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Landano freed after 13 years

Ex-inmate always maintained his innocence in cop killing

By GUY STERLING

A state inmate who had his conviction for killing a Newark policeman reversed by a federal judge two days ago stepped into freedom yesterday, the first time in almost 13 years the criminal justice system has considered him an innocent man.

After court hearings before two judges that lasted into the early evening, V. James Landano of Staten Island walked out of the Federal Courthouse in Newark, with his wife on one arm and lawyers on the other, proclaiming he was innocent of shooting Officer John Snow in August 1976.

"I did not do it," said the 49-year-old Landano, who had been serving a life sentence. "This is the beginning of the end. There will be no more lies."

He accused the state of knowing that another Staten Island man convicted in connection with the slaying of Snow at a Kearny check-cashing business, where the officer was delivering

money, actually shot the lawman but allowing that suspect to walk away from the murder and other crimes.

Landano also said he hopes to find employment with juveniles "to show them the perils of getting involved criminally." Had he not been burdened with a record at the time of Snow's killing, Landano said he probably would never have been charged in the case.

He also thanked his fellow prisoners at the East Jersey State Prison in Avenel, saying they had helped keep him "strong" through the years of challenging his conviction. Landano added he would be spending the early moments of his liberty in the company of his wife, whom he married while a prisoner.

Camille Landano said she could not have been happier with her husband's release, even though he remains indicted for the murder.

"I won't stop smiling for a long time," she told reporters on the courthouse steps.



Photo by Rich Krauss

V. James Landano, right, beams while giving his wife, Camille, a hug as his attorney, Neil Mullin, looks on during a press conference outside federal court in Newark

In his remarks following Landano's discharge from custody, lawyer Neil Mullin of West Orange said he would like Attorney General Peter Perretti Jr. to consider whether it would

"advance the interests of justice" for the state to retry his client or oppose the opinion of U.S. District Judge H.

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Landano goes free after 13 years

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Lee Sarokin's that cleared the way for yesterday's release.

"This is not a matter of winning and losing, it should be a matter of ascertaining the truth to the best of the state's ability," Mullin said.

Both he and Landano called on the state to reopen the investigation of the Snow killing to determine who actually shot the officer through the driver's window of his patrol car. Throughout their years of appeal, the pair has contended that Victor Forni, an associate of the motorcycle gang The Breed and a boyhood friend of Landano, killed Snow.

Forni later was convicted of conspiracy to murder Snow and was given a two-year prison sentence, which he has served. Forni and two members of the biker group were convicted or pleaded guilty to participating in the robbery of the Kearny check-cashing establishment and murder, along with Landano.

The president of the club, Allen Roller, pleaded guilty to the crime and accepted a sentence of 28-30 years in exchange for his testimony against Landano. He served six years before his release.

Mullin has repeatedly insisted that the state framed Landano when, in the face of enormous pressure to gain a conviction in a cop-killing, it was unable to get Forni quickly to New Jersey to stand trial. Arrested on Staten Island within days of the shooting, Forni successfully fought extradition to New Jersey until after a jury in Jersey City returned its guilty verdict against Landano.

Landano said he thought it possible the state would seek to prosecute him again for the homicide if "it wants to protect the lies."

Rocco Malanga, head of the Policemen's Benevolent Association in Newark, said his group would welcome a retrial, "so all the facts in the case will come out."

Malanga said, after reading a transcript of Landano's 1977 trial and court briefs, he was unconvinced Landano had been the triggerman but felt he might have joined in the planning of the robbery, which netted the suspects less than \$50,000.

Thomas Possumato, head of the Newark Fraternal Order of Police, the bargaining unit for Newark's nearly 1,000 patrolmen, added that his organization opposed Landano's release because it felt he received a fair trial 12 years ago.

He also accused Sarokin, who freed convicted murderer boxer Rubin (Hurricane) Carter from jail four years ago, of having a track record of "very liberal decisions."

In vacating the conviction, Sarokin ruled Thursday that Landano had had his constitutional rights to a fair trial violated when the state failed to turn over to his defense

evidence in the case that both supported Landano's claim of innocence and pointed to Forni as a prime suspect in the slaying.

"We live in a nation in which liberty is cherished second only to life itself," the judge wrote in his 68-page opinion. "Society commits no greater wrong than to convict and confine (or execute) one who may be innocent of the crimes with which he or she has been charged."

Sarokin, who denied the inmate's bid for freedom two years ago on technical grounds, yesterday ordered Landano free on a \$50,000 personal recognition bond, a ruling the state immediately appealed to Judge Leonard Garth, a U.S. 3d Circuit Court of Appeals justice who sits in Newark.

After holding a hearing in his chambers and reading court decision, as well as Sarokin's opinion, Garth denied the state's motion to stay Sarokin's bail decision, saying a deputy attorney general had not applied the proper standard of law in her arguments.

Mullin had told the appeals judge that the state needed to show there was a "special reason" for keeping his client behind bars.

Garth, who said he considered sending the matter to a three-judge appellate panel for review, gave the state until Tuesday if it wants to file an appeal of his decision for handling in an expeditious manner.

Deputy Attorney General Carol Henderson replied that the state probably will include the bail question as part of its overall appeal of Sarokin's decision.

In addition to Sarokin's terms of release, Garth said he will want Landano outfitted with an electronic bracelet to ensure he remains in contact with the proper authorities. Sarokin placed Landano in Mullin's custody and required that he not leave New Jersey, report daily by phone to a probation officer and visit his probation office each week.

The state had asked for \$200,000 in bail with no 10 percent cash option, a condition Sarokin said would guarantee Landano's return to prison.

In other matters, Sarokin denied a motion by the state to extend the 90-day period he gave it to decide whether to retry Landano and turned down an application to have investigative files in the case he ordered seized last month returned to the Attorney General's Office and Hudson County Prosecutor's Office. The court of appeals can deal with those items, he said.

Sarokin and Garth differed in their assessments of the state's chances on appeal, with the district judge saying the odds were "unmily," while the appellate judge said there were matters in Thursday's opinion that caused him concern, primarily that many of the issues Mullin raised, more appropriately, belonged in state court.