



Julie Ann Castro and her attorney, Bruce Lyons, leave the courthouse in Fort Lauderdale, Fla.

Castro Slaying Ruled A Justifiable Homicide

Special to Newsday

Fort Lauderdale, Fla.—Julie Ann Castro was justified in shooting her husband, Bernard Castro Jr., two weeks ago, a grand jury ruled yesterday after she testified before it for more than five hours.

Castro, 26, had pulled out a .45-cal. automatic after an argument with his wife and shouted, "You've had it," minutes before he was killed, Assistant State Attorney Michael Satz said yesterday. Answering questions about investigations on the case, but not about the grand jury testimony, Satz said that Castro slid back the top of the gun to put a round in the firing chamber, but it jammed.

Castro was the son of furniture tycoon Bernard Castro of **Lloyd Harbor**, L.I. Speaking for the family, his sister, now Bernadette Austin, said yesterday: "We know Bernard was murdered. We are shocked and dismayed by the grand jury findings. The case is not closed as far as the family is concerned."

Satz said the Castros were arguing at about 3 AM in the guest room of their home in the fashionable Coral Ridge section of Fort Lauderdale early on the morning of Oct. 29. Also in the room was Harold Turnipseed, 26, a friend who said that he and Castro had planned to leave later in the morning to look at a hunting lodge they planned to buy.

Turnipseed, who testified before the grand jury for two hours Tuesday, earlier had told investigators that he saw Castro work the action on the .45 and heard him curse at the gun. He said he then fell asleep, and did not hear the shots that killed Castro.

Mrs. Castro, 24, had told investigators that when her husband pulled the gun, she ran into her bedroom where their daughter, Kimberly, 4, was sleeping. She said she was afraid that Castro would come in and kill the girl, according to Satz, so she grabbed the .25-cal. gun he had given her and went back to the guest bedroom.

Satz said she had told investigators that when she went back into the room, Castro began reaching under the mattress and she shot him three times. Police who searched the room found her gun on the bloody bed and the unfired .45-cal. automatic under the bed.

The grand jury questioned Mrs. Castro from 9:35 AM to 3:15 PM yesterday, stopping only for a half-hour lunch break. The killing was ruled a justifiable homicide at 4:46 PM.

Castro's father is an Italian immigrant who built his small upholstery shop into a \$25-million-a-year business, Castro Convertible. Its administrative offices and largest warehouse are located on Jericho Turnpike in New Hyde Park, N.Y.

Court Gets **Franzese** Motion Today

By Manny Topol

Copyright 1974, Newsday Inc.

Seven years ago, U.S. District Judge Jacob Mishler sentenced organized crime figure John (Sonny) **Franzese** to 50 years in prison for conspiring to rob banks. Today, Mishler was to hear argument on a motion that may lead to a new trial for **Franzese**.

Franzese, of Roslyn, now 55, is in the federal prison at Leavenworth, Kan. The sentence he received requires no minimum time to be served, and he is eligible for parole consideration at any time.

The motion is on Mishler's court calendar for today and was to be argued by Queens attorney Herbert Lyon. Lyon has based his motion on an affidavit by Eleanor Cordero, wife of John Cordero, convicted bank robber and a key witness against **Franzese** during the 1967 trial. She claims that Cordero and three other government witnesses lied when they implicated **Franzese** and four others in the bank robbery plot.

Government attorneys are expected to ask Mishler for a delay, possibly up to five weeks, so they can study the case before presenting their arguments.

Former Assistant U.S. Attorney Michael J. Gillen, the prosecutor in the **Franzese** case, said last night that Mrs. Cordero's claims were "a lot of nonsense." Gillen, now in private practice, said, "Her story just is not true . . . it will be dealt with in the court." He declined to comment further.

In his motion, Lyon has asked that the indictment against **Franzese** and the other four men be dismissed "on the grounds that it was based on willful and knowing use of perjured testimony." As an alternative, Lyon has asked for a new trial.

A federal statute of limitation rule precludes an application for a new trial on the grounds of newly-discovered evidence two years after conviction. In the case, however, Lyon is attempting to show a lack of due process and that the alleged use of perjury by government witnesses was also a **fraud** on the court. In cases where it can be shown that due process was lacking, the two-year limitation rule does not apply.

In a memorandum of law that Lyon submitted with the motion, he said that since Mrs. Cordero was not called as a witness at the **Franzese** trial, "the jury had no opportunity to evaluate her testimony and credibility." Because she did not testify, Lyon said in his motion, defense attorneys were not able "to expose the perjury" of Cordero and the other bank robbery witnesses, James Smith, Richard Parks and Charles Zaher. At the time of the **Franzese** trial, Lyon said, the defense considered Mrs. Cordero a hostile witness since she was the wife of a key prosecution witness.

Government attorneys have refused to comment on the motion because it is pending before the court. A spokesman for David Trager, U.S. Attorney for the Eastern District of New York, said: "We'll look into it and respond in an appropriate way."

The question is scheduled to be argued before Mishler because, by procedure, the judge who originally presides over a case hears all motions while it is still in the lower federal courts. Lyon said that if he were not granted a hearing, he would consider appealing to a higher federal court.

Lyon's motion deals mainly with alleged conflicts between testimony at the trial and Mrs. Cordero's

statements and affidavit. Mrs. Cordero had been arrested along with her husband in October, 1965, on bank robbery charges.

Cordero later told authorities—and testified at the trial—that a night-club singer, Ann Messineo, who used to frequent the Aqueduct Motor Inn in Queens, was part of the robbery ring and that his wife was not involved. The government then arrested Miss Messineo, charging that she was the driver of the getaway car in bank robberies in Kew Gardens, Queens and Oceanside. She was arrested in April, 1966, along with **Franzese** and the other defendants.

Mrs. Cordero said that her husband, in an effort to divert suspicion from her and to place the blame on someone else—purposely implicated Miss Messineo. Mrs. Cordero said that Miss Messineo actually had nothing to do with any of the robberies.

According to a confidential FBI report, in February, 1966, Cordero admitted that his wife was involved in the Oceanside robbery. A part of the report carries the notation, "Cordero advised that despite the denials of his wife, Eleanor Cordero, she was implicated in the robbery of the United Savings and Loan Association, 2951 Long Beach Road, Oceanside, New York, August 13, 1965. Cordero stated that his wife Eleanor drove one of the three switch cars following the robbery and that he accompanied her in the switch car."

Also, an FBI informant at the time had told the bureau that Mrs. Cordero was the driver in the Oceanside bank robbery. Mrs. Cordero said in her affidavit that she was the driver of the getaway car in

—Continued on Page 27

PEOPLE

Hoffa to defy ban

James R. Hoffa, former president of the Teamsters Union, said yesterday that he is ready to defy a presidential ban and seek the leadership of his old union local. The 61-year-old ex-president of Local 299, the union's traditional springboard to national teamsters power, said he would accept nomination as the local's president next month if it is offered. Hoffa was freed from prison in late 1971 after serving nearly five of 13 years of a sentence imposed on him for mail fraud and jury tampering. His sentence was commuted by Rich-

ard Nixon but his release stipulated that Hoffa could not engage in union politics or activities until March 6, 1980.

A judicious 'No'

Madalyn Murray O'Hair, the atheist who won a Supreme Court ruling banning prayers in public schools, said yesterday she will refuse to report to jury duty in Austin, Texas, because she objects to having to swear "so help me God." Travis County officials mailed Mrs. O'Hair a summons for jury service beginning Monday.

'I do, I do'

Opera star Anna Moffo became the bride of RCA Chairman Robert W. Sarnoff yesterday in New York. State Supreme Court Justice Myles J. Lane performed the ceremony in the bridegroom's home. The Metropolitan Opera singer is the daughter of Mr. and Mrs. Nicholas Moffo of Berwyn, Pa. Sarnoff is the son of the late Gen. and Mrs. David Sarnoff.

Genesis of an exodus

Victor Polsky, a leading Soviet Jewish dissident who has been seek-

ing to emigrate to Israel since 1971, was told suddenly yesterday morning that he could go, but that the exit visa would be valid for only six days. Polsky, a 44-year-old physicist, is the first among the Moscow Jews denied visas previously on "security" grounds to receive permission to leave. His case may mark the start of an exodus by dissident activists. But Polsky told officials that he could not make the necessary preparations to leave in the six days allotted.

Compiled From News Dispatches

Motion for New

Franzese Trial

—Continued from Page 9
the Kew Gardens and Ocean-
side bank robberies.

Neither Mrs. Cordero nor
Miss Messineo went to trial
on the charges. The statute of
limitations has since passed.

Cordero also testified that
Miss Messineo was the driver
of the getaway car in the
1965 Oceanside bank rob-
bery. Mrs. Cordero swore in
her affidavit, and said she is
prepared to testify, that she
was the driver. She said she
remembered the day clearly,
because it was also her wed-
ding day. Mrs. Cordero's
daughter, then 5 years old,
waited in another car nearby,
Mrs. Cordero said.

Mrs. Cordero has taken a
lie-detector test, arranged by
Newsday, and given by Vic-
tor Kaufman, a Manhattan
based polygraph expert. Two
of the questions she was
asked were: "Did you drive
the getaway car from the
Oceanside bank stickup in
1965?" and "Did you drive
the getaway car from the
Kew Gardens stickup in
1965?" Kaufman said that
the test results indicated that
Mrs. Cordero was telling the
truth when she answered in
the affirmative.

Kaufman also asked Mrs.
Cordero, "Did John Cordero
ever tell you to lie regarding
John (Sonny) Franzese if
you were called as a wit-
ness?" and "Did John Cor-
dero tell you that he, Richie,
Smitty, and Blackie [Zaher]
rehearsed the story [about
the participation of Franz-
ese] every night so they don't
make a mistake?" Again,
Kaufman said, the tests indi-
cated that her affirmative an-
swers to the questions were
truthful.

Kaufman also adminis-
tered a lie detector test—at
Newsday's request—to one of
Franzese's co-defendants,
Nicholas Potere. Potere who
previously, had no criminal
record, was sentenced to 15
years and was released on
parole after five years. He
denied in the test that he ever
had conspired with Cordero,
Parks, Smith and Zaher, and
also with Franzese and the
other defendants, John
(Johnny Irish) Matera, Wil-
liam (Red) Crabbe, and Jo-
seph (Whitey) Florio. He
also said that he did not
know Franzese and did not
have any conversations with
him until the two were ar-
rested in April, 1966. Kauf-
man said the test results indi-
cated that Potere was also
telling the truth.

When Potere was in the
federal prison at Lewisburg,
Pa., he wrote his own brief
and appeal for parole. He
said he was helped in the
writing by former Teamsters
president James Hoffa, who
was serving a sentence for
jury tampering. Potere was
rejected for parole twice be-
fore it was finally granted.

martin's

WILL NOW HONOR YOUR MASTER CHARGE CARD

Sale!

25% off

Danskin®

Tops 'n Pants 'n Skirts

Sizes 4-6X **5.59 - 7.49**
(reg. 7.50-10.00)

Sizes 7-14 **6.39 - 9.49**
(reg. 8.50-12.75)

Your favorites in nylon and nylon blended with polyester. Find plaids, solids, and stripes, in zip-front, turtleneck and pullover tops. Coordinated with solid or plaid pants or skirts. Solids in navy, rust or hunter green (the pants with contrasting corded seams). Plaids in gold-navy or red-green mixes. All machine-washable. Some full-fashioned. Come get the "team spirit" and scoop up these values. Earlybirds get the best pickings.

Children's Shops

martin's

JUNIOR INSIGHT

Sweaters "Set"

The Pattern

With smashing solid pants partners. Here a Fall harvest of colorific team-ups. Chevron-striped cardigan: acrylic, black or curry, making waves on bone. S-M-L, **16.00**. Matching vest: S-M-L, **12.00**. Belted 'n' cuffed pants: polyester gabardine, black or rust. 5-13, **25.00**. Random-striped cardigan: acrylic, dusty pink-lavender-olive melange on bone or black grounds. S-M-L, **17.00**. Matching vest: S-M-L, **12.00**. Button-waisted, slash-pocketed pants: polyester-rayon gabardine, dusty rose or wine. 5-13, **19.00**.

Junior Insight Sportswear
Mail and phone—call Joan Taylor

<p>BROOKLYN: Open Late Monday and Thursday</p>	<p>GARDEN CITY: Open Late Monday, Tuesday and Thursday</p>	<p>BABYLON: Open Late Monday, Thursday and Friday</p>	<p>HUNTINGTON: Open Late Monday, Thursday and Friday</p>
<p>SMITH HAVEN: Open Late Monday through Saturday</p>			