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# Prosecution's own witness undercuts case in DeVecchio trial

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A prosecution witness backfired Tuesday at the trial of disgraced ex-FBI agent Lindley DeVecchio, testifying that a mob killer learned a teen was talking to cops from the rat himself - not the former G-man.

DeVecchio, 67, is charged with getting the teen killed by leaking information to the mob, but Reyes Aviles' testimony suggests the teen got himself killed by blabbing about his chats with police.

Aviles, who was defiant and foul-mouthed on the stand, also hurt the prosecution when he said mob killer Gregory Scarpa had a source in the district attorney's office - suggesting DeVecchio may not have been the leak.

The comment was stricken from the record as hearsay and prosecutors refused to discuss it later.

Aviles was brought in to testify about the murder of 17-year-old Dominic Masseria. He was killed after a 1989 Halloween egg fight with Scarpa's teenage son, Joey, his pal Patrick Porco and Aviles.

In May 1990, Porco was whacked after the elder Scarpa - a secret FBI informer - learned he was talking to the cops about the murder and might implicate Joey Scarpa.

DeVecchio, an FBI agent who became close to the senior Scarpa, is accused of prompting the killing by telling the mobster that his son's friend was a snitch.

On cross-examination yesterday in Brooklyn Supreme Court, Aviles testified Porco told the Scarpas he'd chatted with police.

Aviles, 38, an ex-con who did time for his role in the Masseria case, was asked by DeVecchio's defense lawyer how the Scarpas found out that Porco was talking.

"Patrick told me that he had told Joey, and most likely told his father," Aviles said.

DeVecchio's lawyer, Mark Bederow, pounced.

"Just so we're all clear, sir, Patrick Porco told you that he had told Joey Scarpa?" he demanded.

"Yes," said Aviles.

Aviles, who was the muscle for Joey Scarpa's drug business, served three years in prison and turned state's evidence.

Gregory Scarpa died in prison in 1994. Joey Scarpa was killed a year later after a dispute over a drug deal.

Bederow's cross-examination of Aviles began with a bang.

Asked about the night of the Masseria murder, Bederow suggested to the witness that "you remember that evening well because you did the most despicable thing you've ever done in your life."

Aviles' reply drew gasps when he crudely suggested he'd had sex with the lawyer's mother.

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