

Judge impounds DA's statement of case against Winter Hill kingpin

By Laurel J. Sweet | Tuesday, December 4, 2012 | <http://www.bostonherald.com> | Local Coverage

A Superior Court judge today impounded multiple detail-rich pages outlining the state's extortion case against storied Winter Hill Gang kingpin Howard "Howie" Winter and a co-defendant after their attorneys argued the alleged facts are "quintessentially one-sided" and "have great capacity for prejudice."

Middlesex Superior Court Judge Kathe Tuttmann also scheduled a Dec. 18 hearing for outside parties to oppose her order.

Assistant Middlesex District Attorney Stephen Gilpatric's statement of the case contains the names of the two businessmen Winter, 83, of Millbury, and James Melvin, 70, of Braintree, are accused of threatening and trying to shake down for \$35,000 apiece.

A remarkably fit-looking Winter, who appeared in court today in a lavender dress shirt, gray slacks and running shoes, and Melvin have been free on \$25,000 cash bail and electronic-monitoring bracelets since their June arraignments in Somerville District Court.

Indicted on extortion and conspiracy charges by a Middlesex grand jury in September, they pleaded not guilty to the charges again today. Gilpatric did not argue for higher bail, but did ask that Winter and Melvin stay away from their two alleged victims.

Melvin's attorney Martin Weinberg persuaded Tuttmann to impound the statement of the case — at least temporarily — while Winter's counsel Peter Mullane charged prosecutors just want the statement out in the public domain to "piggyback" on the press releases Middlesex District Attorney Gerard Leone Jr.'s office has already issued on the case.

"These are rich, evidentiary details, including electronic surveillance. They're deeply prejudicial," Weinberg told Tuttmann. "It is squarely, quintessentially a one-sided statement. It has great capacity for prejudice."

Gilpatric acknowledged that search warrants related to the case are also impounded, but countered with the argument that statements of cases are routinely and openly filed in courts.

"The bar is high for concealing such documents," he said.

Winter told reporters as he left the Woburn courthouse with his wife the state's charges "are false."

He and Melvin are accused of going after the businessmen to recoup loans paid to them by a yet-unnamed attorney and threatening to bring the wrath of unidentified individuals from Boston's North End upon their heads if they didn't start paying.

During a March meeting at the Sons of Italy hall in Medford recorded by state police, one of the alleged victims asked Winter who he was, according to prosecutors.

"There's no one in the (expletive) country that don't know who I am," Winter is alleged to have fired back.



Photo by Pool (file)