 A No.

14 MR. LIPTON: Government moves 2-J.

15 MR. GEDULDIG: No objection.

16 THE COURT: It is received.

17 THE COURT: That's Woody?

18 THE WITNESS: Yes.

19 Q Did you later come to learn his name was Anthony
20 LaBarbera?

21 MR. GEDULDIG: Objection, Judge.

22 THE COURT: Sustained. You are testifying again.

23 Q At some point did you come to learn what his name was?

24 A I guess, yeah, I did but I never --

25 Q On the street you didn't know his name?

1 A Yeah.

2 Q But later did you come to know his name?

3 A Yeah.

4 Q What was that?

5 A Anthony LaBarbera.

6 Q So, it was essentially the same group went back to Long
7 Island plus Woody?

8 A Yes.

9 Q Did you drive to Long Island again?

10 A Yeah, we drove up to Long Island.

11 Q What cars did you take this time?

12 A I believe my rental car, Ronnie had the truck, we had the
13 van, the work van and Woody had his mom's car, a Toyota Camry.

14 Q You said the work van, whose work van?

15 A Eddie, Eddie Boyle.

16 Q So, the three cars or more?

17 A Three cars. You have the work van, Eddie Boyle, and the
18 truck, might have been my rental car, I don't remember.

19 Q What is the first bank you went to this trip up there?

20 A Repeat that.

21 Q What was the first bank you went to on this trip to Long
22 Island?

23 A I believe we went back to the Fleet Bank first again
24 which we couldn't do it, it was too just busy up there,
25 across the street there's like I think a laundromat or

1 something that's open real late so we couldn't do that one.

2 Then we went to the next bank which was the Chase Bank.

3 Q Where was Chase Bank situated, located?

4 A It's in a shopping center, like a little strip mall,
5 small mall.

6 Q Can you see the Chase Bank on the map there?

7 A It is there (indicating).

8 Q Can you turn to 2-A and B in your book. I'm sorry, 7-A
9 and B, I'm sorry.

10 A Okay.

11 Q 7-A and B.

12 Do you recognize what those photographs are?

13 A Photos of the parking lot, you know, the drive-through
14 and the box.

15 Q And do they fairly and accurately represent how that bank
16 looked back in 1998?

17 A Yes.

18 MR. LIPTON: We move 7-A and 7-B.

19 MR. GEDULDIG: Hold on a second.

20 THE WITNESS: Well, 7-B --

21 THE COURT: No, no, there's nothing before you.

22 Don't say anything.

23 THE WITNESS: Okay.

24 MR. GEDULDIG: Can I have a voir dire?

25 THE COURT: Yes.

1 VOIR DIRE EXAMINATION

2 BY MR. GEDULDIG:

3 Q Do you know when these photos were taken?

4 A These photos were taken when we went out on the takeout
5 order. I don't know what day, I don't remember.

6 Q That would have been in 2001?

7 A It was briefly after -- either after or before the 21st.

8 MR. GEDULDIG: I raise the same objection I've
9 raised earlier, Judge.

10 THE COURT: Received.

11 DIRECT EXAMINATION (Cont'd.)

12 BY MR. LIPTON:

13 Q And the bank looks the same as when you went up to do it?

14 A No.

15 Q What's different?

16 A It has the damages again like the other one.

17 Q So, when you first went up there was no damage?

18 A No.

19 Q How did it look after you went up?

20 A After we went with me and the agents?

21 Q When you went in 1998?

22 A Oh, it wasn't damaged, no.

23 Q After you left that bank was there any damage?

24 A Yes.

25 Q Okay. Now, when you got to the bank did you drive up

1 to --

2 MR. LIPTON: Excuse me, Judge, can we publish 7-A?

3 THE COURT: Yeah.

4 Q What is that?

5 THE COURT: Just a second, I'm going to give you
6 your morning nature break. I'll give you a morning nature
7 break and an afternoon nature break. You want to take about
8 five minutes, ladies and gentlemen.

9 (Jury leaves courtroom.)

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11

12 (Recess taken.)

13 (Continued on next page.)

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1 (Time noted: 11:15 a.m.)

2 THE COURT: Let's get the jury.

3 (Witness resumes the stand.)

4 (Jury enters courtroom.)

5 THE COURT: Be seated, ladies and gentlemen.

6 MR. LIPTON: May I inquire?

7 THE COURT: You may.

8 BY MR. LIPTON:

9 Q Mr. Bellafiore, I think we left off you were talking
10 about Chase Bank?

11 A Yes.

12 Q This is on the second weekend that you went back to Long
13 Island?

14 A Yes.

15 Q Now, when you got to this bank, explain to the jury what
16 you did and what the others did?

17 A Well, we set up to take the box off the wall. This is
18 different from the other box obviously, it is not the same box
19 as the D-Bolt, this one just pries off the wall.

20 MR. GEDULDIG: I'm having a tough time hearing him.

21 THE COURT: Keep your voice up.

22 THE WITNESS: Okay. This is different from a
23 regular D-Bolt box, this don't have screws, this just pries
24 off the wall. This is basically held on by glue.

25 Q Okay.

1 A These are like glued on so that big crowbar comes
2 into play, what we use, and the crowbar you use, pry it
3 basically -- it is supposed to be pried a little bit from the
4 bottom, then the top but this box didn't come off, this one
5 was welded and we attempted to take it off, me, Eddie and John
6 Micali.

7 Q Explain, did you drive up to the box?

8 A Yes.

9 Q Who was -- what did you drive in?

10 A We had the van, the van, the work van, we had Eddie
11 Boyle's van.

12 Q Okay.

13 A I had my rental car and we had the truck.

14 Q What did you actually drive up to the box in?

15 A The van.

16 Q Okay. Where were the other people?

17 A Lookouts.

18 Q Who was in the van?

19 A Me, John, Eddie and that's it, the three of us.

20 Q And what did the three of you do when you physically
21 drove up and got to the box?

22 A We got out, we tried to pry it off the wall. I tried
23 first, I couldn't get it. Then Eddie tried, he couldn't get
24 it. And we basically, you know, we left from there after, you
25 know, after trying to get it off, we couldn't get it off.

1 Q What were you using again?

2 A A crowbar.

3 MR. LIPTON: Can we publish the next photograph
4 that's already been admitted.

5 Q Is that the box?

6 A Yes.

7 Q Can you see where you were working on it?

8 A Can I show it?

9 Q Yeah, can you get up and show the jury. Keep your voice
10 up please.

11 (Witness steps down.)

12 A Okay. Well, I started myself, started from down here
13 trying to get it off and I couldn't pry it from there. Then I
14 tried from up here and I still couldn't get it off. Eddie
15 tried, he tried from over here on this side, he couldn't get
16 it off at all, it just didn't come off within the course of me
17 and him trying. We just, you know, we had to come on and off,
18 cars were driving by. There was a camera we had to move that
19 we realized it as we were doing it, we were trying to get it
20 off, there was a camera watching us the whole time and then
21 during the course of that we stopped, pushed the camera up and
22 tried and couldn't get it off.

23 Q The point where you were working on the box, describe how
24 the bricks look?

25 A Well, the bricks are all broken, they fixed them.

1 Obviously this was knocked out, these were knocked out. It
2 would usually look like this, perfect all the way around.

3 Q That is the day you and Eddie caused --

4 A Yeah, we tried taking the box off.

5 Q Okay. You can resume, take the stand.

6 (Witness resumes the stand.)

7 Q You said something about a camera?

8 A A camera.

9 Q Where was the camera?

10 A The far right of the building.

11 Q Can we go back to the last one.

12 Can you see in that photograph where it is?

13 A Its in the far right of the building.

14 Q Can you get up and just point it out so the jurors can
15 see it and explain where you're pointing?

16 A The top and right here in this corner, see it sticking
17 out.

18 Q Is that the far right-hand corner of the photograph?

19 A Yes.

20 Q Describe what that looks like?

21 A It is a camera, it is a covered camera, it's in a shield
22 and it points down at the drive-through.

23 Q Who moved that camera?

24 A Eddie.

25 Q What did he move it with?

1 A With either a crowbar or the gaff, I couldn't really
2 tell, you know. I just know that we pushed it up.

3 Q Okay. Now, were you -- when Eddie Boyle was moving the
4 camera was he wearing anything?

5 A A mask, he put on a mask at that time to move the camera.

6 Q And did you or John Micali have a mask on?

7 A No.

8 THE COURT: Just a second. You say a mask, what
9 kind of mask?

10 THE WITNESS: I don't know, just like to cover his
11 face. I don't know, I wouldn't know what kind of mask it was.

12 Q Like a ski mask?

13 MR. GEDULDIG: Objection, Judge.

14 THE COURT: Sustained.

15 THE WITNESS: A ski mask is, you know --

16 THE COURT: No, I sustained the objection. You
17 can't say anything about it.

18 THE WITNESS: Oh.

19 Q Please describe how it covered -- how it looked on the
20 person?

21 A It is just to cover his face. I really don't know -- I
22 don't know how -- you know, I don't know, I can't answer that
23 question.

24 THE COURT: Can't answer the question.

25 MR. LIPTON: May I approach, Your Honor?

1 THE COURT: You may.

2 Q Government Exhibit 8. I ask you to take a look at this,
3 see if you recognize what that is; what is that?

4 A This is a video of the Chase Bank.

5 Q Okay. Did you view that video?

6 A Yes.

7 Q And did you -- after you viewed it what did you do?

8 A I initialed it and dated it.

9 Q Do your initials and the date appear on there?

10 A Yes.

11 Q What are your initials and the date?

12 A GB and it is dated 3/8/05.

13 Q You initialed that yesterday?

14 A Yes.

15 Q Had you viewed this video previously?

16 A Yeah.

17 Q Does the video fairly and accurately represent -- what is
18 the video of, just in general?

19 A Just of that bank intersection right there, that little
20 drive-through and everything, two cameras actually.

21 Q What does it show?

22 A It shows where the ATM would shoot out pictures and the
23 drive-through.

24 Q What is the video of, in general?

25 A It is of us burglarizing the box.

1 Q Does it fairly and accurately show how you looked back
2 then?

3 A Yes, to an extent.

4 MR. LIPTON: The government moves Government
5 Exhibit 8.

6 THE COURT: Counsel.

7 MR. GEDULDIG: No objection.

8 THE COURT: Received.

9 MR. LIPTON: Judge, can we publish this once we are
10 able to get this on the screen.

11 THE COURT: Go ahead.

12 (Pause.)

13 MR. LIPTON: Once we get this up and working --

14 Q Now, before we get it up, you've seen this video?

15 THE WITNESS: Yes.

16 Q Is it black and white or in color?

17 A It is black and white.

18 Q Is it clear or is there any difficulty seeing it?

19 THE COURT: Sustained.

20 Q Is there any sound to the video?

21 A No.

22 Q We're going to go ahead and play it and once we have a
23 chance to -- actually as we play it, I'll ask you to go
24 through and describe some of the things you're seeing, all
25 right.

1 A Are you going to play it first?

2 Q We're playing it right now.

3 (Tape playing.)

4 Q Why don't you go ahead and describe what's going on right
5 now. We'll pause it.

6 (Witness steps down.)

7 THE COURT: Go ahead.

8 Q What do you see coming into the frame?

9 A That's the van.

10 Q That's Eddie's van?

11 A Yes.

12 Q What is it doing?

13 A We're reversing back because the door, the third door is
14 on this side of the car, if we would have done it the other
15 way the door won't open. It was the other way so we did it
16 this way, see the side door opening up.

17 THE COURT: Who is in the car?

18 THE WITNESS: Me, John Micali and Eddie Boyle. All
19 the time that we're waiting now for other people to set up up
20 the block and make sure there are no cars coming by before we
21 get out and start attempting to get this box off.

22 That's me, I'm trying to get it off and that's John
23 Micali who is standing there watching me and watching I guess
24 the --

25 Q What are you using?

1 A A big crowbar, not that one, a nice size crowbar.

2 Q What side of the box are you trying to get --

3 A I'm working from the side I showed you before which was
4 the left-hand side.

5 Q Is that the side you usually use?

6 A Yeah, I tried, I tried a lot. It wasn't working for me.
7 I mean I even stopped, Eddie tried and he couldn't do it.
8 Then I tried again, I still couldn't do it.

9 Q Who is coming out no?

10 A That's Eddie.

11 Q Does he have a mask on?

12 A No. He even tried, it just wasn't coming off. This one
13 wasn't glued on, it must have been welded.

14 Q What side of the box is he trying to get off?

15 A The right side and the middle.

16 Q What is he using?

17 A The crowbar.

18 (Tape continues playing.)

19 Q Do you recall what time of day it was?

20 A Morning, early morning.

21 THE COURT: Early morning, about what time was it?

22 THE WITNESS: After 12 o'clock at night, one, two,
23 three. I just don't remember the time, I know it was in the
24 morning.

25 Q What are you doing there?

1 A Again I tried to pry it off and still no -- it was a no
2 go for me. Now I'm back in the car because a car was coming
3 and you'll see it go by right now, there's a car.

4 Q Those are lights on a car?

5 A We stopped.

6 Q Why did you stop?

7 A Obviously not to get seen by the people driving by
8 because they'll call the police.

9 Q Okay.

10 A And we didn't have a scanner at that time so we are just
11 really working off let's try it without anybody seeing because
12 if we get seen and they call the cops, we're not going to know
13 so we had to really keep it, you know, tight. And it was
14 really dark, I mean if you drove by you really couldn't see, I
15 mean you seen the car driving by, it was real dark going up
16 that road, it was like pitch black, all you see is the lights,
17 you really didn't even see the van. Even with this camera you
18 can't even see me.

19 Q What's happening now?

20 A Now we discovered that there was a camera and he's going
21 to come and push it up.

22 Q Who is he?

23 A Eddie.

24 Q What did he just do there?

25 A He put the mask on and he's coming out of the van.

1 Q Now, that last shot, who is that?

2 A That's Eddie Boyle.

3 Q Do you recognize him even with the mask on?

4 A Yeah.

5 Q On the top I think it says ATM transaction?

6 A Yes.

7 Q Does that appear to be from the ATM machine?

8 A Yes.

9 Q What is he wearing on his hands?

10 A Gloves.

11 Q How would you describe his shirt?

12 A I guess like a sweatshirt, really can't see that well. I
13 mean it is a little blurry but it looks like a sweatshirt.

14 Q Okay. Now, did you ever get that box off the wall?

15 A No.

16 Q Now, did you also show this bank to the FBI in 2001?

17 A Yes.

18 Q You can go ahead and take the stand again.

19 (Witness resumes the stand.)

20 Q At that time did they take photographs; when you went to
21 the bank with them in 2001 did they take photographs?

22 A Yes.

23 Q So, you were unsuccessful with that bank, Chase Bank?

24 A Chase Bank, yes.

25 Q Did you go to any other banks to try to burglarize them

1 that day?

2 A Yeah, at the time I brought them to I thought it was a
3 community bank, that's what I called it actually, I didn't
4 know the name of it. To me it wasn't a Chase or Citi, you
5 know, it wasn't a name banks that we would go to. Anything
6 that didn't have a name brand, community, that's how we would
7 know.

8 Q How would you describe the bank that you went to?

9 A The next one was the brown -- plain brown building right
10 there, the last one out of the third -- the first one I guess.

11 Q Do you see the name on that?

12 A It is First National of Long Island.

13 Q The first one on the left?

14 A Yes.

15 Q Does that indicate where it is approximately?

16 A Yeah, I would imagine so, yeah.

17 Q Do you remember it being near the Fleet Bank?

18 A Yeah.

19 Q Let me have you turn to 9-A, B and C in your book, ask if
20 you recognize those photographs?

21 A Yeah, I have it.

22 Q What are they?

23 A That's the First National Bank of Long Island.

24 Q Those photographs fairly and accurately represent how
25 that bank looked back in 1998?

1 A Yeah.

2 MR. LIPTON: The government moves 9-A and 9-B and
3 9-C.

4 THE COURT: Mr. Geduldig.

5 MR. GEDULDIG: I'm just looking at those photos,
6 Judge.

7 (Pause.)

8 MR. LIPTON: Judge --

9 MR. GEDULDIG: Can I just ask him a couple of
10 questions.

11 THE COURT: Go ahead.

12 MR. LIPTON: I actually have a signed stipulation, I
13 forgot we had that beforehand, which Mr. Geduldig has already
14 signed.

15 MR. GEDULDIG: Okay. If that's the case, Judge, I
16 guess I've stipulated. I was only going to ask him if the
17 photos were taken when you were with Agent Peil and Otto?

18 THE WITNESS: Yes, we took pictures of it.

19 MR. GEDULDIG: That's when these photos were taken?

20 THE WITNESS: No, no, that was the same day that the
21 bank got burglarized.

22 THE COURT: Read the stipulation.

23 MR. LIPTON: It is hereby stipulated and agreed by
24 and between the United States of America, by Assistant U.S.
25 Attorney Joey Lipton and Thomas J. Seigel, and the defendant

1 Edmund Boyle, also known as Edward and Eddie, by his attorney
2 Martin Geduldig, Esq. -- let me skip down to number ten:

3 If called as a witness, a representative of First
4 National Bank of Long Island, 711 Fort Salonga Road,
5 Northport, New York would testify that (A) Government Exhibits
6 9-A, 9-B and 9-C are photographs of the bank which fairly and
7 accurately represent how it looked on October 24th, 1998 and,
8 I'll just finish, (B) it says Government Exhibits 9-D and 9-E
9 are photographs of the bank which fairly and accurately
10 represent how it looked on June 21st, 2001.

11 THE COURT: Okay, they'll be received.

12 MR. LIPTON: Thank you, Judge.

13 Q Let me go ahead and put up --

14 MR. LIPTON: Can we publish 9-A, Judge?

15 THE COURT: Go ahead.

16 Q What is that?

17 A That's the Bank of -- First National Bank of Long Island.

18 Q What side of the bank is that?

19 A It is the drive-through of the bank.

20 Q Did you drive up to this bank?

21 A Did we drive to do it, yes.

22 Q Did you physically drive to the box?

23 A Yes.

24 Q Who drove up to the box?

25 A This one was Eddie and Ronnie. I was the lookout at this

1 time.

2 Q So, who else was there and what were they doing?

3 A It was me and Tommy and Woody and John Micali or it might
4 have been -- John Micali might have been in the car with them
5 on this one because I think Woody and Tommy -- me and Tommy
6 were together, Woody was more up the block by himself.

7 Q So, who physically went to the box to work on it?

8 A Eddie Boyle and Ronnie Petrino?

9 MR. LIPTON: Let's go ahead and publish 9-B.

10 Q Do you see this photograph, 9-B, Mr. Bellafiore?

11 A 9-B, yeah, I got it.

12 Q What does that show?

13 A That shows where the box was and where it is now on the
14 floor.

15 THE COURT: That's the upper left-hand corner?

16 THE WITNESS: That's where the box was and then we
17 threw it in the bush or they threw it in the bush over there.

18 Q Keep your voice up. What appears to be over that box now
19 in that picture?

20 A A sign.

21 Q What does that sign say?

22 A Do not use.

23 Q Can you see what's around the edges of the box?

24 A Yeah.

25 Q What's that?

1 A That's the molding for it.

2 Q I'm sorry?

3 A That's the molding for the box where the box would have
4 been.

5 Q Can you also see where the box itself is in that
6 photograph?

7 A Yeah.

8 Q Where is that?

9 A Well, it would be the front of the bank in the bushes.

10 Q Can you just get up and point out where the box ended up?

11 (Witness steps down.)

12 A Right here, that's the front of the bank.

13 Q That's by the bushes?

14 A Yeah.

15 MR. LIPTON: Okay. Go back and have a seat.

16 (Witness resumes the stand.)

17 Q What is that a photograph of right now?

18 A Night deposit box.

19 Q So, what happened when they got this box off the wall?

20 A I wasn't up on the box, I really can't say what happened
21 as far as looking in, I don't know, I wasn't there. I just
22 know it came off, there was no money and we left.

23 Q Okay. So, you didn't get any money from that job?

24 A No.

25 Q Did you also take the FBI to this bank?

1 A Yes.

2 Q Did they take photographs?

3 A Yes.

4 Q Now, were you in the halfway house at the time of this
5 bank attempt?

6 A Yes.

7 Q When you went on this trip to Long Island that day did
8 anything happened with regard to the halfway house?

9 A Yeah, I missed -- well, they do contact calls.

10 Q Say that again?

11 A They do contact calls.

12 THE COURT: Tell the jury what a contact call is.

13 THE WITNESS: I was getting to it next. A contact
14 call is when you go home on the weekends they got the right to
15 call you at any time, it doesn't matter because you're home,
16 you're under their supervision. So, they time -- like I kind
17 of had it, I knew what time they were going to call and they
18 really stayed with it, I mean they were just people that work
19 in the halfway house, they were just civilians, they were
20 young kids, they didn't care, if you got to know them they
21 really didn't care but, anyhow, they would call 1:00, they
22 would call 12:00 and this is in the afternoon, they'll tell
23 you we're going to call, they call at one, three, five at
24 night; now, next shift comes on after five, just like
25 anywhere, you know, every shift it changes, the next crew of

1 people come on, they'll come on five, they'll call at six,
2 call at eight, call at 12, new shift comes from 12, so on,
3 same stuff. But usually now if you know somebody basically in
4 the place they would be like good night, they ain't calling no
5 more; when they tell you good night, take it easy, they ain't
6 going to call again so you basically have a free pass to go
7 out, whatever you're going to do.

8 Q What happened this time?

9 A This time wasn't like that, somebody did call and I
10 missed the call and I had to go home.

11 Q Where does the call get placed to?

12 A To my house.

13 Q That's where you're supposed to be?

14 A Yeah.

15 Q Where were you?

16 A I was obviously in Long Island.

17 Q What happened as a result of not getting that call?

18 A I got restricted. I could have went back to jail but
19 they didn't put me back in jail because I knew the lady from
20 the last time and she just put me on, that's it, you ain't
21 going out no more, you're stuck in and that's the end of it
22 and I stayed in the last two weeks and then I went home.

23 Q Now, you previously mentioned that you looked at Fleet
24 Bank?

25 A Yes.

1 Q This bank here?

2 A Yeah.

3 Q And you weren't able to burglarize it the two times you
4 went to it, right?

5 A No.

6 Q Did you hear about that bank being burglarized later on?

7 A Yes.

8 Q Who did you hear that from?

9 A Just word through the street, I mean obviously people got
10 arrested, you know, on the job of doing it and the word was on
11 the street.

12 Q Did you talk to anybody specifically that you recall
13 about that bank?

14 A After they got out of jail Tommy told me about it.

15 Q Tommy who?

16 A Tommy Dono, he was one of the guys who got arrested.

17 Q What did he tell you?

18 MR. GEDULDIG: Objection, Judge.

19 THE COURT: Sustained.

20 MR. LIPTON: He's a co-conspirator.

21 THE COURT: Oh, he is.

22 MR. LIPTON: Yes, he's one of the individuals
23 involved in these banks.

24 THE COURT: Okay.

25 MR. GEDULDIG: He's not involved in the bank we're

1 talking about.

2 MR. LIPTON: This witness isn't but he heard about
3 this in conjunction with the banks they're doing up there.

4 THE COURT: I'm going to allow it.

5 Q That's Tommy Dono?

6 A Yes.

7 Q What did Tommy Dono tell you?

8 A They tried the Fleet Bank that we were supposed to do and
9 in the course of that they got chased and they lost the van
10 and they had -- they threw spikes in the road and they got
11 arrested.

12 Q Did you learn what car they were in when they got
13 arrested?

14 A In the van.

15 Q What van?

16 A Eddie Boyle's van.

17 Q Now, when did you get out of the halfway house?

18 A December 12th.

19 Q Of what year?

20 A 1998.

21 Q Did you continue to burglarize banks after you got out of
22 the halfway house?

23 A Yes.

24 Q Did you take any trips out of New York to do burglaries?

25 A Yes.

1 Q Where did you go?

2 A We been to Milwaukee, we went to upstate New York.

3 Q For Milwaukee, that's Wisconsin?

4 A Yes.

5 Q How many times did you go --

6 A Milwaukee, I've been there several times.

7 Q To do banks?

8 A Yes.

9 Q Was Eddie Boyle on any of those trips with you?

10 A On the first trip to Milwaukee, yes.

11 Q How did you decide to go to Milwaukee?

12 A Afrim Kupa's brother was down there before and he told us
13 about a bank that was down there.

14 Q That's the Afrim Kupa you identified before?

15 A Yes.

16 Q Did you know where the bank was?

17 A The bank was in a mall, in a big mall in Milwaukee.

18 Q Did you go to Wisconsin?

19 A Yes.

20 Q Let me show you --

21 MR. LIPTON: May I approach, Judge?

22 THE COURT: You may.

23 Q I show you what's been marked as Government Exhibit 1-C,
24 ask you if you recognize what the map is?

25 A It is a map of Milwaukee and basically location of where

1 the banks were.

2 Q And the banks are -- what banks are you talking about in
3 general?

4 A M and I Bank and that was in a big mall and this other
5 community bank was just on a strip mall on a road.

6 Q Does the map and the photographs fairly and accurately
7 represent how that looked then?

8 A Yeah, it's the same building, yeah.

9 MR. LIPTON: The government moves 1-C.

10 MR. GEDULDIG: May I see?

11 (Pause while counsel confer.)

12 MR. GEDULDIG: I have no objection.

13 THE COURT: Received.

14 MR. LIPTON: May I publish it, Judge?

15 THE COURT: Yes.

16 MR. GEDULDIG: 1-C?

17 MR. LIPTON: 1-C.

18 Q How did you get to Wisconsin?

19 A We flew.

20 Q Do you remember where you left from?

21 A Newark Airport.

22 Q Do you remember where you flew to?

23 A To General Mitchell Lee Airport.

24 Q Is that in or around Milwaukee?

25 A Yeah.

1 Q Where did you get your airline ticket?

2 A Through a friend of Afrim Kupa, she worked at an airline
3 agency.

4 Q Do you know where that was located?

5 A Hylan Boulevard and Seaview Avenue.

6 Q Do you know what the place was called?

7 A Princess Travel.

8 Q About when did you make that trip?

9 A I would say the end of '98, beginning of '99, in
10 December.

11 Q And who did you fly to Milwaukee with?

12 A Well, there was two separate people, we drove -- we flew
13 two separate people.

14 Q With you?

15 A Me, Eddie, Eddie Boyle, John Micali -- no, not John
16 Micali. Me, Eddie, Tommy Dono, Afrim and, who else, I think
17 that was it right there for that, for the first flying out.
18 Then John Matera and John Micali flew in the next -- the
19 Sunday, the day we're supposed to do it because we flew there
20 on Friday.

21 (Continued on next page.)

22

23

24

25

1 DIRECT EXAMINATION (Cont'd.)

2 BY MR. LIPTON:

3 Q Okay. Did you bring any tools or equipment with you on
4 the flight?

5 A Some tools.

6 Q What kind?

7 A The little stuff, the scanners, the radios. Just little
8 things, screw drivers and hammers and stuff like that.

9 Nothing big. Not the crow bar and not the gaps.

10 Q Once you got to the airport in Milwaukee, did you rent
11 any cars?

12 A Yeah, we rented cars.

13 Q Who rented the cars?

14 A Eddie Boyle.

15 Q What was the bank that you were intending to burglarize
16 first?

17 A The initial bank for us to even go down was cause of the
18 M & I Bank.

19 Q That appears --

20 A That is in the mall, Southridge Mall.

21 Q That is also in or around Milwaukee?

22 A Yes.

23 Q Where was the night deposit box, boxes, at M & I Bank?

24 A Behind the bank. In the drive through.

25 Q Was there one inside?

1 A That is inside the mall there is two boxes.

2 Q Tell me where the two boxes were.

3 A Okay. Well, you told me it was on the bank, I am just
4 giving you the one that was on the bank. The one on the bank
5 was on the back of the drive through. And then there was
6 another one inside the doorway of the mall.

7 Q Would you look at photographs 11-A through 11-E, and I
8 ask you if you recognize those.

9 MR. LIPTON: There is also a stipulation, Your
10 Honor.

11 THE COURT: What was the other stipulation, did you
12 number it?

13 MR. LIPTON: Government Exhibit 41. And I am
14 offering different numbers on Government Exhibit 41. I will
15 continue to do that, if that is okay?

16 THE COURT: Okay. Go ahead.

17 MR. LIPTON: "If called as a witness, a
18 representative of M & I Bank Southridge Mall, Greendale,
19 Wisconsin would testify that Government Exhibits 11-A through
20 11-E are photographs of the bank and mall which fairly and
21 accurately represent how they looked on December 20, 1998."

22 We move those in, Judge.

23 THE COURT: Received.

24 (So marked as Government Exhibits 11-A through 11-E
25 in evidence.)

1 Q What is this?

2 A That is a picture of the bank.

3 Q Go to the next one. Will you go back -- I am sorry.

4 What part of the bank is that?

5 A This is the front of the bank.

6 Q Where is the box compared to where we are looking?

7 A The drive through is behind the bank.

8 Q Let's go to the next one. This is 11-B. What is this?

9 A That is the back of the bank.

10 Q The drive through?

11 A That is the drive through, yes.

12 Q Where is that in relation to the last photograph?

13 A The front of the bank. And I believe the back of the
14 bank.

15 Q Next photograph. What is that?

16 A That is a picture of the night deposit box in question.

17 Q At the drive through?

18 A Yes.

19 Q The next one. What is this?

20 A That is a picture of where the other box -- that is the
21 front of the mall, where the other box is inside.

22 THE COURT: They had two boxes?

23 Q Those are two separate buildings?

24 A Yeah.

25 Q Explain how they are in relation to each other.

1 A Well, as you see the front of the bank, that is the front
2 of the mall.

3 Q Yes.

4 A Mind you, the mall is facing this way. Now the first
5 picture of the front of the bank is facing the mall. Usually
6 it would be the other way around, because the mall would be
7 added to the bank this way. The bank should be this way. It
8 is not. It is reversed. The bank is facing the mall. And
9 that drive through is facing the street.

10 Q So the inside box and the outside box are in two separate
11 buildings?

12 A Exactly.

13 Q What was this?

14 A This was the inside one. This is the inside of that
15 first picture. The one you just showed now. The front of the
16 mall, that is the inside one, the second box. That is not in
17 the drive through. That is the one that the mall uses, every
18 one uses that in the mall.

19 Q That is actually inside the mall?

20 A Well, in and out. You walk out and would be right there
21 in the lobby of the mall, as you would walk out of the mall.

22 Q What did you do when you first got to the bank, M & I?

23 A We first went to this particular bank. As you can see
24 the sign that is there. Usually we bring our own sign or make
25 a paper sign, don't use this box, use the one outside.

1 Obviously they did the job for us. It says use the one
2 outside. We got crazy glue. We put it in the lock. Now
3 people can't use the lock, so they are going to go to where it
4 says, to go outside and put your money. Everybody just
5 started going outside. It got so crazy, they had a cop there.
6 And they had to call security to open the bank, they couldn't
7 close the box it was filled to the top. They had to open it
8 up and empty it out.

9 Q Had you done that on previous things, where you glued the
10 lock?

11 A Yeah.

12 Q So everyone has to use one?

13 A Exactly.

14 Q What day of the week did you do this again?

15 A This was on Sunday. We glued it on Friday.

16 Q When did you intend to do the burglary?

17 A Sunday.

18 Q Did you do anything to the outside of the box in
19 preparation for the burglary?

20 A The outside box, as I said before, as you see this box
21 here, as you see that tin metal that is there, that covers the
22 screws. You showed the outside of the box.

23 Q Let's go back to the photographs.

24 A Do you have a close up of that, or no?

25 Q I think that is as close as we got.

1 A If you look now, you see the metal is gone. We took off
2 the metal, the four screws.

3 Q Keep your voice up, please.

4 A There are four screws missing. One, two, three, four.
5 And no metal. Right now, if I wanted to leave tomorrow or
6 anybody wanted to leave tomorrow, you know how to do it. You
7 could go there and pull it off the wall. And guess what, you
8 made \$300,000.

9 THE COURT: No, they wouldn't.

10 THE WITNESS: Oh, they wouldn't. I hope. That is
11 basically what happens.

12 Q So the box is all ready to come off the wall?

13 A Yeah.

14 Q Now, what happens once you setup the activity at the
15 outside box?

16 A The cops were basically, you know, they stayed around the
17 area and kept watching it, not knowing that the metal was
18 missing the screws at this point. Nobody knew anything. The
19 guy came, he emptied the box, he did whatever he had to do.
20 We left.

21 We came back in the course of that, trying to do it.
22 We pulling up, like I said before. This is on the street, the
23 main avenue running down, which you could probably see it if
24 you look on there, whatever that main avenue would be, it is
25 right on that main avenue. And cars are driving constantly.

1 So it's really hard to keep going in and out, even though we
2 did most of it done. All we had to do was pry it open and
3 pull it down, but at this point either a cop car or somebody
4 was driving through the place, or security. I don't remember
5 exactly what it was, but we left.

6 At this point, we left all of the tools right next
7 to the box. We was doing that, we drove away. We went back
8 and thought we could still do it, the tools were gone.

9 THE COURT: Somebody stole your tools?

10 THE WITNESS: Could have been the cops, could have
11 been a person, we don't know. At that point we're like let's
12 go. We are going home. There was no more reason to stay
13 there.

14 Q Now, before you came back that last time, after you glued
15 the box, did you try any other banks?

16 A Did we try any other banks? Yes.

17 Q Which banks?

18 A The minute we got there, Saturday, we found another bank.

19 Q You glued the box on Friday night?

20 A Uh-huh.

21 Q What bank did you find on Saturday?

22 A A community Bank on Brown Deer Road.

23 Q How did you find the bank on Brown Deer Road?

24 A Just driving around looking for banks.

25 Q Where was the box on that bank?

1 A It was in the drive through.

2 Q What did the box, the physical box actually look like?

3 A It looked like a mail box.

4 Q Had you ever seen one like that before?

5 A Never.

6 Q Let me show you 12-A through E in the book.

7 A What did you say?

8 Q 12-A through E.

9 MR. LIPTON: I have a stipulation, if that is okay?

10 THE COURT: Yes.

11 MR. LIPTON: "If called as a witness, a
12 representative of Guaranty Bank, 7901 West Brown Deer Road,
13 Milwaukee, Wisconsin, will testify that Government Exhibits
14 12-A to 12-E are photographs of the bank that fairly and
15 accurately represent how it looked on December 19th and 20th,
16 1998."

17 I move those, Judge.

18 THE COURT: Received.

19 (So marked as Government Exhibits 12-A through 12-E
20 in evidence.)

21 Q What is that?

22 A That is the bank. I call it the community bank. Again,
23 that is what we called it.

24 Q That appears in the map in front of you also on the
25 easel?

1 A Yes.

2 THE COURT: This is the one on Brown Deer Road?

3 THE WITNESS: Yes.

4 Q Do you see the next one? What is that?

5 A That is a picture of the box without the drawer.

6 Q Can you point that out? It's sort of hard to see. Get
7 up, I am sorry.

8 A It is right here.

9 THE COURT: Why don't you use this pointer?

10 THE WITNESS: Okay. Thanks.

11 It is right there.

12 Q When you got to the bank --

13 THE COURT: I don't want it back.

14 Q When you got to the bank, did you drive to the box?

15 A Yes.

16 Q Who did what when you got there?

17 A We just drove up to it and looked at it. I could
18 actually see that there was money, you know, by looking in
19 there, you could see right into the box. It was money. And
20 then we setup to do it. It really wasn't even nothing to
21 setup. It was just too easy.

22 Q Who was there with you?

23 A Me, Eddie, Afrim and Tommy Dono.

24 Q What did you do when you got to the box?

25 A I pulled up, I got out, I pried it off -- it was only a

1 little think. I just pried it out, it popped right off. I
2 put my hand in and I took the money out. And that was on
3 Saturday.

4 Q I will show you the next picture, 12-C. What is that?

5 A That is picture of the box, also.

6 Q The drawer off of it?

7 A Yes.

8 Q When you looked at that, that is what you looked at?

9 A Yes.

10 Q The next photograph. Two photographs, 12-B and 12-E,
11 side by side. What is that a picture of?

12 A A picture of a night deposit drawer, the box.

13 Q Does it look like it is photographed somewhere inside?

14 A Yeah, that obviously was after it was taken off the wall.

15 Q Describe how it fits on to the wall.

16 A Well, this is the box.

17 THE COURT: Here.

18 (Handing the pointer to the witness.)

19 THE WITNESS: This is the box. It would be in the
20 hole that you see. That would cover it. Just like a normal
21 regular mail box. This was the only thing holding it on. All
22 I had to do was bend that out, the whole thing just came right
23 out. And as you can see, if you go back to the other picture,
24 you will see all that I had to do was to put my hand in.
25 Which was maybe this deep, and I took the money out. It was

1 only a couple of bags.

2 THE COURT: A couple of what?

3 THE WITNESS: A couple of bags of money.

4 THE COURT: How much money did you get?

5 THE WITNESS: \$10,000 tops, maybe, on a Saturday.

6 Then I put the box back on. We went back the next day and
7 took more money out. There was another \$10,000, close to it.

8 Q That first time, though, the first 10,000, how did you
9 split that up?

10 A Just amongst the four of us.

11 Q You said you put the box back on the wall?

12 A Yeah.

13 Q What was your intent when you were going to put the box
14 back on the wall?

15 A To come back tomorrow.

16 Q Did you go back the next day?

17 A Yeah.

18 Q Was it the same group of people or anybody else?

19 A Now John Micali and John Matera came too.

20 Q They had flown in?

21 A Yes.

22 Q Did you pick them up from the airport?

23 A Yes, we got them at the airport.

24 Q You went back to this box?

25 A Yes.

1 Q When you got back, did it look like anybody had
2 discovered it had been burglarized?

3 A No.

4 Q What did you do to the box the second time?

5 A Just pulled it back out and took the money out.

6 Q You reached back in again?

7 A Yes.

8 Q So you got another \$10,000?

9 A Yes.

10 Q How did you split up that amount of money?

11 A We split it up six ways now.

12 Q Then did you go back the next day to the M & I Bank as
13 you described before?

14 A That was on a Sunday. There was no next day, it was the
15 same bank.

16 Q The same day?

17 A M & I Bank. Then we went back to the hotel and setup for
18 the M & I Bank.

19 Q Did you describe what happened before with the tools and
20 everything?

21 A Yes.

22 Q What happened once you -- after the tools, what happened
23 next?

24 A It was time -- we went home. We couldn't stay there
25 anymore. We didn't know what to think. You just don't know

1 if they were watching us, they were following. We didn't
2 know. We just said, let's get out of here. That was the only
3 thing.

4 Q Did you fly back to New York City?

5 A Back to New Jersey.

6 Q Newark?

7 A Yes.

8 Q Did you have the money from the bank?

9 A Yeah.

10 Q Who flew back?

11 A All of us.

12 Q Did you first return the cars?

13 A Yes.

14 Q Do you remember when you returned them?

15 A Early in the morning.

16 Q You flew out of the same airport?

17 A Yes.

18 Q On the flight back, do you remember making any calls?

19 A Not offhand.

20 Q When you got back to New York, where did you go?

21 A I went home.

22 Q Where is home?

23 A Staten Island, New York.

24 Q You still had the money?

25 A Yes.

1 Q Was Wisconsin the only state that you travelled to to
2 burglarize banks?

3 A No.

4 Q Did you also go to Ohio at some point?

5 A We went to Ohio, yes.

6 Q Do you recall when?

7 A It would have to be, I would say within that time range.
8 After being out of the halfway house to '99, to the beginning
9 of '99.

10 Q Who did you travel to Ohio with?

11 A Me, Vinnie Kuminski, John Micali, John Matera, Eddie
12 Boyle.

13 Q Who is Vinnie Kuminski?

14 A Vinnie Kuminski is a friend of mine. We started doing
15 burglaries early on, since '91 or '90.

16 Q Did you ever know him to use an alias?

17 A Vinnie Nelson, I think.

18 THE COURT: What?

19 THE WITNESS: Vinnie Nelson, I think.

20 Q I am sorry. Would you repeat that?

21 A Vinnie Nelson.

22 Q Vinnie Nelson. Where did you travel to?

23 A We flew to, I think, Philadelphia or somewhere in PA. I
24 don't remember. I was very, very sick. Alls I know is I
25 wanted to go home.

1 Q Did you know if you flew out of the New York City area?

2 A Yeah, I know that.

3 Q Did you guys bring your tools?

4 A Yes.

5 Q Did anything happen to the tools?

6 A They got misplaced on a different flight.

7 Q Did you find any banks to burglarize in Ohio?

8 A One, that John Matera brought us to.

9 Q I'll show you Government Exhibit 2-K. I ask you if you
10 recognize this picture?

11 MR. LIPTON: May I approach, Judge?

12 THE COURT: You may.

13 A That is John Matera.

14 MR. LIPTON: Move 2-K, Your Honor.

15 THE COURT: Yes. Received.

16 (So marked as Government Exhibit 2-K in evidence.)

17 Q Would you describe the bank that you found?

18 A I don't know exactly where it was. I know it was in a
19 mall, actually on a mall, but where all the strip of all
20 stores were. It was like five. I don't know if it was
21 relevant which box it was, but it was like the first boxes he
22 showed you before the Bank of New York. There was a box like
23 that, and there was five of them. Four were inside and one
24 was outside. We tried to take the one off outside. The
25 minute we pulled off the bottom of it, the alarm went off and

1 we left.

2 Q Did you try to burglarize any other banks?

3 A One we were attempting to do. We didn't do it.

4 Q After that bank did you come home?

5 A Yes.

6 Q How did you get home?

7 A Me and Vinnie Kuminski, we drove home in a rental truck.

8 Q What did the others do?

9 A They stayed in Ohio. They stayed up in the Ohio area, I
10 don't know where they went after that.

11 THE COURT: Where in Ohio?

12 THE WITNESS: I couldn't even tell you. I can tell
13 you one thing. I remember one sign that always sticks in my
14 head, it said Brooklyn.

15 THE COURT: Brooklyn, Ohio.

16 THE WITNESS: Yeah. It's the only thing I always
17 remember is in Brooklyn, Ohio, around that area. I don't
18 know. Other than that, I really don't know anything else.

19 Q Did you also burglarize banks in New Jersey?

20 A Yes.

21 Q Did you burglarize any banks that were near Newark
22 Airport?

23 A Around Route 22, yes.

24 Q Where was that bank located?

25 A Around by a big truck depot.

1 Q What do you mean by a truck depot?

2 A Where the trucks stops and warehouses and stuff like
3 that. An industrial area.

4 Q Do you recall the name of the bank?

5 A Not offhand, no.

6 Q What did it look like?

7 A Just a regular building, regular small, almost like a
8 warehouse, but it was a bank.

9 Q Who participated in that burglary?

10 A Me, John Micali and Eddie Boyle.

11 Q How did you find that bank?

12 A Just driving around.

13 Q Do you remember what car you were driving?

14 A I had a Lexus, 1998 Lexus, gray.

15 Q Where did you get that Lexus?

16 A I bought it from Ray Catena.

17 Q Did you buy it or lease it?

18 A I leased it.

19 Q What did you do when you first saw the bank?

20 A We actually pulled into the parking lot to look at it.
21 There was a truck in the parking lot. We have didn't do it
22 initially right then and there. We went and rented a little
23 mini van and we went back.

24 Q Where did you rent the mini van?

25 A I think Dollar Rent-a-Car. I can't be sure. I know we

1 rented it out of the Newark Airport.

2 Q So up went to the airport?

3 A Excuse me?

4 Q Did you go to the airport.

5 A Newark Airport.

6 Q What did you do after -- did you rent the van?

7 A Yes.

8 Q What did you do after you rented the van?

9 A We went back to the bank and we took the box off.

10 Q Do you remember who specifically rented the car?

11 A Eddie.

12 Q I show you take a look at 14-A and B.

13 MR. LIPTON: I will read another stipulation if it's
14 okay, Your Honor.

15 THE COURT: Yes.

16 MR. LIPTON: "If called as a witness, a
17 representative of Summit Bank, 591 North Union Avenue,
18 Hillside, New Jersey, would testify that:

19 A. Government Exhibit 14-A and 14-B are photographs
20 of the bank which fairly and accurately represent how it
21 looked on January 9, 1999.

22 B. Government Exhibit 14-E is a photograph of the
23 bank which fairly and accurately represents how it looked on
24 June 19th, 2001."

25 The government moves those.

1 THE COURT: Received.

2 (So marked as Government Exhibits 14-A, 14-B and
3 14-E in evidence.)

4 MR. LIPTON: I will publish the first one.

5 Q What is that?

6 A That is a picture of the bank.

7 THE COURT: What bank?

8 THE WITNESS: I don't know the name.

9 THE COURT: Where is it?

10 THE WITNESS: This is the one I said was in the
11 truck stop that looked like a warehouse.

12 THE COURT: What city or state?

13 THE WITNESS: New Jersey, Route 22.

14 Q Is this the one near --

15 A The truck stop.

16 MR. LIPTON: May I approach, Your Honor?

17 THE COURT: You may.

18 Q I'll show you what has been marked for identification as
19 Government Exhibit 1-D. I ask you if you recognize what the
20 map is and what the photographs are?

21 A That is a map of New Jersey and New York. That is the
22 bank, one of the banks. I didn't know the name of it. It
23 says the Summit Bank. And there is another bank, I can't say
24 the name of it, another bank.

25 Q Does the photographs and the map fairly and accurately

1 represent how it looked then?

2 A I didn't see it like that. I seen it with a different
3 box on the wall, but yes, that is the same building.

4 Q Besides that?

5 A It looks the same to me.

6 MR. LIPTON: We have a stipulation regarding that
7 photograph when it comes.

8 We move 1-D.

9 MR. GEDULDIG: No objection.

10 THE COURT: It is received. Yes.

11 (So marked as Government Exhibit 1-D in evidence.)

12 Q Do you see the bank that you were discussing on the
13 exhibit there?

14 A Yes.

15 Q Which one do you see?

16 A That is the one that I told you looks like a warehouse on
17 Route 22 in New Jersey.

18 Q That is where it is on the map, and an accurate
19 representation of where that was in relation to New York?

20 A Yes, that is the Summit Bank.

21 THE COURT: Summit?

22 THE WITNESS: Yes.

23 Q The next picture on the screen that is on there. What is
24 that?

25 A That is a picture of the drive through and the bank.

1 Q Once you got to the bank, what did you and the others do?

2 A Well, it was only me and Eddie. We just pulled up with
3 the van. John just waited on the street in my Lexus. We got
4 out and pulled the box off.

5 Q What did you and Eddie pull up in?

6 A A rental van. Came out the side door.

7 Q What did you do once you got to the box?

8 A Pried it off the wall with a crow bar.

9 Q The next photograph. What is that?

10 A That is where the night deposit box was.

11 Q Do you see anything in it?

12 THE WITNESS: Can I just use your stick, Judge?

13 THE COURT: Yes.

14 Q Describe what we are seeing there.

15 A That is where we took the box off and put it right here.
16 There was no alarm on it this time. There was nothing. So we
17 put it over here.

18 Q Can you see -- the next photograph. What is that?

19 A That is bottom of the night deposit box. And that is the
20 door.

21 Q Do you see anything else on that? Do you see a wire
22 there to the right?

23 A Yes, but that wasn't hooked up. We took that off
24 immediately. It was only one bag. It was real fast, very
25 simple, quick.

1 Q What did you do once you got the box off the wall?

2 A We took the box off the wall and put it in that spot.
3 And took out the gap, pulled out one bag and left.

4 Q There was just one bag there?

5 A One bag.

6 Q Where did you go once you left the bank?

7 A We actually went right back to the airport, returned the
8 van and went home.

9 Q How long do you think it was from the time you got the
10 car, did the bank, and returned the car?

11 A An hour-and-a-half. No later than that.

12 Q Where did you go after you went to the airport and
13 dropped the car off?

14 A We went home, back to Staten Island.

15 Q Anyplace in particular?

16 A We split up the money. We immediately took it right out
17 of the bag and through the bag away.

18 Q How much money did you get?

19 A \$20,000, approximately.

20 Q Did you go to Staten Island?

21 A I am pretty sure I did, yes. We left and that was it.
22 We were gone. I think we drove to Manhattan?

23 Q Do you remember if you went anywhere?

24 A I don't remember at this time, no. I know we left and
25 that was it.

1 Q And how did you split up the money?

2 A Three ways.

3 Q Did you bring the FBI to this bank as well?

4 A Yes, I did.

5 Q Did they take photographs?

6 A Yes.

7 Q You mentioned that you used your Lexus on the burglary of
8 that bank, right?

9 A Yes.

10 Q Do you recall what model it was?

11 A LX 400.

12 Q Do you remember when you leased that car?

13 A I leased it from Ray Catena in Monmouth, New Jersey,
14 Monmouth County.

15 THE COURT: Ray Catena is a car dealer, isn't he?

16 THE WITNESS: Yes. A big car dealer in New Jersey.

17 Q Do you remember when?

18 A I would say like a month after I got out of the halfway
19 house, probably August, you figure September, around then.

20 Q After the halfway house?

21 A No, while I was in the halfway house. After I got out of
22 jail physically. I was in the halfway house.

23 Q Whose name did you lease the car in?

24 A My wife.

25 Q What is her name?

1 A Patti D'Angelo.

2 Q Is that her maiden name?

3 A Yeah.

4 Q Why did you use your wife's name?

5 A At that time my credit wasn't as good as it used to be.

6 And she got it for me.

7 Q Were you allowed to drive the car while you were in the
8 halfway house?

9 A No.

10 Q Where did you keep the car?

11 A At my house.

12 Q Where was your house?

13 A Staten Island, New York, 410 Eltingville Boulevard.

14 Q Did you stay there once you got out of the halfway house?

15 A Briefly.

16 Q Did your wife?

17 A Yes.

18 Q Did you eventually get your own place?

19 A Yes.

20 Q Where was that?

21 A Actually, I got it before I moved out, before I even left
22 my wife I had the apartment already.

23 Q Did you eventually go and live there?

24 A Yes.

25 Q Where was that?

1 A Fayette Street. I don't know how to say the name of the
2 street.

3 Q Do you know how it is spelled?

4 A No, it is in Regal Wall, community in Staten Island, or
5 South Avenue.

6 Q How did you get that place? Was it an apartment?

7 A Yes.

8 Q How did you get that apartment?

9 A A friend of mine had it and he had the apartment that he
10 was going to live in. He never wound up moving there. He
11 had all the furniture and everything. And I traded him a
12 pound of pot for it.

13 THE COURT: A pound of pot?

14 THE WITNESS: Yes.

15 THE COURT: For an apartment?

16 THE WITNESS: Yes.

17 Q Why did you use a pound of pot, that is marijuana?

18 A Yes.

19 Q Why did you use a pound of marijuana?

20 A At the time I didn't much have as much money as I wanted
21 to to move into an apartment. This friend of mine had pot and
22 he gave to it me. This kid wanted pot. So it was like, a
23 good deal, I don't know.

24 Q Who is the friend that gave you the pound?

25 A Fabrizio.

1 Q What is the full name?

2 A DeFrancisci.

3 Q Who was giving the apartment?

4 A Danny.

5 Q The name?

6 A Costanza.

7 THE COURT: Did you sign a lease?

8 THE WITNESS: No.

9 THE COURT: You trusted each other?

10 THE WITNESS: It was weird. I don't know even know.

11 The owner of the place, he kind of said okay, you can move in.

12 Go ahead. I left it under the guy's name and everything.

13 Q Did you end up paying back Fabrizio for the pound of pot?

14 A I don't think so, no.

15 Q How much was the pound of pot that you were supposed to
16 pay him back?

17 A \$3,500.

18 Q Did you ever sell drugs yourself?

19 A I tried it. I didn't like it.

20 Q How many times did you try it?

21 A Once or twice.

22 Q That is to sell?

23 A Yes.

24 Q Did you ever make any money?

25 A No.

1 THE COURT: You say drugs, what kind of drugs did
2 you try to sell?

3 THE WITNESS: Pot.

4 Q You ever try to sell any other types of drugs?

5 A No.

6 Q You ever use drugs yourself?

7 A Yeah, I smoke pot.

8 MR. LIPTON: Why don't you put that pointer backup.

9 THE WITNESS: Yes.

10 Q How many times?

11 A Once or twice or three times, maybe. I don't do it
12 often.

13 Q When was that that you tried it three times?

14 A Back when I was 20 or 22 or 23. A couple of times when I
15 was older like my 30's. I am 34 now. I was in jail 40
16 months. I couldn't be sure, 29, 28, it would have could have
17 been anytime.

18 Q You ever try any other type of illegal drugs?

19 A No.

20 Q Have you ever try acid?

21 A I said that before I did, yes.

22 Q I'm sorry. I missed that. How about prescription
23 medication?

24 A Prescription, yes.

25 Q Prescription that is not prescribed by a doctor?

1 A No. Oh, yes, I did.

2 Q What was that?

3 A Xanax.

4 Q When did you do that?

5 A In '99.

6 Q How many times?

7 A Two times.

8 Q Acid, when did you do that?

9 A Back when I was 16 or 17.

10 Q How many times?

11 A One time.

12 Q You said you leased your Lexus from Ray Catena Lexus in
13 New Jersey?

14 A Yes.

15 Q Do you recall if there was anything around the
16 dealership?

17 A A bank.

18 Q Where was the bank in relationship to the dealership?

19 A It was right on the same block, in the same area. The
20 same block.

21 Q When did you first see it?

22 A To me, meaning block would be the same road. I don't
23 know if there's a block that could be cutoff. I don't know.
24 But I know it was on the same area, right in the same strip of
25 Ray Catena.

1 Q Okay. Do you recall when you first saw it?

2 A I took my wife for a test drive the car for her.

3 Q Was this the first time that you saw the bank?

4 A Yes.

5 Q When was the next time you saw it?

6 A When I went back for oil change. This time I brought
7 Afrim Kupa.

8 Q The same Afrim Kupa who is on the board?

9 A Yes.

10 Q Why did you bring Afrim Kupa?

11 A To show him the bank. He bought a Lexus that was crashed
12 and he was trying to find one, a parts car for himself to take
13 out of a dealer.

14 Q So he was coming to see if he can steel something?

15 A Yes. And see the bank at the same time.

16 Q What was the reason for wanting to show him the bank?

17 A To see if you want, we can do it. We were going to do
18 it.

19 Q What did that bank look like?

20 A That is the bank right there.

21 Q Look at 15-A and B, and see if you recognize that, and I
22 will read a stipulation while you are going that.

23 A Excuse me?

24 Q Just look at 15-A and 15-B.

25 A Yes.

1 MR. LIPTON: May read a stipulation?

2 THE COURT: Go ahead.

3 MR. LIPTON: This is number 17. Government Exhibit
4 41.

5 "If called as a witness, a representative of
6 Shrewsbury State Bank, 777 West Park Avenue, Ocean Township,
7 New Jersey, will testify that:

8 A. Government's Exhibit 16 is a surveillance video
9 from the bank which fairly and accurately represents how it
10 looked on September 28, 1998.

11 B. Government Exhibit 15-A and 15-B are photographs
12 of the bank which fairly and accurately represent how it
13 looked on September 28, 1998.

14 C. Government Exhibit 15-C and 15-D are photographs
15 of a pry bar recovered after an attempted burglary of the bank
16 which fairly and accurately represents how it looked on
17 September 28, 1998.

18 D. Government Exhibit 15-E and 15-F are photographs
19 of the bank which fairly and accurately how it looked on June
20 19, 2001."

21 Your Honor, may we publish 15-A?

22 THE COURT: You may.

23 Q 15-A and 15-B on one screen. Tell the jury what we are
24 looking at.

25 A That is the bank that I showed Afrim Kupa. That is the

1 night deposit box, I guess, hanging out of the wall. I don't
2 know, I wasn't there. So I really don't know what happened.
3 I can't elaborate on events.

4 Q You didn't actually do the burglary that day?

5 A No.

6 Q Do you see the time stamp on this, the date stamp on it?

7 A It says 9/28/98.

8 Q Was that while you were in the halfway house?

9 A Yes.

10 Q Do you see any video surveillance cameras in those
11 photographs?

12 A Yes.

13 Q Will you take the pointer and point them out.

14 A Here. You don't see them in your pictures. You can
15 right here. There is one. And there is another one over
16 here. In these pictures you can see it.

17 Q The bottom one you can see it?

18 A Is this 15-A?

19 Q That is 15 D on the right.

20 A Where is 15-A?

21 Q That is right in front of you.

22 A That is 15.

23 Q There are two photographs on that screen.

24 A This is ain't it. Yes, it is. You can't see it. There
25 are two -- if you look at this, there are two cameras.

1 Q Is that the same shot -- is that the same picture of the
2 bank at different angles?

3 A Yes. You can't see what you are talking about.

4 Q Can you see the cameras on the one on the bottom right?

5 A That is one camera right there.

6 Q Is that the side of the roof?

7 A Yes. That is under the roof of the building.

8 Q Did you ever see if the box on that bank was actually
9 burglarized or had been burglarized?

10 A Yes, I seen it after it was burglarized.

11 Q What did you see afterwards?

12 A I had seen the other box on the wall.

13 Q There is a new box on the wall?

14 A Yes.

15 Q When did you see that?

16 A I seen that after this happened. Then I seen it with
17 Agent Otto and Cindy Peil.

18 Q Before you went there with the agents, did you have a
19 chance to see that bank after it had been burglarized?

20 A Yes.

21 Q When did you see that? What were you doing.

22 A I went back to Lexus. It was in my travels going back to
23 the Lexus dealers. I seen that it was burglarized and I asked
24 about it.

25 Q Who did you ask?

1 A Ronnie Petrino and Afrim Kupa.

2 Q What did they tell you?

3 MR. GEDULDIG: Objection, Judge. What they may have
4 told him.

5 MR. LIPTON: He is also a coconspirator, Judge. He
6 was not at this bank, but this is the course of all these
7 banks that they are members or associates of the enterprise.

8 MR. GEDULDIG: Kupa is not a coconspirator in the
9 government's case.

10 MR. LIPTON: He is mentioned now in two different
11 banks.

12 THE COURT: I am going to sustain it.

13 MR. LIPTON: Ronnie Petrino is mentioned on all of
14 the Long Island banks, Your Honor.

15 THE COURT: Let me understand this: This is a
16 conversation about what?

17 MR. LIPTON: Conversation about this bank being
18 robbed, that this witness had with the individuals who he had
19 done other banks with about what they did to burglarize this
20 bank.

21 THE COURT: What count of the conspiracy?

22 MR. LIPTON: I am sorry, Judge?

23 THE COURT: What count of the conspiracy?

24 MR. LIPTON: There is a conspiracy as to all of the
25 banks in this indictment. That all of the individuals in the

1 indictment were -- and others.

2 THE COURT: I will reverse myself and I will allow
3 it.

4 MR. GEDULDIG: Respectfully accepted.

5 Q What did they say when you talked to them about the bank?

6 MR. GEDULDIG: Who said what?

7 THE COURT: Who said what?

8 Q Specifically who said what?

9 A I asked Afrim Kupa.

10 MR. GEDULDIG: I have to renew my application as to
11 who. Their view of this case does not site Kupa as a member
12 of the conspiracy that they are charging.

13 MR. LIPTON: Judge, that is not our obligation,
14 number one. Number two, he has been mentioned now on the
15 Wisconsin bank, and has been mentioned in his testimony --

16 THE COURT: Just a second. Is the government's
17 position that this fellow Kupa is part of the conspiracy?

18 MR. LIPTON: Yes.

19 THE COURT: And the indictment reads other
20 individuals unknown?

21 MR. GEDULDIG: No. He's not mentioned. He was
22 never named in this.

23 THE COURT: Does of the indictment read other known
24 or unknown?

25 MR. LIPTON: Never --

1 THE COURT: I will allow it.

2 Q What did Afrim Kupa say to you?

3 A I asked him specifically what happened. The box has
4 changed. He just said they went and did the box. You know.
5 Who went and did it, he didn't say. He just said they went
6 and did it. Supposedly I am supposed to know that it was --

7 MR. GEDULDIG: Objection.

8 THE COURT: Sustained.

9 Q I am not saying what you thought about it. I am looking
10 for what was said to you.

11 A Just what I told you. They went and did it.

12 Q Did they tell you if they got any money?

13 A No. He didn't mention to me any money.

14 Q Did you at some later point did you take the FBI to that
15 bank and show them?

16 A Yes.

17 Q Did they take photographs?

18 A Yes.

19 Q I show you 15-E. Do you recognize this photograph?

20 A Yes.

21 Q What is that of?

22 A That is of the night deposit box. The way that I seen it
23 after.

24 Q Is that the one that is different from the last one you
25 saw?

1 A Yes.

2 Q Did you show the FBI agents this bank?

3 A Yes.

4 Q Do you remember when?

5 A Back on one of the take out orders. I don't remember
6 what day.

7 Q You indicated that you talked to Afrim Kupa about the
8 bank. What did Ronnie Petrino tell you about the bank?

9 A Basically, the same thing. They went and did the bank.
10 I mean, I really don't know specifics.

11 MR. GEDULDIG: Objection. He answered the question,
12 Judge. He is volunteering information.

13 THE COURT: Sustained.

14 Q Anything else from Ronnie Petrino?

15 A That is it.

16 MR. LIPTON: Government Exhibit 16 is a video and it
17 has already been entered into evidence. So we are just going
18 to set it up and play it.

19 Judge, actually we didn't offer that.

20 May I approach, Judge?

21 THE COURT: You may.

22 MR. LIPTON: I apologize. I thought that was read
23 in the stipulation. Yeah, it was read in the stipulation.
24 Number 16 was the surveillance tape.

25 Q Just to be clear, you were not at that bank, were you?

1 A No.

2 Q I am showing you Government Exhibit 16. I'll ask you to
3 look at that and ask you if you recognize what that is? You
4 can pull it out.

5 A Shrewsbury State Bank.

6 Q Do you recognize what this is?

7 A This is the video that I have seen.

8 Q Did you initial and date it?

9 A Yes.

10 Q When did you date it?

11 A 3/8/05.

12 Q That was yesterday?

13 A Yes.

14 Q Had you seen it previous to that date as well?

15 A Yes.

16 Q You able to recognize any of the individuals on this
17 video?

18 A Yes.

19 MR. LIPTON: Judge, we are going to go ahead and
20 play this.

21 Q This is a video like the last one or does it look
22 different?

23 A It is the same video, but slowed down. I guess it is
24 real-time.

25 Q It looks like more still photographs?

1 MR. GEDULDIG: Objection to Mr. Lipton's --

2 THE COURT: Yes, you are still leading.

3 MR. LIPTON: I will withdraw it.

4 (Video played.)

5 Q You will talk us through what is happening. What do you
6 see right here?

7 A That is the van, the work van that we have.

8 Q Whose work van?

9 A Eddie Boyle's work van.

10 Q Who is that?

11 A That is Ronny Petrino. And appears to be Eddie Boyle.

12 Q What do they appear to be doing?

13 A They are attempting to take the night deposit box off.

14 Q What are they trying to take it off with?

15 A The crow bar.

16 Q Do you recognize what bank that is?

17 A That is the Shrewsbury Bank.

18 Q Shrewsbury State Bank?

19 A Yes.

20 Q The one you just testified about?

21 A Yes.

22 Q You recognize that to be Ronnie Petrino?

23 A Yes.

24 Q Which one is he?

25 A He is the heavy set guy with the hat on. On the

1 left-hand side.

2 Q Do you recognize who is in front of him?

3 A That appears to be Eddie Boyle. He has a mask on.

4 Q How can you tell that the individual with the mask is
5 Eddie Boyle?

6 MR. GEDULDIG: Objection. He is mischaracterizing
7 the testimony.

8 MR. LIPTON: He said that is who it was.

9 THE COURT: Rephrase the question.

10 Q Who do you believe -- describe for me who you believe
11 that is in the mask?

12 MR. GEDULDIG: He didn't say believe, he said it
13 appears.

14 THE COURT: That is correct.

15 Q Who does that appear to be?

16 A It appears to be Eddie Boyle.

17 Q Why do you think that?

18 A If you went back to the first bank in New York and you
19 looked how that box appeared to be taken off, and you looked
20 at how this box was -- how he is taking it off, the same style
21 of work.

22 Q How about the body?

23 A The physical body, yes. I mean, it looks like him. That
24 is his van.

25 Q Did you know Eddie Boyle to wear a mask when he is

1 burglarizing?

2 A Not really, up until that time when he pushed the camera
3 up, I mean, no.

4 Q Did you ever commit any crimes with Anthony Zaffarino?

5 A Yes.

6 Q Are you familiar with him?

7 A Yes.

8 Q Does Anthony Zaffarino have the same build as Eddie
9 Boyle?

10 A No.

11 Q Any chance that that is Anthony Zaffarino?

12 A No.

13 Q Did anyone else that you did banks with have a build
14 similar to that?

15 A Similar to who?

16 Q Similar to the person that we see with the mask on.

17 A Not in our crew of guys, no. Unless it was me.

18 Q Okay. Now, did you later -- did you later get into an
19 accident with that Lexus that you got from Ray Catena?

20 A Yes.

21 Q When was that?

22 A In Florida.

23 Q Do you remember what year, approximately?

24 A 1999.

25 Q Did you try to give that car back to the insurance

1 company?

2 A Yes.

3 Q Why?

4 A I couldn't afford the payments.

5 Q Did you do anything to try to get out of the payments?

6 A I let the motor run with no antifreeze.

7 Q Did you tell the insurance company it happened in the
8 accident?

9 A Yes.

10 Q Did they believe you?

11 A No.

12 Q Did they still end up charging you for the car?

13 A Yes. They took the car and charged it against my wife's
14 credit.

15 Q You had a plan basically to defraud the insurance
16 company?

17 A Yes.

18 Q Did that work?

19 A No.

20 Q In addition to Shrewsbury State Bank, are you aware of
21 Eddie Boyle burglarizing any other banks that you were not on?

22 MR. GEDULDIG: Objection.

23 THE COURT: I will allow it, if he is aware.

24 MR. GEDULDIG: Okay.

25 THE COURT: Are you aware?

1 THE WITNESS: Aware of the question that he just
2 asked me?

3 THE COURT: Yes.

4 THE WITNESS: Yes.

5 Q Would the people that you did banks with always tell you
6 about banks that you went on?

7 THE COURT: Now, just a second. You say you were
8 aware, how were you aware?

9 THE WITNESS: By my other friends, people, you know,
10 we always talk about stuff, I mean, in-between the friends.

11 THE COURT: Who are these friends?

12 THE WITNESS: Fat Sal, Beck, Chris Paciello. I
13 mean, all of the people named in the indictment basically.

14 THE COURT: Now, the next question is: What are
15 some of these banks?

16 MR. LIPTON: Actually, you can answer, but I wasn't
17 going that way.

18 THE COURT: Okay. You can try your case.

19 Q Did the people that you did banks with --

20 THE COURT: Hold it a second. What I am going to
21 do, ladies and gentlemen, it is 12:30 now. I will let you go
22 to lunch. Come back -- is it still cold out?

23 MR. LIPTON: I think so.

24 THE COURT: Is it, Bill?

25 THE MARSHAL: Yes, Your Honor.

1 THE COURT: Come back about a quarter to 2:00. Or
2 come back at 2:00. You have been very good. If you want to
3 go out, Your Honor, you can go out and spend your money.
4 Spend your husband's money or your wife's money. Okay?

5 A JUROR: Okay.

6 THE COURT: Where do they have them now, which room?

7 A JUROR: Five.

8 THE COURT: I am all over the place, as you know.

9 (Whereupon the jury leaves the courtroom at 12:40

10 p.m.)

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1 A F T E R N O O N S E S S I O N

2 (The following takes place out of the presence of
3 the jury.)

4 MR. SEIGEL: Judge, just a couple of quick things.

5 THE COURT: Shoot.

6 MR. SEIGEL: First, as we said yesterday, we agreed
7 to --

8 THE COURT: Which case are you here on?

9 MR. SEIGEL: Judge, I've been trying this case.

10 THE COURT: Okay.

11 MR. GEDULDIG: I was going to ask the same question.

12 THE COURT: You've been trying this case.

13 MR. SEIGEL: Yeah, I've been sitting right over
14 there.

15 THE COURT: We're doing two cases.

16 MR. SEIGEL: Judge, as we discussed yesterday, we
17 have a very short witness who --

18 THE COURT: You want to take her out of turn.

19 MR. SEIGEL: Correct, and she's here and we'd like
20 to call her.

21 THE COURT: You have no problem with that?

22 MR. GEDULDIG: No, I don't.

23 MR. SEIGEL: Then the second issue, our paralegal on
24 the break just had a very brief encounter with a juror where a
25 juror said can you use the phones out here and she said yes

1 but I'm not really supposed to talk to you. I want to ask the
2 Court to give that typical admonition about how we can't talk
3 to them and all that stuff.

4 THE COURT: No problem.

5 MR. SEIGEL: After you do that we'll call the
6 witness in.

7 THE COURT: Yeah. Where is this lady?

8 MR. SEIGEL: She's right outside.

9 THE COURT: Okay.

10 (Jury enters courtroom.)

11 THE COURT: Be seated, ladies and gentlemen.

12 MR. SEIGEL: The government calls its next witness
13 briefly out of turn, Desiree Pernice.

14 (Witness sworn by the clerk.)

15 D E S I R E E P E R N I C E, having been first duly
16 sworn was examined and testified as follows:

17 THE CLERK: Please state your name and spell it for
18 the record.

19 THE WITNESS: Desiree Pernice, D E S I R E E,
20 P E R N I C E.

21 THE COURT: Have a seat. Ladies and gentlemen, we
22 still have another witness on but I have the authority to take
23 witnesses out of turn, this is going to be a very short
24 witness and it's been agreed with defense counsel we can take
25 this witness out of turn and let her go on her way. That's

1 what I'm doing.

2 The other thing I wanted to mention to you is I
3 understand the paralegal saw somebody out in the hallway and
4 somebody asked her for where can you use a telephone and she
5 told them where the telephone was. You might see people in
6 the hallway or wandering around, they might speak to you, they
7 might not speak to you. Not that they don't like you but they
8 want to keep you uncontaminated, so if they do speak to you
9 they'll say hello, how are you doing or something general and
10 mostly they'll probably try to avoid you. If I see you, I'm
11 going to say hello, you know, but that's just it, okay. So
12 just to let you know. If I see some of you smoking, I'll ask
13 you why are you smoking. Okay.

14 MR. SEIGEL: Thank you, Judge.

15 May I inquire?

16 THE COURT: Go ahead.

17 DIRECT EXAMINATION

18 BY MR. SEIGEL:

19 Q Could you tell us how old you are?

20 A 33 --

21 THE COURT: Oh, no. No, no, no. Sustained.

22 THE WITNESS: Thank you.

23 THE COURT: You'll learn as you get a little older.

24 Right, Mr. Geduldig?

25 MR. GEDULDIG: Absolutely.

1 Q Let me try another question. Are you familiar with a
2 bank called the National Westminster Bank?

3 A Yes, I am.

4 Q And how are you familiar with that bank?

5 A I used to work there.

6 Q When did you first work for the National Westminster
7 Bank?

8 A I started in 1989.

9 Q At what location?

10 A It was located in Bay Ridge, Brooklyn, 69th Street and
11 5th Avenue.

12 Q When you started working at that National Westminster
13 Bank in 1989 what was your job?

14 A When I first started I was a full-time teller.

15 Q And what are the responsibilities of a teller?

16 A A teller basically take in transactions over the counter,
17 customers' deposits, withdrawals, you know, just --

18 Q Now, did there come a point while you were working at
19 that location in Bay Ridge that you got a promotion?

20 A Yes, I did.

21 Q And what was that promotion?

22 A I became the head teller.

23 Q Approximately when did you become the head teller?

24 A That may have been 1992

25 Q What are the duties of a head teller?

1 A We oversee all cash handling, control of the tellers,
2 payrolls, night deposit bags; I would do payroll orders, coin
3 orders, if other tellers had had a large amount of cash in
4 their drawer they would sell it over to me which I would then
5 turn over to the vault.

6 Q Now, what method, if any, did you have at the bank for
7 moving cash out of the bank?

8 A We had a Brinks service to come and pick up our shipment.

9 Q Can you tell the jury what's Brinks?

10 A It is an armored car for cash, they would bring it to our
11 counting room.

12 Q And how often would Brinks come and take cash out of the
13 bank?

14 A I'm not sure if it was once or twice a week.

15 Q Now, did there come a point, Ms. Pernice, where there was
16 a robbery at the bank?

17 A Yes.

18 Q And were you at work that day when that happened?

19 A Yes, I was.

20 Q All right. Can you tell us approximately what time of
21 day the robbery happened?

22 A I would say --

23 THE COURT: Did she tell us the day that it
24 happened.

25 Q Do you recall the date as you sit here?

1 A I don't remember the day, I believe it was sometime
2 February '94.

3 Q Do you remember approximately what time of day it
4 happened?

5 A Between 8:30 and nine.

6 Q Now, what were you doing when the robbery took place?

7 A I was preparing the shipment for the Brinks the armored
8 car to come pick it up.

9 Q And so, what does that mean, what were you doing?

10 A We take all our cash, our surplus of cash that needs to
11 be shipped out and we take it out of the vault and we brick it
12 and we prepare it.

13 THE COURT: Just a second, what do you mean brick
14 it?

15 THE WITNESS: We would take ten straps of twenties,
16 like each strap would have one hundred bills and it would be a
17 brick of ten straps, so that would be our brick, ten straps of
18 one denomination of bills, of currency and we would put a
19 ticket on it, we put it in the plastic bag, seal that bag and
20 put it in a large canvas bag and when that bag was full we
21 would crimp it with a tie, it was a plastic tie, yeah, it was
22 plastic. They had a serial number on it.

23 MR. SEIGEL: May I approach Your Honor?

24 THE COURT: Go ahead.

25 Q I'm going to show you what's already in evidence as

1 Government Exhibit 3-B. Can you take a look at that.

2 A Yes.

3 Q Do you recognize that?

4 A Yes, that's the bank.

5 MR. SEIGEL: Judge, can we publish that? It is
6 already in evidence.

7 THE COURT: Yes, go ahead.

8 MR. SEIGEL: I'm going to approach again, Your
9 Honor, if that's all right.

10 Q Let me show you 3-H.

11 THE COURT: In evidence?

12 MR. SEIGEL: In evidence, Judge.

13 THE WITNESS: Okay.

14 Q And ma'am, do you recognize that?

15 A Yes, that's the vault area.

16 MR. SEIGEL: Can we publish that please.

17 Q Now, if you could, looking at 3-H, what you call the
18 vault area, can you just describe what we're looking at as we
19 have up on these screens as well?

20 A Right outside the gates there was a desk there, we had an
21 office and inside is the actual vault area and that's the
22 little table to the left where we would put everything on it
23 and prepare it. To the right we had night -- not night, there
24 were safe deposit boxes in the vault area, so to the right
25 there's little rooms that people can go in there for privacy.

1 The far back door on the right, there was another safe in
2 there for our night drop and you can't see it on here but to
3 the left was another door.

4 Q What was that door to?

5 A That went to the boiler room.

6 Q And did you ever look in that boiler room?

7 A That was our storage area also so we had boxes of our
8 paperwork.

9 Q And that door led into the area right before the metal
10 gating?

11 A Right outside of the gates.

12 Q So, were you in this area that we're looking at the
13 morning of the robbery?

14 A Yes, we were right by that table to the left.

15 THE COURT: Inside the gate?

16 THE WITNESS: Inside the gate.

17 Q Who were you there with?

18 A Robert Balsamo.

19 Q Who was he?

20 A He was another employee, he was a teller.

21 Q So, now tell us what happened that morning?

22 A We were basically down there getting the money prepared
23 and two people came in from the doors that were right outside
24 the gates.

25 Q How --

1 THE COURT: You say right outside the gates, you
2 mean in the back?

3 THE WITNESS: To the left, outside the gates and to
4 the left there was a door.

5 THE COURT: Okay.

6 THE WITNESS: So, right about over here
7 (indicating) --

8 THE COURT: Okay.

9 THE WITNESS: -- was the door to the boiler room.

10 THE COURT: Show it to the -- here, take this, step
11 down and there's a picture on the screen, show the jury.

12 (Witness steps down.)

13 THE WITNESS: Okay. Right outside the gates here
14 there was a door back here that opened into this area outside
15 and two masked people came in.

16 MR. SEIGEL: You can sit down again.

17 THE WITNESS: Okay.

18 (Witness resumes the stand.)

19 THE COURT: What, if anything, did they say or do?

20 THE WITNESS: I don't recall what they said.

21 Q Now, did either of them have anything with them when they
22 entered that vault area that you were at?

23 A They had a weapon.

24 Q Okay. And anything else that you remember them having?

25 A They had a radio.

1 Q When you say a radio, what kind of radio?

2 A A walkie-talkie I would say, something like that sort.

3 Q Now, what, if anything, did they do to you when they came
4 into that area?

5 A I was handcuffed and bound.

6 THE COURT: And what?

7 THE WITNESS: I was -- my legs were tied.

8 THE COURT: With what?

9 THE WITNESS: I don't remember with what.

10 Q And you were handcuffed; were you handcuffed to anything?

11 A I don't recall.

12 Q But you were handcuffed?

13 A Yeah, I was handcuffed. I don't recall if my hands were
14 behind my back.

15 Q What happened to Mr. Balsamo?

16 A The same, he was also handcuffed and his legs were tied
17 together.

18 Q And what did the two individuals who came in with
19 masks on and handcuffed you, what did they do once and you
20 Mr. Balsamo were handcuffed?

21 THE COURT: What did they say first, if anything, if
22 you can remember?

23 THE WITNESS: I don't remember.

24 THE COURT: Okay. What did they do?

25 Q What did they do?

1 A They took the bags of cash that we had that we were
2 preparing.

3 Q About how long would you say they were there?

4 A Less than five minutes probably.

5 Q And how did they exit that area?

6 A Through the same door.

7 Q Now, do you remember any other details of anything they
8 said or did while you were in their presence?

9 A No, I don't.

10 Q Following this incident were you ever interviewed by law
11 enforcement?

12 A Yes, I believe right after the incident.

13 Q Now, did you have an opportunity before --

14 THE COURT: Just a second. You say law enforcement,
15 can you be more specific?

16 THE WITNESS: I think they were police officers,
17 probably from the local precinct, I'm not sure though.

18 THE COURT: Okay.

19 Q And did you have an opportunity before you testified
20 today to review a report of an interview with you?

21 A Yes, just today.

22 Q And did that refresh your recollection as to any
23 additional details beyond what you've testified to so far?

24 A I remembered the walkie-talkies today.

25 Q Did it help you remember anything that anyone said that

1 day?

2 A No.

3 Q Did it help you remember any other details beyond what
4 you've testified to so far?

5 A No.

6 Q You used the word "weapon", you said they had a weapon; I
7 just wanted to ask you if you could be more specific, what
8 kind of a weapon?

9 A A gun.

10 Q I'm sorry?

11 A A gun.

12 THE COURT: Do you know the difference between an
13 automatic and a revolver?

14 THE WITNESS: No.

15 THE COURT: Could you describe the gun?

16 THE WITNESS: No.

17 THE COURT: But you just know it was a gun?

18 THE WITNESS: Yeah. I don't know if they both had
19 guns or if there was just one gun involved.

20 THE COURT: But you know you saw a gun?

21 THE WITNESS: Yes.

22 THE COURT: Do you know the color of it?

23 THE WITNESS: I don't remember what color.

24 THE COURT: Okay.

25 MR. SEIGEL: Nothing further, Judge.

1 CROSS-EXAMINATION

2 BY MR. GEDULDIG:

3 Q I'm sorry, I missed -- your last name was?

4 A Pernice.

5 Q Ms. Pernice, this incident took place ten years ago,
6 thereabouts; is that right?

7 A Yes.

8 Q And would you say that your recollection of the events of
9 what happened were better back then than they are today?

10 A Yes.

11 Q And when you spoke -- I think you said you spoke to law
12 enforcement right after the event had taken place; is that
13 right?

14 A Yes.

15 Q Do you remember if you spoke to a uniformed officer?

16 A No, I don't remember.

17 Q Do you remember if it was a man or a woman?

18 A I don't remember.

19 Q Okay. And I think you said you don't recall whether
20 there was one gun or two?

21 A No, I don't.

22 Q And you can't tell us today if asked to describe the
23 weapon, I don't think you could describe it; is that correct?

24 A That's correct.

25 Q Okay. And I think you said that just today for the first

1 time you were shown a report that was prepared after you were
2 interviewed; is that right?

3 A Yes.

4 Q And that report refreshed your recollection that there
5 was a walkie-talkie involved?

6 A Yes.

7 Q Up until the time that you read that report you had
8 forgotten that there was a walkie-talkie involved; is that
9 right?

10 A That is right.

11 Q So, and it would be at the time that you were interviewed
12 you were able to tell whoever it was that spoke with you that
13 there was a walkie-talkie involved; is that right?

14 A Right after, yes, it was in the report.

15 Q And did you hear the -- there were two men, it was men
16 that were in the room that day?

17 A I believed they were men.

18 Q And did you hear them talking at all, did they talk to
19 one another?

20 A I don't remember.

21 Q Do you recall if you heard a first name mentioned by one
22 of the men to the other?

23 MR. SEIGEL: Objection, she testified --

24 THE COURT: I'll allow it.

25 MR. SEIGEL: She's already testified that she didn't

1 remember.

2 MR. GEDULDIG: Judge, I'm not bound by --

3 THE COURT: Just a second, I ruled. You don't have
4 to do anything.

5 MR. GEDULDIG: You're right.

6 THE COURT: You can answer the question. Do you
7 remember?

8 THE WITNESS: No, I don't remember there being
9 conversation between them.

10 Q Had you spoken -- after that day did you speak to any
11 other law enforcement people?

12 A After that day, no.

13 Q And have you spoken about that incident with anybody from
14 the Police Department, the FBI, the United States Attorney's
15 Office after the events of that day in October of '94?

16 A Not until recently when they contacted me.

17 Q Which was when?

18 A Last month.

19 Q Okay.

20 MR. GEDULDIG: Can I see the form that she was shown
21 to refresh her recollection.

22 (Pause.)

23 Q This is one of the reports that you were shown, is that
24 right? Look at it.

25 A Yes.

1 THE COURT: When you say "this", what are you
2 referring to, what is the document number?

3 MR. GEDULDIG: It is DP --

4 THE WITNESS: 1.

5 MR. GEDULDIG: It is Government Exhibit 3500-DP-1,
6 David Paul.

7 THE COURT: Okay.

8 Q And looking through that, is any of the information
9 contained in there -- do you recall any of the information
10 contained in that report?

11 A I remember being down there, doing -- preparing the
12 shipment. I remember the other employee comes in and they
13 found us. Other than what I had said, no.

14 Q Okay. All right. Let me just take -- do you remember --

15 A Is there a specific thing you want me to look at?

16 THE COURT: No, that's all right. Just answer the
17 question, don't ask them.

18 Q Do you remember the name --

19 MR. SEIGEL: Objection, Judge.

20 MR. GEDULDIG: This is --

21 THE COURT: I don't even know what the question is.

22 MR. SEIGEL: Your Honor, I think he's going into an
23 area -- she has testified on direct that she has remembered as
24 much as she can.

25 THE COURT: Just a second, ask the question and I'll

1 rule on it.

2 Q Do you remember the name of an FBI agent by the name of
3 Cecelia Fitzpatrick?

4 A No, I don't.

5 Q Okay. And do you have any recollection of ever speaking
6 with the FBI that day or shortly after the robbery took place?

7 A Just that day I know I was interviewed by probably many
8 people.

9 Q Okay.

10 A I don't remember who I spoke to, male, female, I don't
11 recall.

12 Q Okay. And have you ever seen the video of the actual
13 event itself?

14 A No.

15 MR. GEDULDIG: Judge, I'd like to play that if I
16 could, I think it is in evidence.

17 THE COURT: Yeah, but why do you want to play it?

18 MR. GEDULDIG: I want to see if it refreshes her
19 recollection as to what she saw that day.

20 MR. SEIGEL: Your Honor, can we be heard at side-bar
21 on this issue?

22 THE COURT: Yes.

23 (Continued on next page.)

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1 (The following takes place at side-bar.)

2 THE COURT: Just a second. What do you want her to
3 look at that for, what is the point you're trying to make?

4 MR. GEDULDIG: Because I think it would refresh her
5 recollection as to what took place that day. She said two
6 masked men came in, she doesn't know who they are. It might
7 refresh her recollection to the appearance. She can't even
8 tell us that -- she can't tell us if they were 6'8" or 5'2".
9 She has no recollection at all of the event.

10 THE COURT: What relevance does that have to do with
11 her case?

12 MR. GEDULDIG: If it refreshes her recollection that
13 these were two large men and they were six feet or taller I
14 think it would affect the identity of my client who is less
15 than six feet and doesn't weigh that much.

16 THE COURT: You want to be heard?

17 MR. SEIGEL: Your Honor, here's the issue; I would
18 have been happy to play it but the truth of the matter is this
19 woman was extremely traumatized by this and she asked us not
20 to show it to her and I said okay.

21 THE COURT: Well, let me tell you --

22 MR. GEDULDIG: He should have told me that before he
23 put her on the stand, Judge.

24 THE COURT: Let me tell you one thing I think and
25 they can see that she's traumatized, I can see she's

1 traumatized.

2 MR. GEDULDIG: I'm not trying to upset her.

3 THE COURT: If you play that, I think you're going
4 to have an impact on that jury. You want to play it, that's
5 fine, I'm willing to do it.

6 MR. GEDULDIG: Let me ask her if it will bother her.
7 If she says it would --

8 THE COURT: You know what else she's going to say.

9 MR. GEDULDIG: We'll see what she says.

10 (End of side-bar.)

11 (Continued on next page.)

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1 BY MR. GEDULDIG:

2 Q Ms. Pernice, this I'm sure was a very upsetting event to
3 you; is that right?

4 A Yes.

5 Q All right. Now, and it is not my intent to upset you at
6 all. You haven't seen -- did you know that there was a video
7 of the event?

8 A I never saw the video. I know that there's a camera
9 outside, so.

10 Q If I were to ask to have that video played today now as
11 you sit on the stand, would that be upsetting to you to the
12 point where you would not want to see it?

13 A I don't want to see it.

14 Q Okay, then I won't play it.

15 Can you tell us if, not necessarily the words
16 that these perpetrators may have said to one another or to
17 anybody else but can you tell us if they were talking at all,
18 go get -- not necessarily these words but go get the bags?

19 A I don't remember. I really don't remember.

20 Q Okay. And it would be fair to say that if I were to ask
21 you now for a physical description of the two men that came
22 into the room, you couldn't give me one?

23 A No, I couldn't.

24 Q Did you ever see a hole in the wall either in that boiler
25 room or any other place near that vault after the event?

1 A On the boiler side, inside the boiler room you mean?

2 Q They came out of the boiler room; is that right?

3 A Yes.

4 Q Did you ever see a hole in the boiler room where they
5 came out of?

6 A No. They came out of the door.

7 Q I understand that they came out of the door that led to
8 the boiler room?

9 A Yes.

10 Q And in the boiler room itself there was no hole in the
11 wall?

12 A I don't remember that there was a hole.

13 Q Okay.

14 MR. GEDULDIG: If I can just have a second, Judge?

15 (Pause.)

16 MR. GEDULDIG: Judge, I have nothing further.

17 MR. SEIGEL: Nothing on redirect.

18 THE COURT: You can step down.

19 THE WITNESS: Thank you.

20 THE COURT: Have a nice day.

21 THE WITNESS: You too, thanks.

22 THE COURT: What are we doing, the other witness?

23 MR. LIPTON: We recall Mr. Bellafiore.

24 THE COURT: The other witness.

25 MR. LIPTON: Yes, Judge.

1 THE COURT: Where is he --

2 MR. LIPTON: They will be coming.

3 (Witness resumes the stand.)

4 G E R A R D B E L L A F I O R E, having been previously
5 duly sworn was examined and testified as follows:

6 THE COURT: You're still under oath. Have a seat.

7 DIRECT EXAMINATION

8 BY MR. LIPTON:

9 Q Good afternoon, Mr. Bellafiore. You realize you're still
10 under oath?

11 A Yes.

12 Q I think we left off in the morning talking about a new
13 bank we were just going to get into.

14 In your book can I have you look at Government
15 Exhibits 19-A through 19-F and see if you -- look at those and
16 I'm going to read a stipulation, Judge, if it is okay.

17 THE COURT: Go ahead.

18 MR. LIPTON: This is Government Exhibit 41 and this
19 is number 21: If called as a witness, a representative of
20 First National Bank of New York, 136-29 38th Avenue, Flushing,
21 New York would testify that (A) Government Exhibits 19-A and
22 19-B are photographs of the bank which fairly and accurately
23 represent how it looked on September 21, 1998.

24 (B) Government Exhibit 19-C is a photograph of a
25 gaff hook found at the bank which fairly and accurately

1 represents how it looked on September 21, 1998.

2 (C) Government Exhibits 19-D, 19-E and 19-F are
3 photographs from a surveillance video from the bank which
4 fairly and accurately represent how it looked on September 21,
5 1998.

6 And we ask to move 19-A through 19-F.

7 THE COURT: 19-A through 19-F inclusive?

8 MR. LIPTON: Inclusive.

9 THE COURT: Received.

10 MR. LIPTON: Thank you, Judge.

11 Q If I could have you look on the screen and ask you if you
12 recognize that person there?

13 A The one walking away?

14 Q Yes?

15 A That's Ronnie Petrino.

16 Q The same Ronnie Petrino we've talked about before that's
17 on the board here?

18 A Yes.

19 Q What is on the ground next to him, if you can tell?

20 A It is the Mosler night deposit box.

21 Q Is there another person that you see there?

22 A Yes.

23 Q What is that person doing?

24 THE COURT: Who is that person?

25 Q Can you tell who that person is?

1 A From looking at that you see a body and you really can't
2 see the physical --

3 THE COURT: Okay, so you can't tell.

4 THE WITNESS: Not right there, no.

5 Q What does it appear that person is doing?

6 A Either looking in with a flashlight to see if there's
7 money or scooping the money out.

8 Q What is it he's looking into?

9 A In the safe, from the hole of the wall, you know.

10 Q Can you see what that photograph has on the top, can you
11 read what it says?

12 A It says National Bank of New York, 136-29 38th Avenue,
13 Flushing.

14 Q What does it say on the bottom?

15 A 21 September 98, 4:33:16.

16 Q Where were you living at that time on that date?

17 A September 21st, I was -- probably a halfway house or at
18 home.

19 Q Are you familiar with this bank?

20 A No.

21 Q Did you participate in this bank burglary?

22 A No.

23 MR. LIPTON: Let me publish the next photograph.

24 Q Can you tell who that person is now, 19-E?

25 A It looks like Eddie Boyle.

1 Q What does it appear he's doing?

2 A Trying to get the money out, that's what it looks like, I
3 mean.

4 Q Okay.

5 MR. LIPTON: Show the next one.

6 Q Can you tell who that is?

7 A That's Eddie Boyle.

8 Q What does it appear that he has in his left hand?

9 A That's a glove.

10 Q Can you describe what shirt he's wearing?

11 A It is a black shirt.

12 Q Have you seen him wear that type of shirt before?

13 A Yeah.

14 Q And what appears to be leaning up --

15 THE COURT: Just a second. Be more specific, it is
16 a black T-shirt, isn't it?

17 Q Can you be more specific as to how that shirt looks?

18 THE COURT: When you say a black shirt, what kind of
19 shirt is it?

20 THE WITNESS: It looks like a T-shirt.

21 THE COURT: Okay.

22 Q And can you see anything in front of him leaning up
23 against the wall?

24 A The spear, the gaff.

25 Q Can you just point out where that is in the photograph

1 with the pointer?

2 A Right here with the yellow handle.

3 Q What is that?

4 A The gaff, the fishing gaff.

5 Q Did you mention what kind of box it is on the ground
6 there?

7 A A Mosler.

8 Q Is that one of the types you targeted?

9 A Yes.

10 Q Where does it appear his right hand is?

11 A In the box.

12 MR. LIPTON: Can we have the next picture please.

13 Q What do you recognize that to be?

14 THE COURT: You're showing him what, 19 what?

15 MR. LIPTON: I'm sorry, Judge, this is 19-C.

16 THE COURT: 19-C.

17 THE WITNESS: Okay.

18 THE COURT: What is in 19-C?

19 THE WITNESS: That's a gaff.

20 Q Like one of the ones you've used before?

21 A Yes.

22 Q 19-B, that's the Mosler box you described before?

23 A Yes.

24 Q What appears to be in the wall there?

25 A A hole.

1 Q Okay. Can you see the gaff which you testified about in
2 the previous or two photographs before?

3 A Yes. Yeah, it is in the same spot it was in the other
4 picture.

5 Q You said you're not familiar with this bank?

6 A No.

7 Q You weren't in on this burglary?

8 A No.

9 Q Let me turn your attention to another bank. Did you
10 burglarize a bank in upstate New York?

11 A Yes.

12 Q Now, was that shortly after the bank that you did that
13 was near Newark Airport?

14 A Yes.

15 Q Who participated in the bank upstate New York?

16 A Me, William Galloway, Eddie Boyle, John Micali, Tommy
17 Dono.

18 Q Let me show you Government Exhibit 2-I; do you recognize
19 who that is?

20 A That's William Galloway.

21 Q How did you find this bank in upstate New York?

22 A Driving around.

23 Q Okay. Do you remember where you were going, where it was
24 near?

25 A That bank, no. Someone else brought us to it, I don't

1 remember who.

2 Q Okay. Did you drive up there?

3 A Yeah, we drove up there.

4 Q What cars did you drive up there?

5 A I had my rental car and we had a rental truck.

6 Q What was the rental truck?

7 A A red Durango, Dodge.

8 Q Like a SUV or a four-by-four?

9 A Yes.

10 Q Do you remember what color it was?

11 A Red or maroon.

12 Q Who rented that car?

13 A Eddie Boyle.

14 Q Do you know where he rented it from?

15 A No.

16 Q Where was the bank located, situated?

17 A In a mall.

18 Q Do you know the name of that mall?

19 A No.

20 Q Do you remember the name of the bank?

21 A At the time, no.

22 Q Okay. What was the weather like that day?

23 A It was snowy out.

24 MR. LIPTON: May I approach, Your Honor?

25 THE COURT: You may.

1 MR. LIPTON: Thank you.

2 Q Let me show you what has been marked as Government
3 Exhibit 1-E and ask if you recognize what this is?

4 A It is a night deposit box.

5 Q From the bank you just described?

6 A Yes.

7 Q What does the map appear to be?

8 A Upstate New York, Binghamton.

9 Q Does this fairly and accurately represent how the area of
10 the photograph looked and the bank back then?

11 A Yes.

12 MR. LIPTON: The government moves 1-E, Your Honor.
13 We move 1-E.

14 MR. GEDULDIG: No objection.

15 THE COURT: Received.

16 MR. LIPTON: Can we publish, Judge?

17 THE COURT: Yes.

18 MR. LIPTON: Thank you.

19 Q That's the bank we're talking about that you went to in
20 upstate New York?

21 A Yes.

22 Q What does that photograph show?

23 A It is a picture of --

24 Q Just in that photograph?

25 A A picture of a night deposit box missing out of the wall.

1 Q Can you turn to your book and look in Government
2 Exhibit 18-A, I think 18-B and 18-C.

3 MR. LIPTON: These have been admitted already.

4 Q I'll just have you look at 18-C -- I'm sorry, Your
5 Honor -- and see if you recognize what that is?

6 A It is a fishing gaff.

7 Q Do you recognize -- where do you recognize that from --
8 Do you recognize that?

9 A Yes.

10 Q Where from?

11 A From the job up in Binghamton.

12 Q Is that photograph a fair and accurate depiction of how
13 it looked?

14 A Yeah.

15 MR. LIPTON: I move 18-C.

16 THE COURT: Mr. Geduldig.

17 MR. GEDULDIG: No objection, Judge.

18 THE COURT: Received.

19 MR. LIPTON: Can we go ahead and publish the first.

20 Q Okay. Go ahead and describe what we're looking at in
21 this photograph?

22 A That's the entrance to the mall and that's where the
23 night deposit box is outside out of the entrance.

24 Q What's on the inside?

25 A I would imagine that would be the bank inside. I never

1 went inside so I wouldn't know if that's the bank inside but
2 I'm gathering it is.

3 Q Okay. When you got to the bank, did you drive up to the
4 box?

5 A Yes.

6 Q How did you -- what did you drive up to the box in?

7 A The red Durango.

8 Q How did you position the red Durango when you drove
9 there?

10 A I didn't drive in.

11 Q Who drove in?

12 A Tommy Dono.

13 Q Where were you?

14 A In the passenger seat.

15 Q Was there anybody else in the car?

16 A Eddie.

17 Q So, the three of you?

18 A Yes.

19 THE COURT: You say Eddie --

20 THE WITNESS: Eddie Boyle. We backed up onto the
21 sidewalk.

22 Q Just explain what you did -- well, first, who else was
23 there?

24 A It was William Galloway and John Micali. William
25 Galloway at the time had a broken leg so he really was in the

1 car down the block from it in like a gas station at the
2 corner. Up the other block from it would be John Micali in
3 the woods, he stayed outside.

4 Q Okay. So, explain once you drove up or in the car?

5 A After we set up?

6 Q Yeah, what happened?

7 A We backed the car up, we took out a chain and we hooked
8 it up to the back of the car and we put the chain on the door,
9 once opened it so it would open up all the way, then backed up
10 again, hooked it up again and ripped the box out.

11 Q Where were you and where was Eddie Boyle and where was
12 Tommy Dono?

13 A Outside of the truck.

14 Q Who hooked up the chain?

15 A I guess it might have been me. I think it was me that
16 hooked it up.

17 Q Who was driving the car?

18 A Tommy Dono.

19 Q Now, does this photo show anything about how you backed
20 up or where you backed up the car?

21 A Yeah, if you look at the tire tracks shows right there
22 where we pulled up.

23 Q Those are the tire tracks from the SUV?

24 A Yeah.

25 Q Do you see anything laying on the ground in that

1 photograph?

2 A Yeah, the fishing gaff.

3 THE COURT: The what?

4 THE WITNESS: The fishing gaff.

5 Q Is that a gaff that you used?

6 A Yes.

7 Q Now, once the car moved forward what happened to the box
8 itself?

9 A The chain, you know, it was hooked up to the truck
10 obviously and it just pulls it off.

11 Q I'm going to show you what we've marked for
12 identification as Government Exhibit 25-A I believe and ask
13 if you recognize what this is.

14 I'm going to bring this up.

15 THE COURT: What is the number?

16 MR. LIPTON: 25-A.

17 THE COURT: Have you shown it to Mr. Geduldig?

18 MR. GEDULDIG: He did, Judge.

19 Q Take this and look inside there and see if you recognize
20 what that is; just look at it while it is in the bag before
21 you show the jury.

22 A It is the chain.

23 Q Okay. You can put it back. When was the last time you
24 recall seeing that chain?

25 A June 27th.

1 Q Is that from your house?

2 A Yes.

3 Q Did you use that chain on this job?

4 A No.

5 Q Is that the type of chain you used in bank burglaries?

6 A Yes.

7 Q Is that in the same or similar condition as when you last
8 saw it at your house?

9 A Yes.

10 MR. LIPTON: Government moves 25-A, Your Honor.

11 MR. GEDULDIG: I've been objecting, Judge, to things
12 that were taken out of his house that weren't used in the
13 crimes that are charged.

14 THE COURT: What is this for?

15 MR. LIPTON: This is the same type of chain that was
16 used in this bank job. He says it is not the same but it is
17 similar to the one that was used.

18 THE COURT: And this was taken from his house?

19 MR. LIPTON: Yes, Judge.

20 THE COURT: I'll allow it for whatever it is worth.

21 You understand this is a chain that was not used in
22 the job but it was similar, ladies and gentlemen.

23 Q Can you just take the chain out.

24 MR. LIPTON: May we publish it to the jury?

25 THE COURT: Yes.

1 Q Just hold it up and show -- explain how you go about
2 hooking that up and use it to take off the box?

3 A It gets hooked up to the back of the car and then you
4 have the other hook.

5 A JUROR: Speak up.

6 THE COURT: First of all, stand up.

7 THE WITNESS: You hook this up to the box, I guess
8 if the box was open it would be on there. You wrap this
9 around any part of the back of the car or a four-by-four has
10 hooks on it usually, we usually do it through the front but
11 this car didn't have front hooks so we did it through the
12 back. As you can see, it easily hooks like this. Then it is
13 hooked up and then you just drive away, it pulls it right out
14 of the wall.

15 Q Mr. Bellafiore, do you recall where you bought that
16 particular chain?

17 A Home Depot.

18 Q Do you recall when?

19 A When, the last -- oh, the week of Father's Day.

20 Q What year?

21 A 2000.

22 Q June of 2000?

23 A Yeah.

24 Q Did you buy anything else with that chain?

25 A A saw and a crowbar.

1 Q Do you know if you bought this crowbar which would be
2 Government Exhibit 25-B?

3 A It could have been.

4 THE COURT: What was that number, 45 or 25?

5 MR. LIPTON: 25.

6 THE COURT: 20?

7 MR. LIPTON: 25-B.

8 THE COURT: Okay.

9 THE WITNESS: It could have been.

10 Q Does it --

11 A I'm not too sure.

12 Q Does it look like the same?

13 A It looks the same but --

14 Q When you went to Home Depot on Father's Day 2000, who
15 were you with?

16 A Me, Tommy Dono, John Micali, my father-in-law,.

17 THE COURT: Your father-in-law?

18 THE WITNESS: Yes, Joseph Angelo, and that was it.

19 Q Where was that Home Depot?

20 A I'm trying to think. It was -- might have been in Palm
21 Beach, I'm not too sure, I don't know the counties. I don't
22 really remember.

23 Q What state?

24 A It's in Florida.

25 Q Okay. I take it the box came off the wall?

1 A Yes, the second time.

2 Q What did you do once it came off?

3 A Like every other job, basically you go in the hole, take
4 the money out. This one the money was pretty much to the top
5 so I was able to get a lot of it out by my hands. When I
6 started to use the spear it was actually a lot longer than it
7 should have been and I couldn't get most of it out but then as
8 that happened the cops pulled in from the side and we had to
9 leave.

10 Q Okay. We'll get to that in a moment. What did you put
11 the money in?

12 A Like a laundry bag, black laundry bag.

13 Q I show you Government Exhibit 23, which is already in
14 evidence, Your Honor.

15 I ask you if you recognize what this is? Do you
16 recognize that?

17 A Yes.

18 Q What is that?

19 A It is a fishing gaff.

20 Q Is that the same fishing gaff you used on this job?

21 A Yes.

22 Q What happened after you took the money out?

23 A A cop pulled into the parking lot and we had to drive
24 out.

25 Q What did you do specifically?

1 A I was taking the money out.

2 Q Yeah.

3 A And then the cop pulled in and we had to leave, we had to
4 drive out.

5 MR. GEDULDIG: Could he talk up a little judge.

6 THE COURT: Yeah, keep your voice up.

7 THE WITNESS: Okay.

8 Q Let me take that back from you.

9 A We had to drive out of the parking lot because the cop
10 pulled in.

11 Q When you first left the parking lot who was driving?

12 A Tommy Dono.

13 Q Okay. Did that change at some point?

14 A Yeah.

15 Q What happened?

16 A As we were driving, the cop pulled -- he was going
17 towards that first to check on that and as we started driving
18 out of the lot, me and Tommy switched seats as the car was
19 driving, I jumped in the driver's seat.

20 Q Before you got into the car did you bring any of the
21 money with you?

22 A Yes, we had the money, it was in the bag.

23 Q Now, was there any reason that you switched with -- was
24 it Tommy Dono?

25 A Yes.

1 Q Why did you switch?

2 A I'm a better driver than him and plus he's handicapped,
3 Tommy, he has one arm.

4 Q When you say one arm, what does that mean?

5 A He's handicapped, his arm, he has no feeling in one arm.

6 Q Okay. Where did you go once you were the one who was
7 driving?

8 A I went right to the expressway.

9 Q Did you see any police chasing you?

10 A Everywhere.

11 Q And who was in the car at that point?

12 A Me, Tommy, Dono, Eddie Boyle.

13 Q What were Tommy Dono and Eddie Boyle doing when you were
14 driving?

15 A They were in the car.

16 Q Were they doing anything in the car?

17 A Getting rid of all the other stuff we had that was in the
18 car, tools out of the car, throwing them out, the chain, the
19 gaffs, whatever we had, little screwdrivers, everything.

20 Q Did you keep the money?

21 A Of course we kept the money.

22 Q Did you lose the police?

23 A Yes.

24 Q What did you do with the SUV?

25 A Pulled over, parked it and we locked it up and we walked

1 away.

2 MR. LIPTON: Publish 18-D, that's already in
3 evidence.

4 Q Do you recognize that?

5 A Yes.

6 Q What's that?

7 A That's the truck.

8 Q What type of truck?

9 A The SUV, Dodge Durango.

10 Q Can you see the license plate?

11 A Yes.

12 Q What is it?

13 A R38 3WZ.

14 Q What state license is that?

15 A It is New York.

16 Q Does that look like where you parked the car?

17 A Yes.

18 Q What did you do with the money after you parked the car?

19 A We walked like two blocks from this way, from the
20 driver's side into like a neighborhood, like a complex of
21 houses and there was like cars parked and we put the money
22 under a parked car.

23 Q What did you do after you put the money under a parked
24 car?

25 A We were actually trying to find a way to get home, we had

1 to find out how we were going to leave from there. First we
2 were looking for a place to stay and hide. Then we decided
3 that's not going to work, let's walk and we walked to a diner.

4 Q What did you do at the diner?

5 A We had to find a cab to drive us out of there.

6 Q Did you find a cab?

7 A Yes.

8 Q Explain what happened?

9 A A cab picked us up, I don't know who exactly who caught
10 the cab but we got a cab to get us out of there and we got in
11 the cab and he drove us halfway home.

12 Q Who is the "we" that was in the cab?

13 A Me, Tommy Dono and Eddie Boyle.

14 Q Did you first go by where the money was?

15 A Yes, we we went by.

16 Q What happened?

17 A We did not take the money.

18 THE COURT: You didn't take the money?

19 THE WITNESS: No.

20 THE COURT: Just left it under the car?

21 THE WITNESS: Yeah.

22 Q Why did you do that?

23 A I don't know, we just didn't take it. We were going to
24 take it but we left it.

25 Q Where did the car go?

1 A The cab drive us to someplace in Pennsylvania, then from
2 there we got another cab to drive us to my house in Staten
3 Island.

4 Q Would the first cab take you all the way home?

5 A No.

6 Q What did you do when you went to your house?

7 A Yes.

8 Q What did you do when you got to your house?

9 A I immediately went upstairs -- I had no keys to get in
10 because Willy Galloway had the key to get into my house
11 because he had my rental car, him and John Micali, I imagine
12 he picked them up.

13 MR. GEDULDIG: Objection to what he imagined.

14 THE COURT: Sustained.

15 Q Just tell us what you know?

16 A They went home, they were at my house. I got the keys
17 from my house, I got Willy up and we drove right back up to
18 Binghamton with Tommy Dono and we got the money.

19 Q Well --

20 THE COURT: The money was still there?

21 THE WITNESS: Yeah, it was under the car.

22 Q Who drove up there with you?

23 A Me, Tommy Dono and William Galloway.

24 Q Did Eddie Boyle go with you?

25 A No.

1 Q What did he do?

2 A He went home to report the car stolen.

3 Q Why?

4 MR. GEDULDIG: Objection.

5 THE COURT: Sustained.

6 Q Did you discuss what he was going to be doing when he
7 went home?

8 A Yes.

9 Q Did you discuss why he was going to be reporting the car
10 stolen?

11 A Because it was used in a crime.

12 THE COURT: No, no, did you discuss it, yes or no?

13 THE WITNESS: No.

14 THE COURT: No?

15 THE WITNESS: We didn't discuss why.

16 Q You did not discuss it?

17 A No, we didn't have to discuss it, it was pretty relevant.

18 Q Did you end up finding the bag?

19 A Yes.

20 Q Where did you go once you got that bag?

21 A We went back to Thomas Dono's house.

22 Q Where is that?

23 A In Staten Island.

24 Q Did you drive through New Jersey? Can you see where the
25 bank is located (indicating)?

1 A Uh-huh.

2 Q Can you see where Staten Island is?

3 A Yes.

4 Q Did you drive through New Jersey?

5 A Yes.

6 Q Did you go to Tommy Dono's house?

7 A Yes.

8 Q And what did you do at Tommy Dono's house?

9 A We split -- we took all the money out of the bags and we
10 split up the money.

11 Q How much did you get in total?

12 A Close to \$40,000.

13 Q How did you split the money between you?

14 A We did it even.

15 Q Who got money?

16 A Me, John Micali, Eddie Boyle, Tommy Dono, and Willy.

17 THE COURT: So 40,000 five ways?

18 THE WITNESS: Uh-huh.

19 Q Later did you learn of anything happening to Eddie Boyle?

20 A He got arrested.

21 Q Do you know what for?

22 A For that bank job.

23 Q When you went through New Jersey did you still have the
24 money on the way back to Tommy Dono's?

25 A Yes.

1 Q Later did the subject of the money come up again?

2 A Yes.

3 Q Who did you have a discussion with?

4 A Tommy Dono.

5 Q What was that discussion?

6 A They wanted to get money for Eddie's lawyer and stuff
7 like that.

8 Q That was Tommy Dono wanted?

9 A Yes.

10 Q Later did you learn about anybody going to visit Eddie
11 Boyle?

12 A Yes.

13 Q Who was that?

14 MR. GEDULDIG: Objection.

15 Can I have just one second, Judge.

16 (Pause.)

17 MR. GEDULDIG: I withdraw, Judge, I have no
18 objection.

19 THE COURT: Okay, go ahead.

20 Q Who was that?

21 A Thomas Carbonaro.

22 Q Does he have a nickname?

23 A Huck.

24 Q Who do you know him to be?

25 MR. GEDULDIG: Objection to that. I'll ask for an

1 offer of proof at the side-bar.

2 THE COURT: No. Who is Huck?

3 MR. GEDULDIG: Judge, I think I know what he's going
4 to say and I think it is unrelated to the case here, that name
5 hasn't popped up at all, it's got nothing to do with anything
6 and I think it is going to be inflammatory.

7 MR. LIPTON: This was in a motion, Judge, that you
8 ruled on.

9 THE COURT: Let's go to the side-bar so I can hear
10 you so we're consistent.

11

12

13 (The following takes place at side-bar.)

14 THE COURT: What does it make any difference who
15 Huck Carbonaro is?

16 MR. LIPTON: This witness knows Huck Carbonaro
17 through Tommy Dono who is his nephew, is part of this crew,
18 Sal Mangiavillano, who is also a part of the crew, did a
19 number of crimes with Sal Mangiavillano and it shows that a
20 member of the crew is going up to go see the defendant and
21 shows the relationship between all the members of the crew.
22 It was in our 404(b) motion.

23 THE COURT: The question is who is Huck Carbonaro.

24 MR. LIPTON: He's going to say Tommy Dono's uncle.

25 MR. GEDULDIG: Part of my fear is he's going to say

1 more than that.

2 THE COURT: He's going to say he's organized crime.

3 MR. GEDULDIG: He's Gambino. Huck hasn't been named
4 in a single case that they've charged or --

5 MR. LIPTON: It is going to come up through Sal
6 Mangiavillano but we can elicit just --

7 THE COURT: It is his uncle.

8 MR. LIPTON: I'll just stop at that. I'll ask a
9 leading question to say is that his uncle.

10 MR. GEDULDIG: Okay. You're going to ask a leading
11 question. Well, my objection stands but if we're going to go
12 ahead.

13 MR. LIPTON: I'll just stop there.

14 (End of side-bar.)

15 (Continued on next page.)

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1 Q And is Thomas Carbonaro related to anybody that you know?

2 A Yes.

3 Q Who's that?

4 A Tommy Dono.

5 Q How are they related?

6 A That's his uncle.

7 Q Did you end up giving Eddie Boyle any extra money?

8 A No.

9 Q Why not?

10 A I just didn't.

11 Q Now, was that the last bank burglary that you did with
12 Eddie Boyle?

13 A Yes.

14 Q I think before you indicated that had you been to Eddie
15 Boyle's apartment before?

16 A Yes.

17 Q Where that was located?

18 A 13th Avenue -- 13th -- 12th Avenue, 85th Street.

19 Q Can you please turn to 21-A and B in your book.

20 A Okay.

21 Q Do you recognize those photographs?

22 A Yes.

23 Q What are those photographs of?

24 A Eddie Boyle's house.

25 Q Does that fairly -- when was the last time you were

1 there?

2 A I can't remember.

3 Q Was it around the same time frame?

4 A Yeah, '99. A specific date, no, I don't know.

5 Q Does that photograph fairly and accurately represent how
6 it looked back then?

7 A Yes.

8 MR. LIPTON: The government moves 21-A and B.

9 THE COURT: What is it, what number?

10 MR. LIPTON: 21-A and 21-B.

11 THE COURT: Counsel?

12 MR. GEDULDIG: I'm going to object, Judge.

13 THE COURT: Okay, received.

14 MR. LIPTON: Thank you, Judge.

15 Can we publish?

16 THE COURT: Yes.

17 Q Can you see both of those photographs on the screen
18 there?

19 A Yes.

20 Q Describe what we're looking at in the top one first?

21 A That's the corner of 12th Avenue and 85th Street.

22 Q How about the bottom one?

23 A That's the specific house you're talking about, Eddie
24 Boyle's house.

25 Q Where does he live in that house?

1 A Down the basement.

2 Q You had been there before?

3 A Yes.

4 Q Had you ever seen any burglar's tools there?

5 A Yes.

6 Q Now, in addition to the bank burglaries you did
7 with Eddie Boyle, did you learn of a robbery he was
8 involved in?

9 A Yes.

10 Q Who were you talking to when you first heard about
11 the robbery?

12 A Fat Sal Mangiavillano.

13 Q Mangiavillano?

14 A Yes.

15 Q The same one on the board?

16 A Yes.

17 Q What were you discussing with Mangiavillano when the
18 robbery came up?

19 MR. GEDULDIG: Judge, I'm going to object.

20 We're going to have apparently Mangiavillano as a
21 witness, so to have him testify as to what Mangiavillano said
22 is bootstrapping.

23 THE COURT: He's part of the conspiracy. Do you
24 want to say something?

25 MR. LIPTON: It is part of the conspiracy, it is an

1 enterprise member, this is what they're talking --

2 THE COURT: I'll allow it.

3 Q What were you discussing with Mangiavillano when the
4 robbery came up?

5 A Well, we were talking -- obviously I was just getting out
6 of jail on my first, doing my first 33 months and I was in the
7 halfway house, this is a different halfway house, this was in
8 '96, '95, and I got out and I was in the halfway house in
9 downtown Manhattan or Manhattan, downtown, Manhattan, and he
10 came to visit me, him and Tommy Dono came to see me, I haven't
11 seen them since, you know, the 33 months and by that -- before
12 that we weren't really talking as much because I got arrested
13 and stuff like that and now that when I got out we started
14 talking again and, you know, he was just telling me about, we
15 were talking more or less about the first robbery I did was
16 the Staten Island Mall, the smash and grab and how they had
17 guns and we should have never had guns and he never used guns,
18 he did a big robbery and never used a gun, he actually left
19 rubber guns wherever, on the floor, and that was, you know,
20 basically the first time I heard about it and they stole over
21 a million dollars, that's what was told to me.

22 Q Did he tell you how they entered the place that they
23 robbed?

24 A No, I don't remember that, I don't remember that.

25 Q Did he tell you who else was involved?

1 A No, I heard it more or less through every individual --

2 MR. GEDULDIG: Objection.

3 A -- one by another.

4 MR. GEDULDIG: Objection.

5 THE COURT: Just a second.

6 What is the question?

7 MR. LIPTON: Did he tell you who else was involved.

8 MR. GEDULDIG: And his answer was no.

9 THE COURT: Okay. I'll sustain it.

10 Q Did you know what kind of place was robbed from Sal
11 Mangiavillano?

12 A Some kind of institution, he didn't tell me what kind, if
13 it was a bank, he didn't tell me. He just basically told me
14 they made money. At that point we were just feeling each
15 other out --

16 MR. GEDULDIG: Objection, he's not answering the
17 question.

18 THE COURT: Sustained.

19 Q If you could just try to answer the question.

20 Q Later did you talk to Beck, Bekim Fiseku about it?

21 A Yes.

22 Q When approximately did you talk to Beck?

23 A Probably within that time frame, '96 to '97 when I was
24 free.

25 Q What did you learn from Beck?

1 A That he was involved in a robbery that he made \$250,000.

2 Q Did he tell you what he did with the money?

3 A He didn't have to tell me what he did with it, I know
4 what he did with it.

5 THE COURT: The question is did he tell you, yes or
6 no?

7 THE WITNESS: No.

8 Q Did you learn what he did with the money?

9 A Yes.

10 Q What was that?

11 A He spent it on cars, he spent it on his girlfriend,
12 he just spent his money.

13 Q At some point did you talk to Eddie Boyle about
14 Beck?

15 A Throughout one of our bank jobs going out at night,
16 yes.

17 Q Which job that we discussed?

18 A It was one of the Long Island jobs.

19 Q What did you say about Beck?

20 A Just that how he spent all his money, you know, stuff
21 like that.

22 Q What did Eddie Boyle say?

23 A He didn't spend his money like he did.

24 Q You said "he" twice?

25 A Beck -- Eddie did not spend his money like Beck did, he

1 put his money into real estate.

2 Q When you say he put his money into real estate, did he
3 say anything else?

4 A Meaning Eddie put his money into real estate.

5 Q Did he say what?

6 A Houses.

7 Q Moving to a new subject, shortly after the last bank
8 burglary with Eddie Boyle did you move away from New York
9 City?

10 A Yes.

11 Q Where did you move to?

12 A Florida.

13 Q When was that approximately?

14 A '99.

15 Q Did you continue to burglarize banks when you were in
16 Florida?

17 A Yes.

18 Q When was the first bank you successfully burglarized in
19 Florida?

20 A Super Bowl Sunday.

21 Q What year?

22 A In '99.

23 Q Who did you do it with?

24 A Me, Beck, his cousin Ned, and two other cousins of his
25 that I didn't know the names.

1 THE COURT: This is Ned the Head?

2 THE WITNESS: Yes.

3 Q Let me show you, actually if you can turn in your book to
4 2-M.

5 A I got it.

6 Q Do you recognize who that is?

7 A That's Ned.

8 MR. LIPTON: Government moves 2-M.

9 THE COURT: Counsel?

10 MR. GEDULDIG: No objection.

11 THE COURT: Received.

12 MR. LIPTON: Thank you, Judge.

13 Q You said it was Beck; it was the same Beck that you
14 discussed before?

15 A Yes.

16 Q How much did you get from that bank?

17 A About 60,000.

18 Q Did you go out and burglarize more banks in Florida?

19 A Yes.

20 Q Who were some of the people you burglarized banks with in
21 Florida?

22 A Me, Anthony Zaffarino, Joseph Angelo, Willy Galloway,
23 Vinny Kuminski, John Micali, Joe's son, Joe Spennato, Joe
24 Cerbone, and other people.

25 Q Did you mention Joe Angelo?

1 A Yes.

2 Q Can you look at 2-N in your book.

3 A Yes.

4 Q Who is that?

5 A That's Joseph Angelo.

6 Q Are you related to him?

7 A Through marriage.

8 Q Through marriage?

9 A Yes.

10 Q Who is that?

11 A That's my wife's father.

12 MR. LIPTON: We move 2-N.

13 MR. GEDULDIG: No objection.

14 THE COURT: What's your wife's father's name?

15 THE WITNESS: Joseph Angelo.

16 THE COURT: Okay.

17 First of all, did you offer it?

18 MR. LIPTON: I just did, yes, Judge, I'm sorry.

19 MR. GEDULDIG: What is the number?

20 MR. LIPTON: 2-N.

21 THE COURT: Received.

22 MR. GEDULDIG: 2-N as in Nancy?

23 MR. LIPTON: Yes.

24 MR. GEDULDIG: And that's Joseph Angelo?

25 MR. LIPTON: Yes.

1 Q Do you recognize who's in 2-0?

2 A Yes.

3 Q Who is that?

4 A Joe Cerbone.

5 MR. LIPTON: Government moves 2-0.

6 MR. GEDULDIG: No objection.

7 THE COURT: Received.

8 Q Can you look at 2-R?

9 A Joe Spennato.

10 Q Do you recognize that?

11 A Yes.

12 MR. LIPTON: Government moves 2-R.

13 MR. GEDULDIG: No objection.

14 THE COURT: Received.

15 MR. LIPTON: Thank you, Judge.

16 Q I think before I might have left one out; did you mention
17 somebody named Fabrizio DeFrancisci?

18 A Yes.

19 Q Can you look at 2-S, see if you recognize that
20 individual?

21 A Yes.

22 Q Who is that?

23 A Fabrizio.

24 MR. LIPTON: Government moves 2-S.

25 MR. GEDULDIG: I'm sorry, who is 2-S?

1 MR. LIPTON: 2-S, Fabrizio DeFrancisci.

2 MR. GEDULDIG: Okay.

3 MR. LIPTON: May we publish?

4 THE COURT: Yes.

5 MR. LIPTON: Is that accepted?

6 THE COURT: Received.

7 Q Did you mention an individual named George Ludwigsen that
8 you did banks with in Florida?

9 A I didn't mention him, no.

10 Q Did you do banks with that person?

11 A Yes.

12 Q Who is George Ludwigsen?

13 A That's Chris Ludwigsen's brother.

14 Q Now, in '99 were you also in touch with Chris Ludwigsen
15 in Florida?

16 A Yes.

17 Q Did you discuss any criminal activity with him when you
18 were down there?

19 A Yes.

20 Q What criminal activities did you discuss?

21 A Banks.

22 Q Was there any one bank in particular?

23 A Yes.

24 Q What was that?

25 A The one he told me about, a bank that somebody worked in

1 that there was money in the back room.

2 Q And did you do anything with that information?

3 A I went and looked at it but it never turned into
4 anything.

5 Q So, did you carry it out?

6 A No.

7 Q So, when you went down to Florida, did the group of
8 people you did burglaries with start to expand?

9 A A little bit.

10 Q How many bank burglaries did you do while you were in
11 Florida?

12 A Maybe about 40 to 50.

13 Q What period of time you said you got down there?

14 A '99 to 2000.

15 Q Okay. Did you ever do any of those banks by yourself,
16 alone?

17 A Yes.

18 Q How many?

19 A Two.

20 Q Were either of those successful?

21 A Yes.

22 Q Both?

23 A Yes.

24 Q What is the most money that you made from any one bank in
25 Florida?

1 A In Florida, 100 and 30 something, 130.

2 Q Do you recall what bank that was?

3 A I think Bank of Atlantic.

4 Q While you were in Florida did you also burglarize banks
5 in other states?

6 A Yes.

7 Q What states did you go to?

8 A Vegas, back to Wisconsin.

9 Q How many banks did you try to burglarize in Wisconsin?

10 A Three or four.

11 Q What is the most money you made from any one of those
12 banks?

13 A 290,000.

14 Q How many times did you go to Las Vegas?

15 A Las Vegas, I went three times.

16 Q On the first time did you go to burglarize banks?

17 A No.

18 Q What was the purpose of your trip?

19 A I went down there to see somebody about picking up money.

20 Q So, to collect money?

21 A Yeah.

22 Q Did you actually collect any money?

23 A No.

24 Q How many banks did you burglarize or try in Las Vegas all
25 together?

1 A Nine.

2 Q Were any successful?

3 A Some.

4 Q Did you gamble any of that money?

5 A Yes.

6 Q What was the purpose of gambling some of that money?

7 MR. GEDULDIG: Objection.

8 THE COURT: What is the purpose of gambling?

9 MR. LIPTON: Gambling that money from the banks,
10 Judge.

11 THE COURT: I don't understand that.

12 MR. LIPTON: I could tell you at side-bar. I think
13 it will become clear with one question.

14 THE COURT: People gamble to win money.

15 MR. LIPTON: Not in this case necessarily.

16 THE COURT: I'll let you answer it.

17 THE WITNESS: What happens is we could do -- when
18 you do the night deposit boxes and we did make money, there's
19 fives, tens, you can't go with that kind of mixed up money on
20 a plane and from Vegas, where did you come with that money,
21 Vegas is very small, you do a job out there, they're going to
22 know about it and they're going to check the airports when you
23 go through with money that is mix-matched, where did you get
24 it from, you didn't gamble it, you know if you gambled it
25 you'd claim fives, tens; just to say I gambled I took \$2,000,

1 I went into the -- what is the name of the place.

2 THE COURT: Okay, I get the message.

3 THE WITNESS: You just clean the money, get \$100
4 bills, it is wrapped by Mirage, it is done, you walk through
5 with 20, \$30,000, they ain't going to stop you.

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8 (Continued on next page.)

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1 (TIME noted: 3:15 p.m.)

2 CONTINUED DIRECT EXAMINATION

3 BY MR. LIPTON:

4 Q When did you try your last bank burglary?

5 A My last one I tried was on Father's Day.

6 Q What year?

7 A 2000.

8 Q Now, how many banks do you think you burglarized
9 altogether?

10 THE COURT: From when to when?

11 Q The entire time. I think you said early '90s through
12 Father's Day 2000.

13 A Several hundred.

14 Q How much money did you steal altogether from those banks,
15 would you say?

16 A About \$5 million.

17 Q I want to turn your attention to June 27, 2000. What
18 happened on that day?

19 A The FBI came to my house and arrested me.

20 Q Were you incarcerated after that?

21 A Yes.

22 Q How long?

23 A Until I recently got out of prison.

24 Q When did you get out of prison?

25 A Last year, October.

1 Q 2003?

2 A 2003. I am sorry. 2003.

3 Q Were you released on bail that day?

4 A Yes.

5 Q Did your attorney make a bail application?

6 A Yes.

7 Q Did the government consent to that application?

8 A Yes.

9 Q Who decided that you would be released from prison on
10 bail?

11 MR. GEDULDIG: Objection.

12 THE COURT: I don't understand that.

13 MR. LIPTON: If he knows who the person who
14 authorized it is.

15 THE COURT: The judge always authorizes it.

16 MR. LIPTON: I am not sure if he knows that, Judge.

17 MR. GEDULDIG: If he doesn't know that --

18 THE COURT: Who cares? Yeah.

19 MR. LIPTON: Okay.

20 Q Now, while you were in prison, did you receive any
21 discipline, before were you a cooperator?

22 A Yes.

23 Q What did you do?

24 A Basically I had a balance, interfering with account.

25 Q Did you receive any discipline once you started

1 cooperating with the government?

2 A Yes, I have.

3 Q Did one involve a fight with another inmate?

4 A Yes.

5 THE COURT: You are testifying.

6 MR. LIPTON: He asked a question.

7 THE COURT: You are testifying. Did it involve a
8 fight? You don't have to do that, he does that.

9 MR. LIPTON: Trying to move things along, Judge.

10 Q What was the discipline?

11 A Which one?

12 Q How many times were you disciplined?

13 A I had three of them. The three of them I had one for
14 arguing with an officer. I had a fight. And just refusing an
15 order.

16 Q Were you punished for those three incidents?

17 A Yes.

18 Q What was your punishment for the most serious one?

19 A The one was having a fight. I got 30 days for it.

20 THE COURT: In the hole?

21 THE WITNESS: Yes.

22 Q What is the hole?

23 A Segregation.

24 THE COURT: It is called administrative segregation
25 now I think. Is that what they call it?

1 THE WITNESS: No. Administrative is when you are
2 put in the hole just on pending an investigation.

3 THE COURT: But it is the hole, right?

4 THE WITNESS: Yes.

5 Q Was the judge who granted your bail made aware of those
6 incidents?

7 A Yes.

8 Q While you were in prison, did you take any prescription
9 medication?

10 A Yes.

11 Q For what?

12 A For ADHD.

13 Q Do you know what that is?

14 A Attention deficit disorder or something like that.

15 Q Is that prescribed by a doctor?

16 A Yes.

17 Q You still take medication today?

18 A No.

19 Q When did you stop?

20 A The day I left the jail.

21 Q Did you receive any financial assistance while you were
22 in prison?

23 A Yes.

24 Q What did you get?

25 A Money from the FBI.

1 Q How much did you get?

2 A Like \$150 a month.

3 Q For what purpose?

4 A Just to help me out. The commissary and stuff. There
5 was no jobs in there.

6 Q What is commissary?

7 A Commissary, you buy stuff to eat.

8 Q Food?

9 A Yes.

10 Q How much did you receive total, approximately?

11 A I don't know. I didn't add it up. Maybe \$1,000 tops in
12 jail.

13 Q Before getting out of prison, did you contemplate going
14 into the witness security program?

15 A Yes.

16 Q Did you decide to go into the program?

17 A No.

18 Q As a result, did the FBI help relocate you to an
19 undisclosed part of the country?

20 A Yes.

21 Q What was the reason for that?

22 A Well, obviously I can't live in New York City.

23 Q Why?

24 A Because I am testifying.

25 Q Is it for your safety?

1 A Yes.

2 Q Did you receive any financial assistance from the FBI to
3 make that move?

4 A Repeat the question?

5 Q Did you receive any financial assistance to make the move
6 where you moved to?

7 A Yes.

8 Q How much did you get?

9 A \$17,000 approximately.

10 Q What was that for, generally?

11 A To help me out, get a car, a place to live, to move me
12 down from one city to another. And help me financially. That
13 would last for a little bit to find a job.

14 Q Did the FBI also help you get a license in your real
15 name?

16 A I am still in the process of doing that.

17 Q To get a license in your real name, what did you have to
18 do?

19 A I had to start going to the -- I have to get ID.

20 Q I am sorry?

21 A I have to get all my original ID. I don't have it. I
22 didn't have it at the time. I have it now.

23 Q What else do you have to do to get that?

24 A Start by going to the Social Security office. I had to
25 find my birth certificate. I had a lot of stuff.

1 Q Did you have to do anything with DMV?

2 A I had to go to DMV. I had to pay tickets, which the FBI
3 paid for.

4 Q A lot of tickets?

5 A Yes.

6 Q You know how much?

7 A Over 100.

8 Q The FBI paid for that?

9 A Yes.

10 Q How much did they pay, if you know?

11 A I don't know.

12 Q A rough number?

13 A Five or 6,000.

14 Q Even with the FBI's help, is it cleared up totally?

15 A No.

16 Q Why is that?

17 A I still have other little things --

18 MR. GEDULDIG: Objection.

19 THE COURT: What is the objection?

20 MR. GEDULDIG: Form of the question. He is asking
21 this witness why some agency hasn't paid up his traffic
22 tickets.

23 MR. LIPTON: Why isn't it resolved? If he doesn't
24 want to cross examine on it.

25 THE COURT: No.

1 Q You hope that will be cleared up soon?

2 A Yes.

3 Q In the meantime have you continued to live under the name
4 Bellafigiore?

5 A William Bellafigiore. Yes.

6 Q Under that drivers license?

7 A Yes.

8 Q Let me turn your attention to August 11th, 2000. What
9 happened on that day?

10 A August 11th, 2000?

11 Q Yes.

12 A You have me confused right now.

13 Q Were you indicted at some point?

14 A Yes, sir. Yes, I was indicted.

15 Q Does that sound like the date?

16 A I didn't really pay attention to much of that stuff.

17 Q You were charged with a federal crime, is that right?

18 A Yes.

19 Q What were you charged were?

20 A I was charged with a number of crimes, burglaries,
21 robberies, everything.

22 Q Was it a RICO case?

23 A A RICO, yes.

24 Q In addition to the robberies, were there burglaries?

25 A Yes.

1 Q Also an arson?

2 A Yes.

3 Q Did the arson have to do with the burglaries?

4 A Yes.

5 Q What did you do -- how was that arson? What was that
6 arson?

7 A We set a car on fire after one of my friends came back
8 from where he was at. We burned the car to get rid of the
9 evidence, fingerprints or whatever.

10 Q Is that from a burglary?

11 A Yes.

12 Q Bank burglary?

13 A Yes.

14 Q Under the indictment, how much time did you face in
15 prison?

16 A Under the indictment, I am facing like 14 years.

17 Q That is like the highest?

18 A Yes.

19 Q At some point after you were indicted, did you decide to
20 cooperate with the United States?

21 A Yes.

22 Q When was that?

23 A Towards the end of 2000.

24 Q As a result, did you again meet with the government?

25 A Yes.

1 Q What did you do?

2 A I basically had to change lawyers, get another lawyer.
3 And meet with the government, and sit with the prosecutor.

4 Q When you met with the government, what did you do?

5 A I proffered for my crimes.

6 Q You proffered for your crimes. Explain to the jury what
7 that is.

8 A Proffer is you go in and you tell them what crimes you
9 committed and they determine whether you are eligible for --
10 your information is correct.

11 Q Let me turn your attention to February 21st, 2001. What
12 happened on that day?

13 A I plead guilty.

14 Q To what crimes?

15 A To two bank robberies, one arson, three transportation of
16 stolen money, intercourse of money.

17 Q Is that the interstate charge?

18 A Yes.

19 Q Did you plead guilty pursuant to the cooperation
20 agreement?

21 A Yes.

22 Q Did you do that in open court or in secret?

23 A Secret.

24 Q Why was that?

25 A For my safety.

1 Q Under the agreement are you facing 14-and-a-half years
2 that you mentioned?

3 A No. I am facing more.

4 Q That is for the crimes -- 14-and-a-half years for the
5 crimes in the indictment?

6 A Yes.

7 Q On the street -- when you went to prison, did you have an
8 understanding of the people that you committed the crimes
9 with, especially the burglaries, about cooperating with the
10 government?

11 A Yes.

12 Q What was that understanding?

13 A You just ain't supposed to talk to the government, or
14 even police for that matter. It just wasn't heard of. It is
15 not the thing to do.

16 Q On the street what would happen if they found out you
17 were cooperating?

18 A I could have been killed.

19 Q What were the reasons that you decided to go against the
20 way you lived your life on the street and cooperate with the
21 government?

22 MR. GEDULDIG: Objection, Judge.

23 THE COURT: I will allow it. Did you ask him why
24 decided to cooperate?

25 MR. LIPTON: Yes, Judge.

1 THE COURT: I will allow it.

2 A I am just done with this life. I don't want to commit
3 crimes any more. I don't want to go back and forth to jail.
4 I am going to come out 14 years from now for the same crimes
5 again? It ain't worth it.

6 Q Did you also hope that cooperating would reduce your
7 sentence?

8 A Yes.

9 Q Under the cooperation agreement, did you reveal
10 information about yourself?

11 A Yes.

12 Q What kind of information?

13 A Everything that I have done since I am 15 years old.

14 Q All of the crimes you testified about today?

15 A Yes.

16 Q All of the crimes, everything?

17 A Yes.

18 Q And all of the people you did it with?

19 A Yes.

20 Q Did your cooperation also include trying to help the
21 government, the FBI, find the banks?

22 A Yes.

23 Q In addition to the charges in the indictment that you
24 pled guilty to, did you also plead guilty to an additional
25 crime that was not in the indictment?

- 1 A Yes.
- 2 Q What crime was that?
- 3 A 924(c).
- 4 Q What is 924(c)?
- 5 A That is using a gun in the commission of a crime.
- 6 Q That is a statute provision?
- 7 A Yes.
- 8 Q What crime did you use a gun in the commission of?
- 9 A CVS drug.
- 10 Q Is that the one you told us about before?
- 11 A Yes.
- 12 Q In Manhattan?
- 13 A Yes.
- 14 Q When was that crime?
- 15 A That was in 1991, '92.
- 16 Q Did you have a gun?
- 17 A No.
- 18 Q Did others?
- 19 A Yes.
- 20 Q You were responsible for them having a gun?
- 21 A Yes.
- 22 Q When you pled guilty to that crime, did you waive the
23 statute of limitations?
- 24 A Yes, I did.
- 25 Q What is your understanding of the statute of limitations

1 as it relates to that crime?

2 A After, let's say five years, I am just going to use as an
3 example. After five years you are not able to be charged with
4 that crime, for that 924(c). So I waived that, to be able to
5 be charged with that.

6 Q So by waiving that, you allowed the government to charge
7 you with a crime that you couldn't be charged with?

8 A Yes. And that raises my time.

9 Q So a result of pleading to the gun charge, how much
10 additional time did you face in prison?

11 A Now it is 19 years.

12 Q That is 14-and-a-half plus the five?

13 A Yeah. It is consecutive.

14 Q What does that mean?

15 A That means it runs consecutive of the 14 years.

16 Q One after the other?

17 A Yes.

18 Q Is that mandatory?

19 A Yes.

20 Q How much time are you facing total under a cooperation
21 agreement?

22 A Close to 19 years, more than 19 years.

23 Q What is your understanding of the obligations under the
24 cooperation agreement?

25 A To be truthful, be able to come and testify, and bring me

1 to -- I guess, be forthcoming with everything. Don't commit
2 no crimes, new crimes. Just tell the truth.

3 Q Did you also agree to talk to the IRS about paying taxes
4 on the money that you stole?

5 A Yes, I have.

6 Q Is that required by your cooperation agreement?

7 A No.

8 Q Have you start that process?

9 A Yes.

10 Q Are you planning on resolving your IRS issues before you
11 are sentenced?

12 A Yes.

13 Q In your cooperation agreement is there anyone that you do
14 not have to testify against?

15 A Yes.

16 Q Who is that?

17 A Joseph Angelo, my father-in-law.

18 Q The person on the board, the bottom left?

19 A Yes.

20 Q Did you commit crimes with him?

21 A Yes.

22 Q Did you tell the government about those crimes?

23 A Yes.

24 Q Has the government asked you to testify against him?

25 A Yes. No, they didn't ask me to.

1 Q If the government asked would you testify?

2 A Yes, I had to.

3 Q You have to under your agreement?

4 A No.

5 Q But you would anyway?

6 A Yes.

7 Q Have you told that to your father-in-law?

8 A Yes.

9 Q If you decided not to testify against him, would the
10 judge who is going to sentence you know about it?

11 A Yes.

12 Q You have to testify against everyone else the government
13 would ask you to testify against?

14 A Yes.

15 Q Have you been sentenced yet?

16 A No.

17 Q Has it been scheduled?

18 A No.

19 Q What is your understanding of what the government will do
20 if you satisfy your obligations under the cooperation
21 agreement?

22 A I am supposed to get a 5K1 letter.

23 Q What is that?

24 A Which is for a reduction of sentence.

25 Q That is letter sent from the government?

1 A Yes.

2 Q To who?

3 A To the judge.

4 Q Who is your sentencing judge?

5 A Judge Korman.

6 Q That's another judge in this building?

7 A In this building, yes.

8 Q Does that letter obligate the judge to give you a lighter
9 sentence?

10 A It could -- he can do whatever he wants. It is up to the
11 judge.

12 Q Who decides what your sentence will be?

13 A The judge.

14 Q What is your understanding of what happens if you lie?

15 A The cooperation agreement will be ripped up.

16 Q Do you get to take your guilty plea back?

17 A No.

18 Q You do the full 19-and-a-half years?

19 A Yes.

20 Q Has anybody made promises to you as to what your sentence
21 will be?

22 A No.

23 Q As you sit here today, do you have any idea how much time
24 you are going to get on your sentence?

25 A No.

1 MR. LIPTON: Thank you, very much.

2 Nothing further, Your Honor.

3 THE COURT: Okay. I have to, ladies and gentlemen,
4 take care of my other jury so I am going to give you your
5 afternoon nature break. I will be back with you.

6 (Whereupon the jury leaves at 3:35 p.m.)

7 (Recess taken.)

8 (Matter continued on the next page.)

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1 (Time noted: 4:10 p.m. matter continued.)

2 (Jurors enter the courtroom.)

3 THE COURT: I am sorry. Ladies and gentlemen, have
4 a seat. I am doing so much.

5 Where is the witness?

6 (Matter continued on the next page.)

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1 (Witness resumes the stand.)

2 THE COURT: Mr. Geduldig.

3 Just a second. We addressed one of the jurors'
4 concerns about something hindering the view of the screen or
5 something like that. Which box are you referring to?

6 A JUROR: (Indicating.)

7 THE COURT: The little black box there. If that
8 happens again, raise your hand and I'll have them move it.

9 Mr. Geduldig.

10 MR. GEDULDIG: Thank you.

11 CROSS-EXAMINATION

12 BY MR. GEDULDIG:

13 Q Let me start. You're up on this board --

14 THE COURT: They can't see, your back.

15 (Pause.)

16 Q Okay. Mr. Bellafiore, you know all the people on that
17 chart, right?

18 A Pretty much so.

19 Q Okay. You were indicted, right?

20 A Yes.

21 Q And I think you got indicted and they gave a name to your
22 crew; is that right?

23 A No.

24 Q Weren't you indicted in a RICO count --

25 A Yes, I was.

1 Q -- indictment. Huh?

2 A Yes, I was.

3 Q Did you ever hear the name Bank Crew?

4 A I heard of the name.

5 Q Wasn't it in your --

6 THE COURT: Just a second, let him finish. Did you
7 ever hear the name Bank Crew?

8 THE WITNESS: Yeah, I heard of the name Bank Crew
9 but that wasn't the name we -- we didn't have any name.

10 Q Were you indicted?

11 A Yes.

12 Q Let me show you this and I'll ask you if you recognize
13 this sheet.

14 MR. GEDULDIG: Judge, could we just mark this as
15 Defendant's E I believe for identification.

16 THE COURT: What is Defendant's E?

17 MR. GEDULDIG: What is it, it is Mr. Bellafiore's
18 indictment.

19 THE COURT: Okay. Marked Defendant's Exhibit E.

20 Q That is your indictment, is it not?

21 A Yes.

22 Q And your name appears at the top of the list?

23 A Yes.

24 Q And there are a bunch of names underneath yours?

25 A Yes.

1 Q Could you count up the number of names on that
2 indictment?

3 A One, two, three, four, five, six, seven, eight, nine,
4 ten, eleven, twelve, thirteen.

5 Q I'll ask you to turn to the second page.

6 A Second page.

7 Q And do you see any reference to the Bank Crew?

8 A Okay, I see it.

9 Q And is that in your indictment?

10 A That's what it says.

11 Q And that's your crew, right?

12 A No.

13 Q It's not. The government said it was your crew, didn't
14 they?

15 A No.

16 Q Well, did you plead guilty to that indictment?

17 A Yes, I did.

18 Q Okay. And you're the lead defendant in that case?

19 A No.

20 Q You're the number one defendant on the list, right?

21 A If you look, it is in alphabetical order, sir.

22 Q How many crimes have you committed?

23 A How many crimes, a lot.

24 Q A lot, maybe as many as a thousand?

25 A I wouldn't go a thousand but we're up there.

1 Q Close to a thousand?

2 A No.

3 Q How many would you say you've done?

4 A I couldn't tell you, I couldn't.

5 Q It is so many you can't even imagine the number, can you?

6 A You're right.

7 Q Okay. Are any of the names on the list on your
8 indictment on that board?

9 A Any of the names?

10 Q Yeah?

11 A Yes.

12 Q Which names in your indictment appear on that board?

13 A Ned Bilali.

14 Q Let's go one at a time. Ned the Head Bilali?

15 A That's him.

16 Q Let's take him off. Okay. Who else?

17 A Fabrizio DeFrancisci.

18 Q Okay. Who else?

19 A Thomas Dono.

20 Q Who else?

21 A Michael Mazzara.

22 Q Who?

23 A Michael Mazzara.

24 Q Who else?

25 A Joseph Light.

1 Q He's not on the board?

2 A No. George Ludwigsen.

3 Q He had his own indictment, didn't he?

4 A That's Chris Ludwigsen.

5 Q I'm sorry, you're right. George is not on the board?

6 A No, he's not.

7 Q But Chris is?

8 A Yes.

9 Q And to your knowledge, did Chris have his own indictment?

10 A Yes.

11 Q Okay, and he had his own crew?

12 A Yes.

13 Q Do you know what his crew was called?

14 A No.

15 Q Okay.

16 A You're ready? Sal -- Blas -- I don't know, I can't read
17 that but Salvatore Mangiavillano.

18 Q That's Fat Sal, right?

19 A Yes.

20 Q He has his own indictment as well, didn't he?

21 A No.

22 Q Did he have a crew?

23 A No.

24 Q Did you ever hear of a crew called the Springville
25 Boys -- the New Springville Boys?

1 A No.

2 Q Do you know where New Springville Avenue is?

3 A No, I don't know where New Springville Avenue is. I know
4 where New Springville is, that's the whole vicinity.

5 Q Where is it?

6 A Usually starts with --

7 Q Which county?

8 A By the mall, around there.

9 Q Which county is it in?

10 A It's in Staten Island.

11 Q And you're from Staten Island?

12 A I'm from Staten Island, yes.

13 Q And Mangiavillano is from Staten Island?

14 A Yes.

15 Q And Chris Ludwigsen is from Staten Island?

16 A Yes.

17 Q Go on.

18 A I --

19 Q Eddie Boyle, what county --

20 THE COURT: Just a second, let him finish please.

21 MR. GEDULDIG: I thought he had.

22 A You wanted to do names I thought. What did you say?

23 Q I said Eddie Boyle is not from Staten Island?

24 A No.

25 Q Go on.

1 A Either was Thomas Dono, he was from Brooklyn with me. We
2 were all from Brooklyn. Fat Sal was actually from Brooklyn.

3 Q But he was living in Staten Island?

4 A Yes, but we're not from Staten Island, all right.

5 Okay. Ronald Petrino.

6 Q Ronald Petrino.

7 A Right there.

8 Q Who else?

9 A And Thomas Reynolds, he's not on there, he's not up
10 there. John Scoma, he's not up there, and Anthony Zaffarino.

11 Q And who?

12 A Anthony Zaffarino, the last one.

13 Q That's Fat Anthony?

14 A Yes.

15 Q He is?

16 A He's not up there.

17 Q And your father-in-law is here, Joseph Angelo? He's
18 here?

19 A Yes.

20 Q He got a pass from you, right?

21 A Yes.

22 THE COURT: Meaning the government agreed to allow
23 you to not have to testify against your father-in-law, right?

24 THE WITNESS: Yes.

25 Q So, we'll take him down too.

1 Now, to your knowledge, was Chris Ludwigsen indicted
2 on his own indictment with his own crew of criminal partners?

3 A I never read the indictment but I know he was indicted,
4 yes.

5 Q And he was an organizer, wouldn't you say?

6 A I don't know if he was an organizer. I wouldn't say he
7 was an organizer because I really, like I said, I've never
8 read his paperwork but I wouldn't consider him an organizer,
9 no.

10 Q Would you consider yourself an organizer?

11 A I put a lot of stuff together, yes.

12 Q You're in that indictment also, we should take your
13 picture off the board.

14 A I wasn't on that indictment.

15 Q Not -- that one in front of you?

16 A Oh, this one, yes. Okay.

17 Q All right. Would you consider yourself an organizer?

18 A Sometimes, not all the time but sometimes.

19 Q Sometimes. And it would be for different people at
20 different times?

21 A Yeah.

22 Q It wouldn't be for any set group?

23 A No.

24 Q It wasn't like you could call up a chief lieutenant and
25 say get me two guys from the crew and we're going to go out

1 and commit a crime?

2 MR. LIPTON: Objection to form, Your Honor.

3 THE COURT: I'm going to allow it.

4 A Would it be -- could you say that again, that question.

5 Q I said it wasn't as if you could call up your chief
6 lieutenant and say get me two guys from the crew, we're going
7 to do a bank tonight?

8 A No, it would actually be guess what happened, my friend
9 just found something, you want to go check it out, okay, let
10 do that and then we're just using this hypothetically.

11 Q Right.

12 A I would say, all right, I am going to call Eddie because
13 you know what, Eddie got the van, he's a go, let's go see what
14 he's got. Then we go down to Brooklyn and we meet up at this
15 social club which is just a social club, it is not -- I'm not
16 saying it is for any type of anything, just where we go, now
17 we pick up John Matera; John, do you want to go check this out
18 and then we start from there.

19 Q And if Eddie says I got a date tonight?

20 A Bye-bye, Eddie.

21 Q Right?

22 A Next guy comes up.

23 Q If you don't have enough guys and Matera was willing to
24 come along, you'd say to Matera see if you can get somebody,
25 right?

1 A Maybe, not all the time.

2 Q But there were guys that could reach out and get other
3 people?

4 A Guys from our click, yes.

5 Q And these were guys that just -- it was certainly an
6 informal kind of an arrangement that you had, right you didn't
7 have any meetings, did you?

8 A On any bank that we were going to do, yes, we did.

9 Q You plotted out the burglary?

10 A Yeah, that type of stuff, yes.

11 Q The group didn't meet every Tuesday night?

12 A And let's talk about banks, no.

13 Q And so, it was just something always done in a spur of
14 the moment kind of thing?

15 A I wouldn't say spur of the moment.

16 Q Well, if you found a bank that you liked, you would then
17 start making calls, right?

18 A Yeah.

19 Q So, in that respect it was spur of the moment, right?

20 A Well, making calls and spur of the moment, starting on a
21 Monday and ending on a Sunday, that's a whole week of advance.

22 Q Trying to reach out to people, trying to find who was
23 available to do that?

24 A Yes, who was coming, yes.

25 Q You don't know who's available?

1 A No, until, of course, game time.

2 Q Do people call you -- did any one of these guys call you
3 to see if you had something going on?

4 A Yeah.

5 Q Who would call you?

6 A Just shoot a name to you, William Galloway, he would call
7 me.

8 Q All right. So, William Galloway would be a guy that
9 called you?

10 A Yeah.

11 Q So, he's on our -- Willy Galloway is Apple Head; so, he's
12 not in the indictment but he was a guy you dealt with, right?

13 A Yes.

14 Q Who else on that board would you call or would call you?

15 A Just go around the board, everybody would call each
16 other, that's just the way how it worked. I mean Lulzim Kupa
17 is not on that board and he brought us to M & T.

18 Q Kupa is not on the board?

19 A No, he's not.

20 Q Lulzim is Afrim's brother?

21 A He gave us a job and he wasn't.

22 Q Were Lulzim and Afrim close?

23 A Yeah, they're brothers.

24 Q But did they do things together?

25 A Of course.

1 Q Criminal things together?

2 A Yes.

3 Q Frequently?

4 A Well, I don't know about frequently but I don't stay with
5 them 24,7 but they were, you know, they would do things.

6 Q Did you do a lot of things with Afrim Kupa?

7 A I did some stuff with him, yes.

8 Q When you say "some stuff", give us an estimate?

9 A I can't give you a fair estimate because I wouldn't know
10 off the top of my head; I would say in between one and ten
11 banks.

12 Q Did you do other things with him as well?

13 A Cars.

14 Q How many cars did you do with him?

15 A A couple.

16 Q Now, that's what, Afrim and Lulzim?

17 A Yes -- no, not Lulzim.

18 Q You did nothing with Lulzim?

19 A No.

20 Q So, Lulzim is not on the board but you did do stuff with
21 Afrim?

22 A Yes.

23 Q On a frequent basis?

24 A Yeah, I mean I stayed with him, yes, for a couple of
25 months here and there, not all the time.

1 Q He's not in your indictment?

2 A No, he's not.

3 Q But he could have been?

4 A I guess.

5 Q You guess or you committed crimes with him, didn't you?

6 A At the time of these things when we got arrested here
7 certain people weren't on certain jobs so there's no way that
8 they would know that Afrim was involved in so many banks
9 because Willy never came with me or Afrim on a bank job or
10 vice versa; just to say this other kid, Kuminski, who came on
11 a couple of jobs with us maybe didn't go with Afrim on that
12 specific job, so there was no way to bring Afrim into that
13 conspiracy at that time.

14 Q So, but if a call had been made he might have been
15 brought in?

16 A You never know.

17 THE COURT: I'm going to sustain that. You're
18 asking what another party, what the government would have done
19 with respect to an indictment, I'll sustain that.

20 Q The reference to the Bank Crew in your indictment, that's
21 not a phrase you ever heard, is it?

22 A No.

23 Q That's a phrase or a name that was made up by the
24 government?

25 A I don't know. I mean even as I -- when I was a defendant

1 no one ever really said it's a Bank Crew, the Bank Crew, they
2 never said that.

3 Q So, that was not a name?

4 A Actually what was said, I mean a couple of times they
5 were saying Bellafiore, Bellafiore and then the only reason it
6 was brought out is it was in alphabetical order and it was
7 never really me as the Bellafiore crew.

8 Q Is there anybody on that indictment that you believe
9 committed more crimes than you did?

10 A Give or take, I mean I don't know everybody, I didn't
11 stay with them 24 hours a day but most of these guys that were
12 on these crimes with me did a lot of crimes because they did
13 them with me and then whatever they did by themselves.

14 Q Well, you talked with these guys, you've testified that
15 you've had conversations with people--

16 A Yeah.

17 Q -- about jobs that they did without you, right?

18 A Well, I mean certain things you could look at different.
19 Fabrizio DeFrancisci sold cocaine, crack every day.

20 Q Well --

21 A Every day hand-to-hand drugs sales is a little bit,
22 sometimes you could say is me stealing one car versus him
23 selling 20 bags of crack, that's, you know, how many more
24 crimes is he committing a day, every piece you hand off is one
25 crime committed.

1 Q All right.

2 A Am I right or am I wrong.

3 Q Is there an indictment -- is there a count in your
4 indictment for drugs?

5 A Not for me but you just asked me if we talked about any
6 crimes that he has committed.

7 THE COURT: No, the answer is no.

8 THE WITNESS: No.

9 Q And Fabrizio, he's named in your case, is he not?

10 A Yes, yes, sir.

11 Q And he's named in your case for cars and bank burglaries
12 and things of that sort; is that right?

13 A I don't know.

14 Q You don't know? Have you ever read your indictment?

15 A I looked at it briefly.

16 THE COURT: He said he didn't know.

17 Q Well, have you ever read your indictment?

18 A I never looked at it that hard, I looked at some stuff,
19 not everything that didn't include me I didn't really look
20 that hard.

21 Q Well, did you have an attorney?

22 A Yes.

23 Q And who was your attorney?

24 A At the time when I got indicted it was Scott Leemon.

25 Q And who was it at the time that you --

1 THE COURT: Who what his name?

2 THE WITNESS: Scott Leemon.

3 THE COURT: Okay. Go ahead.

4 Q Who was your attorney at the time you took a plea?

5 A Gary Villanueva.

6 Q Did he ever explain your indictment to you?

7 A We went over the charges that I pled guilty to, yes.

8 Q And he explained the import of a plea?

9 A Yes.

10 Q By the way, you don't have a license to drive a car now;
11 is that right?

12 A No.

13 Q And you came out of jail in October of 2003?

14 A Yes.

15 Q And since that time have you gotten traffic tickets?

16 A Traffic, yes, I have.

17 Q So myou've been driving?

18 A Under William Bellafiord.

19 Q Well, do you have a license?

20 A Under William Bellafiord.

21 Q A legal license?

22 A No.

23 Q So, I'm asking if you have a legitimate driver's license?

24 A Yes.

25 Q And you do have a legitimate driver's license?

1 A Under William Bellafiord.

2 Q Is that your name?

3 A No.

4 Q So, what is your name?

5 A My name is Gerard Bellafiore.

6 Q That's your legal name?

7 A Yes, it is.

8 Q I'm asking you if you have a legal --

9 THE COURT: Let's move on, he's answered the
10 question.

11 MR. GEDULDIG: Well --

12 Q Do you have a driver's license under the name of
13 Bellafiore?

14 A No, I do not.

15 Q And that is your name?

16 A Yes, it is.

17 Q And when did you get your first traffic ticket after you
18 were released from jail in I think October of 2003?

19 A I couldn't be specific.

20 Q Would it be November of 2003 in Staten Island?

21 A Maybe.

22 Q And at that point in time had you paid any of your
23 traffic tickets?

24 A Of course.

25 Q And that was paid by the government?

1 A No.

2 Q I thought you said that the government at some point paid
3 for your traffic tickets?

4 A They paid for all my other traffic tickets that were
5 under Gerard Bellafiore. Anything that was pertaining to
6 William Bellafiord I paid myself.

7 Q Well, under your legitimate name of Bellafiore?

8 A Yes.

9 Q They paid your tickets?

10 A All of them while I was in prison.

11 Q And did they understand that you had a second driver's
12 license under the name of Bellafiord?

13 A Oh, yes.

14 Q And is it your understanding that a person is permitted
15 to have two different driver's licenses with two different
16 names?

17 A I didn't have a driver's license under my real name, I
18 only had one driver's license.

19 Q Under Bellafiore?

20 A Under Bellafiore, yes.

21 Q But there was a time when you came out of jail --
22 withdrawn.

23 You've had driver's licenses in several names,
24 right?

25 A No.

1 Q You didn't have a driver's license under Bellafiord in
2 New York?

3 A Yes, that's it.

4 Q Did you have one under Bellafiore?

5 A That was fake.

6 Q That's what I'm talking about.

7 A A fake driver's license, you're talking about a
8 legitimate driver's license, a driver's license that you push
9 in the computer and it comes back a driver's license.

10 Q But with a fake name?

11 A No. What you asked me -- ask me if you want.

12 Q Let me rephrase the question. Do you have a legitimate
13 driver's license under your legitimate name?

14 A No.

15 Q Did you ever have a legitimate driver's license under
16 your legitimate name?

17 A No.

18 Q Did you have a driver's licenses that you got under an
19 alias?

20 A Yes.

21 Q Did you have several driver's licenses under aliases?

22 A Now I'm going to only ask one question.

23 Q Why don't you try --

24 THE COURT: Do you understand his question?

25 THE WITNESS: No, because --

1 THE COURT: He doesn't understand it. Rephrase it.

2 Q Do you have --

3 MR. GEDULDIG: I'll ask the reporter to read it
4 back, Judge.

5 THE COURT: Why don't you rephrase it.

6 MR. GEDULDIG: Because I don't want to phrase it
7 differently than I did the last time. It is just simpler for
8 me if I could ask the reporter to do that.

9 THE COURT: He said he didn't understand it.

10 Q Did you have several driver's licenses, more than one
11 that were under illegitimate names, aliases in several states?

12 A Were they fake or from Motor Vehicles, that's what I
13 wanted to ask you.

14 THE COURT: No. Just a second, can you answer that
15 question yes or no?

16 THE WITNESS: I guess, yes, yeah.

17 THE COURT: Okay.

18 Q Yes, you did have several driver's licenses under an
19 alias in several different states?

20 A Yes.

21 Q Okay. Let me show you this and ask you if you've seen it
22 before, if you've seen this before?

23 THE COURT: Did you show it to your adversary?

24 MR. GEDULDIG: No, I didn't, Judge, I'm sorry.

25 (Continued on next page.)

1 MR. GEDULDIG: Can we mark this? Mark this as
2 Defendant's Exhibit G for identification, Judge?

3 THE COURT: Defendant's Exhibit G. What is G?

4 MR. GEDULDIG: They are a series of driver's
5 licenses, Judge. Under a series of names. In several states.

6 THE COURT: Okay. What is the question?

7 CROSS EXAMINATION (Cont'd.)

8 BY MR. GEDULDIG:

9 Q Do you recognize that sheet that I just handed up to you?

10 A Yes.

11 Q Are those driver's licenses that you obtained under
12 various names?

13 A There is one driver's license in the State of New York.
14 The other one is a fake one that was made by a friend of Afrim
15 Kupa payment. The Connecticut is a real, legitimate
16 Connecticut ID that I went into Connecticut with, with a phony
17 address. But as far as the driver's licenses go, there is
18 only one driver's license. The other was a fake one that I
19 had made, just to change the date of birth 3/15/70, if you
20 look at the bottom.

21 Q My question is: Are those driver's licenses that you had
22 seen?

23 A Yes.

24 Q They have been in your possession?

25 A No, I don't have them.

1 Q They have in the past been in your possession?

2 A Yes.

3 Q And you've used them?

4 A Yes.

5 MR. GEDULDIG: Judge, I will ask to have that
6 introduced into evidence.

7 MR. LIPTON: Judge, I don't think -- if he is using
8 that for impeachment, I don't think that is appropriate. He
9 answered consistently how he received the licenses.

10 THE COURT: Received.

11 (So marked as Defendant Exhibit G in evidence.)

12 MR. GEDULDIG: Can I have them back? So that would
13 be --

14 THE COURT: G in evidence. Next question.

15 Q Going to the item that is in evidence. You had one
16 license which appears to be a New York State driver's license
17 issued under the name of William G. Bellafiores, with a D at
18 the end, is that right?

19 A Yes.

20 Q On it you have a birth date of 5-2-69.

21 A Yes.

22 Q Is that your birthday?

23 A Nope.

24 Q That is not?

25 A Nope.

1 Q Was that a license that was actually issued by the State
2 of New York?

3 A Yes.

4 Q Pursuant to an application that you made?

5 A No, I didn't make an application.

6 Q How did you get it?

7 A I walk in and paid \$500.

8 Q So it wasn't issued by the --

9 A It was issued by the State of New York. I went in to
10 motor vehicles. The State of New York issued it and sent it
11 in the mail.

12 Q You bribed somebody to get it?

13 A Yes.

14 Q It wasn't legitimately gotten from the State of New York?

15 A No. That means that I would have to have all kinds of ID
16 for that.

17 Q The State of New York, the government of the State of New
18 York, didn't say that William G. Bellafiores is entitled to
19 this license, did they?

20 MR. LIPTON: Objection.

21 THE COURT: I am going to sustain it.

22 Q You paid somebody \$500 to get that license, right?

23 A Yes.

24 Q It doesn't contain your name and it's got the wrong birth
25 date on it?

1 A Yes.

2 Q Do you remember who you paid the \$500 to?

3 A Some guy in the place. I don't know. A Spanish guy. It
4 was back in '91.

5 Q Then you got a second driver's license from the State of
6 New York in the name of William G. Bellafiore, with an E at
7 the end, is that right?

8 A Yes.

9 Q That one has a date of birth of March 15, 1970?

10 A Yes.

11 Q Is that your birthday?

12 A That is my original birth date, yes.

13 Q But that is not your real name?

14 A No. Just put the E on the end.

15 Q Well, the E is real, but the William G. is not yours?

16 A Yes.

17 Q How much money did you pay for that one?

18 A \$50.

19 Q Did you pay that to the State of New York?

20 A No. That is totally nothing.

21 Q Nothing means what? It was a bribe?

22 A It was nothing. I got it made by the kid who was just
23 made it.

24 Q So it wasn't issued by the State of New York?

25 A No.

1 Q It was totally fraudulent?

2 A Exactly.

3 Q Then you had another one from the State of New York with
4 the name of William G. Bellafiores with the birth date of May
5 2nd of '69?

6 A The same license you just asked me about.

7 Q No. The one before had the birth date -- the first one
8 had a birth date of March 16th of 1970.

9 A The first one you just asked -- the first one you just
10 mentioned, the first one you told me about. You said I paid
11 \$500. You mentioned again the same license again. That is
12 what I was trying to tell you before.

13 Q You are correct.

14 And then you had an identification card issued to
15 you in the name of Gerard Bellafiore with an E?

16 A That is me.

17 Q You give an address of 83 Fremont Street, in Bridgeport,
18 Connecticut.

19 A Yes.

20 Q Did you ever live there?

21 A No.

22 Q So that was a fraudulent address?

23 A Yes.

24 Q Did you pay a bribe to get that?

25 A No.

1 Q You just lied on the application about the address that
2 you were living at?

3 A Yes.

4 Q Let me ask you some questions.

5 You knew Vinnie Kuminski?

6 A Yes.

7 Q You knew him well?

8 A Pretty well. I grew up with him.

9 Q You did a lot of crimes with him?

10 A Yes.

11 Q Do you know where Vinnie Kuminski is today?

12 A The last time I seen him I left him in Nine South in
13 jail.

14 Q He was in jail?

15 A Yes.

16 Q Do you know if he is a cooperator or in jail today?

17 A I don't know.

18 Q What is your understanding?

19 A The last time I left him he was in Nine South.

20 Q Did you understand him to become a cooperator?

21 A Yes.

22 Q Willie Galloway, is he in jail or a cooperator, do you
23 know?

24 A He is a cooperator, yes.

25 Q Chris Ludwigsen, is he in jail or a cooperator or both?

1 A He is a cooperater and I imagine he is in prison, yes.

2 Q Sal Mangiavillano, is he a cooperater or in jail or both?

3 A I imagine he should be in jail and he is a cooperater.

4 THE COURT: That is Fat Sal?

5 MR. GEDULDIG: That is Fat Sal.

6 Q Bekim Fiseku, is he in jail?

7 A I would imagine so, yes.

8 Q John Scoma, do you know if he is jail?

9 A I don't know.

10 Q Do you know John Scoma?

11 A Yes.

12 Q John Matera, do you know him?

13 A Yes.

14 Q Is he in jail?

15 A I would imagine so, yes.

16 Q John Micali, do you know him?

17 A Yes.

18 Q Is he in jail?

19 A Yes.

20 Q He is a fellow you did a lot of crimes with?

21 A Yes.

22 Q Anthony Zaffarino, Fat Anthony?

23 A Yes.

24 Q Is he in jail?

25 A No.

1 Q Is he a cooperater?

2 A Yes.

3 Q George Ludwigsen, you know him?

4 A George Ludwigsen, yes.

5 Q Is he in jail?

6 A No.

7 Q Is he a cooperater?

8 A Not that I know of.

9 Q Do you ever talk to George Ludwigsen?

10 A From time-to-time.

11 Q Today?

12 A Time-to-time.

13 Q On the telephone?

14 A Yes.

15 Q Joe Angelo, is he in jail?

16 A No.

17 Q Is he a cooperater?

18 A No.

19 Q He's got a pass because of your plea agreement?

20 A Yes.

21 Q That is your father-in-law?

22 A Yes.

23 Q Ned The Head Bilali, is he in jail?

24 A I believe so.

25 Q Tommy Dono, is he in jail?

1 A I don't know.

2 Q Is he a cooperater?

3 A No.

4 THE COURT: What did you say?

5 THE WITNESS: No.

6 Q Ronny Petrino, do you know if he is in jail?

7 A No.

8 Q He is not in jail?

9 A He is not a cooperater.

10 Q Is he in jail?

11 A No -- yes, he is in jail.

12 Q Joe Gross, is he in jail?

13 A I don't know.

14 Q Is he a cooperater?

15 A I don't know.

16 Q Did you do crimes with Joe Gross?

17 A No.

18 Q So you couldn't give up any information about Joe Gross?

19 A I don't know him. I didn't do nothing with him.

20 Q Afrim Kupa, is he in jail?

21 A To my knowledge he is, yes.

22 Q Is he a cooperater?

23 A I don't know.

24 Q Lulzim Kupa, is he in jail?

25 A No.

1 Q He is not in jail?

2 A No.

3 Q Where is he?

4 A He is in Staten Island.

5 Q Joe Cerbone?

6 A I don't know.

7 Q Is he in jail?

8 A I don't know.

9 Q You testified about him. He is on the chart.

10 Did he do crimes with you?

11 A No. I know him. I don't know if he is in jail or he is
12 out of jail.

13 Q Joe Spennato, Joe's son?

14 A I know him. I don't know if he is out of jail.

15 Q You don't know if he is out of jail?

16 A I don't know if he is in jail or out of jail.

17 Q Was he in jail, to your knowledge?

18 A He got arrested, yes.

19 Q So he may have been released from jail?

20 A Yes.

21 Q But the last time you heard about him he was in jail?

22 A Yes.

23 Q Fabrizio DeFrancisci, is he in jail?

24 A Yes.

25 Q Is he a cooperator?

1 A No.

2 Q Tommy Reynolds, is he in jail?

3 A Yes.

4 Q Benny Giortano, is he in jail?

5 THE COURT: Let's move on. Where are we going with
6 this?

7 MR. GEDULDIG: Well, I am trying to determine who it
8 is that he can give information about, Judge. If they are all
9 in jail or cooperators, then they certainly are lack wise.

10 THE COURT: Let's move on.

11 MR. GEDULDIG: I am almost done.

12 Q Woody is on the board. Woody LaBarbara, is that right?
13 Anthony LaBarbara is on this board?

14 A Yes.

15 Q You know him as Woody.

16 You didn't know his name, is that right?

17 A Woody, yes. I only know him as Woody.

18 Q And is he in jail?

19 A I don't know.

20 Q Joe Dellatore, you know who he is?

21 A Yes.

22 Q Is he in jail?

23 A I don't know.

24 Q Okay. You and I have never met before, right? I can't
25 hear you.

1 A Nope.

2 THE COURT: You dropped something Mr. Geduldig.

3 Q You and I have never met before, is that right?

4 A Nope.

5 Q Prior to moving to Florida, where had you lived?

6 A Who said I moved to Florida?

7 Q You went down there --

8 THE COURT: Just a second.

9 Did you ever move to Florida?

10 MR. GEDULDIG: I believe he testified --

11 THE COURT: Just a second.

12 Did you ever move to Florida?

13 MR. LIPTON: Judge, I request a side-bar.

14 THE WITNESS: Judge, I moved to Florida in 1999,
15 yes.

16 THE COURT: The answer is yes.

17 Go ahead.

18 MR. LIPTON: Can I request a side-bar?

19 Q That was in 1999 or 1998?

20 MR. LIPTON: Can we request a side-bar, Your Honor?

21 THE COURT: Okay.

22 (Whereupon a side-bar conference was conducted.)

23 (Matter continued on the next page.)

24

25

1 MR. LIPTON: Mr. Bellafiore is out of jail. He is
2 not in the security program, and he was relocated. So I think
3 if Mr. Geduldig can phrase his question so he is not asking
4 about present day, so there is no inquiry as to where he
5 lives.

6 THE COURT: He said it was '99 that he moved to
7 Florida.

8 MR. LIPTON: I just don't want it either way.

9 MR. GEDULDIG: Judge, if I can be heard for a
10 second.

11 We have very solid information that, number one,
12 that he is back in Florida. But that, in any event, he is in
13 close contact with a bunch of the defendants, criminal
14 coconspirators in these bank robberies. For instance,
15 Zaffarino and others.

16 He has not gone into the Witness Protection Program.

17 THE COURT: Can you phrase your question without
18 disclosing where he is?

19 MR. GEDULDIG: Where he is, yes.

20 He is in Florida. I think the information that we
21 have shows that.

22 MR. LIPTON: I am not going to confirm or deny it.
23 That is not appropriate.

24 MR. GEDULDIG: What is the problem with that?

25 THE COURT: Phrase your question without disclosing

1 where his location is, where he lives right now.

2 MR. GEDULDIG: Okay.

3 THE COURT: All right.

4 (Whereupon the side-bar conference was concluded.)

5 (Matter continued on the next page.)

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1 (Matter continued in Open Court.)

2 CONTINUED CROSS EXAMINATION

3 BY MR. GEDULDIG:

4 Q I think you testified on direct that you moved down to
5 Florida in 1998 or 1999, is that right?

6 A Can you rephrase the question?

7 Q I think you testified on direct that you moved down to
8 Florida in 1998 or 1999, is that correct?

9 A That is the same question, but yes.

10 Q Didn't you ask me to rephrase it?

11 THE COURT: Come on.

12 MR. GEDULDIG: He is playing games.

13 THE WITNESS: You asked --

14 THE COURT: No. No. No.

15 Q You started your life of crime when you were a youngster?

16 A Yes.

17 Q How old were you?

18 A 15.

19 Q And at that point up started out by stealing car radios?

20 A Yes.

21 Q And you did that for quite a few years?

22 A Yes.

23 Q And then you moved onto cars?

24 A Cars.

25 Q I think your testimony is you did hundreds of cars?

1 A Yes.

2 Q That was almost a specialty of yours, is that fair to
3 say?

4 A Yeah.

5 Q You would do tag jobs, right?

6 A Uh-huh.

7 Q You have to answer for the reporter?

8 A Yes.

9 Q And then you moved on to bank burglaries as well?

10 A Yes.

11 Q And you may have done a hundred or more bank burglaries,
12 is that fair to say?

13 A Yeah.

14 Q All over the country?

15 A Yes.

16 Q And I think your testimony was that some people on some
17 of these bank burglaries that you went on, some of the
18 individuals had a bigger cut than others, right?

19 A Yes.

20 Q Is that right?

21 A Yes.

22 Q Were you frequently the one who got the bigger cut?

23 A One of them.

24 Q And why was it that you got a bigger cut?

25 A Pretty much I went up to the box most of the time.

1 Whoever came up with me got a bigger piece of the cut as well.

2 Q Did you get a bigger piece of the cut because you were
3 the leader of the group?

4 A No. I was the one on the box who had the most of the
5 risk.

6 Q So it had nothing to do with any kind of an organization
7 within the group, it just had to do with the person who took
8 the biggest risk?

9 A Yeah.

10 Q So there was no formal understanding that you were a
11 leader or anybody else was leader and that they deserved to
12 get more money, is that right?

13 A Yeah, that is fair to say.

14 Q And I think you also got involved in some crimes of
15 violence, right?

16 A Tell me which crimes of violence you are talking about.

17 Q Well, you were the one who did them.

18 A You have to refresh my memory, because I don't know.

19 Q Did you ever go out where you had a gun to commit a
20 crime?

21 A No.

22 Q Did you ever go out with other people who had guns when
23 you were committing a crime?

24 A Yes.

25 Q When you plead guilty your last time, what did you plead

1 to?

2 A 924(c).

3 Q What is that?

4 A That is a gun. In the commission of a crime.

5 Q So you or somebody you were with had a gun, right?

6 A Exactly.

7 Q And if the other person had the gun, you knew he had a
8 gun, is that right?

9 A Yes.

10 Q And a robbery with a gun is a crime of violence?

11 A Yes.

12 Q You defined for us what a robbery is, didn't you?

13 A Yes.

14 Q As compared to say a burglary?

15 A Yes.

16 Q A robbery is where you put somebody in fear, or you
17 intimidate them somehow, right?

18 A Yes.

19 Q You confront them, right?

20 A Yes.

21 Q Can you tell us what your understanding of racketeering
22 is?

23 MR. LIPTON: Objection, Your Honor.

24 THE COURT: I am going to sustain that.

25 Q I think you also testified about a robbery at the CBS

1 Company, the television station?

2 A Yes.

3 Q A gun was involved in that robbery?

4 A Yes.

5 Q You call that a crime of violence?

6 A Yes, it is a crime of violence.

7 Q Vinnie Kuminski was a friend of yours?

8 A Yes.

9 Q And there came a point in time when you and Kuminski had
10 a falling out?

11 A Yes.

12 Q That was because he had cooperated?

13 A No.

14 Q Why did you have a falling out?

15 A Because he would go on his own and do his own thing and
16 whatever. He was doing his own stuff.

17 Q That annoyed you?

18 A Yes.

19 Q Why?

20 A Because he was going crazy, making things worse than what
21 they were.

22 Q In what way?

23 A He was knocking down buildings to take out a little box
24 that would just fall off the wall.

25 Q And then did there come a point in time when you and

1 somebody else thought about the possibility of murdering
2 Vinnie Kuminski?

3 A No.

4 Q You never thought about it?

5 A No, I never thought about it.

6 Q Did you ever think about trying to get Kuminski to come
7 up to New York?

8 A I called him to come to New York.

9 Q To lure him up to New York?

10 A No. I never lured him up to New York.

11 Q Why did you want him to come to New York?

12 A Someone wanted to talk to him.

13 Q Who was that?

14 A DeFrancisci.

15 Q And also Tommy Reynolds?

16 A Yes.

17 Q And the reason that they wanted to talk to him was they
18 were going to try to kill him?

19 A I don't know. At that time, they weren't saying that.

20 Q They told you to try to get Kiminski to come up to New
21 York?

22 A That's it.

23 Q And you didn't say why?

24 A No.

25 Q You didn't understand that Reynolds and DeFrancisci were

1 going to kill Kuminski?

2 A No.

3 Q Did Tommy Reynolds ever kill anybody to your knowledge?

4 A Yes.

5 Q Is Tommy Reynolds a guy who carried a gun?

6 A Yes.

7 Q You knew him to be a dangerous guy?

8 A Yes.

9 Q And he is asking you to get Kuminski to come to New York
10 and you don't have a clue as to why he wants that done?

11 A Exactly.

12 Q But you were willing to do it?

13 A They wanted to talk to him. They wanted to talk to
14 Chris. They wanted to talk to a lot of people.

15 Q Why did they want to talk to Kuminski?

16 A They wanted to speak to him.

17 Q About what?

18 A I don't know.

19 Q You never asked?

20 A I never asked.

21 Q If you didn't know, you couldn't be charge with anything
22 that they might want to do to him, is that your thinking was?

23 A I didn't know what they were doing.

24 Q You didn't want to know?

25 A I didn't know. That was not my business. They wanted to

1 talk to him.

2 Q You didn't want to know because you knew that they were
3 thinking about a crime?

4 MR. LIPTON: Objection.

5 THE COURT: Sustained. Sustained.

6 Q Let's get back to your life of crime. You began -- when
7 was it that you first began stealing cars?

8 A I was 15.

9 Q That was --

10 THE COURT: Let's move on. It has been asked and
11 answered.

12 MR. GEDULDIG: Judge, this was their examination.

13 THE COURT: You asked and answer it. This is the
14 second time that you said something about him -- 15 years old,
15 stealing radios, stealing cars. Let's move on.

16 Q In stealing cars, did you ever do that with Anthony
17 Zaffarino?

18 A Yeah.

19 Q He is a guy that you have known and committed crimes with
20 for a long time?

21 A I would say late '95. After I got out of jail I met him.

22 Q Zaffarino was friendly with Mangiavillano, Fat Sal, is
23 that right?

24 A I wouldn't say that.

25 Q Did they do criminal business together?

1 A I wouldn't know.

2 Q Well, didn't Sal have a connection in Canada for titles
3 to cars?

4 A Yes.

5 Q Didn't he send those titles down to Zaffarino?

6 A What year?

7 Q You tell me.

8 A You are talking about 1995 when you said you just met
9 Anthony. I mean, I don't know where you are going.

10 Q Did you ever know Mangiavillano to have --

11 A Yes.

12 Q And did you know Mangiavillano to send the Canadian
13 titles down to Zaffarino?

14 A No. He sent them to me.

15 Q Oh, okay. And he sent them to you so that you could do
16 stolen cars?

17 A Exactly.

18 Q And you would put the Canadian title on the stolen car?

19 A Yes.

20 Q And you operated with Zaffarino in this, didn't you?

21 A Yes.

22 Q So Zaffarino was benefiting by Canadian titles sent down
23 to the United States by Mangiavillano, is that right?

24 A Yes.

25 Q So when you said before that you didn't know what year I

1 was talking about, you were just being slick?

2 MR. LIPTON: Objection.

3 THE COURT: Sustained.

4 Q In any event, I am correct in saying that you and
5 Zaffarino had an operation going with Mangiavillano on stolen
6 cars and Canadian titles, right?

7 A Yes.

8 Q When was that?

9 A In '99.

10 THE COURT: Okay. Just a second. I think this is
11 as good a time to go as any. Ladies and gentlemen, I will let
12 you go, being 5:00. See you tomorrow at 9:00. We'll roll
13 right along. Keep an open mind and don't discuss the case.
14 And have a safe trip home.

15 A JUROR: Have a good night, Your Honor.

16 (Whereupon the jury leaves the courtroom at 5:00
17 p.m.)

18 MR. LIPTON: Can we address one issue? Judge,
19 before you leave the bench. Mr. Bellafiore is not -- what we
20 discussed at side-bar. And he is more or less being taken to
21 and from by Mr. Otto. He is on cross-examination. We just
22 would ask that Mr. Otto get him to where he is staying and
23 bring him back in the morning. And just won't discuss the
24 case whatsoever. So we just want to make sure that he is able
25 to get where he is going and coming back. If you need to

1 swear him in or something, he is willing to do that, Judge.
2 But we just don't have arrangements for him to get where he is
3 going and back.

4 THE COURT: Can't you pick him up?

5 MR. SEIGEL: That is normally when the witness is on
6 cross. The government's table doesn't have anything to do
7 with him. We just want to make sure that is okay with you.
8 To take him back and forth.

9 THE COURT: You're going to take him back and pick
10 him up?

11 MR. SEIGEL: Yeah.

12 THE COURT: Okay. That is okay.

13 MR. GEDULDIG: You said okay, Judge, what can I say?
14 I was going to suggest he take one of his driver's licenses.

15 MR. LIPTON: Judge --

16 THE COURT: You know.

17 MR. LIPTON: So is that okay, Judge?

18 THE COURT: Yeah, that is fine. Either that or he
19 don't come back.

20 MR. LIPTON: We will start at 9:00 or 9:30, Judge?

21 THE COURT: I said 9:00. I don't have a calendar, I
22 will start at 9:00.

23 He is not in custody, he can be hear at 9:00.

24 MR. LIPTON: Yes.

25 (Whereupon, court was concluded at 5:02 p.m.)

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