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HUTTON MEN and other Wiseguy's



This Week in Gang Land

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By Jerry Capeci

Bruce Cutler Returns To The Scene Of The Crime



Attorney Bruce Cutler, who rode to fame and fortune thanks to his much-beloved



Bruce Cutler

client, John Gotti, returned to the scene of the crime last week at a Midtown Manhattan steak house. No, not the storied Sparks Steak House, where Gotti orchestrated the sensational assassination of his mob boss, but the Porter House, where Cutler earned an assault arrest last fall for clocking a younger attorney who got on the barrister's nerves.

The occasion was dinner with a few lawyers who shared the Dapper Don's trial acquittals with him. "It was like Broadway Danny Rose, with old men sitting around a dinner table swapping stories about old times," said noted defense attorney Gerald Shargel, an attendee who was Cutler's co-counsel in the second Gotti acquittal in 1990. "Only instead of comedians telling funny stories, it's us lawyers having a great time reminiscing about wins and losses during our younger days."

Presiding over the evening was a notably more serene Cutler who says he now has a firm grip on the temper that triggered his November 8, 2013 dustup. Cutler, 66, says he "passed with flying colors" the anger management course he was required to complete as a result of the incident. His misdemeanor assault



Anthony "Gaspari" Casati



Lawrence Joseph "Lenny" DeStasio



Joseph "Joey" DiStasio



Lawrence Joseph "Lenny" DeStasio



Joseph "Joey" DiStasio



Lawrence Joseph "Lenny" DeStasio



Anthony "Gaspari" Casati



George Santangelo

Other Witnesses

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Gang Land's Police

charges have been dismissed. In fact, what he'd like to do next, he told Gang Land, is to teach "at the high school or college level."

But while the temper stayed in place, the loquacious lawyer still grows agitated when Gotti's stunning 1987 courtroom victory — the only time a mob boss has been acquitted of racketeering charges — is dismissed as a case that was bought and paid for by a \$60,000 payoff to a corrupt juror.



Gerald "Gerry" Engel

"I was there when the jury said to the news reporters on television that it was 11 to 1 for acquittal on the first ballot, so it was shocking to hear that allegation years later," Cutler said. "Even if they did buy one juror, they didn't buy the other 10 who voted innocent on the first ballot." And his client, despite his outward bravado about the outcome, was nervous, he said.

"There was so much tension with John when the verdict came in," said Cutler. "He didn't know."

George Santangelo, another member of Cutler's "Old Lawyers Club" ("It used to be the 'Jewish Lawyers Club', but we welcomed all comers," says Cutler) represented a Gotti co-defendant and also attended the steakhouse dinner. Santangelo agreed wholeheartedly with Cutler's assessment.

"It was a garbage case," said Santangelo, at 75, the senior member of the OLC. The lawyer recalled how an 11-member jury convicted Gotti's brother Gene and codefendant John Carneglia on drug dealing charges in 1989. "You can be convicted by 11 jurors in federal court," he said. "Okay, then he was acquitted by a jury of 11 who said he wasn't guilty."

The fourth OLC member at the Porter House get-together was Jeffrey Hoffman, 71, who became lead attorney in the 1987 case after Gambino underboss Aniello (Neil) Dellacroce died and his lawyer moved on. During the trial, Hoffman was involved in a tense face-off with the Dapper Don over trial strategy. It came as the attorneys were wrestling with whether to call Matthew Traynor, a would-be government witness who switched sides, but who would ultimately testify for the defense that the feds plied him with pizza, beer and Valium to flip him.

The confrontation took place during the lunch break. Under an arrangement okayed by Brooklyn Federal Judge Eugene Nickerson, the seven defendants — Gotti and two others were incarcerated at the time — and

their attorneys were allowed to eat lunch together in the sealed courtroom as they prepared for the afternoon session each day.

"We had to make a major decision regarding Traynor," said Cutler. "John was sitting in the jury box, holding court. We were digesting lunch getting ready for the afternoon



Bruce Cutler & Jeffrey Hoffman at Porter House

session. So Jeff says, 'Get John to help us with his thoughts.' I say, 'I'm not going to interrupt him.' So Jeffrey, in his own comedic way, says, 'I'll handle it.' He gets up and yells, 'Gotti! Get up off your fucking ass and get over here right now.'"

"Everyone is in shock, and in silence," said Cutler.

"It was the end of the case and everyone knew I was a jokester," recalled Hoffman, "but at that point I'm thinking I may have overstepped my bounds. It was horrible. Not a sound. For about 30 seconds. Which seemed like an eternity. Finally, John says, 'Okay Jeffrey, I'm coming. Don't be mad at me.'"

Gotti ended up ceding the decision to the lawyers, and in the end, Hoffman's gambit was a win-win, said Cutler. "It got John's attention, we all spoke and we got John's imprimatur on whether or not to call Matt Traynor as a witness."

Three years later, the courtroom drama moved to state court in Manhattan, and involved Cutler and Shargel, 69, who technically represented Gotti's co-defendant, Anthony (Tony Lee) Guerrieri on charges of ordering the shooting of a carpenters union official whose members had trashed a downtown eatery owned by a Gambino soldier.

"It's impossible for us to get together and not talk about that case," said Shargel, whose mistrial in a political corruption trial two weeks ago was the catalyst for the first official meeting of the OLC. "We've been talking about getting together for dinner for five years," said Shargel. "Bruce called to congratulate me on a mistrial, which is not really a win since I have to try the case again. But Bruce strikes while the iron is hot and we had a very enjoyable evening," he said.



"John loved my flash and dash and bravado," said Shargel, "but he knew Jerry was a brilliant lawyer. He trusted Jerry and his trial skills in an enormous way. You know, he didn't end up representing Tony Lee Guerrieri by accident."

At dinner, recalled Cutler, they reminisced about their decision to call the victim of the shooting, John O'Connor, as a defense witness and "all of a sudden, George says he heard from some of his union clients that Mr. O'Connor is doing some interesting work, meaning something good, outside the country."

"George is a special mentor of mine," Cutler interjected, something he did often during several talks with Gang Land. "He taught me, he's Jesuit trained, and he's a scholar. And he was two years at West Point. George is nine years my senior. He has that Peter Falk-Colombo way about him, but he's one of the most worldly, urbane, and bright lawyers that you'd ever want to meet."

Marc Fernich, a 49-year-old "token young un" lawyer in Cutler's OLC, had a front row seat for the love fest dinner, and was enthralled by the back and forth between the four geezer attorneys.

"Bruce is a Damon Runyon character and he's one of a kind," Fernich said. "It was my pleasure and honor to be with them," he said. "To listen to their stories, and relive them, is always an honor for me. It was the golden age of the criminal trial lawyer. I always felt that in this job, I was an heir to a noble tradition that they really helped create and define."

"I've learned a hell of a lot from them," Fernich continued. "We won't ever get the chance to get that kind of trial experience. They lived through the wars."

Shargel and Cutler were both tape-recorded talking to Gotti, and were deemed to have conflicts of interest with him that prevented them from taking part in the 1992 trial, at which the Dapper Don was convicted and sentenced to die behind bars.

While Shargel, who is today one of the most sought-after defense lawyers around, flourished after that, Cutler had to take his in-your-face "flash and dash and bravado" style on the road to survive, using his "John



George Shargel

Gotti exposure" to be part of major mob trials across the country.

He represented a top Chicago Outfit mobster in 1992, taking part in four Windy City trials from 1991 to 1995. In 1998, he defended the then "street" boss of the Detroit mob, Anthony (Tony Jack) Giacalone in a six week trial. And in 2001, he was in Philadelphia, representing [George Borgesi](#), a top aide of mob boss Joseph ([Skinny Joey](#)) Merlino at their racketeering trial.

"I had to go out of town to get work," Cutler said, matter-of-factly. "The New York work was scattered. I lived in nice hotels where I could work in peace out of the volcano of New York."

Along the way, for two years he played a judge in *Jury Duty*, an offbeat TV show; he was lead-counsel to Phil Spector at his Los Angeles murder trial until he "quit when too many lawyers got involved," and he has played himself in several episodes of *Blue Bloods*, a CBS show about a family of New York City cops. And a month ago, Cutler spent a [half hour](#) talking about his career, and much more, with award-winning radio host Allan Wolper.



Marc Ferrich

"It's a bygone era, the days of the multi-defendant mega-trial that goes on for months," said Cutler. "But you have to improvise, adapt and overcome to continue. They don't have those kinds of cases anymore. You have to take what you can get, even if it's *Blue Bloods*," he laughed.

But he thinks his future may be in the classroom, and later this month, will move ahead on that front.

"I want to do some teaching," he said. "I would love to teach at John Jay, to teach future police officers, lawyers, paralegals, social workers, and everything. Any subject they think I would be helpful in: Calling in bets, history, rhetoric — now there's an important subject I could teach."

Labor Union Racketeer Gets Sweet House Arrest Term For Chocolate Factory Shakedown

Robert Scalza, a mob-connected union official with close ties to the powerful Genovese crime family,

