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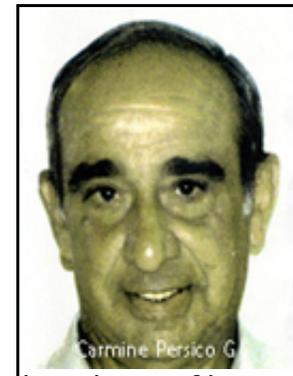
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By Jerry Capeci

It's The End Game For Junior Persico, And The Outcome Looks Bleak

He's ailing, 84 years old, wheelchair-bound, nearly blind and he's been behind bars for 33 years for a non-violent crime. Sounds like a compelling argument for a compassionate release from prison, no? Even the federal Bureau of Prisons— notoriously stingy at granting such releases — might have to take a long hard look at such an application. Except that the aging inmate is a mob boss and his non-violent crime was bid-rigging in the historic Commission case.

The 2013 Bureau of Prison guidelines for such releases seem tailor-made for the likes of Carmine (Junior) Persico.



That's why his lawyers are pressing hard for his release. They also plan to file court papers in Washington D.C. to force the U.S. Parole Commission to grant Persico a "mandatory parole hearing." The lawyers had one scheduled last year, but the hearing was abruptly postponed until 2051 when Persico would be 118 when Junior and his lawyers showed up for the August 2 hearing.

In their new request to the warden of the prison hospital complex where Persico has been held for more than a decade, the lawyers state that their client suffers a dozen "debilitating ailments" — including heart and kidney disease — indicating that "continued imprisonment is neither necessary or proper." Persico, they state, is "certain to die in prison" for bid-rigging "unless he is granted compassionate release."

The lawyers also cite "extreme emotional and psychological hardships" Persico has suffered while behind bars — the deaths of his mother, father, mother-in-law, father-in-law and two brothers. In addition, he's been denied taking part in celebrations of the births of 15 grandchildren and seven great-grandchildren "who were born during his incarceration," wrote attorneys Anthony DiPietro and Mathew Mari.

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Christopher Furnari GL

The lawyers filed their request with J.C. Holland, the Warden of the prison hospital complex in Butner, North Carolina, on June 8, a few days after Persico's Commission case codefendant, Christopher (Christy Tick) Furnari, the Luchese consigliere who was paroled in 2014 after serving 28 years in prison, died at his Staten Island home.

"The need for compassionate release in [Mr. Persico's](#) case cannot be overstated," the lawyers wrote, stating that Junior was an "elderly and sick federal prisoner" who has "never been convicted of a violent crime" and who, during "the last 30 plus years of his imprisonment," has been "nothing short of a model prisoner."

The lawyers wrote that a five-year-old BOP policy qualifies the wheelchair-bound Persico for compassionate release. The May 1, 2013 edict applies, they wrote, to "inmates who have an incurable, progressive illness, or have suffered a debilitating injury from which they will not recover, who are either completely disabled or are capable of only limited self-care and are confined to bed or chair more than 50% of waking hours."



Anthony DiPietro GL

They note that since Persico is blind in one eye, has diminished vision in the other, has "major spine damage," emphysema and "extremely limited upper body mobility" due to "deformities in both his left and right arms," Junior clearly fits into the BOP's "extraordinary and compelling circumstance" classification that merits compassionate release.

This is especially so, the lawyers wrote, in light of a 2016 BOP decision to give a compassionate release to Sal Dimasi, a Massachusetts legislator who was five years into an eight year term for "extortion and related crimes" because throat

cancer had "narrowed his throat" and left him "at risk of choking whenever he eats."

The lawyers noted that a Massachusetts federal court agreed with the BOP that Dimasi's medical condition, "while not terminal," was an "extraordinary and compelling" reason for his release, and argued that if Warden Holland applied the same standard, he would have to send Junior Persico home to his long suffering, and still waiting, wife Joyce.

"A significant takeaway from *Dimasi*," the lawyers wrote, is that even though the inmate's medical condition was "not terminal," the BOP and the court stated it was "an 'extraordinary and compelling' circumstance justifying compassionate release." Persico's ailments, like Dimasi's, "are not terminal, but they are certainly 'extraordinary and compelling' enough to warrant compassionate release," wrote DiPietro and Mari.

"Mr. Persico, who is 13 years older than Mr. Dimasi was at the time of his release, is wheelchair bound, blind in one eye, and suffers from chronic kidney disease, hypertension, glaucoma, emphysema, and various other illnesses" and Junior "deserves the same opportunity the BOP provided to Mr. Dimasi," the lawyers wrote.



Mathew Mari G L

Persico is the only still living defendant of the seven who were hit with 100 year prison terms for their Commission case convictions — the other [five died](#) in prison — for sharing a 2% kickback for each concrete contract in Manhattan that was greater than \$2 million in return for labor peace at job sites from the construction industry unions the wiseguys controlled.

One factor that's likely not working in Junior's favor is the fact that, even despite a civil war in his crime family, the feds say he has never yielded his throne as boss of the Colombos.

Still, anything is possible, and while his lawyers have made a compelling argument for his compassionate release, they know that getting one for Persico is a huge longshot. The last wiseguy to get one, Bonanno boss Philip (Rusty) Rastelli, did so in 1991, and the BOP sent him to a Queens hospital where he stayed in a comatose state, until he died, three weeks later.

That's why DiPietro and Mari are working on another longshot legal motion, a last stand called a writ of mandamus — demanding that the D.C. Court properly fulfill its duty — and force the BOP and/or the Parole Commission to send Junior Persico back to Brooklyn while he is still breathing.