

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

_____ X
THE PEOPLE OF THE STATE OF NEW YORK, :
: AFFIDAVIT

-against- :
JOHN GIUCA, : Indictment No.
Defendant. :
_____ X

STATE OF NEW YORK)
COUNTY OF KINGS) ss:

Anthony Beharry, being duly sworn, states under penalty of perjury, as follows:

1. I am 31 years old.
2. I make this affidavit of my own free will. Nobody has provided me with, or promised me, or anyone else on my behalf, any benefit or consideration in exchange for executing this affidavit.
3. I have not spoken to or seen John Giuca since he was convicted in September 2005.
4. In 2003, I was friends with John Giuca, Antonio Russo, and Robert Legister. At no time had I ever heard that Robert Legister was “the boss” of Ghetto Mafia. At no time had I ever heard John Giuca referred to as a “capo” in Ghetto Mafia. At no time had I ever heard of Antonio Russo being referred to as John Giuca’s “soldier in Ghetto Mafia.

5. On or about February 1, 2005, I was interviewed by NYPD detectives and members of the Kings County District Attorney's Office, including ADA Nicolazzi. During this meeting, I denied disposing of a gun shortly after the murder of Mark Fisher. I was then threatened by the police. They told me that both Lauren Calciano and Albert Cleary told them that I removed the murder weapon from John Giuca's house at his request.

6. I was threatened with arrest and told that if I "wanted to see my daughter" I must cooperate with them. At this time, my daughter was less than two years old and I was embroiled in a custody and visitation dispute in Family Court.

7. I was also told by a detective "not to be like Greg" (Ware) and that I should "help myself" because "I had a future." After I was threatened with arrest, I was told that they would let me go home if I cooperated with them.

8. I did tell detectives that I had disposed of a gun for John several months prior to Mark Fisher's murder. That is true. However, detectives continued to pressure me to say that I had disposed of the gun shortly after Mark Fisher's murder.

9. As the result of the pressure, I finally said that I had disposed of a gun for John shortly after Mark Fisher's murder. This was false. They showed me John Giuca's phone records and asked me about a few phone calls between us. I lied to them about the calls and worked the calls into my false story about disposing of the gun a day or two after the murder.

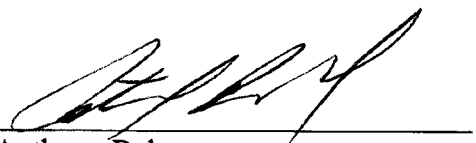
10. Within a day or two after I told the police and DA that I had disposed of a gun for John after Mark Fisher's murder, I went to John Giuca's house and met with Doreen Giuliano (John Giuca's mother) and Sam Gregory. I told them that I said to the police and DA that I had gotten rid of a gun for John after the murder. I told them this was not true and that "I had fucked up."

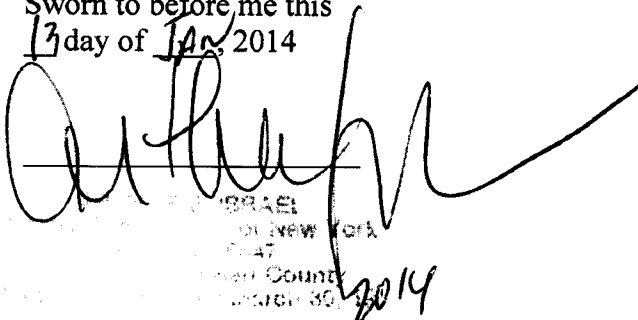
11. In fact, I did not see John Giuca for approximately a week after the murder.

12. In September 2005, I was called to testify at John's trial. Before I testified, I met with ADA Nicolazzi in a witness room at the courthouse. I told her I would not testify. She told me that if I did not testify, I would be charged with crimes for helping John Giuca get rid of a gun, including perjury for the prior sworn statement I had made. She said I would receive immunity from prosecution if I testified. I did testify that I helped John get rid of a gun after Mark Fisher's murder.

13. I lied when I testified that I disposed of a gun after Mark Fisher's death and in describing how I disposed of the gun. I did this because of the threats made against me by the police and DA that I would be arrested and I was afraid that I would not be able to see my daughter anymore and would suffer other harm as well, such as losing my job. The truth is, as I told the police earlier, I had disposed of a gun for John Giuca months before Mark Fisher was killed.

14. I regret testifying falsely at John Giuca's trial.


Anthony Beharry

Sworn to before me this
13 day of Jan, 2014

Notary Public
State of New York
County of Westchester
March 30, 2014