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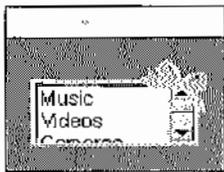
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## BUTTON MEN and other Wiseguys



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## This Week in Gang Land January 2, 2014

By Jerry Capeci

### Acquittal In Historic NYPD Cop Killing The Number One Story Of 2013



Mob rubouts are few and far between these days, but Gang Land's end-of-year selection as The Number One Story of 2013 involves an historic mob hit, the only Mafia-triggered execution of a New York City cop on American soil. Colombo *consigliere* Joel (Joe Waverly) Cacace was accused of plotting the 1997 gangland-style slaying of police officer Ralph Dols.



Joel Cacace

But after awaiting trial for five years, with the death penalty on the table for much of that time, a Brooklyn jury acquitted Cacace of ordering Dols's murder. After a five-week trial, the panel needed just four hours to decide. The 72-year-old mobster still has six plus years remaining on a 20-year sentence he got for four other 1987 murders. They include the slaying of administrative law judge George Aronwald in a botched plot to kill his father William, a former federal prosecutor whom Joe Waverly had targeted for death.

But what happened to Ralph Dols?

There is no doubt the cop was executed by the mob. Two Colombo family mobsters, including one, turncoat capo Dino (Big Dino) Calabro, who described shooting Dols in the head in front of his Brooklyn home, have admitted taking part in his slaying. Law enforcement officials firmly believe that Cacace got away with murder: That he ordered Dols's killing simply because it stuck in his craw that the cop had married the gangster's ex-wife, Kim Kennaugh.

"We know he did it, just like he ordered the killing of Aronwald. If there's any justice, the guy will drop dead a day before he's supposed to be released," said one law enforcement official in an apt summary of the Law's collective view of Joe Waverly Cacace.



John "Sonny"  
Franzese



Domenico  
"Italian Don"  
Cefalu



Vincent "Chin"  
Gigante



Carmine  
"Junior" Persico



Anthony  
"Gaspipe"  
Casso



Liborio "Barney"  
Bellomo

Other Wiseguys ...

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But the anonymous jury, like one a year earlier, obviously had trouble with Calabro's testimony. Big Dino testified that Cacace was behind the plot to whack Dols, and that they had discussed the then-pending murder plot a few months before he got the job done. In 2012, Thomas (Tommy Shots) Gioeli, who allegedly passed Cacace's order on to Calabro, and Dino (Little Dino) Saracino, a second alleged gunman, were each acquitted of the slaying.

The jurors also rejected the seemingly corroborative testimony of Joseph (Joe Caves) Competiello, who testified that he drove a "crash car" in the killing and had been told by Big Dino at the time that Cacace had given the initial order to kill Dols to Calabro and

Competiello's immediate mob superior, Thomas (Tommy Shots) Gioeli.

The big problem with the government's case, one that lead defense lawyer Susan Kellman drove home in her opening and closing arguments, was that prosecutors were never able to introduce any evidence to back up their stated allegation that Joe Waverly was jealous, or angry, or even a little upset that his ex-wife had married Dols.

In her opening remarks, Kellman conceded that her client was a mobster. But she scoffed at the notion that Cacace had killed Dols because he had married Kennaugh, and told jurors several times that prosecutors had no evidence to back up their claim.

"Mr. Cacace was jealous that his ex-wife had remarried? An explanation like that, in my view, fails to pass even a straight-face test. Everybody who remarries doesn't run the risk of being killed by a former husband, even if that person is in the Mafia," she said.

In her summation, Kellman noted — quite accurately, according to the trial transcript — that prosecutors had not introduced any evidence about Joe Waverly's motive. The prosecutors could have called Kennaugh as a witness, but they didn't, she stressed. Instead, she argued, prosecutors had "made up a motive ... out of whole cloth," rather than call her client's ex-wife to testify about any possible reason Cacace might have had to kill Dols.

After the trial, Kennaugh told the Daily News that prosecutors had subpoenaed her to testify against Cacace but that when she invoked her Fifth Amendment right against self-incrimination, prosecutors refused to grant her immunity, and she refused to testify. Sources say that prosecutors were concerned what Kennaugh, who had two prior marriages to gangsters before Cacace, would say on the stand. The feds have long considered her a "loose cannon."

Even so, it's difficult to fathom why prosecutors would take a hard line stance when they were trying to convict a murderous mobster of the execution murder of a cop, especially after Kellman and co-counsel David Stern had alerted prosecutors they would attack the government's assertions about motive on the first day of the trial.



Calling her as a witness was a no-lose situation. If Kennaugh backed up their claim, prosecutors could have argued — with feeling — that she was telling the truth. If, as the government feared, she backed up Cacace, prosecutors could have argued — with feeling — that since she had been married to the mob so many times, she was lying out of fear, or for some underhanded reason.

The Brooklyn U.S. Attorney's office won't discuss it, but surely if prosecutors could do it over, they would have called Kennaugh as a prosecution witness.

As Kellman told reporters after the verdict. "In an American courtroom, there's nothing like having evidence. When you don't have evidence, the jury can tell. The government asked them to substitute 'common sense' for evidence, and instead they used their common sense and acquitted."

At last check, Cacace still resides at the Metropolitan Detention Center in Brooklyn, awaiting his return to the medium security prison in Tucson, his home before he was shipped to Brooklyn in 2008 to stand trial for the murder of NYPD police officer Ralph Dols.