



**DEAL WITH
THE
DEVIL**

3-1 176

**THE FBI'S SECRET
THIRTY-YEAR RELATIONSHIP
WITH A MAFIA KILLER**

PETER LANCE

**FIVE-TIME EMMY AWARD-WINNING AUTHOR OF
TRIPLE CROSS, COVER UP, AND 1000 YEARS FOR REVENGE**

testimony in the Vic Orena hearing, when he'd answered, "I don't recall," in response to Gerry Shargel's questions.²⁰



Judge Gustin Reichbach

In both instances, Lin had been granted immunity, and in canvassing the DAs this way, Reichbach was acquiescing to the defense's invocation of *Kastigar v. U.S.*, another landmark decision by the U.S. Supreme Court.²¹ The *Kastigar* holding established that if a criminal defendant has previously been granted immunity, a prosecutor has to build a "firewall" between the defendant's

prior testimony and any new investigation of criminal charges leading to an indictment. The ruling later became known colloquially as the "Oliver North defense" after it was used by Lieutenant Colonel North during the Iran-Contra scandal.²²

North, whose attorney had arranged immunity for him during the nationally televised Iran-Contra hearings, was thus protected from conviction in the case built by Special Prosecutor Lawrence Walsh, whose memoir of that 1980s scandal was called *Firewall*.²³

Now, Hynes's chief prosecutors on the case, Monique Ferrell and Kevin Richardson, had to affirm under oath that they had read neither DeVecchio's compelled statement nor his 1997 testimony as they prepared the prosecution's case.²⁴

Problems with Sinagra and Sobel

But before the DA's office even got to a *Kastigar* hearing in August, Kings County prosecutors experienced two massive setbacks in the parallel cases relating to the Patrick Porco homicide. John Sinagra, a.k.a. "Johnny Loads," accused in the Porco slaying, had pled not guilty on the day of DeVecchio's arraignment.²⁵ He was scheduled to go to trial before Lin, in June 2007.

But in early May, a twelve-year-old file came to light that threatened the

case. Under New York law, which forces prosecutors to act with “due diligence” in filing murder charges, Sinagra’s lawyer argued that an informant had come forward years earlier who had named Sinagra as a suspect, and the DA hadn’t acted on that information quickly enough.²⁶

In response to that allegation, former NYPD detective Tommy Dades had to file a sworn affidavit. Back in 1995, Dades had investigated the murder of Joey Scarpa, Greg Sr.’s son by Linda Schiro, who was killed by rival drug dealers. In the affidavit, Dades stated that while debriefing John Novoa, an associate of the younger Scarpa, Novoa had effectively fingered Joey for the Porco hit.

“Novoa did not mention defendant Sinagra to me,” Dades testified under oath.²⁷ It was not until he was investigating the DeVecchio case in 1995, Dades stated, that he learned of Sinagra’s possible link to Porco’s death.

But on April 20, 2007, at a Sinagra pretrial hearing, the DA’s office suddenly came forward with a document they said had been “discovered” the night before. It indicated that an informant *did*, in fact, name Sinagra as a suspect during a debriefing in 1995.²⁸ The question was, why hadn’t Hynes’s office come forward with it earlier?

At another hearing in mid-May, an angry Judge Reichbach said that he was “incredulous” and “flabbergasted” that the Kings County DA’s office, “could have information on a mob-related shooting and it just disappears into the ether.”²⁹

The very next day, under the headline “DeVecchio Cop ‘Tryst’ Bombshell,” Sinagra’s lawyer Joseph Giametta charged that investigator Dades, already under fire on the due diligence issue, “had a relationship with Little Linda Schiro in the summer of 2005.” Judge Reichbach quickly sustained a DA’s objection to that allegation, and the *New York Post* reported that Little Linda denied the charge. In fact, she insisted that she would take the witness stand to say so under oath.³⁰ But at that point, with the multiple staff and evidence problems that had surfaced since the first of the year, Charles Hynes’s office seemed to be back on its heels.

By late May, a flurry of finger-pointing had begun. Assistant DA Kevin Richardson blamed the misplaced document in the Sinagra case on the NYPD, alleging that the Porco murder investigation had been closed by the police department back in 1995 “for statistical purposes”³¹—in other

words, to get an unsolved homicide off the books. Judge Reichbach called the closure “not only inexplicable but inexcusable.”³²

On June 3, the lawyer for Craig Sobel, who had been charged in the Dominick Masseria slaying, pursued the Sinagra defense, arguing that the police had information linking Sobel to the church-steps hit ten years earlier but had failed to act.³³

A few days later, the DA sheepishly offered to let Sinagra cop a plea to a reduced prison sentence of two to six years—but the defendant passed, feeling confident of his chances at a dismissal.³⁴ Finally, on June 12, Judge Reichbach declared that “negligence [was] not good cause” for the delay in charging Sinagra and threw out the cold-case murder charges, freeing him after fifteen months behind bars.³⁵ Underscoring the setback for Hynes’s office, already plagued by serious personnel issues, the headline in the *New York Post* said it all: “Slay Rap KO’d in ‘Mob Fed’ Shocker. Judge Blasts ‘Too Late’ Cops and Brooklyn DA.”

It would take another full year, but on June 13, 2008, Craig Sobel was finally found not guilty in the shooting of Dominick Masseria. Calling it “the last of the DeVecchio debacle,” Sobel’s lawyer Bruce Barket commented on all three of the cases in the Brooklyn DA’s March 2006 indictment: “They were all flawed and this one was the weakest,” he said.³⁶

By June 2007, with Hynes’s office on the ropes, Greg Scarpa Jr. was shaping up as the DA’s best hope to bolster the testimony of central witness Linda Schiro in the upcoming main event: Lin DeVecchio’s prosecution, which was now set for early fall. In a “Gang Land” column published in the *New York Sun*, Jerry Capeci reported that “prosecutors plan to use . . . Scarpa Jr., to back up their key prosecution witness . . . Linda Schiro—regarding two mob rubouts the son was involved in before he was incarcerated in 1988.”

Predicting that Greg Jr. would come clean on his alleged involvement in the murders of Mary Bari and Joe Brewster, Capeci wrote that “prosecutors have decided that [Junior’s] intimate knowledge of his father’s dealings with Mr. DeVecchio far outweighs the heavy baggage that he will carry with him to the witness stand.”³⁷