



Jerry Capeci

Gang Land News

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This Week in Gang Land

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By Jerry Capeci

Compassionate Release For *Blue Thunder* Drug Kingpin – A 'Man Of Extraordinary Character'



Eric Millan, the mob-connected kingpin of the notorious *Blue Thunder* drug ring that raked in a staggering \$20 million a year selling its branded heroin in the late 1980s was quietly released from prison last month after serving 28 plus years of what was supposed to be a life without parole sentence, Gang Land has learned.



Over the objections of his warden and the government, Manhattan Federal Judge Loretta Preska granted Millan a compassionate release, calling him a rehabilitated "man of extraordinary character." In ruling for the former drug dealer, Preska cited numerous "extraordinary and compelling reasons" for her decision. Among them, she said, were Millan's "remorse and contrition," along with his longstanding "conduct as a model prisoner," as well as the help he gave other inmates and Bureau of Prison staffers at the prison in Fairton, NJ over the years.

The judge also noted Millan's "dedication to work with at-risk youth and suicide prevention" along with the written opinion of many BOP staffers "who have known him for close to 30 years." The staff members, she said, stated that Millan "would be a productive member of society and no danger to others."



Back in 1994, Millan was found guilty by the same jury that acquitted Bonanno wiseguy Vincent (Vinny Gorgeous) [Basciano](#). Millan's conviction came at the second trial in a [controversial case](#) in which federal prosecutors had withheld information that three cops who were involved in the case had stolen money that had been seized as evidence. The feds say [Basciano](#) bribed a juror to achieve his acquittal.

Preska's ruling for Millan comes after a grueling four-year long court battle between the Manhattan U.S. Attorney's office and an appeals specialist who has gotten life sentences reversed now for seven defendants convicted of drug dealing or other violent crimes in the past 10 years.

Millan's unrestrained joy was captured minutes after his release — he's still wearing his prison duds — in this photo with his daughters Erica and Crystal. He walked out after 28 years, eight months and five days behind bars. Millan is the third member of the *Blue Thunder* heroin ring whose life sentence has been thrown out by Judge Preska.

"It is the most meaningful of all the work I do," said attorney Harlan Protass when asked about the propriety of winning freedom for three big-time drug dealers who were a plague on the city: Millan and his *Blue Thunder* underlings, Myles Coker, who got out in 2013 after 23 years behind bars, and [Ralph Rivera](#), 57, who was released in 2017, after serving 26 years in prison.

"It literally puts families back together. What could be better than that?" said Protass.



FREEDOM! Eric Millan celebrates his first day of it after 28 years with his daughters Erica & Crystal

Four days after Millan was released, on April 9, Coker died at age 69 of the coronavirus. Referring to Kelvin and Clifton Coker, with whom the lawyer worked closely in their father's case, Protass told *The New York Times*: "They lost their father for 23 years when they were 8 and 10. They got him back for six glorious years, but now, as adults, they've lost him again. Unfortunately, this time it's forever."

Protass began representing Millan in 2016 after the inmate contacted him after learning about the lawyer's successes for Coker and Rivera. Millan realized he had a chance to achieve a similar result. Preska subsequently assigned Protass to represent Millan in his appeal.

In her ruling, Judge Preska cited the release of Coker and [Rivera](#) as another extraordinary and compelling reason "justifying a reduction in sentence." That was because of "the sentencing disparity that would result from further incarceration" for Millan if he were forced to serve life without parole for essentially the same crimes for which his underlings had been released.



Harlan Protass G L

Like Coker and Rivera, Millan made the best of an awful situation when he was hit with a life sentence in 1994. He immersed himself in BOP self-help programs and began taking college classes, according to the court filing by Protass.

In his motion, Protass wrote that Millan "completed dozens upon dozens of BOP rehabilitative programs involving more than 7,600 hours of programming and apprenticeships." And in 2001, the lawyer wrote, Millan began working as a "production clerk" in "what amounts to full time job for the last 18-plus years" for UNICOR, a BOP-sponsored firm that employs inmates to produce goods and services.

Millan received certificates from the state of New Jersey in *Administrative Office Management* and *Computer Equipment Operations* after he completed two apprenticeship programs totally 5000 hours. "More impressively," Protass wrote, "he earned his Associates Degree in Business Administration from *Cumberland County College* and maintained a GPA of 3.61 in doing so."

But Millan's sentence was a lot more difficult to upset than the life terms that Coker and Rivera had received. It wasn't until the *First Step Act* was signed into law by President Trump in December of 2018 that Protass was able to find a legal avenue to winning Millan's release.

That was because, until that law was passed, there was no legal mechanism for defendants like Millan who got mandatory life sentences under the kingpin drug statutes to obtain a compassionate release from prison. Coker and Rivera, whose life terms stemmed from the amount of drugs they were guilty of peddling, were able to win re-sentencings and earn their releases when those guidelines were reduced, and made retroactive, after they were sentenced.



The late Myles Coker & Sons Kelvin & Clifton GL

But under the *First Step Act*, all defendants, even those convicted of crimes with mandatory life terms are able to file for a compassionate release for otherwise undefined "extraordinary and compelling reasons," first from the prison warden, and then, if denied or ignored by the warden for more than 30 days, with the court.

In his motion, Protass also included letters of praise from Millan's prison counselor, three chaplains, a prison psychologist, and other BOP staffers. Noting that Millan had remained close to his three children who were "approximately 9, 6 and 3 years old" when he was arrested, Protass submitted letters stating Millan was "invested in the lives of his adult children and grandchildren," that he had a "beautiful family" and that "he has love and stability waiting for him outside this prison."

The lawyer also included letters from Millan's children, his sister, and his mother in his filing, which included 62 exhibits and totaled 501 pages.



Ralph Rivera G L

Protass also noted that Millan had a "virtually non-existent disciplinary history" while behind bars, and that since 2001, had counseled and spoken to hundreds of "at-risk youth" in Pennsylvania, New Jersey, and Delaware. As part of the prison's ROPE Program — Reach Out To Provide Enlightenment — Millan tells kids to stay in school, and not make the same bad decisions like he made, Protass wrote.

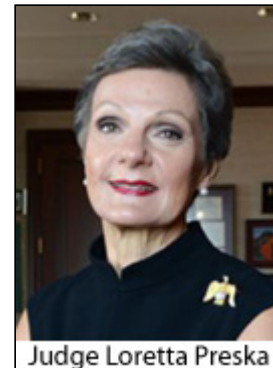
"I could've been a successful pharmacist and contented father and husband, a man with a beautiful family, but instead, I'm in prison — a jailbird," Millan has told kids from the three states, Protass wrote, winning BOP awards for advising them in lingo they understand. "I blew my shot, but you still have yours. Don't blow it. I don't want you to join us in here."

Federal prosecutor Emily Johnson argued that none of Millan's cited reasons were "extraordinary or compelling." She asked Preska to reject the compassionate release motion for the "undisputed proprietor and leader" of a drug ring that sold "more than \$100 million worth of heroin at over a dozen retail sale locations in Manhattan and the Bronx" from 1986 to 1991.

The life sentence he received was appropriate, Johnson wrote. The *First Step Act* "did not revise any of the grounds" for compassionate release "or redefine the phrase 'extraordinary and compelling,'" she wrote. The prosecutor asked Preska to dismiss Millan's motion as a failed attempt to do an "end-run around the substantive standards" that have long been considered "extraordinary and compelling."

But Protass argued that while none of the accolades or individual accomplishments that Millan achieved while serving life without parole may have been extraordinary or compelling, they "were extraordinary and compelling reasons" that "support the reduction of Mr. Millan's sentence to time served" when they are considered together.

Judge Preska unabashedly agreed in her 44 page opinion. The Manhattan U.S. Attorney's office, despite its strenuous objection, declined to appeal her ruling.



Judge Loretta Preska

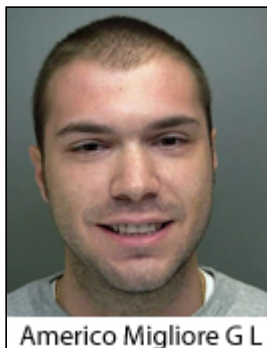
While noting that "Congress provided that rehabilitation alone cannot serve as an 'extraordinary and compelling reason' for a sentence reduction," Preska wrote that "Millan's educational and rehabilitative accomplishments" alone were "unique and distinctively important" and contributed to her overall ruling to reduce his life without parole sentence to time served.

"Simply put," she wrote, "Millan, in the face of a life sentence, assumed a positive outlook and attitude towards life, sought to improve himself to the utmost extent possible and was motivated to do so notwithstanding his circumstances. The Court finds this to be an extraordinary and compelling circumstance."

Protass's other freed "lifers" are drug dealers Ronald Carter, 67, released after 28 years in January, and John Eubanks, 52, released in 2019 after 27 years. David Cleary, 57, who kidnapped drug dealers for ransom, got out in 2010 after 17 years, and Francois Holloway, 57, an armed robber sentenced to 57 years, got out in 2014, after serving 19 years.

So far, none of the six surviving former "lifers" has been charged with another crime.

Wiseguy Grandson: I Got Away With Murder In The DR



Americo Migliore G L

Other than his last name, Americo (Ricky) Migliore has no connections to the mob. But the grandson of the late Luchese crime family powerhouse who died last fall is a convicted drug dealer who boasted in text messages last fall that he got away with a brutal murder in the Dominican Republic by paying off a government official there, Gang Land has learned.

Migliore, 32, copped a plea deal this week to selling thousands of [oxycodone](#) pills from 2016 to 2019. His bust came after the feds snagged evidence of his drug dealing on the same cell phone he used to send his ex-wife a picture of the official he claimed to have bribed to "beat (the) murder charge." In the same series of messages, he boasted to her that he's "a fucking criminal and that's what I'll always be."

Like all court sessions these days due to the COVID-19 pandemic, the guilty plea was a teleconference proceeding. Before it took place, Migliore and attorney Scott Leemon assured the judge that Ricky waived his right to proceed in a courtroom. Migliore is an oxycodone addict, Leemon said, and he wanted to plead guilty and be sentenced so he could enter a prison drug rehab program as soon as possible.

In a text to his ex-wife on October 31, a month after Migliore attended the wake of his grandpa, [Aniello \(Neil\) Migliore](#), Ricky gave graphic detail of his murder. Using his .40 caliber Glock, he said he had shot his victim from just "five feet away." The "guy's stomach exploded like a fucking watermelon," he added, according to snippets that the feds disclosed in a bid to detain Migliore as a danger to the community following his arrest in March.

The younger Migliore, who made 10 trips to the DR in the last year, had been in the sights of Drug Enforcement and Homeland Security agents for many months, according to court papers. Agents were waiting to arrest him when he flew back to New York on March 16, assistant U.S. Attorney Bradley King stated in a detention memo.



Aniello Migliore G L

The memo claims that that, in addition to illegally obtaining a minimum of 12,500 30-milligram oxycodone pills with a street value of "more than \$300,000," Migliore also attempted to ship "the upper receiver of a 9 millimeter Glock pistol and six loaded Glock 9 millimeter pistol magazines" to himself in the DR. That was the same day he told his ex-wife he had killed someone there with a Glock, King wrote.

Nothing about Migliore's boasts about his murder in the DR, or his failed efforts to smuggle the Glock upper receiver and ammunition there came up Monday when Ricky pleaded guilty to conspiring to distribute oxycodone before Central Islip Magistrate Judge Arlene Lindsay.

But according to his plea agreement, which calls for a recommended prison term between 57 and 71 months, the feds have agreed not to charge Migliore with violating the *International Traffic In Arms Regulations* and he has agreed to forfeit the weaponry that the feds seized.

In response to queries from the judge, Migliore said that between February 2016 and August of 2019 he got prescriptions for oxycodone from a Roslyn doctor named Tameshwar Ammar for which there "was no medical necessity" and that after he acquired the pills at a Huntington pharmacy he "sold a portion of them for cash."

"He also took a portion of them himself," said Leemon.



Scott Leemon G L

"I have an addiction," added Migliore.

Leemon was quick to say that Migliore was not cooperating with the government when Judge Lindsay raised that issue. Ricky volunteered that his ex-wife "had no knowledge" of his crime, even though evidence indicates that he acquired 4025 pills in her name and untold thousands more in his own name and that of others.

Migliore wasn't just being nice when he absolved his ex-wife of any complicity in his crime. That's borne out in cell-phone texts he had in November about the arrest of Dr. Ammar, his alleged accomplice in the oxy scheme. Five days after Ammar's arrest, Migliore

told a woman friend, identified only as Jane Doe 2 in court filings, how his ex had found out he had used her name in the scheme.

"They questioned her," he wrote. "She was like I don't know what ur talking about. And they showed her the records showing her getting 180 pills a month for the last 4 years lol. So she called me screaming," he texted.

Dr. Ammar has pleaded not guilty, and is awaiting trial. As for Migliore's texts in which he claims to have gotten away with murder in the DR, both Leemon and prosecutor King declined to comment.

Lawyer: Keep *Big Joe* Alive; Get Him Out Of The MCC

They call him Big Joe but they're going to be calling him Dead Joe very soon if they don't let him out of out of the Metropolitan Correctional Center. That's what attorney Roger Adler argues in a petition he's filed asking his sentencing judge to let Luchese wiseguy Joseph DiNapoli, "likely the oldest inmate in the MCC," serve his prison term at home.



Joseph DiNapoli GL

During the 12 weeks he's been at the MCC, Big Joe, a Type 2 diabetic who hopes to celebrate his 85th birthday in July, has never received the weekly prescribed medication he's taken for years to "stimulate the production of insulin" he needs to control the disease. Also, the MCC hasn't tested his "glucose levels" every day as it is supposed to do, Adler alleges in his court filing.

As a result, Adler states, DiNapoli is susceptible to "lapse into a diabetic coma" and die.

Noting that other judges have "stepped up," Adler cited the *First Step Act* and a memo from Attorney General Barr to "release senior citizen inmates" with "chronic health conditions" due to the COVID-19 pandemic, and asked White Plains Federal Judge Cathy Seibel to amend her sentence to permit DiNapoli to serve his 52 month prison term at his Bronx home.



Roger Adler G L

It's likely a tough sell: Back in December, Seibel rejected a plea for leniency, giving Big Joe a prison term six months greater than the one recommended in his plea agreement. She suggested that DiNapoli had only himself to blame since he was "still committing crimes" in his golden years.

At the time, Seibel conceded that his medical care "in the BOP will not be of the level he's getting outside," and that due to his many physical ailments it was "possible that the defendant would die in prison."

"That is a sad commentary," she stated. "But it's also possible he won't. I certainly hope he doesn't."

That, of course, was before most people had ever heard of the coronavirus or the COVID-19 pandemic.

The dreaded disease wasn't mentioned [in February](#) either when Seibel refused to reconsider her 52 month prison term or delay the start of Big Joe's sentence to allow Adler to make a pitch for a stay to the 2d Circuit Court of Appeals.

But Adler made the very possible and imminent danger to his client by the COVID-19 pandemic virtually the entire focus of his current motion, noting that the dangers DiNapoli faced now were exponentially greater now because of it.

The lawyer asserted that DiNapoli is "clearly at a discernible risk for premature death due to his age and pre-existing conditions" — a concern that would be greatly enhanced if he were to contract the coronavirus at the MCC. Adler asked Seibel to consider his "application not to reduce his sentence, but rather simply to authorize a change of venue for its service."



Judge Cathy Seibel

"While the coronavirus is not a product of B.O.P. negligence," Adler wrote, "it is clear that the risk of infection, and subsequent death, either directly or from the effects of the coronavirus, are universally recognized by the trial level judiciary" and that "the impact of the pandemic on geriatric (inmates) is palpable, and should not be ignored."

"I urge the Court to temper justice with mercy as the coronavirus continues to ravage our city, our region, and our state," Adler wrote, noting that there were more than "175,000 diagnosed cases in New York City" with the death toll "exceeding 19,000" at the time that he was preparing the motion he filed last Friday.

"Simply put, and strict to the basics," Adler wrote, if Seibel were to grant "this request, (it) simply will allow the defendant to meet his maker in his own bed, in his own home, on his own block, in his own community."

Seibel ordered the government, which is sure to oppose the motion, to file its response today.



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