

Pesce murder trials exact their toll in court

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The trials for the men accused of killing five members of the Pesce family have begun to take a toll on its participants and onlookers.

Today is the 11th day of the court proceedings at Wayne County Third District Court in Detroit, and the trial will likely run at least a week longer than once anticipated while one of the defense attorneys recovers from a heart attack he suffered in the courtroom.

John Wolfenbarger's lawyer, Richard Cunningham, collapsed in court Monday morning, and later that evening had angioplasty surgery. He had hoped to be back on the case by Friday, but Judge Daniel Ryan told jurors he would not be likely to be back until Monday. The jurors were put on 24-hour standby.

Monday, while some five inches of wet and heavy snow covered Wayne County, jurors were running late to arrive at court. Once they were all accounted for, one of the jurors reported she was ill, and had been vomiting.

After defense and prosecution attorneys debated about dismissing that juror, and deciding she would continue to serve, Cunningham reported he was suffering from the same ailment, and had been awake since 1 a.m.

"I have reached a point where I cannot continue," Cunningham told Ryan. He then collapsed onto the floor, hitting his head on one of the prosecution team's chairs.

Wolfenbarger's codefendant, Dennis Lincoln, continued with his trial this week. The two men are accused of committing the Dec. 21, 2002, murders of Marco Pesce, 38, his mother, Maria Vergati, 68, and Pesce's children, Carlo, 12, Sabrina, 9, and Melissa, 6.

Meanwhile, survivors of the Pesces are also suffering the emotional and physical drain of the trial.

Fabrizio Pesce, Marco's brother, has attended the trial every day since it began March 27.

"My cell phone bills used to be about \$80 or \$90 a month," he said outside the courtroom during a break Wednesday. "Since all of this, they are \$600 or more."

He's doubled the time he spends on the road, and travels some 500 miles every week in order to attend the trial and continue to run his engineering consulting business.

"With my business I'm used to multi-tasking, but this is difficult. There's so much to do," Fabrizio Pesce said.

A business owner who usually returns every call in fewer than 30 minutes, he uses breaks in the trial to check his wireless phone and make as many calls as possible in the 15 allotted minutes.

After returning from trial, Fabrizio Pesce and his wife continue to work at the business, while trying to squeeze in time for family and friends, and Sunday visits to the cemetery where his family is now buried.

Also in the mix is maintenance on his brother's home in Livonia, which, because of unfinished legal business remains empty, but can't be sold. The liquidation of Pesce's business, Italia Jewelers on Seven Mile, has also required attention from Fabrizio Pesce, as he now must deal with vendors and customers who have been hesitant to call to collect their merchandise.

TRIAL PROCEEDS

This week, jurors heard testimony from expert witnesses who verified wireless phone calls were placed between Lincoln and Wolfenbarger. The calls were transmitted from towers less than a mile from the Pesce home during the half hour before and 15 minutes after the murders are thought to have happened.

Jurors also heard testimony from Billy Smith, Wolfenbarger's uncle, who initially contacted police when he began to suspect his nephew was involved in the slayings.

"(What I concluded) was that he's a sick SOB and he did that," Smith said.

Smith, who identified himself as the west side boss of the Devil's Disciples motorcycle

club, admitted to being fearful when he called a Dearborn detective about his suspicions. Smith admits to being afraid of his nephew. In his neighborhood, "being a snitch means death," Smith told the court. And he said he fears retribution from his club for talking to police without talking to club members first.

But it was his own nephew that made him feel like running, he said.

The night of the murders, Wolfenbarger went to Smith's

home to ask for a change of clothing, Smith testified.

When Smith's wife left the room to retrieve some pants to lend him, Wolfenbarger told Smith to come to a neighbor's house because he had something to discuss with him.

'FIVE DEAD'

"Come down to Tracy's (a neighbor). Five dead," Wolfenbarger said to his uncle. When he got there, he said he was alarmed by what he saw. In

the kitchen, Wolfenbarger was examining bags of jewelry. (The jewelry seized from Tracy Letts' home had been identified by Marco Pesce's former wife, Diane Pesce, as belonging to her and to other family members).

In the sink were a handgun and keys, and Wolfenbarger was trying to clean them, Smith testified. Wolfenbarger asked Smith if he knew anyone who wanted to buy some jewelry, or could sell some jewelry for him. Wolfenbarger then gave Smith \$1,000 in cash to deliver to

Wolfenbarger's mother to pay taxes on her father's home.

"I walked to the door, and as soon as I got about halfway to the door, that became a run," Smith said. "I don't know my nephew very well but I know he's been locked up for most of his life, starting in juvenile (detention centers) when he was a kid. He just got done with six years in prison, and he said something about five dead. I saw a gun. You think I was nervous? Yes."

Although Smith had previ-

ously said he reported his nephew because there were children murdered, during his testimony on Tuesday, he said he immediately began calling a Dearborn detective he met in November.

Lincoln's trial will continue tomorrow. At press time, it was still uncertain when Wolfenbarger's trial would resume. Last week, Judge Ryan indicated he hoped both juries would be done deliberating before April 16, when several jurors leave on spring break.

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