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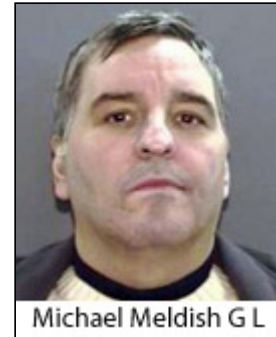
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By Jerry Capeci

Defense Lawyers File A 121-Page Request For A 'Do-Over' In The Meldish Murder Trial



Citing numerous podcast accounts by mob turncoats about the gangland-style slaying of Purple Gang leader Michael Meldish that contradict important testimony by a federal investigator, defense lawyers are seeking a new trial for four convicted Luchese gangsters.



Michael Meldish G L

The lawyers also cited dozens of tape-recordings of a key jailhouse informer that weren't provided to the defense until a year after the verdict in their request for a new trial from White Plains Federal Court Judge Cathy Seibel.

The attorneys argue that numerous post-trial remarks by cooperating witnesses John Pennisi and Frank Pasqua III about mob violence and the Meldish murder "undermine" the government's contention that the killing was ordered by Luchese leaders Matthew ([Matty](#)) [Madonna](#) and Steven (Stevie Wonder) Crea and carried out by mob underlings Terrence Caldwell and Christopher Londonio.

The lawyers also wrote that 33 recorded prison phone calls by inmate [David Evangelista](#) that they received after the trial, would have discredited his uncorroborated testimony and led to a different verdict. The recordings show he was dealing drugs in prison and had "schemed to withdraw his guilty plea" by lying that "his lawyer tricked him into taking the plea" and had "threatened (to implicate) his mother and other family members" in crimes "if they did not do what he wished."



John Pennisi G L

In a 121-page court filing, the attorneys argue that the "public statements" by [Pennisi](#) and Pasqua "on multiple podcasts" and the phone calls that were recorded while Evangelista was at the Metropolitan Detention Center in 2017 are "newly discovered evidence" that warrants a new trial for the quartet. They were convicted in 2019 and are serving life sentences.

"The new evidence overwhelmingly demonstrates that [Mr. Crea](#), along with his co-defendants, were convicted based on false testimony from unreliable cooperators and junk expert evidence," said Crea's lawyer Anthony DiPietro. "I fully expect

that the convictions will be vacated and that Steve Crea will be vindicated at his retrial."

The attorneys argue that [Pennisi's](#) assertion that he plotted to kill John ([Junior](#)) [Gotti](#) — and that he had the right to do so as a *made man* — undercuts the "expert testimony" by a federal mob buster that was cited in the prosecution's closing remarks in order to convince the jury "that the Luchese family hierarchy *had* to approve" the Meldish rubout and were thus guilty of murder.

"The argument that approval by Luchese Family leaders — in particular, from Mr. Madonna and Mr. Crea — was a prerequisite for the Meldish murder was indispensable to the government's case, and was presented through the testimony of Pennisi and (investigator John) Carillo," the lawyers wrote.

When Carillo, who has been an investigator for the Manhattan U.S. Attorney's office for 15 years, was asked whether "an associate or made member" can decide to kill someone, [Carillo](#) responded, "No," the lawyers wrote.

Carillo was then asked: "Who is allowed to make the decision?"

"An approved murder can only be made," Carillo testified, "by the boss or the acting boss of the family, within — and dealing with the administration of that family. So the calls for murders and violent crimes always get kicked up to the administration of the family with the final say being made by the boss."



Carillo's testimony on that was so important, the lawyers noted, that "the government reinforced its position during (its) opening and summation" by focusing the jury's attention on it.

"Sitting atop all of this is what they call the 'administration,' the consigliere, the underboss, and the boss, the leadership of the family," prosecutor Celia Cohen stated in her opening remarks, adding: "Although there are captains, soldiers between the leadership and what happens on the street, make no mistake, the leaders oversee the criminal activity of everyone below them."



David Evangelista G L

In its closing argument, the government cited Carillo's testimony to the jury, the lawyers wrote, stating: "If this chain of command has to meet just to iron out a little money issue with Londonio, you know they're the ones, the only ones who are going to send him out to commit this murder, and that's exactly how Special Agent Carillo told you the mob works."

A mob murder "is going to be approved by the boss in consultation with the administration," the prosecutor continued. "That's also how Pennisi understood things from a lifetime around the mob and five years as a made member of the family.

Only the administration could order a soldier to kill someone."

The testimony by Carillo was critical, the attorneys wrote, because the government offered no testimony from Pennisi or any Luchese turncoat that fingered Madonna or [Crea](#) with ordering the killing, the lawyers wrote.

But during several podcasts, the lawyers wrote, "Pennisi revealed that a *made member*" doesn't have to seek permission from the "administration" to injure or kill an associate or a civilian.

In one podcast, the lawyers wrote, Pennisi's cohost asked him who "could make the call" to order a hit. Pennisi responded that "it could come from anybody in the Administration. It could come from a captain. It could come from a friend himself. I mean, we — you know we spoke about — we did an episode about John, Jr."

"That kind of came from us, me myself, and you know that," Pennisi told his cohost. "It could come from a friend (inducted mobster) himself too."

In an August 11 podcast, [Pennisi](#) revealed that he was once targeted to be whacked by New Jersey based Luchese mobster Joseph Perna who "didn't get permission for that," but was "acting on his own."



Regarding Pasqua, the lawyers alleged that prosecutors gave the defense an "entirely misleading impression that Pasqua had recanted his initial claims that he was present on the scene where and when Meldish was killed." That prevented them from calling him as a defense witness, as Caldwell's attorney had stated he would in his opening remarks to the jury.

They noted that to their surprise, after the turncoat was sentenced to time served, that Pasqua "returned to his initial account of the murder" in two podcasts. In those episodes the discredited cooperating witness stated that he "and his father were present, and were an integral part of the planning and execution of the homicide." In one podcast he said that they "were boots on the ground" along with Londonio and Caldwell.



On November 15, 2013, the lawyers wrote, [Pasqua](#) recalled during a televised interview that on their way to kill Meldish, "we stopped at one of our nightclubs" and "met a guy who gave us a different car" that "didn't have any GPS in it" that could be tracked, like their "brand new Mercedes."

That account contradicts the assertion by prosecutor Scott Hartman at a 2018 bail hearing that "[Pasqua](#) had retracted his earlier statement that his father had killed Meldish," and that the feds had confirmed that the duo never got to the Bronx that night because they had tracked their car and that it never traveled north of Manhattan, the lawyers wrote.

"[Pasqua's](#) podcast statements establish beyond any doubt," the lawyers wrote, that his father could have killed Meldish, since "Pasqua has explained in detail how that night, before driving to the scene of the homicide, he and his father switched cars at a dealership to a model that did not contain GPS" and then drove to the Bronx to kill Meldish.

His podcast "statements are material and warrant a new trial because they undoubtedly establish proof of an alternative perpetrator for the Meldish murder" and "they also call into question the entirety of every fact and circumstance surrounding the murder as a whole" since Pasqua said he [saw Meldish](#) "minutes" before he was killed and never said where Londonio and Caldwell were at the time, the lawyers wrote.

Since [Pasqua](#) and his father were with Meldish "minutes" before the murder, "it defies common sense" that Pasqua and his father "were not intimately involved with the murder," the lawyers wrote. "That evidence is so compelling," they stated it would have "uprooted the government's theory of how the murder occurred," and helped earn an acquittal for Caldwell and Londonio.

The voluminous information the defense obtained after the trial — they submitted 524 pages of exhibits — "completely dismantles an essential component" of the testimony of Pennisi and Evangelista, the lawyers wrote, including "that the witness has ceased criminal activity" and has disclosed all his "past criminal conduct" to the government.

[Evangelista](#), the lawyers wrote, displayed a "capacity for complete and comprehensive fabrication" and "engaged in a perverse ploy of deceit" to gain the sympathy of a woman extortion victim and get her to send him the \$400 her husband owed him for a drug deal because he needed it to take care of a sickly daughter.



"Listen, I've got a daughter, she's seven years old, she's sick and everything and my wife needs to take her to the doctor and everything," he said, according to one of the tape recordings that the feds turned over 11 months after the trial ended, and five months after [Evangelista](#) received a "time served" reward for his cooperation with the government.

Two problems with Evangelista's sob story, the defense lawyers noted, is that he didn't have a wife and doesn't have a daughter.

Like Mafia Boss John Gotti, Former Gambino Consigliere Frank Locascio Dies Behind Bars



Frank (Frankie Loc) Locascio, the low-key Gambino consigliere for the swashbuckling Mafia boss John Gotti who was convicted of racketeering and murder along with the Dapper Don in the *Mob Trial of the Century* back in 1992 and sentenced to life behind bars, died in prison last week.

Locascio, a Bronx-based capo, rose through the Gambino family ranks to become a key lieutenant to Gotti. During the swaggering mobster's famous sojourns through the Little Italy streets, Locascio was a constant companion, followed by a retinue of other Gotti hangers-on. Locascio was also one of the very few family members who were allowed to join him in an upstairs apartment above the Ravenite club house on Mulberry Street, a place where Gotti mistakenly believed he could speak without fear of FBI bugs.

Locascio's gangster ambitions were apparently passed on to his son Salvatore (Tore) Locascio, who was convicted, along with the crew he inherited from his father, in 2005 of a \$750 million phone sex and "telephone cramming" scam that was the largest consumer fraud case in the country at the time.

Locascio died last Friday in the arms of his daughter Lisa who was allowed by prison officials to visit her dad on his death bed. He was 89 years old and in the 31st year of his life sentence. .

His was the same fate as that of Gotti, who died in prison in 2002. At their joint sentencing, Frankie Loc praised the Dapper Don, stating: "If there was more men like John Gotti, we would have a better country."

His death in prison was exactly what Brooklyn Federal Judge [I. Leo Glasser](#) and the U.S. Attorney's Office had insisted he deserved as they fended off a long legal fight waged by Locascio to prove that he was wrongly convicted of the single murder for which he was charged, the 1990 slaying of Gambino mobster Louis DiBono.

Despite several rulings from the Second Circuit Court of Appeals that a 2018 declaration by Salvatore (Sammy Bull) Gravano was newly discovered evidence that Locascio was wrongly convicted of the murder, Judge Glasser and federal prosecutors in Brooklyn stymied Frankie Loc's effort to have Gravano testify at a full blown hearing on the issue.

Locascio's death came one month before prosecutors were slated to tell the appeals court why Glasser should not be ousted from the case on the grounds that he had exhibited "disdain" for [Locascio](#) and had demonstrated a "firm belief that (Locascio) should not be permitted another day in court" even though he is "serving a life sentence for a murder that he did not commit."



Following the appeals court's latest decision to permit Locascio's motion to vacate his conviction to go forward, his legal team had asked the court to recuse Glasser from handling what was sure to be the aging and ailing wiseguy's last shot at freedom.

"It's a shame that despite years of litigation, we were unable to get a simple evidentiary hearing to present Gravano's testimony that Mr. LoCascio was innocent of the murder underlying his life sentence," former federal judge Nancy Gertner, who headed his defense team, told Gang Land.



"The Court of Appeals recognized more than once that there were serious issues to address but the process proved too slow and too late," said Gertner, on behalf of her three-lawyer team. "It's also a shame that Mr. LoCascio was [denied compassionate release](#)," she said, adding, "we will remember him for his dignity, humor, and fighting spirit."

Frankie Loc didn't begin to fight his conviction for the DiBono murder until after Gotti died in prison in 2002. That's when Locascio alleged that the Dapper Don had threatened to whack his lawyer if he pressed Gravano about Frankie Loc's non-involvement in the October 4, 1990 murder of DiBono, who was shot to death in the parking lot of the World Trade Center.

Locascio was found guilty on the basis that he was caught listening to the Dapper Don say he was going to kill DiBono for "refus(ing) to come in when I called him" during a tape recorded conversation on December 12, 1989. "He didn't do nothing else wrong," Gotti continued. "He's gonna get killed because he disobeyed coming in," he said.

For 10 years, Locascio quietly did his time. But when Gotti died, Locascio filed a motion to throw out his conviction on the grounds that his [frightened lawyer](#) had done such a lousy job that Frankie Loc deserved a new trial.

He lost that appeal, and every other one he filed over the years, and seemed doomed to die behind bars [until Gravano](#) submitted a declaration stating that "Locascio had no role" in DiBono's murder or its planning and would have said so on the witness stand if he had been asked about it.

But despite two favorable rulings from the Second Circuit Court of Appeals, Judge Glasser agreed with the U.S. Attorney's office that Frankie Loc was guilty of DiBono's

murder and was able to keep Sammy Bull home on the range in Arizona — and Locascio behind bars until he died Friday in a prison hospital in Ayer Massachusetts.

"John threw Frank and me under the bus," said [Sammy Bull](#), who flipped. "Frank Locascio was true Cosa Nostra," said Gravano. "John screwed him again, kept his lawyer from asking me any questions about DiBono. But Frankie stuck it out, and will be remembered as a true man of integrity. My condolences go out to his family."

"I can't believe that Judge Glasser," said Gravano. "How the fuck did he do this. The guy's in jail 31 years, and he had no participation at all in the murder. He knew about it, but he had nothing to do with it, no participation whatsoever. I think what sunk Frankie is when he said, 'Everybody should be like John Gotti.' I think the judge just never forgot that. And he sunk Frankie."

In addition to his son Tore, and his daughter Lisa, who was granted an emergency visit by her dad's jailers on Friday, Locascio is survived by his wife Caroline. A family spokesman said his funeral services will take place next week, and will be private.



The Prosecutor's Wife Knew Something Was Wrong When She Saw Pennisi's Picture



Luchese mobster John Pennisi developed a special relationship with assistant U.S. attorney [Hagan Scotten](#), the lead prosecutor in the Meldish murder trial. It's something he discussed during one of his 75 or so Button Man and the MBA podcasts that he's done since earning his "time served" prison term last year, according to a transcript that defense lawyers filed on Monday.

While they were preparing for the Meldish trial, he told his co-host and Anthony Russo, a cooperating witness he had on his show back in April, AUSA Scotten shared an observation that his wife mentioned to him about Pennisi when she saw an FBI surveillance picture of him leaving a February 2018 wake for Bella Truscello, the wife of a Luchese capo that was on Scotten's laptop.

The wake took place eight months before Pennisi flipped after realizing that capo John ([Big John](#)) [Castellucci](#) had wrongly tagged him as a snitch, Pennisi has testified. But in early 2018, Pennisi's old wiseguy friends were already shunning him, he said. He started to feel like an odd man out — even when he was with his mobster cronies in the Brooklyn faction of the crime family.

Scotten's perceptive wife read his face, Pennisi said.

"And she said to him, 'What happened to that guy?' Because you could see it on [my face](#)," he explained to Russo and his cohost. "You could see something's wrong, I'm very puzzled when I came out."

Scotten's wife told him that the look on Pennisi's face reminded her of a picture of Scotten's father, Pennisi related. "And he explained what the picture was," he continued. "He said his father was misdiagnosed with cancer, but before he knew it was a misdiagnosis, he's thinking that he has cancer, because he was told he had cancer."

"And he's sitting on his porch and someone took a picture of him. There was a parade going by the father's house with elephants. The father was in another world, like looking into another world with his head down. She compared that picture of that guy thinking he was dying to me," Pennisi said.

"I didn't think I was dying. I didn't know what the hell was going on. But it was so heavy on my mind, that the agents happened to catch that picture of me. And you could see the picture says a thousand words of what was on my face. I was so puzzled. I knew something was wrong, but that confirmed it when I went to that wake. And it was bad. It was bad."

During the wake, he said, "it was like I had the plague, and you don't know how that feels. Like these are people who I considered my brothers and they're walking away from me. You know shaking my hand and walking away. And they're giving you the cold shoulder. And it's — don't forget who they are either. It was serious."

Defense lawyers say that Pennisi's account about the wake picture establishes that the government stoked the turncoat's perception that the Lucheses "were seeking to kill him." They argue that the feds "actively contributed" to a bias that Pennisi had toward the defendants, especially Madonna and Crea, the leaders of the family that had allegedly marked him for death.

Maybe so. But maybe Mrs. Scotten should be the one looking at the surveillance photos for the feds.



Pennisi leaves Bella Truscello wake, 2/1/18. 'I knew leaving the wake that something was seriously wrong,'

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