



Newsday Photo by William Senti Jr.
Franzese's wife, Christine, and their son, Michael, on the way to court in Brooklyn yesterday.

Judge Urges Lie Tests For **Franzese**, 7 Others

By Manny Topol

Brooklyn—The chief judge of the U.S. Eastern District urged government attorneys yesterday to agree to lie detector tests for all four witnesses and four remaining defendants in the 1967 conviction of reputed organized crime figure John (Sonny) **Franzese** for conspiring to rob banks.

Judge Jacob Mishler made the unusual suggestion at a hearing to determine if **Franzese**, who has served five years of his 50-year sentence, should be given a new trial. One of the four key witnesses against **Franzese** told Mishler yesterday that he and the other witnesses had lied at **Franzese's** trial to get leniency in their own bank robbery cases.

Franzese himself took the stand and denied knowing any of the witnesses or ever being involved in any bank robbery conspiracy. It was the first time **Franzese** had testified in his own behalf in the case, and the move prompted Mishler—who presided at the 1967 trial and imposed the sentence—to say, "It's about time he took the stand. I'd like to know his version."

Before **Franzese** testified his attorney, Michael B. Pollack, attempted to introduce the results of lie detector tests that had been given to **Franzese** and a codefendant, Nicholas Potere. Assistant U.S. Attorney Thomas Pattison, who argued the case for the government, objected, and Mishler refused to allow them as evidence.

Results of lie detector tests have never been allowed as evidence in trials in the federal Eastern District. However, Mishler suggested the possibility of testing the recanting witness, Charles Zaher, the other witnesses, John Cordero, Richard Parks, and James Smith; **Franzese**; and his codefendants, Potere, William Crabbe and John Matera. A fifth defendant, Joseph Florio, has died. All five were convicted on related charges.

Mishler, speaking to Pattison, said, "If I had two experts [give tests] under ideal conditions and all

these witnesses point to one thing, . . . wouldn't it be interesting?"

Pattison responded, "I would have to think it out. But for what it's worth, it would be interesting." Pattison said he would try to have an answer for Mishler Monday.

Mishler said that the testing should take many variables into consideration, but added, "It might influence me if the experts prove to me that advances over the years show a degree of reliability."

Victor C. Kaufman, chief examiner of New York Lie Detection Laboratories, testified as an expert witness on the reliability of lie detectors. At Newsday's request, Kaufman has given a lie-detector test to Potere which, Kaufman said, showed Potere told the truth when he said that he had no part in the conspiracy. Potere served five years of a 15-year sentence.

Kaufman's associate, Edward Lambert, gave a lie-detector test to **Franzese** on Thursday and the results of that test indicated **Franzese** told the truth when he said he had no connection with the conspiracy.

Earlier, Mishler accepted as evidence a letter that Zaher had written to a friend in April or May, 1966, while in federal prison in Danbury, Conn., waiting to testify against **Franzese** on the conspiracy charge. In the letter, written to Thomas Mattio of Central Islip, Zaher mentioned a "frame" of **Franzese**. An expert witness testified that the letter was written on old paper. Zaher told Mishler yesterday, "I framed a man, your honor. I framed four people."

After **Franzese** testified yesterday that he had nothing to do with the conspiracy and had never met any of the witnesses who said he masterminded their bank robberies, Mishler asked, "Why didn't you get up before at the trial to say so?" **Franzese**, who appeared to have lost about 10 pounds since his imprisonment, said, "I wanted to, but my lawyer [Maurice Edelbaum] told me not to testify." Mishler reserved decision.

Snafu Cost Fla. Murder Case Witness

By Joe Demma

Last summer, a Florida businessman told an Internal Revenue Service agent that he had heard a Calverton man admit committing a murder in Fort Lauderdale in 1973, according to testimony yesterday before a congressional subcommittee. But through a bureaucratic foulup, the information was not passed on to the prosecutor, and the accused murderer was acquitted.

The foulup was the subject of a hearing yesterday to IRS procedures by the House Ways and Means subcommittee on oversight. Philip Shailer, state's attorney for Broward County, which includes Fort Lauderdale, told the subcommittee he did not learn of the businessman's information until last week, about two months after Salvatore (Sally) Ripulone, 34, of Wooded Court, Calverton, was acquitted of the 1973 slaying of Dennis Lancaster. When Ripulone was arrested in August, Florida and Suffolk law-enforcement sources said he had been paid to "hit" Lancaster, who had a reputation of double-crossing both buyer and seller in drug deals.

Thursday, the IRS announced it had revised its procedures to avoid a similar occurrence.

According to testimony and congressional sources, the businessman, who wore a ski mask while testifying to protect his identity, had first approached Fort Lauderdale authorities shortly after the Lancaster murder to tell them that he had heard Ripulone admit the crime to a third party.

The informant testified that he went to the Broward County Sheriff's office and spoke to an unidentified secretary

in Shailer's office about it but received no further word. Shailer denied yesterday any knowledge that the informant had gone to his office, and a spokesman for Shailer said that the informant had gone to the Fort Lauderdale police, who also denied any knowledge of that.

IRS special agent Steven Favis, of the Orlando, Fla., office, testified that the informant, with whom he had worked on tax cases, approached him with the story shortly after Ripulone's arrest this summer. But, according to

Favis, he had to get permission from Washington before he could take the informant to Shailer. He said that he called Washington several times but that it was not until three weeks after Ripulone's acquittal that he got written permission to turn the informant over to Shailer.

Shailer testified that he learned of the informant last week and that his investigators interviewed him Monday. "We have now determined," Shailer said, "that the person would have indeed been a material witness for the

state." Shailer said that he was "incensed" over the foulup.

Ripulone could not be reached yesterday, but his attorney, Donald Allen of Fort Lauderdale, said "This is nothing more than a vain attempt to cover up the incompetence of that [Shailer's] office."

Leon Levine, an IRS spokesman in Washington, said, "The thing got lost in the system. We booted it. It was the system, not any one person. Something broke down, went astray. It took too long."

A Knight Suspect Killed



Steven Maleno

Philadelphia (AP)—One man wanted in the slaying of newspaper heir John S. Knight III surrendered to police yesterday and another was found shot to death in a New Jersey woodland. A third was at large.

Knight, 30, grandson of the founder of Knight newspapers, was stabbed to death in his expensive downtown apartment Sunday morning.

A golf caddy walking home from Pine Valley Country Club near Clementon, N.J., across the river from Philadelphia, found the body of Issiah (Felix) Melendez, 20, of Philadelphia. Melendez was one of the three men Philadelphia police named Thursday as suspected killers of Knight.

From what police discovered inside the apartment—boxes of Polaroid pictures and tape recordings—the initial hunt for the killers focused on Philadelphia's homosexual community. But Thursday police said the motive for the killing was robbery. They named three men and within hours one of them, Steven Maleno, 25, also of Philadelphia surrendered to detectives on a center city street.

Melendez' body was fully clothed. He appeared to have been shot with a small caliber gun in the back of the head and possibly in his face. Police said they believed he had been shot sometime Thursday night. One of his arms was stretched rigidly into the air.

The third suspect, Salvatore Soli, 38, was believed to have left Philadelphia soon after the killing and hidden out at motels in Mt. Ephraim, N.J., in the same area where Melendez' body was found. Police said they had this information from an informer.

Yesterday police recovered a knife believed linked to the Knight killing from a sewer outside the house where Melendez lived. It had an eight-inch blade and was in a sheath. Also found were a tape recorder, a microphone and a tape.

In investigating Knight's background, police found a 20-year-old man who said he had been the victim's closest friend for the past four years and had a homosexual relationship with him. Knight's 23rd-floor apartment, which had an exercise room, had been ransacked.