

# Wife asks leniency for mobster

BY JOHN RILEY

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Family divisions are resurfacing in the run-up to today's scheduled sentencing of mob legend John "Sonny" Franzese, the former Colombo family underboss from Roslyn who was Long Island's most infamous gangster during his heyday in the 1960s.

Onetime celebrity thug Franzese, 93, who has spent most of his adult life in prison, was convicted of racketeering last year based on testimony from his son John Franzese Jr., while his estranged wife Cristina Capobianco Franzese, 75, issued public broadsides condemning the pain his mob life had caused his son and family.

But in letters submitted more recently to U.S. District Court Judge Brian Cogan, she seems to have softened a bit. She urged a non-prison sentence and offered to care for her nonagenarian mate of 52 years — who, by her count, spent 32 of them in prison on a



FILE PHOTO BY CHARLES ECKERT

John "Sonny" Franzese, 93, faces sentencing today for racketeering.

bank robbery conviction and a series of five parole violations.

"It hurts me to see him in prison at this age," she said in a handwritten note from Nov. 5, released yesterday. "I would want to see him home. I would be responsible for him and his actions. In all this tragedy, we are in love."

Another part of the family, however, dissents. While out of jail most recently, Franzese stayed with a daughter from a different relationship, and granddaughter Maria Scorsone urged Cogan to let him continue to develop bonds with his grandchildren and great-grandchildren.

She also appeared to blame Christina — his "sociopathic wife" — for some of Sonny's past problems, saying, "He was a man who was happier in jail than at home, because in jail he found more peace and support."

Franzese was convicted in July of racketeering, loan-sharking and extortion, including schemes to shake down a Long Island pizzeria and two strip clubs in Manhattan. He used a wheelchair and required frequent bathroom breaks at trial.

Prosecutors are urging Cogan to give Franzese about 15 years, arguing that he admitted on tape he was responsible for several murders and describing him as a "depraved person" with "no prospect of rehabilitation."

## Bus catches fire on LIE

Syosset firefighters extinguish a bus blaze yesterday afternoon on the eastbound Long Island Expressway at South Oyster Bay Road. All of the passengers on the bus were accounted for, and no injuries were reported.



PHOTO KEVIN JIMM

## Convicted airport plotter gets 15 years

BY JOHN RILEY

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Abdel Nur, one of three men convicted so far in the Guyanese-based plot to blow up fuel pipelines at Kennedy Airport in 2007, was sentenced to 15 years in prison yesterday in federal court in Brooklyn.

Nur, 60, also known as Compton Eversley, pleaded guilty in advance of the trial last June to the lesser offense of providing material support to the plot. He received the maximum sentence on that charge.

Co-defendants Russell DeFreitas, 67, the plot mastermind from Brooklyn who had worked as a cargo loader at Kennedy, and Abdul Kadir, 59, a former Guyanese legislator, were convicted of conspiracy after going to trial.

Kadir received a life sentence. DeFreitas is to be sentenced Feb. 17.

The plotters, whose ring was infiltrated by an FBI informant, were hoping to damage the United States economically by attacking fuel tanks and igniting the Buckeye Pipeline, which serves Kennedy. But evidence at trial in-

dicated the group never had a plausible plan for carrying out that goal.

After pleading guilty in June, Nur yesterday aroused the ire of U.S. District Court Judge Dora Irizarry when he appeared to deny his guilt in a long, rambling statement.

Reminding him of the evidence accumulated at trial, Irizarry called his claims "absurd" and said, "The defendant has already been given a substantial break, given that the maximum of 15 years is half of the low end of the sentencing guidelines range."

## IN BRIEF

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### NESCONSET

#### Ex-Friendly's manager jailed in theft

A former Friendly's manager was sentenced yesterday to 6 months in jail for stealing more than \$100,000 from the company that operates the restaurant chain's Long Island franchises.

John Bencivenga, 46, of Nesconset, apologized in court before he was sentenced by Suffolk County Court Judge James F.X. Doyle. Bencivenga pleaded guilty last year to second-degree grand larceny.

In addition to jail time, Doyle sentenced Bencivenga to 5 years' probation and ordered him to pay \$104,653 in restitution to Ronkonkoma-based J&B Restaurant Partners.

Bencivenga, who had managed a Friendly's store in Stony Brook, stole the money from 2005 to 2008 in a convoluted scheme in which he convinced the managers of other Friendly's stores to cash rebate checks given to Bencivenga's franchise by food suppliers. Bencivenga took the cash for his personal use, prosecutors said.

Bencivenga's sentence was part of a plea bargain arranged by his attorney and Doyle to avoid a trial.

— CARL MACGOWAN

### BROOKLYN

#### Famed soccer ref pleads guilty in heroin bust

A well-known onetime World Cup soccer referee pleaded guilty yesterday in federal court in Brooklyn to attempting to bring 6 kilograms of heroin into the United States through Kennedy Airport in September.

Ecuadorian referee Byron Moreno Ruales, 41, was known in international soccer circles for his no-nonsense approach. He is remembered for a series of controversial calls that paved the way for South Korea's victory over Italy in a 2002 World Cup match.

He faces a statutory maximum of 20 years, and federal guidelines call for a sentence of 51 to 63 months in prison, prosecutors said. No date for sentencing has been set.

— JOHN RILEY

#### Pizza operator gets 5 years in kiddie porn case

A Brooklyn pizzeria operator was sentenced to 5 years in prison yesterday for using child pornography after a big-name federal judge got in a final slap in his feud with the government over mandatory sentences for kiddie porn.

Defendant Pietro Polouizzi, 57, claimed in testimony at his 2007 trial that he had been raped as a child and that abuse drove him to seek out porn as an adult — claims he repeated yesterday in an agonized lament as his wife and two sons watched.

Polouizzi has stayed out of jail because of legal maneuvers by U.S. District Court Judge Jack B. Weinstein, who views the 5-year minimum as an intrusion on judicial discretion, and too harsh. He was twice slapped down by the Second U.S. Circuit Court of Appeals for trying to give Polouizzi a shorter sentence or a new trial.

Yesterday, Weinstein said he finally had to impose the 5-year sentence, but he refused to jail Polouizzi immediately, telling the prosecutor that a statute requiring immediate imprisonment was "cruel and unusual" punishment and giving Polouizzi until March to surrender himself.

— JOHN RILEY