EXHIBIT 1

Boston
MARCH 1991

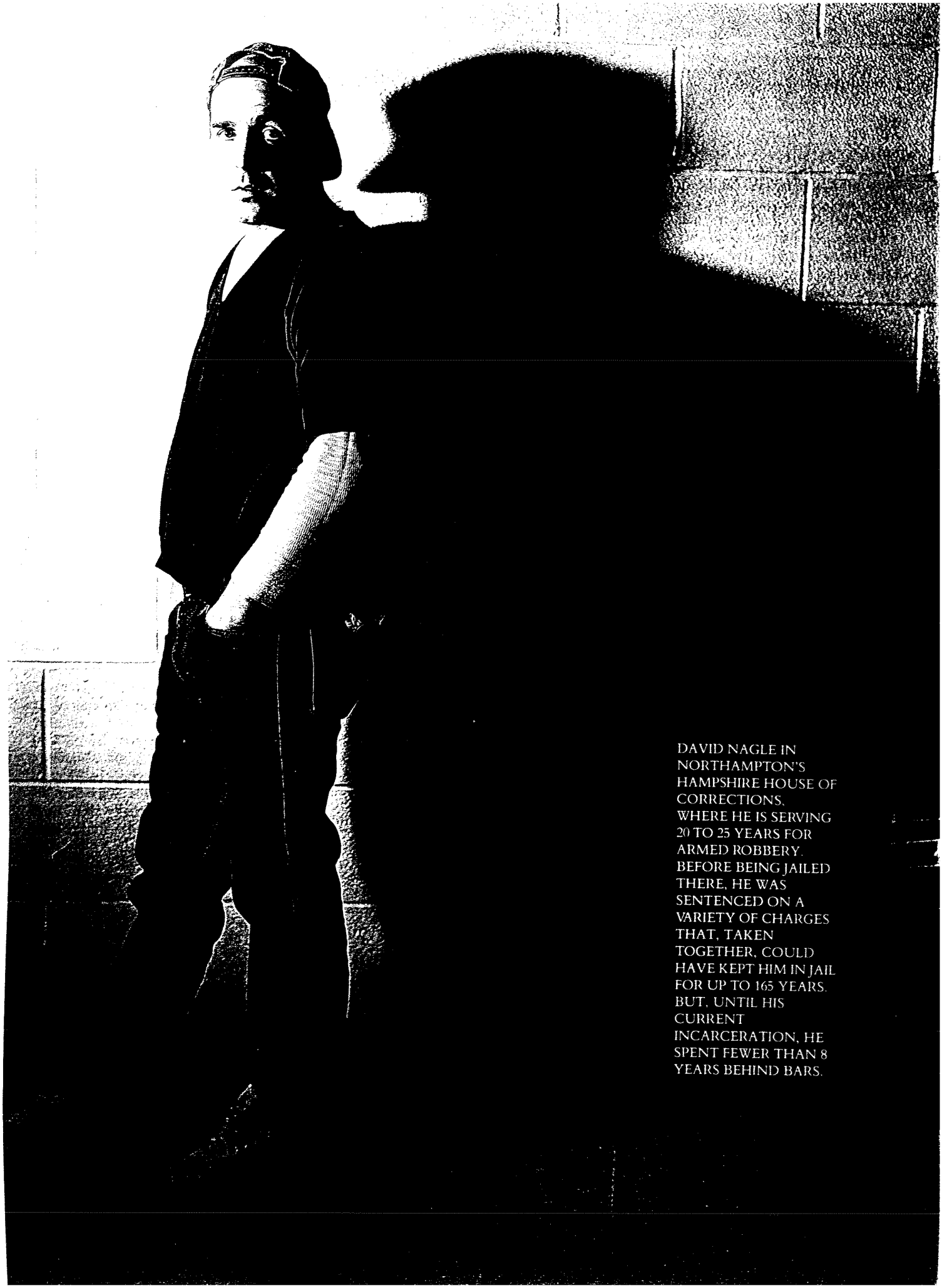
Snitch

BEING A PAID INFORMANT WAS LIKE HAVING A GET-OUT-OF-JAIL-FREE CARD, SAYS CAREER CRIMINAL DAVID NAGLE. BARGAINS WITH SNITCHES LIKE NAGLE ARE CORRUPTING THE SYSTEM, SAY CRITICS.

BY JOHN STRAHINICH

NOVEMBER 1981 WAS THE CRUELEST MONTH IN JACK RODWELL'S LIFE. The first week he spent looking for work: he had just lost his engineering job with Avco Corporation to the recession. The second week he buried his mother: he lost *her* to cancer. The third week he spent in a Middlesex County courtroom, where his 25-year-old son, Jimmy, was on trial for first-degree murder. Jack Rodwell spent the first half of the fourth week awaiting the jury's decision. The last blow came on the day before Thanksgiving, when the jury handed up its verdict: he was losing his eldest son to a life sentence with no chance for parole.

PHOTOGRAPHS BY JOHN GOODMAN



DAVID NAGLE IN NORTHAMPTON'S HAMPSHIRE HOUSE OF CORRECTIONS, WHERE HE IS SERVING 20 TO 25 YEARS FOR ARMED ROBBERY. BEFORE BEING JAILED THERE, HE WAS SENTENCED ON A VARIETY OF CHARGES THAT, TAKEN TOGETHER, COULD HAVE KEPT HIM IN JAIL FOR UP TO 165 YEARS. BUT, UNTIL HIS CURRENT INCARCERATION, HE SPENT FEWER THAN 8 YEARS BEHIND BARS.

As the forewoman read the verdict, Jack Rodwell's wife, Carolyn, screamed and slumped against his arm. His son's estranged wife, Lillian, became hysterical and had to be removed from the courtroom. His son slowly bowed his head. The elder Rodwell greeted the verdict with silence. Tall, burly, and 51, he absorbed the bad news with a soft-spoken calm that belied what was going on inside. His family was breaking apart, and there was nothing he could do about it.

Rodwell had been heartened by the two days the jurors had spent poring over the evidence against his son. The case against the younger Rodwell rested on the testimony of two men: one, an immunized informant; the other, a jailhouse informant.

The first, Francis "Frankie" Holmes, Jr., had told the court that he and Rodwell had rendezvoused with another man at Rodwell's apartment on Sunday night, December 3, 1978, with the intention of stealing drugs from Louis Rose, Jr., a Woburn dealer and the son of a Burlington police captain. In return for immunity from prosecution, Holmes testified that, later that night, he watched Rodwell climb into Rose's car on a deserted street in Somerville and shoot the dealer seven times in the head.

Holmes's testimony, damning as it was, was not enough to put Rodwell away. By state law, a defendant cannot be convicted solely on the uncorroborated testimony of an immunized witness. The prosecution had no gun, no fingerprints, no other eyewitnesses—no other evidence whatsoever—linking Rodwell to what by then was a three-year-old murder. Instead, it had David Nagle.

A career criminal and longtime narcotics addict, Nagle had been in the Middlesex County House of Correction in Billerica the summer of 1981, awaiting trial on five charges of armed robbery and one count of kidnapping, among other things, when Rodwell was arrested and jailed there for the Rose murder. That July, Nagle contacted the investigators and told them Rodwell had boasted to him that he had murdered Louis Rose. That November he so testified—in return for what amounted to a lighter sentence on his own charges.

Jack Rodwell had also testified in the case. At the time of the murder, he was separated from his wife and living with Jimmy in a one-bedroom apartment in Woburn. The elder Rodwell was working full-time at the Raytheon Corporation in Lowell and taking courses toward an M.B.A. at Suffolk University. He told the court that he had been home alone all evening on the night of the murder, studying for final exams, and that neither his son, Holmes, nor the third man had ever dropped by the apartment that night, as Holmes had claimed.

JACK AND CAROLYN RODWELL HEAR THAT THEIR 25-YEAR-OLD SON JIMMY HAS BEEN CONVICTED FOR MURDER AND WILL GO TO JAIL FOR LIFE.

JACK RODWELL'S LIFE WAS FALLING APART. HE LOST HIS JOB. HIS MOTHER DIED. AND THEN HIS SON WAS FOUND GUILTY OF MURDER—BECAUSE OF DAVID NAGLE.

Indeed, the story Holmes told on the stand, including the account of the rendezvous at Rodwell's apartment, conflicted with earlier versions he had related to the investigators and the grand jury. In fact, both Holmes's and Nagle's testimonies were riddled with discrepancies, inconsistencies, and errors. That, and the length of the jury's deliberations, had lifted Jack Rodwell's hopes. The verdict brought the curtain down on the bleakest month of his life.

For all that, nothing Rodwell had heard during the eight-day trial changed his own conviction that his son was innocent. And neither did the verdict.

Blond and blue-eyed, his son Jimmy was blessed with the muscular body and oversize fists of a middleweight. The elder Rodwell, who had grown up in the North End, had taught his son how to use his fists to defend himself. If anything, though, his fists had gotten him into more trouble than they had gotten him out of. In the early seventies, he had been arrested twice for assault and battery. In 1977 he had done six months in the Middlesex County House of Correction in Billerica for passing phony $20 bills. Since then his record had remained virtually clean until he was arrested, in May 1981, for the Rose murder.

"I had heard what Holmes said," Jack Rodwell recalled years later. "He said that they had got the guns from my apartment. I knew that was a lie. Knowing that and knowing my son—if you had said the guy had died in a fistfight, I might have believed it. My son was a good street fighter. But he wasn't a shooter."

While visiting his son at the state's maximum-security prison in Walpole two weeks after the sentencing, Rodwell ran into another inmate, a childhood friend from the North End, and asked the man to keep an eye on his son. Things could get hairy in Walpole, even for a street fighter like Jimmy Rodwell.

As bad as things got for him, however, nothing got under his skin as much as the taunts other inmates were directing at him, taunts that usually ended with the same refrain:

"Another one they got."

JIMMY RODWELL, NOW A PRISONER AT MCI IN GARDNER, WAS CONVICTED OF MURDER ON EVIDENCE OFFERED BY TWO INFORMANTS, ONE OF THEM DAVID NAGLE.

UNBEKNOWNST TO THE JURORS IN THE RODwell trial—and to the Rodwells as well—David Nagle had been acting as a police and government informant at least since 1974, and probably as far back as 1972. Though Nagle denies the full extent of his activities both before and since the 1981 trial, court records and other documents indicate—and lawmen and lawbreakers alike attest—that he has provided information to, or worked as a paid informant for, the Drug Enforcement Administration (DEA), the FBI, the U.S. Department of the Treasury, the state police, the Boston police, the Brookline police, and the Watertown police, among others.

In some cases Nagle was paid money for his information. The sums ranged from the typical $25 and $50 he regularly received from a Boston police detective in the seventies to the $2,000 he once got from a DEA agent in the early eighties. In all, Nagle estimates that he received more than $20,000 from the DEA alone. Others believe the sum was much higher.

"I was making a lot of money off them," Nagle admits. "I killed them."

In other cases Nagle received considerably lighter sentences—and numerous suspended sentences—for his own crimes. A career felon, Nagle estimates that from 1970 until his incarceration in the Hampshire County House of Correction in Northampton in 1985—where he is currently serving a 20-to-25-year term for armed robbery—he pulled more than 100 armed heists. Law-enforcement officials and inmates who know him put the number at more than 200. The targets ranged from pharmacies to supermarkets to convenience stores to airline ticket offices to banks. A printout of his court record is almost as tall as Larry Bird.

Even so, Nagle has never spent a day in the state's maximum-security prison at Walpole, the usual repository for repeat offenders who are convicted of serious crimes. Instead, with one exception, he has served his sentences in lower-security county jails and houses of correction. The lone exception was his first imprisonment,

RESEARCH ASSISTANCE BY KEN SEAMAN

in 1972–73, when he served 16 months of a 6-year sentence for assault and larceny in the state's medium-security prison in Concord.

As of Nagle's current incarceration, in fact, he has been brought to court more than 20 times over a 13-year period on a total of 116 serious felony charges, including 56 counts of armed robbery, 21 counts of various types of larceny, 8 counts of receiving stolen goods, 4 counts of assault with a dangerous weapon, 4 counts of auto theft, 4 firearms violations, and 3 counts of kidnapping. Despite the numerous charges that were reduced or dismissed as a result of the deals he struck, the sentences he received—many of which were suspended or ran concurrently with one another—add up to an aggregate term of 125 to 165 years. Even so, prior to his current imprisonment, he had served fewer than 8 years behind bars and had never done more than 3 consecutive years before earning a parole or an early release to an alternative correction center.

"It was like having a get-out-of-jail-free card," Nagle says of his work as an informant.

From the evidence of the many cases in which Nagle served as an informant—and from interviews with law-enforcement agents and inmates—most of the murderers, bank robbers, stickup artists, hijackers, and drug dealers he fingered appear to have been guilty as charged. In at least one instance, however, there is documented proof that he lied.

Following his arrest for a liquor-store stickup in Brighton in 1976, Nagle fingered a boyhood friend as his accomplice, but the detective investigating the case quickly discovered that he had the wrong man. The friend, Edward Madden, a former convict who now operates a construction company in Allston, says that Nagle was getting even with him for sleeping with Nagle's girlfriend. The investigating officer, Thomas Moran, a Boston detective now deceased, characterized Nagle as a liar and said that he never used Nagle's word as the basis for an arrest or a search warrant unless the information could be corroborated by someone else.

In fact, law-enforcement agents who know Nagle well—including his half brother, a former Watertown detective who is now a federal agent—describe him variously as a "habitual," a "pathological," and a "calculating" liar.

"He's very calculating about his lies," says Nagle's half brother, who requested anonymity for obvious reasons. "He'll tell you what you want to hear if he thinks it'll do him any good."

John Ridlon, a retired Boston police detective who used Nagle as an informant in Charlestown in the seventies and early eighties, regards him as "a con man from the word go."

"You could see right through him," says Ridlon. "Whatever he told me, I would believe it was a lie until I checked it out. You wouldn't just take him at his word. It's fair to say that 97 percent of the cops I knew who knew him wouldn't believe him unless the guy he was giving up was laying there at his feet with the gun in his hand."

That didn't stop Ridlon and other law-enforcement agents from using Nagle as an informant—and prosecutors from calling him as a witness—when they believed his information was good. According to defense attorneys and several inmates, including his cousin Paul Courtney, when Nagle had no information to give up, that didn't stop him from faking or fabricating some in hopes of making a deal.

NAGLE'S RECORD IS AS TALL AS LARRY BIRD. IN 13 YEARS HE WAS IN COURT FOR 116 SERIOUS FELONIES.

JOHN RIDLON, A RETIRED BOSTON POLICE DETECTIVE WHO USED NAGLE AS AN INFORMANT AND THOUGHT OF HIM AS "A CON MAN FROM THE WORD GO."

IN INTERVIEWS AND COURT TESTIMONY, inmates who know Nagle say that even in prison, he kept in touch with his law-enforcement contacts and continues to do so; that he regularly read and clipped news articles of criminal cases; and that he tried to wheedle information from inmates on the cases against them and other inmates, a breach of jailhouse etiquette.

Courtney, a stickup artist and longtime drug addict currently in the Charles Street Jail on a parole violation, says that Nagle often got his information from newspaper articles that Courtney's mother, who worked in a downtown law firm, would get for him. Courtney says that Nagle would ask him to call her to research cases in newspaper libraries and find out what she could. However, Courtney refused to talk about specific instances, saying he feared possible reprisals from law-enforcement officials.

"How did this guy get away with it for so long?" Courtney says. "I mean, he played both ends against the middle. He played everybody."

Indeed, several law-enforcement agents and inmates liken David Nagle to Leslie Vernon White, a California inmate profiled by CBS's "60 Minutes," who admitted fabricating the confessions of other inmates—sometimes without ever talking to them—and then testifying against them in court. Among other things, White was shown

000866

demonstrating how he could phone a police station from jail and, posing as a detective, learn details about criminal investigations. A subsequent investigation by the *Los Angeles Times* showed that some jailhouse informants maintained files of newspaper clippings on cases in which they were testifying against other inmates.

White's admissions led Los Angeles County to assign a special prosecutor in 1989 to investigate a number of cases in which informants had been used—and eventually resulted in a so-called snitch law restricting their use by California prosecutors. It appears to be the only law of its kind in the country.

"Remember that guy that was on '60 Minutes'?" says Ridlon. "Nagle would make him look like the pope. You see how that guy lied, putting innocent people in prison. I assure you that Nagle would have no conscience about putting innocent people away if he could get something out of it. He's a screwball, ain't no doubt about it. He'll tell you anything you want as long as you can help him."

At a time when defense attorneys, civil libertarians, and even some law-enforcement agents are questioning the increasing reliance of the police and the government on informants, David Nagle's career as an informant, like Leslie White's, illustrates the dangers of using criminals to catch and convict other criminals.

GERBELTMANN

EDWARD O'BRIEN USED NAGLE AS AN INFORMANT WHEN HE WAS THE AGENT IN CHARGE OF THE DEA'S SPRINGFIELD OFFICE. O'BRIEN HAS BEEN CONVICTED FOR DRUG DEALING.

State and local police and federal agents admit that many, if not most, of their successful investigations come as a result of information yielded by their networks of informants. Without their "snitches," they say, law-enforcement agencies would be hamstrung in their efforts to catch criminals. Mindful of the importance of informants, the federal government passed a law two years ago designed to encourage them by rewarding them with up to 25 percent of the proceeds seized in a successful criminal prosecution. That, on top of the large sums routinely paid up front to informants and the lighter sentences they receive in their own cases, provides an added, and tempting, incentive to lie, critics say. Even when the information is truthful, however, the dangers of relying on informants, the hidden cost of using them, and their potential for misuse often exceed the advantages.

In recent months, informants have figured prominently in a number of highly publicized—and highly embarrassing—Boston cases. Using information that the Boston police and Suffolk County prosecutors said was provided by informants, officials were led to believe, and in turn led the public to believe, albeit unofficially, that Willie Bennett was the prime suspect in the murder of Carol Stuart.

Last October, a Franklin County Superior Court jury found Albert Lewin, an illegal Jamaican immigrant, not guilty of murdering Boston police detective Sherman Griffiths in a two-year-old case that was rife with the questionable use, and outright misuse, of snitches: from the possibly fictitious informant the police used to obtain what proved to be an illegal search warrant for the Dorchester drug raid in which Griffiths was shot, to the two immunized informant-witnesses the prosecution used to build its porous case against Lewin, to the two jailhouse informants who received lighter sentences in exchange for testifying that Lewin, while in the Charles Street Jail, confessed to the murder.

Last spring, residents of Savin Hill Avenue, in Dorchester, accused the FBI of protecting a longtime paid informant, Charles Matta, whose after-hours club they had been trying for years to close because it was attracting drug dealers, gamblers, and prostitutes, and running the neighborhood into the ground. It wasn't until Matta was accused of dealing cocaine out of his club earlier last year—his second such charge in two years—that the neighbors learned that he had been a joint informant of the FBI and the DEA from 1978 to 1986. What's more, in an apparent violation of Justice Department policy, Matta continued to work for the FBI and enjoy its protection through 1989, one year after he pleaded guilty to cocaine possession in his club.

AS IT HAPPENS, THE AGENT CRITICIZED FOR mishandling Matta, Roderick J. Kennedy, was one of two FBI men who visited Nagle at the Norfolk County House of Correc-

(Continued on page 82)

Snitch

(Continued from page 55)

tion in Dedham in November 1974. During the mid-seventies, Nagle was cooperating with the Boston police on a number of bank robberies. He was also receiving a steady procession of visitors from the Treasury Department, the Brookline police, the Watertown police, the Dedham police, and the Norfolk County district attorney's office.

The FBI refuses to discuss specific informants—as a matter of policy, it says. For his part, Nagle at first denied he had ever been visited by the FBI while in Dedham; confronted with a record of his visitors there, he then denied telling the FBI anything. Nagle's half brother, however, says that Nagle is lying: "He was telling me he was friendly with this guy from the DEA, that guy from the FBI. He was working for them, all right, but he never went into any specifics."

One DEA guy who used Nagle as a paid informant extensively in the early eighties was Edward K. O'Brien, the agent in charge of the DEA's Springfield office—and the highest-ranking DEA official ever convicted for dealing drugs. In August 1989, O'Brien was arrested at Logan Airport in a sting operation in which he was set up by his own informant—a man he had gone into business with on Cape Cod selling used cars. Last fall O'Brien pleaded guilty to trafficking in drugs and embezzling DEA funds. He is expected to be sentenced this month.

While working for O'Brien and the DEA in and out of prison, Nagle admits, he continued pulling stickups and dealing and using drugs, many of which were paid for, he says, with DEA funds. The DEA, like the FBI, refuses to discuss specific informants as a matter of policy. Nagle's half brother says he approached O'Brien at the time with concerns about Nagle ("The whole thing backfired. He was running amok"). But O'Brien refused as a matter of policy even to admit to Nagle's half brother, a fellow law officer, that Nagle was his informant.

For all that, David Nagle is in most respects typical of the snitches that police officers and government agents have come to rely on for much, if not most, of their information in criminal investigations. Some admit that the relationship between them and their informants, like that between reporters and their sources, is often ambiguous and always complicated.

"There's always the question of who is using who more," says one Boston detective. "It can get pretty dicey."

Critics of the system, such as Gigi Gordon, the defense attorney who authored California's snitch law, say that at best, the growing dependence on informants can make for lazy law enforcement. "What they [the police] conduct often are passive investigations," Gordon says. "They wait for the informants to come to them."

At worst, she says, the increasing reliance on informants has created two classes of criminals: "one that gets caught but has nothing to sell; the other that has something to sell and gets a free pass."

Perhaps the best-known example of the latter class is James "Whitey" Bulger, reputedly the city's most powerful—and certainly its most elusive—organized-crime chief. The simmering suspicion in law-enforcement circles has long been that Bulger has avoided prosecution for the past quarter century largely because of his work as an FBI informant.

If nothing else, David Nagle's career as an informant illustrates the changing nature of the criminal subculture. It wasn't so long ago, after all, that stoolies, as informants used to be known, feared for their safety and had to be kept in protective custody while in prison. Today the code of silence is a quaint, and faint, memory to many criminals, and the safety of informants is in their numbers. In fact, Nagle estimates that as many as 50 to 60 percent of his fellow state inmates in Northampton have acted as informants at one time or another. Moving among them, he has come to think of himself as a pioneer of sorts.

Nagle's career as a snitch illustrates how outdated is yesterday's code of silence in jails.

"I was one of the first ones to see how the system worked," he says. "It's a new game now. It's who gets there first."

IF DAVID NAGLE WERE WRITING HIS LIFE story, he would title it *The Big Game*. "I fucked with these people," he says of the police officers and federal agents who used him as an informant. "I almost—not toyed with them—but it was like a game. A high-stakes game, but it was a game."

In more than 14 hours of interviews in person and by phone, Nagle projects alternating, often conflicting, images: of a tough guy who danced occasionally with the cops and feds; of a wise guy who used them more than they used him; of a self-confessed bad guy who was hounded and blackmailed into working as their snitch. Whatever the reality, Nagle is 41 years old now, minding his own business, he says, and quietly doing his time.

"I'm no big deal," he says. "I used to be

'in' at one time, but I'm all used up. You can only dance so long. I want to be left alone now."

Just the same, he can't help himself. He likes talking, telling stories, turning the colorful phrases of the street. As he talks, though, he seldom makes eye contact. Instead, his blue eyes glide from wall to ceiling to window, his hand tugging occasionally at the baseball cap, worn backward (his trademark, he says), that covers his bald crown. The few times he does make eye contact, he seems to be searching for clues.

"I think I know what you're looking for," he says repeatedly.

Nagle has a gift for storytelling, and he takes pride in it. It is enhanced by an unusual memory for details, especially for numbers. He takes pride in his memory, too. He can tick off his take in the various stickups he pulled, the dates of his numerous busts, the many counts he was arraigned on, the street addresses of the houses where he was living, even the license-plate numbers of the cars he was driving. For all that, though, his stories are honeycombed with contradictions, inconsistencies, and out-and-out lies.

To begin with, Nagle attributes his life of crime to a heroin habit he picked up as a Marine in Vietnam. It is a story he has told to inmates, reporters—anyone who didn't know him as a bright, athletic young man growing up in Brighton (where he set the neighborhood record for breaking storefront windows) and hanging out in Charlestown (where he fell in love with a girl from the projects and started using drugs).

The fact is, Nagle never spent a day in Vietnam. Likewise, he didn't leave the Marines as a sergeant, nor did he receive an honorable discharge, as he told the Rodwell jury. Instead, he left as a private first class with an undesirable discharge following a six-month stint in a stockade for going AWOL while he was stationed at the U.S. naval base at Guantánamo Bay, in Cuba. According to his family and friends, he was homesick for Brighton and lovesick for his girlfriend in Charlestown. When the FBI finally caught him, in fact, he was climbing out of a window of her mother's apartment.

"I don't think he even knows this," says his half brother, "but I told them where he was."

There is no disputing one aspect of Nagle's story, however: he returned home to Brighton in early 1970 with an appetite for hard drugs, especially heroin. It wasn't long before his appetite became an expensive habit ("a real oil burner") that required more money than he was earning on the construction jobs he got through his friends and his stepfather, a foreman with Perini Corporation. So Nagle turned to crime, to "the life," he says.

By all accounts he started small, as a scam artist and con man. His half brother says he recalls Nagle offering to sell television sets to friends, neighbors, and family members for $100. Nagle would "take the $100 and never come back with the TV," he says.

When Nagle did come back, it was often with a new scheme. "He's the kind of guy who'd con you, rip you off, and a week later he'd come back and charm you into forgetting about it," says Edward Madden, Nagle's boyhood friend from Brighton. "That's the kind of con he had."

Soon Nagle was stealing big-ticket items like construction equipment, and hijacking trucks with a gang from Somerville. Once he even hijacked a truck from his fellow hijackers—and nearly paid for it with his life. According to Joseph Yandle, a boyhood friend from Charlestown, Nagle was supposed to deliver a hijacked truck to a local fence who had paid the Somerville gang up front for the stolen goods. Instead, Nagle drove the truck to a second fence. Eventually, his friends caught up with him.

"They cuffed him and put him in the trunk of a car," says Yandle. "They were going to whack him out, but he talked his way out of it."

Within a year of Nagle's discharge from the Marines, he was a one-man crime

000869

Snitch

wave. He was dealing drugs and ripping off drug dealers. He was bartering guns he procured from his connections in one neighborhood for counterfeit money he got from his connections in another. He was printing and cashing payroll checks. And he was pulling armed robberies. His specialties were airline ticket offices, drugstores, and banks. "David was hooked up with four or five different crews [gangs] from all over the Boston area," says Yandle. "He knew a lot of people."

Though Nagle denies it, his friends say these associations were the source of the information that he would later trade to the police for money and for lighter sentences on his own crimes.

By the summer of 1972, Nagle was on the run from the Boston police. On June 12 he and a Brighton friend held up a Charlestown branch of the New England Merchants National Bank. Afterward they drove to Wellington Circle, in Medford, where they had parked a second getaway car. When they got there, however, they discovered that the car had been stolen. In the parking lot of a nearby Howard Johnson's, however, they found a salesman who had just finished lunch and forced him at gunpoint to drive them back to Boston.

According to Joseph Yandle, he and his partner, Edward J. Fielding, met up with Nagle in a car in Charlestown about two weeks later. Fielding wanted to buy a gun from Nagle's Brighton connection. During the conversation, Yandle says, Fielding told Nagle that he had shot and killed the manager of a Medford liquor store that the two men held up on June 20.

Nagle was finally arrested by the Boston police on Friday night, June 30, following a high-speed chase through the narrow streets behind Symphony Hall. The next day, Fielding was picked up in Charlestown. According to a story in the *Medford Mercury*, the Boston police had gained "vital information" on the murder case while investigating another crime that Friday. According to Yandle, who turned himself in the day after Fielding's arrest, Nagle was the source of that vital information.

"I always considered him like a brother," says Yandle, who is serving a life term without parole under the felony-murder law for his part in the murder. "And for a long time, I had a hard time believing it was him. But Fielding said the cops told him it was Nagle. And my lawyer proved it. It was a combination of things: the newspaper article; that he was arrested and nothing much happened to him; that he was the only one who could have been the informant because he was the only one who knew."

Nagle, for his part, denies it ("I was a tough guy then: I'd never talk to the cops"). And the Boston detective who solved the murder has since died. But Nagle's court record indicates that he probably made a deal of some kind. (In fact, according to friends and family, he also testified in 1973 against his Brighton friend and accomplice.) He was arraigned on seven counts of armed robbery, eight counts of larceny, four counts of passing bad checks, three counts of assault with a dangerous weapon, and one count of kidnapping (the unlucky salesman at Howard Johnson's). Most of the charges were reduced, dismissed, or resulted in concurrent sentences, and Nagle was sentenced to six years at Concord. Sixteen months after his arrest, he was back on the street.

NAGLE WASN'T OUT LONG—ABOUT three months—before he was picked up in a stolen car in downtown Boston ("They had the license plate of the car I was driving, 333-396; it belonged to a friend of mine"). This time he was charged with a spree of 11 armed robberies in Brighton and Brookline, mostly of drugstores.

Charged with a spree of 11 armed robberies, Nagle got two years in Norfolk and served 17 months.

While waiting in a holding cell in Brighton District Court in February 1974, he says, he was approached by Boston police detective John Doris and offered his first deal. The Boston Police Department turned down numerous requests from *Boston Magazine* to interview Doris and other police officers about Nagle and other informants. According to Nagle, though, Doris wanted a Hyde Park tough and an accomplice in one of the Brighton drugstore robberies that Nagle had pulled. As Nagle tells it, the tough had once shot and wounded a Boston police officer and had since become a marked man.

"He [Doris] says, 'I'll give you 2 years,'" Nagle says. Then, contradicting himself, he quickly adds: "But no number was really spoken. It doesn't take a rocket scientist to see it's either this or 50 years. So [the Hyde Park guy] copped out to a 5-to-8. Nobody got hurt."

Nagle certainly didn't—at least not in court. Most of the armed-robbery charges were reduced to larceny from a person, and he was sentenced to two years in the Norfolk County House of Correction in Dedham. During a brief stopover at Concord before he was transferred to Dedham,

however, he was beaten and stabbed in the arm by several friends of the Hyde Park tough. "This thing with [the Hyde Park guy] did not go over well," he says.

Nagle ended up serving 17 months and was out again in July 1975, the day before his twenty-sixth birthday. To celebrate the occasion, his girlfriend from Charlestown took him to see *Jaws*.

Between then and September 1977, Nagle was in and out of jail two more times, repeating the familiar pattern of crime sprees, reduced charges, and early releases. During that period, friends, family, and inmates who know him say he was providing information on bank robberies, illegal gun dealers, and counterfeiting rings in return for the reduced sentences and early releases.

Also during that time, Nagle was providing information to Boston detective John Ridlon, though they both admit that Nagle's tips were usually not reliable. Once, says Ridlon, he and Nagle were on their way to buy angel dust from a suburban dealer when Nagle asked him to stop at a convenience store. There, Nagle bought some oregano that he later tried to pass off to Ridlon as angel dust. Another time, says Ridlon, they were driving to Somerville on another tip when Nagle again asked him to stop at a convenience store. "Me and my partner were waiting in the car," Ridlon says, "and I'm thinking, This is a guy who'll pull a stickup and use me as his getaway driver. When he comes out, I pat him down. Then we marched him right back in just to make sure he hadn't done anything. That was the type of guy he was."

By 1978, Nagle was experimenting with the straight life in New Hampshire. He had fallen in love with another woman, and they had moved to Hampton Beach ("14A Witten Avenue") to be closer to his construction job. He was working on the nuclear reactor in Seabrook and dealing marijuana to other workers at the site ("To me it was like a regular job"). By the end of the year, his girlfriend was pregnant and he was homesick again. So he took a construction job on the Red Line extension and they moved to Boston.

In January 1979, Nagle was arrested at work for a bank robbery that he says—and, for once, his half brother agrees—he didn't do. (There was a bit of poetic justice in the charge in that he actually robbed the same bank twice in 1971 but never got caught.) He made bail but ran into more trouble that April, when he found three men waiting for him in a car outside his home. He recognized one of the men, William McDermott, a Brookline police sergeant.

McDermott had visited Nagle regularly when he was in jail in Dedham in the mid-seventies. Just the same, Nagle denies that he has ever worked as McDermott's snitch. Instead, he characterizes the Brookline detective as a "straight shooter" and a "personal friend." Oddly enough, Nagle produced a letter Paul Courtney wrote last November, asking if his "contact"—"That's Billy Mac," Nagle boasted—could get him transferred from the Charles Street Jail to Northampton. Nagle's half brother calls McDermott Nagle's "rabbi"—his main handler. McDermott failed to return numerous phone messages left for him at headquarters.

Nagle says that McDermott introduced him to the two other men in the car that night in April: Al Duffy and Al Reilly ("the two Als," Nagle calls them). They were DEA agents. According to Nagle, they said they had pictures of him and his girlfriend buying heroin at a Chinese restaurant in Malden that had been under DEA surveillance for months. The good news was that they wanted him to work for them as an informant.

"The thing that happened to me was I knew too many people and I went too many places," he says with resignation.

As Nagle tells it, his 18-month dance with "the two Als" could have been choreographed by the Keystone Kops. According to Nagle, they used him mostly to make heroin buys for testing purposes (he says he kept much of it for his own testing purposes and used the money they paid

Snitch

him to buy more) and to find out what the various Boston gangs were up to. In return, he says, he gave them more grief than he did intelligence.

In March 1980, for instance, Nagle says he was picked up for questioning about a conspiracy to kill a Boston patrolman. ("The two Als," who joined him at the police station, "saw their careers going up in smoke—I'm killing cops," he says.) The next month the Boston and Somerville police arrested him for armed robbery and kidnapping. According to Nagle, the arrest took place inside the Boston office of the DEA, which at the time was headquartered in the John F. Kennedy Federal Building, at Government Center. ("Talk about ironies.")

In late summer 1980, "the two Als" were transferred to Springfield, where they went to work for Edward K. O'Brien, who had just opened a new DEA office. Nagle says that the DEA agent who inherited him was more demanding of his snitches. "He wanted me to do things that would get me killed," Nagle says.

According to Nagle, he slowly drifted away from the DEA, but not before he was almost killed in a shoot-out that fall with a Mission Hill dealer he had helped the DEA agent set up for a drug bust. In April 1981, Nagle was picked up in Waltham for armed robbery. He had allowed his get-out-of-jail-free-card to expire, so he was sent to the Middlesex County House of Correction in Billerica. There he met Frankie Holmes and, later, Jimmy Rodwell.

APRIL 1981 WAS A BRUTAL MONTH IN David Nagle's life. He arrived in Billerica with a vicious heroin habit. He also had to deal with the 15-to-20-year term he was potentially facing at the state prison in Walpole. But first things first. He had to kick.

The first day or so wasn't pretty, according to Thomas Farina, a onetime inmate who befriended Nagle in Billerica. "He says he got this oil burner for a habit," says Farina, now a psychiatric social worker who works with parolees. "I mean, this guy looked bad."

Nagle rebounded quickly, however, and was soon playing basketball ("a dynamite outside shot") and shooting the breeze ("He had a macabre sense of humor that fit the environment") with Farina. "He said he got a wife and a kid, and those were the most important things in his life, and there wasn't anything he wouldn't do to get back to them," Farina recalls.

Nagle subsequently spent a brief time in the jail hospital under protective custody. Farina later learned that he had been attacked in the jail cafeteria by an inmate wielding a makeshift knife, who claimed Nagle had once informed on him. In the hospital, Nagle met another inmate under protective custody, Frankie Holmes.

Holmes had been arrested in late April for violating his state parole after he was implicated in the hijacking of a Gillette truck from Rhode Island to Massachusetts. He had agreed to testify against his accomplices in that and another hijacking and was awaiting their trials in federal court. He had been granted immunity on the federal charges, but that wouldn't do him any good with the state on the parole violation: he would still have to finish his sentence on a previous armed-robbery conviction. Meanwhile, his girlfriend was expecting their second child soon, and he wanted to be with her as quickly as possible. For all that, there was a larger matter weighing on his mind: his role in the two-and-a-half-year-old murder of Louis Rose. Holmes had to get it off his conscience somehow.

He talked to another inmate, who put him in touch with yet another inmate, who suggested he talk to the state police. On May 1 Holmes had an off-the-record meeting with two state police detectives, Thomas Spartichino and William Powers. Three days later, Holmes went on the record. In the meantime Nagle had agreed to testify against two of his accomplices in his latest spree of stickups. It wasn't enough to get the charges against him reduced, but it was a start. By the time Jimmy Rodwell was brought to Billerica on May 26, Frankie Holmes was enrolled in the federal witness-protection program and preparing to marry his girlfriend, who was ready to deliver their child.

As Nagle tells it, he and Rodwell plotted an escape together. Then the snitch had some second thoughts.

As Farina tells it, a mutual acquaintance from Somerville introduced him to Rodwell shortly after Rodwell got to Billerica, and the two men struck up a fast friendship. "I started hanging around with him because he's not a degenerate," says Farina. "He's a couple of classes above your average con. He sees the guys we're in with for what they are."

Soon Farina was stopping by Rodwell's cell to play cards and talk. Among other things, Farina says, he warned Rodwell about Nagle. "I said he's no fucking good, except he plays a good game of basketball," Farina says.

As Nagle tells it, though, he and Rodwell became fast friends and plotted an escape together. Nagle says that Rodwell also asked him to testify that Holmes had con-

fessed to lying about the murder, and that he agreed. At the end of June, however, Rodwell got into a fistfight with several other inmates and was brought before the jail's disciplinary board. The night before the hearing, Rodwell was in his cell—bragging, according to Nagle, who was in *his* cell, across the hall and one door down. "I put seven in the kid's head. That's what a fucking animal I am," Nagle said Rodwell said.

The next day, after Rodwell was sent to isolation, Nagle says he began to have second thoughts about breaking out with him, never mind perjuring himself at a murder trial and risking a life sentence. Nagle's girlfriend had moved out to western Massachusetts with their daughter, and testifying for Rodwell wasn't going to get him any closer to them. Nagle needed some advice and turned to his "rabbi," William McDermott, who in turn put him in touch with Thomas Spartichino. On July 9, Nagle had an off-the-record interview with Spartichino and told him about Rodwell's confession. On July 14, Nagle was transferred to the Franklin County House of Correction in Greenfield. By the time Rodwell got out of isolation later that month, Nagle was entertaining his girlfriend and their daughter in a Greenfield visiting room.

When Thomas Farina learned later about Nagle's testimony and Rodwell's supposed confession, he refused to believe it. "There would never be that kind of contact with Nagle," Farina said, "because he [Rodwell] had heard the same thing that I had—that Nagle was a rat."

When William Cintolo, Rodwell's attorney, found out about Nagle, he filed a pretrial motion to prevent him from testifying because he had been a paid government informant. In his supporting affidavit, however, Cintolo failed to prove the allegation. Besides, he filed the affidavit late. Cintolo—who was disbarred last year after his conviction for scheming to prevent a witness from testifying before a grand jury investigating his client, Boston Mafia leader Gennaro Angiulo—had been running for a seat on the school committee in Revere, and the campaign had taken up about 90 percent of his time, he said. The judge turned down the motion.

When Howard Whitehead, the assistant district attorney originally assigned to the Rose case, learned about Nagle's testimony and Rodwell's supposed confession, he was very pleased. "I wouldn't say it happens a lot, but it's not uncommon," says Whitehead, who now works in the Essex County district attorney's office. "The police officer makes an assessment. I have a lot of confidence in police officers because they can read people pretty well."

When Thomas Spartichino, the detective in charge of the case, learned of Nagle's story about Rodwell's confession, he, too, was very pleased. "Nobody ever gets convicted wrongly in a capital case," says Spartichino, now a state police major. "It took a long time [to make the case against Rodwell] because the pieces didn't fit at first. But I believed Nagle. I'm proud of the work we did on that case."

When John Ridlon, the retired Boston detective, learned recently about Nagle's testimony and Rodwell's confession, he chuckled. Asked what he would have done if Nagle had come to him with Rodwell's confession, he chuckled again. "I'd say, 'David, get me some people who were there and saw it,'" Ridlon says. "And if he couldn't—see you later, David. See you later. He was the most untrustworthy person I think I ever met."

WHEN NAGLE CAME UP FOR SENtencing in February 1982, Robert Nelson, the Suffolk County assistant district attorney handling his case, was ready to ask for a 15-to-20-year sentence. But Thomas Spartichino was also there, and he spoke up on Nagle's behalf. Then it was Nagle's attorney's turn.

"Very briefly, Your Honor," his attorney said, "he has a long history of a serious drug problem which he came back from Vietnam with after an honorable discharge in 1967—excuse me, 1970 is when he came back, and that's when you will see that it began on his record. He is not only a high school graduate, but he has been doing very well for the last 3 years."

Sentenced to a 7-to-12-year term, Nagle continued to do well over the next 3 years. The following August he met Edward O'Brien, the DEA agent, in New York City. Nagle says he was escorted there by federal marshals after his girlfriend was photographed by the DEA in a drug transaction. As Nagle tells it, the transaction was part of a plot he and two Lebanese heroin dealers, who were awaiting trial, had hatched to crash out of the Greenfield jail, sell several million dollars' worth of heroin, stash the money, and then give themselves up.

"I was just knocked over by this deal," Nagle says. "You're talking $1 million without even breaking a sweat. You only get six months for breaking security, so you break out, do the deal, and turn yourself in."

Testifying in another court case two years later, however, O'Brien said that Nagle was on a furlough from prison when the two men first met in New York. Whatever the reality, the DEA was recruiting Nagle as an informant again. As it had done before, he says, it was holding his girlfriend hostage. And as before, Nagle says he had no choice but to sign up. He signed an affidavit giving up the Lebanese heroin dealers, who received lengthy sentences. In return, O'Brien promised to

Snitch

send a letter to the parole board on Nagle's behalf.

What followed was a three-year relationship that proved to be as pleasant and profitable as Nagle's previous hitch with "the two Als." A true believer, O'Brien had brought the war on drugs to western Massachusetts, pledging to root out large-scale dealers and recreational users alike. And in David Nagle, he had a seasoned soldier, even a soul mate.

"He was me—on speed," Nagle says.

He estimates that he collected about $10,000 from O'Brien, though those who know Nagle believe the figure was much higher. And, of course, he continued to take hard drugs. One inmate who took drugs with Nagle estimates that he had a $1,500-a-week heroin habit—a real oil burner—while the two were together in the York Street Jail in Springfield in the summer of 1984. Nagle figures it was more like a $500-to-$1,000-a-week habit.

Jack Rodwell spent almost 10 years and paid more than $90,000 trying to exonerate his son.

Nagle won't say how many sting operations he took part in during that three-year period. But court records and interviews with defense attorneys indicate that he played a role in at least five drug cases. (In one undercover operation, Nagle indulged in a little inside humor and introduced O'Brien to a drug dealer as Edward Madden, the boyhood friend Nagle had falsely fingered once for a Brighton liquor-store robbery.) Three of those operations took place while he was on furlough—an apparent violation of a December 1982 ruling by the Massachusetts Department of Correction.

"The panel was concerned about Mr. Nagle's lengthy criminal history and his return to drug use in the community," deputy commissioner Fred A. Butterworth wrote at the time.

Nagle insists that he received only four furloughs in all and denies that O'Brien had anything to do with them. "I got furloughs, and he was there when I got out," Nagle says.

In September 1984, after serving three years and seven months of his 1982 sentence, Nagle was finally released. Once again, though, he didn't last very long on the outside. The following April he was picked up in Falmouth and eventually charged with 13 armed robberies. He denies it, but his accomplice in several of those stickups, Vincente Garcia, says that Nagle turned him in.

"When it came to armed robberies, he showed a lot of heart," says Garcia, who is currently in the state prison at Walpole. "That's why I was surprised. When it came to doing your time like a man, he ratted me out."

There being nobody other than the unfortunate Garcia to give up, however, Nagle was sentenced in 1985 to a 20-to-25-year prison term. Since then, Nagle's cousin Paul Courtney and his half brother say that he still keeps in regular touch with his law-enforcement contacts, offering to help out in any way he can. Needless to say, Nagle denies that ("I'm retired"), insisting that he is content to work in the jail woodshop, bide his time until he's paroled again in five or six years, and reflect on the wreckage of his life.

"I'm not really a nice person," he says. "I don't like people too much."

NOVEMBER 1990 WAS ANOTHER BRUtal month in Jack Rodwell's life. He was working for a consulting firm and bracing for another recession. His wife, Carolyn, had an operation for cancer. And despite his best efforts, his son Jimmy was still doing life.

The elder Rodwell had spent almost 10 years, hired five lawyers, and shelled out more than $90,000 in legal and investigative fees. He had crisscrossed the state, haunting courthouses, collecting records, talking to prison inmates—finding out anything he could about David Nagle and Frankie Holmes. But all he had to show for his time, money, and legwork were a failed appeal before the state supreme court in 1983 and a large box full of transcripts, affidavits, and other court papers.

At several points, Rodwell had given serious thought to enrolling in law school so he could handle his son's case. But he finally had to give up on that idea. He still had two kids in the house—three, counting his elder daughter, who had moved back home with her own two daughters—and bills to pay.

Now another Christmas was coming, and afterward, another year when his family was not intact.

The thing that gets to him, says Rodwell, is the perjury that the government should have known about but allowed to happen. He adds: "When I testified, I was telling the truth. I had secret security clearance—I've had it since 1948. If there had been guns in my apartment like they [Holmes and Nagle] said, I could have lost my clearance. If you check my record, there are no tickets, no crimes—it's been a clean record since I was born. I'm an honest man. These people lied. Holmes and Nagle lied. My son was convicted with perjured testimony." □