

# Convict Franzese in Bank Heists

By Alan Eysen  
Newsday Albany Bureau

Albany—Long Island Cosa Nostra underboss John (Sonny) Franzese and four co-defendants were found guilty in U.S. District Court early today of conspiring to rob banks.

Attorneys for the five men announced immediately that they would appeal after the sentencing, set for April 14. Franzese, 48, whose address was given as 47 Shrub Hollow Rd., Roslyn Heights, L.I., could receive a maximum prison term of 65 years and a \$30,000 fine. He and two of the convicted men were continued free in bail. The remaining two were remanded to jail on other convictions unrelated to the conspiracy trial.

The jury returned its verdict shortly after midnight, after two days of deliberation at the end of a five-week trial. Franzese, dressed in a gray suit, was composed as the verdict was read, but his attractive auburn-haired wife buried her face in her hands and wept. The wife of another defendant, John (Johnny Irish) Matera, ran weeping from the courtroom. After the verdict, Franzese, described in testimony as the mastermind of a nationwide robbery ring, shrugged his shoulders and said: "What are you going to say?"

Franzese and three of the defendants still are to be tried for the murder in Queens a year ago of Ernest (Ernie the Hawk) Rupolo, a killing which led to the bank

robbery trial. Rupolo had become a police informer in his later years. It has been learned that Rupolo's wife allegedly shouted across a crowded Brooklyn bar that a patron there had helped kill her husband. Her escort, John (Blue Boy) Cordero, took a shot at the man but missed. Cordero was later summoned by Franzese to explain the incident and Cordero countered with an accusation that a number of bank robberies were being bungled. At that point, Franzese reportedly took direct control of the robbery ring, opening himself later to the testimony of non-Cosa Nostra underlings.

In addition to Franzese and Matera, 33, the convicted men were William D. Crabbe, 37, Joseph Florio, 41, and Nicholas Potere, 41. Franzese, Florio and Potere were found guilty on four counts of the eight-count indictment. They were convicted of (1) aiding and abetting the robbing of a bank in Kew Gardens in which bank employees were endangered with weapons; (2) aiding and abetting the robbery of a bank in Oceanside; (3) receiving the proceeds from the robbery of a bank in Salt Lake City, Utah; (4) conspiracy to rob banks. All the robberies occurred in 1965.

Matera and Crabbe were found guilty on only the last two counts. Florio and Potere could receive the same sentence as Franzese. Matera and Crabbe could each receive a maximum prison sentence of 15 years and a \$15,000 fine.

Maurice Edelbaum, Franzese's attorney, said: "Fran-

zese has always maintained his innocence. We will appeal." Edelbaum expressed the belief that a higher court may reverse the convictions because of the lack of credibility of the prosecution witnesses. In his summation, Edelbaum had stressed the theme that the key witnesses against the defendants were themselves awaiting sentencing on charges of robbing banks. The prosecutor, Assistant U.S. Attorney Michael Gillen, would say only: "I am relieved that it is over."

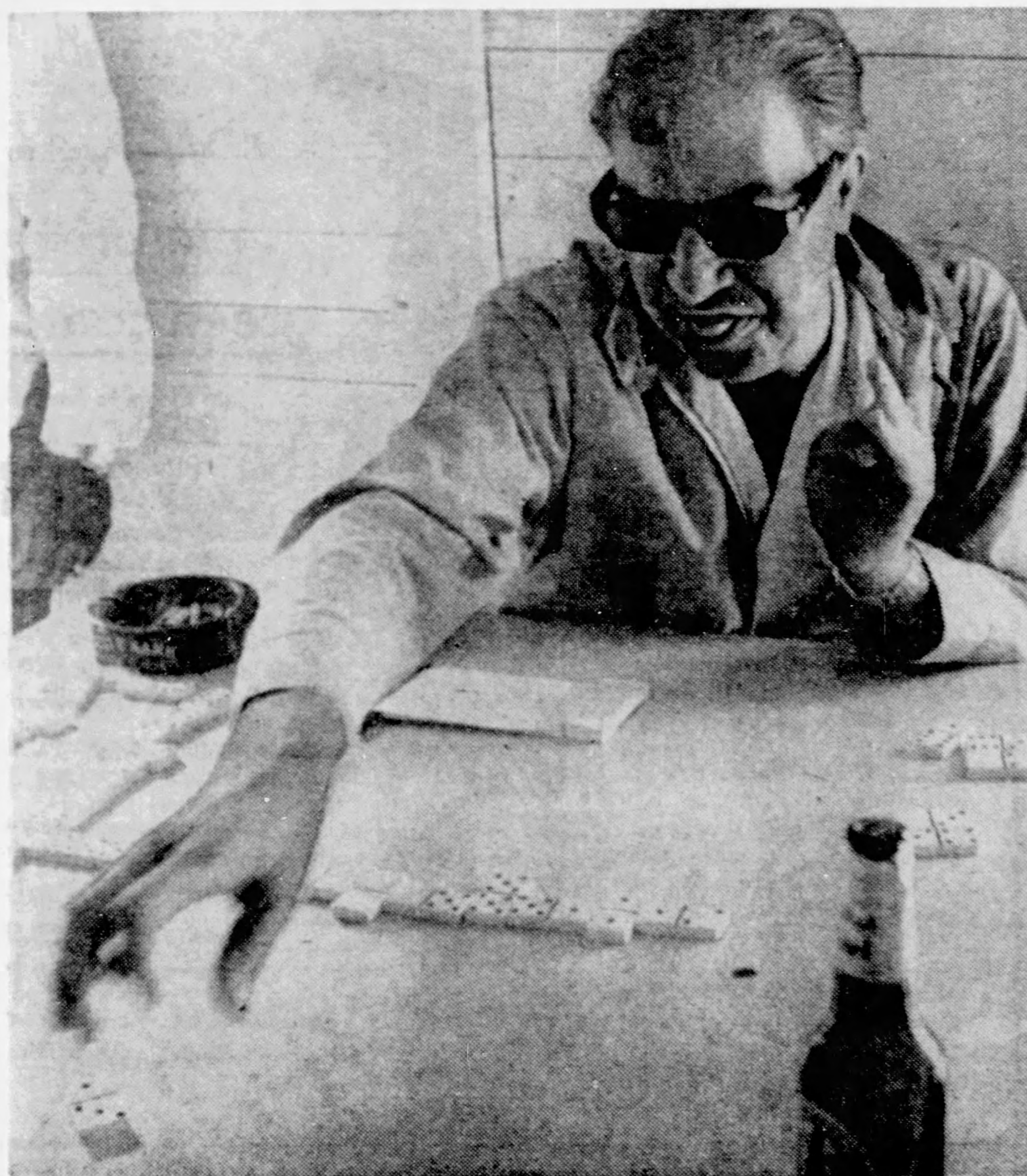
Concerning another issue that arose during the trial, Judge Jacob Mishler of New York City said that he was satisfied with press coverage of the proceedings. "I think," he said, "that the coverage of the trial clearly demonstrates that the news service can exercise the right of a free press and at the same time, the defendant's rights to a fair trial. This trial may be a forceful argument against imposing restrictions against the press."

Mishler had moved the trial from Brooklyn to Albany in January after defense complaints that published accounts might prejudice the defendants' rights. But last night, the judge told the jury: "I am satisfied that the defendants got a fair trial. There was abundant evidence in the case to support your verdict."

Matera and Crabbe were the two men remanded to jail. Franzese was continued free in \$250,000 bail; Florio, in \$60,000, and Potere, in \$65,000. Franzese, Florio, Matera and Crabbe are still to be tried for the murder of Rupolo.



Not Whether You Win or Lose . . . . . It's How You Play That Counts . . .



Other Photos on Page 40 AP Wirephotos

. . . At Least, When Dominoes Is Powell's Game

## Powell Wins 100-G Verdict

Special to Newsday

Albany—Adam Clayton Powell, who lost a decision to Congress on Wednesday, won one yesterday in this capital when the state's highest court sliced \$100,000 from the sum that he has been ordered to pay Mrs. Ester James for defaming her four years ago.

But Raymond Rubin, lawyer for Mrs. James, made it plain that the struggle over the \$100,000 would not end in Albany. He said he will take the fight to Washington, where Powell has been singularly unsuccessful of late, by appealing the State Court of Appeals ruling to the U.S. Supreme Court. "The right to punitive damages is a constitutional issue," Rubin said.

Originally, Mrs. James, a Harlem widow, had been awarded a \$46,500 defamation of character judgment after the former Harlem congressman had called her a "bag woman," or graft collector for policemen, during a television show. Powell at first did not pay the judgment, leading to further court suits which added \$575,000 in compensatory and punitive damages to his debt to Mrs. James.

Powell's lawyers then appealed the additions, and the Appellate Division of the State Supreme Court reduced the amount to \$156,000, \$100,000 in punitive damages and \$56,000 in compensatory damages. Last month, however, after raising the money through an advance on

royalties from his record "Keep the Faith, Baby," Powell paid off the original \$46,500.

That left the \$156,000 to be reckoned with. Yesterday, the judges of the State Court of Appeals held in a 6-1 decision that the \$100,000 punitive award was not justified. "The defendant may have committed a wrongful act," Chief Judge Stanley Fuld said, "but his conduct was not so gross and wanton as to bring it within the class of malfeasance for which punitive damages either have been or should be awarded."

The Court of Appeals declined, however, to deal with the remaining sum, \$56,000 in compensatory damages. The court ruled that since that was awarded on the claim that Powell had fraudulently transferred property in Puerto Rico to avoid paying the original judgment, it would be up to Puerto Rican law to determine whether Powell would have to pay the \$56,000. The Court of Appeals ruled that Manhattan State Supreme Court should make the decision based on Puerto Rican law.

Rubin said that \$22,500 of the \$56,000 represented his fees and expenses by Mrs. James from 1963 to 1965. He said that when the case is heard again in Manhattan, he would ask the State Supreme Court to add to that sum his legal fees for 1966 and the first two months of this

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## 38-22-38: Swell Odds

Special to Newsday

Bimini—Adam Clayton Powell spent the day of a loser yesterday, but you know what they say on Bimini: Unlucky at fishing, unlucky at dominoes.

For five hours, the man barred from the House of Representatives fished off the island without a catch. So he moored his boat and went to his favorite bar, The End of the World, where he played dominoes with a similar lack of success. For Powell, however, there were a few moments of comfort in observing the 38-22-38 form of 24-year-old Tanyanika Delamor of Haiti, a night club dancer.

"Wowee," Powell said, as Miss Delamor, who calls herself Princess Tanya,

swiveled into the bar. The dancer walked up to him, embraced him and invited him to come to the night club and watch her act. Powell did not budge. Miss Delamor said she had met him once before. Powell told her she smelled good.

Before Miss Delamor entered, the scotch-and-milk sipping Harlem Democrat had mixed his drinks and dominoes with a burst of hymn singing. After she left, the group in the bar, led by Powell and his domino partners, started singing hymns again: "Where You Lead Me, I Will Follow" was a favorite. But by this time, Powell, obviously irked by the pictures taken of him and Miss Delamor, ordered the newsmen to leave too. And they followed the dancer out.