



LUNCH BUNCH. John (Sonny) Franzese, left, and two of his four co-defendants walk down an Albany street yesterday during lunch recess of U.S. District Court, where they are being tried on bank-robbery charges. Next to Franzese is Joseph Florio; in light coat is Nicholas Potere. Man in rear is not identified.

UPI Photo

He Might Lie, Says Con; Halt Franzese Trial

Special to Newsday

Albany—A legal hassle today brought to a halt the trial of Cosa Nostra underboss John (Sonny) Franzese and the four co-defendants on bank robbery charges.

The jury had just taken its place at 9:30 AM when it was sent out of the courtroom and an hour later the panel was excused until 11 AM Tuesday. The legal wrangling between government and defense lawyers, was over testimony by a convicted bank robber that he would not hesitate to lie on the stand to keep himself out of jail. Under cross-examination by Franzese's attorney, Maurice Edelbaum, James Joseph Smith, a convicted gunman in four bank robberies that the government alleges were masterminded by the five defendants in the current trial, was asked: "Would you . . . hesitate to lie on this witness stand to save yourself from going to jail?" Smith replied: "No, I wouldn't."

Smith, who was on the stand all day, also was cross-examined by Raymond Brown, attorney for John (Johnny Irish) Matera, and Philip Vitello, attorney for Joseph M. (Whitey) Florio. The other defendants in the trial, which continues today, are William D. Crabbe and Nicholas Potere.

In questioning Smith, Edelbaum continually pointed out to the seven men and five women in the jury that Smith had testified one thing in a bank robbery trial last year of Anothony Polisi and another thing to government agents following the trial. Asked when he had first mentioned Franzese to government agents, Smith replied that it was about a month after the Polisi trial during a conversation with Assistant U.S. Attorney Michael Gillen. "Did you tell him (about Franzese) or did he ask you?" Edelbaum asked. "He asked me," Smith replied.

Edelbaum hammered away at the witness about an alleged deal with the government for a light sentence. Smith and three other convicted bank robbers who the government has said will testify, face 20-year sentences for each of four armed bank robberies. Their sentencing has been postponed. While Smith testified that the matter was discussed, he said no deal was made.

Edelbaum yesterday introduced as evidence a letter written by Richard Paul Parks, another convict who is a prospective witness. Smith also had signed the letter, which was written from Danbury Penitentiary in Connecticut. After complaining about conditions in the prison, the letter said: "You forced me and Jimmy (Smith) into this case, it is up to you to see that we live under proper conditions . . . As to where to send us, maybe Tallahassee, Fla., or someplace where it's warm, relaxing and clean . . . Mike (Gillen), you owe us that. We need to be sent on a vacation."

The five defendants face an eight-count indictment for masterminding the robberies of four banks across the country and conspiring to rob other banks.

Jail 'Rat Pack' Figure

Mineola—Marco (Little Marco) Gagliardi, the 22-year-old reputed leader of a Plainview-centered "pills-for-kicks" gang of dope users, was sentenced to jail for the first time yesterday, a term of 60 days, after pleading guilty to a reduced narcotics charge.

Gagliardi, who was described by police last Feb. 15, after the first of three arrests on dope charges,

as a tough who drives a flashy red sports car and leads a "rat pack" in Plainview, was given the 60-day sentence by First District Court Judge Benjamin Zipper. Gagliardi had faced a total of three charges, possessing Doreiden and Seconal tablets, glue-sniffing and possessing hypodermic needles and syringes, but was permitted to plead guilty to the one reduced charge, of possessing narcotics implements.

The reduced plea was entered by Gagliardi after Assistant District Attorney William Dillon made the motion to have the other dope charges dismissed. Dillon said the district attorney's office was satisfied with having just the one reduced narcotics charge entered against Gagliardi. Later, Dillon said he was also satisfied with the 60-day sentence imposed by Zipper.

Gagliardi, who gave his address as 77 Lent Dr., Plainview, also pleaded guilty to a charge of speeding in excess of 90 MPH. Zipper fined him \$50 for the speeding and then said: "I'm going to let you off with a stiff fine (on the speeding charge) and a 60-day sentence," then warned him: "The next time you are before me, you will regret it." He said the world is not against Gagliardi but that the courts have a duty to society as well as to individuals.

Gagliardi's first arrest was on Feb. 15, 1966, when police found him with more than 400 Doriden and Seconal tablets in a wooded area along Northern State Parkway. Two months later, Gagliardi was picked up with part of his alleged gang on the glue-sniffing charge and, last Dec. 6, he was arrested on a charge of possessing hypodermic needles after a police raid on a gas station narcotics party in North Bellmore.

\$20-Million Ring Hit in N.J. Raids

Newark (AP)—A huge New Jersey gambling ring which netted an estimated \$20,000,000 a year was smashed by Internal Revenue agents in a series of raids last night and early today, the U.S. Attorney's office said.

Three persons were arrested, including former Newark rackets figure Ruggiero Richie Boiardo. The names of the other two were not immediately disclosed. Officials said the arrests were made during six raids in Bergen and Essex Counties. Money, numerous wagering records and 20 adding machines were seized. A preliminary review indicated a yearly take of approximately \$20,000,000, officials said.

Charges against the suspects included violation of wagering laws and conspiracy to violate the federal wagering laws. Boiardo, who is 75 and now lives in Livingston, N.J., is the father of "Tony Boy" Boiardo, who has also been long connected with the underworld.

Kayo Offers Jury Pay

New York—Harold (Kayo) Konigsberg, the former big-time loan shark who has turned his extortion and assault trial into a legal circus, stunned his jurors yesterday by publicly offering them each \$30 a day for "any hardships the long trial has caused you."

Konigsberg has heaped abuse and insults on State Supreme Court Justice Abraham Gellinoff since he fired his own attorney in December, charging that she was a spy for the prosecution, and decided to handle his own defense. His antics have since created daily shock, laughter and dismay in the Manhattan courtroom. But yesterday jurors and spectators gaped audibly when Konigsberg offered in his summation to pay each juror up to \$30 a day, covering the entire length of the trial, which began Dec. 5. He said he felt "responsible for your losses and hardships" and wanted personally to make up the difference between the \$6-a-day jurors' fee and the jurors' regular income.

"I'll pay you by check," the heavy-set ex-boxer

said. "You can bill me right now. That goes for whether you find me guilty or not guilty." Gellinoff, however, rapped his gavel and interrupted the summation to say: "Wait a minute. This is nonsense. Pay no attention to it."

Konigsberg, who law enforcement officials once called America's No. 1 loan shark, is charged with having attempted to extort \$120,000 from two men whose brokerage firm eventually was closed by the state, Joseph Cannistraci and Peter Lobkowitz. Cannistraci was to have been the key prosecution witness, but he was found murdered alongside the Long Island Expressway shortly before the trial began. Konigsberg is also charged with having earlier beaten Cannistraci with a rubber hose.

Konigsberg started the trial bearded and sloppily dressed, but recently appeared clean-shaven and wearing a suit and tie. His repeated insults directed at the judge have been an apparent attempt to anger Gellinoff and antagonize him into making a statement that would be grounds for a mistrial. But Gellinoff has held his temper throughout the trial.



Newsday Photo by Mazuire

NEW MAN AT THE UN. UN Ambassador Goldberg, left, shakes hands yesterday with Seymour M. Finger of 476 Morris Ave., Rockville Centre, after announcing Finger's appointment as his senior adviser with the rank of ambassador. Finger was one of four men appointed yesterday to assist Goldberg. The others are William B. Buffum, chief deputy; Arthur Goldersmidt, U.S. representative to the Economic and Social Council, and Richard F. Pedersen, deputy U.S. representative to the Security Council.