

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,	)	
	)	
V.	)	02-CR-01237
	)	
ANGELO DIPIETRO	)	
	)	

**AFFIDAVIT OF WILLIAM R. CLUTTER**

1. The following affidavit provides additional information that supplements my initial affidavit filed in this matter, dated March 16, 2010. Since the filing of that affidavit, I have interviewed additional witnesses and identified more evidence that support Angelo DiPietro's claim of innocence under these post-conviction proceedings.

2. On April 24, 2010, I conducted an interview of Richard "Ricky" Wieland. Mr. Wieland is another occurrence witness to the events that transpired on June 29, 2001, regarding the alleged extortion of John Perazzo. Wieland confirmed that he was a witness to the events that occurred at Applebee's and at the home of Angelo DiPietro. Wieland adamantly stated that John Perazzo was never kidnapped at Applebee's Restaurant in the Cross County Shopping Center. Mr. Wieland stated that Maurizio Sanginiti's testimony that Perazzo was pulled into a white van never happened. He stated that Angelo DiPietro owned a white van that he used for his painting business, but Angelo DiPietro was not at Applebee's parking lot on the evening of June 29, 2001. He stated that Angelo DiPietro was visiting his wife and was trying to reconcile his marriage when the meeting at Applebee's took place. Mr. Wieland stated that John Perazzo got into Maurizio Sanginiti's vehicle at Applebee's Restaurant. Wieland stated that once they arrived at Angelo DiPietro's home, they went into the garage and talked. Wieland stated that the encounter with Perazzo was not intimidating or threatening. At one point, he, Angelo DiPietro and Joe Genua left to buy beer and pizza, which they brought back to the garage. When they got back, Angelo Capalbo was there. According to Wieland, Capalbo was the only one who made any statements that could be construed as a threat. Capalbo raised his voice and stated that Perazzo had taken the money he was planning to use for his daughter's college. Capalbo stated if he didn't get his money back he would turn Perazzo into the District Attorney's office and have him arrested. According to Wieland, Angelo DiPietro told Capalbo to lower his voice, because he had tenants upstairs. DiPietro stated that his wife Anna was planning to visit him and he suggested they all leave and go finish up their business at Capalbo's restaurant. Sanginiti and Perazzo left together. Mr. Wieland stated that no one ever threatened Perazzo with a gun or

fireworks while at DiPietro's house. Wieland stated that Perazzo was neither stripped nor tied up to a chair. Wieland also stated that Angelo DiPietro's son, Anthony, was never present that night. (See Exhibit A- Memorandum of Interview of Richard Wieland, April 24, 2010).

3. Richard Wieland also explained that several years after 2001, an FBI agent, who asked him questions about the alleged kidnapping of John Perazzo at Applebee's Restaurant on June 29, 2001, telephonically interviewed him. Wieland believed that the agent's name was Eric Reese. Wieland recalled that he told the FBI agent that the allegation was "nonsense." He stated that he told the agent that John Perazzo was not kidnapped nor threatened by anyone. Wieland said he told the FBI agent that there are security cameras in the parking lot at the Cross County Mall Shopping Mall. He asked the agent, "Did anyone go get the video cameras to see if Perazzo was lying." Wieland stated, "I told them from day one, that was a fabricated story by a psycho. He lied. They are innocent of this. That didn't happen." (See Exhibit A- Memorandum of Interview of Richard Wieland, April 24, 2010).

4. I asked Richard Wieland if he would write out a statement detailing what he had told me over the telephone. Shortly thereafter, I received a sworn statement written by Richard Wieland. Under the penalties of perjury, Wieland again declared that Perazzo was never threatened or taken against his will on June 29, 2001. Wieland swore that Angelo DiPietro did not brandish a firearm nor did he use any type of force against Perazzo. Notably, Wieland also explained that he had nothing to gain in coming forward and that he feared retaliation from the government for doing so. Despite such fears; however, Wieland stated that he had decided to speak because Angelo DiPietro "did not do any of these things." (See Exhibit B- Sworn Declaration of Richard Wieland.)

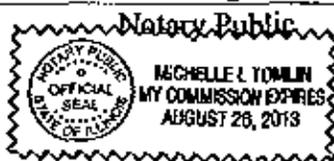
5. My investigation in this matter is ongoing. I will apprise the Court of any other material developments.



William R. Clutter

Signed and sworn to before me on this 9th day of June, 2010

*Michelle L Tomlin*



## **Bill Clutter Investigations Inc.**

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### **Memorandum of Interview**

Date: April 24, 2010  
Person interviewed: Richard Wieland  
Reporting agent: Bill Clutter  
Re: *USA v Angelo DiPietro*

Richard "Ricky" Wieland called and left a message for Reporting Agent to call him. When Reporting Agent made contact with Wieland, he stated that he had happened to run into **Anthony DiPietro** today. Wieland explained that he use to work for the painting company that Anthony's father, Angelo DiPietro, owned years ago.

Wieland stated that he had read a portion of **Maurizio Sanginiti's** trial testimony regarding **John Perazzo**. "When I seen that paperwork it really disturbed me," said Wieland. Wieland stated that none of Sanginiti's testimony against **Angelo DiPietro** was true. Wieland stated that **John Perazzo** was never kidnapped at Applebee's Restaurant in the Cross County Shopping Center on June 29, 2001. He stated that Sanginiti's testimony that Perazzo was pulled into a white van also never happened. Wieland stated that **Angelo DiPietro** owned a white van that he used for his painting business, but **Angelo DiPietro** was not at Applebee's parking lot on the evening of June 29, 2001. He stated that **Angelo DiPietro** was visiting his wife and was trying to reconcile his marriage when the parties gathered at Applebee's.

Wieland stated that on June 29, 2001 he had been dropped off at his home by **Frank Taddeo** after they had worked all day. Taddeo later called him and wanted to know if he would want to go with him to meet **Maurizio Sanginiti** and **John Perazzo** at Applebee's. **Joe Genua**, who worked with them as a painter, was with **Frank Taddeo**.

Wieland stated that **Sanginiti** was a stone cutter and was building a big house. He and his brother, **Jimmy**, frequently met with **Sanginiti** during this period of time, as he was skilled in hanging wallpaper and was going to assist **Sanginiti** in the construction of his home. Wieland stated that they often met **Sanginiti** after work and socialized. Wieland also stated that it was a regular thing for them to go out to dinner with **John Perazzo**. Wieland stated that **JP** always wanted to hang out with them.

By the time they got to Applebee's, "Mo" told Frank Taddeo that they were finished eating and were walking out of the restaurant. After briefly talking in the parking lot, they all decided to go to Angelo DiPietro's house. Wieland stated, however, that when they called Angelo DiPietro he told them that it was a bad time for him to meet, because he was with his wife. He told them to go ahead and go to the "shop" and that he would meet them there later. The "shop" was the basement of Angelo DiPietro's house where he also stored ladders and painting supplies.

Wieland stated that JP got into Mo's car and Frank Taddeo followed behind in his vehicle. Wieland stated that after leaving Applebee's they drove around for awhile, since DiPietro was not going to be home until later. Wieland stated that they ended up parking and hanging out at a baseball field. Wieland stated that he remembered conversing with JP about Donald Trump, while at the field. JP said if he bought stock in Trump's casino, which the stock price had fallen to \$2 a share, that he would be a rich man in 15 years.

When they finally got to the "shop," no one had a key to get in. They called Angelo DiPietro, who had not arrived yet. DiPietro told Frank Taddeo to see if his tenant Roberto or his brother would let them into the garage. Wieland stated that either Roberto or his brother opened the garage door. Wieland stated that Angelo DiPietro showed up shortly after the parties had already entered the basement.

Wieland stated that after a short while he, Angelo DiPietro and Joe Genua left to buy beer and pizza. When they got back, Angelo Capalbo was also there. Wieland stated that Capalbo was the only one who made any statements that could be construed as a threat. In particular, Wieland stated that Capalbo raised his voice and told Perazzo that he had taken the money that he was planning to use for his daughter's college. Wieland recalled Capalbo specifically stating that if he didn't get his money back he would turn Perazzo into the District Attorney's office and have him arrested. Wieland stated that Angelo DiPietro told Capalbo to lower his voice, because he had tenants upstairs. DiPietro stated that his wife Anna was planning to visit him and he suggested they all leave and go finish up their business at Capalbo's restaurant. Wieland stated that Sanginitti and Perazzo left DiPietro's house together.

Wieland adamantly stated that no one, including Angelo DiPietro, ever threatened Perazzo with a gun or fireworks. Wieland stated that Perazzo was neither strip searched nor was he ever tied up to a chair. Wieland also stated that Angelo DiPietro's son, Anthony, was never present that night. Wieland stated that he read Sanginitti's testimony that Anthony DiPietro came down the stairs into the basement where they were meeting. Wieland stated that the stairs led up to the tenant's apartment and did not lead up to the apartment where Angelo DiPietro and his son Anthony lived. Wieland stated that there was also never any discussion that he heard about Perazzo having money in the trunk of his car.

Wieland stated that several years after this occurred; he got a phone call from Frank Taddeo, who stated that the FBI wanted to talk to him. He spoke to an FBI agent by telephone who asked him questions about the alleged kidnapping of John Perazzo. He believes that the agent's name was Eric Reese. The FBI agent told him that John Perazzo was claiming that he was kidnapped at the Cross County Shopping Center. "I said its nonsense." He told the FBI agent that there are security cameras at the mall of the parking lot. He asked the agent, did anyone go

get the video cameras to see if Perazzo was lying. Wieland stated that he told the agent the same thing he is telling me. Wieland stated that he told the agent that Perazzo was never kidnapped and that nobody threatened Perazzo with any weapons or fireworks. "I told them from day one, that was a fabricated story by a psycho." Wieland declared, "He lied. They are innocent of this. That didn't happen."

of heard out from my  
 friend Chuck Cobble, that the FBI went to his  
 house wanting to talk to me and myself. I  
 called and spoke to a agent take name. I was  
 sure it was a dead issue by the time I hung  
 the phone up. I heard that a man named John  
 or what we called him "J", claimed he was kidnapped  
 the problem is he said agents Joe, Mike + myself  
 were the guys that did it. I told everyone that  
 this man was going to cause a problem soon  
 in fact. Off anybody had to do, in look and take  
 to him for 1 hour. I had not spoken to Angelo  
 for 15-20 years when they first called. (MURKIN)  
 MD was a master stone cutter, he was building  
 a million dollar home. I knew this guy like  
 a brother. I know that stone's gray, but you  
 had to know this man, he had the best of every  
 thing and he would fool you as if you had what  
 he had. I had nothing. I did not even drive  
 because I could always see me up and down  
 one off. I cannot even remember finding a beer  
 or dinner. MD would just say give me the  
 bill. I got it and it was late but with a bill  
 of 10, that is why I could not believe what  
 I heard he said in a court room about me.  
 MD said that I stopped MSDs to his generals (P)  
 while, I think pointed a gun at J. Frank. I had  
 thought that would be a separate event but  
 I look in his life. He said of having me like  
 a brother to preparing me out to be or notless  
 as Jeffrey Abner.

Let's talk about the facts  
the way I remember them, the night  
JP in his works was kidnaped. MO  
and JP were together on a daily basis. I  
never seen JP with any other person  
but MO. I lived 5-7 minutes from JP  
in White Plains. JP was always around.  
I mean here is a guy 2 caddy in the garage  
a Million Dollar home in White Plains,  
and I would not let him know where I  
lived. It is not that JP was such a terrible  
guy, it was that I was afraid I would  
not be able to get him out of my house. Some  
times I would look at him, and think I  
have nothing, but even with everything, he had  
I would never change place with him, I want  
to go on the record saying no one would have  
to kidnap JP. JP would willingly come to you  
any time day or night all you had to do was call  
him. We did meet at cross country to have  
dinner with MO + JP that night. Frankie  
called me earlier and asked if I wanted to  
go to dinner, by the time Frank picked  
me up maybe 9:00 and half went by.  
As we were getting out of Frank jeep his phone  
rang. I heard Frank say we are right out  
side. Frank said you believe this, they ate  
and are comming out. I really wanted a cold beer  
MO was very happy. He asked where my  
brother Jimmy was. MO was building a  
Million Dollar home. and the chandeliers  
for the entrance was come in and Jimmy  
was going to have all the lightings.

Frankie was in his jeep, when we could reach Jimmy we bought some beer and went back to Mt Vernon. Frank call MO to make a meet place. We told Frankie to meet us at the Little League field. JP and I were leaning against the car, talking about stocks. JP loved being the center of attention. JP told me Donald Trump was a friend of his that his casino in NJ was in money trouble. JP told us he was an international banker, that is why I asked him if he would teach me how the stock market worked. We were going to do the Carter system. In trade, he wanted some painting done in his kitchen and other rooms. I am so sorry I never listened to him. While I was leaning against the car drinking a beer JP said get as much money as you can and just keep buying Trump stock, he said the stock is only 2 dollars a share, and in 10 years you will be a very wealthy man. Morrow of the story, I did not listen and I am still poor.

Frankie pulled in I don't remember for sure but I think I went with MO + JP. MO was really excited about getting to work on the house. We drove over to Frank Angelo's house.

He was not home, his wife had left and I think moved back with his parents. Angelo was very upset over this. They decided to meet and talk that night. The problem was, we did not have the key to the lock on the garage doors.

Angelo told Frankie by phone to  
go and see if Alberto or his brother  
had the key. One of these two men rented  
the apt on the top floor and also rented worked  
for Angelo as painter. I think Alberto looked  
in the vans and we could not find the key.  
There were two wall going down the driveway  
to the garage. JP JOE FRANKIE MO were all  
either sitting on the wall or standing in the  
drive I think I am almost sure one of the work  
vans were in the driveway. Alberto or his brother  
got the door open I think someone climbed through  
a window. But don't hold me to that. Once inside  
the BS started, we had big plans for the porch  
and basement, we were going to ~~frame~~ frame  
sheet rock and put a new bathroom in. I look  
and Angelo had walked in, he was happy,  
this short break up really upset him, he  
said hello to everybody and said let go  
get some pizza and beer. he did not hope  
to ask me typical. Ang Joe myself went, when  
we came back, there was a guy named  
Angelo Capalbo in a room with JP + MO  
Capalbo said I invested money that was  
for my dau college and my father's money.  
At one point Capalbo did threaten to have  
JP arrested. I remember thinking O SHIT!  
what did this guy do. Angelo said enough  
everyone has to leave, I wife is coming back  
home and I don't want anyone here. I would  
like to ad Alberto and brother might remember  
that night. also Anthony J. Petro was not  
at the house that night.

What I would like to know is if  
the most powerful Law-Enforcement Agency  
in the world the FBI spots me for 7-15-  
minutes and I was not arrested, charged, or  
convicted and the same with Frank Taddes  
and I being to hang on Mr. Taddes was  
he just doing his job and believed MO,  
I really just don't know. What I do  
know is that 2 men are in prison for  
something that never happened. There  
were absolutely no weapons or fire works  
of any kind, that only and I talking about  
that night, but any night. The only  
gun that I ever seen in Anglers Thoms  
or trucks was a CAULKING GUN used  
to fill cracks or holes in wood. Mr. Clutter  
I just want to thank you for trying  
to help my friends. I have nothing to  
gain from all of this. At first I did not  
want to write this letter in fear of retaliation  
against myself or my families. But you know  
what. I will have to take that chance.  
Angelo + Joe did not do any of these things  
For Christ sakes Angelo was with his wife  
the whole night and the poor guy get 100  
years there is something very wrong

I Richard Wilford to the  
Best of my knowledge under  
penalties of perjury this  
statement is true

Thank You very much  
Richard Wilford

ALEXANDRA BUTLER  
Notary Public, State of New York  
No: 01BU5081931  
Qualified in Westchester County  
Commission Expires July 14, 2011

Sworn to before me  
this 29th day of  
April, 2010  
Alexandra Butler