



Jerry Capeci

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This Week in Gang Land July 20, 2017

By Jerry Capeci

Big-Time Bank Burglars Overdrawn On Love



The girlfriends of two enterprising mob associates charged with carrying out a pair of sensational [multi-million](#) dollar bank burglaries have turned on their boyfriends and cooperated with federal authorities, Gang Land has learned.



First to flip was the paramour of the burglary crew's accused ringleader, Michael Mazzara, according to an FBI affidavit that federal prosecutors used to obtain a search warrant for two Mazzara properties in Gravesend, Brooklyn.

Mazzara's former sweetheart — identified as CS-1 in the affidavit — handed over "valuable baseball cards contained in plastic cases, gold and silver bullion coin proof sets, and loose coins dating principally from the 19th century," according to an affidavit by FBI agent Bradford Price. The loot was hidden "inside an unfinished wall on the third floor" of a house that Mazzara was renovating next door to his home, the memo states.

In addition, wrote agent Price, Mazzara's girlfriend fingered co-defendant Charles (Duke) Kerrigan, and his girlfriend, Heather Kornhaber, as taking part in the bank jobs. She also tipped the feds to additional secret hiding places that Mazzara and Kerrigan maintained in the house at 1849 West 10th Street where both men lived.

Sources say the 38-year-old [Kornhaber](#), a single mom of a nine year old boy, agreed to cooperate with federal



[Joseph Massino](#)



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[John "Sonny" Franzese](#)



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Charles Kerrigan G L

prosecutors in Manhattan, and was released on a \$10,000 personal recognizance bond following her arrest in December.

Mazzara and Kerrigan, who have been hanging tough since their arrests last July, are charged with two weekend-long heists that pulled in more than \$5 million in cash and valuables. The first was an HSBC branch in Borough Park, Brooklyn that the men allegedly burglarized in April, 2016; a month later they hit a Maspeth Federal Savings bank in Rego Park, Queens.

CS-1 told the FBI that in the weeks after the heists she saw Mazzara "store large quantities of cash and certain items of jewelry inside a hidden compartment located underneath a washing machine inside the first floor apartment" where he lived.

Mazzara told her that he had hidden more than \$100,000 there, according to the affidavit, and when she looked for herself sometime in June, there was "approximately \$75,000 in cash stored in the secret compartment," agent Price wrote.



Heather Kornhaber G L

During that same time frame, the agent wrote, CS-1 saw "Kerrigan store large quantities of cash and other items inside a hidden compartment located behind a kitchen cabinet inside the basement apartment" where Kerrigan lived.

The woman's information, which she was providing in an effort to lessen any prison time she might get for her complicity in the bank burglaries, wrote Price, "has been corroborated by independent evidence and has proven reliable."

"One of the baseball cards" that she took from Mazzara's hiding place in the house at 1845 West 10th street, which is next door to his home, wrote Price, "matches a baseball card listed on an insurance claim filed by the owner, whose safety deposit box was one of those robbed" from the Maspeth bank during the May 20-22 weekend.

[Mazzara](#), 45, and Duke Kerrigan, 41, along with codefendants Anthony Mascuzzio, 37, and Kerrigan's brother Christopher, 39, worked all weekend to drill through the roof of the Maspeth bank and steal \$300,000 from its vault and \$4.3 million in cash and valuables from safety deposit boxes in the bank, according to court records. They allegedly stole \$330,000 in the Brooklyn heist.



Anthony Mascuzzio G L

The quartet, who are all free on bail, are scheduled for trial before Manhattan Federal Judge Laura Swain in January.

Reliable Gang Land sources say Mazzara's girlfriend was the confidential source who first informed the FBI that Kornhaber, who was charged last December with receiving cash and other valuables from the Maspeth bank heist, had "intimate knowledge about the bank burglaries" and had helped Duke Kerrigan hide some of the stolen loot.

The [U.S. Attorney's office](#) and the FBI, as well as the defense lawyers in the case, declined to discuss the identity of CS-1, or the involvement that she and Kornhaber had in the investigation of the bank burglaries, or might have in the trial next year.

While it's unclear whether prosecutors plan to call either woman as a trial witness, Price's affidavit for a search warrant appears to confirm what Gang Land's sources say about the roles the two girlfriends played in the FBI's probe of the bank heists.



Chris Kerrigan G L

The agent wrote that CS-1 began cooperating with the FBI in July of 2016, and told the FBI that on June 1, a week after the heist, she saw Kornhaber "remove a large quantity of U.S. currency from the secret compartment" in Kerrigan's basement apartment. "Kornhaber did not remove all" of the cash that was hidden behind a kitchen cabinet, wrote Price, who noted that Kornhaber knew that the Maspeth bank was going to be burglarized before it happened.

Price also recounted a conversation which is one of the most intriguing taped talks to ever reach Gang Land's desk. The discussion indicated that Kerrigan, who was then in a "romantic relationship" with Kornhaber, had a soft spot in his heart for her former boyfriend, and the father of her son, a Luchese associate named Roman (The Jew) Kitroser, who is serving 25 years for drug dealing, the agent wrote.

The taped discussion — which took place on May 19, 2016, a day before the burglary ring broke into the Maspeth bank — was between Kornhaber and Kitroser, who was then housed in the Metropolitan Detention Center in Brooklyn, and awaiting his permanent assignment to a federal prison.

Price wrote that after telling Kitroser that she was "not talking" to Kerrigan then, Kornhaber said that Duke, a

construction worker and longtime member of Local 15 of the Operating Engineers, had texted her to "get word to Kitroser" that he was "working nights" and would soon be "doing a big project at night for Local 15" and "would be willing to help pay for Kitroser's 'new lawyer.'"



Judge Laura T. Swain

"Kornhaber asked Kitroser if he understood what she meant," wrote Price, who didn't bother to state that of course the drug dealer did.

Kitroser subsequently did hire an appeals specialist, who filed papers contesting his conviction last month. (Asked about the taped talk, Kitroser's "new lawyer," Marc Fernich said: "I'd like to think I'm such a great lawyer that folks would rob banks to hire me.

But, alas, the timeline doesn't seem to fit. I was retained to look into a '2255 motion' for Roman in October of 2016." See below.)

The day after the burglary, Price wrote, Kornhaber "stated that 'my friend who works for Local 15, he worked the night shift last night. They called him in and he had to work ... twenty hours, twenty hours ... that's the most hours that he's ever worked that I've ever seen.'"

Price, a member of a joint NYPD-FBI task force that investigates bank burglaries, wrote that based on his 12 years of experience, Kornhaber's use of the words "night shift" was a reference to the Maspeth bank heist and "that 'twenty hours' is a coded reference to the amount of the proceeds from that burglary."

On June 1, 2016, the same day that CS-1 told Price she saw Kornhaber remove a large amount of cash from Kerrigan's secret hiding place, Kornhaber was tape-recorded telling Kitroser that "she was very busy because she 'had to clean Duke's house a lot,'" an apparent reference, wrote Price, to "her removing (cash) proceeds" from Kerrigan's hiding place in his basement apartment.



Pole camera spies Kerrigan & Mazzara carrying Shop-Vac they allegedly used during April 2016 HSBC bank heist in Borough Park, Brooklyn.

Two days later, Kornhaber appeared at Kitroser's sentencing and asked the judge to impose the mandatory

minimum sentence of 20 years for Kitroser, stating that the father of her nine-year-old son "does have some redeeming qualities."

The following month, based on an arrest complaint written by Price, the NYPD-FBI task force charged [Mazzara](#), Duke Kerrigan, and Mascuzzio with the two bank burglaries. Christopher Kerrigan was added to the indictment in January.

Based on Price's affidavit, the task force obtained a search warrant for the two Mazzara properties on West 10th street and the Brooklyn apartment where Kornhaber lived, and retrieved undisclosed cash and valuables allegedly stolen from the two banks, as well as burglary tools the gang allegedly used to pull off the bank heists.

Kingpin Drug Dealer Says He Was Unfairly Snared In A Left Coast Wiretap Mill



Roman Kitroser G L

There is no doubt that Roman (The Jew) Kitroser, a longtime Luchese associate, was a "kingpin" drug dealer. The feds seized 75 kilos of drugs, a cache of weapons, and \$2 million in cash when they arrested him in Brooklyn in December of 2014. Those are some of the key reasons that led Kitroser to plead guilty two years ago.

But appeals specialist [Marc Fernich](#), with help from a blockbuster newspaper series, is giving the drug dealer a new hope at freedom.

In his appeal, Fernich is arguing that the chain of evidence that led to Kitroser's arrest began at a law enforcement wire-tap mill on the other side of the country, a California county that *USA Today* called *America's Wiretap Capital* in an investigative series. Fernich asserts that Kitroser's was one of a whopping 624 wiretaps that were improperly authorized in 2014 in Riverside County, California.

Citing the *USA Today* series, Fernich claims in a Manhattan Federal Court filing that the Riverside District Attorney's office obtained more wiretaps than any other jurisdiction in the U.S. What's more, writes the attorney, the Judge who authorized the tap that snared Kitroser had "approved nearly five times as many wiretaps" in 2014 "as any other judge" in the country.

In asking Judge Katherine Failla to vacate Kitroser's guilty plea, Fernich argues that the tap was illegally obtained because it was sought by an assistant district attorney who was not acting as the District Attorney of Riverside

County, as was required under the California penal code.

The Riverside DA, Paul Zellerbach, had been swamped with so many wiretap requests, he had designated an ADA, Creg Datig, to seek wiretaps in the DA's stead, wrote Fernich. But under California law, wrote Fernich, the ADA had to be "an assistant district attorney duly designated to act for *all* purposes as Riverside District Attorney."



What the record shows, according to Fernich, is that Datig was essentially a rubber stamp, a District Attorney in name only, limited to handling administrative matters relating to the wiretap applications.

Although Zellerbach had filed a letter in Riverside Superior Court "purporting to 'authorize' Datig, in Zellerbach's 'absence,' to 'make all decisions necessary to the administration of the District Attorney's Office,'" wrote Fernich, nothing in the "wiretap application indicates that Zellerbach was absent or otherwise unavailable on the day of submission."



Judge Katherine Failla

The DA's letter, wrote Fernich, "bespeaks a 'blanket' delegation of wiretap approval authority 'on a permanent basis,' providing thin political cover for turning Riverside into a virtual spy factory — the go-to electronic espionage forum for the nation's law enforcement community."

"Viewed through that lens," wrote Fernich, "the letter seems a ruse at best, representing a bona fide designation of all the DA's power — or a genuine effort to deal with logistical difficulties attending occasional if unavoidable absences — in name alone."

"Zellerbach himself flatly admitted as much," wrote Fernich, "bluntly telling *USA Today* that he 'didn't have time to review' the flood of wiretap applications swallowing up his office and couldn't recall 'reviewing or personally authorizing any of them.'"

Even though Kitrosier pleaded guilty on November 2, 2015, a week before *USA Today* began its bombshell series, Fernich wrote that Kitrosier's then lawyer "rendered ineffective assistance in failing to investigate" and challenge "the unlawfully obtained Riverside tap."

Fernich asked Failla to vacate Kitrosier's guilty plea, or in the alternative, order a hearing to determine whether his conviction was the result of evidence that was obtained

illegally and whether the indictment against him should be dismissed outright.

Five Days Later, Jury Hangs Itself In Two-Day 'No-Show Job' Mob Trial

It took just two days to present testimony about an alleged no-show job held by a mobbed up former Teamsters Union member in Brooklyn Federal Court. Meanwhile, the jury — apparently on its own work-to-rule slowdown — took five days to make up its mind.



Frank Radice GL

And in the end, it couldn't even do that.

Brooklyn Federal Judge Alynne Ross declared a mistrial this week in the case against the brother-in-law of Gambino soldier Frank Radice who was accused of making eight false statements in documents that his company, Show Biz Trucking, filed with the benefit funds of the company's union.



James Norizsan GL

None of the basic facts were in dispute: There was no question that [Radice](#) wasn't working in the office in 2012 and 2013 when the company dispatcher swore he was on the job. And there was also no question that the company was entitled to let Radice do pretty much whatever he wanted to earn his \$180,000 salary. Likewise, no one claimed that the union, Teamsters Local 817, lost any money over the arrangement.

Evidence also showed that even after Radice was bounced from the Teamsters union because of his status as a "made man," the company, which the feds say is owned by his cousin and fellow Gambino mobster Michael Mattarazzo, continued to pay the required percentage of his salary into the union's three benefit funds. The donations allowed Radice to receive the same benefits as union workers.

But that wasn't the alleged crime. What jurors had to determine was whether Show Biz dispatcher James (Jimmy) Norizsan had "knowingly and intentionally" made false statements in documents that unions are required to maintain under the Employee Retirement Income Security Act (ERISA) of 1974.

On Tuesday, they declared they couldn't.

On the witness stand, Norizsan testified that he never intended to deceive the union, or the company when he filled out so-called "Captain's Reports" and "Remittance Reports" and checked off boxes stating that Radice had been at the



(l-r) Gambino wiseguys Frank Radice, Michael Mattarazzo, Show Biz dispatcher James Norizsan

office. He said company owners had told him that Radice often worked off site, and did not have to come into the office, but to indicate that he had.

Under cross-examination by assistant U.S. attorney Penelope Brady, Norizsan said he was aware that Radice had been bounced from the union, and that Norizsan was not permitted to discuss union business with him, but that he still met and chatted with Radice several times a week.

"I still associate with him," he testified. "He's my brother-in-law."

He also testified that on occasion, he would ask Frank about "issues that he's knowledgeable in, and I'm not," recalling that Radice had been a dispatcher before he was and that they had worked together at another trucking company before Show Biz was formed back in 2009. The company, according to testimony, has about eight employees, six of whom are union members. It specializes in transporting and storing equipment for television studios and movie theaters.

On occasion, said Norizsan, he would call Frank about "trucking advice on, you know, if the trucks break down, who should I call to take care of this. You know, the guys have an argument. How should I handle it, if I can't handle it."



"So for example," said Brady. "You would call him up and say, hey, these two workers are having an issue. What I'm doing is not working. How would you handle it? That kind of thing?"

"Correct," Norizsan testified.

"Correct," Norizsan testified.

The jury never learned that both Radice and Mattarazzo were Gambino family wiseguys because Judge Ross agreed with the argument by Norizsan's attorney Maurice Sercarz that their reputed organized crime status would prejudice his client in the eyes of jurors.

Prosecutors indicated that they would try Norizsan again, but no re-trial date was set.

"I understand that there was a substantial number of jurors who didn't believe that my client intended to violate the law," said Sercarz, who told Gang Land that jurors had told a paralegal they were 6-5-1 for acquittal. "My client is a good and decent man. I am pleased that we were able to avoid a conviction, and I look forward to his complete vindication the next time around."



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