

# Prosecutor: Teen's Boyfriend Is Lying



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Cheryl Pierson leaves court yesterday after last day of her sentencing hearing.

By Shirley E. Perlman  
and Phil Mintz

Tension flared into anger at the Cheryl Pierson sentencing hearing yesterday as the prosecutor charged her boyfriend with changing testimony in an effort to keep the Long Island teenager from going to jail for the contract killing of her father.

The boyfriend, Robert Cuccio Jr., took the stand as the prosecution's second and last witness, and detailed his knowledge of the plan to kill James Pierson Sr. Cuccio testified that he went to Newfield High School after Pierson was killed and gave \$400 to Sean Pica, the teenage hitman who has pleaded guilty in the slaying.

"I told him it was a nice shot. I gave him the money and proceeded on my way," Cuccio testified. "I told him to keep cool." The money was paid outside Pica's shop class, according to Cuccio.

His testimony came during the final day of the hearing to determine whether Pierson, who has pleaded guilty to manslaughter in the Feb. 5, 1986, killing of her father, will be sentenced as a minor or as an adult. Pica is serving 8 to 24 years in prison.

During the eight-day hearing, Suffolk County Assistant District Attorney Edward Jablonski has sought to portray Cheryl Pierson as a calculating young woman who enlisted the help of others over a three-month period to plot her father's murder. She hired the hitman and gave him detailed direction on how to kill the elder Pierson, Jablonski said.

Pierson, 18, has claimed that she had her father killed because she had suffered through years of physical and sexual abuse from him and feared that a younger sister would also be abused. The alleged abuse was never reported

to authorities.

Cuccio, who confirmed yesterday that he hoped to marry Pierson, insisted that although Pica stated his intention to kill the elder Pierson, he did not think that Pica was serious about doing it.

Cuccio testified that at one meeting with Pica, in the parking lot of Newfield High School, Pica had told him that he had a gun and he asked Cuccio if he wished to kill Cheryl's father. He said yesterday that he did not tell Cheryl Pierson about that meeting.

Jablonski insisted that Cuccio, in the earlier interview, had said he told Cheryl Pierson of the meeting. "No, I never told Cheryl that," Cuccio replied.

In another instance, Cuccio testified that he drove Cheryl Pierson and Pica to Pierson's house, but remained in his car while the two went inside. Jablonski insisted that all three went into the house, purportedly to allow Pica to

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## Stabbing Aftermath Described

By Jeff Benkoe

A police officer testified yesterday that Karen Straw, crying uncontrollably after she stabbed her husband, said, "He attacked me. He attacked me with a knife. I stabbed him. I was afraid."

Officer Janyce Garland, who interviewed Karen Straw immediately after the fatal stabbing, recalled her saying, "He said, 'I'm going to kill you.' I saw in his eyes he was going to kill me."

Straw, 29, is on trial in State Supreme Court in Jamaica, Queens, charged with second-degree murder in the slaying of her husband, Tony. Her lawyer, Michael Dowd, has claimed that she stabbed her husband in self defense on Dec. 19 in her Jamaica apartment after he had beaten and raped her at knifepoint in front of her children.

According to Garland, a prosecution witness, Straw said that her husband was armed with a knife when he was stabbed.

Another witness, Michael McGee, an associate chemist with the chief medical examiner's office, testified that tests after the stabbing indicated that Tony Straw had a "significant amount" of cocaine in his blood. Karen Straw told Garland that her husband had smoked crack, a form of cocaine, in front of her that night. McGee was unable to say if the cocaine was in crack form.

The police officer said that when she accompanied the defendant to Mary Immaculate Hospital in Jamaica for treatment of a cut on her right hand, Straw was so hysterical "I picked her up off the floor in the hospital. She'd go off to a corner, on the floor, and cry."

The testimony by Garland was the first that indicated that the defendant was attacked by her husband twice on the morning of Dec. 19.

Garland said Straw, in an interview in a police van, told her that "in the morning he woke up and attacked her again with a knife."

# Reputed Colombo Capo Seeks Release as the Family Fights

By Tom Renner

Leadership of the Colombo crime family may hinge on a legal motion in Brooklyn federal court tomorrow as an attorney for one of the family's most respected crime captains seeks to vacate his conviction 20 years ago on bank robbery charges.

Attorney Michael Pollack of Manhattan said that he would ask U.S. District Court Judge Jacob Mishler to reverse the bank-robbery conviction of reputed Colombo family crime captain John Franzese of Roslyn, L.I. Franzese is serving an 8-year federal prison term for violating his parole in the bank-robbery case. If the bank-robbery conviction was to be reversed, legal authorities said, Franzese would walk free on the parole violation.

Law-enforcement sources said that Franzese could exert powerful influence on the Colombo family if he were released. "If Sonny were able to overturn the original bank robbery conviction," a federal source said, using Franzese's nickname, ". . . he'd be the most powerful capo on the street in the Colombo family . . . maybe even the new family boss."

Mishler granted tomorrow's hearing after Pollack submitted an affidavit from John Cordero, one of Franzese's alleged accomplices in the bank robber-

ies, in which Cordero states that he testified for the government against Franzese as part of a frame-up engineered by FBI agents and a prosecutor.

Another of Franzese's four alleged accomplices, Charles Zaher, submitted a similar affidavit 10 years ago. Two other persons peripherally involved in the case have also submitted affidavits in the past supporting the frame-up charges. FBI spokesman Joseph Valiquette said Cordero's charges would be answered in court.

Franzese, 67, has long been regarded as one of the only captains to have the respect of almost every faction of the strife-torn Colombo family, according to law-enforcement sources. He was considered a potential boss of the family until his 1967 conviction and long prison term, they said. His stepson, Michael Franzese, who has also been identified as a Colombo family captain by federal agents, is serving a 10-year sentence for racketeering.

Police sources said the crime family is now in a state of confusion. Its principal leaders, boss Carmine Persico Jr. and underboss Jerry Langella, are in jail, as are several major crime captains, including Persico's son, Alphonse Jr. Persico's brother, Alphonse, was the family underboss until he was convicted of loansharking

and went into hiding.

A recent wave of gangland killings linked to the Colombo family has resulted in seven dead and several others injured. While most of the killings have involved low-level crime family associates, police say that several of the murders appear to have been in retaliation for the slaying of Salvatore Scarpa, brother of reputed Colombo captain Gregory Scarpa.

In his affidavit, Cordero said that, to win a light jail term and to curry favor with federal authorities, he perjured himself during the bank-robbery trial in April, 1965. Franzese was accused of plotting with the bank robbers to set up bank jobs.

Cordero, who was a key government witness against Franzese, said that three FBI agents and a federal prosecutor conspired with him and two other bank robbers to give false testimony against Franzese. "They worked with us to avoid being too specific about when the conspiratorial meetings [between Franzese and the bank robbers] took place," he said.

According to Cordero, he got a reduced sentence, a guarantee that his wife, Eleanor, would not be charged with driving the car at two of the bank robberies, and the return of \$10,000 seized by agents at his house.