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Gotti Beats Rap: Not Guilty of 1 Count & Jury Hung on Rest; Feds Vow to Retry Him

By Robert Gearty, Helen Peterson and Tracy Connor, Daily News Staff Writers

The racketeering trial of John A. (Junior) Gotti ended yesterday the way his father, the late Teflon Don, would have wanted: None of the charges stuck.

A federal jury acquitted the mob scion of one count and deadlocked - because of one juror - on the rest, including an allegation that he ordered a brutal attack on radio host Curtis Sliwa.

Applause erupted in Manhattan Federal Court after Judge Shira Scheindlin declared a mistrial and announced she will likely grant a bail request for Gotti, who could walk free in a few days.

But prosecutors, who failed to convince the jury that Gotti didn't quit the Gambino crime family in 1999, vowed to retry him - infuriating his relatives.

"I have to get him out of the country," Gotti's mother, Victoria, said after the verdict brought her to tears. "He's always going to be catnip for these people."

Sliwa, the Guardian Angels founder who was shot in 1992 after dissing Junior's dad on the airwaves, said he's itching to take on Gotti again.

"The government assures me there will be a Round Two. There will come that day where we will lock eyes again. I know my day of justice will come," he said.

Gotti, 41, was finishing out a five-year sentence for racketeering when he was hit with a slew of new charges in 2004.

Prosecutors accused him of masterminding the Sliwa assault, profiting from Gambino pump-and-dump stock schemes, extortion in the construction industry and loansharking.

A parade of stool pigeons delivered damning testimony, but some jurors were swayed by Gotti's clever defense - that his supposed retirement from the Mafia meant the statute of limitations had run out on the racketeering case.

After eight days of deliberations, the anonymous jury reached a verdict on only one charge: finding Gotti not guilty of the stock-related charges.

They were hopelessly divided on Gotti's role in the Sliwa attack. But ultimately, there was only one holdout for acquittal on three other charges, illustrating how narrowly he avoided conviction.



Christine Cornell

Michael Yannotti (l.) Louis Mariani and John A. (Junior) Gotti (foreground) as verdicts were read.

Gotti's co-defendants, Michael (Mikey Y) Yannotti and Louis (Louis Black) Mariani, were each found guilty of several charges, and Mariani's aunt fainted in the courtroom.

The jury first announced Monday it was deadlocked, but Scheindlin brought them back yesterday and asked them to give it one more try.

At 1:20 p.m., the panel sent its verdict sheet to the judge, but most of it was blank, indicating it was still hung on three of the four counts against Gotti.

"We're somewhere between a hung jury and an acquittal," Scheindlin announced to gasps from the gallery. "I don't know how to take the verdict. I'm a little confused."

After conferring with the lawyers and sending the jury to deliberate a while longer, the judge decided to accept a verdict on one count against Gotti and declare a mistrial on the rest.

Like his father, who beat three cases before being convicted and dying in prison, Junior had outmaneuvered the feds.

"Thank you," a weepy Gotti, wearing blue suede shoes and a charcoal suit, told lawyer Jeffrey Lichtman. "You did everything you said you would do."

As he was escorted from the courtroom, he turned to his mother and said: "I'll call you tonight."

Outside the courthouse, Lichtman crowed that the prosecution's case is "a limping wreck" and said his client is just happy he will soon be reunited with his wife and five kids.

Sister Victoria, the reality TV star and novelist, said the verdict means the Gotti men can sleep easier.

"It sends a message because you just can't prosecute somebody because of his last name," she said.

But her mother said as long as Junior stays in New York, with authorities watching his every move, he won't be a truly free man.

"I hope he goes to Canada. I hope he goes to California," she said.

With Warren Woodberry Jr. and Adam Nichols

THE GOTVI SCORECARD	To obtain a guilty verdict on Count One, prosecutors needed to prove at least two of the four racketeering acts. Though the jury was clearly divided on John A. (Junior) Gotti's role in the Curtis Sliwa kidnapping, a single juror on the final two acts saved Gotti from conviction.		
	HOW JURY VOTED		
	PROVED	NOT PROVED	
COUNT ONE: RICO Substantive			HUNG JURY
Racketeering Act #1			
Conspiracy to Kidnap Curtis Sliwa	10	2	
Kidnapping of Curtis Sliwa	7	5	
Racketeering Act #4			
Conspiracy to Commit Securities Fraud (two counts)	0	12	
Racketeering Act #5			HUNG JURY
Conspiracy to Commit Extortion in Construction Industry	11	1	
Racketeering Act #6			
Financing Extortionate Extensions of Credit (two counts)	11	1	
	GUILTY	NOT GUILTY	
COUNT TWO:			HUNG JURY
RICO Conspiracy	11	1	
COUNT THREE:			NOT GUILTY
Conspiracy to Commit Securities Fraud	0	12	
COUNT SIX:			HUNG JURY
Conspiracy to Commit Extortion in the Construction Industry	11	1	

Why he got off & what is next

Everything you wanted to know about the Gotti verdict:

Q. Why was a mistrial declared?

A. A lone holdout forced a deadlock on three of the counts against Gotti - racketeering, racketeering conspiracy and extortion conspiracy. The racketeering count included the Curtis Sliwa kidnapping charge. Ten jurors said the government proved the Sliwa charge. Two were undecided.

Q. What does the verdict mean for Junior?

A. He's off the hook for now. The feds say they will retry him on the three deadlocked counts.

Q. Do the feds have to file a new indictment?

A. No. They could always file a superseding indictment tailoring the charges to better the chances for a guilty verdict. Meanwhile, the defense is sure to move to have the indictment dismissed.

Q. What was the key to the defense?

A. Gotti lawyer Jeffrey Lichtman, who emerged as a legal genius with his defense that Gotti quit the mob in 1999, making the whole indictment moot. At least one juror bought it. Lichtman also turned pit bull, attacking the mob snitches who testified against Gotti.

Q. How did the statute of limitations on racketeering figure in the outcome?

A. The five-year statute of limitations meant the feds had to prove Gotti committed the crimes charged in the indictment after July 21, 1999. They failed.

Q. What are the chances of Gotti getting out on bail?

A. Excellent. Manhattan Federal Judge Shira Scheindlin said she would grant Gotti bail, though with significant restrictions on his movements.

Q. What was the prosecution's biggest mistake?

A. Waiting until 2004 to indict Junior may have been a strategic blunder. Had the case been filed a year earlier, prosecutors might have had an easier task countering Gotti's defense that he was out of the mob by 1999.

Q. How does the government tweak its case next time?

A. It may take more than the word of mob turncoat Michael (Mikey Scars) DiLeonardo to convince a jury that Gotti was involved in the charged conspiracies after 1999.

Q. If there is another trial, is the feds' case compromised by the fact that they blew this one?

A. Not necessarily. Retrials often favor the prosecution. See Tyco defendants Dennis Kozlowski and Mark Swartz and dot-com banker Frank Quattrone - all convicted on second tries.