



Jerry Capeci

# Gang Land News

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## This Week in December 28, 2017 Gang Land

By Jerry Capeci

### Judge Katherine Forrest; The Grinch Judge Who Stole Christmas



Gang Land's given out a few ***Throw The Book At 'Em Awards*** to heavy handed judges



Judge Katherine Forrest

over the years, but that doesn't do justice for the most mean-spirited jurist of 2017, Manhattan Federal Judge Katherine Forrest. She gets the ***Grinch Who Stole Christmas Award*** for separate decisions to revoke bail for three defendants two weeks ago. Those rulings came on the heels of a stinging Second Circuit Court of Appeals reversal of a "procedurally and substantively unreasonable" five year sentence she gave a petty thief who just spent his third Christmas behind bars.

A longtime partner at the white shoe Manhattan law firm of Cravath, Swain & Moore, Forrest's specialty there was commercial litigation, according to an online biography. She had toiled neither as a criminal defense attorney nor as a prosecutor before being selected for the federal bench by President Obama in 2011, living proof that Democratic presidents are just as capable of making bad judges as the current White House occupant. All four of



[Alfonso "Little Al" D'Arco](#)



[Salvatore "Bull" Gravano](#)



[Joseph Massino](#)



[Steven "Stevie Wonder" Crea](#)



[John "Sonny" Franzese](#)



[Domenico "Italian Dom" Cefalu](#)



[Vincent "Chin" Gigante](#)



[Carmine "Junior" Persico](#)



[Anthony "Gaspape" Casso](#)



[Liborio "Barney" Bellomo](#)

[Other Wiseguys ...](#)

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the mean-spirited rulings by Forrest that merit her selection here were *sua sponte*, or her idea. They were not requested by prosecutors, pre-trial services, or the probation department.

On December 15, she revoked the bond of 75-year-old wiseguy Robert ([Old Man](#)) DeBello, who'd been free for 15 months, and whose trial is set to begin in February. That same day, Forrest revoked the bail of mob associate Anthony Mascuzzio, who pleaded guilty to two \$5 million bank heists. On December 13, she did the same for co-defendant [Michael Mazzara](#).



Forrest, who took over [DeBello's case](#) in September, decided after reading recent court filings that the government's decision to [agree to bail](#) for Old Man DeBello, and prior Judge Laura Swain's decision to approve it were wrong, even though he had done nothing wrong while on bail. Regarding Mazzara and [Mascuzzio](#), Forrest opined that now that they had pleaded guilty, they

were flight risks.

A day earlier, Gang Land has learned, the [strong-willed](#) Forrest was cited for making "clearly erroneous factual findings" in an unusually critical 31-page opinion by the Second Circuit, which noted that it overturns sentences only in "exceptional cases." The appeals court ruled that the **Grinch Judge** had wrongly sentenced a defendant named Latchman Singh to three times his maximum recommended prison term, and ordered Forrest to resentence him.

Singh, 46, a native of Guyana who emigrated to the U.S. with his family when he was a boy, has lived in New York most of his life. In 1997, Singh married a permanent U.S. resident, with whom he has a 17-year-old daughter, and settled in The Bronx. In 2010, following many appeals, he was deported for a 1995 postal theft, for which he had served 13 months. In 2012, he was deported again. In 2015, he was indicted for being in the U.S. illegally, after he was nabbed again, living with his wife and daughter.

Like Singh, Judge Forrest, 53, has also lived in New York most of her life, in a different part of town. A New York University School of Law grad, Forrest, a longtime partner at Cravath, had \$4.3 million in assets when she

left the law firm in 2010, a year before her judicial appointment. Cravath supplements her federal judge's \$175,000 salary with \$382,000 in annual payments that are slated to continue until 2020, according to her responses to a Senate Judiciary questionnaire.

At his sentencing in April of last year, Singh, who had served nine months in prison by then, apologized for his prior crimes, and begged for leniency in a tear-jerking letter to Forrest, stating that he was robbed, badly beaten, hospitalized, and threatened with death in Guyana, where he knew no one, according to the Second Circuit ruling.



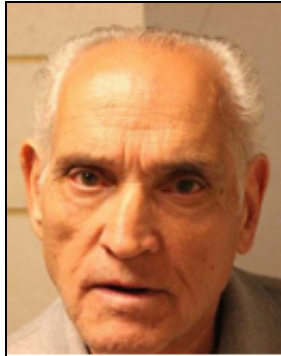
Judge Laura T. Swain

"Your Honor," wrote Singh, "I Came Back to United States Because I was Fear for my life. I was in Danger in Guyana which I was attack, Beaten up, Robbed and threatened to Be kill for my money and other thing. Your Honor I've No family in Guyana. My wife, child, Mother, Father and all my sister and Brother are Residing in the United States."

"Your Honor I was all alone in Guyana and Scare," Singh went on. "Your Honor I only Came Back Because I was in Danger and Fear For my life and to Be with my Family. Please my only Daughter is very worry about what's going to happen to her Father."

His federal defender, Jonathan Marvinny, asked for time served, explaining to Forrest, the Second Circuit wrote, "that Guyanese of Indian descent who returned to Guyana were often targeted for robberies, especially after having lived in the United States."

"From day one Mr. Singh has told me and my office that he was attacked, robbed, and in danger down in Guyana and that was a portion of his motivation for returning," Marvinny told Forrest. "He has been explicit and clear about the threats that he was under in Guyana. He was robbed, beaten with a gun and put in a hospital in Guyana."



Robert DeBello G L

The prosecutor and probation officials both stated that Singh had accepted responsibility for his crime and recommended a prison term within the sentencing guidelines of 15 and 21 months.

None of that cut any ice with Forrest, though, even though she accepted Marvinny's assertions about the beatings and threats to his client's life in Guyana, which weren't contradicted by the government.

From the bench, Judge Forrest sounded a lot like that badly-coifed *Leader of the Free World* when she stated that Singh had "no right to be present on U.S. soil" and "should be deported back to Guyana." First, however, she insisted that he should serve 60 months in prison, stating that was the only sure way to keep Singh, who had seven other arrests for less serious crimes, from breaking U.S. laws. "An attempt at reentry is almost certain for this defendant. He has done it two times before. There is nothing at all in the record at all to indicate he wouldn't do it again."

Noting that "The shocks-the-conscience test is necessarily imprecise," the Second Circuit wrote that "in this case, on this record, even if Singh's sentence does not *shock* the conscience, it at the very least *stirs* the conscience." Not only is it "almost three times the high end of the Guidelines range," it "drastically exceeded nationwide norms," the Court wrote.

"In fiscal year 2013, the average sentence for illegal reentry offenders was 18 months and the median sentence was 12 months," the Court wrote, adding that "an above-Guidelines sentence was imposed in only 1.3% of all illegal reentry cases."

The appeals court wrote that while it is usually "particularly deferential" to sentencing judges, it disagreed strongly with Forrest's assessment that "a substantial variance" was called for "because of Singh's 'consistent history' of criminal conduct and the 'very high likelihood of recidivism.'"



Michael Mazzara G L

The three judge panel opined that Forrest "may have overstated the seriousness" of Singh's criminal activity, and disagreed that her "abject view of Singh's record and prospects for reform is supported by the record."

"Singh indeed had eight prior convictions, as the district court acknowledged, however none involved violence or narcotics trafficking," the Court wrote. "Six of the eight convictions were more than ten years old. Four of the convictions were more than 20 years old, involving crimes committed by Singh when he was only 21 or 22 years old, and two others were more than ten years old. None involved guns."

The appeals court noted that a sentencing judge has a "formidable task" of trying to predict whether the defendant was "likely to break the law again" but disagreed that "the record here supports the trial court's apparent conclusion that Singh was essentially beyond redemption."



Anthony Mascuzzio Gl

The Court was also critical of several "factual errors" that the ***Grinch Judge*** stated from the bench.

"In fact," the Court wrote, "Singh had been arrested for illegal reentry only twice, including the instant offense," not at least three times, as Forrest had said in justifying her five year sentence.

She was also wrong in stating that "Singh 'has spent the majority of his adult life back and forth,' that is, between Guyana and the United States," the Court wrote, noting that Singh "was not deported for the first time until 2010, when he was nearly 39."

Judge Forrest's "conclusion that Singh was 'almost certain' to illegally reenter again surely was influenced by these apparently erroneous views of the facts," the Court wrote.

"It was simply not correct, that he had spent 'the majority of his adult life back and forth.' To the contrary, he had spent the majority of his adult life living in the United States," the Court wrote, noting that "before his arrest, he lived with his wife and their daughter in the Bronx and had a positive relationship with both."

They were in court at his sentencing last year, and they

plan to be there to support him again next month, said attorney Marvinny. "We asked for time served in April of 2016, and we're going to do it again in January of 2018," said the lawyer, who noted that the sentencing guidelines for Singh's crime have been downgraded, and his recommended prison term is one-to-seven months.

## Prosecutor Of The Year Is A Trio From Brooklyn

Gang Land's ***Prosecutor of the Year Award*** goes to three assistant U.S. attorneys, AUSAs Lindsay Gerdes, Keith Edelman and Nicole Argentieri, who used a former one-man [crime wave](#) from Howard Beach named [Gene Borrello](#) to nail 19 Bonanno family mobsters and associates on charges including racketeering, arson, extortion, loansharking and murder conspiracy.



So far, 10 of the 19 defendants, including Vincent Asaro, who won an acquittal on murder and racketeering charges stemming from the storied \$6 million Lufthansa Airlines Robbery, and John J. Gotti, the grandson of the late Dapper Don, have pled guilty. Seven others, including Asaro's nephew, Ronald ([Ronnie G.](#) Giallanzo, have indicated they will also [plead guilty](#) in the coming months.

Gerdes, Edelman and Argentieri also get a ***Just Kidding Award*** for telling a judge in May that Asaro had plotted to kill Argentieri, the lead prosecutor in the Lufthansa heist case. Last month [they conceded](#) that the jailhouse stool pigeon who had fingered the aging mobster was unreliable. See? AUSAs with honor — and a sense of humor too, we hope.

Asaro, whose sentencing has been postponed previously, is slated to be sentenced today by Judge Alynne Ross for getting his then-underling [Borrello](#) to torch the car of a motorist who had cut him off in April of 2012.



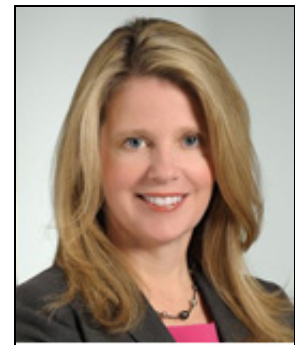
Lindsay Gerdes G L

Attorney Elizabeth Macedonio gets the ***What The Hell Was I Thinking Award*** for letting the 82-year-old Asaro cop a [plea deal](#) that leaves him open to a 20-year prison term even though his sentencing guidelines in his plea agreement were 41-to-51 months. The government's mea culpa (see the ***Just Kidding Award*** above) lowered the numbers to 33-to-41 months but prosecutors have cited the Lufthansa murder and racketeering allegations in asking Ross to impose a 15 year sentence.

Macedonio, who won our ***Best Defense Lawyer Award*** in 2015 for engineering Asaro's stunning acquittal in the Lufthansa case, and Asaro, may end up smiling today after he faces the music in Judge Ross's courtroom. But Gang Land still thinks a better bet would have been to take his chances at trial.

[Michael Persico](#), the businessman son of long-imprisoned Mafia boss Carmine ([Junior](#)) Persico gets the ***Goodbye Colombo Award*** for finally going off [to prison](#) in 2017 five years after pleading guilty to loansharking charges that also covered three murders and a slew of other allegations.

Earlier this year, very quietly, a little-known mob associate who had more than a little to do with the government's ability to hit Persico with murder charges and convince him to cop a plea deal, Peter ([Squish](#)) Tagliavia, was rewarded with a "time served" sentence of one day.

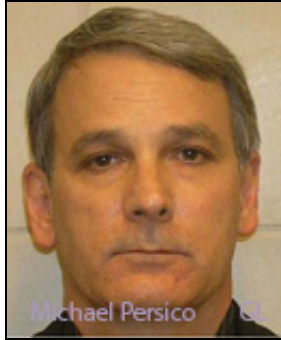


Elizabeth Macedonio

Tagliavia, 46, along with his brother-in-law [Thomas McLaughlin](#), wore a wire for two years and was instrumental in the 2011 *Mafia Takedown Day* arrest of 36 Colombo family mobsters and associates. One, capo Anthony (Big Anthony) [Russo, flipped](#), and fingered Michael Persico as the source of the guns used to whack a rival in the 1991-1993 Colombo war.

Russo, whom the brothers-in-law tape-recorded admitting a role in the 1993 murder of rebel capo Joseph Scopo, testified about his and Persico's alleged involvement in the hit, which Chief Judge Dora Irizarry credited, and cited in giving him five years, instead of the

37-to-46 months called for in his plea agreement.



All the records in Tagliavia's case are sealed, and the FBI, and Brooklyn U.S. Attorney's office declined to comment about it, or even confirm that he had been sentenced. But sources say he received the same prison term that McLaughlin received last year.

Several wiseguys returned home this year after prison bids, but this year's ***Comeback Award*** goes to longtime Gambino soldier [John Carneglia](#), the wisecracking John [Gotti pal](#) who maxed out of the 50-year sentence he got for a 1989 drug conviction after 28 years behind bars. Carneglia, 70, looked pretty good in the picture we ran of him in September.

Manhattan Federal Judge Richard Sullivan presided over ***The Longest Guilty Plea*** not only of 2017 but in Gang Land history. It began on October 16 when [Daniel A. Marino](#), the son of Gambino soldier Danny Marino, tried to plead guilty to illegal gambling but failed. It ended on November 16, when Sullivan accepted the guilty plea Marino had entered a week earlier. He'll be sentenced next year.

## Top Story Of 2017 Is Videotaped Bonanno Family Induction

It happened two years ago, but the videotaping of a Bonanno crime family induction ceremony in Canada, what acting Brooklyn U.S. Attorney Bridget Rohde last month called "an extraordinary achievement for law enforcement," is Gang Land's ***Top Story Of The Year*** for 2017.



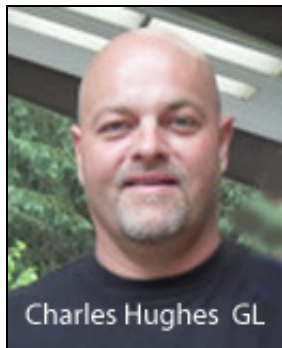
Vincenzo Morena G L

As Gang Land reported exclusively last month, the November 2015 initiation was videotaped by an Italian national who grew up in Brooklyn as Vincent ([Enzo](#)) Morena and was a member of the violent Queens-based mob farm team known as the Giannini crew that dealt drugs and robbed banks, bars, and other merchants in Brooklyn and Queens in the 1990s.



Morena, now 45, was deported to Italy after serving a 51 month prison term. Sources say several years ago, as Vincenzo Morena, he made his way into Canada where he "got back into the life" after setting up shop in Hamilton, Ontario, a port city about an hour's drive from Toronto. Sources say he began cooperating with the Royal Canadian Mounted Police about three years ago.

During the ceremony, Morena is heard thanking the acting capo who conducted the induction ceremony, [Damiano Zummo](#), after being told that "from this day forward, you're a member of the Bonanno family," according to a brief excerpt contained in court papers.



Charles Hughes GL

Based on Morena's cooperation, three others, including Gambino soldier Paul Semplice and mob associate Paul Ragusa, a former Giannini crew member who ran with Morena in the 1990s, are awaiting trial on various drug, extortion and weapons charges.

Ousted Manhattan U.S. Attorney [Preet Bharara](#), and Joon Kim, who replaced him when President Trump dumped almost all the holdover chief federal prosecutors in the country, share the ***Joe Paterno Award*** in 2017 for following in the tradition of the disgraced late Penn State football coach who concealed an assistant coach's sexual proclivities for years.

The award is for keeping sealed for nearly a decade the status of an FBI snitch who [pleaded guilty](#) to soliciting sex with a minor in 2008 and then cooperated in a snake-bitten case that caused prosecutors [to dismiss](#) all charges against 10 of the 29 mob-connected defendants charged with labor racketeering in the waste hauling industry.

Judge Kenneth Karas, who like Bharara and Kim is an alum of the U.S. Attorney's office, gets an ***Honorable Mention*** for aiding and abetting his old office in its bid to keep the case of [Charles Hughes](#) sealed. Hughes, 47, was arrested back on August 27, 2008 when he showed up at a Westchester hotel with a supply of condoms to meet a 15-year-old "girl" he'd been calling

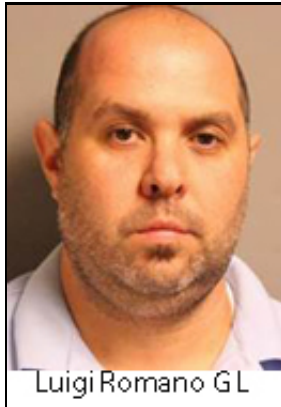


Roland Bedwell G L

and chatting with online for two months.

Last week, following a request to unseal from Gang Land, Karas ruled that a "continued sealing of this case in necessary" without disclosing any reasons. "The Court does expect, however, that circumstances may change within the next several months that may lead the Court to unseal this case," Karas wrote.

Roland [Bedwell](#), a business agent for Local 175 of the United Plant and Production Workers Union gets the ***Johnny Friendly Award*** for best exemplifying the racketeering techniques of the labor union goon portrayed by Lee J. Cobb in *On The Waterfront*. Bedwell, who threatened employers and rival union officials to make deals with him or suffer the wrath of the Gambino family, [copped a plea](#) deal in August. Bedwell, whose plea agreement calls for a prison term between 51 and 61 months, is awaiting sentencing.



Mob associate Battista ([Benny the Blade](#)) Geritano gets the ***Poison Pen Letter Award*** for allegedly writing not one, but two letters threatening the [attorney](#) who defended him in 2013, when Geritano was convicted of a barroom stabbing and sentenced to 12 years in prison. Last week, the feds rejected an offer from Benny to plead guilty if his sentence could be served concurrently with the rest of his state prison term. Whatever he

does now, Benny probably should not write any more letters.

Mob associate Luigi (Louie Sunoco) Romano gets the ***Best Plea Deal Award*** for a guaranteed maximum prison term of three years for [conspiring to murder](#) a gangster rival, even though the sentencing guidelines for [the crime](#) call for up to 15 years in prison. How his lawyers Eric Franz and Marc Fernich got ***Grinch Judge*** Katherine Forrest to agree to that is beyond Gang Land's comprehension, but earns them our ***Defense Lawyer Of The Year*** Award.

**No matter where your current station in life is located these days, Gang Land wishes you a peaceful, prosperous, healthy and Happy New Year!**



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