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DiSimone to be sentenced in 1994 slaying; will walk free

Four or five times a week Dorothy Balancio visits Mount Hope Cemetery to spend time at the grave of her son, Louis.

There is a wreath and a Santa Claus – signs of the season and that his friends still remember him.

When she walks out of the Westchester County Courthouse today, the man who admitted stabbing her son to death nearly 17 years ago will walk out as well, free to go home to spend the holidays with his family.

"And I go to a frozen grave site," she said. "That's my Christmas."

Her son, Louis Balancio, was killed during a Yonkers street brawl Feb. 4, 1994. Anthony DiSimone, now 43, pleaded guilty in September to second-degree manslaughter, admitting he stabbed the college student 13 times during the fight between rival gangs.

DiSimone, a reputed member of the Tanglewood Boys gang, named for the Central Park Avenue strip mall where the crew hung out, pleaded guilty Sept. 27 on the eve of his second trial in the case.

His 2000 conviction for second-degree murder was thrown out by a federal judge in 2007 after prosecutors from the county District Attorney's Office admitted they failed to turn over to the defense evidence that pointed to someone else as Balancio's possible killer.

DiSimone, who was serving a sentence of 25 years-to-life, was ordered freed from Green Haven Correctional Facility in Stormville.

The statute under which DiSimone was convicted in 2000 – depraved indifference murder – has been pared down by appellate courts to make it virtually impossible to convict someone of the crime in a one-on-one confrontation. DiSimone was cleared of intentionally stabbing Balancio to death.

Westchester County prosecutors and DiSimone's lawyer, Murray Richman, struck a plea bargain that allowed DiSimone to admit stabbing Balancio to death but spares him additional prison time. The agreed upon sentence for DiSimone's plea is 3 1/2 years to 10 1/2 years behind bars. But because DiSimone already served seven years on the murder conviction, he is automatically paroled.

That was only the most recent twist in a case that saw an international manhunt for DiSimone who disappeared after the killing.

Thirty witnesses who were there the night of the killing outside the Strike Zone bar refused to cooperate with investigators. Two of DiSimone's reputed comrades in the Tanglewood Boys, Nick and Darin Mazarella, became FBI informants after they were arrested in connection with the killing.

Finally, in November 1999, DiSimone walked into a Yonkers police precinct and surrendered

The Balancio family – Dorothy, her husband, Jeffrey, and their son Jeff – all hope to speak during DiSimone's sentencing today in state Supreme Court Justice Louis Adler's courtroom in White Plains.

"We know no matter what we say, he's walking out of that court free," said Jeffrey Balancio, a former Yonkers city councilman. "But after nearly 17 years of silence, we have to speak."

Dorothy Balancio called DiSimone a "sociopath" who has "shown absolutely no remorse."

But DiSimone's lawyer, Richman, bristled at that characterization.

"My heart goes out to them. My client's heart goes out to them," he said. "There's no recompense for the loss of a child. It's terrible. I know these people are broken up. But to say there's no remorse is just not reality."

Richman said he did not know if DiSimone would address the court during his sentencing.

He said he had submitted 40 letters of support from DiSimone's friends and family members.

The Balancios have submitted 155 letters.

Richman said he doesn't plan to ask the judge for much.

"Just to abide by the agreement," he said.

The Balancios say they plan to ask for the tightest parole conditions possible – including electronic monitoring. Richman said that can't happen under the law.

Whether Adler allows the entire Balancio family to speak is just about the only question the Balancios have about today.

They know they will get no satisfaction from the end of the criminal case.

They know the man who admitted killing their son will walk.

They know where they are going after court.

"We're all going over to Mount Hope Cemetery," Jeffrey Balancio said, "to visit Louis."