

\$102 Million Awarded For FBI Frame-Up Of Four Innocent Men

Joseph Salvati, Peter Limone, Louis Greco, and Enrico (Henry) Tameleo were convicted in 1968 of Edward "Teddy" Deegan's 1965 Boston area murder. Boston mobster Joseph "The Animal" Barboza provided key prosecution testimony linking the men to Deegan's murder. Protesting their innocence, Limone, Greco and Tameleo were sentenced to death, while Salvati was sentenced to life in prison.

In 1972 the three death sentences were commuted to life in prison without parole, when the U.S. Supreme Court ruled in *Furman v. Georgia* (1972) that the procedures involved in sentencing them (and hundreds of death row prisoners in the U.S.) were unconstitutional.

The years passed as the men languished in Massachusetts prisons. Tameleo died of respiratory failure in 1985 after 17 years of imprisonment. Greco died in 1995 from colon cancer and heart disease after 27 years of imprisonment.

In 1997 three witnesses came forward who swore that Barboza told them that he and several other men had killed Deegan. That

new evidence contributed to Massachusetts Governor William Weld's commutation of Salvati's life sentence to time served after 29 years of imprisonment.

Then in December 2000, a Justice Department investigation of the FBI's Boston office uncovered secret informant files that Barboza and another FBI informant, Vincent Flemmi, actually murdered Deegan. The files also showed that the FBI had prior knowledge of the hit on Deegan and did nothing to either stop it or to warn him. The files also included a memo that FBI Director J. Edgar Hoover was personally informed seven weeks after Deegan's murder that he was murdered by FBI informants.

The FBI knew at the time of Louis Greco's conviction and death sentence that at the exact time of Deegan's murder in Boston, Greco was more than 1,500 miles away in a Miami movie theater with his wife.

Limone's conviction was vacated in January 2001 and he was released after 33 years and 2 months of wrongful imprisonment. Salvati's conviction was also vacated in January.

Salvati and Limone, and the estates of Greco and Tameleo, filed federal lawsuits that named a number of state and federal defendants. Among the lawsuit's allegations were malicious prosecution, conspiracy and de-

priving the men's family of companionship.

In June 2003, Boston U.S. District Judge Nancy Gertner rejected the defendant's Motion to Dismiss. They argued their actions were "judgment calls" immune from liability. Gertner ruled in response, "There can be no question that the alleged conduct of federal agents in this case was not 'discretionary' ... Obviously conduct cannot be 'discretionary' if it violates the constitution, federal laws, or established agency policies and regulations. ... There can be no doubt that suborning perjury and fabricating evidence violate the constitution."¹

A bench trial of the men's lawsuits, that had been consolidated, began in November 2006 and concluded in February 2007. The government conceded that the FBI knew from the time the four men were arrested that they were innocent, and that the FBI knew the state prosecution's star witness was one of the murderers and his testimony was perjurious. However, the U.S. Justice Department lawyers argued that the men were prosecuted by Massachusetts, and "federal authorities had no duty to share information with state prosecutors, and cannot be liable for the results of a separate state investigation."² Salvati's attorney argued, "It was a rigged game, a charade, a story concocted by Mr. Barboza and assented to by the FBI."³

Judge Gertner announced her ruling on July 26 in a 235-page decision. In finding the federal government liable, she categorically rejected the argument that the FBI had no legal obligation to inform the state prosecutors that their star witness, Barboza, falsely implicated the four men in Deegan's murder.

Gertner awarded a total of \$101.75 million to the plaintiffs and their family members: \$29 million to Salvati; \$26 million to Limone; \$28 million to Greco's estate; \$13 million to Tameleo's estate; \$1 million for loss of consortium and \$50,000 for intentional infliction of emotional distress to the men's wives; \$200,000 for loss of consortium and \$50,000 for intentional infliction of emotional distress to each of the men's 10 children; and \$50,000 for intentional infliction of emotional distress to Greco's wife who divorced him in 1970, and to Tameleo's son who was an adult when his father was convicted.⁴

Additional Source: For a detailed timeline of events see, FBI's Legacy of Shame, *Justice Denied*, Issue 27, Winter 2005, p. 24.

Endnotes:

1 *Limone, et al v. United States of, et al*, No 02cv10890-NG (D.Mass. 07/17/2003) (Memorandum and Order: RE: Motion To Dismiss), pp 20-21.

2 Boston Men Cleared In Slayings Sue Gov't, WRAL.com (Raleigh-Durham, NC), November 16, 2006.

3 *Id.*

4 *Limone, et al v. United States of, et al*, No 02cv10890-NG (D.Mass. 07/26/2007) (Memorandum and Order: RE: Bench Trial), pp 223-224.

Beth LaBatte Dies in Car Crash A Year After Murder Exoneration



Beth LaBatte during her 1997 trial.

By Mike "Pie" Piaskowski
(Exonerated of murder in 2001 after six years of wrongful imprisonment.)

Only a few months after the death of Evan Zimmerman, we have lost another Wisconsin exonerate, Beth Labatte. 40, was killed September 1, 2007 in an auto accident.

In 1996, Beth and her friend Charles Benoit were both charged with robbing and causing the beating and stabbing deaths of two elderly sisters in the sister's home about 20 miles east of Green Bay. The case against Beth and Benoit was entirely circumstantial: Neither confessed nor implicated the other, there was no physical or forensic evidence linking either of them to the crime, and there were no eyewitnesses. Nevertheless, a jury found Beth guilty in 1997 on all counts. When she was sentenced to two life sentences plus 20 years, Beth told the judge, "I'm not guilty, and I know ... the Cadigan sisters aren't going to be able to rest until justice is done."

Ironically, in 1998 a jury presented with the evidence that convicted Beth, acquitted Benoit of the same crimes she had been convicted of committing.

The University of Wisconsin Innocence Project became involved in Beth's case, and was successful in getting DNA testing ordered on crime scene evidence. In June 2005 the test results were disclosed: Beth's DNA was not found on a shattered piece of a pool cue thought to be the murder weapon, nor on material found on one of the victim's shirt or on a pair of socks used to wipe up one of the victim's blood. She was awarded a new trial based on the new evidence casting doubt on her guilt. In August 2006 the prosecutor dropped all charges for lack of evidence, and Beth was set free after ten years imprisonment.

After her release Beth left her home town of Algoma and moved to Oakfield, Wisconsin to put her life back together. Her funeral was on September 6 in Algoma.

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Sources:

DNA tests to reopen murder case, *Milwaukee Journal Sentinel*, July 5, 2004.

Wisconsin Innocence Project seeks retrial in sisters' deaths, *Associated Press*, Aug. 19, 2005.

Woman cleared in slayings dies, *Appleton Post Crescent*, September 4, 2007.