

OCT 28 1978
**Indictment
 returned in
 slaying**

In indictment has been returned in the 1976 street slaying of Joseph "the Baron" Barboza, a former New England Mafia hit man convicted of a Sonoma County murder in 1971.

A special grand jury in San Francisco indicted Theodore J. Sharliss, a former prison friend of Barboza, charging him with conspiring to violate Barboza's civil rights, a conspiracy "that resulted in, the caused the death of" Barboza.

Sharliss, 2, believed living in Culebra Vista, was being sought by the FBI today.

The indictment did not name the actual killers. Barboza was gunned down at 25th Avenue and Moraga Street in San Francisco in February of 1976 as he was unlocking his car near Sharliss's apartment.

After the slaying, Sharliss told San Francisco police Barboza visited him and that they had driven to a delicatessen for lunch, then returned to Sharliss's apartment.

Barboza was a key witness in 1968 against Raymond Patriarca, reputed to have been the head of organized crime in New England.

Following his release from prison, where he was sent in 1971 for slaying Ricky Clay Wilson near Glen Ellen, Barboza went to live in San Francisco under the Federal Witness Protection Program.

He was given a new identity and some police protection because Barboza claimed there was an underworld contract out on his life.



AFFIDAVIT

Personally appeared before me Edward F. Harrington, United States Attorney for the District of Massachusetts, and being under oath, deposed and said as follows:

1. On August 28, 1970, I and Walter T. Barnes were Special Attorneys assigned to the Organized Crime and Racketeering Section in the Boston Field Office of the United States Department of Justice.
2. At approximately 1:00 p.m. until 2:15 p.m., on the aforementioned date, I and Walter T. Barnes interviewed Joseph Baron, also known as Joseph Barboza, at the Walpole Correctional Institution, and thereafter made a written memorandum of the interview.
3. A copy of the memorandum is affixed hereto and is a complete, accurate and truthful account of the events set forth therein.

Edward F. Harrington
Edward F. Harrington,
United States Attorney,
District of Massachusetts

Then personally appeared before me the above named Edward F. Harrington on the thirty-first day of October, 1978, and swore that he had read the foregoing affidavit and affixed memorandum and that the facts therein stated are accurate and true.

Silvan F. Baker
Notary Public
M.C.E. 10/5/84

RECEIVED

FEB 04 2002
HOUSE COMMITTEE ON
GOVERNMENT REFORM



WTB:EPH:ded

James Pastherstone, Deputy Chief
Organized Crime & Racketeering Section

August 28, 1970

Walter T. Barnes and Edward F. Harrington
Special Attorneys, Boston Field Office
Organized Crime & Racketeering Section

Interview with Joseph Baron

On August 28, 1970 at approximately 11:00 A. M., Arthur Isberg, Massachusetts Commissioner of Corrections, telephonically advised Walter Barnes that Joseph Baron had requested in writing to speak to Barnes and Special Agent Dennis Condon. Isberg told Barnes to contact Fred Butterworth at Walpole for the exact wording of the request. Edward Harrington called Butterworth at Walpole and Butterworth read Baron's written request, a copy of which is attached to this memorandum. Harrington advised Butterworth that Barnes and Harrington would leave immediately for Walpole.

Barnes and Harrington conferred with Joseph Baron at Walpole Correctional Institution from approximately 1:00 P. M. until 2:15 P. M. Baron requested Barnes and Harrington to relocate his wife and family from California in light of the fact that their whereabouts had become public knowledge, having been disclosed by his counsel, F. Lee Bailey, at a prior court proceeding. Barnes and Harrington did not make any response to this request. Baron also requested that his probation revocation warrant be withdrawn. Barnes and Harrington advised Baron that they had no control over the Massachusetts Parole Board and that they could make no promises in this regard.

During the course of the conversation, Baron made the following statements:

Baron stated that it was his original intention to inveigle members of the underworld into giving him money on the pretext that he would recant his testimony given in previous trials and that, when he received the money, he would leave the area without recanting;

Baron also stated that his counsel, F. Lee Bailey, "made him sign the affidavit" and that "they" have sent his wife money in return for his signing the affidavits; that Bailey acknowledged

to him that the affidavits themselves were not sufficient to warrant the granting of a new trial, but that it would be necessary for Baron to testify as a witness, which Baron does not desire to do.

Baron also advised that his testimony in the Deagan case was truthful and that he had signed the affidavits only for money; that he is not going to take the lie-detector test on August 31, 1970, for he feels that once he has taken the test Bailey will have no further use for him and that his life will be in danger; that he will tell Bailey that he had spoken with Barnes and Harrington merely to tell them that, if they were going to pressure him by initiating criminal charges, he would open up a "Pandora's box." He stated that this statement would be merely a pretext so that Bailey will not distrust him on account of his seeing them.

Baron stated that if he took the lie-detector test it would prove that he told the truth during the Deagan trial, but that he will not take this test until he is out of custody and beyond the control of Bailey.

Baron stated that two of his trips from California to Boston were made at the instigation of the underworld and that he was paid for these trips through the books of Bi-Lo Construction Company of Providence, Rhode Island, an officer of which, Frank Davis, Baron met on several occasions in this connection.

Barnes and Harrington told Baron that they would and could make no promises to him but that they would merely pass the results of their conversation on to District Attorney Garrett Byrne, which was done by Harrington at approximately 3:30 P. M. on August 28, 1970.

Enclosure

EXHIBIT "A" R8

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
#31601, #32369, #3237

COMMONWEALTH

FORD, J.
11-78

VS.

LEWIS GRIECO ET AL

MEMORANDUM OF DECISION ON
DEFENDANT'S MOTION FOR
NEW TRIAL NO. 3

1. The defendant was found guilty of murder and conspiracy to murder on July 31, 1968, after trial before Justice Forte and a jury. This Motion for New Trial (No. 3) came on to be heard before me after a special assignment by the Chief Justice, following the retirement of Justice Forte.

2. The principal grounds relied upon are allegations of newly discovered evidence, etc. as to:

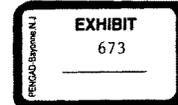
3. Polygraph Tests. Polygraph tests taken in 1967 and 1978 are alleged to show defendants' innocence.

4. Alibi. Barbara Brown's affidavit alleges defendant was in Florida at time of murder.

5. Trial Testimony of Primary Prosecution Witness Joseph Baron Barboza, Deceased. Affidavits of James Southwood, F. Lee Bailey and William Geraway allege Barboza recanted testimony.

6. Trial Testimony of John E. Fitzgerald, Prosecution Witness. Affidavit of Alfred Farese alleges Fitzgerald lied about conversation with Farese.

R. 8



R.

7. Commonwealth materials in opposition include, inter alia, testimony of Barboza in a California case (Exhibits 1 and 2) and an affidavit by United States Attorney Edward Harrington. I have collected and caused to be placed in the permanent court files with the papers in the case transcripts of both the previous motion hearings (No. 1 and No. 2) and the present one (No. 3) together with relevant portions of the transcript of the original trial. I have carefully examined these documents. The trial was thoroughly scrutinized by the Supreme Judicial Court in Commonwealth v. French, 357 Mass. 356 (1970), (see especially pp. 362, 369, 370). Certain post-trial claims of a co-defendant were reviewed by the Supreme Judicial Court in Commonwealth v. Cassesso, 360 Mass. 570 (1971). In the latter case, much of the same material as now before this court was considered and denied as grounds for post-trial relief.

8. Except for the alibi evidence, the issues raised in the defendant's affidavits were previously considered in whole or in part in New Trial Motions No. 1 and No. 2 (see Appendix A).

9. The record of the current proceeding is confused, unstructured and conflicting. Many, if not all, of the current claims have been dealt with in the past. Except for the Alibi area, the current claims are largely reworked and expanded versions of claims previously considered and denied. See Appendix A for summary of previous trial motions.

R.10

10. Polygraph. The matter of the polygraph evidence was ruled upon in open court. As stated at pages 7 and 8 of the transcript of the October 3, 1978 hearings, the 1967 polygraph test was not only known to defense counsel at the time of the first trial, but (see ¶7 at page 10 of the 1974 Motion for New Trial [No. 2]), it was also one of the grounds alleged in a 1974 Motion for New Trial which was denied by Judge Roy on June 3, 1974. No appeal was perfected. By the same token, the recent polygraph tests which produced the same results as the 1967 test are likewise not new evidence. Moreover, it should be noted that neither test complied with standards for admissibility set out in Commonwealth v. A Juvenile, 365 Mass. 421 (1974).

11. Alibi. The alibi testimony of Barbara Downes Brown was available to and known to the defendant at the time of the first trial. It is not now newly discovered evidence.

12. Barboza Testimony. As to the trial testimony of Joseph Baron Barboza, I choose to rely upon the affidavit of United States Attorney Edward F. Harrington and the Barboza testimony in the case of People of California v. Joseph Bently (Joseph Baron Barboza), marked as Exhibits 1 and 2. (See especially pages 100, 191, 276-79) rather than the reworked affidavits submitted by the defendant.

13. Fitzgerald Testimony. I am not persuaded by the new affidavit of Albert E. Farese who seeks to impeach Fitzgerald. Farese was available at the trial as well.

K.11

14. After careful consideration of the records, briefs, and arguments of counsel, I find and rule that the defendant has failed to convince me either that there is newly discovered evidence or that a new trial should be granted in the interests of justice under the provisions of G.L. c. 278, §29. United States v. Street, 570 F.2d 1 (1st Cir. 1977), sets forth succinctly the standards for granting of new trials. They have not been met by this defendant. As the Supreme Judicial Court stated in Commonwealth v. Cassesso, supra, I am of the opinion that the defendant has thus far

"...not presented facts, made supportable sworn offers of proof of expected admissible evidence, or shown sufficient [other] basis to require, as matter of law, at this time a new trial or even an evidential hearing on matters raised by [his] motions."

358 Mass. 570 at 578.

15. For the foregoing reasons, defendants' Motion for New Trial (No. 3) is DENIED.

ENTERED: November 5 1978

Joseph Ford
Justice of the Superior Court

CONSTITUTIONAL HEARING

PETITIONER: PETER J. LIMONE
OFFENSE: ACC. BEFORE FACT OF MURDER ONE

SENTENCE: - IJFF
EFF. DATE: 11-1-67
DATE PETITION REC'D: 10-16-78

<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: Concur [redacted]
DATE 11/6/78	
<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: Concur WITH OPINION as articulated by Board members [redacted]
DATE 11/6/78	
<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: [redacted]
DATE [redacted]	
<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: [redacted]
DATE 11/6/78	
<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: [redacted]
DATE 11-3-78	
<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: To the extent this petition is based upon an alleged miscarriage of justice, we lack the statutory authority to investigate this contention. On the merits, justice here are positive aspects petitioner's emotional performance if you are not sufficient to overcome the particular case and the attached short time span
DATE 11/6/78	
<input checked="" type="checkbox"/> GRANT <input type="checkbox"/> DENY <input type="checkbox"/> DENY W/O PREJ.	COMMENTS: concur [redacted]
DATE 11/6/78	

EXHIBIT
674

2551



JOHN E. BATES
Superintendent

The Commonwealth of Massachusetts
Department of Correction
Massachusetts Correctional Institution, Framingham
Framingham 01701

November 13, 1978

TO: To Whom it May Concern
FROM: John E. Bates, Superintendent
RE: Joseph Salvati
Gentlemen:

I have been requested by Joseph Salvati to provide him with a recommendation for his use in attempting to have his sentence reduced or commuted. In response to this request, I am pleased to be able to report the following.

Joseph Salvati was committed to M.C.I. Walpole on July 30, 1968 and he remained there until September 1, 1973 when he was transferred to M.C.I. Framingham.

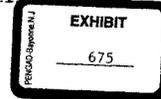
During his period of incarceration at M.C.I. Walpole, Mr. Salvati was assigned principally as the Catholic Chaplain's clerk, a job which he performed very capably. The Catholic Chaplain, Father Foley, always speaks highly of Mr. Salvati and rates his work as excellent.

Mr. Salvati's behavior has been excellent all during his period of incarceration and during those increasingly frequent periods when M.C.I. Walpole has been in a state of chaos, Mr. Salvati has been able to maintain his positive attitude. At no time have I ever even suspected that Mr. Salvati had allowed himself to be drawn into the violence and anti-institutional behavior that began to permeate Walpole.

Mr. Salvati has been able to create and maintain good relations with other inmates and the institutional staff.

When M.C.I. Framingham began to function as a work and educational release facility in March of 1973, I was transferred to that institution. One of my tasks was to help select a small cadre group of inmates from the other institutions to help with the maintenance of M.C.I. Framingham. When Mr. Salvati applied from M.C.I. Walpole, I had no hesitation in recommending his inclusion in the cadre group. He was transferred to M.C.I. Framingham on September 1, 1973. Since his arrival here at M.C.I. Framingham, Mr. Salvati has been assigned to the institution kitchen where his efforts have gained him the respect of all the staff.

Since May 1, 1975 Mr. Salvati has been assigned to and entrusted with the running of the residents co-op store. He has done an outstanding job justifying our decision to give him the increased responsibility.



0800-1576637

TRAC

DE-SP-016

REC-17 183-1615-48

JUL 05 1979

SAN FRANCISCO (63-289) (P) (EO) (7)

TO DIRECTOR ROUTED

BT

INCL 1

THEODORE JAMES SHARLISS, AKA, ET AL; JOSEPH BARBOZA BARON -
 VICTIM, RICO (A), OO: SAN FRANCISCO

ON JANUARY 24, 1979, SHARLISS ENTERED A GUILTY PLEA TO
 THE CHARGE OF VIOLATING TITLE 18, USC, SECTION 241, CIVIL
 RIGHTS - MURDER AND CONSPIRACY. ON FEBRUARY 27, 1979,
 SHARLISS WAS SENTENCED TO FIVE YEARS CUSTODY OF ATTORNEY
 GENERAL.

AS A RESULT OF CAPTIONED INVESTIGATION, SAN FRANCISCO
 OPENED AN INVESTIGATION INTO CORRUPTION IN THE SAN FRANCISCO
 PD UNDER SAN FRANCISCO TITLE ROBERT L. MARTIN; PAUL AD
 LAWLER, ET AL RICO (A), POLICE BRIBERY - CORRUPTION

REC-17 183-1615-48
 JUN 11 1979

61 JUL 05 1979

EXHIBIT
 678

PROPERTY OF FBI
SAN FRANCISCO FILE NUMBER [REDACTED] SHARLISS IS A PRINCIPAL GOVERNMENT
WITNESS IN THE CASE AND IT IS IMPERATIVE THAT SHARLISS BE
THOROUGHLY INTERVIEWED REGARDING HIS KNOWLEDGE OF POLICE PAY-
OFFS, LIBERAL POLICE AND JAIL, AND POSSIBLY POLICE INVOLVEMENT
IN CONNECTION WITH

H



H

SAN FRANCISCO STRIKE FORCE ATTORNEY MICHAEL KRAMER AGREES
THAT SHARLISS SHOULD BE INTERVIEWED AS SOON AS POSSIBLE BY THE
CASE AGENT, WHO IS THOROUGHLY KNOWLEDGEABLE OF THE CASE, WHICH
INCLUDES CRIMINAL ALLEGATIONS WHICH DATE BACK TO 1970. SAC,
SAN FRANCISCO, CONCURS WITH CASE AGENT CONDUCTING THE INTERVIEW.

REQUEST OF THE BUREAU

THE BUREAU IS REQUESTED TO [REDACTED]

H

Man gets 5 years for 'Mafia' killing

Theodore J. Sharliss was sentenced to five years in prison for conspiracy in the 1976 killing of former Mafia hit man Joseph "The Baron" Barboza, who once lived in Santa Rosa under the name Joseph Bentley.

Sharliss' role, according to U.S. District Judge Alfonso J. Zipproli Tuesday in San Francisco, was to locate Barboza for the actual killers who have not yet been indicted.

Sharliss, 42, pleaded guilty in a closed session last month and agreed to testify against the killers. Also known as James Chalmas, Sharliss is in protective custody.

Barboza was shot while unlocking his car door outside Sharliss' apartment in San Francisco in February, 1976. A white van pulled by and a shotgun and pistol were fired, killing Barboza.

Barboza, in 1968, was a key witness against Raymond Patriarca of Providence, R.I., the reputed leader of organized crime in New England. Barboza often boasted of killing at least 26 people for the New England Mafia.

After turning informer he was

given protection by the Justice Department, and a new identity as Joseph Bentley, the name he assumed while living in Santa Rosa in 1970.

A year later he was sent to prison for second degree murder in the killing of Ricky Clay Wilson of Santa Rosa.

He served four years for the murder, was paroled and then secluded in the bay area, but rumors were that he was the target of a quarter million death contract put out by the New England Mafia.

MAR - 1 1979

THE COMMONWEALTH OF MASSACHUSETTS

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FEB 5 1979

EXECUTIVE SECRETARY

February 1, 1979

To His Excellency the Governor:

I, JOSEPH L. SALVATI (fill in name of petitioner)

now confined } Massachusetts Correctional Institution - Framingham
~~is paroled from~~

having been convicted of the crime of accessory before the fact of murder for which I was sentenced on August 1, 1968, in the

Suffolk Superior Court to serve a term of life

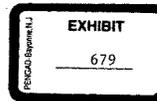
do hereby petition for a commutation of said crime, either absolute or upon such conditions and limitations as may be deemed proper.

Joseph L. Salvati, M.C.I. Framingham (signature and address of petitioner)

I was born at Boston on October 30, 1932 (fill in place) (date)

I am petitioning for a pardon for the following reasons: (state briefly) I have been in Prison since October 25, 1967, the date of my arrest. After conviction, I served a period of six years at M.C.I.--Walpole. As a prisoner of proven trust, I was one of the first prisoners transferred to medium security at M.C.I.--Framingham. I was the first prisoner serving a life sentence to be allowed a furlough. I have never violated any trust that has been placed in me on any furlough which I was granted. I have also never violated any trust that has been placed in me as manager of the Co-op Store which serves both staff and residents alike, at M.C.I.--Framingham. My record of imprisonment has been one of trust, responsibility and co-operation. I wish to be released from prison in order to provide for my wife and family. If I am given the opportunity to be released from prison, I will once again prove that any such trust has not been misplaced.

(Endorsers signing, please write your address)



Return to Executive Secretary, Room 184, State House

(SEE REVERSE SIDE)