

Jerry Capeci

# Gang Land News

Real Stuff  
About  
Organized Crime

on's foremost **EXPERT** on the American Mafia

[Home](#)
[This Week](#)
[Capeci's Books](#)
[Archives](#)
[Log In](#)



## This Week in Gang Land

February 20, 2020

By Jerry Capeci



### Wiseguy Attorney: Judge Wears Robes But She's An Evil Villain Like Goldfinger

Federal judges are not usually compared to the notorious villains of *James Bond* movies. But an appeals lawyer for an ailing 84-year-old Luchese wiseguy says Judge Cathy Seibel echoed the murderous character known as *Goldfinger* when she hit his client with a 52-month sentence for his conviction on gambling and loansharking charges.

Lawyer Roger Adler, a former president of the Brooklyn Bar Association, states that the prison term Siebel gave Joseph (Big Joe) DiNapoli was the "legal system equivalent of the memorable scene" when *Goldfinger* tells Bond, who is strapped to a gurney and about to be cut in half by a gold laser beam, "Mr. Bond, I want you to die."



Judge Cathy Seibel

The prison term, which is six months longer than the recommended maximum in his plea deal, Adler wrote in an impassioned legal memo, was the "functional equivalent of a death sentence" for his client, who has had "six separate surgeries," including "open heart surgery, a heart valve replacement, the implant of three stents, a pacemaker, and a catheter" in the last two years. DiNapoli also "suffers from Type 2 diabetes, hypertension and glaucoma, and is equipped with two hearing aids."

In the movie, in which *Goldfinger* actually states, "Mr. Bond, I expect you to die," Agent 007, played by Sean Connery, manages to overcome his seeming impossible task and save himself as well all the gold in Fort Knox. But Adler struck out when he asked the judge to reconsider her sentence and to put off the start of DiNapoli's sentence until next month.

Seibel, who acknowledged when she sentenced DiNapoli that the medical care he will receive behind bars will not be on a par with what is keeping him alive now, and conceded that he might die in prison, refused to reconsider her sentence, or delay the start of his prison term.

DiNapoli, the longtime consigliere of the crime family, is slated to surrender to begin serving his prison term tomorrow.



Adler seemed to expect the judge's rejection to reconsider, noting that if she did turn him down, the lawyer would "promptly" appeal it to the Second Circuit Court of Appeals which has the "power to modify a sentence deemed 'substantively unreasonable,' and an abuse of discretion."

The attorney was surprised however that Seibel refused to put off the start of DiNapoli's prison term, stating that he "anticipated" she would do so because he did "not perceive how the Government

would be prejudiced by a rescheduled March surrender date."

In his biting appeal, Adler wrote that Seibel's decision to send the "chronically ill, 84 and a half year old defendant" to prison "knowingly" put DiNapoli "at risk for an earlier death than he would face if serving home confinement (with monitoring)." The sentence, he stated, was "penologically cruel" and violated the "cruel and unusual" punishment provisions of the U.S. Constitution.

"The Court's on the record admission that she knowingly recognized that Defendant would receive a discernibly better quality of medical care 'on the outside' than as a recipient of Bureau of Prisons medical care is neither merely judicially quirky, nor rhetorically sassy," Adler wrote. "It is flat out stone cold, and willfully chilling."

At his sentencing in December, Seibel was forced to acknowledge that the medical care that DiNapoli would receive "in the BOP will not be of the level he's getting outside." The judge added that "it is possible that the defendant will die in prison. That is a sad commentary. But it's also possible he won't. I certainly hope it doesn't happen."



Another DiNapoli attorney, Murray Richman, had submitted scores of doctors' reports and other hospital and medical records detailing his client's failing health as well as reports from current and former BOP officials to establish that even the BOP's prison hospitals would have a difficult time keeping his client alive for an extended prison stay.

In an emotional pitch for his client, a "family friend" he had known for more than 60 years, Richman invoked the Yiddish word, *rachmones* — not seeking mercy he insisted, but compassion, which he called an "understanding of human nature" — to petition Seibel to sentence his "friend whom I care for" to home detention so he could be assured of not dying in prison.

His old baseball playing pal — they were both good ballplayers in their teens and each had short stays in the minor leagues and had visions of playing at Yankee Stadium — was a shell of [his old self](#), Richman declared. He was not charged with a violent crime, and had [been inactive](#) for years, he said, and for the more than 30 months since his [2017 arrest](#), had been a homebody with his wife of more than 60 years.



Roger Adler G L

He noted that DiNapoli had gotten out of prison in May of 2017, following convictions on state racketeering charges in [New Jersey](#) and New York, was arrested in the current case only 13 days later, arguing that wasn't enough time for his client to even think about committing any new crimes.

"There's ways of punishing persons such as this and keeping him alive at the same time," said Richman. A prison hospital "is not the answer," said the lawyer, arguing that home detention "under strict supervision" was a "real viable possibility. He's going to be 85 in July. What are we doing now? Are we saying that you led such a bad life, we're going to let you die in jail? How much more does he have to go?"

But the judge placed the onus of the wiseguy's possible death behind bars on DiNapoli's shoulders, not hers.

"This is a problem that occurs when you get into your 70s and 80s and are still committing crimes," Seibel said. "Mr. DiNapoli has never respected the law and he's not going to start now. If he stops committing crimes, it will be because he's unable."

"Protecting the public from further crimes is absolutely an issue, because I have no doubt that if he's able to, he will continue to commit crimes. The defendant's loyalty is plainly to *The Life*, as they say. And he's not renounced or withdrawn his loyalty to the Luchese family. And, frankly, his role is not one that requires him to be in good physical condition."

In petitioning the judge to reconsider, Adler asserted that entrusting the same BOP that "failed to keep pre-trial detainee Jeffrey Epstein alive" to care for "a sick man approaching his 85th birthday" for more than four years stemmed from the same "judicial mindset" in real life that *Goldfinger* had displayed on the big screen when he told *James Bond* he wished him to die.



Murray Richman

The lawyer also described the BOP as a *Keystone Kops* correctional organization which received a "scathing Inspector General's Report by Department of Justice Inspector General Michael Horowitz" for the freezing cold cells at the Metropolitan Detention Center in 2018 and last year's suicide by Epstein at the Metropolitan Correctional Center.

Adler also appealed the \$250,000 fine that Seibel imposed, arguing that the judge did not give any "appropriate" reasons why she meted out a fine that was \$100,000 greater than the maximum one that was called for in his plea agreement.

In rejecting Adler's appeal, Seibel wrote that DiNapoli's sentencing guidelines were not the 37-46 months in his plea agreement but 70-87 months, based on a total of nine criminal [convictions](#), including four in federal court. "I imposed a sentence well below the low end of that range precisely because of his age and health" and "took into account the reality that prisoners do not receive the same kind of medical care that privileged persons on the outside enjoy," she wrote.

Seibel declined to stay his prison term, she wrote, because even if the Second Circuit ruled that her sentence was "substantively unreasonable," it was unlikely to find that the longtime Luchese consigliere "was entitled to a no-jail sentence or a sentence shorter than the expected duration of his appeal."

The government, which was denied an opportunity to respond to Adler's appeal to Seibel when she rejected the lawyer's appeal out of hand, will now have a chance to reply to essentially the same legal brief that Adler filed last week with the 2d Circuit Court of Appeals.

## Sammy Bull Set To Skewer The Dapper Don Again



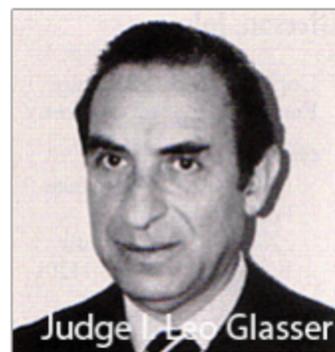
Like the Broadway revival of a hit show, Salvatore (Sammy Bull) Gravano may soon retake the stage back in Brooklyn.

Some 28 years after he became the [first underboss](#) to take the stand against his Mafia boss, Gravano is set to do it again before the same Brooklyn Federal Court Judge who heard his testimony the first time in the so-called *mob trial of the century*.

Back then, [Sammy Bull](#) fingered the late John Gotti for five mob murders, leading to convictions that stripped Gotti of his Teflon and sent the once strutting mob boss to prison where he died in 2002.

But this time, due to an unusual appeals court ruling, Gravano is slated to focus his testimony on only one of the murders for which Gotti was found guilty — the October 4, 1990 gangland-style slaying of Gambino mobster Louis DiBono. And this time around, Gravano will lay the blame for that hit solely on the Dapper Don.

That scenario is the likely result of a decision by the [2d Circuit Court of Appeals](#) giving former Gotti underboss Frank (Frankie Loc) Locascio a second post-conviction chance to convince Judge I. Leo Glasser that Frankie Loc is innocent of killing DiBono and should be released from prison at age 87 — before he dies behind bars like Gotti did.



Judge I. Leo Glasser

In a 2-1 ruling last week, the Court, without deciding whether an affidavit Gravano submitted on behalf of Locascio is true, granted his request to file "a successive" *habeas corpus* motion known as a "2255 motion" based on newly discovered evidence. The appeals court referred the case back to Glasser.

None of the specifics have been worked out, but if the U.S. Attorney's Office decides to oppose Locascio's motion — and there are several reasons why it might not — Sammy Bull will once again be a witness against John Gotti. But this time he'll be called to the stand by lawyers for Frankie Loc. And this time it will be the prosecutors who try to challenge his testimony .

In an affidavit that [was submitted](#) to the appeals court in August, Gravano stated that not only did Locascio play no role in the murder, but that Gotti's-then top aide objected to the killing and tried to talk Gotti out of it. According to Gravano, that rare disagreement by his top lieutenant angered Gotti, and led to Locascio's reduction in rank from underboss to consigliere.

Sammy Bull wrote that "Locascio had no role in the planning of, nor did he participate in any way in the murder or conspiracy to murder DiBono," who was killed in a parking garage of the World Trade Center.

Gravano wrote that Gotti stated that he "strongly resented" a suggestion by Locascio that he "forget about killing DiBono." Sammy Bull noted that "it was



Frank Locascio G L

clear" to him that "Frank's suggestion to Gotti about DiBono was one of the reasons why Gotti promoted" him to underboss and busted Locascio to acting consigliere.

The feds appear not to have settled on a strategy. But almost three decades years after the FBI and the U.S. Attorney' office in Brooklyn took Gotti off the streets for good, it may be time for both agencies to claim victory and figure out a way to let Frankie Loc go home and live out whatever time he has left, rather than allow Gravano to get back on the witness stand and talk about the killing of DiBono.

For Gang Land's money, Gravano's version of [events rings true](#), and Locascio appears likely innocent of the DiBono murder. And even if he did

commit another one along the way, the ailing mobster has served more than 29 years in prison, and doesn't have much time left.

Gravano's affidavit strongly makes the case that the FBI and U.S. Attorney's office withheld so-called *Brady Material* from Locascio, information that tended to exonerate him. Sammy Bull says he told officials from both agencies that Locascio had nothing to do with the murder, and would have testified to that, but was instructed not to volunteer that information from the witness stand.



Louis DiBono G L

During debriefings by "the Government's prosecutors and Special Agents of the FBI," Gravano wrote, "I told the Government everything I knew about all the crimes I committed including the DiBono murder and the conspiracy to murder DiBono." This included, he stressed, that "Locascio had no role in the planning of, nor did he participate in any way in the murder or conspiracy to murder DiBono."



He "was prepared to testify about all of the facts" he told authorities, but "was instructed to answer only the questions asked of me," and "did not, at trial, volunteer the information concerning Frank Locascio's lack of involvement in the Di Bono murder and conspiracy."

There's no way the government wants Sammy Bull to tell the world 28 years after it [convicted Gotti](#) in the mob trial of the century, and FBI boss Jim Fox declared: "The Teflon is gone. The Don is covered with Velcro, and all the charges stuck," that the government framed Locascio for murder at the same

trial.

But so far, the government is putting up a tough and ready face. Kristin Mace, the Deputy Chief of the Criminal Division of the U.S. Attorney's Office, has been assigned to handle the case, according to the court docket sheet.

## FBI Agents Play *Keystone Kops* Trying To Jail Wiseguy For Using A Cell Phone

There's no silent video of the hours-long caper, but a large team of FBI agents resembled the stumbling, bumbling *Keystone Kops* in a 1912 Mack Sennett film as

they tried but failed miserably to send Gambino capo Andrew Campos back to jail for violating the conditions of his bail 10 days ago.

That's what happened on February 10, according to court filings in Brooklyn by federal prosecutors and lawyers for Campos, who was charged in December with orchestrating a [multi-million fraud](#) scheme involving several major construction companies in the New York metropolitan area. Campos was later released on bail over objections of the prosecutors who argued that he was a powerful family capo who couldn't be trusted to abide by any court order and should [be detained](#) to prevent him from scads of criminal activity with other mobsters.



Andrew Campos

That Monday morning, [Campos](#) took his daughter on a court-approved trip to a doctor for a surgical procedure. Hoping to catch the mobster violating the strict conditions of his \$4.5 million bail, agents gathered at strategic points along his route from Scarsdale to Danbury.



Campos looks down but 'the photograph does not explicitly picture the telephone.'

The FBI's "Gotcha" moment came at 12:24 PM. That's when an agent who had seen Campos and his daughter enter the waiting room of the doctor's office 45 minutes earlier, saw the wiseguy, "seated next to his daughter, with head down using a cellular telephone," according to a filing by prosecutors Keith Edelman and Kayla Bensing.

The agent didn't walk over to [Campos](#) and confront him, as you might expect. But it was a doctor's office so perhaps discretion was the better option. But the agent took a picture to memorialize the event. Some pictures are worth 1000 words, but not this one. It shows Campos looking down at his lap, but not what he's looking at. The prosecutors used eight words to describe its value: "The photograph does not explicitly picture the telephone."

But Campos was still there, waiting for his daughter. There was still time to stop him and nail him with the phone as he left. But when that happened at 3:43 PM, none of the agents at the scene confronted him and said, "Give it up, we saw you on a cell phone inside."

Instead, the agents watched Campos and his daughter get into his car — and gave him an hour and 15 minutes, or more if they stopped to get something to eat, to ditch the cell phone IF he'd used one — before confronting him when they pulled up to their Scarsdale home.

When the agents told him that "he had been seen using an electronic device," the prosecutors wrote, he denied using a cell phone. Agents searched Campos, his car, and his daughter's handbag, but the only cellphone they found was his daughter's.



Henry Mazurek G L

Rather than seek a search warrant for her cellphone to check its usage that day on the say so of the agent who saw Campos allegedly using a cell phone, later

that day, prosecutors simply cited the above facts and asked a judge to revoke his bail at a scheduled hearing on Valentine's Day.

The next day, the wiseguy's lawyers stated that Campos emphatically denied using a cell phone during the trip, noting that the agent's "observation" of the cellphone was "shockingly uncorroborated" by a "lonely photograph" with an obstructed view "from a far corner of the waiting room" and it showed that both Campos and his daughter had their heads facing down.



At It Again (Keystone 1912) 1/2 reel dir Mack Sennett  
cast: Mabel Normand, Mack Sennett, Fred Mace. also Ford  
Sterling and Alice Davenport

And Campos's daughter would testify, wrote attorneys Henry Mazurek and Ilana Haramita, that she "has maintained the secrecy of her phone's password from her father, as directed (by) the Court," and "that she never saw her father possess or use a different cellular telephone at any time she was with him on February 10, 2020."

That day, the lawyers wrote, she "never gave her phone to her father" and would testify she had used it to text her mom, a sibling and a friend while at the doctor's office, and that "her father never asked to use her phone or to pass messages to anyone on her phone while they were at the doctor's office."

Two days later, on February 13, prosecutors told the judge that "based upon new information," they were withdrawing their motion to revoke Campos's bail "pending further investigation."

The FBI had nothing to say to Gang Land about the actions of its agents on February 10, 2020, which sound somewhat similar to the plot of the 1912 *Keystone Kops* film, *At It Again*, "in which, they follow and arrest the wrong person," according to the *Encyclopedia Britannica*. The U.S. Attorney's Office was also mum about its actions in the caper.



**In the market for a good read?  
To add to your own book collection? For a friend?  
[Check out our Gang Land Book Shelf.](#)**

[Mafia Women](#)

[Other Books](#)

[FAQ](#)

[Links](#)

[About Us](#)

[Contact](#)

[Us](#)

Web Consulting by Dorene Matney

© 2013, Gang Land News