

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



GANG LAND IS A PAID SUBSCRIPTION SITE. FOR MORE INFORMATION, PLEASE [CLICK HERE](#)



- [This Week in Gang Land](#)
- [Last Week in Gang Land](#)
- [This Month in Gang Land History](#)

[The Five Families](#)

BUTTON MEN
and other Wiseguys



[John Gotti](#)



[John "Junior" Gotti](#)



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



[Salvatore "Bull" Gravano](#)

This Week in Gang Land July 27, 2017

By Jerry Capeci

Mob Prince Michael Persico Appeals Five Year Sentence For Loansharking



It was the longest running mob case of the decade — if not of this millennium. Seven years after he



was indicted, and five years after his guilty plea, Michael Persico — long considered the "good" son of Colombo crime family boss Carmine Persico, who had avoided his dad's mobster ways — was sentenced to prison.

Still, the case is far from over. But at Persico's much delayed sentencing on Friday in Brooklyn Federal Court, the arguments were lengthy and heated. At one point, a lawyer for the defendant compared his client's behavior favorably to that of President Trump.

That was shortly before Judge Dora Irizarry dropped the hammer on the mob prince and sentenced Persico to the maximum five year prison term he faced for loansharking, declaring that the successful businessman had gotten away with murder 24 years ago.

Irizarry ruled that the 37-to-46 months sentence called for by his plea agreement was inadequate because prosecutors had proved to her satisfaction that Michael, 60, was involved in the last murder of the bloody mob war that his long-imprisoned father had waged to maintain control over the Colombo crime family in the early 1990s.

The courtroom was packed with Persico supporters as well as law enforcement officials for the ostensible end of the



[Joseph Massino](#)



[Steven "Stevie Wonder" Crea](#)



[John "Sonny" Franzese](#)



[Domenico "Italian Dom" Cefalu](#)



[Vincent "Chin" Gigante](#)



[Carmine "Junior" Persico](#)



[Anthony "Gaspire" Casso](#)



[Liborio "Barney" Bellomo](#)

[Other Wiseguys ...](#)

[Contact Gang Land](#)

Jerry Capeci
P.O. Box 863
Long Beach, NY 11561

[Gang Land's Policies](#)



Judge Dora Irizarry

seven-year-long, 10-defendant case. But on Monday, Michael filed a notice that he is appealing both the sentence, since it is longer than the one he bargained for, as well as the original judge's ruling that rejected his motion to take back his 2012 guilty plea and go to trial.

Citing the seven years of his "compliance" with his release on bail while his case was pending before he was sentenced, his lawyers asked Irizarry to "continue his release on bail pending appeal" because the issues regarding his motion to withdraw his guilty plea [are "substantial,"](#) and "non-frivolous," and "very well could be decided the other way" by a federal appeals court.

The controversial plea agreement, which not only covered him for three murders, including the 1993 slaying of mobster Joseph Scopo, also reduced his total exposure, which had been life behind bars, to five years.

Persico was indicted in March of 2010 on [racketeering](#) charges stemming from a three-year-long shakedown of a Ground Zero cleanup company. But the indictment was later amended to include Scopo's murder which Irizarry zeroed in on in her 20-page ruling on Thursday, and at Persico's sentencing a day later.

In court, Irizarry waited until after attorney Maurice Sercarz begged for leniency, and asked for a six month sentence, because his client, despite being raised in a household with essentially no father at home to guide him properly, had broken the cycle of criminal activity in the Persico family by raising three children with no links to crimes of any kind.



Maurice Sercarz G L

"His father was at home with [Michael](#) for only four years after the age of 16," said Sercarz, who also noted that Michael's two older brothers, Alphonse, 63, a former acting family boss, and Lawrence, 61, as well as his father's two brothers had all been convicted and jailed for mob-related crimes.

"My client did not have an unremarkable childhood in an intact family," said Sercarz. Despite the handicap of being raised in a household always under a Mafia shadow, the attorney argued, the younger Persico "was always there for his kids." He also reminded the judge that scores of folks from Brooklyn and upstate residence in the Hudson River village of Saugerties had written heart-felt letters about Michael's "ability to conform his behavior to the requirements of law, the love of family and the good deeds he has rendered to members" of both communities.

The judge didn't appear to be impressed. "Joseph Scopo's children also grew up without a father," she responded. Persico may have been a wonderful husband to his late, cancer-stricken wife, and he may have raised his son and two daughters to be upstanding citizens, she continued, but "the fact that he would authorize and facilitate a murder in my view outweighs all the good conduct," the judge declared. "That offense outweighs all the good deeds."



In her written opinion, Irizarry stated that the two day Fatico hearing conducted by veteran prosecutor Allon Lifshitz established by "more than a preponderance of the evidence that Persico did participate" in Scopo's murder as well as extortion, racketeering, conspiring to receive stolen video games and loansharking charges in addition to the one he pleaded guilty to.

Irizarry wrote that the key government witness who tied [Persico](#) to Scopo's murder, turncoat capo Anthony (Big Anthony) Russo, was a longtime associate whose testimony that Michael "helped procure the weapons for the murder" was "credible, consistent, and detailed" and that the defense efforts to undercut it were "irrelevant or unpersuasive."

During the lengthy sentencing proceeding, Lifshitz, who was named chief of the Brooklyn U.S. Attorney's organized crime and gangs section two weeks ago, was careful to request a sentence between 37 and 46 months, as required by the sweet plea deal — even though the government has stated in court filings it has proof that Persico was involved in two slayings.

Before imposing sentence, Irizarry noted that from the bench she has seen other "Dr. Jekyll and Mr. Hyde" defendants. She also fined Persico \$250,000 and gave him three years of strict post-prison supervision following his release. The Judge ordered him to self-surrender to the Bureau of Prisons in 90 days, noting that he would be able to celebrate his 61st birthday before he reports on October 20.

Persico has been free on bail since May of 2010, when a federal appeals court overturned his pre-trial detention by the original judge in the case, Sandra Townes. He was represented by three lawyers, and supported by more than a dozen friends and relatives on Friday, including his long-suffering 80-year-mom Joyce, who wrote the Judge that Michael "helps me with everything." If



her son is sent to prison, she added, "I will never see him again outside of that place."

About a dozen federal prosecutors and FBI agents, including Bridget Rohde, the acting Brooklyn U.S. Attorney, and James Gatta, who heads the office's 110 prosecutor Criminal Division, as well as the former and current supervisors of the FBI's Colombo family squad, Seamus McElearney and Jeff Tarkin were in court for the ostensible end of the case.

Persico did not address the court. But in addition to Sercarz, two other lawyers spoke up for him.

One, [Marc Fernich](#), is the attorney whom Persico used in his effort to take back his guilty plea three years ago — and his exposure to only five years instead of 20 — on grounds that prosecutors had breached the agreement by giving probation officials info about alleged murders they put into his Pre-Sentence Report (PSR) to the judge. His argument, which proved to be true, was that the murder allegations were a not-so-subtle argument by prosecutors to push the judge to go above the sentence they officially recommended, and give him the five year maximum.



Bridget Rohde G L

Fernich got into a heated back and forth with Irizarry when she questioned Sercarz's assertion that Persico was an honest businessman by asking why he had invoked the Fifth Amendment and refused to answer some business-related questions from probation officials who were preparing the PSR for her.

The lawyer stood up and stated that that he had advised Persico to do so fearing that prosecutors would pounce on any slight mistake he made and accuse him of lying to the government.

"He provided 10 years of tax returns, much more than what the President has provided," said Fernich. Irizarry, a Republican, shot back, "The President is not facing charges here," she said.

Fernich also had to correct himself when pressed by the judge: his client had provided only five years of returns not ten.

Attorney Sarita Kedia, who has maintained a low key profile since The Daily News disclosed in 2012 that informants had told the FBI that she and Persico were lovers — something that she never denied — asked Irizarry to petition the BOP to assign Persico to the nearby federal prison in Danbury to make it as easy as possible for friends and relatives to visit.

In May of 2102, The News reported that prosecutors alerted Judge Townes about the rumor to forestall a

possible appeal based on the fact that they were lovers in case Persico were convicted at trial, which was slated to begin in June.

"If such a romantic relationship exists between you and your attorney, that relationship could potentially affect her decision making and her representation in this case," Townes told Persico at a hearing, according to The News account. "In other words," said Townes, "her professional judgment, the government argues, could be affected by her emotional feelings for you."



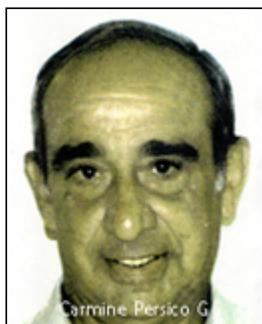
Attorney Sarita Kedia & Michael Persico

The News wrote that "Townes did not ask the attorney and her client directly if they're an item — but Kedia didn't exactly deny it."

The News reported that according to a transcript of the hearing, Kedia said: "I can absolutely assure the court that I do not have or have I ever had any relationship with Mr. Persico that would in any way compromise my professional responsibility in representing him in his own best interest."

Kedia did not respond to a Gang Land phone call for comment.

Carmine Persico Says He's Overdue For A Get Out Of Jail Card



Call it the Senior Citizens Get Out of Prison Pass: Legendary Colombo family gangster John ([Sonny](#)) Franzese got one. So did Luchese big Christopher ([Christy Tick](#)) Furnari, the only other living wiseguy sentenced to 100 years in the historic Mafia Commission case. Now Carmine ([Junior](#)) Persico, having served 32 years behind bars, thinks it's about time he gets one from the

U.S. Parole Commission.

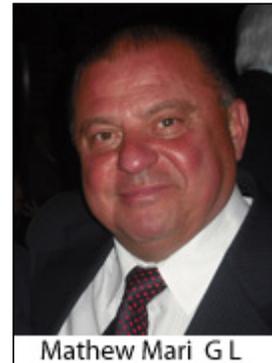
Under Parole Commission guidelines, which essentially apply to all inmates convicted in federal court before

1987, the 83-year-old Mafia boss was entitled to a mandatory release in January, which was when Persico, who has been behind bars since 1985, had served 30 years for his 1986 conviction in the Commission trial, his second racketeering conviction that year.

In order to keep him behind bars after that, the Parole Commission would have to determine that there was "a reasonable probability that the prisoner will commit any Federal, State, or local crime, or that the prisoner has frequently or seriously violated the rules of (his) institution."

Since [Persico](#), who is currently housed at a prison hospital in Butner, North Carolina, is still behind bars it stands to reason that prison officials have determined that the aging gangster is either a threat to commit a crime if he gets out, or has violated prison rules while he's been behind bars, either in Butner or one of the other facilities he's been at since 1985.

Gang Land was unable to find out from the U.S. Parole Commission which of the two reasons applies to Persico, but we're not taking that as a personal affront since Junior's lawyers, Anthony DiPietro and Mathew Mari, say the Commission has also kept them in the dark about the reasons why Persico is still in prison.



Mathew Mari G L

Law enforcement sources say the FBI, which still carries Persico as the family's official boss and which has alleged numerous times over the years that he has ordered violent crimes from prison — including the bloody 1991-93 Colombo war that had a body count of 12 — will surely push the Commission to keep him behind bars until he drops.

But attorney Mari says that the Parole Commissioners haven't made any such claim to him or his co-counsel, saying only that they're focused on the information they received — much of which has been since discredited — when Persico was convicted and sentenced.

"We're trying to prepare for anything and everything," said Mari. "After 32 consecutive years behind bars, though, Mr. Persico is certainly entitled to mandatory release, according to the Commission's rules. He's not looking for anything special. And neither are we. Just what he's entitled to. If he doesn't get it, it's another [railroad job](#). We hope he gets justice this time around."

Skeevy's Got The Sunshine State Blues



Gerard Bellafiore G L

Mob associate-turned-FBI-snitch Gerard (Skeevy) Bellafiore is having a tough time in Florida. Down in the Sunshine State, the only folks Skeevy can finger for wrongdoing are lawyers, prosecutors, jailers and law enforcers who bring him back and forth to court where he's awaiting trial for his July 4, 2016 arrest for trying to rob a sidewalk bank with the help of a long-handled fishing gaffe.

But Skeevy's doing the best he can.

Charged with two counts of battery for "causing bodily harm" to two officers during a February 28 assault at the Martin County jail in Stuart Florida, Bellafiore wrote a letter to the judge in his case stating that what really happened is that the two deputies beat him up and forced him to commit homosexual acts.

As a result, Bellafiore claimed, he suffered a loss of hearing in his left ear, and that "ever since the attack," he fears "being attacked while subdued, or handcuffed" during transport either to court or for medical treatment" and only feels safe when he is in his cell.

Skeevy, 48, has been behind bars since he was arrested by police who responded to a [bank robbery](#) alert and saw a guy wearing a Freddy Krueger mask robbing a sidewalk bank near Port Saint Lucie. After Bellafiore jumped in his car and allegedly tried to run the cops down, he was shot. In his most recent letter, on July 6, Bellafiore told the judge in his case that the two "deputies are telling people they beat my face in" even though he "never lifted a hand to any of them."

Even his lawyers have conspired against him, he claims: In earlier letters, Skeevy has charged that attorneys he retained used the public defender's office to do their research, then sold the evidence in his case, and also worked in cahoots with prosecutors to undermine his right to a fair trial.

As for the beating, [Bellafiore](#) explains that it stemmed from an encounter he had with the "bully" lead state prosecutor in his bank heist case, Nita Denton, who "backed (him) into a corner" and refused to offer him a plea deal, telling him instead that he was a predicate felon and to plead guilty and agree to go to prison for life.

"20 days later," he wrote, "I'm suddenly called a rat piece of shit and attacked, maced, (and) beaten in my head, balls (and) ass while I was naked in the shower room."



Gerard Bellafiore, a.k.a.Freddy Krueger

Interestingly, more than the physical harm he suffered in the allegedly brutal episode, or allegedly being called a ["rat,"](#) Skeevy seemed most upset about being called "a piece of shit" just before he was beaten up. He said he had "never heard anyone say" that to him before, and it convinced him that prosecutor Denton was behind the unprovoked assault, he wrote.

The reason, he explained in his letter, was that a few days later, he heard from people in "Denton's circle of colleagues" that "she thinks I'm a 'piece of shit' and deserves what I get."

Contacted by Gang Land, Denton said Bellafiore had written so many letters she hadn't a chance to read them all, and couldn't comment about them in any event. She did say that Skeevy's next scheduled court appearance is in September.



**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
Us](#)[Links](#)[About Us](#)[Contact](#)