

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	:	CRIMINAL NO. 99-10428 - JLT
	:	
v.	:	Racketeering
	:	(18 U.S.C. §1962(c))
JOHN J. CONNOLLY, JR. and	:	
STEPHEN FLEMMI	:	Racketeering Conspiracy
	:	(18 U.S.C. §1962(d))
	:	
	:	Conspiracy to Obstruct Justice
	:	(18 U.S.C. §371)
	:	
	:	Obstruction of Justice
	:	(18 U.S.C. §§1503, 1512)
	:	
	:	False Statement
	:	(18 U.S.C. §1001)

SUPERSEDING INDICTMENT

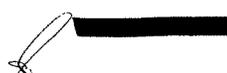
The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine

 000162



murder of Roger Wheeler.

Racketeering Act #8B

52. Paragraphs 44 through 49 and paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

53. In or about April 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by Brian Halloran to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the fact that Brian Halloran had provided information about the murder of Roger Wheeler in Tulsa, Oklahoma on May 27, 1981, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

Racketeering Act #9

54. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #9.

Racketeering Act #9A

55. The allegations contained in Paragraphs 44 through 49 and Paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

56. In or about June, 1982, CONNOLLY told Bulger and Flemmi that John Callahan was sought as a witness in the Wheeler homicide investigation.

57. In or about June 1982, the exact date being unknown, in the District of

Massachusetts, CONNOLLY did corruptly to endeavor to influence, obstruct, and impede the due administration of justice in a federal grand jury sitting in the Northern District of Oklahoma and investigating the murder of Roger Wheeler, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the identity of a witness who was being sought to testify in the Wheeler homicide investigation, in order to prevent the witness's cooperation and testimony, in violation of Title 18, United States Code, Section 1503.

58. Acting in response to CONNOLLY'S information, Bulger and Flemmi caused John Callahan to be murdered in Fort Lauderdale, Florida on or about August 1, 1982, in order to prevent his cooperating with law enforcement authorities and to prevent him from being able to provide testimony in the Wheeler homicide investigation.

Racketeering Act #9B

59. Paragraphs 55 through 56 and paragraph 58 of Racketeering Act #9A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

60. In or about June 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by John Callahan to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them that Callahan was sought as a witness in the Wheeler homicide investigation, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

Racketeering Act #10

61. In or about June 1988, Supervisory Special Agent John Morris learned that other

FEDERAL BUREAU OF INVESTIGATION

PERFORMANCE APPRAISAL REPORT

Employee Biographical Page
(Refer to Administrator's Manual for Performance Appraisal
for instructions regarding the use of this form.)

Payroll Name <u>MORRIS JOHN M</u>	Cost Center Number <u>3090 BOSTON</u>
Social Security Number <u>[REDACTED]</u>	Merit Pay Indicator <u>M-1</u>
Position Title <u>SUPERVISORY SPECIAL AGENT</u>	Grade/Step and Salary <u>GM 14 OO \$44,466.00</u>
Position Number <u>GM 1B11 14 78-FD-713</u>	Effective Date of Last Grade Change <u>1/15/78</u>
	Date Due Within-grade Increase/Step Increase <u>0/0/00</u>

Type of Appraisal	Projected Annual Appraisal Period
A <input type="checkbox"/> Annual	<u>7/1/81 to 6/30/82</u>
I <input type="checkbox"/> Annual Incorporating Prior Administrative Appraisal(s)	
C <input type="checkbox"/> Conversion of Administrative Appraisal(s) to Annual	
P <input type="checkbox"/> Presumptive Annual	
S <input type="checkbox"/> Administrative - type _____	Appraisal Period <u>7/7/81</u> to <u>6/30/82</u> (Actual period of time covered by this report if different from projected annual)

CURRENT APPRAISAL

List adjective rating of individual critical elements from lowest to highest level with respective identifying number below.

EXCEPTIONAL	SUPERIOR	EXCEPT.				
# <u>1</u>	# <u>2</u>	# <u>3</u>	# _____	# _____	# _____	# _____
Overall Adjective Rating <u>EXCEPTIONAL</u>			Numerical Average <u>4.16</u>			

Check here if above information duplicates that of most recent administrative appraisal.

Administrative Appraisal(s) Considered in Annual Appraisal

Appraisal Period(s):	Adjective Rating(s)
_____ to _____	_____
_____ to _____	_____

REC-145 67 69 3564-77
 Search _____ of _____ 17

Composite Adjective Rating _____
(Only for annual appraisals which are based on the incorporation or conversion of administrative appraisals.)

Adjective rating for last two annual appraisals (nonmerit pay employees only)

Year _____	Adjective Rating _____
Year _____	Adjective Rating _____

My signature and/or initials on this page of the Performance Appraisal Report and on the attached FD-593a, FD-593b and FD-593c indicates only that I have reviewed each page, not that I am necessarily in agreement with the information thereon or that I am relinquishing my right, if any, to grieve this appraisal.

J. M. Morris
 Signature of Employee

EXHIBIT
 742

8 OCT 26 1982

Federal Bureau of Investigation
EVALUATION PAGE
(Refer to Administrator's Manual for Performance Appraisal
for instructions regarding the use of this form.)

JOHN M. MORRIS

Payroll Name of Employee _____ Social Security Number _____
 Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.
 Critical Element # 1 as Effective Dates 7/7/81 to 6/30/82 Adjective Rating EXCEPTIONAL
 Listed on the Performance Plan _____

Supv. Morris maintains an exceptional rapport with members of his squad and has established a systematic interaction with them on both a formal and informal basis. He has done an outstanding job in promoting morale and esprit de corps through direct supervision of Top Echelon Organized Crime informants and Organized Crime cases on his squad. In the area of informant development and direction, he was directly involved in the development of one of the most valuable and highly placed Top Echelon Organized Crime informants. By example, his subordinates equally strive toward an expertise concerning informant development, use of investigative techniques, and reaching goals and objectives established by Supv. Morris in the Organized Crime area.

His experience and expertise is regularly sought by other supervisors and on occasion, by Bureau officials who recognize his knowledge and the application of that knowledge in the day-to-day direct supervision of his subordinates. He frequently consults with the SAC and ASACS enabling the management staff to effect police through his expert and exceptional input on information and attention to Organized Crime procedures.

He merits an exceptional rating with regard to his control and direction of subordinates on his squad.

Critical Element # 2 as Effective Dates 7/7/81 to 6/30/82 Adjective Rating SUPERIOR
 Listed on the Performance Plan _____

Supv. Morris during the past rating period, and as a result of his own initiative has generated a superior relationship with Organized Crime organizations within the Boston Police Department, Massachusetts State Police, Drug Enforcement Administration, Internal Revenue Service, and Strike Force. Several of his joint investigations, although long term in nature and employing sophisticated techniques, has resulted in superior intelligence information with imminent prosecutive accomplishments.

He enjoys a personal relationship with most high ranking law enforcement and prosecutorial officials, particularly in the area of Organized Crime. He, on his own initiative develops continuing external contacts persuading these agents to adapt FBI priorities and procedures regarding Organized Crime. With minimal supervision, he serves as an influential member of the Organized Crime Subcommittee for the Law Enforcement Coordinating Committee in the District of Massachusetts.

His liaison extends to the academic area where he often engages in public speaking before groups at Northeastern University Graduate School of Criminal Justice, and in workshops at a national conference level regarding Organized Crime and narcotics. Recently he chaired a very influential segment of Organized Crime Seminar sponsored by U. S. Department of Justice held in Washington, D.C. Supv. Morris merits a superior rating.

J. M. Morris
 Signature of Employee

July 16, 1982

Mr. H. Paul Rico
Miami, Florida

Dear Mr. Rico:

I share the appreciation of my colleagues in Miami for your invaluable assistance in connection with an undercover operation involving a bribery matter and want to add my personal thanks for your help. Your participation was a critical factor in the success achieved, and you have every right to be proud of the role you played. We are always pleased by the support and cooperation we receive from our former associates, and we are truly grateful for your efforts on our behalf. Your friends in the FBI join me in commending you on your civic-minded actions and in extending every good wish.

Sincerely yours,
William H. Webster
Director

67-458489-177
FEC-128 Searched..... Numbered.....
3 AUG 6 1982

1 - Miami (58-623) (detached)
Reurairtel 5/17/82.

ENCLOSURE

NOTE: Mr. Rico is a former SA who EOD 2/26/51 and retired 5/27/75. CID concurs with the recommendation of SAC, Miami, that a letter of appreciation be sent to Mr. Rico

Enclosure to Miami
SAC Miami.

- Exec AD Adm. _____
- Exec AD Inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. Cong. & Public Affs. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Director's Sec'y _____

CAM:msb (4)
msb

file
noted

AUG 12 1982

JUL 29 1982

EXHIBIT
743

(RAC)
COP
THA

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE Boston	OFFICE OF ORIGIN FBIHQ	DATE 8/13/97	INVESTIGATIVE PERIOD 7/08/97 - 8/14/97
TITLE OF CASE UNSUB(S); OBSTRUCTION OF JUSTICE; OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR); BOSTON DIVISION; OO: FBIHQ		REPORT MADE BY Joshua Hochberg, PIS, DOJ IIC Charles S. Prouty	TYPED BY: tls
		CHARACTER OF CASE ADMINISTRATIVE INQUIRY	

REFERENCE:

Acting Deputy Attorney General memorandum to Attorney General, dated July 3, 1997.

The redacted copy for the Trial Team will be released following review and approval by the Department of Justice and FBI Headquarters.

The Department of Justice copy will not contain the Sensitive Information Section containing informant information.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 3 - Bureau (263-HQ-1220323) (1 - AD Michael A. DeFeo) (2 - Inspection Team) 1 - Department of Justice 1 - Massachusetts USAO Trial Team					
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
Agency					
Request Recd.					
Site Fwd.					
How Fwd.					

COVER PAGE



2709

Closed: September 10, 1971 - due to "unproductivity"
Date reopened: September 18, 1975
Handling Agent: SA John Connolly
Closed: January 27, 1978 - due to "legal problems" noted subject of an FBI Rico investigation
Date reopened: May 11, 1979
Handling Agent: SA John Connolly
Rico matter resolved - no prosecutable case against source
Date: October 7, 1979
Memo to file notes
SSA John Morris as Alternate Handling Agent
Closed: December 3, 1990 - "Placed in closed status due to the retirement of case Agent"

Bulger was advised of the Attorney General Guidelines on seven occasions, between November 23, 1982 - October 11, 1989.

Stephen Joseph Flemmi

Targeted dates November 1964 - November 1965
Date opened: November 10, 1965
Handling Agent: SA Paul Rico
Date: February 14, 1967
Approved a TE source
Closed: September 15, 1969 - Document from Boston to FBIHQ September 15, 1969, "In view of the fact that this informant was indicted for murder on September 11, 1969, by a Suffolk County Grand Jury and a federal warrant has been issued for his arrest, UFAP - Murder, this informant's emotional stability can no longer be justified and he is being closed."
Date reopened: September 12, 1980
Handling Agent: SA John Connolly - Boston document to FBIHQ

2710

Closed: September 23, 1982 - Document from SA Connolly to SAC Boston, "Captioned matter was placed in closed status in that captioned subject was under investigation (Flemmi) in two separate investigations." "Wheeler and Callahan murders."
Reopened: July 10, 1986
Handling Agent: SA John Connolly
Closed: December 3, 1990 - "Placed in closed status due to the retirement of case Agent."

Flemmi was advised of the Attorney General Guidelines on four occasions between October 16, 1986 - November 17, 1989. The relevant Attorney General Guidelines were established on December 2, 1980. Section E of the guidelines requires that informants receive instruction that he/she is not protected from prosecution. Section F details procedures for authorizing informants to engage in criminal activity based on written findings. The FBI manual provisions set forth below effectuate the Attorney General Guidelines.

The following excerpts from the FBI MIOG Section 137-5, effective as of January 12, 1981, are related to "Informant Participation in Authorized and Unauthorized Criminal Activity."

GUIDELINES GOVERNING PARTICIPATION
IN AUTHORIZED CRIMINAL ACTIVITY

1. An informant may not be authorized to engage in any activity that would constitute a crime under state or federal law, if engaged in by a private person acting without the authorization or approval of an appropriate FBI and United States Attorney's Office representative, except as authorized...

2. Participation by an informant in authorized extraordinary criminal activity may only be made by the SAC, or in the SAC's absence, the ASAC after a consultation with the approval of the United States Attorney...Extraordinary criminal activity is defined as that activity which may involve a significant risk of violence, corrupt actions

FEDERAL BUREAU OF INVESTIGATION

PERFORMANCE APPRAISAL REPORT

Employee Biographical Page (Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form)

Payroll Name: CONNOLLY JOHN JR, Cost Center Number: 3090 BOSTON, Social Security Number: [redacted], Merit Pay Indicator: N-B, Position Title: SPECIAL AGENT, Grade/Step and Salary: GS 13 GS \$39,586.00, Effective Date of Last Grade Change: 12/5/76, Date Due Within-grade Increase/Step Increase: 11/12/82, Position Number: GS 1811 13 78-FD-712

Type of Appraisal: [X] Annual, Projected Annual Appraisal Period: 11/15/81 to 11/12/82, Appraisal Period: 11/15/81 to 11/12/82

CURRENT APPRAISAL

List adjective rating of individual critical elements from lowest to highest level with respective identifying number below.

Table with columns S, FS, FS, E and rows #1, #2, #3, #4. Overall Adjective Rating: Superior, Numerical Average: 3.25

Check here if above information duplicates that of most recent administrative appraisal.

Administrative Appraisals Considered in Annual Appraisal

Appraisal Periods: Adjective Rating(s)

REC-67

652419-114

Composite Adjective Rating (Only for annual appraisals which are based on the incorporation or conversion of administrative appraisals): 101

Adjective rating for last two annual appraisals (nonmerit pay employees only): Year: 1981, Adjective Rating: Fully Successful

My signature and/or initials on this page of the Performance Appraisal Report and on the attached FD-593a, FD-593b and FD-593c indicate only that I have reviewed each page, not that I am necessarily in agreement with the information thereon or that I am relinquishing my right, if any, to grieve this appraisal.



Signature of John J. Connolly, Employee

Federal Bureau of Investigation
EVALUATION PAGE
(Refer to Administrator's Manual for Performance Appraisal
for instructions regarding the use of this form.)

CONNOLLY, JOHN, JR.
Payroll Name of Employee

[Redacted]
Social Security Number

Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.

Critical Element # 1 as Effective Dates 11/15/81 to 11/12/82 Adjective Rating Fully Successful
Listed on the Performance Plan

Superior

*changed to Superior
11/15/81 to 11/12/82
John Connolly, Jr.*

SUBJECT TO PROTECTIVE ORDER

Critical Element # 2 as Effective Dates 11/15/81 to 11/12/82 Adjective Rating Fully Successful
Listed on the Performance Plan

[Signature]
Initials of Employee

Federal Bureau of Investigation
EVALUATION PAGE
(Refer to Administrator's Manual for Performance Appraisal
for instructions regarding the use of this form.)

CONNOLLY, JOHN, JR.

Payroll Name of Employee

[Redacted] Social Security Number

Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.

Critical Element # 3 as Effective Dates 11/15/81 to 11/12/82 Adjective Rating Fully Successful
listed on the Performance Plan

Critical Element # 4 as Effective Dates 11/15/81 to 11/12/82 Adjective Rating Exceptional
listed on the Performance Plan

SA Connolly's performance in this area substantially exceeds the performance standards of superior and is truly exceptional. He independently has developed, maintained, and operated a corps of extremely high level and productive informants. His direction and their resultant information has brought about results exceeded by none in the Boston Division's Organized Crime Program. Most significantly, he skillfully developed a high ranking GCN figure who is presently the only member source in New England and one of very few developed since enactment of legislation dealing with organized crime nearly two decades ago. His performance has been at the level to which all should aspire to attain but few will realistically reach.

PROTECTIVE ORDER

JCM
Signature of Employee
FBI-HQGR-00.0000967

70b (Rev. 8-24-81)

Federal Bureau of Investigation

SIGNATURE PAGE

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

CONNOLLY, JOHN, JR.

Payroll Name of Employee

Social Security Number

This is a complete appraisal of the above employee's performance while under my supervision.

John W. Mow
Signature of Rating Official

1/21/83
Date

Comments of Employee-Fight to Respond (Optional)

SUBJECT: PROMOTIVE OR

do do not wish to respond to this appraisal as prepared by my rating official.

JCM
Initials of Employee

2/5/83
Date

I am aware that my overall performance below the Fully Successful level as reflected in this appraisal may be the basis for the denial of my within-grade increase (WGI)/step increase and could also preclude me from consideration for promotion, administrative advancement, and/or office of preference transfer.

APPLICABLE TO EMPLOYEES IN A TWO/THREE YEAR WAITING PERIOD FOR WGI/STEP INCREASES AND/OR PROMOTIONS.

I am aware that my overall performance below the Fully Successful level in previous annual appraisal(s) _____ (indicate year(s)) may be the basis for the denial of my WGI/step increase and/or promotion.

Initials of Employee

Initials of Employee

Comments of Reviewing Official

Robert Fitzpatrick
Signature of Reviewing Official

2/7/83
Date

I have reviewed the comments of my reviewing official with respect to my comments (above) and/or any adjustments he/she made to this performance appraisal. I do do not wish to respond to this appraisal as adjusted by my reviewing official.

2/8/83

Standard Form 50 - B
Rev. January 1982
US Office of Personnel Management
FPMR Chapter 296

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) CONNOLLY JOHN JR MR		2. SSN [REDACTED]	3. Postal Security Det.	4. Date of Birth 08-01-40
5. Veteran Preference 1-None 3-10 Pt. Disab. 5-10 Pt. Other 2-5 Pt. 4-10 Pt. Comp. 6-10 Pt./30% Comp.		6. Serv. Comp. Date (Last) 02-27-68	7. Tenure 1	8. Retirement 1-None 2-CS 3-FS 4-Other 5-FICA 6-None 6-CS 5
9. FEGLI BASIC PLUS 2 X PAY + STANDARD		10. FLSA E-Exempt N-Nonexempt	11. Sex M	12. Citizenship 1-None 2-US 3-Other
14. Effective Date 04-17-83		15. Annuity Indicator 1-Rempt Ann. CS 3-RETM 5-RETM & CS 2-RETO 4-RETO & CS 9-Not Applicable	16. Work Schedule 1-Full time 2-Part time 3-Intermittent	17. (Reserved for OPM Use)
18.A. 18.S. Nature of Action QUALITY INCREASE		19.A. MOAC	19.B. Nature of Action	
18.C. 18.D. Authority Date		19.C. 19.D. Authority Date	19.E. 19.F. Authority Date	
18.E. 18.F. Authority Date 28 U.S.C. 536		19.G. 19.H. Authority Date		
20. FROM: Position Title and Number SPECIAL AGENT 78-FO-712 170		21. TO: Position Title and Number SPECIAL AGENT 78-FO-712 170		
21. Name and Location of Employing Office		22. Name and Location of Employing Office		
27. Pay Plan (Optional Code)	28. Rate (Ten)	29. Step (Rate)	30. Salary	31. Pay Basis
CS 1811	13	05	\$39586	PO
27. Pay Plan (Optional Code)	28. Rate (Ten)	29. Step (Rate)	30. Salary	31. Pay Basis
CS 1811	13	06	\$40750	PA
34. Duty Station		35. Position Occupied 1-Competitive 3-SES General 2-Exempt 4-SES Career Reserved		36. Appropriation Code (Optional)
37. Remarks				

NOT RECORDED
20 1983

38. Approver		39. FPMIS Date		
A. Title of Approving Official DIRECTOR	B. Date 04-21-83	A. Sep. w/ Break M.	B. VEY INO	C. FRD
C. Signature/Authentication of Approving Official <i>William J. [Signature]</i>		D. Barg. Unit System	E. FPMIS Date	
F. Ed. Level	G. Tier Designation	H. Account Design	I. Agency Code	
J. Location Code	K. SSN [REDACTED]			
40. Employing Department or Agency	H.	I.	J.	K.

2716

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

December 16, 1982

Mr. Brian A. Callery
Chairman
Massachusetts Parole Board
Leverett Saltonstall Building
100 Cambridge Street
Boston, MA 02202

Re: Peter Limone

Dear Mr. Callery:

This is to acknowledge receipt of your letter dated December 7, 1982 concerning Peter Limone.

Due to an extremely heavy workload, my full response to your inquiry will be delayed. I regret I am unable to provide a full response on a more timely basis.

For your information, I have forwarded a copy of your letter to the Suffolk County District Attorney's Office, in view of the fact that Limone is incarcerated due to a conviction in that county. I have also forwarded a copy of your letter to the United States Department of Justice Organized Crime Strike Force in Boston. This letter has been discussed with them and I believe they will also be furnishing whatever response they deem appropriate.

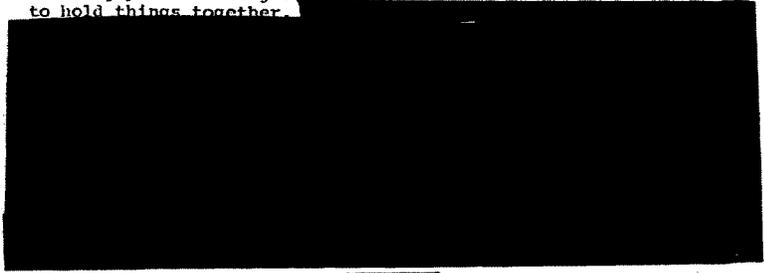
Very truly yours,

John M. Morris
Supervisory Special Agent



BS 92-605

On [redacted] advised that [redacted] is exerting pressure to get Peter Limone on the street in order to hold things together.



B

Source advised that [redacted] would be content to have Peter Limone running things while he is tied up in trials and source pointed out that Peter Limone was [redacted] in their booking operation which relationship continues to this day with Peter Limone's brother, Ninni Limone, handling Peter's end. Had Peter Limone not gone away on the Deegan murder he would be the number 2 man in the Boston LCN today.

(later) [redacted] 9/2 10:30-11:31
[redacted] B
[redacted] [redacted]

2718



The Commonwealth of Massachusetts

Advisory Board of Pardons

27-43 Wornewood Street, Suite 300

Boston, Massachusetts 02210-1606

MEMORANDUM

TO: The Advisory Board of Pardons

FROM: Tammy E. Perry
Assistant to the Director

DATE: November 28, 1988

RE: Commutation Petition of
Joseph L. Salvati, W 31833

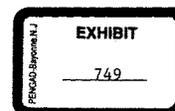
MERITS

Mr. Salvati indicated in his petition that he has been in prison since October 25, 1967 and that since his incarceration he has proven himself to be worthy of trust. He further indicated that as proof of his trustworthiness, he was one of the first lifers transferred to medium security at M.C.I. Framingham, that he was the first M.C.I. Walpole lifer to be allowed a furlough, that he has experienced over 160 successful furloughs and that he has never violated any trust which has been placed in him as manager of the Co-op store.

The petitioner wishes to be released from prison to enable him to provide for his family. He believes that if given the opportunity, he will prove that any such trust in him has not been misplaced.

OFFICIAL VERSION

On March 12, 1965 at approximately 9:30 a.m. Edward "Teddy" Deegan was killed gangland style with at least five shots from three heavy calibre revolvers at close range. This murder took place in an alleyway off of Fourth Street, near Broadway, in Chelsea. Deegan was set up for the murder believing that he was taking part in the robbery of a loan agency. It is theorized that Deegan, a 35 year old victim, entered the alley with a companion, Roy French, and was shot in the back of the head twice and four or five times in the body.



2719

RE: Commutation Petition of
Joseph L. Salvati, W 31833
PAGE: 2

OFFICIAL VERSION

Joseph Baron Barboza, a self-admitted gun for hire, testified as to why Deegan died. He said the office "wanted Deegan exterminated because he had robbed the home of a member of the organization and because of his connectin with the gangland murder of Anthony Sacramone."

Baron had been hired by another, Peter Limone, to kill Deegan. Baron, in turn, hired others to assist him in this murder and the murder of Anthony Stathopoulos, who was to assist Deegan in the planned robbery. Joseph Salvati was one of the men hired by Baron to conspire to murder Deegan and Stathopoulos. Salvati's assignment on the Deegan-Stath murder was to be the "wheel man". He also retrieved the weapons and the bullet proof vest to be used in the murders. He accompanied Baron and another to the site of the murder but departed before the murder took place due to a back-fired plan. After the murder, Salvati straightened out the registration plates of the car, which had been bent to conceal the numbers, and hid the guns. He was given \$750 in cash by Baron for his part in the murder of Deegan.

PETITIONER'S VERSION:

There is no indication in petitioner's file as to whether or not he agrees with the official version. Mr. Salvati does not address his guilt or innocence of the offense in his petition, nor does he express any remorse.

SENTENCE:

On July 31, 1968 in the Suffolk Superior Court following a jury trial, the petitioner was sentenced to first degree life for accessory before the fact to the felony of murder in the first degree. The effective date of his sentence is October 24, 1967.

SOCIAL HISTORY:

Joseph Salvati was born on October 30, 1932 in Boston, Massachusetts to Mary (Repucchi) and Anthony Salvati. Petitioner is the second of five children. He has two brothers and two sisters. The father provided for the family adequately.

RE: Commutation Petition of
Joseph L. Salvati, W 31833
PAGE: 3

SOCIAL HISTORY: (continued)

On August 23, 1953 at the age of 20, the petitioner married Marie Moschella also of Boston. Five children have been borne of this union, four daughters and one son. One daughter died at the age of three. She was a mongoloid. The current ages of the other four children are 34, 32, 30 and 26. The petitioner was reported to have been a good husband and father. The marriage had been a happy one with the petitioner supporting the family adequately.

To date, the petitioner has remained married to his wife. She currently resides on Wiget Street in Boston. According to a classification report dated August 3, 1988 the petitioner receives strong family support from his wife and four children. He receives weekly visits from family members which include his wife, children, parents and in-laws.

EDUCATION:

Mr. Salvati attended the Michelangelo School through the ninth grade. He then attended Brighton High School and graduated from there in 1951.

EMPLOYMENT AND VOCATION:

At the time of his arrest, the petitioner was employed as the manager at Eric's Lounge on Washington Street in Boston. He had been so employed for one month. Prior to this, the petitioner had been employed primarily as a truck driver working for various companies including the Service Express Company of Everett, the DiNapoli Trucking Company of South Boston, the Fish Transportation Company of Boston and the Central Beef Company of Roxbury. He has also worked on the fish pier loading boats. He had consistently worked steadily prior to his incarceration.

INSTITUTIONAL EMPLOYMENT:

Mr. Salvati's work assignments while incarcerated have included work as a janitor, a cadre cook, a Catholic Chaplain's clerk, a manager in the Co-op store, and as a cleaner on the grounds. He also worked in the canteen, the butcher shop and the plate shop. In addition, he did volunteer work as a carpenter's assistant.

DATE: November 28, 1988
 RE: Commutation Petition of
 Joseph L. Salvati, W 31833
 PAGE: 4

SUBSTANCE ABUSE:

The petitioner's institutional record indicates that there is no history of alcohol or substance abuse.

PRIOR COURT HISTORY:

Mr. Salvati's criminal history commenced as an adult in 1955 at the age of 21. The following is a list of petitioner's court appearances:

1. Larceny. April 15, 1955; No bill.
2. Breaking and entering into a building in the nighttime. April 15, 1955; One year house of correction, suspended with three years probation (successful).
3. Possessing burglar's implements. May 9, 1955; One year house of correction, suspended with three years probation, concurrent (successful).
4. Not keeping right. August 13, 1958; \$20 paid.
5. Speeding. December 5, 1960; \$15 paid.
6. Larceny. May 6, 1966; Filed.
7. Receiving stolen goods. May 6, 1966; Filed.
8. Conspiracy to steal. May 6, 1966. Filed.
9. Isolated stop arrest. July 28, 1966; Defaulted.
10. Current offenses. October 26, 1967:
 - A. Accessory before fact to first degree murder (Edward Deegan). Life.
 - B. Conspiracy to first degree murder (Edward Deegan). Two years house of correction.
 - C. Conspiracy to first degree murder (Anthony Stathopoulos). One year house of correction, from and after.

SUBSEQUENT COURT ACTIVITY:

While incarcerated, petitioner has appeared in court on the following charges.

1. Income tax evasion. On May 27, 1982 the petitioner appeared in Middlesex Superior Court. The case was continued. No further activity has been noted in the file.
2. Illegal gambling activities. On January 6, 1982 the petitioner was transferred to MCI-Concord for alleged illicit gamblings at MCI-Framingham. He was charged with conspiracy, gaming, penalty, and telephone use for gaming purposes. On December 30, 1982 the petitioner was found not guilty of all charges.

DATE: NOVEMBER 28, 1988
 RE: Commutation Petition of
 Joseph L. Salvati, W 31833
 PAGE: 5

INSTITUTIONAL HISTORY:

Mr. Salvati is 56 years of age and has been incarcerated the past 21 years. This is his first incarceration of any kind.

CHRONOLOGICAL MOVEMENT:

Mr. Salvati's institutional record indicates the following movement through the system:

July 31, 1968:	Sentenced and committed to MCI Walpole
August 31, 1973:	Transferred to MCI-Framingham
December 18, 1981:	Transferred to Bay State Pre-release Center
January 6, 1982:	Returned to MCI-Concord (pending investigation into gambling activities)
January 6, 1983:	Transferred to Bay State Pre-release Center (was exonerated of all charges)
January 11, 1983:	Transferred to Park Drive Pre-release Center/cadre
January 8, 1986:	Returned to MCI-Concord (pending an investigation - nature of which is unknown)
June 10, 1986:	Transferred to Park Drive Pre-release Center (cleared of any wrongdoing)
December 14, 1976:	Returned to MCI-Concord (pending investigation, disciplinary report subsequently issued for selling watches to inmates)
February 20, 1987:	Transferred to Northeastern Correctional Center
December 30, 1987:	Returned to Old Colony Correctional Center, per Commissioner's special emergency powers
April 8, 1988:	Transferred to MCI-Norfolk.

DATE: November 20, 1988
RE: Commutation Petition of
Joseph L. Salvati, W 31833
PAGE: 6

CHRONOLOGICAL MOVEMENT: (continued)

Mr. Salvati's institutional record indicates four returns to higher custody. However, the only return which appears to have been for disciplinary reasons was that of December 14, 1986. The prior two returns were for suspected wrongdoing, however, Mr. Salvati was cleared of any wrongdoing both times. The most recent return to Old Colony Correctional Center was a result of his first degree lifer status.

DISCIPLINARY RECORD:

The petitioner has received three disciplinary reports during his 21 years of incarceration. All have had guilty findings. The dates, offenses and dispositions are as follows:

January 1, 1975:	Under the influence, being present where contraband is found (wine, whiskey, vodka). Guilty; 8 hours extra work.
June 19, 1975:	Abusive language. Guilty; warning.
January 6, 1987:	Disobeying an order, giving or accepting anything of value (selling watches to inmates). Guilty; 5 days isolation, suspended 30 days, recommend retain minimum status. Mr. Salvati was returned to higher custody as a result of this activity.

PROGRAM PARTICIPATION:

Mr. Salvati's program participation has been minimal throughout his incarceration. While the petitioner has generally been consistently assigned for work positions, he has involved himself in little else. His more responsible work assignments have included being manager of the Co-op store and clerk to the Catholic Chaplain. He has also worked in the Community Program for the elderly, taking the elderly for walks and shopping. The petitioner's program involvement consists of participating in Computer Fundamentals and the furlough program at MCI-Framingham

2724

DATE: November 28, 1988
RE: Commutation Petition of
Joseph L. Salvati, W 31833
PAGE: 7

PROGRAM PARTICIPATION: (continued)

and the Italian-American Club at MCI-Norfolk. There is also some indication of some volunteer work as a carpenter's assistant.

The petitioner also participated in the furlough program while at Bay State Pre-release Center and Park Drive Pre-release Center.

FURLOUGH INVOLVEMENT:

Mr. Salvati is currently not on positive furlough status. He is currently incarcerated at MCI-Norfolk and as of September 30, 1988, was denied a transfer to minimum security. He has successfully completed 176 furloughs. His most recent furlough was taken on November 29, 1986 from Park-Drive Pre-release Center. His first furlough was taken from MCI-Framingham on December 24, 1973.

The petitioner's furlough sponsor is his wife, Marie Salvati, of Boston. He spends his furloughs visiting with his family and speaking to church groups, youth groups and other community organizations in the North End of Boston.

PRIOR HISTORY OF APPLICATION:

Mr. Salvati has been denied a hearing on four prior occasions. The most recent denial was in December of 1986 due to Mr. Salvati's visits with a parolee, Mr. Frank Oreto. Prior petitions were denied because of the serious nature of the offense and the lack of time invested on the sentence. The petitioner's first application was denied in January of 1976.

TP:es

