

Memorandum



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

To : MR. YORK *Y/MAS* Date 11/13/85

From : R. Gilberto *R/G/MAS*

Subject : THEODORE JAMES SHARLISS, aka;  
ET AL;  
JOSEPH BARBOZA BARON - VICTIM;  
RICO

LATENT PRINT TESTIMONY

Name of Specialist(s) Russell G. Davey

Location Boston, Massachusetts Date 11/12/85

Testified:  Yes  No (If no explain in Remarks:)

Type of Court:  Federal  State  
 Other (specify \_\_\_\_\_)

Judge David Nelson

Prosecuting Attorney Earnest DiNisco

Defense Attorney Anthony Cardinale

Trial by:  Jury  Judge  Other (type \_\_\_\_\_)

Specimen(s) retained by court Charted Enlargements

To be returned by \_\_\_\_\_

Results of Trial Still in progress - Anticipated conclusion - Jan. 1986

Will be advised by SA Jack Cloherty, Boston Division

Arrived in Washington Date 11/12/85 Time 6:15 p.m.

Remarks: Davey testified that two latent fingerprints developed on Q8, a Hilton Hotel Registration card, are the finger impressions of Joseph Anthony Russo, FBI #677979A.

64 DEC 1

183-1613

183-1613  
LC #B-60198

hnt  
(3)



NOT RECORDED  
17 NOV 21 1985

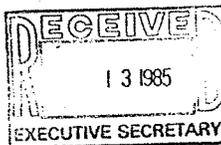
FERS. UNIT

2836

VICTOR J. GARO  
ATTORNEY-AT-LAW  
[REDACTED]  
MEDFORD, MASS. 02155  
TELEPHONE [REDACTED]

November 12, 1985

Ms. Louise Maloof  
Executive Secretary  
Governor's Council  
Room 184  
State House  
Boston, Massachusetts 02133



Dear Ms. Maloof:

This letter is to advise that I represent Joseph L. Salvati, currently an inmate at the Park Drive Pre-Release Center.

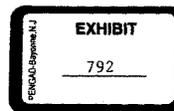
Please find enclosed herein a Petition For Commutation of Sentence.

I have also sent by mail a letter to the Secretary of State's Office, pursuant to Chapter 127, Sections 166 & 167 of Mass. General Laws.

Respectfully yours,

*Victor J. Garo*  
VICTOR J. GARO, ESQUIRE

VJG:lh  
Enclosure: One



PETITIONER: Joseph L. Salvati SENTENCE: LIFE  
OFFENSE: Murder, 1st. degree EFFECTIVE DATE: 1-24-67  
DATE PETITION RECEIVED: 11-15-85

GRANT [redacted] COMMENTS: *Years covered, 1st time heard: 3 co-defs granted hearing; famous issue debated hearing along with numerous questions of this case.*  
 DENY DATE: 12/26/85  
 DENY WITHOUT PREJUDICE [redacted]

GRANT [redacted] COMMENTS: *Excellent inst record Has served 17 yrs Co-defs, although not committed here received a hearing.*  
 DENY DATE: 1/6/86  
 DENY WITHOUT PREJUDICE [redacted]

GRANT [redacted] COMMENTS:  
 DENY DATE:  
 DENY WITHOUT PREJUDICE

GRANT [redacted] COMMENTS:  
 DENY DATE:  
 DENY WITHOUT PREJUDICE

GRANT [redacted] COMMENTS: *Subject merits hearing*  
 DENY DATE: 11/18/86  
 DENY WITHOUT PREJUDICE [redacted]

GRANT [redacted] COMMENTS:  
 DENY DATE:  
 DENY WITHOUT PREJUDICE

EXHIBIT  
794

GRANT [redacted] COMMENTS: *for years a hearing primarily because one or more of the defendants were granted hearing.*  
 DENY DATE: 12/26/85  
 DENY WITHOUT PREJUDICE [redacted]



JOHN J. CURRAN, JR.  
Chairman  
RUTH ANN JONES  
Executive Director

*The Commonwealth of Massachusetts*  
*Executive Office of Human Services*  
*Parole Board*

*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

February 4, 1986

Mr. James Greenleaf  
Special Agent in Charge  
Federal Bureau of Investigation  
J.F. Kennedy Building  
Government Center  
Boston, Massachusetts

Re: Joseph Salvati

Dear Mr. Greenleaf:

The Massachusetts Parole Board, in its capacity as the Advisory Board of Pardons, is presently considering a petition filed by Mr. Joseph Salvati for commutation of a life sentence that he is serving for the crime of murder.

The Board would appreciate any information that your office might have that would assist us in or be relevant to our consideration of this petition for ultimate recommendation to the Governor.

Sincerely,

John J. Curran, Jr.  
Chairman

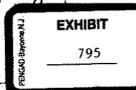
Massachusetts Parole Board

JJC:es  
CC: Board Members  
Ms. Joyce Hooley  
Ms. Diane Wilkerson

| INDICES SEARCHED                                 |  |
|--|--|
| <input checked="" type="checkbox"/> POINTS       | <input checked="" type="checkbox"/> GENERAL      |
| <input checked="" type="checkbox"/> NEGATIVE     | <input type="checkbox"/> NEGATIVE                |
| <input type="checkbox"/> SA                      | <input checked="" type="checkbox"/> SA           |
| <input checked="" type="checkbox"/> INITIALS: KA | <input checked="" type="checkbox"/> INITIALS: KA |



ACCREDITED BY THE COMMISSION ON ACCREDITATION FOR CORRECTIONS



FEB 27 1986

# Jury finds mafia boss guilty

## Santa Rosan among witnesses at seven-month Boston trial

Wire, and staff reports

BOSTON — Reputed New England mob underboss Gennaro J. Angiulo, two of his brothers and an associate were found guilty Wednesday of running a racketeering operation, the government said. Included murder schemes, gambling and extortion.

The federal jury of eight women and four men deliberated 30 hours over seven days before reaching a verdict in the seven-month trial, which officials said was the longest federal criminal trial in Massachusetts history.

After the findings were announced, the 66-year-old Angiulo was heard to tell a friend "Hang with me and I'll get you 100 years."

The most spectacular testimony in the trial concerned six murders that the government sought to link to the defendants.

During that phase of the trial, Santa Rosan

Robert Martin, a former San Francisco police officer, took the stand to deny he had ever been offered a contract to kill a man for the New England mob.

The tapes of that purported contract, Joseph "Baron" Barboza also lived in Santa Rosa for a short time under a new identity provided by the federal witness protection program. Officials said Barboza had killed 26 people before he became a government informer.

While living in Santa Rosa as "Joseph Bentley," he killed Clayton Ricky Wilson of Santa Rosa in a dispute over stolen securities. Angiulo buried the body in a shallow grave near Glen Ellen.

Barboza was killed in San Francisco in 1976, just a few months after he was released from prison after serving time for that 1970 slaying.

Each of the defendants in the Boston trial

was charged with two counts under the Racketeer Influenced and Corrupt Organizations Act: participating in a criminal enterprise and engaging in at least two illegal activities within 10 years.

The government had claimed that conversations the FBI taped at Angiulo's headquarters and at a poker game site proved the men were involved in illegal activities and had used threats to protect the operation.

Gennaro, Francesco, and Donato Angiulo and associate Samuel Granito were all found guilty under the racketeering act. Another Angiulo brother, Michele, 58, was found innocent of RICO offenses and guilty only on one gambling count.

"It's not victory; a battle is won but the war isn't over," said chief prosecutor Jeremiah O'Sullivan.



2840



U.S. Department of Justice  
Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

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

March 24, 1986

Mr. John J. Curran, Jr.  
Chairman  
Massachusetts Parole Board  
Leverett Saltonstall Building  
Government Center  
100 Cambridge Street  
Boston, Massachusetts 02202

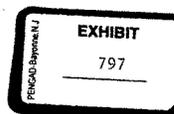
Re: Benjamin DeChristoforo;  
Joseph Salvati

Dear Sir:

Concerning your letters of request regarding Joseph Salvati and Benjamin DeChristoforo of February 4, 1986, I am able to provide the following information:

As explained to you by Supervisor James A. Ring in a phone call of March 24, 1986, our files do reflect that on August 18, 1981, Detective Sergeant David Johnson of the Ogunquit, Maine Police Department, advised the FBI that he had received information from a reliable informant that Benjamin DeChristoforo was frequenting a residence on Ontio Road, Ogunquit, Maine, and that on August 18, 1981, a vehicle bearing Massachusetts registration 715 GFH, registered to DeChristoforo, was observed parked in front of the aforementioned residence.

On July 2, 1982, Detective Al Boussier, Portsmouth, New Hampshire Police Department, reported that a suspected narcotics dealer in New Hampshire named Paul Morano had an association with Benjamin DeChristoforo, no further details provided.



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                  |   |                                |
|----------------------------------|---|--------------------------------|
| The Estate of John L. McIntyre   | ) |                                |
|                                  | ) |                                |
| Plaintiff                        | ) |                                |
|                                  | ) | Civil Action No.: 01-10408-RCL |
| v.                               | ) |                                |
|                                  | ) |                                |
| United States of America, et al. | ) |                                |
|                                  | ) |                                |
| Defendants                       | ) |                                |

**PLAINTIFF'S OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

NOW COMES the plaintiff, The Estate of John L. McIntyre, opposing Defendant United States' Motion to Dismiss and in support thereof states as follows:

1. Pursuant to Fed.R.Civ.P. 12(b)(1) defendant United States has moved for dismissal of all claims against it for lack of subject matter jurisdiction.
2. For the reasons stated in the attached Memorandum of Law in Support of Plaintiff's Opposition to Defendant United States' Motion to Dismiss with Exhibits, plaintiff hereby opposes the United States' Motion to Dismiss.
3. Plaintiff asserts the Motion to Dismiss should be denied based upon the record submitted by the parties before the Court. However, if the Court should determine that it cannot resolve the government's motion based upon the current record, or is inclined to allow the motion on "wrongful concealment" grounds and the current state of the record on that issue of fact, plaintiff requests that the Court order limited discovery on that issue prior to ruling on the Motion to Dismiss. See Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 38-39 (1<sup>st</sup> Cir. 2000).



REQUEST FOR ORAL ARGUMENT

4. Pursuant to LR 7.1(D), plaintiff respectfully requests oral argument in this matter.

WHEREFORE, plaintiff respectfully requests that this Honorable Court:

- A. Deny defendant United States' Motion to Dismiss;
- B. Schedule oral argument on the United States' Motion to Dismiss;
- C. Order limited discovery on jurisdictional issues, if necessary, for the reasons stated, supra, at ¶ 3; and
- D. Grant such further relief as this Court deems necessary and just.

Respectfully submitted,

The Estate of John L. McIntyre  
By Their Attorneys  
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: William Christie (ms)  
William E. Christie #566896  
Two Capital Plaza, 4<sup>th</sup> Floor  
P.O. Box 2703  
Concord, NH 03302-2703  
(603) 225-7262

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

William Christie (ms)  
William E. Christie  
Jeffrey Decker

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                  |   |                                |
|----------------------------------|---|--------------------------------|
| The Estate of John L. McIntyre   | ) |                                |
|                                  | ) |                                |
| Plaintiff                        | ) |                                |
|                                  | ) | Civil Action No.: 01-10408-RCL |
| v.                               | ) |                                |
|                                  | ) |                                |
| United States of America, et al. | ) |                                |
|                                  | ) |                                |
| Defendants                       | ) |                                |

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO  
DEFENDANT UNITED STATES' MOTION TO DISMISS**

**I. INTRODUCTION**

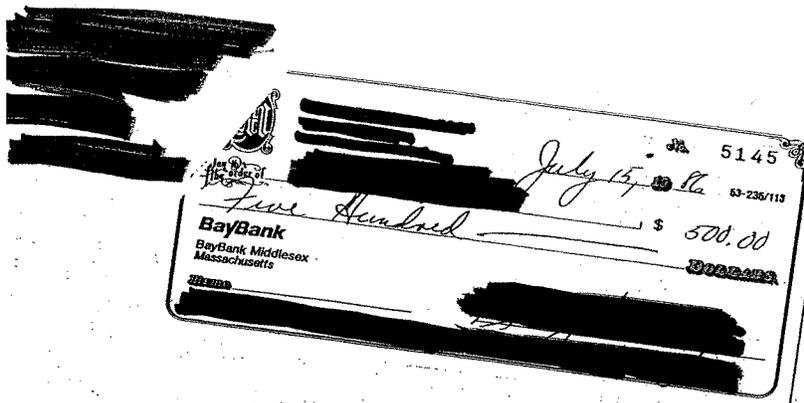
On January 14, 2000, the remains of John L. McIntyre ("McIntyre") were discovered in a shallow makeshift grave in Dorchester, Massachusetts. McIntyre had been missing for over fifteen years during which time the United States government indicted him and told the courts, the public and his family that he was alive and a fugitive from justice, all the while engaging in a course of conduct to cover up the criminal activities of certain government agents as well as the wholesale violation of the Attorney General's Guidelines regulating and controlling the use of high echelon criminal informants. The government's motion to dismiss is all the more striking because in hearings before Judge Wolf, the government continued in its obstructionist conduct concerning McIntyre's disappearance causing the court to lament that the question concerning McIntyre's disappearance and death could not "be resolved on the present record, in part because of the delayed disclosure of documents by the government and in part because ... it evidently was not in either the interest of Flemmi or of the FBI to have this issue fully developed in this case." See United States v. Salemme, 91 F.Supp.2d 141, 213 (D. Mass. 1999).

The government's shroud of secrecy first began to unravel when Stephen Flemmi

F.Supp.2d 408, 415-419 (D.Mass. 1999) (claim based on death from early 1960s did not accrue until release of critical information in 1995 Presidential report).

The government's motion to dismiss is factually insipid, legal deficient, and flirts with Rule 11. How is it that Mrs. McIntyre living alone and caring for her disabled daughter – who was treated as an outcast by law enforcement and did not have the power or authority to investigate criminal wrongdoing, wiretap telephones, conceal electronic eavesdropping devices in private homes and garages, offer immunity to those destined to long prison sentences – could have gained facts sufficient to file a lawsuit when those very facts allegedly escaped or eluded the investigatory power and resources of the federal government, until the government was forced fed them by Judge Wolf. Equally disturbing and further condemning the government's motion are the undisputed facts that the government affirmatively represented to the McIntyres specifically, and the public at large, that McIntyre was at best a fugitive from justice, and, at worst, a victim of someone other than Bulger or Flemmi. Incredulously:

- After representations by government officials to the McIntyre family that John McIntyre was alive and a fugitive from justice, see Complaint at ¶ 299;
- After returning a federal Indictment in April 1986 against John McIntyre seventeen months after his disappearance, see Indictment, United States v. Murray et al., No. 86-CR-118, attached as Exhibit B.
- After defendant special agent in charge James Ahearn publicly denied in 1988 that any special relationship existed between the FBI and Bulger and Flemmi, see Law Enforcement Officials' Lament About and Elusive Foe: *Where Was Whitey?*, The Boston Globe, September 20, 1988 attached as Exhibit C.
- After Assistant United States Attorney Gary Crossen publicly speculated in 1992 that Joseph Murray (rather than Bulger and Flemmi as now known) was responsible for McIntyre's disappearance, see Kevin Cullen, *Valhalla Case Now a Little Murkier Quincy Man Seen as Fall Guy in Leak*, The Boston Globe, December 24, 1992, attached as Exhibit D;
- After Jerry Padalino, special agent in charge of United States Customs, publicly stated in 1995 that officially, U.S. customs officials considered McIntyre a fugitive,



sent me this check when  
He found out the Boston FBI was  
interested in contacting me for  
an on going investigation.

so I refused to  
cooperate.

EXHIBIT  
799

GRANTING COMMUTATION HEARING

PETITIONER: JOSEPH SALVATI

SENTENCE: 10-24-66

OFFENSE: MURDER - FIRST DEGREE

EFFECTIVE DATE: 1-24-67

DATE PETITION RECEIVED: 11-15-85

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Rec'd on 10/26/87  
12-26-86 due to receipt of info. The information of getting such info. behavior, last guidance are satisfactory answer. I see no reason for a hearing at this time.

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: I am extremely troubled by meeting with Frank Orato appearing that he is requesting association with part comrades.

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: I am not inclined to go a hearing at this time on basis of the information meeting with a parolee who is present the subject of a major federal investigation. I will continue to monitor this case.

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Due to recent events re: F. Orato, my vote is to deny a hearing at this time.

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Because of subject's return to higher custody because of receiving parole while on parole status with Bond & release pre-release.

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: In light of recent events subject is not a good candidate for hearing consideration.

GRANT  
 DENY  
 DENY WITHOUT PREJUDICE

DATE: 12/1/86

COMMENTS: Since recent information has surfaced on subject the application is no longer warranted at this time.

EXHIBIT 800