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REMEMBERING DETECTIVE JOE SIMONE



A SPECIAL EDITORIAL BY J. R. DE SZIGETHY

The American Law Enforcement community was saddened by the sudden death in January, 2017 of former NYPD Detective Joe Simone. During his 21 year career with the NYPD, Detective Simone earned a position on the elite Organized Crime Task Force, comprised of NYPD Detectives and FBI Agents formed in the 1980s to bring to Justice members of the American Mafia. Detective Simone played a key role in investigating an internal “Mob War” which erupted in the early 1990s within New York's Colombo Mafia Family, during which 11 people were killed, including one innocent bystander.

In 1995, Colombo Family drug dealer Salvatore Miciotta, who participated in several murders, including that of a Catholic Nun, and who had worked as an FBI Informant during the Mob war, was removed from the Federal Witness Protection Program after having been detected committing Perjury as a Prosecution “Witness” in several Mafia trials in Brooklyn. Miciotta's first Court appearance came in 1994, when he accused Detective Simone of being the corrupt law enforcement official that was leaking confidential law enforcement information to the Colombo Family.

16 months prior to the Feds' abandonment of Miciotta, this reporter had learned from an FBI source that Joe Simone had been framed, and met with and supported Detective Simone and his family many months before the ordeal of his trial.

During Joe Simone's Federal trial, testimony by an FBI Agent revealed that another FBI Agent was suspected of leaking law enforcement information to the Colombo Mafia Family. John Patten, Simone's Defense Attorney, also presented evidence to the jury that a Prosecution document had been physically altered. It took the jury less than 2 hours to Acquit the accused cop of all charges, and 10 of the 12 jurors stood outside the Courthouse in the cold October rain to meet with and console Joe Simone and his family. Those jurors knew a frame-up when they encountered one.

Although Joe Simone was Acquitted, he still faced a Departmental Trial, in which a Judge acts as both Judge and Jury. Detective Simone's Departmental trial began in late 1995. Earlier that year, the National Police Defense Foundation was established and selected Simone's case as one of it's first Approved Cases for Police Foundation investigation and support. At his Departmental Trial, Simone was accused of not reporting what was described as a bribery attempt, which he clearly did not accept, and divulging confidential law enforcement information to a relative of a criminal. Testifying on Joe's behalf were several NYPD Detectives and FBI Agents that had worked with him for many years. Despite the fact that statements and actions of several people, including Joe's FBI Supervisor were not duly documented on paper regarding Simone's alleged actions, the Judge, Rae Downes Koshetz recommended Simone's Termination. In her decision, Koshetz chastised Simone for having contacts with relatives of organized crime, even though he reported these interactions to his Supervisors. As a member of the Organized Crime Task Force, one of Simone's duties was to inter-act with members of



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organized crime, and their relatives and associates, so that he could potentially “flip” such people to become cooperating witnesses in the government's fight against the American Mafia.

Koshetz would later become notorious for her work as a Criminal Lawyer for the “Mafia Cops” Stephen Caracappa and Lou Eppolito. This reporter was present in Brooklyn Federal Court when Koshetz argued that the 2 corrupt Police Officers should not be tried on 8 Counts of murder because of the Statute of Limitations regarding racketeering prosecutions. One of those murder charges regarded the Christmas Day, 1986 murder of 26-year-old Nicholas Guido, killed in a case of mistaken identity. The 2 cops were convicted of those 8 murders and other charges, and the convictions, despite Koshetz' lawyering, were upheld by an Appeals Court.

Once Detective Joe Simone lost his Pension, he and his wife Eileen were forced to reverse roles in order to save their family. Eileen Simone then worked two jobs to support their 5 children while Joe took on the role of “Mr. Mom!” For the average, macho male cop, such a role reversal would be a bitter pill to swallow, but Joe Simone embraced his new job of raising his children and later his grand-children. He would tell friends that this was the most rewarding experience of his life.

Circumstances, however, would not allow Joe and Eileen Simone the anonymity they craved. After Joe's Acquittal came 3 separate Federal prosecutions regarding the Colombo Family War, in which was revealed one of the most disturbing cases of corruption in American law enforcement history. In those 3 trials, FBI Agents testified that an FBI Agent had leaked confidential law enforcement information to Greg Scarpa, a drug dealer and hitman who had been protected from prosecution for most of his adult life as a consequence of his having been recruited as an FBI Informant in the early 1960s. One of the Prosecutors themselves admitted this to the jury in Opening arguments in one of the trials. Jurors in all 3 trials were so outraged over these disclosures that they felt compelled to Acquit all of the Defendants, despite evidence they may have in fact been involved in the murders they were accused of. Greg Scarpa, who admitted to having stopped counting the numbers of his murder victims after having reaching the number 50, died of AIDS in 1994.

As the years passed, a similar case was revealed in Boston, whereby a Mafia drug dealer and murderer, Whitey Bulger, was also protected from prosecution for decades because of his status as an FBI Informant. In that case, a Police Officer, Detective Frank Dewan, was also falsely accused of crimes by a corrupt FBI Agent. Detective Dewan was championed by this reporter in reports on the Whitey Bulger case.

This reporter also wrote several Feature stories regarding Joe Simone's case, notably “Mob War” in 1999 and “Framed!” in 2012. These stories were published at the on-line magazine American Mafia, hosted by Rick Porrello, the Chief of the Lyndhurst, Ohio Police Department.

In the late 1990s, two Forensic Intelligence Analysts, Dr. Stephen Dresch and Angela Clemente, began to investigate the case of Joe Simone and Greg Scarpa. Their investigation also concluded that Detective Joe Simone had been framed of the charges he had faced. Ms. Clemente would then obtain through the Freedom of Information Act FBI documents which detailed the corruption within the FBI regarding Informants such as Bulger and Scarpa, among others. Angela Clemente has a chapter devoted to Detective Joe Simone in her new book to be published later this year.

In October, 2008, Judge Leslie Crocker Snyder, who had been appointed a Special Prosecutor in a legal case involving the wife of Greg Scarpa, issued her Judicial Report which referred to the case of Detective Joe Simone. Judge Snyder ruled that Detective Simone was the likely “Scapegoat for the misconduct of others!” and also questioned whether the FBI had resorted to a cover-up of the Greg Scarpa scandal.

During his career with the NYPD, Detective Joe Simone earned 22 Commendations and was credited with the arrests of 33 people, many of them dangerous members of the American Mafia. However, as Joe Simone would learn from personal experience, the most dangerous criminals are those few who carry with them a Badge, as well as a gun.

This reporter is privileged to have known and supported Joe Simone and his family, and also be on the same page of such distinguished investigators such as Ms. Clemente and Judge Snyder, who, among others, have also



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determined after meticulous review of the evidence, that Joe Simone was a good cop who was the target by several to frame him as a bad cop.

Says Ms. Clemente: “Through it all Joe remained honorable, gracious, and to me he became one of the best men I have ever been Blessed to meet. May he rest peacefully knowing my fight for him will not end until he is fully vindicated and Justice is served where it belongs!”

Although not as well-known as the late NYPD Detective Steven McDonald, who famously forgave the kid who paralyzed him, Joe Simone also turned unforeseen nor deserved personal tragedy into personal triumph; for himself, for his family, and for America's law enforcement community. Having been honored by meeting both men under the auspices of the National Police Defense Foundation on many occasions, I feel comfortable mentioning both hero cops in the same breath from my voice.

My tribute to Detective Steven McDonald, who departed this life a few weeks before Detective Joe Simone, can be accessed at this address: <http://www.npdf.org/wp-content/uploads//2015/06/Steven-McDonald-Poster.pdf>

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