EDWARD L. McDONOUGH
POLICE COMMISSIONER

City of Boston Police Department

BUREAU OF FIELD OPERATIONS

February 3, 1970

Detective Charles Lee
Office of the Sheriff
County of Clark
Las Vegas, Nevada

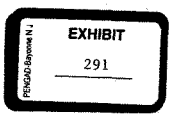
Dear Sir:

On September 11, 1969, Peter J. Poulos was indicted by a Suffolk Superior Grand Jury as an Accessory before the fact to the Murder of William Bennett which occured on December 23, 1967. Also indicted as principals in the same Murder were Stephen J. Flemmi and Francis P. Salemme.

Officers of the Organized Crime Section, Boston Police Department, went to the home of Peter Poulos 43 Bradeen Street, Roslindale, Mass., where they talked with the subjects mother Katherine [illegible] stated as follows:

One night previous to the return of the true bill, date unknown, Peter received a telephone call from a person who stated to Mrs. Poulos that it was very important for Peter to get in touch with Steve. This message was given to Peter when he came home on Monday, September 8, 1969 and he stated to her that he was going to Cape Cod for a couple of weeks vacation. He took some clothes in a paper bag and left operating a 1968 Ford sedan, Mass. 348-054. Katherine Poulos related to the officers that she was very worried about her son's life.

On September 15, 1969, Katherine Poulos notified the office of the Organized Crime Section that Peter's car was now parked outside of her home. Immediately officers of this unit went to the house at 43 Bradeen Street, Roslindale and talked with Mrs. Poulos. She stated that the vehicle was put there sometime during the night by person(s) unknown. Fearing that person's body may be in the trunk she requested the officers to open the trunk lid. Forcing the trunk lid the officers examined the space and found only the usual items stored there. Further examination of the right front fender of the vehicle disclosed what appeared to be blood. The services of the department chemist was requested. The Chemist responded and conducted his investigation of the vehicle and after conducted test on the item found on the fender it was determined that it was human blood.



Relative to the report submitted to the Mass. State Police on January 9, 1970, the Boston Police received a copy of the prints and our Identification Section made positive identification as to the prints belonging to one Peter Poulos.

Regarding the information submitted by your office relative to clothing and jewelry we respectfully report the following:

Kenneth Poulos, brother of the deceased, stated that at the time Peter left he did own a Jules Jergason watch, he did wear black framed glasses. The waist size and brank name of the underwear, boxer shorts, found on the body were identical with similar items owned and worn by Peter J. Poulos.

Doctor Nicholas Demetrius, D.M.D., of 670 Centre Street, Jamaica Plain, Mass., was interviewed by Officers of the Organized Crime Unit and he stated that in his professional opinion, after a comparison of the dental charts of Peter Poulos and the information furnished by your office, that the subject Poulos and the Homicide victim are the same.

The following is a description of one of our known criminals who was known to be in your area recently. There is a strong possibility that this man may be involved in this matter:

WILLIAM POPIANO, white male, 32 years, 5'11, 190, dark complexion, black hair, brown eyes, wears glasses. Owner of a 1968 Cadillac convertable, bronze in color, Mass. U76-644. Please find photo etc. enclosed.

Prints enclosed are of poor quality, we will endeavor to procure better copies and forward then as soon as possible.

Yours truly,

Frank L. Walsh

FRANK L. WALSH, Sergeant Detective
ORGANIZED CRIME SECTION
Boston Police Department

Henry E. Petersen
Deputy Assistant Attorney General
Criminal Division

February 12, 1970

Walter T. Barnes and Edward F. Harrington
Attorneys, Boston Strike Force
Organized Crime and Racketeering Section

Joseph Baron

This memo relates to a request made by former Government witness Joseph Baron. Joseph Baron testified in Federal court in Boston in the successful prosecution of Raymond L. S. Patriarca, Henry Tameleo and Ronald Cassesso. He also testified for the State of Massachusetts in the successful murder prosecution of Tameleo, Cassesso, Louis Greico, Joseph Salvati, Peter Limone, and Roy French. He was also the chief witness for the State of Massachusetts in the unsuccessful murder prosecution of Gennaro Angiulo and three other underworld figures. Patriarca is the head of the LCN in New England. Tameleo is his "underboss". Angiulo is the leading LCN figure in Boston, Massachusetts and Limone is his "underboss."

The fact that Baron, his wife and two children, were provided with Government protection and relocated to another part of the country has been the reason why in the ensuing two years John J. Kelley, William Daddieco, Charles Lombardi and Vincent Teresa have decided to cooperate with the Government and to testify against their former associates in the New England underworld. Baron's testimony and his example as an individual who the Government was able to protect against the violent Boston underworld, has been the single most important factor in the successful fight on organized crime in New England in the last 50 years. The Patriarca prosecution itself has been described by many as the single most important prosecution over this same period.

PENGAD-Bayonne, N.J.
EXHIBIT
292

I think it fair to state that it was agreed by all in the Department of Justice that at the time Baron was released from Government protection every effort would be made to provide his with a job and an unspecified sum of money. However, in the event it was impossible to obtain a job for him because of Baron's extensive record (36 years old - 17 in prison) and inability to do anything, it was agreed that he would be provided additional money. This position was made known to Baron. A year has passed and we have been unable to provide Baron with a job. At the time he was released from protective custody he was given only $1,000 in Government funds, the reason being he was difficult to handle and the protective custody was most expensive. However, we feel as does all law enforcement in New England that this expenditure was well worth it. Baron has been working at odd jobs whenever he could land one. However, he is now almost penniless and feels that he has not been given a fair chance to begin a new life. He is being evicted from the house he is renting through no fault of his. The owner simply wants to sell instead of rent.

In addition, it should be noted that F.B.I. Intelligence indicates that Baron has been recognized at his present location by an individual who knows some of the Massachusetts hoodium element. In fact, the individual is from Baron's home town of New Bedford, Massachusetts. This information will be confirmed by F.B.I. in writing. He feels he must move again or obtain plastic surgery, preferably the latter. He does not have the money to do either and of course he is easily recognizable. He needs approximately $9,000 for the operation and to make ends meet during the recovery period. I verified the cost of the operation itself as $5,000.

Baron is now desperate. He states he is without any money and feels that the Government has reneged on its promise to provide him with sufficient money. He has indicated that he will publicly retract his testimony given in the aforesaid cases and will make known to the press that the Government did not give him a fair chance to go "straight."

In the opinion of the writers if either of the above should occur, the Federal Government will receive a severe setback as the Patriarca and Tameleo cases might be overturned and plunge the Government into protracted and acrimonious litigation. In addition, informants willing to testify will be almost impossible to secure.

We recommend that by some manner or means Baron's request be honored to the degree possible. Of course it would be made perfectly clear to him that such money would be all that he would ever receive.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

John F. Kennedy Federal Office Building
900 Government Center
Boston, Massachusetts 02203

February 13, 1978

Mr. Walter T. Barnes
Departmental Attorney
U. S. Courthouse and Post Office Building
Room 1604
Boston, Massachusetts 02109

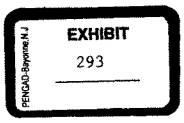
Dear Mr. Barnes: Re: Joseph Baron

In connection with your recent request, I wish to advise you as follows:

Joseph Baron, since his re-location, was observed and identified at a union hall for the Marine Cooks and Stewards Union. He was observed by an individual named Manuel Gonzales, a Portuguese from New Bedford, Massachusetts. Gonzales, who is approximately 50 years of age, formerly resided in the 600 block of Purchase Street in New Bedford and is acquainted with the entire Barboza family. Gonzales' current whereabouts is unknown but is believed to be in Brooklyn, New York. Gonzales is acquainted with members of the criminal element who work at and frequent the dock area and gambling establishments in New Bedford, Massachusetts.

I also wish to call to your attention that in January, 1970, after Gonzales had observed and confronted Barboza with two well known "hit" men from the Boston area, Harry Johnson and Allen Leavitt Fidler, also known as "Suitcase," travelled to the San Francisco area and, according to informants of this office, were supposed to be making the trip to harm someone in that area.

It is pointed out that as a result of investigation by the San Francisco Office, it was determined that these individuals travelled extensively in the northern California area. The San Francisco Office confidentially advised the Police Department of the possibilities of this situation. The police stopped them and ascertained that they had assumed false



BSF-01687

identities; they ordered them to leave San Francisco and they returned to this area. This occurred in close proximity to the whereabouts of Joseph Baron.

An illegal search by the police department prior to their detention disclosed that they had two hand weapons that were stolen and a supply of ammunition.

It is noted that there were very few individuals who knew that Johnson and Fidler were travelling to the West Coast to harm someone but amongst these individuals was Thomas Ballou. Ballou was murdered in gangland style in Charlestown, Massachusetts, on the morning of February 11, 1970, and Johnson and Fidler are being considered as suspects in this murder.

Sincerely yours,

James L. Handley

JAMES L. HANDLEY
Special Agent in Charge

SUPERIOR CT. 90A

STATE

vs.

INDICTMENT NO.

69-767

MURDER & ACC. BEFORE THE FACT TO MURDER

DEFENDANTS: (Secrets)

YEAR DISPOSED OF

AURICE R. LERNER-ROBERT E. FAIRBROTHERS & JOHN ROSSI --MURDER

AYMOND L.S. PATRIARCA, RUDOLPHO G. SCIARRA,

R. Chisholm

UIGI MANOCCHIO & ~~ATTORNEYS FOR DEFENDANTS~~ Lerner-Devitucqur and Rossi

ANK A. VENDITUOLI-ACC. BEFORE THE FACT TO MURDER

John Rossi-J. Cicilline

Sciarra&

Herbert F. DeSimone, Atty. General

R. Ciresi for Fairbrothers & Rossi

DATE	ENTRIES
August 14, 1969	Indictment filed. Same day, DelSesto J. Capias ordered & issued, for all defts.
August 15, 1969	Lagueux J. Defts. Fairbrothers & Rossi arraigned, each pleads not guilty & each committed w/o bail. Hearing set f August 25, 1969. Entry of Appearances filed.
August 20, 1969	Lagueux J. Deft. Sciarra arraigned pleads not guilty & def committed w/o bail & cont'd for hearing to 8/25. Entry of Appearance filed.
August 25, 1969	Carrellas J. Defts. Lerner, Fairbrothers, Rossi, and Scia appear and hearing on motion for bail, opens. Witnesses: James Higgins, Ralph Bellucci, Francis Dowd, and David Cro are duly sworn and testify for the State. August 26, 1969 Hearing resumes: James Gillio and John J. Kelley are duly sworn and testify for the State. August 27, 1969--Hearing resumes. August 28, 1969--Hearing resumes and hearing con des. Decision is reserved. August 29, 1969--Petition for is denied as to above defts. and defts. are committed w/o b Defts.' exceptions are noted. Entry of appearance filed f Rossi and Lerner.
September 15, 1969	Mackenzie J. Deft. Patriarca arraigned pleads not guil and for want of bail in the sum of $100,000 is remanded the custody of the U.S. Marshall District of R.I. Deft.

EXHIBIT 294

S-156A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SUPERIOR CT. 90A

STATE

vs.

Secrett

Murder and Acc. before the fact to Murder

INDICTMENT NO. 69-737

DEFENDANTS:
Maurice R. Lerner, Robert E. Fairbrothers & John Rossi--MURDER
Raymond L.S. Patriarca, Rudolpho G. Sciarra, ~~Luigi Manocchio &~~
Frank A. Vendituoli-Acc. before the fact to Murder

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

erbert F. DeSimone, Atty. General

J. Sheehan & Rossi-Cicilline

DATE	ENTRIES
	Witness is denied, exceptions noted, Motion for Names Pro-
	secution Witnesses denied, Motion for Promises or rewards
	afforded by the State is denied, Motion for Inspection of
	Grand Jury Minutes is denied, Exceptions Noted. Deft. Ler
	and Fairbrothers are committed w/o bail and continued to
	November 18, 1969.
November 13, 1969	Entry of appearance filed...Rossi
November 17, 1969	Deft. Lerner files Motion for Copy of John J. Kelley's
	Statements.
November 18, 1969	Mackenzie J. Order entered for deft. Fairbrothers-see In
	69-768. Defts. Lerner and Fairbrothers appear and heard
	on defts. Motions to Inspect Grand Jury Minutes and same
	~~denied, exceptions noted. Heard on deft. Lerner's Motior~~
	~~for Copy of Kelley's Statements and same is denied, excep~~
	tion noted. Entry of appearance filed for deft. Rossi.
November 25, 1969	State files Bill of Particulars for Defts. Lerner and Fa
	brothers.
December 2, 1969	Mackenzie J. Heard on deft. Patriarca's Pet. for Writ of
	Habeas Corpus and same granted. Writ issued forthwith ar
	order entered.
December 4, 1969	Defts. Sciarra and Rossi file Motions to Inspect Statemnt
S-156A	of John J. Kelley, for Pre-Trial Examination of John J. Ke

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SUPERIOR CT. 90A

STATE

vs.

Secrets

~~Murder and Acc. before the Fact to Murder~~

INDICTMENT NO.

69 67

DEFENDANTS:

Maurice R. Lerner, Robert E. Fairbrothers, & John Rossi-Murder

Raymond L.S. Patriarca, Rudolpho G. Sciarra,

~~Luigi Manocchio &~~

Frank A. Venditucoli-Acc. before the Fact to Murder

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
	7: Motion for Evidence Obt. Illegally denied as to each de 8: Motion to Inspect Statements of Co-Defts. deferred. 9: Motion t Produce Tangible Evidence granted as to each deft. in part. 10: Motion for Severance of Ind. deferred. 11: Motion fo Names and Addresses of Witnesses who Testified before the Grand Jury denied as to each deft. 12: Motion to be Furnished with Evidence Favorable to the deft. denied as to ea deft. 13: Motion for Names and Addresses of Witnesses Ex ted to be Called by the Prosecution and denied. 14: Moti for Severance as to Co-Defts. deferred. 15: Motion to be Furnished with Statements of Promises, Rewards, or Inducement denied as to each deft. 16: Motion to Inspect State ments of Prosecution Witnesses denied as to each deft. 17 Request for Particulars Ind. #69-767/8 granted in part. 18
	Request for Particulars Ind. #69-769/8 granted in part. 19 Motions to Inspect Statements of John J. Kelley denied as each deft.
December 15, 1969	Bulman J. Order entered. Lerner
January 3, 1970	Deft. Rossi files Motion to Examine Statements of Persons Taken by the Providence Police, State Police, The F.BI., & any & all Law Enforcement Agencies that would tend to Exculpate him, Motion to Inspect and Copy all Exculpatory Statements pertaining to the deft. John E. Rossi, Motion to Examine said Statement Taken by Detective David Crooke of Prov. Police Dept. from John E. Rossi.
Jan. 5, 1970	Bulman J. Heard on Defts. Motions for Seperate Trials as Individuals and as to seperate trials as to the 3 Indictm and each is denied. Same day, Heard on deft.'s Rossi's Motions to examine statements and to inspect and copy exc patory statements and orders are to be entered.
Jan. 6, 1970	Bulman J. Further heard on oral Motions
Jan. 7, 1970	Bulman J. Further Heard on oral Motions
Jan. 8, 1970	Bulman J. Further Heard on oral Motions
Jan. 9, 1970	Bulman J. Further Heard on Oral Motions
	OVER

S-156A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SUPERIOR CT. 90A

STATE

vs.

Murder and Acc. before the Fact to Murder

INDICTMENT NO. 69-767 (3)

DEFENDANTS: Maurice H. Lerner, Robert [illegible] Fairbrothers, & John Rossi-Murder
Raymond L.S. Patriarca, Rudolph G. Sciarra, Luigi Manocchio &
Frank A. Venditelli-Acc. before ATTORNEYS FOR DEFENDANTS

YEAR DISPOSED OF

DATE	ENTRIES
February 27,28,	Trial Proceeds
Mar. 2,3,4 1970	" "
March 5, 1970	Hearing in camera
Mar. 6,7,9,10,11,12	
13, 14, 1970	Trial Proceeds
March 16, 17,18,19	Bulman J. Trial proceeds.
20, 1970	
rch 21, 23, 24, 1970	Bulman J. Trial proceeds.
~~rch 25, 1970~~	~~Bulman J. Trial proceeds and trial concludes and the jur~~
retires	as to its verdicts.
~~rch 26, 1970~~	~~Bulman J. The jury further deliberates as to its verdict,~~
rch 27, 1970	Bulman J. The jury further deliberates and concludes de-
	liberation and returns verdicts as follows... The jury
	returns a verdict of guilty of murder in the first
	degree asto deft. Lerner. The jury disagrees as to defts
	Fairbrothers, Rossi, Patriarca, and Sciarra and deft. Ler
	committed w/o bail. Exhibits in the 4th floor vault.
April 2, 1970	M.N.T. filed for Lerner
April 13, 1970	Bulman J. Deft. Lerner appears and the Court continues M.N.T.
May 18, 1970	Order entered as to deft. Patriarca.
May 25, 1970	Bulman J. Heard on deft. Lerner M.N.T. and same is held.
July 9, 1970	Bulman J. Decision filed. Deft. Lerner's Motion for New
	Trial is denied. Exception noted.
July 14, 1970	Deft. Lerner files Notice of Intention to Prosecute Bill o Exceptions & has to Sept. 11, 1970 to file Bill & Transcr
July 23, 1970	Giannini J. Deft. Lerner appears and continued to August ~~1970 for sentence and committed w/o bail.~~
September 9, 1970	Transcript extended to October 13, 1970 as to deft. Lerner

S-156A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED".

JPERIOR
T. 91A

STATE

vs.

Secrets

Murder & Acc. before the Fact to Murder

~~CRIMINAL APPEAL~~ NO.

69-738 (9)

DEFENDANTS: Maurice Lerner
bert E. Fairbrothers
John Rossi-Murder
ymond L. S. Patriarca
dolpho G. Sciarra

☐ JURY TRIAL CLAIMED

Luigi Manocchio
Frank Venditucoli-Acc. before Fact

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

Fairbrothers--A. DelGuidice

DATE	ENTRIES
March 18, 1971	Deft. Patriarca files Certificates, Pet. for Inter-State Summons.
March 22, 1971	Lagueux J. Heard on State's Motion to Quash Subpoehas Duces Tecum and same is granted.
March 19, 1971	Motion to Quash Witness Subpoena and Subpena Duces Tecum Patriarca
March 20, 1971	Motion to Quash, Modify, or Deny Subpoena Duces Tecum filed as to Patriarca.
~~March 22, 1971~~	~~Motion to Quashfiled--Patriarca.~~
March 22, 1971	Lagueux J. Heard on Motion of CBS to Quash Subpoena and same is granted. Deft. Patriarca's exception noted.
March 22, 1971	Lagueux J. Deft. Fairbrothers appears and referred to P.D. for investigation and same is continued 1 week.
March 22, 1971	Lagueux J. Heard on deft. Patriarca's Motion to Dismiss because of Pre-Trial Publicity
23, 3/24, 3/29, 4/5	Lagueux J. Dismiss is denied.
March 22, 1971	Lagueux J. Heard on Outlet Company's Motion to Quash Subpoena and same is denied. The Outlet Co. has 1 week to comply with Subpoena.
March 23, 1971	Lagueux J. Heard on deft. Patriarca's Motion for Severance and same is denied w/o prejudice, exception noted.
March 23, 1971	Lagueux J. Heard on deft.'s Patriarca's Motion to Disqualify John J. Kelley as a witness and same is denied, exception noted.
March 29, 1971	Entry of appearance filed...Fairbrothers
March 29, 1971	Lagueux J. Heard on deft. Sciarra's & Rossi's Motion to Sever and same iscontinued to 4/5. Deft. Fairbrothers also joins in Motion to Sever and for 3 defts. is denied, exception noted.
March 30, 1971	Lagueux J. Deft. Fairbrothers appears and Atty. A. Del Guidice enters appearance for deft. and continued to April
April 5, 1971	Defts' Sciarra and Rossi file Motion to Dismiss and Speedy Trial. Deft. Fairbrothers files Plea of Once in Jeopardy.
April 5, 1971	Lagueux J. Deft. Fairbrothers' Plea of Once in Jeopardy is denied and the cases are assigned for trial to April 26 1971. Deft. Rossi's Motion for Speedy is granted.
April 21, 1971	Atty. DELTY files Continuance or in the Alternative deft.'s Motion for Severance...Fairbrothers.
April 26, 1971	Lagueux J. Heard on deft. Fairbrothers' Motion for Continuance and Severance and same denied, deft's excepti noted. Same day deft. Patriarca's Motion for Continuance is granted to June 1, 1971. Same day deft. Sciarra's Mot for Speedy Trial and Severance is granted, state's excepi

137A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED".

SUPERIOR CT. 90A

STATE

vs.

Secrets

Murder & Acc. before Fact to Murder

INDICTMENT NO.

69-707 (1)

DEFENDANTS: Maurice Lerner
bert E. Fairbrothers.
hn Rossi-Murder.
ymond L.S. Patriarca.
dolpho G. Sciarra

YEAR DISPOSED OF

Luigi Manocchio
Frank Vendituoli-Acc. Before Fact

ATTORNEYS FOR DEFENDANTS

Vendituoli-J. Cardono

DATE	ENTRIES
une 9, 1971	Motion to Allow Transportation of deft. by Air filed as to deft. Patriarca.
une 30, 1971	Transcript extended to July 30, 1971...Lerner
uly 29, 1971	Deft. Lerner's Bill of Exceptions filed.
igust 13, 1971	Lagueux J. Deft. Vendituoli arraignned pleads not guilty and has 3 weeks to file special pleas. and deft. committed w/o bail and continued to 8/30/71.
August 19, 1971	Deft's. Sciarra & Rossi files motion to sever.
August 23, 1971	Defts. Sciarra, Rossi, and Patriarca file Motion to Dismis
August 30, 1971	Giannini J. Deft. Vendituoli appears and the hearing on bail continued to 9/3 so deft. can obtain atty.
September 2, 1971	Giannini J. Deft. Vendituoli appears & violation hearing continued to 9/13/71 & committed w/o bail.
September 11, 1971	Deft. Patriarca files Motion to Quash, Modify and Deny Subpoena Duces Tecum.
September 13, 1971 & Vendituoli and	Mackenzie J. Defts. Patriarca, Rossi, Sciarra, Fairbrothe Vendituoli continued to 9/16 to determine atty, and committ ed w/o bail. Defts. Patriarca, Rossi, Fairbrother & Sciarra's Motion to Dismiss Witnesses Sworn: Joseph O. Meke, Morton Blender, Monroe E. Tows, Jr. Susan Tanner Petley and continued to 9/16 and Motion to Quash Subpoena Duces Tecum on Channel 10 T.V. indenied. Exhibits see Mr. Luongo.
September 16, 1971	Mackenzie J. Defts. Patriarca, Rossi, Sciarra, Fairbroth appear and each Motion to Dismiss & Sever are denied, exception noted. Deft. Patriarca's Motion to Dismiss for Adverse Publicity is denied. Deft. Vendituoli has 3 weeks to file special pleas and each committed w/o bail and continued to 10/8 for trial. Entry of appearance filed...Vendituoli. Deft. Patriarca's Oral Motion to Dismiss for Lack of Speedy Trial is denied, exception noted.
September 17, 1971	Deft. Vendituoli files petition for writ of habeas corp returnable September 23, 1971.
September 29, 1971	Bill of Exceptions allowed as to deft. Lerner. Same day Bill of Exceptions transmitted to the Clerk of Supreme Cr

S-156A

over →

SUPERIOR CT. 90A-

(Murder)

STATE vs. Secrets

INDICTMENT NO. 69-767

Murder & accessory before the fact to Murder

DEFENDANT ~~Maurice Lerner~~ Robert Fairbrothers
John Rossi--Murder
Raymond L. S. Patriarca
Rudolpho G. Sciarra

Luigi Manocchio
Frank Vendituoli--Acc. Before fact

YEAR DISPOSED OF

(continued)

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
October 13, 1971	Mackenzie J. Order entered.
October 14, 1971	Mackenzie J. The Court hears the deft's. motions to dismi
	ind. & same denied, motion that in the alternative the cas
	be severed from that of Patriarca granted and the Court
	rules that Vendituoli, Rossi, Fairbrothers, & Sciarra will
	be tried together and case to be re-assigned for trial to
	1/3/72. Same day, Mackenzie J. Deft. Patriarca appears
	case reassigned for trial.
ctober 20, 1971	Defts. Patriarca, Sciarra, Rossi, Fairbrothers, Vendituoli
	file pet for Writ of Habeas Corpus and same day Mackenzie J
	Pet. denied, order entered and same defts. file Motion
	to Dismiss Ind. and same day Mackenzie J. same is denied
	exception noted and order entered.
tober 28, 1971	Deft. Vendituoli files Motions for Severance & Speedy Trial
anuary 3, 1972	Motion to Be Supplied with Information Pertaining to Juror
	Qualifications...Sciarra.
anuary 3, 1972	Mackenzie J. Defts. Fairbrothers, Sciarra, Rossi Venditu
	appears and heard on their Motions for Individual Voir Dir
	impanelling of Jury, Be Supplied with Information Pertaini
	to Jurors Qualifications, ~~Information Sequest Witnesses,~~
	same are granted, and State's Motion to Sequest Jury is ~~granted.~~

3-156A

over →

SUPERIOR CT. 90A

STATE vs. Secrets

INDICTMENT NO. 69-767

~~Murder & Acc. before the Fact to Murder~~

DEFENDANTS: Maurice Lerner
Robert E. Fairbrothers
John Rossi-Murder
Raymond L.S. Patriarca
~~Rudolpho C. Sciarra~~
Luigi Manocchio
Frank Vendituoli--Acc. before the Fact

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
April 12, 1972	Mackenzie J. Heard on deft. Patriarca's Motion to Dismiss
	Ind. and denied exception noted and assigned for trial to
	4/24 for exhibits see Mr. Luongo, Jr.
April 24, 1972	Gallant J. Deft. Patriarca appears and heard on Motion to
	Dismiss and same is denied.
April 25, 1972	Gallant J. Deft. Patriarca appears again arraigned persist
	in his plea of not guilty and trial proceeds.
ril 26,27,28, May 1 2,3,4, 1972	Gallant J. Voir dire proceeds and concludes and case opens to the jury.
5,8,9,10,11,12,15, ,17,18,19,22, 1972	Gallant J. Trial proceeds.
May 23, 1972	Gallant J. Trial proceeds and witness Lucille Hasney ad-
	judged in contempt of court and sentenced to women's refo
	atory for 3 months and sentence stayed pending appeal to
	the Supreme Court and gives personal recog. $5,000.
May 24, 1972	Gallant J. Trial proceeds and deft.'s Motion to Dismiss
	denied.
y 25,26,30,31,1972	Gallant J. Trial proceeds.
1,2,3,4, 1972	~~Gallant J. Trial proceeds and concludes and the jury~~ returns a veridct of Not Guilty....Patriarca.
JMay 23, 1972	Witness Lucille Hasney files notice of intentions to
	prosecute bill of exceptions and has to 7/18/72 to file
S-156A	bill and transcript. (Lucy)

SUPERIOR
CT. 90A

STATE

vs.

Secrets

Murder and accessory before the fact to Murder

INDICTMENT NO.

69-767

DEFENDANTS:

Robert E. Fairbrothers et al

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
February 13, 1973	By leave of Supreme Court transcript is extended as to
	witness Hasney to 3/15/73.
March 14, 1973	By leave of Supreme Court transcript is extended as to witne
	Hasney to 4/15/73.
pril 17, 1973	By leave of Supreme Court transcript is extended as to wit
	Hasney to May 17, 1973.
ay 17, 1973	By leave of Supreme Court transcript is extended as to
	witness Hasney to 6/17/73.
uary 7, 1974	By Order of the Supreme Court, time for filing tran-
	script enlarged to and including February 7, 1974 as
	to defendant, LUCILE HASNEY
bruary 8, 1974	By order of the Supreme Court, time for filing tran-
	script enlarged toMarch 10, 1974. LUCILLE HASNEY
rch 13, 1974	By leave of the Supreme Court time for filing transcrip
	extended to April 12, 1974.
pril 23, 1974	By leave of the Supreme Court time for filing transcript
	extended to May 16, 1974. LUCILLE HASNEY.
June 11, 1974	By leave of the Supreme Court time for filing transcript
	extended to July 15, 1974. (Lucille Hasney)
Sept. 17, 1974	Witness LUCILLE HASNEY files transcript, papers and
	transcript transmitted to the Clerk of Supreme Court.

4-156A

SECR

STATE

vs.

INDICTME

69-767

Murder and accessory before the fact to Murder

DEFENDANTS:

YEAR DISPOS

Robert E. Fairbrothers et al

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
	SUPREME COURT
kp 9/20/74	Papers and transcript filed.
kp 5/23/75	Heard on defendant's reasons of appeal. Briefs s
kp 7/28/75	Opinion filed. The reasons stated, the defendant
	appeal is denied and dismissed.
kp 8/8/75	Papers and transcript remanded to the Clerk of t
	Superior Court, Providence County.
kp 9/8/75	Case, papers, transcript received from Clerk, S
	Court witness LUCILLE HASNEY, appeal is denied a
	dismissed.
kp Aug. 9, 1975	Defenant (LUCILLE HASNEY) files motion for redu
	of sentence.
kp Sept. 18, 1975	MACKENZIE, J. Letter filed case assigned to Nove
	As to defendant (LUCILLE HASNEY).
mp Nov. 2, 1975	MACKENZIE, J. Case assigned to Monday, December
	at 10:00. (LUCILLE HASNEY.)

UPERIOR
T. 20A.

STATE

vs.

Murder and Accessory before the Fact to Murder

INDICTMENT NO.

69-767

DEFENDANTS:

ROBERT E. FAIRBROTHERS, ET AL

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
1. 5, 1976	GALLANT, J. Defendant HASNEY appears and heard on
	motion to reduce sentence under Rule 35 and same is
	granted. Sentence is reduced from 3 months to 30 days.
	Execution of sentence is stayed until March 8, 1976.
	Order to enter.
cp Jan. 7, 1976	GALLANT, J. Order entered, as to witness (HASNEY).
arch 15, 1976	GALLANT, J. Defendant HANSNEY appears and continued to
	5/17/76.
e 17, 1976	GALLANT, J. Defendant HASNEY continued to 6/17/76.
	GALLANT, J. Defendant HASNEY continued to 6/29/76 at 9:30
kp Aug. 31, 1976	Defendant (LUCILLE HASNEY) files motion for stay
	of execution.
ptember 15, 1976	GALLANT, J. Defendant HASNEY appears and heard on motio
	for stay of execution, witnesses sworn, Jean Shepard,
	Doctor Robert Massouda and Lucille Hasney. After hearin
	the Court suspends previous 30 day sentence and defendan
	is placed on probation for 6 months. Defendant gives
	personal recognizance sum $1,000. Documents enclosed.
S-156A	

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

STATE vs. Murder and Accessory before the Fact to Murder	INDICTMENT NO. 69-767
DEFENDANTS: Robert E. Fairbrothers, ET AL	YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

MANOCCHIO-John Tramonti, Jr.

DATE	ENTRIES
July 6,1979	RODGERS, J. Defendant (MANOCCHIO) appears on warrent and is arraigned. Defendant pleas not guilty. Bail is set a $20,000 or 10% cash with surety. For want of bail is committed. Continued 8/20/79 to determine attorney. Same day defendant gives bail sum of $20,000. Recognizan filed. Warrant recalled and cancelled.
ebAugust 15, 1979	Entry of appearance filed by John Tramonti, Jr. for defendant MANOCCHIO.
ebSeptember 7, 1979	MACKENZIE, J. As to Defendant (PATRIARCA) Order entered.
ebSeptember 21, 1979	MURRAY, P.J. Stipulation for Enlargement of Time, as to defendant MANOCCHIO.
bOctober 9, 1979	A list of guns and all other state exhibits given to Sgt. William B. Giblin, receipt filed.
October 24, 1979	SHEA, J. Order entered; that all transcripts now on fil of a disposed case, in which defendant R. Petriarca was defend may be returned to the defendant, and also exhibits to be withdrawn.
*October 15, 1979	(MANOCCHIO)Entry of appearance filed, motion for pre-tria examindation of John Kelley,motion for separate trials, motion to suppress,bill of particulars, motion to inspec minutes of grand jury proceedings, motion for exculpato
SHEA	CONTINUED

STATE vs. Murder and Accessory before the Fact to Murder	INDICTMENT NO. 79-767
DEFENDANTS: Robert E. Fairbrothers, ET AL	YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

MANOCCHIO-John Tramonti, Jr.

DATE	ENTRIES
October 15, 1979	CONTINUED...Motion for exculpatory material and informatio
	motion to be furnished with all records of electronic
	surveillance and eavesdropping, motion to dismiss(2), moti
	for enlargement of time filed.
November 21, 1979	Letter filed as to defendant Luigi Manocchio.
January 16, 1980	RODGERS, J. Continued for Trial Calendar. fc (MANOCCHIO)
January 23, 1980	RODGERS, J. Order entered, for MANOCCHIO
February 12, 1980	Defendant MANOCCHIO files motion to be furnished with sta
	ments of promises, or rewards, or inducements. Memorandu
	in support of defendant's motion to dismiss filed.
March 5, 1980	RODGERS, J. Defendant MANOCCHIO does not appear for Moti
	Witnesses Sworn; John L. Eddy and Vincent Vespia, Jr.
	Heard on defendant's Motion to Dismiss and same is denie
	Exhibits withdrawn. fc
March 20, 1980	RODGERS, J. Defendant Manocchio does not appear, heard
	on State's motion to vacate Court decision same is denie
	In accordance with 9-24-27 of the General Laws of R. I.
	Court certifies the above entitled case to the Supreme
	Court for certification.

SUPERIOR CT. 90A

STATE

vs.

ESSEX

INDICTMENT NO. 69-767

DEFENDANTS:

Luigi Manocchio

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
	SUPREME COURT
3/21/80	Certified question filed.
2/6/81	Motion to remand for recertification of issues granted by Kelleher, J.
2/6/81	Papers remanded to the Clerk of the Superior Court, Providence County

L-15AA

CRIMINAL CASE FACE SHEET

SUPPLEMENTAL SHEET

PAGE NO.

DEFENDANT NAME (LAST, FIRST, MIDDLE): LUIGI MANOCCHIO

SUPERIOR / FAMILY COURT NO: Ind 69-767

DATE	ACTION	JUDGE	PROS	INI
ec 17, 1982	RODGERS, J. Attorney John Tranomti, Sr. motion to			
	withdraw is granted. Continueance granted. Case to go on trial			
	45 days after action of U.S. Supreme Court. Order to enter.			
y 23, 1980***	Entry of appearance filed.			
r**Sept. 11, 1981	RODGERS, J. Motion for clarification of records, order to			
	enter.			
Mar 11, 1983	RODGERS, J. Defendant does not appear, ~~continued to 5/2/83~~ for trail.			
Mar 28, 1983	Order for transcript filed.			

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SECRETS

PAGE 10

STATE

vs.

CONSPIRACY TO MURDER

INDICTMENT NO.

69-769

DEFENDANTS: MAURICE LERNER, ROBERT FAIRBROTHERS, JOHN ROSSI, RAYMOND L.S. PATRIARCA, RUDOLPH SCIARRA, LUIGI MANOCCHIO, FRANK A. VENDITUOLI

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

Luigi Manocchio-DILUGLIO

DATE	ENTRIES
March 5, 1980	RODGERS, J. Defendant does not appear for Motion.(MANOCCH
	Witnesses Sworn; John L. Eddy and Vincent Vespia, Jr.
	Heard on defendant's Motion to Dismiss and same is denied.
	Exhibits withdrawn. fc
March 20, 1980	RODGERS, J. Defendant Manocchio does not appear, heard c
	State's motion to vacate Court decision and same is denie
	In accordance with 9-24-27 of the General Laws of R. I.
	the Court certifies the above entitled case for certific-
	ation to the Supreme Court.
ptember 27, 1982	Case, papers receivied from the clerk of Supreme Court.
	Court on certified question opinion filed. Questions
	1 and 3 are answered in the negitive. Question 2 is not
	reached.
October 5, 1982	CTESTO, J. Defendant appears and is advised of Supreme
	court decision, assign to trial calendar 1/83/ Manocchio

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Mr. William S. Lynch
Chief, Organized Crime
and Racketeering Section

DATE: March 3, 1970

FROM : Henry E. Petersen
Deputy Assistant Attorney General
Criminal Division

SUBJECT: Joseph Baron

The memoranda submitted by Walter Barnes do not in my judgment support the expenditure of Nine Thousand Bucks.

Assuming the reliability of the informant information that Baron is currently in jeopardy, I assume we have some obligation under the Swanner case. For that reason I would be willing to support a $2,500 expenditure from the Confidential Fund in return for a release signed by Baron releasing the Government from all liability arising as a result of his cooperation with the Government.

If this is unsatisfactory to you then a much better record has to be made. With respect to about which I know little, I would think at a minimum we would need estimates from three reputable as to the cost involved and as to the efficacy of

In addition, with respect to the idea I think that you ought to have someone explore having such an if it is considered necessary, done by in the Defense establishment. It seems to me that as a result of their war service, they have developed quite an expertise in this area and we might get the done for nothing and in any event at a considerable saving to the Government.

The additional $4,000 requested to make the total of Nine, obviously has no support. I am bothered by the thought on this score that Baron, if my recollection is correct, expected a $10,000 payment at the time his testimony was concluded.

Please explore these suggestions and let me know.

004028

BSF-01701

EXHIBIT
295

K-1

THE COURT. All right. Your exception is already noted.

(Witness enters courtroom)

THE COURT. There is a seat in the corner. You may use it when you're not actually testifying.

MR. CHISHOLM. Your Honor please, may the marshals be seated so their hardware wouldn't be visible

THE COURT. Is there anything there, Gentlemen? They denied that it's visible, Mr. Chisholm. I didn't see any. Any hardware that's visible?

MARSHALS. No, sir.

THE COURT. I won't require the marshals to be seated, although we'll keep standees at the back of the courtroom to a minimum. I'm not suggesting now, but anybody later will be asked to leave. We'll keep the standees now.

(Jury enters)

JOHN J. KELLEY

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q Now, Mr. Kelley, I want you to speak right up so that all of the jurors and the defendants and their counsel can hear you. Mr. Kelley, what is your residence?

PENGAD-Bayonne, N.J.
EXHIBIT
296

Kelley's testimony relevant to bias/credibility.

have occasion to speak with me?

A Yes.

Q On many occasions?

A Yes.

Q And in the presence of officers of the State of Rhode Isla

MR. RAO. Objection, Your Honor.

THE COURT. Overruled.

MR. RAO. Exception.

A Yes.

Q Now did any of us make any promises to you at the time we were talking to you, that is law officers of the State of Rhode Island?

A No.

Q Now has any law officer or any prosecutor of any jurisdiction made any promises to you before you came here to testify?

A No.

Q Now, it is a fact, is it not, that before you testified before the grand jury of this State, you were granted immunity from prosecution by the presiding justice of this Superior Court, were you not?

A Yes.

Q And that before you were granted that immunity the

presiding justice of this Court, you had claimed the privilege against self-incrimination in the grand jury, is that true?

MR. CIRESI. Objection, Your Honor.

THE COURT. I think that -

MR. ISRAEL. I will withdraw it.

MR. SHEEHAN. Now, Your Honor please, I ask the jury be instructed as to what our immunity statute reading is.

THE COURT. Yes. Under the constitution of both the United States and the State of Rhode Island, not witness can be compelled to give testimony which would tend to incriminate him. You have heard referred to takin the 5th Amendment, that's the Federal one; declining to answer questions because the answers might tend to incriminate the person. Our General Assembly last year passed a statute which gives the presiding justice of this court, Judge Mullen, the right to grant immunity from prosecution, and thus compel a witness to testify. With immunity granted he can't be convicted for what he says and he can be compelled to testify.

MR. RAO. Exception, Your Honor, to your charge.

THE COURT. All right.

MR. CHISHOLM. I also take exception.

Q And at the time that the presiding justice of this court granted you immunity, did he instruct you that you could nevertheless be punished for contempt if you thereafter refused to answer the questions put to you?

MR. CHISHOLM. Objection.

MR. BUCCI. Objection.

THE COURT. Overruled.

MR. CHISHOLM. Exception. Leading the witness.

THE COURT. I told the jury he was compell to testify.

A Yes.

MR. BUCCI. Exception to the Court's rulin

MR. CHISHOLM. Exception.

THE COURT. All right.

Q Now, Mr. Kelley, you are facing charges in another jurisdic are you not?

A Yes.

Q Will you tell the Court and jury why you have come before this court and this jury and testified as you have?

MR. CHISHOLM: Objection.

MR. BUCCI: Objection, your Honor.

A Hopefully --

MR. CHISHOLM: Has your Honor ruled?

THE COURT: Yes. I overruled the objection.

MR.CHISHOLM: Exception.

THE WITNESS: Hopefully that my testimony will be in cooperation with and brought to the attention of the other jurisdiction in the final outcome of that case.

Q Has anybody made you any promises it will be brought to their attention?

A No.

MR. BUCCI: Will the witness be instructed to keep his voice up.

THE COURT: Speak right up.

THE WITNESS: No.

Q Has anyone promised you that in fact you will get any consideration for this evidence?

A No.

MR. ISRAEL: You may inquire.

MR. SHEEHAN: May we approach the bench, your Honor please?

with him or discussions?

A A few. Five or six, seven. I don't know the exact number.

Q And can you tell us over what period of time these conversations or discussions took place?

A Possibly starting sometime in the Fall and then not having another one until much later in the year, and then up to this period here. They didn't run continually.

Q I see. And did you discuss this case with others besides Mr. Israel?

A Well, just the people involved in it.

Q Well, when you say people involved, you mean law enforcement officers?

A Yes.

Q Well, how many law enforcement officers did you discuss this case with?

A I would say agents of the FBI and Mr. Israel.

Q And those are the only persons you discussed this case with

A And the grand jury.

Q And no one else.

A I can't think of anyone else.

Q Did you discuss it with a Mr. Harrington?

A I don't think it was discussed with Mr. Harrington.

Q You know Mr. Harrington, don't you?

A A few, I don't know how many days.

Q Well, when you say "a few" can you tell us about how many you mean by "a few"?

A Possibly four or five.

Q And were they making notes of their discussions with you on these occasions?

A Well, we were sitting in a car and one agent was in the back and the agent in the front wasn't making any notes. I couldn't see what the agent in the back might have been doing.

Q And these few occasions that we talked about, were they all in the car that you had these discussions?

A No.

Q Now, while you're at the Charles Street Jail, do you know what cell number, or cell unit you occupied?

A No, I don't.

Q The 23 N, was it 23 N?

A I wouldn't know.

Q Now, were you told to tell stories to get a lighter sentence?

A No.

Q Did you ever say that you were told to tell stories to get a lighter sentence?

A No.

Q Now, were any promises made to you to get you to --

MR. CHISHOLM: Strike it.

Q Any promises made to you testifying?

A Only that any testimony that I might give would be brought to the attention of the proper authorities.

Q And who made that statement to you?

A The F.B.I.

Q Well, you say the F.B.I., was any specific member of the F.B.I. that made that statement?

A Mr. Rico and Mr. Sheehan.

Q They both make the same statement?

A I believe so.

Q And did you ask them who was going to bring it to the attention of the authorities?

A They said they couldn't promise but they'd bring any testimony that I would give to the attention of the proper authorities, that's all they said,

Q Well, they promised you protection; didn't

A Yes.

Q So, promises were made to you?

A The Government promised me the protection, Government promised me protection.

Q You were promised protection?

A From the Government, yes.

MR. CHISHOLM: From the Government.

Q And any other promises made to you?

A Just for me and my family.

Q When you say for your family, can you tell us what members of your family were included in this promise of protection?

A All and any members.

Q And are you living with any members of your family now?

A Not right now, no.

Q Are you living with your wife?

A I have been, yes.

Q And up until what date?

A Roughly a month ago.

Q And had you been living with her right along, up until that date?

A Yes.

Q And do you know where she is now?

A No, I don't.

Q Did you know that you have pending charges now outstanding against you?

A I do.

Q And can you tell us where that is?

A Suffolk County, Massachusetts.

Q And what's that charge?

A I believe it's robbery while armed.

Q And do you know the maximum penalty for that charge?

A I don't know maximum, no.

Q You don't know the maximum?

A I don't know the maximum.

Q What?

A No, I don't.

Q You've told us that you've planned and participated in 12 to 15 robberies that have occurred and another 10 to 12 that did not occur?

A Correct.

Q And you don't know the maximum penalty for the charge of armed robbery which is now pending in the Suffolk County Court?

A No, I don't know the maximum penalty, no.

Q Well, you know that the maximum penalty's life?

A If you'd say so, I'll believe you.

Q Does that help you?

A No, that doesn't help my memory.

Q Well, if you did not, as you say, cooperate with the authorities, do you know what sentence would be imposed on you

MR. ISRAEL: I object.

THE COURT: Sustained.

Q Was this robbery that's outstanding the so-called Brink's

Armored Car robbery; is that the charge that's outstanding against you?

A That is correct.

Q The armored car that was robbed on December 28, 1968, in the North Station area of Boston?

A That's right.

Q That was a million dollar robbery?

A That's correct.

Q And that's the charge which is pending against you now?

A Correct.

Q And that's been referred to as the so-called Brink Truck Robbery?

A I don't know how it's referred. I don't know what reference it's used as.

Q Would you refer to it as the Brink's Truck Robbery?

A It was a Brink's truck.

Q Is that a fair description of that robbery, the Brink's Truck Robbery?

A Well, a Brink's truck was robbed, yes.

Q And you [illegible] at the person convicted of a Brink [illegible] of years ago got life in Massach[illegible]

[illegible]RAEL: Objection.

[illegible]URT: Sustained.

Q Well, were any other promises made to you besides your protection of you and your family?

A Just that any cooperation that I give to law enforcement officers will be brought to the proper authorities.

Q And any others?

A None whatsoever, no.

Q None whatsoever?

A No.

Q By any one that's in the law enforcement?

A No.

Q How about a new identity?

A I don't know what you mean.

Q Well, were you promised a new identity?

A From who?

MR. CHISHOLM: From agents of the United States Government.

THE WITNESS: They didn't promise me anything.

Q What?

A They didn't promise me anything.

Q Tell you you would be provided with a different identity?

A They didn't tell me anything.

Q Did anyone tell you that?

A No.

14

Q No one told you you'd be provided with a c

A No.

Q Were you promised that you'd be relocated b

States Government in another part of the world?

A No.

Q That promise was not made to you?

A No, no promises.

Q By representatives of the United States Government?

A No promises at all.

Q By anyone?

A No.

Q So, you were not told by agents of the United States

that subsequent to the termination of the outstandir

charges in the Massachusetts Superior Court, you'd b

relocated by the United States to another part of th

world and be provided with a different identity?

MR. ISRAEL: If Your Honor pleas

now object.

THE COURT: I think the witness

answered that question and those questions in the ne

at least twice; hasn't he?

MR. CHISHOLM: I broke it down.

put them together in one question, Judge, because I

THE COURT: Sustained.

MR. CHISHOLM: May I have that one answered, Judge?

THE COURT: All right. Answer the question. Have you got the question?

THE WITNESS: I don't remember it.

THE COURT: You read it back. The only reason I sustained the objection is it's repetition.

(Previous question read by stenographer)

A No.

Q Now when you came into the grand jury in this county, in this court, I think you told us you were granted some immunity prior to testifying before the grand jury?

A Yes, I was granted immunity.

Q And did somebody tell you that you had a right to immunity before testifying?

A I refused to testify unless I was given immunity.

Q In other words, you would not have testified then before the grand jury unless you had immunity?

A That is correct.

Q And you say immunity, you mean immunity from prosecution in this county?

A From anything concerning any of these charges, concerning the State of Rhode Island.

Q So you would not have testified in the grand jury on this pending case unless you were granted immunity by this cou

A That's correct.

Q And you know that the facts to which you testified to constitutes at least an accessory on your part, you know that, don't you?

A I do.

Q And that you know by being granted immunity that you cannot be prosecuted by this county court?

A For this charge, yes.

Q In this county?

A Yes.

Q And you know that this immunity - or do you know that this immunity only applies to the State of Rhode Island?

A Yes.

MR. ISRAEL. Now, Your Honor please, I am going to ask for a proper instruction at the proper time, if Your Honor please.

THE COURT. Well, I discussed in preliminary fashion yesterday if you wanted instructions later on as part of the charge.

Q And were you told that your testimony in this case would not be used in any other jurisdictions to bring charges against you?

A As I remember it, the immunization covered anything happening in this or any other courtroom in the State of Rhode Island.

Q But you weren't really worried about being prosecuted, were you?

A I don't know what you mean.

Q You weren't worried; you really didn't need this immunity, did you?

MR. ISRAEL. I object.

THE COURT. Sustained.

Q Well, you would have testified in this matter without the immunity, wouldn't you?

MR. ISRAEL. Objection.

THE COURT. Sustained. The witness said he refused to testify unless.

Q Now you've told us about an episode in a - several episodes in a motel in Seekonk, Massachusetts, have you not?

A Yes.

Q And you told us about bringing weapons and other items to this motel in Seekonk, Massachusetts?

A Yes.

Q And those weapons you say were used in this matter?

A Yes.

Q This State. And you know that your acts that occurred in Seekonk, Massachusetts constitutes an accessory before the fact to murder in Massachusetts, you know that?

A I don't know that.

Q But you're not worried about that, are you?

MR. ISRAEL. Object. I'm afraid now that I may have to ask for instructions earlier than the charge, if counsel persists in this line of questioning.

THE COURT. I thought I made it clear yesterday to the members of the jury that our presiding justice, Judge Mullen, in granting immunity has no extra-territorial jurisdiction, that is, the only immunity he can grant is concerned with Rhode Island prosecutions. None of us State judges can take any action which is concerned with a different jurisdiction such as another State or the Federal Government. We can immunize, to use the word, only concerning Rhode Island prosecutions, and I don't mean we can, only the presiding justice can under the terms of the statute.

Q You weren't granted immunity from prosecution for an accessory before the fact of murder by Bristol County in Massachusetts?

MR. ISRAEL. If that's a question, I object.

Q Were you?

THE COURT. He may answer it yes or no.

A I have never been there.

Q You were in Seekonk, weren't you?

A Yes.

Q Seekonk, Massachusetts?

A Yes.

Q You know that's in Bristol County?

A If you say so.

Q Well, were you granted immunity from prosecution for the accessory before the fact of murder by any jurisdiction of Massachusetts, any State jurisdictions?

A No.

Q So you're not concerned about prosecution in the State of Massachusetts?

MR. ISRAEL. If that's a question -

Q For the testimony you've given here in this case, are you?

MR. ISRAEL. Object.

THE COURT. Sustained.

Q You know your testimony here yesterday and today can be used in the State courts of Massachusetts?

MR. ISRAEL. Object.

THE COURT. Overruled.

A If you say so.

Q Well, do you know that?

A I don't know it, no.

Q You're not worried about it, are you?

MR. ISRAEL. I object.

THE COURT. Sustained. Next question, Mr. Chisholm.

Q And you know you won't be prosecuted as a defendant in the

Federal courts for the subject matter of your testimony he yesterday and today, don't you?

MR. ISRAEL. I object.

THE COURT. If he knows he can answer it; he doesn't, he can answer it. Overruled.

A No, I don't know.

Q You don't know that?

A No, I don't.

Q Well, you're not concerned about it, are you?

MR. ISRAEL. I object.

THE COURT. Sustained.

Q Well, you know that the immunity that the State of Rhode Island gave you for the State courts does not cover the Federal courts, don't you?

MR. ISRAEL. If Your Honor please, that's a highly dubious proposition of law. I object.

THE COURT. Well, I think you explored this with some particularity, Mr. Chisholm.

MR. CHISHOLM. The last one on this point.

THE COURT. Sustained.

MR. CHISHOLM. Your Honor please, may I have the Court's indulgence?

THE COURT. Well, it's time for our

HS t11 4

A No.

Q You wouldn't be seeing him?

A No.

Q Were these periods of time over a period of months that you did not see him?

A Yes, that's true.

Q So when you told us you saw him again about once a week, there were periods of months that you didn't see him at all?

A This is possible.

Q What?

A Yes, it's possible.

Q There is more than one period going over many months that you didn't see him, more than one occasion from the time of the fall of '66 until thespring of '69?

A That's possible.

Q So isn't it fair to say after this fall-out the relationship never was the same?

A No, that is not fair.

Q What?

A That is not fair to say, no.

Q Well,it wasn't frequent, was it?

A For certain periods of time. For a certain period of time.

Q Now, after you were, you told us, indicted in this million-dollar truck-robbery, you went before the grand jury on

that matter; did you not?

MR. ISRAEL: Object.

S T11 5

THE COURT: It seems to me you brought this out in cross-examination, Mr. Chisholm, and now you are going beyond the scope of what you brought out. Aren't you?

MR. CHISHOLM: On the issue of promises, your Honor please.

THE COURT: All right, I will let you pursue it if that is what you are getting at.

THE WITNESS: I don't remember the question.

THE COURT: Read it.

(The pending question was read.)

A A grand jury, yes.

Q In Suffolk County?

A Absolutely.

Q And you gave testimony?

A Yes, I did.

Q And were you granted immunity before you went before that --

MR. ISRAEL: I object.

Q -- grand jury?

MR. ISRAEL: There is no evidence there is such --

S T11 6

THE COURT: What is th

MR. CHISHOLM: On the

THE COURT: What ma

happening in Boston -- well, I'll le

question, but even that is getting pretty far a

Go ahead, ask him a direct question. I don't know

he got immunity in Boston or not, and you can't tes

as a Massachusetts lawyer in this proceeding whethe

do or not. Go ahead, ask him the direct question.

Q You weren't granted immunity before you went before that grand jury; were you?

THE COURT: Well, promises. Have t record show I made my remark as the attorney genera stood up to object. Ask him a direct question as t whether he had any promises.

MR. CHISHOLM: All right.

Q You answer the question for the court, Mr. Kelley.

THE COURT: I didn't ask him.

Q I will ask, were there any promises made to you bef you went before the grand jury in Suffolk County, B

A No.

Q Did you expect your testimony would be taken in con ation on your pending charges?

sume?

MR. ISRAEL: I object. What testim

THE COURT: Yes.

(Side-bench conference

CROSS EXAMINATION BY MR. CIR

Q Mr. Kelley, you testified that sometim
locked up at the Charles Street jail; is that cor

A That is correct.

Q And you were placed in a cell there, I assume; is
correct?

A That is correct.

Q And are you presently at the Charles Street jail?

A No, I am not.

Q Well, where are you living at the present time?

A I'm in the custody of the United States Governmen

Q Well, you are not employed anywhere; are you?

A No, I'm not.

Q Do you have any source of income at this time?

A I do not.

Q Are you being supplied with income from the Unite
States Government?

A I'm not.

Q Well, they are supplying you with room and board,

A Absolutely.

Q Is this a jail cell?

A It is not.

Q What type of facilities do you have?

A I have moved around from time to time to var

Q Are these hotels or what are they?

A They have been hotels.

Q Hotels,and what type food are you fed? Do you have choice of any food that you like?

A Yes, I have.

Q And you can order anything you want?

A I beg pardon?

Q You can order anything that you like?

A Yes, I could.

Q And is this part of the protection thatthey said tl they would give you, food and free room and board?

A None of this was brought up, but that is the way i out.

Q Was that your understanding of what protection wou

A I would say so, yes.

Q You would say this is part of your understanding?

A Yes.

Q They advised you as to how long this type of prote would be kept up for you?

A As long as necessary.

Q March?

A No time involved in it.

Q Do they supply you with clothing also?

A They haven't,no.

Q You still have your own clothing?

A Yes, I do.

Q But they provide cleaning for you, laundry service?

A Yes.

Q They pretty well take care of your every need;dont they?

A Same as if I was paying my own bills.

Q And can you come and go as you please?

A I could if I wanted to.

Q If you wanted to. Now, you lived in Watertown, Mr. Kelley?

A Yes, sir.

Q That day you went to New York, what time did you leave?

A Early in the morning.

Q Well, what is early in the morning?

A Which day are you talking about?

Q Well, the day you went up to New York to pick up the masks or purchase the masks.

A I'd say roughly 4:00 o'clock in the morning.

Q Let me see now. What time did you leave the motel that evening?

A I don't --

Q The evening before the 4:00 o'clock trip to New York.

A I don't remember the exact time.

Q Well, let's see. You had been back to Providence; had you not?

(Jury enters)

THE COURT. Good Morning, Ladies and Gentlemen.

JURY. Good morning, Your Honor.

THE COURT. Counsel waive the polling of the jury?

(All counsel said yes)

CROSS-EXAMINATION CONTINUED BY MR. CIRESI OF MR. JOHN J. KELLEY

Q Mr. Kelley, you testified that you were arrested May 15, 1969, of this year, is that correct?

A I believe so.

Q You were held at the Charles Street Jail?

A Yes.

Q And were you brought before a court to have bail set in that particular matter?

A Yes, I was.

Q And was bail set?

A Yes, it was.

Q And how much was the bail?

A $250,000.

Q And did you furnish bail at that time?

A No.

Q You were held in the Charles Street Jail for lack of bail?

A I was.

Q And sometime thereafter did the FBI or me FBI come to talk to you?

A Yes, at some time later.

Q And did you subsequent to that conversation - by whom did you speak to on that occasion, do you re

A Agent Rico, I believe it was.

Q Now subsequent to this time, did you again appear the court in Boston?

A I did, yes.

Q And was bail set at that time?

A Yes, it was.

Q And what was the bail then?

A $200,000.

Q $200,000. Was that with surety or without suret

A I don't understand.

Q Well, did you put up any property or cash?

A No.

Q No cash or property was put up?

A No.

Q Did you retain a professional bondsman?

A No.

Q So you were let out on personal recognizance?

A That is correct.

Q And personal recognizance means that you're let out on your word, is that correct?

A I don't understand the legal terminology of it.

Q Now, you say you then surrendered yourself to the United States Government?

A That's correct.

Q What department of the United States Government?

A To any department of it that could take me into custody and protect my life.

Q Well, now had you already talked to the FBI prior to surrendering yourself to the United States Government or any department?

A Yes, I had.

Q And arrangements had been made prior to you being released on personal recognizance, for you to go with the members of the FBI or some department of the U.S. Government, isn't that true?

A That, I don't know.

Q Well, at the courthouse when you were let out on personal recognizance, or on your personal word, were there members of the U.S. Government present there?

A That, I don't remember.

Q You don't remember. Well, where did you go from the courthouse?

A Well, I - the Judge - this was all - the Judge made certain motions of or conditions of the releasing of bail, and I don't know the technicalities of how anything was handled, to be frank with you.

Q I see. In other words, you had nothing to do with these arrangements?

A Yes, I did.

Q You did. Through the FBI or through Agent Rico?

A Through the Court, I would say.

Q Well, did you speak to the judge personally?

A Yes, I did.

Q Prior to the arrangements being made?

A No, no.

Q And, now you say that sometime in August you came to Rhode Island to testify before the Grand Jury?

A I don't know the exact date, but sometime in the Fall, I would say.

Q In the Fall? And did you come to Rhode Island voluntarily?

A Yes, I did.

Q And, in whose company were you when you came to Rhode Islar

A I believe I was in the company of United States Marshals,

I believe.

Q Was Mr. Rico with you on that occasion?

A I don't believe he was.

Q And your purpose for coming to Rhode Island was to testify before the grand jury?

A Yes.

Q And you were aware, were you not, at that time that you were coming to Rhode Island to testify before a grand jury?

A Yes.

Q And you had not received any immunity at that time?

A No, I didn't.

Q And you were willing to come and testify before the grand jury were you not?

A I didn't know at that time that I was coming to talk to a grand jury. I was coming down to talk to some police official about a crime that I had some knowledge of, at that time.

Q And were you advised that if you did testify you would receive immunity?

A No, not at that time, no.

Q Not at that time. Now, let's get this clear, after you were released on personal recognizance you weren't locked up any more, were you?

A No, I wasn't.

Q And who got out of the car?

A Doe, Lerner, Sciarra and myself.

Q Now, did Roe ever get out of the car during the course of that meeting?

A No.

Q So that, who was present during the meeting with Mr. Patriarca?

A Mr. Patriarca, myself, Lerner, Doe, Sciarra and Lerner.

Q Now, did you observe the automobile that Mr. Patriarca came from?

A Yes.

Q Did you see Mr. Patriarca emerge from it?

A Yes.

Q And whether or not there was - Mr. Patriarca was alone or there was anyone else in the car that he got out of?

A There seemed to be someone else in the car.

Q Now you indicated during - strike that. During your cross-examination by one of the cross-examiners, you testified that you expected and received from the Government of the United States protection for yourself and certain members of your family, you remember that?

A Yes.

Q Why did you seek protection for yourself and members of

your family?

MR. SHEEHAN. Objection.

THE COURT. Overruled.

MR. SHEEHAN. Exception.

A Because of possible testimony of where our lives might be endangered.

Q From whom?

A From -

MR. SHEEHAN. Objection.

MR. CHISHOLM. Objection.

THE COURT. Overruled.

MR. SHEEHAN. Exception.

MR. CHISHOLM. Exception.

A From this group of people.

MR. SHEEHAN. Motion to strike, Your Honor please.

THE COURT. Denied.

MR. SHEEHAN. Exception.

Q And you indicated during your cross-examination that you had made other trips to Providence besides those of April of 1968 and now aside from the visit with Defendant Patriarca in 1964 or '65, you remember what sections of the city you visited?

MR. CIRESI. Objection, Your Honor.

THE COURT. Overruled.

MR. CIRESI. Exception, please.

A Yes.

Q And what were those sections?

A Federal Hill, Olneyville and downtown Providence.

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refresh the witness's recollection, you may do it that way, but let me point this out to all counsel, there will come a time, gentlemen, when I'll have to charge this Jury, and, you know, the law in Rhode Island, at least, is that impeaching questions and answers aren't evidence and the Jury can't consider them, so I've got to have some he from you as to the theory on which you are asking these questions, either for impeachment, or to refresh recollection to get testimony from the witness on the stand, and I don't want to be left in the dark here. Now, proceed, Mr. Chisholm.

Q Well, Mr. Kelley, referring to the protection that you just told Mr. Israel about that you sought, actually, when you were released from jail in June of 1969, it was under a Court Order that you were in custody of law enforcement officers; isn't that true?

MR. ISRAEL: I object.

THE COURT: Overruled.

A I don't know what the Court Order was.

Q Well, you were present, were you not?

MR. ISRAEL: I object. This is cross on recross, Your Honor.

THE COURT: Overruled.

Q And you don't know what the Order of the Court was at that time?

MR. ISRAEL: Object, Your Honor.

THE COURT: Overruled.

A I do not remember all of the conversations that took place at that time.

Q And when you went into Court on that occasion, you went in in the custody of law enforcement officers; did you not?

MR. ISRAEL: Object.

THE COURT: I think it's clear that up to that time he was involuntarily confined; isn't it?

MR. CHISHOLM: Well, I hope so, Your Honor.

THE COURT: Didn'e he say he was under $250,000 bail that he hadn't been able to make?

MR. CHISHOLM: Yes, Your Honor.

THE COURT: All right. Sustained. You can go into that in cross.

Q When you left the Court, you left with law enforcement officials; did you not?

A Yes, I did.

Q You didn't just walk out of there on your own and, then, go seek police protection?

CASE No. 111 05305
EXHIBIT # 4
DATE 12/6/85
SUPERIOR COURT
ASST. CLERK JUDIE FOSTER

MR. ISRAEL. Objection.

THE COURT. Sustained. You want to stri it?

MR. ISRAEL. No, I think not.

Q Your answer was yes, is that correct?

A That's correct.

MR. SHEEHAN. That's all I have, Your Honor please.

THE COURT. Anything further, Gentlemen? Nothing? Any redirect examination, Mr Israel?

MR. ISRAEL. One question. I really don' know how to handle this. May we have a side-bar conferenc

THE COURT. Come up.

(Conference at the bench)

MR. ISRAEL. I have no further questions, Your Honor.

THE COURT. All right, Mr. Farina, thank you. You're excused.

MR. ISRAEL. Paul Rico.

H. PAUL RICO

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation?

A Special Agent, Federal Bureau of Investigation.

Q How long have you been a Special Agent with the Federal Bureau of Investigation?

A Nineteen years.

Q Were you a special agent in 1969?

A I was.

Q In June, July and August of that year?

A Yes, I was.

Q And to what office were you assigned to that period of time

A To the Boston office of the FBI.

Q Did you have occasion during those months to meet with John J. Kelley?

A I did.

Q And in that period of time, referring to those months of 1969, when was the first time that you met him?

A June 5, 1969.

Q And where was that meeting?

A At Charles Street Jail.

Q. And did you have occasion to meet with him on dates after June 5, 1969?

A I did.

Q Do you remember where any of those meetings took place?

A Yes, I do.

Q Did any of those meetings take place other than the Charles Street Jail?

A They did.

Q Were any of them at the Barnstable County House of Correction?

A Yes.

Q And in some other places?

A Yes.

Q Did you meet with him on June 25, 1969?

A I did.

Q On June 30, 1969?

A No.

Q On July 8, 9 or 10th?

A Yes, I did.

Q On how many of those three dates in July?

A On the three dates.

Q And after July 8, 9 and 10th of '69, did you meet with him?

A Yes, I did.

Q Now, were you ever present when Mr. Kelley was shown photographs?

A Yes, I was.

Q On how many occasions were you present when he was shown photographs?

A I was on two occasions.

Q And on those two occasions, was there anyone else present besides yourself?

A Yes.

Q When he was shown photographs?

A Yes.

Q Who were those other people?

A Agent Robert Sheehan.

Q Was Mr. Kelley there?

A Yes.

Q And were you present on an occasion when Mr. Kelley drew some diagram or diagrams?

A I was.

Q How many diagrams did he draw?

A He drew three diagrams.

Q Was anyone else present at the time Mr. Kelley drew the three diagrams?

A Myself and Agent Sheehan and Mr. Kelley.

Q Now did you observe Mr. Kelley as he drew the diagram?

A Yes, I did.

Q And did you assist him to draw the diagrams?

A No, I did not.

Q Did you speak to him while he was drawing the diagrams?

A No, I did not.

Q Did you speak to him before he drew the diagrams within a space of a few minutes?

A Not pertaining to the drawings.

Q Now, in the course of any of your conversations with Mr. Kelley, did you make any promises to him regarding his making statements in your presence, any promises regarding the statements he might have made in your presence?

A I made no promises to him.

Q Now, regarding any testimony which he might give, did you make any promises to him regarding any testimony he might give?

A I made a statement to him.

Q And by that, I take it you deny that you yourself --

MR. ISRAEL: All right, I'll reframe the question.

Q You make certain statements to him?

A Yes, I did.

Q Regarding what?

A I told him that any cooperation that he gave to the United States Government will be brought to the attention of the proper authorities.

Q Now, did you make any statements to him regarding testimony that he might give in Rhode Island?

A No, I did not.

Q Did you make any statements to him regarding any conversation he might have with you regarding events in Rhode Island?

MR. SHEEHAN: I'll object to that, Your Honor please.

THE COURT: Grounds?

MR. SHEEHAN: Well, I think it's immaterial He's already had immunity from Rhode Island.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

THE COURT: Read the question to the witness, please.

MR. SHEEHAN: May the record indicate "he" means Kelley, Your Honor please.

THE COURT: May the record indicate what?

MR. SHEEHAN: That when I use the word "he" he means Kelley.

(Pending question read)

Q Do you understand the question?

A No.

MR. ISRAEL: I'll reframe it.

Q Did you make any promise or any statements to him as to what might happen if he were to make statements to authoritie from Rhode Island?

MR. SHEEHAN: Object, Your Honor please.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

A I made no such statements.

Q Now, were any statements made by you to Mr. Kelly regarding his personal security?

A Yes.

Q And what were those statements?

A I told him that the United States Government had agreed to give him personal security.

Q Now, by "United States Government," do you mean the Federal Bureau of Investigation?

A No. I mean the Department of Justice has informed me that the United States Marshals would protect him.

Q I take it, then, that you relayed a message to him in your statements to him; is that correct?

A That's true.

Q Now, of your own knowledge, at that time did the Federal Bureau of Investigation independently have authority to offer any protection or security to Mr. Kelley?

A No, they did not.

Q Did you describe to Mr. Kelley the kind of personal security and protection that he might expect from the United States Government?

A No, I did not.

Q Did you make any threats to Mr. Kelley?

A No, I did not.

Q Did you hear Mr. Sheehan make any threats?

A No, I did not.

Q And while Mr. Sheehan was present, with you during any of the conversations at which you, Mr. Sheehan and Kelley were present, did Mr. Sheehan make any threats?

A No, he did not.

Q Did you?

A No, I did not.

Q At anytime when you were present with Mr. Kelley, did you hear anyone make any threats?

A No, I did not.

MR. ISRAEL: May I just a moment, Your Honor please. You may inquire.

CROSS EXAMINATION BY MR. CHISHOLM

Q Mr. Rico, did Mr. Kelley tell you that on or about March 4, 1968, he met John Doe, Richard Roe, Maurice Lerner and Rudolph Sciarra at a motel room in Seekonk, Mass.?

MR. ISRAEL: Objection.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q Mr. Rico, did you file an affidavit in the Federal District Court in Boston --

MR. ISRAEL: Objection.

THE COURT: Well, now --

MR. ISRAEL: I think Your Honor should examine him.

THE COURT: Let him finish the question.

MR. ISRAEL: Oh, I'm sorry.

Q (Continued) -- in August of 1969?

MR. ISRAEL: No, I object.

THE COURT: You may answer the question "yes" or "no," Mr. Rico.

A Yes.

Q And that affidavit was -- you did sign that under oath?

MR. ISRAEL: Objection.

Well, I withdraw it, I'm sorry.

THE COURT: That's what an affidavit is; isn't it?

MR. CHISHOLM: I want to make sure the witness understands.

Q (Continued) You signed under oath; didn't you?

A I did.

Q It was your oath?

A It was.

Q Now, I'll ask you again, whether or not --

MR. ISRAEL: I object.

Q -- Mr. Kelley told --

MR. ISRAEL: I object and I'm interrupting counsel deliberately.

THE COURT: The objection is sustained, this being far removed from direct-examination, as I view it, Mr. Chisholm.

Q Well, Mr. Rico, you're not going to leave the jurisdiction, are you, in the near future, next week or so?

A I hope to leave the State of Rhode Island. I'm going to leave the State of Rhode Island.

THE COURT: What counsel means, Mr. Rico, if he wants to call you as a witness for the defendant, you will be available a little later on.

THE WITNESS: Gladly.

Q Without a subpoena being issued to you?

MR. ISRAEL: I object. I think he said "gladly."

THE COURT: Oh, well, let's not fool around, gentlemen. You said you'll be available, Mr. Rico?

THE WITNESS: Yes.

THE COURT: All right.

Q May I have the answer, Mr. Rico?

A Yes.

Q Now, did you tell Mr. Kelley he'd be provided with a new identity?

A No, I did not.

Q Did anyone in your presence tell him that?

A No.

Q Did you tell Mr. Kelley he'd be relocated in another part of the world after the completion of the outstanding charges against him in the Massachusetts Superior Court?

A I don't even talk like that. I'm sorry, I didn't say that.

MR. CHISHOLM: Your Honor, may the witness's comments be stricken.

THE COURT: No, let it stand.

Q Mr. Rico, did you tell Mr. Kelley that he would be relocated in another part of the world after the completion of the outstanding charges pending against him in the Massachusetts Superior Court?

MR. ISRAEL: Object. I think it's been answered.

THE COURT: Let him answer that.

MR. CHISHOLM: I don't consider that an answer.

A No.

Q Now, when you told us the United States Government agreed to give him personal security, what members of the United States Government were going to give him this personal security?

A The U. S. Marshals.

Q Well, who did you speak to?

A I spoke to the representative of the Department of Justice, Mr. --

Q What's his name?

MR. ISRAEL: He was just about -- oh, I'm sorry.

THE WITNESS: Theodore F. Harrington.

Q And is he a representative of the United States Marshals' Office?

A No, he is not.

Q Well, what United States Marshals did you speak to?

A I did not speak to United States Marshals.

MR. ISRAEL: Object -- I'm sorry. I think there's an answer, Your Honor.

Q Well, did other representatives of the United States Government talk to Mr. Kelley in your presence, other than Mr. Sheehan you've already referred to in your testimony?

A Yes.

Q And can you tell us the names of those persons?

A Yes.

Q And what are those names?

A Theodore F. Harrington, Special Agent David Divan and Special Agent Al Kohler.

THE REPORTER: Would you spell that, pleas

THE WITNESS: I think it's K-O-H-L-E-R.

Q Any others?

A Not that I can recall.

Q Now, what was the next date that you met with Mr. Kelley after June 5 of 1969?

A June 6th.

Q And the next date after that?

A Pertaining to this matter?

MR. CHISHOLM: Pertaining to any matter.

MR. ISRAEL: Object.

MR. CHISHOLM: All right, pertaining to this matter.

THE WITNESS: June 25.

Q And the next date after that?

A July 8th.

Q Next date after that?

A July 9th.

Q And the next date after that?

A July 10th.

Q Next date after that?

A July 17th.

Q Were there any dates after that?

A I cannot recall any specific dates after that.

Q Well, were there dates after that?

A There are dates after that that I've met Mr. Kelley.

Q Are you saying this subject of this case?

A I'd say yes.

Q Well, when you say you'd say "yes," are you guessing or --

A No, I'm not guessing. I'm just trying to answer the question

Q And did you make some notes of your interviews?

A No.

Q You didn't make any notes?

A No.

Q And did you use any notes, or documents, or papers, or writings to refresh your memory --

MR. ISRAEL: I object.

Q -- before testifying?

MR. ISRAEL: I still object. Purpose, Your Honor?

THE COURT: I beg your pardon?

MR. ISRAEL: To refresh his memory as to what, Your Honor. I object.

THE COURT: Before testifying here meaning in this trial?

MR. ISRAEL: All right. I'll withdraw the objection.

MR. CHISHOLM: Yes.

A Yes.

Q And may I see those?

(Witness complying)

Q And is this paper that you've shown me the only notes, paper, or documents, or memoranda that you've used to refresh your memory before testifying here?

A Yes.

Q And did you obtain that from --

MR. CHISHOLM: Strike it.

A Yes.

MR. CHISHOLM: I was going to say Agent Sheehan, but I said "strike it," Your Honor.

THE COURT: You anticipated the question, did you?

THE WITNESS: Yes, I did, Your Honor.

THE COURT: All right, Mr. Rico.

Q By the way, Mr. Rico, do you have a copy of that affidavit that you filed in the Federal District Court in August of 1969?

MR. ISRAEL: I object.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q And, well, Mr. Rico, will you obtain a copy of that affidavit or look it over before next -- the next few days?

MR. ISRAEL: Object.

THE COURT: Sustained.

MR. CHISHOLM: I have no further questions.

CROSS-EXAMINATION BY MR. CIRESI

Q Mr. Rico, you testified that the first occasion you talked to John Kelley, or met with John Kelley was at the Charles Street Jail; is that correct?

MR. ISRAEL: I object.

Q (Continued) Isn't that your testimony?

MR. ISRAEL: No, I object, Your Honor.

A No (nodding).

THE COURT: Did he say that was the first time? I know he said that he met him June 5th at

the Charles Street Jail.

Q Well, did you meet Mr. Kelley June 5th at the Charles Street Jail?

A I did.

Q And is that when he was being held for lack of $250,000 bail, or concerning a charge -- criminal charge against him in Massachusetts?

A I don't know -- I'm not aware of the terms that he was being held. He was held at the Charles Street Jail.

Q He was being held at Charles Street Jail and on criminal charge in Massachusetts; is that correct?

A Yes, that is true.

Q And he hadn't furnished bail at that time?

A I had no knowledge at that time of what his condition was.

MR. CIRESI: I see.

Q And, then, subsequent to this meeting on June 5th, Mr. Kelley was then released on personal recognizance; are you aware of that?

A I am aware of that.

Q And did you appear at the Suffolk County Courthouse when the bail was reduced to personal recognizance?

A I did not.

Q And was Mr. Harrington there at the Courthouse?

MR. ISRAEL: Well, now --

MR. CIRESI: Well, if he knows, Your Honor.

THE COURT: All right.

A I have no way of knowing.

Q You have no way of knowing?

A No (Nodding).

Q And, then, your subsequent conversations with Mr. Kelley was after he was released; is that from the jurisdiction of Massachusetts; is that correct?

A No, that's not correct.

Q Well, he wasn't being held by the Massachusetts Authorities any longer when these subsequent conversations with you were taking place? He was free from the Massachusetts Authorities; wasn't he?

A That is not correct.

Q That isn't correct?

A No.

Q Well, is he being held in any jail by Massachusett Authorities? By that I mean, the State of Massachusetts at this time?

MR. ISRAEL: I object.

THE COURT: If the witness knows, he can tell us, Mr. Israel.

MR. ISRAEL: All right.

A No, he is not.

MR.CIRESI: He is not. I have no further questions.

MR. CHISHOLM: May I re-open?

THE COURT: Go ahead.

CROSS-EXAMINATION BY MR. CHISHOLM CONTINUED

Q Mr. Rico, when you referred in your direct testimony to "proper authorities," who do you say the proper authorities are?

A At the time I said it, I had no way of knowing who the proper authorities were going to be.

Q Well, who do you consider proper authorities?

MR. ISRAEL: Object, now or then?

THE COURT: This is of the time --

MR. CHISHOLM: Well, both questions, Mr. Israel.

THE COURT: This is directed to the time when he said he would bring it to the attention of the proper authorities?

MR. CHISHOLM: Yes, Your Honor.

THE COURT: All right, as of then.

A I have no way of knowing who the proper authorities were going to be.

Q Did Mr. Kelley ask you who the proper authorities were?

A I had no knowledge of what he was going to talk about.

rX 3 1

Q Did Mr. Kelley ask you who the proper authorities were?

A No, he did not.

Q Did you tell him who the proper authorities were?

A I did not.

Q Since that time have you determined who the proper authorities are?

A Not in all instances.

Q Well, did you determine what you considered some of the proper authorities were?

A Yes.

Q Who do you consider the proper authorities?

MR. ISRAEL: Object.

THE COURT: I think it's all right.

MR. ISRAEL: I will withdraw the objecti

Q Whatperson?

A I consider the proper authorities to be the district attorney of the areas or the prosecuting authorities in the areas who cover the violations of the law.

Q By person can you identify any person?

A You are asking my opinion?

Q I am not asking your opinion. Who do you now consider to be the proper authorities?

A In this instance here?

Q Mr. Rico, did you tell Mr. Kelley you would bring any

cooperation he gave to the attention of the proper authorities?

A I did.

Q All right then. Now, you say he gave you some, what you consider, cooperation?

A Yes.

Q Now, what proper authorities by person, by identify, do you say you would bring his cooperation to the attention

A To the Department of Justice.

Q By person. Can you identify the person?

A Walter Barnes, held of the Strike Force in New England; Garret Byrne, district attorney, Suffolk County.

Q Is that it? Is that the end of the answer?

A Yes.

Q Did you know Mr. Kelley prior to your meeting at Charles Street Jail on June 5, 1969?

A Yes.

Q As a matter of fact, you met him there June 4, 1969?

A As a matter of fact, no.

Q Did you meet him June 6, 1969 at Charles Street Jail?

A No.

Q Did you not see him two successive days at Charles Street Jail, June 4, 5 or 6?

A I did not see him on two successive days at Charles Stree

r3 3

Q In June of 1969?

A I did not see him on two successive days at Charles Street Jail in June of 1969.

Q Were you at Charles Street Jail on two successive days in June of 1969?

A Yes.

Q June 4th and 5th?

MR. ISRAEL: Object, your Honor.

THE COURT: Overruled.

A I have no memory of being there on those dates.

Q At any rate, you knew Mr. Kelley prior to June of 1969?

A Yes, I did.

CROSS EXAMINATION BY MR. SHEEHAN

Q Mr. Rico, you testified that you were going to pass on this cooperation to the proper authorities when you first talked to Mr. Kelley if he cooperated; is that correct?

A I made that statement to him.

Q Yes; in answer to Mr. Chisholm you said you didn't know who the proper authorities were at that time; is that correct?

MR. ISRAEL: I object.

THE COURT: Let him answer it again.

A I didn't know who the proper authorities were at that time.

Q You were going to pass it on; you told Kelley you would

T3 4

pass it on, yet you didn't have any idea who to pass it on to?

A I didn't know what he was going to say.

Q When did you first find out what he was going to say?

A I found out what he was going -- part of what he was going to say later that evening.

Q That would be June 5th?

A June 5th, right.

Q That is the first day you saw him, June 5th?

A That's right.

Q He told you a story; is that right?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called some facts to you; is that right?

MR.ISRAEL: Object.

THE COURT: Thisis, of course, no part of direct-examination, Mr. Sheehan, as to what was said.

MR. SHEEHAN: May I be heard, your Honor?

THE COURT: Just tell me briefly if you think it's proper to put it before the jury. Go ahead.

MR. SHEEHAN: I believe he said he talked to him on the 5th and on the 6th, and I think I can go into his conversation, what he talked to him about.

MR. ISRAEL: Is that is what the examiner

r3 5

is getting at I will withdrae the objection.

A Is that what you want for an answer?

Q What did you say?

A Is that what you want in the answer, what he talked to me about?

Q No.

A Sorry.

Q I said that he gave you a story; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called certain facts of a transaction; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Well, that's close enough, Mr. Israel.

Q Do you want the question read?

A Yes.

THE COURT: Read it.

(The pending question was read.)

A Yes.

MR. CHISHOLM: Before the answer, I have a motion I'd like to present to the Court at the side bar.

THE COURT: Come up, gentlemen.

(The following proceedings were recorded

r3 6

during the side-bar conference:

MR. CHISHOLM: I object to this question being answered, being asked by Mr. Sheehan, and I move for a severance. I should get a ruling first.

THE COURT: You think it opens the door?

MR. CHISHOLM: Yes. I don't want it opened against my client.

MR. CIRESI: I object.

MR. BUCCI: For the record I object.

THE COURT: Do you want to withdraw the question, Mr. Sheehan?

MR. SHEEHAN: May I have the question read?

THE COURT: It opens the door as I view this, getting into an area where this witness is permitted to tell you everything Kelley told him at that interview. Do you want to withdraw the question or do you want an answer?

MR. SHEEHAN: The first interview?

THE COURT: Yes. It shouldn't take you too long to make up your mind.

MR. SHEEHAN: It is for a purpose which is not.

THE COURT: Make up your mind because

I have a ruling to make.

MR. SHEEHAN; I will withdraw it.)

THE COURT: For the record, following the converence at side bench Mr. Sheehan withdraw the last question.

Q Mr. Rico, you testified that the proper authorities were the district attorneys and the local jurisdiction where some effect it would have; is that correct? Partof it?

A The information disseminated to the Justice Department.

Q I believe you also said the district attorneys. You mean like the district attorney for Suffolk County in Boston?

A Yes.

Q And the attorney general for the State of Rhode Island?

A Yes.

Q When did you first notify the attorney general of the State of Rhode Island.

A My first contact with the attorney general of the State of Rhode Island?

Q In regard to this instant case.

A It would be August 7th.

Q You made an affidavit on the 8th, 9th -- an affidavit, excuse me, in Boston concerning this instant case?

MR. ISRAEL: I object.

THE COURT: Read it.

MR. ISRAEL: Maybe it was asked and objected to before by Mr. Chisholm. I will withdraw it.

THE COURT: All right.

MR. SHEEHAN: That is all I have.

THE COURT: Anything else, gentlemen?

MR. RAO: Nothing further, Your Honor.

THE COURT: Any redirect-examination, Mr. Israel?

MR. ISRAEL: None, your Honor.

THE COURT: The witness may be excused.

JAMES WALTER MULLEN, S w o r n

THE CLERK: Tell the Court your name.

THE WITNESS: James Walter Mullen.

MR. SHEEHAN: May we approach the bench before the witness testifies?

(Side-bench conference)

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation.

A I'm a captain in the Rhode Island State Police. I am in charge of the State Police detectives.

Q And how long have you been a captain of detectives?

A Going on three years.

Q And how long have you been a detective in the Rhode Island

RALPH LAMB
Sheriff

W. L. BILL
Undersheriff

OFFICE OF THE SHERIFF
COUNTY OF CLARK
Las Vegas, Nevada 89101
385-4711

March 1_, 1970

FROM: Ralph Lamb, Sheriff
Clark County
Las Vegas, Nevada

TO: George Franklin, Esquire
District Attorney
Clark County
Las Vegas, Nevada

SUBJECT: Murder of PETER J. POULOS
Clark County Sheriff's Office DR# 184-455

SUSPECTS: STEPHEN J. PLECOS and FRANCIS P. SALERNO

Case Summary

On October 1_, 1969, at approximately 1:30PM the body of a white male adult was found eight-tenths of one mile East of Mile Post #36 on Nevada State Route #16, in the County of Clark, State of Nevada.

The body was found in a small wash approximately (40) feet South of the highway by MR. JOHN W. ORR and FRED W. LUJAN, both of [redacted] Mountain Springs, Nevada, Telephone [redacted] Persons discovering are both employed by the Highway Department of the State of Nevada and found the body while working along the highway picking up trash and rubbish.

After the crime scene was searched and all items of any possible evidential value were photographed and impounded by CCSO Identification Bureau, the body was examined. What appeared to be one gunshot wound was noted in the back of the victim's head. After examination at the scene, the body was removed to Bunker Brothers Mortuary in Las Vegas where an autopsy was performed by Dr. JAMES Y. CLARKE. The autopsy revealed that the cause of death was due to multiple gunshot wounds, two in the lower back and one in the back of the head. Two expended bullets were recovered from the victim's body, one of which is sufficient for firearms comparison. Bullets were determined to be .38 caliber with left hand rifling, indicating they may have been fired from a Colt Revolver or some other weapon with similar specifications.

EXHIBIT
299

Dr. CLARKE estimated death to have occurred ten to fourteen days prior to discovery of the body. A complete set of classifiable and identifiable fingerprints were obtained from the body. Description of the victim was as follows: WMA, 45-50, 5'7", approximately 158 lbs., dark brown hair.

The victim was dressed as follows: Royal blue nylon windbreaker type jacket, light blue, square tailed, short sleeve shirt, white t-shirt, grey wool slacks, black belt, white boxer type shorts, with narrow pin stripes, black low quarter shoes, black socks.

The above clothing was impounded and searched for items of identification, however none was found. The only item of any value for identification was a small loose leaf note book in the victim's jacket pocket which had evidently been overlooked by the suspect(s).

Examination of this note book revealed the name: PAUL J. ANDREWS, and the address: 154 N. New Hampshire Street, written on one of the pages. Contact was made with the Los Angeles Police Department at which time it was ascertained that such an address existed in their Ramparts Division. Sgt. MELENDRES and Detective JOE PURMER of the Ramparts Division Homicide Unit were contacted and a request was made for them to check the address at 154 N. New Hampshire Street to ascertain if a PAUL J. ANDREWS resided there. Sgt. MELENDRES and Detective PURMER, after checking this address, reported that Apartment #106, 154 N. New Hampshire had in fact been rented to one PAUL J. ANDREWS on 9/18/69 and that this subject had not been seen in the apartment area for quite some time. They also reported that they examined Apartment #106 and it appeared that the occupant had not been there for quite some time as evidenced by spoiled food in the refrigerator, etc.

A request was made to have Los Angeles Police Identification Officers process latent fingerprints. This request was complied with and several latent fingerprint lifts were forwarded to this Department by Los Angeles Police Department. A subsequent comparison of these prints against the victim's prints made by Detective P. MUMPOWER of the CCSO I.D. Bureau established positively that the victim had resided, or been present, in Apartment #106, 154 N. New Hampshire Street in Los Angeles, California.

On 10/7/69, Detective DUGGAN traveled to Los Angeles to conduct further investigation of this case. Detective DUGGAN contacted Mrs. LENA RICE, Manager of the Parkton Hotel, located at [redacted] Huntington Park, California, Phone #[redacted] regarding subject PAUL J. ANDREWS. Mrs. RICE had been the manager of the apartments located at 154 N. New Hampshire Street at the time the victim registered into Apartment #106.

Mrs. RICE recalled this subject and provided Detective DUGGAN with a physical description fitting closely that of the victim. It was further ascertained that the victim had been accompanied by another man at the time he obtained the apartment. Mrs. RICE

related that she had seen this second subject with ANDREWS on two or three occasions, however was unable to give a very good facial description due to this subject always averting his face.

She did, however, state that the second subject appeared to be a little taller and older than the subject she knew as PAUL J. ANDREWS. Mrs. RICE further related that she last saw both of these subjects on 9/27/69, a Saturday. She remembers the date because that was the date she moved from the apartments to her present address. She recalled that both subjects were entering the door to Apartment #106, both carrying sacks of what appeared to be groceries.

Note: This is in all probability the date the subjects left the apartment as two sacks of groceries were found just inside the doorway by Los Angeles Police Department Officers. This date also coincides with the estimated time of death given by Dr. CLARKE.

Copies of the victim's fingerprint cards were forwarded to CII and FBI, however both agencies failed to make an identification.

It became obvious from investigation conducted in the Los Angeles area that the subject had used false information when registering into the apartment and that the name PAUL J. ANDREWS was an alias.

Victim Identified

On 1/6/70 bulletins were sent to several police agencies on the east coast in an attempt to establish the victim's identity. On 1/30/70 S/A McKINNLEY of the Las Vegas FBI Office notified this Department that his agency had received information from their Boston office to the effect that Boston Police Department had established tentative identification of the victim as being one PETER J. POULOS, a subject wanted by that department for the murder of a local racketeer. It was further learned that PETER J. POULOS was also wanted by the FBI for UFAP in connection with this murder.

On 2/2/70 S/A McKINNLEY furnished this Department with a wanted poster on PETER J. POULOS which contained his fingerprints. A comparison was made between the homicide victim's fingerprints and the prints of PETER J. POULOS by Detective P. MUMPOWER of the CCSO Identification Bureau, at which time the victim was positively identified as PETER J. POULOS.

PETER J. POULOS is described as follows: WMA, dob 7/31/30, 5'7", 160, chestnut hair, brown eyes.

On 2/2/70 a phone call was placed to Sgt. FRANK WALSH of the Organized Crime Section of the Boston Police Department. Sgt. WALSH stated that POULOS was wanted by his department, along with a STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of one WILLIAM BENNETT

which occurred in the Boston area on 12/27/66. Sgt. WALSH related that POULOS was a loan shark and racketeer in the Boston area. He further stated that STEPHEN J. FLEMMI and FRANCIS P. SALEMME are members of an eastern Cosa Nostra family and were associates of POULOS, although POULOS was not a member of the Cosa Nostra. Sgt. WALSH stated that POULOS, FLEMMI and SALEMME were suspected of several more murders in the Boston area. On 9/11/69 all three subjects were indicted by a Grand Jury in Boston for the murder of the aforementioned WILLIAM BENNETT. On the same date, Sgt. WALSH stated that POULOS, FLEMMI and SALEMME disappeared from the Boston area. Investigation conducted by the Boston Police Department revealed that on this date (9/11/69) POULOS received several phone calls for him to get in touch with "STEVE" (believed to be STEPHEN FLEMMI). Upon his arrival at home POULOS told his mother that he was going to take a vacation and go to Cape Cod for a while. He immediately left, taking very few clothes.

Further information was received by the Boston Police Department to the effect that POULOS took approximately $50,000.00 with him and that it was expected that he would never be seen alive again. Sgt. WALSH stated that it was common knowledge among police circles that FLEMMI and SALEMME considered POULOS to be a "weak link" and would, sooner or later, kill him.

After establishing the identity of the victim and receiving the aforementioned information from Boston, this Department obtained photos of victim PETER J. POULOS, STEPHEN J. FLEMMI and FRANCIS P. SALEMME.

These photos were forwarded to Sgt. MELENDRES and Detective PURMER of the Los Angeles Police Department who took them to Mrs. LENA RICE in an attempt to establish identification of the second subject seen by her with the victim.

Sgt. MELENDRES and Detective PURMER reported that after viewing the photos, Mrs. RICE was unable to positively identify any of the subjects as being the person she knew as "PAUL J. ANDREWS", however she did state that FRANCIS SALEMME very closely resembled the person she knew as ANDREWS, and that the second subject with ANDREWS resembled PETER POULOS.

It should be noted that further information received from Sgt. WALSH of the Boston Police Department regarding the murder of WILLIAM BENNETT, the crime for which these suspects were under indictment, indicated that victim POULOS was used by FLEMMI and SALEMME as a "decoy" to get BENNETT into a position where he could be killed. Further that Boston Police Department recovered bullets from the body of BENNETT, said bullets being .38 caliber with left hand rifling, the same type and weight which was recovered from victim POULOS' body.

Conclusion:

From the above investigation it becomes apparent that victim PETER J. POULOS and suspects STEPHEN J. FLEMMI and FRANCIS P. SALEMME left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, Apartment #106, located at 154 N. New Hampshire Street in Los Angeles, California was rented by one of the subjects, using the name "PAUL J. ANDREWS". On or about 9/27/69 victim POULOS and suspects FLEMMI and SALEMME left the apartment in Los Angeles enroute to Las Vegas. Victim and suspects, in all probability, left Interstate #15 at Baker, California traveling to Shoshone, California and into Nevada on Nevada State Route #16 at Pahrump, Nevada.

Suspects FLEMMI and SALEMME shot and killed victim PETER J. POULOS leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim POULOS ever arrived at Las Vegas.

It should be noted that both suspects, STEPHEN J. FLEMMI and FRANCIS P SALEMME, are both wanted for murder by the Boston, Massachusetts Polic Department and UFAP Warrants have been issued for them through the FBI. To date no trace of either suspect has been found.

Witnesses:

1. JOHN W. ORR, [redacted] Mountain Springs, Nevada, Phone #[redacted]

2. FRED W. LUJAN (same address and phone as above).

   Above subjects can testify as to their finding the victim's body.

3. SGT. D. CAPUTO, CCSO.

4. Detective D. WEIDEMANN, CCSO.

5. Detective P. MUMPOWER, CCSO.

   Can testify to all photos taken of the scene, crime scene search, evidence found at scene, crime scene sketch, and evidence booked from the crime scene.

6. Dr. JAMES CLARKE, Clark County Pathologist.

   Can testify as to the autopsy and his findings.

7. Sgt. D. CAPUTO, CCSO I.D. Bureau.

8. Detective W. J. DUNN, CCSO I.D. Bureau.

Witnessed the autopsy, can testify as to the clothing and items removed from the body, items found in the pockets of the clothing, the removal of one bullet from the body and all autopsy photos.

9. Sgt. MELENDRES, Los Angeles Police Department, Ramparts Division Homicide Unit.

10. Detective JOE PURMER, Los Angeles Police Department, Ramparts Division Homicide Unit.

Can testify as to locating the apartment in Los Angeles and their examination of the apartment. Detective PURMER can also testify as to his showing Mrs. LENA RICE photos of the victim and suspects.

11. Mrs. LENA RICE, [redacted] Huntington Park, California, phone # [redacted]

Can testify as to the subjects renting the apartment in Los Angeles and information given by subject known to her as "PAUL J. ANDREWS".

12. S/A McKINNLEY, Las Vegas FBI Office.

Can testify as to receiving information from S/A LINK in Boston regarding the tentative identification of the victim.

13. Detective P. MUMPOWER, CCSO I.D. Bureau.

Can testify as to his positive identification of the victim through fingerprint comparison.

14. Sgt. FRANK WALSH, Organized Crime Section, Boston Police Department, Boston, Massachusetts.

Can testify as to suspects and victims background and to the circumstances surrounding the disappearance of the victim from the Boston area. Can also testify to the fact that victim and suspects were, and are now under indictment for murder, and that POULOS was a potential witness against them.

Criminal Record:

1. STEPHEN J. FLEMMI - FBI # 401425C.

2. FRANCIS P. SALEMME - FBI # 433761F.

Above suspects have no arrest record with any local police agencies, however both have extensive arrest records on the east coast, particularly the Boston area for crimes wherein firearms were used. Both suspects are presently wanted by the Boston Police Department for murder and the FBI for UFAP for this murder. Photos are available.

Special Note:

It is respectfully requested that warrants and complaints charging the crime of Murder as outlined under NRS 200.010 be issued for STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of PETER J. POULOS.

Respectfully submitted,

Detective Jim Duggan
Detective Charles Lee

JD:CL:lm

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S SUPPORT

Event #: [illegible]
[illegible]

INVESTIGATIVE SUMMARY
HOMICIDE

[illegible]

WEAPON USED: [illegible] CALIBER COLT REVOLVER

SUSPECT(S): #1: STEVEN J. FLEMMI
FBI # 401 425C

Date and Time of Report: 10-23-97 Officer: , P#

Approved:

Signature Signature

EXHIBIT
300

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

#2 FRANCES P. SALEMME
FBI# 133 761 F [illegible]

Note: (Suspects Flemmi and Salemme also wanted in the State of Massachusetts for murder with deceased Poulos, co-defendant)

DETAILS

On 10-10-89, at approximately 1400 hours, CCSO deputies were dispatched to the desert area off of State Route 160 near [illegible] Road, Mountain Springs, Nevada, in reference to the discovery of a decomposed body at that location.

Through investigation of this crime, it was discovered that the body [illegible] since the late 70's to early 80's [illegible] the result of gunshot wounds to the [illegible] back and neck. Recovered from the deceased were [illegible] and were identified as being fired from a [illegible] caliber revolver.

Through an extensive investigation of this crime, [illegible] positively identified the deceased as Peter J. Poulos of Boston, Massachusetts. This individual was a fugitive from justice and was wanted for a murder occurring in Boston, Massachusetts. This deceased was last known to be in the company of two other individuals wanted for the same murder. These subjects identified as Steven J. Flemmi and Frances P. Salemme.

Through follow-up investigation, investigators determined that Poulos had resided in the Los Angeles, California area under an assumed name, and criminalistics officers from this agency traveled to Los Angeles and processed the apartment, along with CCSO Homicide investigators, leading to the positive identification of the victim, Peter Poulos, along with suspects Steven Flemmi and Frances Salemme. A warrant was issued for these individuals arrests on 3-12-70, Warrant #441-24A, signed by Justice of the Peace Roy Woofter.

In reviewing the investigative file, it was discovered that in March of 1989 this warrant was recalled, without prejudice, by the Clark County District Attorney's Office, Deputy District Attorney Scott Mitchell.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

Through Triple I criminal history searches and inquiries in the State of Massachusetts, it was discovered that suspect Frances P. Salemme had been in custody in the Massachusetts Department of Corrections until 1989, that this individual was presently in custody in Plymouth, Massachusetts, on RICO charges, along with Stephen J. Flemmi.

It might be noted that in the initial issuance of a warrant, Frances Salemme was named in the warrant and that it was alleged through information that Steven Flemmi had been murdered also. However, this information [illegible] proved to be false. Both of these individuals are presently under indictment by the U.S. Attorney's Office on organized crime related charges.

On 9/29/97, this Reviewer contacted the U.S. Marshal's Office in Boston, Massachusetts, and confirmed that both individuals were [illegible]. U.S. Marshal Tom Bezanson confirmed that these individuals were in custody on Federal charges, that their trial is anticipated to begin in early 1998, and that this agency would be alerted as to their status.

It appears at this time that these individuals cannot be interviewed while under Federal indictment, however, a letter was sent to the U.S. Marshal's Office advising of the fact that these two suspects were being investigated for a 1969 murder. (Letter attached to this report.)

Latent print evidence recovered during the investigation of the crime has been either destroyed or misplaced by Criminalistics Bureau. This [illegible] evidence, along with the testimony of Criminalistic Officer [illegible], would be crucial in successfully prosecuting these individuals.

Both homicides attributed to the deceased and these suspects were committed with Colt .38 caliber revolvers and these crimes were organized crime related, and the victim, Peter Poulos, was alleged murdered to prevent him from cooperating with Federal agents and Massachusetts law enforcement representatives in crimes occurring in their jurisdiction.

CASE STATUS: Inactive, pending further information.

Case reviewed by: ____________________ Approved by: ____________________
David E. Hatch Sgt. W. G. Keeton, P# 505

9700864

CLARK COUNTY SHERIFF'S DEPARTMENT
200 EAST CARSON STREET
LAS VEGAS, NEVADA

[redacted]/CASE CLEARED REPORT — MULTIPLE REPORT — DR 184-458

TYPE CRIME: MURDER	PERSON(S) OR ACTIVE CRIMES COMMITTED: Unknown
DATE AND TIME OCCURRED: Bet. 9/27/69 & 10/10/69	DATE AND TIME OF THIS REPORT: 3/19/70-9:40am
LOCATION OF OCCURRENCE: Rt. 16 Pahrump Valley	RPTG. DIST.
VICTIM'S NAME (or listed on orig. report): PETER J. POULOS	HC. NO. INVOLVED VEHICLE: Unknown
CONNECTING REPORTS: Numerous	

Property Recovery: TOTAL / PARTIAL / NONE — Additional Property — LOSS / RECOVERY THIS REPORT $
Property Disposition: BOOKED / RELEASED BY DEPT.
Case: REPORT UNFOUNDED / CASE CLEARED — RECLASSIFY TO: — MAINTAIN WANTS IN PROPERTY FILES: YES / NO
Status: COMPLAINT SIGNED / INVEST. CONT.

PERSONS ARRESTED (NAME, ADDRESS, CHARGE): X DESC. AGE HGT. WGT. HAIR EYES CHARGE

STEPHEN JOSEPH FLEMMI/FBI #401425C/WMA/DOB/ - 6-9-34/5'8"/160/drkbrn/brn/MURDER
FRANCIS PATRICK FLEMMI/FBI #433716F/WMA/DOB - 8-18-33/6'/195/brn/brn/MURDER

(1) EXPLAIN INVESTIGATION PROGRESS AND STATUS. (2) DESCRIBE ANY CHANGE IN M.O. (3) WHEN VICTIM AND/OR WITNESSES LISTED IN CRIME REPORT HAVE NOT BEEN INTERVIEWED, GIVE REASON. (4) IF ADDITIONAL PROPERTY LOSS INVOLVED, ITEMIZE, DESCRIBE AND SHOW VALUE, LISTING ALL SERIAL NUMBERS. IF PARTIAL RECOVERY, LIST PROPERTY RECOVERED. (5) INDICATE NUMBER, DESCRIPTION, SERIAL NO., MONOGRAMS, ETC. AND VALUE ASSIGNED. APPEARS ON INITIAL REPORT. EXPLAIN ANY CHANGES FOUND NECESSARY IN PROPERTY DESCRIPTIONS. REPORT ALL SR (1) NUMBERS AND INSCRIPTIONS DEVELOPED DURING INVESTIGATION.

ITEM NO.	PERSON REPORTING OR ADDITIONAL PERSONS INTERVIEWED	RESIDENCE ADDRESS	CITY	RESIDENCE PHONE	BUSINESS PHONE

DETAILS:
On 3/12/70 Warrant #441-24A signed by Judge ROY WOOFTER charging the crime of MURDER was issued for the arrest of the above suspects for the MURDER of the above victim. It should be noted that suspects are also wanted for MURDER by the Boston Police Department in Boston, Massachusetts and UFAP has been issued through the FBI. The above victim, PETER J. POULOS, was also wanted by Boston for the same MURDER. ARB teletype was sent on 3/12/70. In view of the above this case may be closed.

CASE STATUS/Exceptionally cleared. Suspects identified and warrants issued.

If additional space is required, use Continuation Sheet. TOTAL VALUE $

DATE AND TIME TYPED	DIVISION	CLERK	INTERVIEWING OFFICER(S)	SER. NO.	DIVISION	PERSON REPORTING (SIGNATURE)
3/20/70-12am		P.MASON	JIMMY DUGAN			

[illegible]

[illegible]

[illegible]

[illegible] JOSEPH [illegible]

[illegible] PARCIL PATRICK TALEMPY [illegible]

[illegible] WARRANT NBR 441-24A DATED 2-12-70 SIGNED BY [illegible]
[illegible] BY WACHTER, LAS VEGAS TOWNSHIP, LAS VEGAS, NEVADA [illegible]
[illegible] OF MURDER WAS ISSUED AGAINST THE [illegible]
[illegible] WITH THE MURDER OF ONE PETER J POULOS, [illegible]
[illegible] STATE OF NEVADA BETWEEN [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
CLARK COUNTY, LAS VEGAS, NEVADA [illegible]