

# Gotti mom spews rage

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■ Judge expels pair of feuding jurors at mob trial

■ Gotti's mother explodes in profanity after ruling

BY JOHN RILEY

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Gotti family matriarch Victoria Gotti exploded in an obscenity-laced courtroom rant yesterday afternoon as a judge knocked two warring jurors off the panel hearing her son's racketeering-murder trial in federal court in Manhattan.

The outburst came just after a former prosecutor stonewalled defense questions about a 2006 mob death threat against her son, John "Junior" Gotti, and the jury had been released for the day.

"This is a railroad job!" Victoria Gotti yelled, leaping to her feet and thrusting her finger at U.S. District Judge Kevin Castel from the second row as he read a ruling dismissing the two jurors, whose personal disputes had appeared to make a hung jury for her son more likely.

"Enough now! Enough!" shouted Gotti, who has suffered two strokes. "— animals! They're railroading you! They're doing to you what they did to your father!"

"OK, Mother! Please! Ma, please!" her son yelled back through the bedlam as daughters Victoria and Angel shouted at their mother to stop and tried to restrain her, while court officers surrounded the Gotti clan and attempted to move the scrum out of the courtroom.

But "Mother" wasn't done. "You — liar! You —!" she yelled, leaning forward and spitting her words at Castel and prosecutors. "They're the gangsters right there. The — gangsters. You son of a —. Put your own sons in there. You —!"

Gotti, still fuming and shouting epithets as she was escorted out the door by court officers, was quickly ushered into an elevator with family members outside of the 26th-floor courtroom. The word "liars" flew out again as the elevator doors closed, but photographers outside the courthouse reported that she looked composed as she left the building.

Junior Gotti, 45, of Oyster Bay, is the son of the late Gambino family boss John J. Gotti. This is his fourth racketeering trial in



AP FILE PHOTO

**"Enough now! Enough! ... animals! They're railroading you! They're doing to you what they did to your father!"**

— Victoria Gotti, John "Junior" Gotti's mother

**"OK, Mother! Please! Ma, please!"**

— John "Junior" Gotti

five years. The previous three trials, in 2005 and 2006, ended in hung juries. The elder Gotti was prosecuted multiple times before he was convicted of racketeering in 1992. He died of cancer in prison in 2002.

Yesterday's outburst wasn't unprecedented. Victoria Gotti, 67, shouted to Castel that prosecutors were trying to "hang" her son during a pretrial hearing in May, and last month Junior Gotti denounced an informant as a "dog" and a "punk" during a lunch recess. But it reflected rising tensions as the seven-week trial nears a conclusion.

The more immediate trigger, Castel's ruling on the two jurors, followed an anonymous

letter last week complaining about the behavior of one of them, a female postal worker known on the anonymous panel as Juror 7 who was allegedly showing sympathy toward Gotti's lawyers.

The second juror, a female city worker designated Juror 11, complained to the judge on Monday that the postal worker was blaming her for the letter, and said she deserved a "spanking."

Castel, after getting a sealed letter from prosecutors on the matter, yesterday decided both jurors had to go, because their escalating personality conflict would prevent them from working together and might infect the rest of the panel.

## Defense wins evidence ruling

BY JOHN RILEY

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In a potentially significant victory for the defense, the judge in John "Junior" Gotti's racketeering trial ruled yesterday that Gotti will be allowed to present evidence that another top mobster approved killing him after Gotti used the defense that he had withdrawn from the mob in his second trial in 2006.

Although it was overshadowed by mother Victoria Gotti's afternoon outburst over the dismissal of two jurors, U.S. District Judge Kevin Castel's ruling to let the jury hear about the death threat could make Gotti's claim that he quit the mob in 1999 seem more genuine, and it may have played a part in Gotti's decision late yesterday not to testify on his own behalf.

That prospect was raised on Tuesday by Gotti lawyer Charles Carnesi, who said Gotti thought testifying might be a way to break the deadlock of his last three trials, which all ended in hung juries in 2005 and 2006. But after consulting with his lawyers privately for two hours, Gotti told the court just before 5 p.m. that he wouldn't take the stand, courthouse sources said.

The death threat, Castel and Carnesi said in court yesterday, is chronicled in FBI reports from April 2006, which indicate that John "Sonny" Franzese, identified as a captain and acting underboss of the Colombo family, told a confidential informant that the "Howard Beach crew," a contingent of the Gambino family, had asked permission to kill Gotti.

"They were very upset with John Gotti's behavior and said there's no such thing as quitting the mob," said Carnesi, who was provided with the FBI report after Castel reviewed it. Franzese, the report said, told the informant "that he gives consent to kill John Junior ... if necessary."

Brushing aside prosecution objections that the testimony would be hearsay, Castel said



AP PHOTO, 2006

Gotti has opted not to testify.

he'd allow the jury to hear about that conversation. But in an unusual afternoon appearance that may have helped fuel the outburst from Gotti's mother, Joon Kim, the federal prosecutor responsible for trying Gotti in 2006, claimed he had no memory of the details of the threats, appearing to stonewall the defense.

Prosecutors later agreed, according to a source close to the case, that the jury will get access to the FBI report itself when the trial resumes Monday in federal court in Manhattan.

Aside from its implication that Gotti's withdrawal was for real, the death threat contradicts two prosecution informants who testified that Gotti got clearance from other top mobsters to use the withdrawal claim in court. The evidence about Franzese raises questions about the credibility of those witnesses.

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