STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. SUPERIOR COURT

STATE OF RHODE ISLAND :
VS. : NOS. 69-767, 768, 769
LUIGI MANOCCHIO :

STATEMENT OF
DAVID H. LEACH
ON MAY 24, 1983

APPEARANCES

DAVID H. LEACH, ASSISTANT ATTORNEY GENERAL

EXHIBIT
761

MAY 24, 1983

D A V I D H. L E A C H was duly sworn by a notary public.

MR. LEACH: My name is David H. Leach. I'm an Assistant Attorney General for the State of Rhode Island. This statement is a summary of certain events that took place on Saturday, May 21, 1983 involving a witness by the name of John J. "Red" Kelley, sometimes known as Jack also.

On Saturday, May 21, 1983, I interviewed John Kelley, along with Detective Urbano Prignano, Jr. Detective Prignano and I traveled out of state to meet with Mr. Kelley. We first saw him at about 12:20 Saturday afternoon. He indicated that he would like to speak to me alone. I, in fact, spoke to him for a period of time in the absence of Detective Prignano.

At that time, Mr. Kelley indicated several things to me, both directly and in the form of a hypothetical statement. He indicated over the course of a conversation, in which a number of things were discussed, some of which having nothing to do with the case presently before the Court, State versus Luigi Manocchio, that although he indicated on a number of prior occasions the only promises, rewards or inducements made to him was that his cooperation would be brought to the attention

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of the appropriate authorities, in fact, agents of the F.B.I., whom he did not name to me, told him that he would be taken care of for life, and that he was bitter that that in fact was not done.

He subsequently indicated to me in the course of my asking him some questions about matters for which he was impeached on prior occasions, that with respect to the guns used in this crime, that he had a person he described as his armorer. In the course of the conversation, it became apparent that that person was a man named Appleton, who he indicated had committed suicide and has been dead for about a year. He indicated that, and it was not clear to me whether he was referring specifically to the carbine or the pump action shotgun, that Appleton had prepared under his direction some 25 similar weapons, and that he knew how it was done, and though he did not personally perform the operation, it was done for him. He indicated that some of these weapons were used in other offenses.

During the course of this long and somewhat rambling conversation, without my asking him any specific questions, he gave to me what he later termed a hypothetical. He said: Suppose there was a meeting; and suppose, for somebody's purposes, it was better to have a meeting at one place instead of another place;

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1 and suppose that the place where that meeting was to be
2 was a nightclub called the Monte Carlo or Montecalvo,
3 I'm not sure exactly which name he used; and he went on
4 to say, suppose somebody didn't do their homework and
5 didn't know that the Monte Carlo had had a fire; and
6 suppose somebody, because they wanted to have a meeting
7 in one place and not another, said that the meeting was
8 in front of this place, Monte Carlo; he went on to say,
9 suppose that a person, who was going to talk about this
10 meeting, were to take a ride with somebody who was not
11 involved and come to Providence and look at this Monte
12 Carlo nightclub at a time when there was nothing wrong
13 with this Monte Carlo because somebody, who wanted the
14 meeting there, had not done his homework. He indicated
15 this was a hypothetical situation. I asked him if, in
16 fact, all the parties were in fact the same; and he
17 indicated that they were. He did not indicate in his
18 hypothetical by name who would think it's a better idea
19 to have a meeting at a place hypothetically called the
20 Monte Carlo as opposed to where the meeting might really
21 have taken place.
22 He did allude to Federal agents or the F.B.I.
23 agents. I did not ask him by name which agents he was
24 referring to.
25 He indicated that at no time, up until recently,

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was he ever aware that there had been a fire at the Gaslight Lounge. He did indicate that the persons he has said were involved with the killing of Rudolph Marfeo and Anthony Melei were, in fact, the same persons that he has testified about. At no time did he ever actually indicate to me that the meeting did not take place at the Gaslight, that he has previously testified to as having occurred on April 7, 1968.

He described a fact pattern in the form of a hypothetical.

At some point during the course of our discussion, Detective Prignano rejoined us, and he went on to talk about the events of 1968 and his relationship to the different parties involved. He told me that he had recently spoken to Attorney Roger Zuckerman who had represented him several years ago, and that Zuckerman had spoken to Attorney Martin Leppo who represents Louis Manocchio, that Leppo had relayed, through Zuckerman, information in areas upon which Kelley could be impeached.

After about four and a half hours, Detective Prignano and I left and returned to Providence. We made further arrangements to have Detective Prignano interview Mr. Kelley on Monday, May 23, 1983. My purpose was to have Detective Prignano independently assess what Mr. Kelley had to say.

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Detective Prignano did, in fact, interview John J. Kelley on Monday, May 23rd. His observations are the subject of an independent statement.

I did not reveal the substance of my conversation with John Kelley to Detective Prignano on Saturday or at any time up to the time I received a phone call from him at around seven p.m., Monday, May 23rd. At that time I asked him about his meeting with Kelley, and it became apparent that Kelley told him as much, if not more, as he had told me; and he had told us both essentially the same things.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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I do hereby certify that I am expressly approved as a person qualified and authorized to take depositions, hearings, statements, and so forth pursuant to rules of court, especial but without restrictions thereto, that the witness was first sworn by me, that the transcript contains a true recording of proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of May, 1983.

SUSAN FREDETTE
REPORTER

My commission expires June, 1986.

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MAY 24, 198

U R B A N O P R I G N A N O, J. R. was duly sworn by a notary public.

DETECTIVE PRIGNANO: On May 21, 1983, I, Detective Urbano Prignano, Jr., along with Assistant Attorney General David Leach, traveled to an undisclosed location to interview a one John J. Kelley, who was in the protective custody of the U.S. Marshals. Upon arrival at this location, Mr. Kelley asked to see Mr. Leach privately.

At approximately two hours later, I observed Mr. Leach leave the room; and at this time, I had a brief conversation with the Assistant Attorney General, Mr. Leach. It appeared to me that something was troublin the Assistant Attorney General. I asked him what was the problem, and he did not disclose anything to me at this time.

At that time, we both entered the interview room and spoke to Mr. Kelley about certain discrepancies that woul come up during the course of the Manocchio trial. One of the discrepancies that I brought out to Mr. Kelley was, "How could you testify that you met Raymond Patriarca at the Gaslight when the Gaslight had a severe fire?" At this time, Mr. Kelley stated to us he did not know about any fire that had happened at the Gaslight.

From then on, we went to other subject matters relating to this offense that had happened on April 20, 1968. We went to the problem of April 2nd, where Mr. Manocchio and Mr. Sciarra were incarcerated at the Providence Police Station, and Mr. Kelley testified that he was in their presence that evening.

We also went over another discrepancy about Mr. Vendituoli's green Chrysler automobile that Mr. Kelley said he was in the night he saw Mr. Patriarca. After we left that subject matter, we briefly touched on other events that occurred during this case.

At this time, we had run out of time because the Marshals had to get Mr. Kelley back to wherever he was going. We had then stated to Mr. Kelley that I would come down alone and meet with him on another date.

On May 23rd, Monday, I flew down to an undisclosed location and met with the U.S. Marshals, and they took me to an undisclosed location where I met Mr. Kelley. At this time, when I entered the interview room, Mr. Kelley stood up and shook my hand and stated to me, "Thank-you for not letting me perjure myself." I said why, and he said, "Because you corroborated what Mr. Zuckerman told me sometime during this week." I said, "What was that?" He said about the fire at the Gaslight. At this time, I said to Mr. Kelley, "You're supposed to be such a sharp

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1 per[illegible] in planning criminal act[illegible]ties. I cannot believe
2 that you would make such an error in saying that you met
3 with people when you knew this building had burned." He
4 then stated to me emphatically that he never knew that
5 the Gaslight building had burned. I then stated to
6 Mr. Kelley, "I don't believe your story any more because
7 of this incident." He then rose from his seat and said
8 to me, "I'm going to tell you something, but I'm going to
9 deny I ever said it to you. I'll call you a liar." He
10 said, "The F.B.I. suggested that I put Raymond in front
11 of the Gaslight the evening that I met with him." I said,
12 "I don't believe it." He said, "I'm telling you the
13 truth. Mr. Rico, the F.B.I. agent, suggested this to me."
14 I said, "Well, why did you go along with it?" He said,
15 "Well, my life was in their hands", and he said, "What
16 would you do?" And I did not answer that question. I
17 then asked him, "Did the meeting ever take place?" He
18 said, "Yes, it did take place." I said, "Where?" He
19 said, "It took place near a Brink's building." I said,
20 "I know of a Brink's counting place which is on Carpenter
21 Street." He also stated there was a large parking lot in
22 that vicinity where he said, "I'll even tell you the car
23 that Raymond pulled up in." He said he came in a Lincoln
24 Continental with a driver. I said, "Did you see the
25 driver?" He said no. He said, "What happened down at

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the [illegible]light actually happened [illegible] the vicinity of this Brink's building in a large parking lot."

We then went to other subject matters that were pertaining to this trial. I said, "John, what about the controversy over the weapons?" He said to me, "I have an armorer, Appleton. Does that answer your question?" I said, "Yes. I understand what you're telling me." We left that subject matter, and I went back again to the Gaslight.

I said, "I can't understand why the F.B.I. agent would tell you that you met Raymond at the Gaslight." He said, "I'll give you my opinion why. I believe Rico wanted to show an affiliation between Raymond and the Gaslight." He also stated that Rico's boss stated that the Government had spent 14 to 15 million dollars up to this period of time and came up with a big zero, and he indicated with his finger. He also said that Rico told him to say that he and Raymond went into the Gaslight for a drink; but he stated to me, "I do not remember if I stated that in the Grand Jury or not."

He also stated to me, while we were talking about Mr. Zuckerman, that Zuckerman was in contact with Leppo, and Zuckerman told Kelley that, "I don't believe you any more, Kelley." This, in turn, hurt Kelley because of him being fond of Mr. Zuckerman. This was all attributed to

a picture that Mr. Zuckerman said that Mr. Leppo has of the Gaslight being burned.

At this time, it was approximately between 5:30 and six. I then called the Attorney General's office and spoke to Mr. Leach. In a brief conversation with Mr. Leach, we had compared notes. What Mr. Kelley told Mr. Leach in the hypothetical incident, Mr. Kelley told me in fact the name of the agent and where the meeting took place.

A short time later, I left Mr. Kelley and flew to Rhode Island and met with Mr. Leach, who then contacted Henry Gemma. We had a three-way discussion in which Mr. Gemma stated that we would talk about it in the morning, and that I would bring the subject matter up of Mr. Kelley to my Colonel.

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PROVIDENCE, SC.

I do hereby certify that I am expressly approved as a person qualified and authorized to take depositions, hearings, statements, and so forth pursuant to rules of court, especiall but without restrictions thereto, that the witness was first sworn by me, that the transcript contains a true recording of proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of May, 1983.

SUSAN FREDETTE
REPORTER

My commission expires June, 1986.

PENGAD CO., BAYONNE, N.J. 07002 · FORM 740

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. SUPERIOR COURT

STATE OF RHODE ISLAND

vs.

LUIGI MANOCCHIO

SUPERIOR COURT
FILED
MAY 25 1983
Joseph Q. Calista
CLERK

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AMENDED ANSWER TO
PROMISES, REWARDS AND INDUCEMENTS

Now comes the State in the above-entitled action and amends its previously supplied answer to defendant's request for Promises, Rewards and Inducements by adding the following:

That not withstanding representations previously made by Assistant United States Attorneys and State Assistant Attorneys General and representations made by the witness John Kelley, in the past, at some point he was promised or led to believe by a federal agent that "I would be taken care of for the rest of my life".

This was made known to this writer on Saturday, May 21, 1983 in an interview with John Kelley.

Respectfully submitted,

STATE OF RHODE ISLAND

BY ITS ATTORNEY

DENNIS J. ROBERTS II
ATTORNEY GENERAL

BY: David H. Leach

DAVID H. LEACH
ASSISTANT ATTORNEY GENERAL
72 Pine Street
Providence, Rhode Island 02903

CERTIFICATION

I, do hereby certify that on this 25th day of May, 1983, a true copy of the enclosed has been hand-delivered to attorneys for the defendant, Luigi Manocchio.

David H. Leach

PENGAD-Bayonne, N.J.
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WITNESS BACKGROUND INFORMATION 05/06/83

JOHN J KELLY FINANCIAL REPORT'S DATE ENTERED PROGRAM: 0570 # IN FAMILY: 2

EXPENSES

	SUBSISTENCE	HOUSING	MEDICAL	TRAVEL	DOCUMENTS	RELOCATION	TRIAL	MOVING	MISC	FY TOTALS
FY 71	COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 75 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL'									7222.46
FY 72	COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 75 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL'									16964.44
FY 73	COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 75 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL'									8176.50
FY 74	COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 75 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL'									10531.45
FY 75	8612.50	2890.00	966.25	27.50	.00	.00	.00	.00	.00	12426.25
FY 76	11250.00	3496.00	1315.50	.00	300.00	12.00	.00	46.60	.00	16420.10
FY 77	9000.00	2760.00	.00	.00	.00	.00	.00	.00	.00	11760.00
FY 78	8480.00	3280.00	.00	.00	.00	.00	.00	41.20	.00	11801.20
FY 79	9000.00	2760.00	2053.40	.00	335.00	.00	.00	.00	.00	14148.40
FY 80	2984.00	1036.00	.00	.00	4.00	.00	86.70	.00	.00	4110.70
FY 81	.00	.00	.00	.00	.00	.00	.00	1180.56	.00	1180.56
FY 82	24.47	11.53	.00	.00	.00	.00	.00	.00	.00	36.00
FY 83	.00	.00	.00	*.**	.00	.00	.00	.00	.00	.00
TOTAL	49350.97	16233.53	4335.15	27.50	639.00	12.00	86.70	1268.36	.00	114848.06
FUNDS AUTHORIZED BUT NOT YET DISBURSED	.00	.00	.00	.00	.00	.00	.00	.00	.00	
TOTAL FUNDS	49350.97	16233.53	4335.15	27.50	639.00	12.00	86.70	1268.36	.00	

*.** - TRAVEL FOR CURRENT FISCAL YEAR NOT INCLUDED

TOTAL FUNDS EXPENDED FOR WITNESS AND DEPENDENTS

EXPENSES

SUBSISTENCE	HOUSING	MEDICAL	TRAVEL	DOCUMENTS	RELOCATION	TRIAL	MOVING	MISC	TOTAL
49350.97	16233.53	4335.15	27.50	639.00	12.00	86.70	1268.36	.00	114848.06

I HEREBY CERTIFY THAT THE ABOVE REPRESENTS ALL FUNDS DISBURSED TO SUBJECT WITNESS UNDER THE PROVISIONS OF THE WITNESS PROTECTION PROGRAM BY THE U. S. MARSHALS SERVICE.

CHIEF, WITNESS SECURITY DIVISION
U. S. MARSHALS SERVICE

5/10/83
DATE

SUPERIOR COURT
FILED
MAY 10 1983
Joseph O. Calista
CLERK

Sciarra given term for contempt

By KAREN ELLSWORTH
Journal-Bulletin Staff Writer

PROVIDENCE — Superior Court Judge Francis M. Kiely slapped a six-month jail sentence for contempt of court on alleged organized-crime figure Rudolph E. Sciarra yesterday when Sciarra refused to testify in the murder conspiracy trial of Louis Manocchio.

Sciarra, 60, of Johnston, was indicted with Manocchio in 1969 for the Marfeo-Melei murders on April 20, 1968, and was convicted of murder conspiracy. He is serving 17 to 20 years in Massachusetts for supplying the gun used in the 1968 slaying of Robert Candos.

During the brief proceeding, held outside the presence of the jury, Sciarra insisted that he had a constitutional right not to answer prosecutor David Leach's questions. But Kiely disagreed.

"I have no alternative but to find you're in contempt," the judge said. He told Sciarra the sentence will be wiped out if he changes his mind and testifies before the state finishes presenting its case.

"Aaaagh!" Sciarra exclaimed as state marshals led him from the courtroom in handcuffs.

Manocchio, 55, is charged with murder conspiracy and being an accessory to murder, for allegedly helping to plan the killing of Rudolph Marfeo and Anthony Melei, whose operation of a floating crap game reportedly angered mob leaders.

★ ★ ★

HE FLED before trial, remained at large for 10 years, and surrendered to authorities in July, 1979. Kiely has not decided whether the jury should hear evidence about his flight.

John J. "Red" Kelley, a robber-turned-police-informant who is the state's star witness, testified yesterday that at the previous trials he lied, at the request of former FBI agent H. Paul Rico, about who altered the Army carbine used in the Marfeo-Melei murder.

That testimony came in the second round of prosecution question-

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Trial

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ing as Kelley was finishing more than four days of testimony.

Last Wednesday, Kelley testified that at the previous grand jury hearing and trials, he lied about the location of an alleged April 6, 1968, meeting with crime boss Raymond L.S. Patriarca. He said he did so at Rico's request.

Last week, under prosecution questioning, Kelley said he lied at the previous trials when he said he cut down the carbine barrel himself.

Yesterday, after defense lawyer Martin K. Leppo finished cross-examination of Kelley, prosecutor Leach questioned Kelley again. It was at that point that he testified that a friend named Roy Appleton cut down the carbine.

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KELLEY SAID he lied before about who altered the weapon because "Rico asked me to leave Appleton out of it, because he had a pipeline to the Boston group." He was not allowed to explain that statement, but it is believed to be a reference to Appleton's status as a police informant.

Kelley resisted testifying because of bad health. Before Kelley left the stand, Judge Kiely cautioned him that he may be recalled by the defense. "I will be available — if I'm still alive," Kelley said.

After Kelley left, the prosecution began calling Manocchio's former co-defendants, including Sciarra, to the witness stand.

Sciarra, Patriarca, Robert E. Fairbrothers and Maurice R. "Pro" Lerner, all convicted in the Marfeo-Melei gangland-style murder, have been summoned by the state to testify in the Manocchio trial.

All of them are maintaining that they have a Fifth Amendment right not to incriminate themselves by testifying. A person normally loses his right against self-incrimination when he is convicted.

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BUT BECAUSE Kelley now says he gave false testimony against them, the four argue, they are entitled to new trials, and any testimony they give now could be used against them if their anticipated requests for new trials are granted.

Besides constitutional grounds, Sciarra based his refusal to testify on his confidential attorney-client relationship with Leppo and defense lawyer Thomas A. DiLuglio — who represent him in other matters, but who would be obliged to cross-examine him as part of their representation of Manocchio.

Kiely found that Sciarra did not have a right against self-incrimination because he had not yet been granted a new trial. But Sciarra persisted in refusing to offer any testimony except his name, age and address.

Patriarca is not appearing because a Superior Court judge ruled he was too ill to testify in court. But when Judge Kiely and the lawyers in the case went to his Johnston home last Saturday to take his sworn testimony — to be transcribed and read to the jurors — Patriarca suffered a seizure and was rushed to the hospital. Atty. Gen. Dennis J. Roberts II said Monday that the state will seek to continue taking that deposition later.

Fairbrothers testified yesterday outside the presence of the jury. He initially invoked his right against self-incrimination, but answered Leach's questions — instead of risking contempt — when Kiely said he had no basis for claiming the Fifth Amendment right.

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LEACH ASKED Fairbrothers a long series of questions about his associations with Manocchio and the others charged in the Marfeo-Melei slaying.

Lerner, who has served 14 years at the Adult-Correctional Institutions for the Marfeo-Melei murders and is on work-release, is expected to be called to the stand, outside the jury's presence, today.

Two weeks ago, Judge Kiely denied a request by Lerner's lawyers to quash the subpoena for Lerner. They renewed that motion yesterday, and Kiely denied it again. Later, the lawyers met with state Supreme Court Justice Florence K. Murray to seek a stay of

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1 Q And going back to August of 1969, you received immunity
2 in Rhode Island, is that correct?
3 A I'm not sure of the date, but I received immunity; yes.
4 Q And at that time, or on earlier occasions, did you
5 testify as to any promises, or rewards, or inducements
6 made to you?
7 MR. LEPPO: Objection to the form of the question
8 if Your Honor please.
9 THE COURT: Rephrase your question.
10 Q Did you make certain representations, sir, with respect
11 to any promises made to you by any governmental agency?
12 A Somewhere along the line --
13 MR. LEPPO: Objection. Calls for a yes or no
14 answer, if Your Honor please.
15 A Yes. Yes.
16 (No ruling.)
17 Q Did you, or have you indicated in the past what your
18 understanding of those promises or rewards or inducements
19 were?
20 MR. LEPPO: Objection.
21 THE COURT: Overruled.
22 A Yes.
23 Q And would you tell us what representations you made in
24 the past?
25 MR. LEPPO: Objection.

THE COURT: Clarify your question. In the past of what?

MR. LEACH: Going back, sir, to 1972 and before.

MR. LEPPO: Same objection, if Your Honor please.

THE COURT: Overruled.

A I made the representation that I would testify truthfully in all of these cases that I was involved in.

Q And what would you receive in return?

A In return I would receive a new identity, my security would be secured, and subsistence money.

Q Now, did you ever indicate, sir, that you had some understanding as to what would happen to any cases pending against you?

MR. LEPPO: Objection; leading.

THE COURT: You may answer.

MR. LEPPO: Relevance, if Your Honor please.

THE COURT: This is relevant. You may answer.

A Yes.

Q And what did you indicate on earlier occasions back in '72 or before?

A That any testimony that I gave in any of these cases would be brought to the authorities of the jurisdictions that they happened in for a final disposition.

Q And if you would, sir, tell us, please, when you were arrested for the Brink's Armored Car robbery, were you

1 put in a jail?
2 A Yes, I was.
3 Q What jail was that?
4 A Charles Street, I think it was.
5 Q And if you remember, about how long did you remain
6 in the Charles Street jail?
7 A I have no idea. Not a long time, but I have no idea
8 of the time.
9 Q Would it be a matter of weeks?
10 A Days or weeks; whatever.
11 Q And at some point did you leave the Charles Street jail?
12 A Yes.
13 Q And to the best of your memory, where did you go?
14 A Down to Bedford, a jail in Bedford. A jail in Bedford,
15 Massachusetts.
16 Q Bedford or New Bedford?
17 A New Bedford, yes.
18 Q And for about how long were you there?
19 A I haven't any idea.
20 Q Would it be in terms of weeks or months?
21 A Weeks. Weeks. Days and weeks, I have no idea.
22 Q And during that span of time, were you talking to agents
23 of the government in one form or another?
24 A Yes.
25 Q From there, the Barnstable House of Correction?

MR. LEPPO: Objection, Your Honor. It's a misquote of the testimony of this witness.

THE COURT: I believe it is the jail in New Bedford.

MR. LEACH: Oh, I'm sorry.

THE COURT: Use the same terminology.

MR. LEACH: All right, I'm sorry. I stand corrected.

Q From the jail in New Bedford, do you remember where you went next?

A I think we went to a hotel in Boston.

Q And was there any form of security involved with that, sir?

A Yes.

Q And could you explain what that was?

MR. LEPPO: Objection, if Your Honor please.

THE COURT: No. He can answer.

MR. LEPPO: May we approach the side bar?

THE COURT: Yes.

MR. LEPPO: It may be a good time for the afternoon recess.

THE COURT: We'll take a recess at this point. Jury may be excused.

* * * * *

(Jury is excused from the courtroom.)

1 MR. LEPPO: My objection is, Your Honor, that
2 I would suggest to the Court what Mr. Leach is trying
3 to elicit is to show he's on guard and security
4 to protect him, and the prejudicial effect of that
5 as it relates to this case, and it cannot be said that
6 it's for this case alone, because now he's involved in
7 the Brink's case, and the New York case, and other cases.
8 So how many guards do we have because of the Rhode
9 Island case? How many do we have because of the Brink's
10 case and the New York case? And I suggest to the
11 Court the prejudicial effect that he had to be kept in
12 protective custody with armed guards to ensure his
13 safety, that the probative value of that does not come
14 close at all to the prejudicial effect as it stands.
15 MR. LEACH: If my brother is indicating to the
16 Court that he has no intention of asking this witness
17 about his being at the Statler Hilton Hotel, and about
18 who paid for his meals, and whether his wife stayed
19 with him, or came to see him, and if he ordered off
20 the menu, and where he was and who paid his subsistence,
21 and how much money he received, and over how long a
22 period of time, and ad nauseum, then I would be glad to
23 get away from it.
24 But I don't have that assurance, and therefore --
25 THE COURT: The point of the security issue that

you're bringing up--

MR. LEACH: Your Honor, I think the word security is being somewhat misinterpreted. He was in a jail surrounding. He is now in a surrounding which is not a jail, but he's not free to move about on his own.

THE COURT: Well, ask him that kind of question. The problem is the security aspect of it. Somebody is liable to blurt out, "I was afraid for my life," or something. That just gets us into trouble. If he didn't have his freedom, let him say it.

MR. LEACH: Well, I object, but whatever ruling Your Honor makes. Your Honor, may I point out one thing to remind my brother of 351 A.2d, 580, State Vs. Ciulla ---

THE COURT: I don't want to get into any argument. It has nothing to do with this objection.

MR. LEPPO: Thank you.

(End of colloquy.)

(Court recessed at 3:30 p.m.)

* * * * * *

R E C E S S

* * * * * *

(Court reconvenes at 3:50 p.m. Jury is present.)

* * * * * *

JOHN J. KELLEY, resumes the stand.

DIRECT EXAMINATION BY MR. LEACH (CONT'D)

Q Now, Mr. Kelley, I was asking you about after, after the New Bedford jail, where were you staying after that time?

A I believe we went to a hotel in Boston for awhile.

Q And if you remember, about how long were you in that hotel in Boston?

A I have no idea; just for grand jury hearings. I have no idea how long.

Q Was it in terms of weeks or months?

A I'd say weeks.

Q And at that time were you free to come and go as you pleased?

A No.

Q Were you under constant supervision?

A Yes.

Q From members of any particular police agency?

A Many.

Q Different agencies?

A Different agencies, yes.

Q And without telling us the location, sir, after you were no longer in that hotel, what type of place were you at?

A Different types of places; motels, different areas all

1 over the country.
2 Q And was that always --
3 MR. LEACH: Strike that.
4 Q At those times, were you free to go -- to come and go
5 as you pleased?
6 A No.
7 Q Were you always under the control of some particular
8 police agency?
9 A I was in protective custody.
10 Q Now, at some point, did you come under the control of
11 the United States Marshals Service?
12 A Yes.
13 Q And at some point in time, without telling us where,
14 did you become settled in some other part of the
15 country?
16 A Yes.
17 Q And without telling us what, sir, at some point did you
18 start an existence under a different identity?
19 A Yes.
20 Q Now, were you aware that that would happen --
21 MR. LEACH: Strike that.
22 Q When did you first become aware that that would happen,
23 that you would be settled somewhere under a new identity?
24 A That had been said through these proceedings. I have
25 no idea just when. I can't place a time. That was part

1 of the talk and considerations.
2 Q Now, is there something -- or was there something --
3 that you were made aware of with respect to your
4 future that you did not make known to the Courts and jury
5 in 1970 and '72?
6 A Yes.
7 Q And would you tell us what that was, sir?
8 A I can't remember all of the things, but the subsistence
9 and agreements for protection for the rest of my life,
10 and different things like that. I'm not sure, but the
11 general thrust was in that way, but I'm not sure of
12 the exact content of the conversations.
13 Q And who made you aware of this?
14 A Paul Rico of the FBI.
15 Q And what did you at that time understand would happen?
16 A At that time I understood from what he said, what
17 he said to me was because of my age, my wife's age,
18 our ill health on both of us, that I would not be --
19 ever be able to go on the street again, and that the
20 government would subsidize me.
21 Q Now, you mentioned your wife's age. What's her age in
22 comparison to your own, sir?
23 A She's older than I am.
24 Q Now, did you, in fact, receive something in the form of
25 a subsistence allowance?

1 A Yes.
2 Q And can you tell us, sir, about how much that was?
3 A Yes, I can.
4 Q What was that?
5 A Approximately $800 and a few dollars. Might have been
6 $810, or $812 a month to pay all my rent, and all my
7 bills out of that; food. Everything had to be paid
8 out of the $800 a month.
9 Q And was that for both yourself and your wife?
10 A Yes.
11 Q And for how long a period, sir, did this continue?
12 A I'm not sure of the exact time, but up until, I think
13 in the vicinity of 1980. I think it continued until
14 that time.
15 Q Now, is there some particular reason, sir, why you did
16 not make known back in 1970 and '72 your understanding
17 with respect to what you were told by Agent Rico?
18 A Yes.
19 Q And what was that?
20 A Agent Rico told me I shouldn't tell all of these things
21 because it looked like I was being paid; that I should
22 just do as he said, and everything would come out
23 all right.
24 Q What was your chief concern at that time, going back
25 to 1969 and '70?

1 A A telephone call was to be made from a telephone in the
2 vicinity of the market, where I don't know, to instruct
3 Manocchio that the car had arrived with Marfeo and his
4 associates.
5 MR. LEACH: Your Honor, I would move 80(a), (b),
6 and (c) as full exhibits.
7 MR. LEPPO: May I see them again, please?
8 (Shown to counsel.)
9 MR. LEPPO: No objection, Your Honor.
10 THE COURT: They may be marked full exhibits.
11 (STATE'S EXHIBITS #80(a), thru 80(c) MARKED ID.)
12 Q Mr. Kelley ---
13 MR. LEACH: Just one moment, Your Honor.
14 (PAUSE.)
15 Q Sir, I think you previously indicated that at some point
16 you were receiving money in the form of a subsistence
17 allowance, is that correct?
18 A Yes, sir.
19 Q And was that given to you through any particular agency?
20 MR. LEPPO: Objection.
21 THE COURT: You may answer.
22 A Yes.
23 Q And what agency was that?
24 A The U.S. Marshals Service.
25 Q Are you still receiving any money from them?

Q In any event, Mr. Kelley--and I'll get off the subject--the plan was to rob that truck on a Saturday either before or after a major holiday, correct?

A That's correct.

Q And was there some talk about robbing it at Easter Saturday?

A There may have been.

Q 1968, right?

A I'm not sure. I don't recollect that.

Q Do you remember the date of Easter Saturday, sir?

A It may have been Easter Saturday, 1967. I'm not sure.

Q 1968, Mr. Kelley.

A I don't remember ever having anything to say about 1968. I followed it many times, and I can't remember just when they were.

Q Mr. Kelley, at some time after you were arrested in May of 1969, certain representations were made to you by way of promises, rewards and inducements, is that correct? By law enforcement officials?

A I don't remember anything said in the way that you're saying it. I don't think anyone came out and said that.

Q Well, when you were arrested in May of 1969 and Mr. Rico came to see you, did he ask you to become a witness for the Commonwealth of Massachusetts on the Brink's case?

A He must have. I don't remember.

Q They had already arrested all the other people involved in that at that time, hadn't they, Mr. Kelley?

A I don't know whether they had or not.

Q Well, you knew that they arrested the Brink's guard who was involved, isn't that right?

A Yes.

Q Okay, and the Brink's guard had turned State's evidence against you, isn't that right, Mr. Kelley?

A Yes, he had.

Q And that's how they got your name, isn't that right, Mr. Kelley?

A That's correct.

Q Now, does that refresh your recollection if Mr. Rico wanted you to be a witness in the Brink's case?

A Yes.

Q And with that refreshed recollection, is that what he wanted you to testify in the Brink's case?

A That he wanted me to, yes.

Q And you were in jail on $250,000 bail then, and did he make some promise to you at that point? Mr. Rico?

A Yes.

Q And did he promise to get you out of jail?

A No.

Q But you got out of jail, isn't that right, Mr. Kelley?

A Yes.

Q And you got out of jail and you were living at hotels, isn't that right, Mr. Kelley?

A Yes.

Q And that was not a promise by Mr. Rico that you wouldn't have to stay in the Suffolk County jail locked up 24 hours a day?

MR. LEACH: Objection, Your Honor.

THE COURT: It's cross-examination. You may answer.

A I don't remember the question.

Q You don't remember? But you remember that Mr. Rico saw you and took you out of that jail, correct?

A Yes, at some time. Yes.

Q And now at that point, did Mr. Rico -- If you say you don't remember that he promised to take you out of jail, did he make any promises to you at that point when you first left the Charles Street Jail? Just yes or no.

A Yes.

Q And did he promise to put you in some type of protective custody?

A Yes, he did.

Q And did he do that?

A Yes, he did.

Q And that protective custody was these various hotels, right?

PENGAD CO., BAYONNE, N.J. 07002 FORM 740

A I don't know.

Q And at some time, did Mr. Rico make other promises to you? From 1969, the month of May until today, did Mr. Rico make other promises to you?

A Yes.

Q And did he promise you at some time that you would be given a new identity?

A Yes, he did.

Q And did he follow through on that promise?

A Yes, he did.

Q And did he promise you to relocate you in a different part of the country from where you normally lived?

A Yes, he did.

Q And did that promise come true?

A Yes, it did.

Q And did he promise to provide money through the appropriate Federal programs so that you would have money for housing?

A Yes, he did.

Q And did he follow through on that?

A To a degree.

Q To a degree. Did he promise that you would have money to take care of your food and clothing and laundry and other sundry items?

A Yes, he did.

PENGAD CO., BAYONNE, N.J. 07002 FORM 706

Q And did he follow through on that?

A Yes, he did.

Q So that the only thing that Mr. Rico didn't follow through up to this point was to continue to give you a place to live, correct?

A Yes.

Q And he lied to you about that, right?

A I can't say he lied.

Q Well, he told you something that was not true?

MR. LEACH: Objection, Your Honor.

THE COURT: Sustained.

Q You testified, Mr. Kelley, that Mr. Rico promised you $810 a month?

MR. LEACH: Objection, Your Honor. It's not his testimony.

THE COURT: I don't think it was his testimony, either.

Q Did you testify you were receiving $810 a month up until the year 1980?

A I may have. I don't recollect.

Q And do you remember what day of this week you might have said that?

MR. LEACH: Objection, Your Honor.

THE COURT: Sustained.

Q How much money were you receiving from the Government,

PENGAD CO., BAYONNE, N.J. 07002 FORM 142

Mr. Kelley, during the year 1969?

A I have no idea.

Q How much money -- Well, were you receiving money?

A Yes.

Q How much money were you receiving from the Government in the year 1970?

A I have no idea.

Q Were you receiving money?

A I was receiving money, yes.

Q How much money were you receiving from the Government in 1971?

A Around $700 -- I'm not sure of the figure, about $690 or $700 a month, I think. I'm not sure.

Q And did that increase in 1972?

A It increased at some time.

Q Were you receiving money in 1972?

A Yes.

Q Were you receiving money in 1973?

A Yes.

Q 1974?

A Yes.

Q 1975?

A Yes.

Q 1976?

A Yes.

PENGAD CO., BAYONNE, N.J. 07002 FORM 740

Q 1977?

A Yes.

Q 1978?

A Yes.

Q 1979?

A I'm not sure.

Q 1980?

A I'm not sure.

MR. LEPPO: May I approach the witness, Your Honor?

THE COURT: Yes.

Q I show you this piece of paper, Mr. Kelley, and I ask you if you're John J. Kelley?

A Yes.

Q Even though that's Kelly spelled wrong in that?

A Yes.

Q There's an "E" missing in that, is that right?

A It's perfectly all right.

Q And I refer you to the line starting, "FY '80," meaning fiscal year '80. Would you just look at that and see if there are numbers that go all the way across on that line, Mr. Kelley.

A Yes, there are.

Q And now does that refresh your recollection that you were receiving money in 1980?

PENGAD CO., BAYONNE, N.J. 07002 FORM 740

A Yes.

Q And for subsistence in 1980 you've got $2,984, correct?

A I don't remember it, but that's the figure.

Q And for housing you got $1,026?

A I don't remember, but that's the figure.

Q And there's money that you received for medical attention?

A I don't remember that.

Q Now, that was 1980. Did you receive any money in 1981, Mr. Kelley?

A I don't remember it.

Q I show you this piece of paper again, Mr. Kelley, and I show you fiscal year 1981, which is right on that line, and does it show that you received some money, Mr. Kelley?

A Yes.

Q And that was for moving expenses, correct? It says moving?

A That's what it says, yes.

Q And do you remember receiving that money?

A No, I do not.

Q Did Mr. Rico tell you that you would be taken care of for the rest of your life?

A Yes, he did.

Q Did he follow through on that?

PENGAD CO., BAYONNE, N.J. 07002 FORM 740

A No, he did not.
Q And has that upset you a little bit about Mr. Rico?
A I didn't like it.
Q And you continue not to like it?
A Just a condition I have no control over.
Q Now, the Federal Government pay for your wife to go to Europe to visit with your son?
A No.
MR. LEACH: Objection, Your Honor.
THE COURT: Sustained.
Q Did you pay for it, Mr. Kelley?
MR. LEACH: Objection, Your Honor.
THE COURT: Sustained.
Q Mr. Kelley, you told the ladies and gentlemen of this jury yesterday, and the day before, that you had earned your income as a thief, isn't that correct?
A I don't know as I said that.
Q Well, you earned your living as a thief. You're a crook, isn't that right?
A I thought I said I was a thief. I don't think I said I earned my living as a thief.
Q Well, you used to, prior to the time of your incarceration, you used to steal for a living, isn't that right?
A Yes.
Q And the only other employment you ever had was a sometime

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 12, 2002

RECEIVED
MAR 13 2002
HOUSE COMMITTEE ON
GOVERNMENT REFORM

Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
Washington, DC 20515

RE: REQUEST FOR RESPONSES AND DOCUMENTS

Dear Mr. Chairman:

This responds to your letter, dated January 31, 2002, seeking information in connection with your oversight investigation of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. Specifically, you requested information concerning any investigation of allegations that retired Special Agent H. Paul Rico suborned perjury. In connection with your inquiry, you submitted a copy of an FBI document which provides details concerning these allegations made by John J. Kelley during testimony given in the murder trial of Louis Manocchio.

As reflected in the document enclosed with your letter, at the time these allegations were made, H. Paul Rico was retired from the FBI. No investigation was undertaken by the FBI's Office of Professional Responsibility (OPR), which has jurisdiction to investigate allegations of serious misconduct or criminal activity on the part of on board FBI employees. The Department of Justice Office of Professional Responsibility has advised that they have found no record of an investigation of Mr. Rico in connection with these allegations. Furthermore, a search of FBI indices has not uncovered any criminal investigative files which suggest that an investigation was undertaken by the FBI's Criminal Investigative Division, which includes the Organized Crime Section, in response to Mr. Kelley's allegations.

PENGAD Bayonne, N.J.
EXHIBIT
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Honorable Dan Burton

In response to your query concerning the handwritten notations that appear on the right side of the document and that resemble the letter "J," we believe, based on non-scientific comparisons, the initial that appears next to the handwritten notations is that of Special Agent David Flanders, an Inspector assigned to OPR in 1983. Please be advised, Mr. Flanders retired from the FBI in 1994.

Please let me know if we can be of additional assistance to the Committee.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

1 - Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, DC 20515

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FM BOSTON (183A-955)

TO DIRECTOR IMMEDIATE

BT

UNCLAS

ATTENTION PUBLIC AFFAIRS OFFICE, OFFICE OF PROFESSIONAL RESPONSIBILITY, OC SECTION.

LUEGE GIOVANNI MANOCCHIO, AKA LOUIS MANOCCHIO, "BABY SHANKS", "SHANKS", RICO (A), OO:BOSTON.

REFERENCE ASAC LUDEMAN TELEPHONE CALL TO OPR AND PAO, JUNE 2, 1983.

MANOCCHIO IS A KNOWN LCN MEMBER OF THE NEW ENGLAND ORGANIZED CRIME FAMILY AND IS KNOWN TO BE ATTEMPTING TO REPLACE RAYMOND L. S. PATRIACA IN HIS LEADERSHIP ROLE. MANOCCHIO HAS BEEN A TARGET OF CAPTIONED CASE SINCE MARCH, 1982.

MANOCCHIO, FBI NUMBER 116456A, HAS BEEN ON TRIAL, SUPERIOR COURT, PROVIDENCE, RHODE ISLAND, FOR THE PAST TWO WEEKS. HE IS BEING TRIED FOR THE 1968 GANG LAND MURDERS OF RUDOLPH MARFEO AND

DE-7 183-6111-5

LANGFORD
KIMMEL

1 JUN 14 1983

made to Gooden-Hall 6-2-83. S/B

cc's rcvd to file when -mm
Bob McKeeney - Tuleyfoc
6/10/83

ANTHONY MELEI, RAYMOND L. S. PATRIACA, RUDOLPH P. SCIARRA, MAURICE R. LEARNER, ROBERT E. FAIRBROTHERS AND JOHN ROSSI WERE ALL CONVICTED IN 1970 FOR THESE MURDERS OR ACCESSORY TO THESE MURDERS. MANOCCHIO BECAME A FUGITIVE AT THIS TIME AND REMAINED IN THAT STATUS UNTIL HE SURRENDERED HIMSELF IN JULY, 1979. MANOCCHIO WAS INVESTIGATED UNDER BS FILE NUMBER 166-845 AND BU FILE NUMBER 166-4355.

JOHN J. KELLEY, AKA "RED", IS THE MAIN WITNESS AGAINST MANOCCHIO. KELLEY TESTIFIED AGAINST THOSE ALREADY PROSECUTED. KELLEY BECAME A COOPERATING WITNESS IN THIS CASE AFTER HE WAS INDICTED FOR HIS INVOLVEMENT IN THE ROBBERY OF A BRINKS TRUCK IN MASSACHUSETTS. [redacted] H

DURING PRIOR TESTIMONY REGARDING THESE MURDERS, KELLEY TESTIFIED HIS INVOLVEMENT IN THE PLANNING OF THESE MURDERS WITH THOSE MENTIONED ABOVE. HOWEVER, IN THE CURRENT TRIAL AGAINST MANOCCHIO, KELLEY TESTIFIED ON MAY 31, 1983 AND JUNE 1, 1983 AND HAS ALTERED HIS TESTIMONY COMPARED TO THAT GIVEN PRIOR. KELLEY HAD TESTIFIED IN PRIOR TRIALS THAT HE MET WITH PATRIACA AND OTHERS TO DISCUSS THE MURDERS OUTSIDE THE GAS LIGHT LOUNGE IN

PAGE THREE BS 183A-955 UNCLAS

PROVIDENCE, RHODE ISLAND. THIS HAS BEEN A POINT OF CONTENTION BECAUSE THE DEFENSE HAS REPLIED THAT THE GAS LIGHT, WHICH IS KNOWN TO HAVE BURNT DOWN, WAS BURNT PRIOR TO THE PERIOD KELLEY GIVES FOR THE MEETINGS. KELLEY TESTIFIED ON JUNE 1, 1983 THAT HE LIED AT THE PRIOR TRIALS AND PROCEEDINGS ABOUT THE LOCATION OF THE MEETINGS AT THE SUGGESTION OF FORMER FBI SPECIAL AGENT H. PAUL RICO. KELLEY CONTENDS THAT THE MEETINGS ALL OCCURED BUT AT A LOCATION THAT HE NOW CAN NOT RECALL. KELLEY ALSO TESTIFIED THAT RICO INSTRUCTED HIM NOT TO DISCLOSE IN PREVIOUS TRIALS THAT HE WAS BEING PAID A MONTHLY ALLOWANCE [redacted]. H

SUBSTANTIAL NEWS MEDIA ATTENTION IS BEING GIVEN TO THE MANOCCHIO TRIAL, TO INCLUDE KELLEY'S TESTIMONY IN WHICH HE SAYS HE LIED IN PRIOR TRIALS AT THE REQUEST OF THE FBI, PARTICULARLY RICO.

UACB ATTEMPTS WILL BE MADE TO INTERVIEW KELLEY REGARDING HIS ALLEGATIONS TOWARD FORMER SA RICO AND THE REASON FOR HIS CHANGE OF TESTIMONY.

ABOVE IS PROVIDED TO FBIHQ FOR INFORMATION PURPOSES AND

PAGE FOUR BS 183A-955 UNCLAS

POSSIBLE NEWS MEDIA INQUIRY.

BT

Crim Inv Div.

Manocchio guilty on all charges in mob murders

6-14-9

By KAREN ELLSWORTH
Journal-Bulletin Staff Writer

PROVIDENCE — A Superior Court jury yesterday found Louis Manocchio guilty of murder conspiracy and murder accessory charges for helping to plan the 1968 Marfeo-Melei gangland-style slayings.

Manocchio, 55, who turned himself in to face the charges in 1979, after 10 years as a fugitive, will go to prison for life if the conviction is upheld.

He was the last person to face trial for the killings. Five other persons, including New England organized-crime boss Raymond L.S. Patriarca, were convicted of murder or murder conspiracy in 1970.

Rudolph Marfeo, a gambler and bookmaker who was running a floating crap game without the sanction of mob leaders, and Anthony Melei, described as Marfeo's driver, lookout and bodyguard, were gunned down in Pannone's Market on Pocasset Avenue, in the city's Silver Lake section, on April 20, 1968.

★ ★ ★

THE JURORS returned their verdict at 2:30 p.m., after only 3½ hours of deliberation. They convicted Manocchio of all the charges against him — one count each of accessory before the fact of the murders of Marfeo and Melei, and conspiracy to murder Marfeo.

State law calls for a mandatory life sentence for accessory before the fact of first-degree murder. The conspiracy charge carries a maximum 10-year sentence.

Manocchio had been free on bail for four years. But Judge Francis M. Kiely ordered him held without bail after the jury returned its verdict, and three state marshals quickly handcuffed him and led him away to the Providence County Court House cellblock.

Manocchio's lawyers quickly left the courtroom. But Asst. Atty. Gen. David Leach embraced Providence Police Det. Urbano Prignano, his prosecution assistant, and several other police rushed to the front of the courtroom to congratulate the team.

Judge Kiely scheduled arguments on a new trial for June 27. A new trial motion is the first step in attempting to overturn a jury's guilty verdict in a criminal case.

John J. "Red" Kelley, the robber-turned-informant who was the state's star witness against Manocchio, told the jurors he helped plan the logistics of the slaying, and identified Manocchio as one of those who participated in the planning.

Kelley — who was granted immunity from prosecution for his testimony and enrolled in the federal witness protection program when he turned state's evidence in 1969 — admitted on the witness stand that he had lied about certain

Turn to MANOCCHIO, Page A-10

EXHIBIT
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PENGAD Bayonne, N.J.

Continued from Page One

details during the previous Marfeo-Melei trials.

★ ★ ★

DEFENSE LAWYER Martin K. Leppo told the jurors that Kelley was a liar whose testimony should not to be believed.

But Leach said after the verdict that the jury obviously believed Kelley was telling the truth now.

Leach said Leppo's attempt to have the case dismissed because of Kelley's admitted perjury in previous cases was without merit. Whether Kelley was a credible witness was up to the jury, he said.

Leach obtained the conviction despite Judge Kiely's ruling that the jury could not be told about Manocchio's 10-year absence from Rhode Island, and despite the refusal of two former co-defendants, Maurice R. "Pro" Lerner and Rudolph E. Sciarra, to testify. Both received six-month sentences for contempt of court for their refusal to testify.

Lerner and Sciarra, along with Patriarca, John Rossi and Robert Fairbrothers, were convicted in 1970 on charges stemming from the Marfeo-Melei slayings.

connection with the killings.

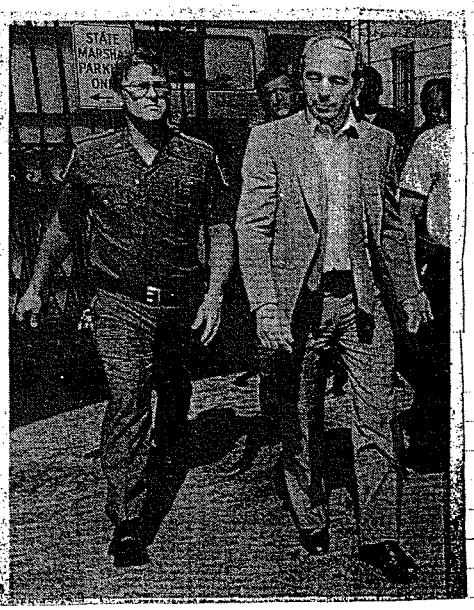
The state also was unable to introduce the testimony of Patriarca, who suffered a seizure while he was being questioned at home and was admitted to Miriam Hospital.

★ ★ ★

SHORTLY AFTER the verdict, Atty. Gen. Dennis J. Roberts II released an unusual press statement (he seldom comments on verdicts in criminal cases) saying the case is proof that "organized-crime interests cannot escape justice in the state of Rhode Island."

Roberts said Lerner, who is serving two life sentences for the Marfeo-Melei slayings, preferred "an extended prison sentence to incurring the wrath of his organized-crime associates."

Patriarca "succeeded without sanction in refusing to answer questions about Manocchio's role in the slayings by suddenly suffering an acute attack of illness at that point in the deposition, when he was informed that having already been convicted in this case, he no longer enjoyed a constitutional right to refuse to testify on self-incrimination grounds," Roberts said.



Leaving court

Louis Manocchio is escorted from Superior Court, Providence, where he was found guilty on several counts in connection with the 1968 gangland-style slaying of Rudolph Marfeo and Anthony Melei. Story, this page.

—Journal-Bulletin Photo by RICHARD BENJAMIN

SUBJECT TO PROTECTIVE ORDER

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
[X] ~~Airtel~~	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

Date 6/15/83

To: Director, FBI
(Attention: Administrative Services Division, Administrative Summary Unit, Supervisor Douglas Ball)

From: SAC, Boston

Subject: SUPERVISOR JOHN M. MORRIS
EOD 12/7/70
PERSONNEL MATTER

Retelcall to Supervisor Douglas Ball this date.

For the information of the Bureau, Supervisor John M. Morris is the New England Core-City Task Force Coordinator and is presently attending a Task Force Coordinators Conference in Chicago, Ill., 6/14-15/83.

On 6/15/83 Supervisor Morris telephonically advised ASAC Edward W. Ludemann that sometime on 6/14/83, he lost/stolen a leather folding notebook containing four FBI serials. He can only speculate that he either lost the serials at the Palmer House in Chicago where he was residing, in a cab which he took from the airport to the hotel or that this notebook was stolen from his hotel room although nothing else was missing. A theft report has been appropriately filed with the Chicago Police Department. These documents were necessary for Supervisor Morris to make a planned presentation at the conference.

REC-132 67-693564-79X
Searched 12 Numbered 79

The serials which were lost do not contain operational information. The communications are teletypes which were sent from Albany, New Haven, Buffalo and Boston to FBIHQ. These teletypes are titled "Narcotics Policy Matters; Implementation of Federal Narcotics Task Force," and contain only case captions and number of men designated for each task force case from each division.

2 - Bureau
1 - Boston
EWL/bbr
(3)

SEE ASD ADDENDUM PAGE 3

38

Approved: 11 SEP 12 1983 Transmitted _____ (Number) (Time) Per

EXHIBIT 769

PROTECTIVE ORDER

Supervisor Morris has contacted ASAC John Chadwick, Chicago Division, and advised him of the situation. Supervisor Morris has made an extensive and conscientious search in an attempt to locate his leather folding notebook with no success.

ACTION RECOMMENDED:

Supervisor Morris is fully aware of his responsibility of caring for Bureau communications and has assured the SAC of the Boston Office that in the future, he will be more conscientious in this regard. The SAC views this loss as pure carelessness and that Supervisor Morris failed to appropriately safeguard Bureau material. He does, however, note that based on his evaluation, the communications lost are general in nature and would not affect the substantive investigations in these matters even if the material was divulged to the wrong individuals.

Based on this assessment, the SAC recommends Supervisor Morris be censured for this matter.

U.S. Department of Justice

United States Attorney
District of Massachusetts

1107 J. W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

July 1, 1983

Brian A. Callery, Chairman
Massachusetts Parole Board
Advisory Board of Pardons
Leverett Saltonstall Building
Government Center, 100 Cambridge Street
Boston, Massachusetts 02202

Re: Peter Limone - Petition for Commutation

Dear Mr. Callery:

Further to communications which you have already received from the Federal Bureau of Investigation and Suffolk County District Attorney Newman Flanagan, please be advised that it is the best information of this office and of the Justice Department's Organized Crime Strike Force in Boston that top-level members of organized crime in Boston desire to have Peter Limone assume charge of the day-to-day operations of organized crime in this area, if he is released from prison and if they should become involved in litigation with the Government.

For the above reason, even apart from the cold-blooded nature of the offenses for which Mr. Limone was convicted, this office recommends most strongly that the petition for commutation of Mr. Limone's sentence be denied.

Very truly yours,

William F. Weld

WILLIAM F. WELD
United States Attorney

MWrofl

bcc: Robert P. Gittens, Esquire
Deputy Chief Counsel to the Governor

92-605-1162

SEP 13 1983

info copy: Jeremiah T. O'Sullivan, Chief Attorney, OCSF
ADA Leonard Hanson, Suffolk County
SSA James Ring, FBI, Boston

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EXHIBIT
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