



Jerry Capeci

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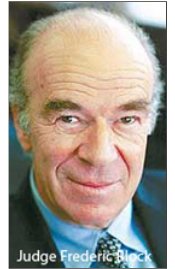
September 26, 2024

By Jerry Capeci

## Judge Feared He'd Be Called A 'Blockhead' If He Gave Mob Boss Vic Amuso Compassion



Frederic Block, an outspoken federal judge on the Brooklyn bench, admits that fears of bad press and public blowback may have contributed to his decision to reject a compassionate release for a murderous but ailing 88-year-old Mafia boss, Gang Land has learned.

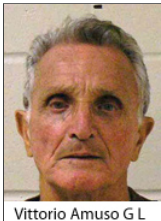


Judge Frederic Block

In a new book, Block acknowledges that lawyers for Luchese mob boss Vittorio (Vic) Amuso submitted a "riveting" legal brief that made an "enormous impression" on him. And the Judge wonders whether he caved in to fears he'd be criticized in the media and dubbed a second time as "Judge Blockhead" by the *New York Daily News* if he ruled for the imprisoned-for-life gangster.

Block says he "probably shouldn't have read" any stories about the ailing Luchese leader's motion before he "put pen to paper" and ruled on it last year. But after having done so, the judge writes in his latest book, *A Second Chance: A Federal Judge Decides Who Deserves It*, he believes he "would have been brutalized by the media" if he had ordered Amuso's release.

"I didn't do it," Block wrote in *A Second Chance*, which has a major focus on the *First Step Act of 2018*. "I would like to think that the vicious negative media reaction, which surely would have happened, had nothing to do with my decision, but wonder to this day whether my subconscious was at work, and I did not want to see 'Judge Blockhead' in print once more," the judge wrote.



Vittorio Amuso G L

"I guess curiosity got the best of me," wrote Block, who was appointed to the federal bench in 1994 by Bill Clinton, when he was writing plays to supplement his income as a Suffolk County defense lawyer. "I believed," he wrote, "I was sufficiently inured over the years to the press that I wouldn't be influenced about what they wrote about Amuso's compassionate release motion."

Block, 90, has written four books while serving as a Brooklyn Federal Court Judge. In his first, *Disrobed*, in 2012, he wrote that he was "sworn in on Halloween" in 1994: "It struck me as an appropriate day to wear my judicial costume for the first time." On the book jacket, Block was accurately described as a "very non-traditional appointee to the federal trial court."

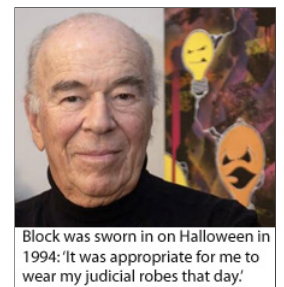
*A Second Chance* was published last week. It includes three chapters on the prosecutions of mobsters who were convicted of multiple murders and sentenced to life in prison — Amuso, his underboss Anthony (Gaspape) Casso, and Colombo mobster Anthony (Chuckie) Russo. The 256-page tome has three chapters about the decisions that Block made on the compassionate release motions that the trio filed.

In 2022, the judge decided to order the release of Russo, then 69, who had served 29 years for two murders during the bloody 1991-1993 war between rival factions of the Colombo family.

But Block apparently was haunted by a 2007 Daily News editorial that dubbed him "Judge Blockhead."

Editors tagged him with the epithet after Block told a prosecutor to inform her superiors in the Justice Department while the jury was deciding the fate of notorious crack dealer Kenneth (Supreme) McGriff that seeking the death penalty for two execution murders by McGriff was a "great big waste of time and money."

The editorial went on to state that after the prosecutor "expressed concern" that jurors might learn about and "be influenced" by Block's words, the "Amazing Kreskin of the federal bench" said that "nobody from the press has been here today, and we're flying under the radar screen, for sure." But later that day, the paper wrote, he had "to admonish" jurors "not to read the newspapers" when reporters obtained transcripts of the session.



Block was sworn in on Halloween in 1994: 'It was appropriate for me to wear my judicial robes that day.'

"I had rendered other unpopular decisions" the judge wrote. "Being a devout practitioner of the rule of law, however," Block continued, "I would like to believe that I would do the same again in Amuso's case if I thought it was the right decision. But one never knows!"

Amuso was convicted of nine mob murders, and remains behind bars where he has served 33 years. He [sought his release](#) 15 months ago — after he was moved to a prison hospital — on the grounds that his "severe chronic medical conditions," and "long imprisonment and perfect institutional record" were "extraordinary and compelling" reasons calling for his release under the *First Step Act*.

Block writes in his new book that Amuso's plea for release attracted wide coverage in the media. "Typical was the New York Post article" that "published a picture of Amuso in handcuffs after his arrest in 1991." Block was so intent on gauging public opinion that he even read the many



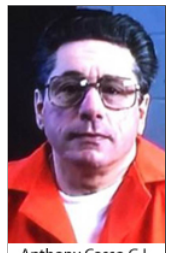
comments by readers that the story generated. Some "were clever" and made him "laugh, but all but two of seventy-one said Amuso should remain in jail," the judge wrote.

"The sixty-nine others were adamant that Amuso should remain behind bars," wrote Block, who included one "typical" one from a reader who was "not inclined toward mercy for a crime boss who ordered and arranged multiple murders" and many others that "were less literate."

The judge listed four of them: "He should be wheeled to the edge of a bottomless pit and pushed in," said one. "Shoulda juiced him," was another. "He'll be dead by the time you get his victims to agree to let the scum out," and "Give him family visitation, then kick his ass back into his cell."

"One thing was clear to me," The judge wrote. "I would be brutalized by the media if I let Vittorio Amuso out of jail. It would make 'Judge Blockhead' look like child's play."

"This time the New York Daily News did not refer to me as Judge Blockhead," Block wrote. "It simply quoted from my conclusion but added some spice" to its article by noting information that Block had included in his decision that killers in Amuso's gang "shov(ed) the dead canary" in the mouth of one victim "to warn anyone else of the consequences of singing to the feds," he wrote.



Anthony Casso G L

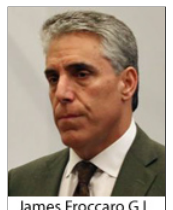
At several points in the chapter about Amuso's motion for compassion, including the beginning, and the end, Block indicated his belief that Amuso's lawyers, James Froccaro, Mathew Mari and Anthony DiPietro, had made compelling arguments for their client's release, and forced him to think long and hard, before rejecting his motion.

At the outset, after wrongly crediting Froccaro as the attorney who had written the words, the judge quoted two complete sentences from their "riveting" legal brief that made an "enormous impression" on him.

"While there is no debate that (Amuso's) underlying conduct was serious, there remains a fundamental truth that no person should be denied a death with dignity, even prisoners whom the Government cast as unworthy. In this regard, the government's opposition provides no convincing reason as to why an elderly and ailing prisoner, after serving an extremely long term of imprisonment, must medically suffer and ultimately perish in a prison cell when the Court possesses the perfect power, provided by the *First Step Act*, to compel the end-of-life care of such a prisoner to his family."

On the pros and cons of both sides of the issue, Block wrote that by "attempt(ing) to exclusively focus on factors considered by the sentencing judge more than 31 years ago," the government had "errantly ignore(d) Amuso's current circumstances, perfect institutional record, and the powerful comments provided by the many people who have remained in contact with him during his imprisonment — all of which weigh heavily in favor of compassionate release."

"Amuso's motion papers were so complete and his lawyers' memo so well written and [thought provoking](#) that I did not believe I needed to have them regurgitated to me in court," the judge wrote. "I had enough information to decide whether I should let Vittorio Amuso die at home."



James Froccaro G L

In deciding against the mob boss, Block wrote that he was convinced by issues that had nothing to do with public sentiment or bad press: "The two key considerations for me were Amuso's health and his potential ongoing involvement with the Luchese crime family, given the range of the serious crimes for which he had been convicted. In both cases, I felt the facts [weighed against granting](#) Amuso compassionate release."



Anthony DiPietro G L

"Finally," the judge wrote, "I concluded that other reasons listed by Amuso — his age, the time he had served, and his rehabilitation — 'do not tip the balance toward finding that extraordinary and compelling circumstances exist.' I reasoned that Amuso's advanced age and his 31 years in prison 'are the product of his life sentence, rather than extraordinary and compelling circumstances.'"

In his search of media accounts, Block learned, he wrote, that lawyer DiPietro was quoted telling a blog: "Justice should never be built on getting even, and there remains no legitimate reason in America for an extremely elderly and sick inmate to remain imprisoned when they can no longer walk and provide selfcare. The sea change from such an inhumane and costly reality, which the *First Step Act* was meant to cure, failed today."

After noting that DiPietro "was sharply critical of my decision," the judge stated: "I wondered whether he was right."

Weeks after he denied compassion to Amuso, Block again wondered if he had been wrong.

That happened when he took a break from reading the Post and the Daily News and read "an opinion piece by Katie Engelhart, a contributing writer for the *New York Times Magazine*" who questioned "the wisdom of warehousing aging prisoners." He also read a "provocative book by investigative journalist Ben Austen, *Correction, Parole, Prison, and the Possibility of Change*"

Austen's book, focused on two Illinois men given life sentences for murders, argued that keeping aged criminals, even murderers, locked up for life does nothing to protect society from the "truly dangerous" criminals "in the high crime range (ages) of 18 to 24." It simply keeps older criminals who committed "violent crimes when they were young" behind bars "serving extremely long sentences or life without parole."

"Of course," Block wrote, "there are those who believe that such punishment is entirely appropriate and that such people should never be given a second chance. But I am not one of them."

The only comment that Gang Land could get from any of Amuso's lawyers about Block's decision, was from Mari. "Jimmy Froccaro and I consulted on the case, but Anthony DiPietro is the only one who wrote anything in the brief."



Mathew J. Mari G L

## Compassion Delayed Is Compassion Denied; Mark Reiter Dies In Prison At 76



What happened is clear. The reason isn't clear though. And Judge Vernon Broderick can no longer tell Mark Reiter why he gave him and his family false hope three years ago that the convicted drug dealer might be released from prison after serving 34 years of a life sentence. And the judge isn't likely to answer that burning question for his son Michael, either.

[Mark Reiter](#), who was convicted of heroin trafficking and two 1982 murders, died of stomach cancer at a federal prison hospital last week, after 37 years behind bars. His death came two weeks after the judge wrote that Reiter "should be granted the opportunity to die with dignity, surrounded by family and friends, not suffering and living (his) last days behind prison walls."

The problem however, was that Broderick, who had stated that he viewed Reiter's pro se motion for his release as viable in 2021, and who could have ordered the inmate's release for years, had waited until it was too late for him to grant Reiter his freedom. Instead, the ex-crony of John Gotti died alone in a Bureau of Prison's facility in Ayer Massachusetts. He was 76.

Reiter was laid to rest at the Beth Moses cemetery in West Babylon on Tuesday, following a funeral service at the Gutterman Funeral Home in Westbury. There, he was praised as a loving father by his daughter Nicole and son Michael, each of them recalling their happy days with their dad in the years before he was arrested in 1987.

Broderick, who was informed on June 18 that Reiter was "dying of cancer," was urged to release him by lawyer Harlan Protass, the noted appeals attorney he appointed to represent Reiter back in 2021. Protass began urging his client's release soon after he was assigned, and had been doing so until his death.



The judge, however, [waited three weeks](#), and delayed the process some more. He sought the view of the government, which found a new reason to make sure Reiter, a longtime Gambino associate, died behind bars. He was an "old law" criminal, said the Manhattan U.S. Attorney's office, and not eligible for release under the *First Step Act* of 2018 which pertains to crimes committed after 1987.



In his September 4 ruling, Broderick took the government to task for raising a new issue on Reiter's compassionate release motion, which he had filed back in 2020. But Broderick agreed that he was barred from releasing him now, and tried to get the BOP to do it, although they are also barred by statutes.

In his opinion though, the judge failed to respond to an August 26 letter from Michael Reiter, who asked why Broderick had not issued a ruling three years after he gave "hope" to Reiter and his family that he would be released, and why he had continued to ignore his father's plight after learning that he was dying of cancer.

Michael Reiter began his letter, by stating: "I am having a difficult time coming to terms with my father's sudden 'End-of-life' diagnosis, let alone not receiving a decision from you one way or the other, if you will let my father out to die at home surrounded by his loved ones, rather than to die alone which is what is happening now."

"I thought," Reiter continued, that despite the judge's failure to act previously, "that at least this prognosis would have hastened your position."

Reiter noted that when the family learned "how dire my father's illness was," we "feverishly" made arrangements "to create a release plan to help manage my father's illness" if he were released. But "because of your indecision we are feeling the only plans we should be preparing for are the ones that put him into the ground," he wrote.

Reiter reminded the judge that in 2021, he had "not only given hope to my father, but, to his wife, myself, my sister, and all of my father's grandchildren and even great grandchild, all of us who have followed him around the country for 37 years of his incarceration, only hoping, that his release might become a reality."



Through it all, he wrote, "we have all imagined the possibilities why you sit with indecision and don't provide my father or any of us with a response such as: Judge Broderick might be dealing with a high-profile case and just cannot get to this just now, or, Judge Broderick is inundated with a tremendous caseload but surely my father's case must be closer in the queue by now."

The family's hopes had been dimmed over the years, but the "many compassionate releases granted for those with similar backgrounds as my father" was still "a source of light, for me particularly," he wrote. "It is my hope now that you show compassion and release my father. I would like to be by his side holding his hand so he does not have to die alone."

The docket sheet contains no notice that Reiter has died, and that his compassionate release motion is now "moot," or a dead issue.

"Unfortunately," Protass said in a prepared statement, Reiter was not afforded the "opportunity to die with dignity, surrounded by family and friends," as Broderick had written he should on September 4, and he "died while still in custody after 37 years behind bars. His family is mourning the loss of their father, grandfather and great-grandfather."

Reiter is also survived by his widow Delores, his wife of 58 years.

## Joe Ponzi, A Late, Great Brooklyn-Born Crime Fighter Honored By Staten Island

Brooklyn born and raised Joseph Ponzi was laid to rest in the borough of churches two years ago. Along the way, he solved scores of murders and other crimes for more than three decades as an investigator for the Brooklyn District Attorney's office. On Saturday, his adopted borough of Staten Island named a street to honor him and thank him for being a New York hero.

Staten Island DA Michael McMahon praised Ponzi as a Chief Detective Investigator who toiled for 37 years "to make New York City a safer place to call home" at a street naming ceremony attended by more than 100 hundred friends, neighbors, family members, and cops, agents, and prosecutors who worked with him over the years.



City Councilman David Carr, sources say he's the tall guy at the right, and some smiling friends of his, like the brand new street sign in the Bulls Head section of Staten Island.



Joseph Ponzi G L

The corner of Arlene Street and Dawson Circle in the Bulls Head section of the borough, which is now officially known as Joseph J. Ponzi Way, was attended by City Council member David Carr, Congresswoman Nicole Malliotakis, and by former Congressman Dan Donovan, who also served as the borough's DA before McMahon.

During the festive event, Ponzi's daughters Jennifer and Laura praised their dad, who moved to Staten Island in 1981 with his wife Lisa a few years after he began working for the Brooklyn DA's office, as a loving dad who always found time for them and their children, both before and after he [retired in 2014](#) as the Brooklyn DA's Chief Investigator.

In that capacity, as Gang Land has reported in prior columns, Ponzi was instrumental, [if not vital](#), in convincing mob-connected drug dealer Burt Kaplan to cooperate with the feds and help convict rogue NYPD Mafia Cops Lou Eppolito and Steve Caraccappa

of multiple murders while working as moles for the Luchese crime family in the 1980s and '90s.

When he [died in 2022](#), Ponzi, whose favorite past times were drinking scotch, smoking a good cigar and listening to Frank Sinatra was described by former Brooklyn prosecutors he worked with as "humble yet forceful," and "empathetic, smart, and fair," and a "cop's cop" who possessed "an almost magical ability to make criminals want to talk to him."

A year later, in May of 2023, former federal prosecutor Leslie Caldwell learned of his passing, and penned these words in a tribute to Joe Ponzi: "Joe was indispensable in solving some really important murder cases involving assassinated law enforcement officers. My office prosecuted, but Joe helped beyond measure with his savvy and people skills. I am SO sorry to hear about his passing. I loved him as a unique and talented colleague, and a truly wonderful man."

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