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This Week in Gang Land October 20, 2016

By Jerry Capeci

Jailed DeCavalcante Gangster: The Doctor Killed Joe Pitts



Joseph (Big Joey) Brideson, a gangster serving life behind bars, says the feds withheld crucial



Joseph Brideson G L

evidence that could have cleared him of the 1998 murder of Joseph (Joe Pitts) Conigliaro, his wheelchair-bound [DeCavalcante family](#) superior. The missing info, he claims, would have fingered the real culprit in the death of Joe Pitts, an inept Brooklyn surgeon known as "The Terminator" by his medical colleagues.

Brideson was convicted in 2002 of supplying the gun that a hitman used to shoot Conigliaro. The badly wounded [DeCalvacante](#) gangster survived the hit, only to fall into the hands of a bungling surgeon at Brooklyn's Methodist Hospital.

In his novel claim, Big Joey argues in court papers that he should have been able to inform jurors who convicted him in 2002 that Conigliaro was "in serious but stable condition and not likely to die" when he got to Methodist. Brideson notes that Joe Pitts died hours later, after a routine operation by Dr. Paul Maghazeh, a doctor whose license was revoked a year before Brideson's trial.

Big Joey says prosecutors also withheld other "exculpatory evidence" that could have established his "actual innocence," including DEA files, statements by FBI informers, tape-recordings, and court documents that implicate others. He says the withheld evidence would

 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

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have absolved him of the linchpin of the case against him: That Brideson supplied the gun used to shoot Conigliaro in January of 1998.



In court papers, Brideson's attorney asserts that the government never informed his client or trial lawyer that the admitted architect of the murder plot, Conigliaro crew member Americo (Mike) Massa, told the feds that he had given the pistol to the gunman who shot Joe Pitts, contrary to trial testimony from a turncoat mob associate that Big Joey had done so.

Lawyer Anthony DiPietro submitted several court documents to back up his contention that Massa, who pleaded guilty on the eve of trial, had told the FBI during several interviews that he had given the murder weapon to a crony named Martin Lewis. That was "contrary to the evidence adduced by the government at Mr. Brideson's trial," wrote DiPietro.

At trial, turncoat crew member Thomas Ditorra testified that Brideson gave Lewis the handgun that he used to shoot Joe Pitts five times as he drove Lewis home on the evening of January 23, 1998, after the crew had spent several hours at Conigliaro's One Over Golf Club at 497 Court Street in Carroll Gardens.

Hit four times — in the face, arm, and upper body — Conigliaro managed to drive back to the social club to get help from Brideson, who drove him to nearby Methodist Hospital.

In a tape recorded conversation with Ditorra many months later, Lewis said he "couldn't believe" how the bloodied Joe Pitts, "drove to the corner, put on his blinker and got the hell out of there," according to a Gang Land source who heard the conversation.

DiPietro submitted a 2009 filing that the government used to counter a Massa motion to reduce his 35 year prison term. In it, acting U.S. Attorney Lev Dassin wrote that Massa admitted he had "assisted in obtaining and transferring a .25 caliber handgun to Lewis in order to carry out the execution on Conigliaro." Dassin also wrote that Massa had lied to the police and the FBI after the shooting.



When he pleaded guilty to racketeering, murder and the use of a firearm on December 2, 2002, Massa admitted giving the gun to "the person who used the gun ... to shoot Mr. Conigliaro," according to a transcript of the

proceeding that DiPietro submitted to Manhattan Federal Judge [Jed Rakoff](#), who is currently assigned to the case.

The lawyer contends that the "government's obligation to provide favorable evidence that was known to exist at the time of trial" didn't end with his client's conviction. He asked Rakoff to "compel the government to produce such evidence," known as *Brady Material*, to Brideson now.

"Here," wrote DiPietro, "the principles of fairness and justice strongly militate in favor of the court exercising its power in ordering the post-conviction disclosure of *Brady* evidence because (it) may exculpate Mr. Brideson of a crime for which he is currently serving a term of life imprisonment."



A longtime mob associate, Joe Pitts was paralyzed in 1973 when he and a cohort mistakenly shot each other as they each fired at an extortion victim in a car. Joe Pitts went on to become a legendary figure in the Red Hook section of Brooklyn when he resumed his mob activities in a wheelchair. He was 67 when he was killed.

He was never "made," but the [DeCavalcantes](#) treated him as a wiseguy, and he had his own crew of associates who ran his loansharking and drug dealing business out of his social club, turncoat mobster [Anthony Capo](#) testified at Brideson's trial. By all accounts, Conigliaro, often called "Wheelchair Joe" behind his back, was an ornery, feared gangster with many enemies in 1998.

"He was a ruthless guy who abused and cheated his crew members, never dreaming that they would ever dare to cross him," recalled a former member of the prosecution team.

But, DiPietro argued in his court papers, the government's files contained many other possible suspects who had both the motive and means to whack Joe Pitts, information that was never turned over to Brideson.

The lawyer wrote that a "non-testifying cooperating witness" gave the feds "direct evidence" that an FBI informer named Luis Grullon had killed Joe Pitts in "a dispute involving drugs," and that prosecutors had "an audio recording from his cellphone capturing Grullon's wife speaking about her husband's involvement in Conigliaro's murder" that they failed to turn over before trial.

The witness, Joseph Ray, DiPietro wrote, "claimed that the audio recording captured Grullon's wife telling him 'not to mess with Luis anymore, because Luis was crazy

and had just killed Wheelchair Joe' and that 'Luis should not have killed Wheelchair Joe, because they could have resolved their differences without resorting to violence.'"

Prosecutors Lisa Korologos and Jonathan Rebold say that Grullon was in prison on the day that Joe Pitts died. DiPietro disputes that, but has argued that, even from behind bars, Grullon could have been involved in the plot. In any event, the lawyer wrote, the feds should have given Brideson that information before trial.



Anthony DiPietro GL

Records unearthed with a Freedom of Information Act request contain other "Brady evidence" in DEA files linking Joe Pitts to "longstanding narcotic sales" and the possibility that his murder was linked to heroin trafficking wasn't turned over, the lawyer wrote. A May 17, 1999 DEA file noted the date of Conigliaro's murder and stated that the FBI was "currently utilizing information contained in this case file to investigate that homicide."

"These documents also revealed," the lawyer wrote, "that Conigliaro was 'involved in the sale of kilo amounts of heroin' and had numerous confederates involved 'in his heroin trafficking activities.'"

Finally, the government knew, or should have known, and told Brideson before trial, DiPietro wrote, that "Paul Maghazeh, who had cared for Conigliaro in the hospital and was responsible for performing the medical procedure that resulted in his death, was disbarred from medical practice in 2001 ... as a result of his numerous acts of malfeasance."

DiPietro wrote that Dr. Moshe Schein, a former Maghazeh colleague, told him that "Maghazeh had a longstanding history of engaging in gross medical malpractice," had "caused the death of patients," and "was known as the 'Terminator' by his colleagues." The attorney noted that Dr. Schein told him he had written several articles "based upon his eyewitness account of Maghazeh's gross medical malpractice."



Judge Jed Rakoff

DiPietro argued that Maghazeh's suspension from the practice of medicine on May 4, 2001 "was material" information because Conigliaro's primary physician, Dr. Lawrence Melniker, had told police that Joe Pitts was "in stable condition and not likely to die" before Maghazeh performed the surgery "that resulted in Conigliaro's death."

According to court testimony, DiPietro wrote, Conigliaro died when Dr. Maghazeh "attempted to relieve air that was filling up in the sac (pericardium) of Conigliaro's heart."

Prosecutors Korologos and Rebald say the government did not know of Maghazeh's medical malpractice, and that even if Brideson had that information, it would not have changed the verdict because the "gunshot wounds were at least a contributing cause in Conigliaro's death."

They labelled DiPietro's contentions as "flawed and misleading" and asked Rakoff to deny his motion because he "failed to lay an adequate foundation for the review of alleged *Brady* evidence, and in any event, such evidence does not exist."