



Gang Land News

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By Jerry Capeci

Feds To Judge: Fine Wiseguy Up To 250K Because He Had The Money To Hire Six 'High-Profile' Mob Lawyers Who Helped Him Beat A Murder Case

The feds have reluctantly agreed not to accuse John (Johnny T) Tortora of murder at his sentencing. But it's no surprise they want the Genovese wiseguy to get a maximum seven year prison term when he faces the music for gambling and obstruction of justice.

But in a Gang Land first, federal prosecutors have also asked a judge to fine Johnny T up to \$250,000 for the obstruction of justice count. Why? Because he could afford to hire a sextet of top flight mob lawyers to help him fight the [murder allegation](#) "is strongly indicative of the defendant's ability to pay."



John Tortora Jr. G L

In a kind of back-handed compliment, the feds assert that the lawyers who have represented Tortora since his arrest back in August of 2018 include "some of the most high-profile and experienced criminal defense attorneys who appear in cases like this one in the New York area." In their filing, the feds opted against using the vernacular term "mob lawyers" to describe the high-powered group of barristers, but they're hoping the judge gets the message.

To be sure though, the six attorneys, who include two, Gerald McMahon and Anthony DiPietro, who have earned Gang Land kudos as Defense Lawyer of the Year, have represented many high-level mobsters and other organized crime figures in addition [to Johnny T](#). All told, they have been mentioned in Gang Land columns a total of 625 times.

In their filing, the prosecutors cited a 1994 decision by the Second Circuit Court of Appeals that "found that even the contemplation of retaining private counsel suggests that a defendant has assets to pay a fine" to argue that Manhattan Federal

Judge Sidney Stein impose a fine between \$25,000 and \$250,000 for the longtime Genovese crime family soldier.

"Here," wrote prosecutors Christopher Clore and Justin Rodriguez, "the defendant has not only retained counsel, but he has retained (at least) six private lawyers." They include Barry Levin, the outspoken leader of the defense team, law partners Richard Levitt and Nicholas Kaizer, and the dean of the savvy sextet, the indomitable Murray ([Don't Worry Murray](#)) [Richman](#).

Tortora, 65, was released from the Metropolitan Detention Center in March of 2020. He pleaded guilty to illegal gambling and obstruction of justice that same month when prosecutors agreed to drop the charges that he had ordered the 1997 murder of a Yonkers police informer who was stabbed to death outside a neighborhood bar.

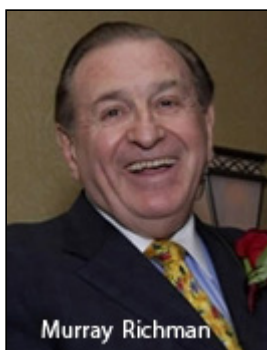
Johnny T's hiring of the ostensibly costly attorneys — the prosecutors didn't mention the highly regarded private investigator James Harkins whom [Tortora](#) also retained — wasn't the only financial consideration that the prosecutors raised in asking Stein to impose a "guidelines fine" along with the "maximum" guidelines prison term of seven years.



Tortora "reports having over \$57,000 in cash and other assets," the prosecutors wrote. And while he lives on an undisclosed "fixed income," they wrote, Johnny T has "a positive monthly cash flow, after expenses, of over \$3,300" and he could easily put "some of that monthly cash flow" aside each month "towards the payment of a Guidelines fine on an installment schedule."

The prosecutors also question whether Johnny T, who "has a long criminal career that spans four decades," has "structured his finances to purposefully avoid payment of criminal penalties." They note that he has not listed as assets, either the home he's been living in since 1989, or the "family's home on the Jersey Shore" where he spent the July 4th weekend, after getting court approval.

"They were interested in fining him," Levin cracked. "I guess that's why they gave Mr. Tortora back \$3 million in assets they had wrongfully seized from him as a condition of his guilty plea," said Levin, referring to "jewelry, currency, electronics and clothing" that the feds seized from his Yonkers check cashing business back on August 1, 2018, the day the FBI arrested him.



"I find it amusing that prosecutors in the Manhattan U.S Attorney's office are acting like high school kids, citing gossip and innuendo" in their court filings, the lawyer said. "They had an opportunity to prove their allegation (in a special sentencing hearing) and they backed away."

In the defense sentencing memo, Levitt and Levin asked Stein to end a "nearly three-and-one-half year nightmare" that Johnny T had lived through since the feds leveled a ["false" charge](#) against him in 2018 with a "time-served" sentence of 20 months, the time he had spent at the MDC following his arrest.

"When this unfortunate prosecution was commenced, Mr. Tortora lived with the prospect of a possible death penalty," they wrote. "All that has now evaporated into the ether" and "we respectfully urge the Court to impose a non-custodial sentence for all that remains," his [guilty plea](#) to illegal gambling and obstruction of justice, they wrote.

The prosecutors countered that Tortora deserved a full seven years behind bars because he "brazenly sabotaged" an investigation of alleged racketeering activity by him and his supervising family capo Daniel Pagano by "destroying . . . surveillance video" and taking steps to "fabricate evidence" when Johnny T was subpoenaed by a federal grand jury in 2018.

Johnny T's actions, the prosecutors wrote, stymied a renewed investigation of Pagano, 69, a powerful family capo and a perennial target of mob busters who was then on supervised release after serving a 27 month stretch for racketeering and loansharking.

Pagano has not had any further problems with the law. Tortora is scheduled to be sentenced on Monday.