

# Wrongfully Jailed Men to Get \$101 Million

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BOSTON (July 26) - In a stinging rebuke of the FBI, a federal judge ordered the government to pay a record judgment of \$101.7 million because agents withheld evidence that would have kept four men from spending decades in prison for a mob murder they did not commit.

Judge Nancy Gertner told a packed courtroom Thursday that agents were trying to protect informants when they encouraged a witness to lie, then withheld evidence they knew could prove the four men were not involved in the 1965 murder of Edward "Teddy" Deegan, a small-time thug shot in an alley.

Gertner said Boston FBI agents knew mob hitman Joseph "The Animal" Barboza lied when he named Joseph Salvati, Peter Limone, Henry Tameleo and Louis Greco as Deegan's killers. She said the FBI considered the four "collateral damage" in its war against the Mafia, the bureau's top priority in the 1960s.

Tameleo and Greco died behind bars, and Salvati and Limone spent three decades in prison before they were exonerated in 2001. Salvati, Limone and the families of the other men sued the federal government for malicious prosecution.

"Do I want the money? Yes, I want my children, my grandchildren to have things I didn't have, but nothing can compensate for what they've done," said Salvati, 75.

"It's been a long time coming," said Limone, 73. "What I've been through - I hope it never happens to anyone else."

The case is only the latest to highlight the cozy relationship Boston mobsters enjoyed with FBI agents for decades. Former Boston agent John Connolly was sentenced in 2002 to 10 years in prison for his role in protecting two organized crime kingpins, including one who remains a fugitive.

Gertner said FBI agents Dennis Condon and H. Paul Rico not only withheld evidence of Barboza's lie, but told state prosecutors who were handling the Deegan murder investigation that they had checked out Barboza's story and it was true.

"The FBI's misconduct was clearly the sole cause of this conviction," the judge said.

The government had argued federal authorities had no duty to share information with state officials who prosecuted the men. Federal authorities cannot be held responsible for the results of a state prosecution, a Justice Department lawyer said.

Gertner rejected that argument.

"The government's position is, in a word, absurd," she said.

A Boston FBI spokeswoman referred calls to the Department of Justice. Charles Miller, a spokesman for the Justice Department, said officials would have no immediate comment.

Peter Neufeld, co-founder of the Innocence Project, a New York-based legal advocacy group that specializes in overturning wrongful convictions, said the \$101.75 million award is the largest ever in a wrongful-conviction case.

Gertner awarded \$26 million to Limone, \$29 million to Salvati, \$13 million to Tameleo's estate and \$28 million to Greco's estate. The wives of Limone and Salvati and the estate of Tameleo's deceased wife each received slightly more than \$1 million. The men's 10 children were each awarded \$250,000.

Limone and Salvati stared straight ahead as the judge announced her ruling, but a gasp was heard from the area where their friends and family were sitting when Gertner said how much the government would be forced to pay.

At the time of Deegan's slaying, Tameleo and Limone were reputed leaders of the New England mob, while Greco and Salvati had minor criminal records.

Deegan's murder had gone unsolved until the FBI recruited Barboza to testify against several organized crime figures. Barboza wanted to protect a fellow FBI informant, Vincent "Jimmy" Flemmi, who was involved in the Deegan slaying, and agreed to testify for state prosecutors in the case, plaintiff's lawyers said.

Tameleo died in prison in 1985 after serving 18 years. Greco died in prison in 1995 after serving 28 years.

Salvati was sentenced to life in prison as an accessory to murder. He was released from prison when his sentence was commuted in 1997, after serving a little more than 29 years. Limone served 33 years in prison before being freed in 2001.

Salvati and Limone were exonerated in 2001 after FBI memos dating back to the Deegan case surfaced during probes into the Boston FBI's relationship with gangsters and FBI informants Stephen "The Rifleman" Flemmi, Vincent's brother, and James "Whitey" Bulger, who has been on the FBI's "10 Most Wanted" list for years.

Republican Rep. Dan Burton of Indiana, who chaired the House Government Reform Committee when it conducted an investigation of the FBI and its use of criminal informants, said he was gratified by the judge's ruling.

"This was one of the biggest injustices that I have ever seen," Burton said.

One of the agents blamed in the case, Rico, was arrested in 2003 on murder and conspiracy charges in the 1981 killing of a Tulsa, Oklahoma, businessman. Rico died in state custody in 2004 while awaiting trial.

Attorneys for Condon did not immediately return phone messages seeking comment Thursday.

During testimony before Burton's committee in 2001, Rico denied he and his partner helped frame an innocent man for Deegan's death, but acknowledged that Salvati wrongly spent 30 years in prison for the crime.

Rico was unrepentant when asked how he felt about Salvati's wrongful imprisonment.

"What do you want, tears?" he said.

*Associated Press writer Nancy Rabinowitz contributed to this report.*