

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

ARNOLD SQUITIERI, :

a/k/a "Zeke," :

a/k/a "Bozey," :

a/k/a "Sylvester," :

ANTHONY MEGALE, :

a/k/a "Mac," :

a/k/a "Machiavelli," :

GREGORY DEPALMA, :

ALPHONSE SISCA, :

a/k/a "Funzi," :

LOUIS FILIPPELLI, :

a/k/a "Bo," :

ROBERT VACCARO, :

NICHOLAS LASORSA, :

a/k/a "Nicky," :

THOMAS CACCIOPOLI, :

a/k/a "Tommy Sneakers," :

JOHN CAPRA, :

a/k/a "Hooks," :

PASQUALE DELUCA, :

a/k/a "Scop," :

CHRISTOPHER SUCARATO, :

JOSEPH FORNINO, :

a/k/a "Joey Per Voi," :

ROBERT PERSICO, :

SAM NORDONE, :

ROBERT VACCARO, JR., :

LEONARD MINUTO, SR., :

a/k/a "Lenny," :

LEONARD MINUTO, JR., :

a/k/a "Lenny," :

LOUIS NATRELLA, :

a/k/a "Little Louie," :

JOHN VACCARO, :

a/k/a "Popcorn," :

AL ALVAREZ, :

MARK DENUZIO, :

JAMES VETRANO, :

PAUL OLIVERI, :

FRANK BUSCEMI, :

a/k/a "Cheech," :

MICHAEL DEPALMA, :

INDICTMENT

05 Cr. 228

FRANK D'AGOSTINO," :
a/k/a "Frankie D," :
THOMAS D'AGOSTINO, :
a/k/a "Tommy D," :
NEIL DELIETO, :
JUSTIN CARTISANO, :
JOSEPH MORAY, :
ROBERT SANSEVERINO, :
a/k/a "Bobby Phones," and :
ALFRED LAFATA, JR., :
: :
Defendants.

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RACKETEERING CHARGES

COUNT ONE

Racketeering Violation

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, NICHOLAS LASORSA, a/k/a "Nicky," CHRISTOPHER SUCARATO, JOSEPH FORNINO, a/k/a "Joey Per Voi," ROBERT PERSICO, SAM NORDONE, and ROBERT VACCARO, JR., the defendants, and others known and unknown, were members and associates of the Gambino Organized Crime Family of La Cosa Nostra (the "Gambino Organized Crime Family"). The Gambino Organized Crime Family was a criminal organization whose members and associates engaged in numerous acts of violence and other

crimes, including: murder; conspiracy to commit murder; attempted murder; extortion; labor racketeering; the financing and making of extortionate extensions of credit and the collection of extensions of credit through extortionate means (commonly known as "loansharking"); robbery; money laundering; trafficking in counterfeit and stolen goods; and the operation of illegal gambling businesses.

2. The Gambino Organized Crime Family, including its leadership, membership, and associates, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1961(4) -- that is, a group of individuals associated in fact, which was engaged in, and the activities of which affected, interstate and foreign commerce. The Gambino Organized Crime Family was an organized criminal group based in New York City that operated in the Southern District of New York and elsewhere and constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The Gambino Organized Crime Family was referred to by its members and associates in various ways, including as a "cosa nostra," a "Family," and "this thing of ours."

3. The Gambino Organized Crime Family was part of a nationwide criminal organization known by various names, including the "Mafia" and "La Cosa Nostra" ("LCN"), which

operated through entities known as "Families." The Gambino Organized Crime Family took its name from one of its first leaders, Carlo Gambino. In addition to the Gambino Organized Crime Family, five other Families operated in the New York City and New Jersey area, namely, the Genovese Organized Crime Family of LCN, the Luchese Organized Crime Family of LCN, the Colombo Organized Crime Family of LCN, the Bonanno Organized Crime Family of LCN, and the Decavalcante Organized Crime Family of LCN.

4. The Gambino Organized Crime Family operated through groups of individuals known as "crews" and "regimes," most of which were based in New York City. Each "crew" had as its leader a person known as a "Caporegime," "Capo," "Captain," or "Skipper," and consisted of "made" members, sometimes known as "Soldiers," "wiseguys," "friends of ours," and "good fellows." Soldiers were aided in their criminal endeavors by other trusted individuals, known as "associates," who sometimes were referred to as "connected" or identified as "with" a Soldier. Associates participated in the various activities of the crew and its members.

5. Each Capo was responsible for supervising the criminal activities of his crew and provided Soldiers and associates with support and protection. In return, the Capo

typically received a share of the illegal earnings of each of his crew's Soldiers and associates, which was sometimes referred to as "tribute."

6. Above the Capos were the highest-ranking members of the Gambino Organized Crime Family, commonly referred to as the Administration. The head of the Gambino Organized Crime Family was known as the "Boss," who was ordinarily assisted by an "Underboss" and a "Consigliere," or counselor. The Boss, Underboss, and Consigliere were responsible for, among other things, setting policy, resolving disputes between and among members of the Gambino Organized Crime Family, and resolving disputes between members of the Gambino Organized Crime Family and members of other criminal organizations. The Administration of the Gambino Organized Crime Family was also responsible for overseeing the criminal activities of the Family's Soldiers and associates, and made decisions regarding those criminal endeavors.

7. At various times relevant to this Indictment, members of the Gambino Organized Crime Family were temporarily appointed to serve as Boss, Underboss, Consigliere, or Capo in place of another member holding that position. Whenever this occurred, the member holding the temporary appointment would function in an "acting" capacity for the other member, who continued to hold the "official" position in the Family. In

addition, at various times relevant to this Indictment, members of the Gambino Organized Crime Family served on a committee or ruling panel, a group of high-ranking members of the Family who assisted and, at times, made decisions with, or on behalf of, the Boss and the Acting Boss of the Family.

8. The Boss, Underboss, and Consigliere (whether official or acting) and, at times, the members of the ruling panel, supervised, supported, protected, and disciplined the Capos, Soldiers, and associates, and regularly received reports regarding their various activities. In return for their supervision and protection, the Boss, Underboss, and Consigliere and members of the ruling panel typically received part of the illegal earnings of each crew.

9. While the overall structure of the Gambino Organized Crime Family remained constant, the structure of the Family's Administration was sometimes adjusted to meet situations -- including particularly the incarceration of the Boss, Acting Boss, and other high-ranking members of the Family -- that threatened to impede the orderly operation and criminal activities of the Gambino Organized Crime Family. Accordingly, following the incarceration of the Gambino Family's Boss Peter Gotti, in or about the second half of 2002, Gambino Organized Crime Family Underboss ARNOLD SQUITIERI became the Acting Boss of the Gambino Organized Crime Family. At or about the same time,

Gambino Organized Crime Family Soldier ANTHONY MEGALE assumed the position of Acting Underboss. In many respects, MEGALE operated as what is sometimes referred to as a "street boss" for SQUITIERI because of SQUITIERI's concerns about meeting with other LCN members and associates while on parole for a prior narcotics conviction.

The Defendants

10. At all times relevant to this Indictment, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, NICHOLAS LASORSA, a/k/a "Nicky," CHRISTOPHER SUCARATO, JOSEPH FORNINO, a/k/a "Joey Per Voi," SAM NORDONE, ROBERT PERSICO, and ROBERT VACCARO, JR., the defendants, and Thomas Cacciopoli, a/k/a "Tommy Sneakers," were members and associates of the enterprise, the Gambino Organized Crime Family. SQUITIERI, MEGALE, DEPALMA, SISCA, FILIPPELLI, VACCARO, LASORSA, SUCARATO, FORNINO, NORDONE, PERSICO, VACCARO, JR., and Cacciopoli participated in the operation and management of the enterprise as follows:

a. ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," was, at various times relevant to this Indictment, a Soldier, Underboss, and Acting Boss of the Gambino Organized Crime Family. After being released from prison in or

about March 1999, SQUITIERI was made Underboss of the Gambino Organized Crime Family, the second highest-ranking position in the Family, by John J. Gotti, the former Boss of the Family. Following the arrest of Gambino Family Boss Peter Gotti on racketeering charges in June 2002, SQUITIERI became Acting Boss of the Gambino Organized Crime Family, a position he has held during much of the time relevant to this Indictment. As Acting Boss, SQUITIERI was responsible for, among other things, supervising the illegal activities of all of the members and associates of the Gambino Organized Crime Family and resolving disputes with other Organized Crime Families. In particular, SQUITIERI regularly received a portion of the proceeds generated from the illegal activities of the Gambino Organized Crime Family. At the same time, SQUITIERI tried to avoid meeting with other LCN members and associates because of his concerns about law enforcement based, in part, on the fact that SQUITIERI is currently on parole as a result of a 1989 conviction for distributing heroin. Notwithstanding these concerns, SQUITIERI has met with, among others, ANTHONY MEGALE, GREGORY DEPALMA, ALPHONSE SISCA, and ROBERT VACCARO. Among SQUITIERI's criminal activities were participation in extortions, the interstate transportation and receipt of stolen property, and the operation of an illegal gambling business.

b. ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," was, at various times relevant to this Indictment, a Soldier and Acting Underboss in the Gambino Organized Crime Family. MEGALE became Acting Underboss of the Gambino Organized Crime Family at or about the time that ARNOLD SQUITIERI was elevated from Underboss to Acting Boss. In his capacity as Acting Underboss, MEGALE was responsible for, among other things, supervising the illegal activities of the members and associates of the Gambino Organized Crime Family, and resolving disputes between and among members and associates of the Gambino Organized Crime Family. MEGALE also received a portion of the proceeds from the Gambino Organized Crime Family's illegal activities. At various times relevant to the Indictment, MEGALE assumed direct control of certain of GREGORY DEPALMA's illegal endeavors. Up through September 2004, MEGALE met regularly with DEPALMA and other members and associates of the Gambino Organized Crime Family to discuss various criminal activities. In September 2004, MEGALE was arrested on separate Federal racketeering charges in the District of Connecticut, and was detained. At such time, other members of the Gambino Organized Crime Family assumed certain of MEGALE's supervisory responsibilities. Among MEGALE's criminal activities were participation in extortions, the interstate transportation and receipt of stolen property, and the operation of an illegal gambling business.

c. GREGORY DEPALMA was, at various times relevant to this Indictment, a Soldier and Acting Capo in the Gambino Organized Crime Family. In January 1999, GREGORY DEPALMA was convicted of Federal racketeering charges in the United States District Court for the Southern District of New York. Following his release from prison in or about February 2003, DEPALMA retained his position as Acting Capo in the Gambino Organized Crime Family, the position he had held before his earlier racketeering conviction. As Acting Capo, DEPALMA supervised and profited from the illegal activities of the Soldiers and associates in his crew. Among DEPALMA's criminal activities were participation in extortions, loansharking, an assault with a deadly weapon, the interstate transportation and receipt of stolen and counterfeit property, labor racketeering, insurance fraud, and the operation of illegal gambling businesses.

d. ALPHONSE SISCA, a/k/a "Funzi," was, at various times relevant to this Indictment, a Soldier and Capo in the Gambino Organized Crime Family. SISCA is a close confidante of ARNOLD SQUITIERI and has attended meetings with other LCN members and associates on SQUITIERI's behalf. Among SISCA's criminal activities were participation in extortions and the operation of an illegal gambling business.

e. LOUIS FILIPPELLI, a/k/a "Bo," was, at various times relevant to this Indictment, an associate and Soldier in the Gambino Organized Crime Family. Following the arrest and

detention in September 2004 of Gambino Organized Crime Family Acting Underboss ANTHONY MEGALE, FILIPPELLI assumed some of MEGALE's supervisory responsibilities. Among FILIPPELLI's criminal activities were participation in extortions and the operation of an illegal gambling business.

f. ROBERT VACCARO was, at various times relevant to this Indictment, an associate and Soldier in the Gambino Organized Crime Family. In or about August 2003, the Gambino Family Administration placed VACCARO in DEPALMA's crew. Thereafter, among other things, VACCARO delivered messages between the Gambino Family Administration and DEPALMA. Among VACCARO's criminal activities were participation in extortions, loansharking, an assault with a deadly weapon, interstate transportation and receipt of stolen property, labor racketeering, and the operation of illegal gambling businesses.

g. NICHOLAS LASORSA, a/k/a "Nicky," was, at various times relevant to this Indictment, a Soldier in the Gambino Organized Crime Family. Among LASORSA's criminal activities were participation in extortions.

h. CHRISTOPHER SUCARATO was, at various times relevant to this Indictment, an associate in the Gambino Organized Crime Family. Among SUCARATO's criminal activities were participation in extortions.

i. JOSEPH FORNINO, a/k/a "Joey Per Voi," was, at various times relevant to this Indictment, an associate in the

Gambino Organized Crime Family. FORNINO owned the Pasta Per Voi Restaurant, in Port Chester, New York, where MEGALE, DEPALMA, VACCARO and other Gambino Organized Crime Family members and associates met. Among FORNINO's criminal activities were loansharking, interstate transportation and receipt of stolen property, and operation of an illegal gambling business.

j. SAM NORDONE was, at various times relevant to this Indictment, an associate in the Gambino Organized Crime Family. NORDONE ran the Sam Nordone & Sons' Autobody Shop in Larchmont, New York. Among NORDONE's criminal activities were the interstate transportation and receipt of stolen property, labor racketeering, and insurance fraud.

k. ROBERT PERSICO was, at various times relevant to this Indictment, an associate in the Gambino Organized Crime Family. PERSICO operated a construction business in Westchester County, New York. Among PERSICO's criminal activities were participation in an extortion and the interstate transportation and receipt of stolen property.

l. ROBERT VACCARO, JR. was, at various times relevant to this Indictment, an associate in the Gambino Organized Crime Family. VACCARO, JR. is the son of Gambino Organized Crime Family Soldier ROBERT VACCARO. Among VACCARO, JR.'s criminal activities were labor racketeering and interstate transportation and receipt of stolen property.

m. Thomas Cacciopoli was, at various times relevant to this Indictment, a Soldier and Capo in the Gambino Organized Crime Family. Among Cacciopoli's criminal activities were participation in extortions.

Purposes of the Enterprise

11. The purposes of the enterprise included the following:

a. Enriching the leaders, members, and associates of the enterprise through, among other things: (i) the extortionate control of businesses, labor unions, persons, and property through threats of physical and economic harm; (ii) the financing, extension, and collection of extortionate extensions of credit, commonly known as "loansharking"; (iii) the operation of illegal gambling businesses; (iv) the purchase, sale and receipt of stolen property and counterfeit goods; (v) theft; (vi) labor racketeering; and (vii) automobile insurance fraud;

b. Preserving and augmenting the power, territory, and financial profits of the enterprise through murder, intimidation, violence, and threats of physical and economic harm; and

c. Keeping victims and citizens in fear of the enterprise and its leaders, members and associates by: (i) identifying the enterprise, its members, and its associates with La Cosa Nostra or the "Mafia"; (ii) causing and threatening to

cause economic harm; and (iii) committing and threatening to commit physical violence.

Means and Methods of the Enterprise

12. Among the means and methods by which the defendants and other enterprise members and associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. To protect and expand the enterprise's business and criminal operations, members and associates of the enterprise murdered, threatened to murder, and assaulted persons who engaged in activity that jeopardized (i) the power and criminal activities of the enterprise and the power and criminal activities of fellow LCN Families, (ii) the power of leaders of the enterprise, and (iii) the flow of criminal proceeds to the leaders of the enterprise.

b. Members and associates of the enterprise promoted a climate of fear in the community through threats of economic harm and violence.

c. Members and associates of the enterprise generated income for the enterprise through, among other things, (i) extortion; (ii) loansharking; (iii) the operation of illegal gambling businesses, including a lucrative numbers operation; (iv) labor racketeering; (v) the purchase, sale, and receipt of

stolen property and counterfeit goods; (vi) theft; and (vii) automobile insurance fraud.

d. Members and associates of the enterprise at times engaged in criminal conduct or coordinated their criminal activities with leaders, members, and associates of other LCN Families. At other times, members and associates of the enterprise met with leaders, members and associates of other LCN Families to resolve disputes over their criminal activities.

e. Members and associates of the enterprise used various techniques to avoid law enforcement scrutiny of the enterprise's criminal activities. Members and associates of the enterprise typically used coded language to make arrangements for meetings and to refer to other members and associates of the enterprise, met at surreptitious meeting locations, often in secluded or out-of-the-way areas, changed automobiles when traveling to such meetings, and engaged in "walk and talks." In particular, GREGORY DEPALMA, the defendant, frequently met members of his crew and other members and associates of the Gambino Organized Crime Family and other LCN Families at the United Hebrew Geriatric Center, located in New Rochelle, New York, where DEPALMA's son Craig, a Gambino Family soldier, is a patient. Members and associates of the enterprise also engaged in other evasive conduct, such as whispering and speaking in hushed tones in an effort to obstruct potential law enforcement

eavesdropping, and not specifying the names of those about whom they were speaking.

f. Members and associates of the enterprise attempted to identify and did identify individuals suspected of providing, or deemed likely to provide, information to law enforcement about the enterprise, its members and activities, and about other LCN Families.

g. To conceal their receipt of money generated from their criminal activities, members and associates of the enterprise concealed their ownership of various assets that were purchased with proceeds of their criminal activities.

The Racketeering Violation

13. From at least in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, NICHOLAS LASORSA, a/k/a "Nicky," CHRISTOPHER SUCARATO, JOSEPH FORNINO, a/k/a "Joey Per Voi," SAM NORDONE, ROBERT PERSICO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 12 above, namely, the Gambino Organized Crime Family, which

enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, willfully, and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), that is, through the commission of the following racketeering acts:

The Pattern of Racketeering

14. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

Racketeering Act One - Extortion Of The Owner Of A Restaurant In Greenwich, Connecticut

15. The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act One:

a. From in or about 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, and NICHOLAS LASORSA, a/k/a "Nicky," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is

defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of a restaurant in Greenwich, Connecticut, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO and NICHOLAS LASORSA, a/k/a "Nicky," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another, to wit, the owner and operator of a restaurant in Greenwich, Connecticut, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and

commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Two - Extortion Of A
Construction Company Located In Mineola, New York**

16. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Two:

a. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a construction company in Mineola, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is

defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a construction company in Mineola, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

Racketeering Act Three - Extortion Of Victim #1

17. The defendants named below committed the following acts of racketeering, any one of which alone constitutes commission of Racketeering Act Three:

a. From in or about June 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," ALPHONSE SISCA, a/k/a "Funzi," GREGORY DEPALMA, ROBERT VACCARO, and CHRISTOPHER SUCARATO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, Victim #1, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about June 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a

"Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," ROBERT VACCARO, and CHRISTOPHER SUCARATO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another, to wit, Victim #1, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Four - Extortion Of A
Trucking Company Located In New Jersey**

18. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Four:

a. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire,

confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a trucking company in New Jersey, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a trucking company in New Jersey, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement

of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Five - Extortion Of A
Construction Company Located In Westchester County, New York**

19. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Five:

a. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, and ROBERT PERSICO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owners and operators of a construction company located in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States

Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, and ROBERT PERSICO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another, to wit, the owners and operators of a construction company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Six - Extortion Of
A Nightclub Owner In The Bronx, New York**

20. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Six:

a. From in or about February 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," NICHOLAS LASORSA, a/k/a "Nicky," and CHRISTOPHER SUCARATO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of nightclubs in the Bronx, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about February 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," NICHOLAS LASORSA, a/k/a "Nicky," and CHRISTOPHER SUCARATO, the

defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of nightclubs in the Bronx, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Seven - Extortion
Of A New York City Radio Station**

21. The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Seven:

a. From in or about July 2003, up through and including in or about October 2003, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, and LOUIS FILIPPELLI, a/k/a "Bo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining property from and

with the consent of other persons, to wit, the employees, contractors, and agents of a New York City radio station, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about July 2003, up through and including in or about October 2003, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, and LOUIS FILIPPELLI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining property from and with the consent of others, to wit, the employees, contractors and agents of a New York City radio station, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Eight - Extortion Of A Second Construction
Company Located In Westchester County, New York**

22. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Eight:

a. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a second construction company in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a

"Zeke," a/k/a "Sylvester," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a second construction company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Nine - Extortion Of A Third
Construction Company Located In Westchester County, New York**

23. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Nine:

a. From in or about June 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is

defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of a third construction company in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about June 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of a third construction company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is

defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Ten - Attempted Extortion Of A
Construction Company Located In Rockland County, New York**

24. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Ten:

a. From in or about July 2004, up through and including in or about August 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a construction company in Rockland County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about July 2004, up through and including in or about August 2004, in the Southern District of

New York and elsewhere, GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did attempt to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of others, to wit, the owners and operators of a construction company in Rockland County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Eleven - Extortion Of A Concrete Company
Located In Westchester County, New York**

25. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Eleven:

a. From in or about August 2003, up through and including in or about May 2004, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is

defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a concrete company in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. From in or about August 2003, up through and including in or about May 2004, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a concrete company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in

Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act Twelve - Illegal Gambling
(The Illegal Numbers Operation)**

26. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Twelve:

Operation Of An Illegal Numbers Business

a. From at least in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed, and owned all and part of an illegal gambling business, namely, an illegal numbers operation, in violation of New York State Penal Law Sections 225.00 and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Sections 1955 and 2.

Illegal Numbers

b. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly advanced and profited from unlawful gambling activity by receiving in connection with a lottery and policy scheme and enterprise more than \$500 in a day of money played in such scheme and enterprise, in violation of New York State Penal Law Sections 225.00 and 225.10(2).

**Racketeering Act Thirteen - Collection Of
Extensions of Credit through Extortionate Means**

27. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Thirteen:

a. From in or about February 2004, up through and including in or about October 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO and JOSEPH FORNINO, a/k/a "Joey Per Voi," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to participate in the use of extortionate means to collect and

attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish a person for the nonrepayment of said extensions of credit, to wit, DEPALMA, VACCARO, FORNINO, and others agreed to, and did, threaten physical violence and other harm if Victim #2 did not make prompt repayment of various loans and other debts, in violation of Title 18, United States Code, Section 894.

b. From in or about February 2004, up through and including in or about October 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO and JOSEPH FORNINO, a/k/a "Joey Per Voi," the defendants, and others known and unknown, unlawfully, willfully, and knowingly used extortionate means to collect and attempt to collect extensions of credit as that term is defined in Title 18, United States Code, Section 891, and to punish a person for the nonrepayment of such extensions of credit, to wit, DEPALMA, VACCARO, FORNINO, and others threatened Victim #2 with physical violence and other harm if he did not make prompt repayment of various loans and other debts, in violation of Title 18, United States Code, Sections 894 and 2.

Racketeering Act Fourteen - Loansharking

28. From in or about October 2003, up through and including in or about August 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, the defendant, and

others known and unknown, unlawfully, willfully, and knowingly made an extortionate extension of credit, as that term is defined in Title 18, United States Code, Section 891, to wit, a loan of \$10,000 to Robert Sanseverino, a/k/a "Bobby Phones," in violation of Title 18, United States Code, Sections 891, 892 and 2.

**Racketeering Act Fifteen -
Interstate Transportation And Receipt Of Stolen Property
(Jewelry And Watches)**

29. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Fifteen:

a. From in or about May 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO and ROBERT PERSICO, the defendants, and others known and unknown, unlawfully, willfully and knowingly did transport, transmit, and transfer in interstate commerce, goods, wares and merchandise, to wit, assorted watches and jewelry, having a value in excess of \$5,000, which the defendants believed had been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314, 21 and 2.

b. From in or about May 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO and ROBERT PERSICO, the defendants, and others known and unknown,

unlawfully, willfully and knowingly did receive, possess, conceal, store, barter, sell, and dispose of goods, wares and merchandise, namely, assorted watches and jewelry, having a value in excess of \$5,000, which the defendants believed had crossed a State boundary after being stolen, unlawfully converted, and taken, believing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Sections 2315, 21 and 2.

**Racketeering Act Sixteen -
Interstate Transportation And Receipt Of Stolen Goods
(Televisions)**

30. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Sixteen:

a. From in or about January 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly did transport, transmit, and transfer, in interstate and foreign commerce, goods, wares, and merchandise, having a value in excess of \$5,000, to wit, flat-screen televisions, which the defendants believed had been stolen, converted and taken by fraud, in

violation of Title 18, United States Code, Sections 2314, 21 and 2.

b. From in or about January 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully and knowingly did receive, possess, conceal, store, barter, sell, and dispose of goods, wares and merchandise, namely, flat-screen televisions, having a value in excess of \$5,000, which the defendants believed had crossed a State boundary after being stolen, unlawfully converted, and taken, believing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Sections 2315, 21 and 2.

**Racketeering Act Seventeen - Interstate
Transportation Of Stolen Automobiles**

31. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Seventeen:

a. From in or about October 2003, up through and including in or about February 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, SAM NORDONE and ROBERT PERSICO, the defendants, and others known and unknown,

unlawfully, willfully, and knowingly did transport in interstate commerce motor vehicles, including BMW and Cadillac automobiles, knowing the same to have been stolen, in violation of Title 18, United States Code, Sections 2312 and 2.

b. From in or about October 2003, up through and including in or about February 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, SAM NORDONE, and ROBERT PERSICO, the defendants, and others known and unknown, unlawfully, willfully and knowingly received, possessed, concealed, stored, bartered, sold, and disposed of motor vehicles, including BMW and Cadillac automobiles, which had crossed a State boundary after being stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Sections 2313 and 2.

Racketeering Act Eighteen - Illegal Gambling
(Operation Of Illegal High-Stakes Super Bowl Betting Pools)

32. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Eighteen:

Operation Of High-Stakes Super Bowl Betting Pools

a. From at least in or about December 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA and JOSEPH FORNINO, a/k/a "Joey Per Voi," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted,

financed, managed, supervised, directed, and owned all and part of an illegal gambling business, namely, high-stakes Super Bowl betting pools conducted at various commercial establishments, which grossed in excess of approximately \$150,000, in violation of New York State Penal Law Sections 225.00 and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Sections 1955 and 2.

b. From in or about December 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA and JOSEPH FORNINO, a/k/a "Joey Per Voi," the defendants, and others known and unknown, unlawfully, willfully, and knowingly advanced and profited from unlawful gambling activity by engaging in bookmaking, namely, the operation of illegal high-stakes Super Bowl betting pools, to the extent that they received and accepted in one day more than five bets totaling more than \$5,000, in violation of New York State Penal Law Sections 225.00 and 225.10(1).

**Racketeering Act Nineteen - Illegal Gambling
(Operation Of An Illegal Sports Betting Business)**

33. From in or about October 2004, up through and including in or about December 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, being engaged in the business of betting and wagering, unlawfully, willfully, and knowingly did use a wire communication facility, namely the telephone assigned (866) 888-6555, for the transmission in interstate and foreign commerce of bets, wagers, and information assisting in the placing of bets and wagers on sporting events and contests, and for the transmission of wire communications which did entitle the recipient to receive money and credit as a result of bets and wagers, and for information assisting in the placing of bets and wagers, in violation of Title 18, United States Code, Sections 1084 and 2.

**Racketeering Act Twenty -
Unlawful Acquisition Of Medical Benefits From
United Food and Commercial Workers' Union, Local 305**

34. The defendants named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Twenty:

Union Embezzlement

a. From in or about April 2003, up through and including in or about March 2005, in the Southern District of New

York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly embezzled, stole, abstracted, and converted to their own use, and to the use of another, moneys, funds, securities, premiums, credits, property, and other assets of an employee welfare benefit plan and employee pension benefit plan, as that term is defined in Title 18, United States Code, Section 664, and of a fund connected therewith, namely, employer contributions owed to the pension, health and insurance benefit funds of the United Food and Commercial Workers, Local 305 ("Local 305"), in violation of Title 18, United States Code, Sections 664 and 2.

Mail Fraud

b. From in or about April 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, did place in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the United States

Postal Service, and did take and receive therefrom, such matter and thing, and did cause such matter and thing to be delivered by mail according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, to wit, the defendants and others fraudulently obtained medical benefits from Local 305 by falsely claiming to be employed by an employer who had entered into a collective bargaining agreement with Local 305, during the course of which scheme Local 305 mailed statements and other information to the defendants, in violation of Title 18, United States Code, Sections 1341 and 2.

Racketeering Act Twenty-One - Insurance Fraud Resulting From The Staged Theft of a Ford Thunderbird Automobile

35. From in or about May 2004, up to and including in or about July 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA and SAM NORDONE, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, did place in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the United States Postal Service, and did take and receive therefrom, such matter and thing, and did cause such matter and thing to be

delivered by mail according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, to wit, DEPALMA, NORDONE, and others filed an insurance claim with State Farm Insurance Company falsely stating that a 2004 Ford Thunderbird had been stolen, during the course of which scheme State Farm caused mailings to be made to the person who filed the claim, in violation of Title 18, United States Code, Sections 1341 and 2.

**Racketeering Act Twenty-Two - Trafficking
In Items Bearing Counterfeit Marks**

36. From in or about September 2003, up to and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly trafficked, and attempted to traffic, in goods and used counterfeit marks on and in connection with such goods, to wit, GREGORY DEPALMA and others distributed merchandise bearing counterfeit trademarked designs, in violation of Title 18, United States Code, Sections 2320 and 2.

(Title 18, United States Code, Section 1962(c).)

COUNT TWO

The Racketeering Conspiracy

The Grand Jury further charges:

37. Paragraphs 1 through 12 and 14 through 36 of this Indictment are repeated and realleged and incorporated by reference as though fully set forth herein.

38. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, NICHOLAS LASORSA, a/k/a "Nicky," CHRISTOPHER SUCARATO, JOSEPH FORNINO, a/k/a "Joey Per Voi," ROBERT PERSICO, SAM NORDONE, and ROBERT VACCARO, JR., the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 12 above, namely, the Gambino Organized Crime Family, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering

activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), which pattern is set forth more fully in paragraphs 14 through 36 above, as Racketeering Acts One through Twenty-Two. It was a further part and an object of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

(Title 18, United States Code, Section 1962(d).)

VIOLENT CRIME IN AID OF RACKETEERING

COUNT THREE

(Assault of Victim #3 In Aid of Racketeering)

The Grand Jury further charges:

39. At all times relevant to this Indictment, the Gambino Organized Crime Family, as more fully described in Paragraphs 1 through 12 of this Indictment, which are repeated, realleged, and incorporated by reference as though set forth fully herein, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact, although not a legal entity, which was engaged in, and the activities of which affected, interstate and foreign commerce.

40. At all times relevant to this Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity, as that term is defined in

Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, acts indictable under Title 18, United States Code, Section 1951 (extortion), acts indictable under Title 18, United States Code, Section 894 (extortionate collection of debts), acts indictable under Title 18, United States Code, Section 892 (making of extortionate extensions of credit), acts indictable under Title 18, United States Code, Sections 1084 and 1955 (illegal gambling business), acts indictable under Title 18, United States Code, Sections 2312, 2313, 2314, and 2315 (sale, purchase, transportation and possession of stolen property), acts indictable under Title 18, United States Code, Section 2320 (trafficking in counterfeit goods), and acts involving illegal gambling, in violation of New York State Penal Law.

41. In or about February 2005, in the Southern District of New York and elsewhere, for the purpose of maintaining and increasing their positions in the Gambino Organized Crime Family, an enterprise engaged in racketeering activity, GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did assault Victim #3 with a deadly weapon, to wit, DEPALMA and VACCARO struck Victim #3 over the head with a deadly weapon, resulting in serious head injuries to Victim #3, in violation of New York State Penal Law, Sections 120.05(1) and (2), and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT FOUR

(Conspiracy To Extort The Owner Of A Restaurant
Located In Greenwich, Connecticut)

The Grand Jury further charges:

42. From in or about 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, and NICHOLAS LASORSA, a/k/a "Nicky," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of a restaurant in Greenwich, Connecticut, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT FIVE

(Extortion Of The Owner Of A Restaurant
Located In Greenwich, Connecticut)

The Grand Jury further charges:

43. From in or about 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO and NICHOLAS LASORSA, a/k/a "Nicky," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another, to wit, the owner and operator of a restaurant in Greenwich, Connecticut, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT SIX

(Conspiracy To Extort A Construction Company
Located In Mineola, New York)

The Grand Jury further charges:

44. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," THOMAS CACCIOPOLI, a/k/a "Tommy Sneakers," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a construction company in Mineola, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT SEVEN

(Extortion Of A Construction Company
Located In Mineola, New York)

The Grand Jury further charges:

45. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," THOMAS CACCIOPOLI, a/k/a "Tommy Sneakers," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a construction company in Mineola, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT EIGHT

(Conspiracy To Extort A Construction Company
Located In Staten Island, New York)

The Grand Jury further charges:

46. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," and THOMAS CACCIOPOLI, a/k/a "Tommy Sneakers," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a construction company in Staten Island, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT NINE

(Extortion Of A Construction Company
Located In Staten Island, New York)

The Grand Jury further charges:

47. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," and THOMAS CACCIOPOLI, a/k/a "Tommy Sneakers," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a construction company in Staten Island, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TEN

(Conspiracy To Extort Victim #1)

The Grand Jury further charges:

48. From in or about June 2003, up through and including in or about March 2005, in the Southern District of New

York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," ALPHONSE SISCA, a/k/a "Funzi," GREGORY DEPALMA, ROBERT VACCARO, CHRISTOPHER SUCARATO, and FRANK D'AGOSTINO, a/k/a "Frankie D," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, Victim #1, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT ELEVEN

(Extortion Of Victim #1)

The Grand Jury further charges:

49. From in or about June 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi,"

ROBERT VACCARO, CHRISTOPHER SUCARATO, and FRANK D'AGOSTINO, a/k/a "Frankie D," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another, to wit, Victim #1, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWELVE

(Conspiracy To Extort A Trucking
Company Located In New Jersey)

The Grand Jury further charges:

50. From in or about September 2003, up through and including in or about February 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States

Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a trucking company in New Jersey, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT THIRTEEN

(Extortion Of A Trucking Company Located In New Jersey)

The Grand Jury further charges:

51. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a trucking company in New Jersey, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and

thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2).

COUNT FOURTEEN

(Conspiracy To Extort A Construction Company
Located In Westchester County, New York)

The Grand Jury further charges:

52. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, and ROBERT PERSICO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owners and operators of a construction company located in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in

commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT FIFTEEN

(Extortion Of A Construction Company
Located In Westchester County, New York)

The Grand Jury further charges:

53. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, and ROBERT PERSICO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another, to wit, the owners and operators of a construction company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT SIXTEEN

(Conspiracy To Extort A
Nightclub Owner In The Bronx, New York)

The Grand Jury further charges:

54. From in or about February 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," NICHOLAS LASORSA, a/k/a "Nicky," and CHRISTOPHER SUCARATO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of nightclubs in the Bronx, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT SEVENTEEN

(Extortion Of A Nightclub Owner In The Bronx, New York)

The Grand Jury further charges:

55. From in or about February 1998, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," NICHOLAS LASORSA, a/k/a "Nicky," and CHRISTOPHER SUCARATO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of nightclubs in the Bronx, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT EIGHTEEN

(Conspiracy to Extort A New York City Radio Station)

The Grand Jury further charges:

56. From in or about July 2003, up through and including in or about October 2003, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, and JOSEPH FORNINO, a/k/a "Joey Per Voi," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining property from and with the consent of other persons, to wit, the employees, contractors, and agents of a New York City radio station, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT NINETEEN

(Extortion Of A New York City Radio Station)

The Grand Jury further charges:

57. From in or about July 2003, up through and including in or about October 2003, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, LOUIS FILIPPELLI, ROBERT VACCARO, and JOSEPH FORNINO, a/k/a "Joey Per Voi," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining property from and with the consent of others, to wit, the employees, contractors and agents of a New York City radio station, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWENTY

(Conspiracy To Extort A Second Construction Company Located In Westchester County, New York)

The Grand Jury further charges:

58. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New

York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a second construction company in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT TWENTY-ONE

(Extortion Of A Second Construction Company
Located In Westchester County, New York)

The Grand Jury further charges:

59. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is

defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a second construction company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWENTY-TWO

(Conspiracy To Extort A Third Construction Company Located In Westchester County, New York)

The Grand Jury further charges:

60. From in or about June 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of a third construction company in Westchester County, New York, which consent would have

been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3)

(Title 18, United States Code, Section 1951.)

COUNT TWENTY-THREE

(Extortion Of A Third Construction Company
Located In Westchester County, New York)

The Grand Jury further charges:

61. From in or about June 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the owner and operator of a third construction company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is

defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWENTY-FOUR

(Conspiracy To Extort A Construction
Company Located In Rockland County, New York)

The Grand Jury further charges:

62. From in or about July 2004, up through and including in or about August 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, and NEIL DELIETO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a construction company in Rockland County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT TWENTY-FIVE

(Attempted Extortion Of A Construction
Company Located In Rockland County, New York)

The Grand Jury further charges:

63. From in or about July 2004, up through and including in or about August 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, and NEIL DELIETO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did attempt to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of others, to wit, the owners and operators of a construction company in Rockland County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWENTY-SIX

(Conspiracy To Extort A Concrete Company
Located In Westchester County, New York)

The Grand Jury further charges:

64. From in or about August 2003, up through and including in or about May 2004, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of other persons, to wit, the owners and operators of a concrete company in Westchester County, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT TWENTY-SEVEN

(Extortion Of A Concrete Company
Located In Westchester County, New York)

The Grand Jury further charges:

65. From in or about August 2003, up through and including in or about May 2004, in the Southern District of New York and elsewhere, ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA and ROBERT VACCARO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of others, to wit, the owners and operators of a concrete company in Westchester County, New York, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWENTY-EIGHT

(Conspiracy To Operate An Illegal Numbers Business)

The Grand Jury further charges:

66. From in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a

"Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, LEONARD MINUTO, SR., a/k/a "Lenny," LEONARD MINUTO, JR., a/k/a "Lenny," LOUIS NATRELLA, a/k/a "Little Louie," FRANK BUSCEMI, a/k/a "Cheech," JOHN VACCARO, a/k/a "Popcorn," and PAUL OLIVERI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1955.

67. It was a part and an object of said conspiracy that ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, LEONARD MINUTO, SR., a/k/a "Lenny," LEONARD MINUTO, JR., a/k/a "Lenny," LOUIS NATRELLA, a/k/a "Little Louie," FRANK BUSCEMI, a/k/a "Cheech," JOHN VACCARO, a/k/a "Popcorn," and PAUL OLIVERI, the defendants, and others known and unknown, unlawfully, willfully and knowingly would and did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, namely, an illegal numbers operation, in violation of New York State Penal Law, Sections 225.00 and 225.10, and which business would and did involve five

and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business would and did remain in substantially continuous operation for a period in excess of thirty days and have gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Section 1955.

Overt Acts

68. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. In or about April 2004, GREGORY DEPALMA met LEONARD MINUTO, JR. in Westchester County, New York.

b. On or about April 5, 2004, ROBERT VACCARO spoke on the telephone with JOHN VACCARO.

c. On or about June 4, 2004, DEPALMA met with ROBERT VACCARO and LEONARD MINUTO, SR. in Westchester County, New York.

d. On or about August 31, 2004, an individual ("Individual #1") met FRANK BUSCEMI, a/k/a "Cheech," at a location in Westchester County, New York.

e. On or about September 22, 2004, DEPALMA, VACCARO and ALPHONSE SISCA, a/k/a "Funzi," met at a restaurant in Manhattan.

f. On or about November 10, 2004, DEPALMA, VACCARO and LOUIS NATRELLA, a/k/a "Little Louie," met in Westchester County, New York.

g. On or about December 12, 2004, PAUL OLIVERI met LOUIS NATRELLA at 744A Morris Park Avenue, in the Bronx, New York.

h. On or about January 25, 2005, DEPALMA met LOUIS FILIPPELLI at a location in Westchester County, New York.

(Title 18, United States Code, Section 371.)

COUNT TWENTY-NINE

(Operation Of An Illegal Numbers Business)

The Grand Jury further charges:

69. From at least in or about the early 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, LEONARD MINUTO, SR., a/k/a "Lenny," LEONARD MINUTO, JR., a/k/a "Lenny," LOUIS NATRELLA, a/k/a "Little Louie," FRANK BUSCEMI, a/k/a "Cheech," JOHN VACCARO, a/k/a "Popcorn," and PAUL OLIVERI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed, and owned all and part of an illegal

gambling business, namely, an illegal numbers operation, in violation of New York State Penal Law Sections 225.00 and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day.

(Title 18, United States Code, Sections 1955 and 2.)

COUNT THIRTY

(Conspiracy To Operate An Illegal Numbers Business -
Genovese Organized Crime Family)

The Grand Jury further charges:

70. From in or about the 1990s, up through and including in or about March 2005, in the Southern District of New York and elsewhere, while PASQUALE DELUCA, a/k/a "Scop," the defendant, was on release pursuant to an order of the United States District Court for the Southern District of New York, dated on or about February 26, 2003, issued pursuant to Title 18, United States Code, Section 3142(c), DELUCA, and others known and unknown, through DELUCA's membership in the Genovese Organized Crime Family of LCN, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1955.

71. It was a part and an object of said conspiracy that PASQUALE DELUCA, a/k/a "Scop," the defendant, and others known and unknown, would and did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, namely, an illegal numbers operation, in violation of New York State Penal Law, Sections 225.00 and 225.10, and which business would and did involve five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business would and did remain in substantially continuous operation for a period in excess of thirty days and have gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Section 1955.

Overt Acts

72. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed:

a. On or about September 13, 2004, PASQUALE DELUCA, a/k/a "Scop," met GREGORY DEPALMA at a location in Westchester County, New York.

(Title 18, United States Code, Sections 371 and 3147(1).)

COUNT THIRTY-ONE

(Conspiracy To Collect An Extension
Of Credit By Extortionate Means)

The Grand Jury further charges:

73. From in or about February 2004, up through and including in or about October 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, JOHN CAPRA, a/k/a "Johnny Hooks," JOSEPH FORNINO, a/k/a "Joey Per Voi," AL ALVAREZ, and MARK DENUZIO, the defendants, and others known and unknown, through CAPRA's position as a Capo in the Luchese Organized Crime Family of LCN, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to participate in the use of extortionate means to collect and attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish a person for the nonrepayment of said extensions of credit, to wit, DEPALMA, VACCARO, CAPRA, FORNINO, ALVAREZ, DENUZIO, and others agreed to, and did, threaten physical violence and other harm if Victim #2 did not make prompt repayment of various loans and other debts.

(Title 18, United States Code, Section 894.)

COUNT THIRTY-TWO

(Collection Of Extensions Of
Credit By Extortionate Means)

The Grand Jury further charges:

74. From in or about February 2004, up through and including in or about October 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, JOHN CAPRA, a/k/a "Johnny Hooks," JOSEPH FORNINO, a/k/a "Joey Per Voi," AL ALVAREZ, and MARK DENUZIO, the defendants, and others known and unknown, through CAPRA's position as a Capo in the Luchese Organized Crime Family of LCN, unlawfully, willfully, and knowingly used extortionate means to collect and attempt to collect extensions of credit as that term is defined in Title 18, United States Code, Section 891, and to punish a person for the nonrepayment of such extensions of credit, to wit, DEPALMA, VACCARO, CAPRA, FORNINO, ALVAREZ, DENUZIO, and others threatened Victim #2 with physical violence and other harm if he did not make prompt repayment of various loans and other debts.

(Title 18, United States Code, Sections 894 and 2.)

COUNT THIRTY-THREE

(Loansharking)

The Grand Jury further charges:

75. From in or about October 2003, up through and including in or about August 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, the defendant, and

others known and unknown, unlawfully, willfully, and knowingly made an extortionate extension of credit, as that term is defined in Title 18, United States Code, Section 891, to wit, a loan of \$10,000, to Robert Sanseverino, a/k/a "Bobby Phones."

(Title 18, United States Code, Sections 891, 892 and 2.)

COUNT THIRTY-FOUR

(Conspiracy To Transport And Receive
Stolen Property - Watches And Jewelry)

The Grand Jury further charges:

76. From in or about December 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT PERSICO, and THOMAS D'AGOSTINO, a/k/a "Tommy D," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 2314 and 2315.

77. It was a part and an object of the conspiracy that GREGORY DEPALMA, ROBERT VACCARO, ROBERT PERSICO, and THOMAS D'AGOSTINO, a/k/a "Tommy D," the defendants, and others known and unknown, unlawfully, willfully and knowingly would and did transport, transmit and transfer in interstate commerce, goods, wares and merchandise, to wit, assorted watches and jewelry, having a value in excess of \$5,000, which the defendants believed

had been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 21.

78. It was a further part and an object of the conspiracy that GREGORY DEPALMA, ROBERT VACCARO, ROBERT PERSICO, and THOMAS D'AGOSTINO, a/k/a "Tommy D," the defendants, unlawfully, willfully and knowingly would and did receive, possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, namely assorted watches and jewelry, having a value in excess of \$5,000, which the defendants believed had crossed a State boundary, after being stolen, unlawfully converted, and taken, believing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Sections 2315 and 21.

Overt Acts

79. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. On or about October 31, 2003, GREGORY DEPALMA met another individual ("Individual #2") at a location in Westchester County, New York, and received eleven pieces of jewelry.

b. On or about November 3, 2003, GREGORY DEPALMA met Individual #2 in Westchester County, New York.

c. On or about December 13, 2003, GREGORY DEPALMA and THOMAS D'AGOSTINO had a telephone conversation.

d. On or about February 10, 2004, GREGORY DEPALMA and ROBERT PERSICO met in New Rochelle, New York.

e. On or about March 12, 2004, GREGORY DEPALMA and ROBERT PERSICO met in New Rochelle, New York.

f. On or about July 29, 2004, GREGORY DEPALMA and ROBERT VACCARO met in New Rochelle, New York.

g. On or about August 13, 2004, GREGORY DEPALMA, ROBERT VACCARO, and Individual #2 had a meeting at a restaurant in New Rochelle, New York.

(Title 18, United States Code, Section 371.)

COUNT THIRTY-FIVE

(Interstate Transportation Of Stolen
Property - Watches And Jewelry)

The Grand Jury further charges:

80. From in or about May 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT PERSICO, and THOMAS D'AGOSTINO, a/k/a "Tommy D," the defendants, and others known and unknown, unlawfully, willfully and knowingly did transport, transmit, and transfer in interstate commerce, goods, wares and merchandise, to wit, assorted watches and jewelry, having a value in excess of \$5,000, which the defendants believed had been stolen, converted and taken by fraud.

(Title 18, United States Code, Sections 2314, 21 and 2.)

COUNT THIRTY-SIX

(Receipt Of Stolen Property - Watches And Jewelry)

The Grand Jury further charges:

81. From in or about May 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT PERSICO, THOMAS D'AGOSTINO, a/k/a "Tommy D," the defendants, and others known and unknown, unlawfully, willfully and knowingly did receive, possess, conceal, store, barter, sell, and dispose of goods, wares and merchandise, namely, assorted watches and jewelry, having a value in excess of \$5,000, which the defendants believed had crossed a State boundary after being stolen, unlawfully converted, and taken, believing the same to have been stolen, unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315, 21, and 2.)

COUNT THIRTY-SEVEN

(Conspiracy To Transport And Receive
Stolen Property - Televisions)

The Grand Jury further charges:

82. From in or about January 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO,

a/k/a "Joey Per Voi," and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 2314 and 2315.

83. It was a part and an object of the conspiracy that ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO, a/k/a "Joey Per Voi," and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully and knowingly would and did transport, transmit and transfer in interstate and foreign commerce, goods, wares and merchandise, to wit, flat screen televisions, each having a value in excess of \$5,000, which the defendants believed had been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Section 2314.

84. It was a further part and an object of the conspiracy that ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO, a/k/a "Joey Per Voi," and ROBERT VACCARO, JR., the defendants, unlawfully, willfully and knowingly would and did receive,

possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, namely flat screen televisions, having a value in excess of \$5,000, which the defendants believed had crossed a State boundary, after being stolen, unlawfully converted, and taken, believing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315.

Overt Acts

85. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. On or about February 4, 2004, GREGORY DEPALMA had a telephone conversation with JOSEPH FORNINO.

b. On or about February 5, 2004, GREGORY DEPALMA caused a flat screen television to be delivered to ANTHONY MEGALE's home in Connecticut.

c. On or about March 3, 2004, GREGORY DEPALMA had a telephone conversation with ROBERT VACCARO.

d. On or about March 9, 2004, GREGORY DEPALMA caused a flat screen television to be delivered to a location in the Bronx, New York, so that it could be transported to ARNOLD SQUITIERI's home in New Jersey.

e. On or about September 27, 2004, Individual #2 met ROBERT VACCARO and ROBERT VACCARO, JR. at a location in

Westchester County, New York, and delivered a flat screen television to ROBERT VACCARO, JR.

(Title 18, United States Code, Section 371.)

COUNT THIRTY-EIGHT

(Interstate Transportation Of Stolen Property - Televisions)

The Grand Jury further charges:

86. From in or about January 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly did transport, transmit, and transfer, in interstate and foreign commerce, goods, wares, and merchandise, having a value in excess of \$5,000, to wit, flat-screen televisions, which the defendants believed had been stolen, converted and taken by fraud.

(Title 18, United States Code, Sections 2314, 21 and 2.)

COUNT THIRTY-NINE

(Receipt Of Stolen Property - Televisions)

The Grand Jury further charges:

87. From in or about January 2004, up through and including in or about March 2005, in the Southern District of New York and elsewhere, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a

"Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ROBERT VACCARO, JOSEPH FORNINO, and ROBERT VACCARO, JR., the defendants, and others known and unknown, unlawfully, willfully and knowingly did receive, possess, conceal, store, barter, sell, and dispose of goods, wares and merchandise, namely, flat-screen televisions, having a value in excess of \$5,000, which the defendants believed had crossed a State boundary after being stolen, unlawfully converted, and taken, believing the same to have been stolen, unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315, 21 and 2.)

COUNT FORTY

(Conspiracy To Transport And
Receive Stolen Automobiles)

The Grand Jury further charges:

88. From in or about September 2003, up through and including in or about February 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT PERSICO, SAM NORDONE, and MICHAEL DEPALMA, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 2312 and 2313.

89. It was a part and an object of the conspiracy that GREGORY DEPALMA, SAM NORDONE, ROBERT PERSICO, and MICHAEL

DEPALMA, the defendants, and others known and unknown, unlawfully, willfully and knowingly would and did transport in interstate commerce motor vehicles, to wit, BMW and Cadillac automobiles transported from New York to Ohio, which the defendants knew had been stolen, in violation of Title 18, United States Code, Section 2312.

90. It was a further part and an object of the conspiracy that GREGORY DEPALMA, SAM NORDONE, ROBERT PERSICO, and MICHAEL DEPALMA, the defendants, unlawfully, willfully and knowingly would and did receive, possess, conceal, store, barter, sell, and dispose of a motor vehicle, to wit, BMW and Cadillac automobiles, which had crossed a State boundary, after being stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2313.

Overt Acts

91. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. On or about October 28, 2003, GREGORY DEPALMA had a telephone conversation with SAM NORDONE.

b. On or about January 10, 2004, GREGORY DEPALMA had a telephone conversation with MICHAEL DEPALMA.

c. On or about January 12, 2004, GREGORY DEPALMA had a telephone conversation with ROBERT PERSICO.

d. On or about February 2, 2005, GREGORY DEPALMA had a conversation with SAM NORDONE.

(Title 18, United States Code, Section 371.)

COUNT FORTY-ONE

(Interstate Transportation Of Stolen Automobiles)

The Grand Jury further charges:

92. From in or about October 2003, up through and including in or about February 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT PERSICO, SAM NORDONE, and MICHAEL DEPALMA, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did transport in interstate commerce motor vehicles, including BMW and Cadillac automobiles, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2312 and 2.)

COUNT FORTY-TWO

(Receipt Of Stolen Automobiles)

The Grand Jury further charges:

93. From in or about October 2003, up through and including in or about February 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT PERSICO, SAM NORDONE, and MICHAEL DEPALMA, the defendants, and others known and unknown, unlawfully, willfully and knowingly received, possessed, concealed, stored, bartered, sold, and disposed of motor vehicles, including BMW and Cadillac automobiles, which had

crossed a State boundary after being stolen, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2313 and 2.)

COUNT FORTY-THREE

(Conspiracy To Operate High-Stakes Super Bowl Pools)

The Grand Jury further charges:

94. From in or about December 2003, up through and including in or about February 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, JOSEPH FORNINO, a/k/a "Joey Per Voi," and JUSTIN CARTISANO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1955.

95. It was a part and an object of said conspiracy that GREGORY DEPALMA, JOSEPH FORNINO, a/k/a "Joey Per Voi," and JUSTIN CARTISANO, the defendants, and others known and unknown, would and did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, namely, high-stakes Super Bowl betting pools conducted at various commercial establishments, which grossed in excess of approximately \$150,000, in violation of New York State Penal Law Sections 225.00 and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed,

and owned all and part of it, and which business remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Section 1955.

Overt Acts

96. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about January 9, 2004, GREGORY DEPALMA and JUSTIN CARTISANO spoke on the telephone.

b. On or about January 25, 2004, GREGORY DEPALMA and JOSEPH FORNINO spoke on the telephone.

c. On or about January 18, 2005, GREGORY DEPALMA and Frank D'Agostino spoke on the telephone.

(Title 18, United States Code, Section 371.)

COUNT FORTY-FOUR

(Operation Of High-Stakes Super Bowl Pools)

The Grand Jury further charges:

97. From at least in or about December 2003, up through and including in or about February 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, JOSEPH FORNINO, a/k/a "Joey Per Voi," and JUSTIN CARTISANO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed,

and owned all and part of an illegal gambling business, namely, high-stakes Super Bowl betting pools conducted at various commercial establishments, which grossed in excess of approximately \$150,000, in violation of New York State Penal Law Sections 225.00 and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day.

(Title 18, United States Code, Sections 1955 and 2.)

COUNT FORTY-FIVE

(Use Of A Wire Facility In
Furtherance Of A Gambling Operation)

The Grand Jury further charges:

98. From in or about October 2004, up through and including in or about December 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, and JOHN VACCARO, a/k/a "Popcorn," the defendants, and others known and unknown, being engaged in the business of betting and wagering, unlawfully, willfully, and knowingly did use a wire communication facility, namely the telephone assigned (866) 888-6555, for the transmission in interstate and foreign commerce of bets, wagers, and information assisting in the placing of bets and wagers on sporting events and contests, and for the transmission of wire

communications which did entitle the recipient to receive money and credit as a result of bets and wagers, and for information assisting in the placing of bets and wagers.

(Title 18, United States Code, Sections 1084 and 2.)

COUNT FORTY-SIX

(Conspiracy To Embezzle From A Union Benefit Plan)

The Grand Jury further charges:

99. From in or about April 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT VACCARO, JR., JAMES VETRANO, and JOSEPH MORAY, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 664.

100. It was a part and an object of the conspiracy that GREGORY DEPALMA, ROBERT VACCARO, ROBERT VACCARO, JR., JAMES VETRANO, and JOSEPH MORAY, the defendants, and others known and unknown, would and did embezzle, steal, abstract, and convert to their own use, and to the use of another, moneys, funds, securities, premiums, credits, property, and other assets of an employee welfare benefit plan and employee pension benefit plan, as that term is defined in Title 18, United States Code, Section

664, and of a fund connected therewith, namely, employer contributions owed to the pension, health and insurance benefit funds of Local 305, in violation of Title 18, United States Code, Section 664.

Overt Acts

101. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about May 21, 2003, GREGORY DEPALMA, JAMES VETRANO, the president of Local 305, JOSEPH MORAY and others met at a location in Westchester County, New York.

b. On or about March 17, 2004, GREGORY DEPALMA and ROBERT VACCARO met at a restaurant in Tuckahoe, New York.

(Title 18, United States Code, Section 371.)

COUNT FORTY-SEVEN

(Union Embezzlement)

The Grand Jury further charges:

102. From in or about April 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT VACCARO, JR., JAMES VETRANO and JOSEPH MORAY, the defendants, and others known and unknown, unlawfully, willfully, and knowingly embezzled, stole, abstracted, and converted to their own use, and to the use of another, moneys, funds, securities, premiums,

credits, property, and other assets of an employee welfare benefit plan and employee pension benefit plan, as that term is defined in Title 18, United States Code, Section 664, and of a fund connected therewith, namely, employer contributions owed to the pension, health and insurance benefit funds of Local 305.

(Title 18, United States Code, Sections 664 and 2.)

COUNT FORTY-EIGHT

(Conspiracy To Commit Mail Fraud)

The Grand Jury further charges:

103. From in or about April 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT VACCARO, JR., JAMES VETRANO, and JOSEPH MORAY, the defendants, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 1341.

104. It was a part and an object of the conspiracy that GREGORY DEPALMA, ROBERT VACCARO, ROBERT VACCARO, JR., JAMES VETRANO, and JOSEPH MORAY, the defendants, and others known and unknown, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would

and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, such matter and thing, and would and did cause to be delivered by mail and such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, such matter and thing, in violation of Title 18, United States Code, Section 1341.

Overt Acts

105. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about May 21, 2003, GREGORY DEPALMA, JAMES VETRANO, the president of Local 305, JOSEPH MORAY and others met at a location in Westchester County, New York.

b. On or about March 17, 2004, GREGORY DEPALMA and ROBERT VACCARO met at a restaurant in Tuckahoe, New York.

(Title 18, United States Code, Section 1349.)

COUNT FORTY-NINE

(Mail Fraud)

The Grand Jury further charges:

106. From in or about April 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT VACCARO, ROBERT VACCARO, JR., JAMES VETRANO, and JOSEPH MORAY, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, did place in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the United States Postal Service, and did take and receive therefrom, such matter and thing, and did cause such matter and thing to be delivered by mail according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, to wit, the defendants and others fraudulently obtained medical benefits from Local 305 by falsely claiming to be employed by an employer who had entered into a collective bargaining agreement with Local

305, during the course of which scheme Local 305 mailed statements and other information to the defendants.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT FIFTY

(Conspiracy To Commit Mail Fraud -
Staged Theft Of A Ford Thunderbird)

The Grand Jury further charges:

107. From in or about May 2004, up to and including in or about July 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, SAM NORDONE, and JUSTIN CARTISANO, the defendants, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 1341.

108. It was a part and an object of the conspiracy that GREGORY DEPALMA, SAM NORDONE, and JUSTIN CARTISANO, the defendants, and others known and unknown, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited a matter and thing to be sent

and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, such matter and thing, and would and did cause to be delivered by mail and such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, such matter and thing, in violation of Title 18, United States Code, Section 1341.

Overt Acts

109. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about May 21, 2004, SAM NORDONE drove a 2004 Ford Thunderbird automobile to a location in the Bronx, New York.

b. On or about June 7, 2004, GREGORY DEPALMA had a telephone conversation with JUSTIN CARTISANO regarding CARTISANO's filing of an insurance claim falsely stating that the 2004 Ford Thunderbird had been stolen from outside SAM NORDONE's house.

(Title 18, United States Code, Section 1349.)

COUNT FIFTY-ONE

(Mail Fraud)

The Grand Jury further charges:

110. From in or about May 2004, up to and including in or about July 2004, in the Southern District of New York and elsewhere, GREGORY DEPALMA, SAM NORDONE, and JUSTIN CARTISANO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, did place in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the United States Postal Service, and did take and receive therefrom, such matter and thing, and did cause such matter and thing to be delivered by mail according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, to wit, DEPALMA, NORDONE, CARTISANO, and others filed an insurance claim with State Farm Insurance Company falsely stating that a 2004 Ford Thunderbird had been stolen, during the course of which scheme State Farm caused mailings to be made to the person who filed the claim.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT FIFTY-TWO

(Conspiracy To Traffic In Counterfeit Goods)

The Grand Jury further charges:

111. From in or about September 2003, up through and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT SANSEVERINO, a/k/a "Bobby Phones," and ALFRED LAFATA, JR., the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 2320.

112. It was a part and an object of the conspiracy that GREGORY DEPALMA, ROBERT SANSEVERINO, a/k/a "Bobby Phones," and ALFRED LAFATA, JR., the defendants, and others known and unknown, unlawfully, intentionally and knowingly would and did traffic in goods and use counterfeit marks on and in connection with such goods, to wit, DEPALMA, SANSEVERINO and LAFATA, Jr., and others, distributed merchandise, including watches and bags, bearing counterfeit trademarked designs of, among others, Rolex and Louis Vuitton, in violation of Title 18, United States Code, Section 2320.

Overt Acts

113. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about September 2, 2003, GREGORY DEPALMA, ALFRED LAFATA, JR., and others, met at a location in Westchester County, New York.

b. On or about November 25, 2003, GREGORY DEPALMA, ROBERT SANSEVERINO, and others, met at a location in Westchester County, New York.

(Title 18, United States Code, Section 371.)

COUNT FIFTY-THREE

(Trafficking In Items Bearing Counterfeit Marks)

114. From in or about September 2003, up to and including in or about March 2005, in the Southern District of New York and elsewhere, GREGORY DEPALMA, ROBERT SANSEVERINO, a/k/a "Bobby Phones," and ALFRED LAFATA, JR., the defendants, and others known and unknown, unlawfully, intentionally, and knowingly trafficked, and attempted to traffic, in goods and used counterfeit marks on and in connection with such goods, to wit, DEPALMA, SANSEVERINO, and LAFATA, JR., and others distributed merchandise, including designer watches and bags, bearing

counterfeit trademarked designs, including Rolex and Louis Vuitton.

(Title 18, United States Code, Sections 2320 and 2.)

FIRST FORFEITURE ALLEGATION

115. The allegations contained in Counts One and Two of this Indictment are repeated, realleged, and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963. Pursuant to Rule 32.2, Fed. R. Crim. P., notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 1963 in the event of any defendant's conviction under Counts One and/or Two of this Indictment.

116. The defendants, ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, NICHOLAS LASORSA, a/k/a "Nicky," CHRISTOPHER SUCARATO, JOSEPH FORNINO, a/k/a "Joey Per Voi," ROBERT PERSICO, SAM NORDONE, and ROBERT VACCARO, JR.,

i. have acquired and maintained interests in violation of Title 18, United States Code, Section 1962, which

interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

ii. have an interest in, security of, claims against, and property and contractual rights which afford a source of influence over the enterprise named and described herein which the defendants established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and

iii. have property constituting and derived from proceeds obtained, directly and indirectly, from the aforesaid racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

117. The interests of the defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1), (a)(2), and (a)(3), include but are not limited to:

- a. at least \$30 million in United States currency;
- b. Any and all interest of JOSEPH FORNINO, the defendant, in the real property and appurtenances, known as 23 North Main Street, Portchester, New York, including FORNINO's

interest in the assets of the business operated thereon, the Pasta Per Voi, a/k/a "Pasta Per Voi Italian Restaurant," a/k/a "Per Voi," also including any gambling proceeds found therein;

c. Any and all interest of SAM NORDONE, the defendant, in the real property and appurtenances known as 2430 Boston Post Road, Larchmont, New York, including NORDONE's interest in the assets of the business operated thereon, Sam Nordone & Sons Auto Body;

d. Any and all interest of ARNOLD SQUITIERI, the defendant, in a 42" SONY flat screen television, delivered to SQUITIERI's home in New Jersey on or about March 9, 2004;

e. Any and all interest of ANTHONY MEGALE, the defendant, in a 42" SONY flat screen television, delivered to MEGALE'S home in Connecticut on or about February 5, 2004;

f. Any and all interest of ROBERT VACCARO, JR. and ROBERT VACCARO, the defendants, in a 42" Samsung flat screen television, delivered to ROBERT VACCARO, JR. on or about September 27, 2004;

g. Any and all interest of GREGORY DEPALMA and SAM NORDONE, the defendants, in one 2004 Ford Thunderbird, VIN# 1FAHP60A14Y109025, registered to Justin Cartisano;

h. Any and all interest of GREGORY DEPALMA and SAM NORDONE, the defendants, in one 2000 BMW, VIN# WBABM5346YJP00939;

i. Any and all interest of GREGORY DEPALMA and SAM NORDONE, the defendants, in one 1995 BMW, VIN# WBAEF6321SCC90304, registered to Michael DePalma; and

j. Any and all interest of GREGORY DEPALMA, SAM NORDONE, and ROBERT PERSICO, the defendants, in one 1990 Cadillac Fleetwood, VIN# 1G6CB5332L4348795;

k. Any and all interest of GREGORY DEPALMA, the defendant, in one 2005 Chrysler 300, VIN# 2C3AA63H95H144644.

Substitute Assets

118. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants-

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of any

other property of the defendant(s) up to the value of the forfeitable property, including but not limited to:

a. Any and all right, title, and interest held by LOUIS FILIPPELLI, the defendant, in the real property and appurtenances known as 13 Byram Brook Place, Armonk, New York;

b. Any and all right, title, and interest held by JOSEPH FORNINO, the defendant, in the real property and appurtenances known as 4032-24th Street, Queens, New York;

c. Any and all right, title, and interest held by JOSEPH FORNINO, the defendant, in the real property and appurtenances known as 131 Huntsbridge Road, Yonkers, New York 10704;

d. Any and all right, title, and interest held by NICHOLAS LASORSA, the defendant, in the real property and appurtenances known as 15 Bonnie Briar Road, White Plains, New York 10607;

e. Any and all right, title, and interest held by ANTHONY MEGALE, the defendant, in the real property and appurtenances known as 105 Northwind Drive, Stamford, Connecticut 06903;

f. Any and all right, title, and interest held by ROBERT PERSICO, the defendant, in the real property and appurtenances known as 75 Stoneleigh Road, Scarsdale, New York 10583;

g. Any and all right, title, and interest held by ROBERT PERSICO, the defendant, in the real property and appurtenances known as 75 Woodford Road, Scarsdale, New York 10583;

h. Any and all right, title, and interest held by ROBERT PERSICO, the defendant, in the real property and appurtenances known as 550 Franklin Avenue, Mount Vernon, New York 10550;

i. Any and all right, title, and interest held by SAM NORDONE, the defendant, in the real property and appurtenances known as 40 Mill River Road, South Salem, New York 12590;

j. Any and all right, title, and interest held by SAM NORDONE, the defendant, in the real property and appurtenances known as 4 Hall Place, Eastchester, New York 10790;

k. Any and all right, title, and interest held by ALPHONSE SISCA, the defendant, in the real property and appurtenances known as 53 Anderson Avenue, Englewood Cliffs, New Jersey;

l. Any and all right, title, and interest held by ALPHONSE SISCA, the defendant, in the real property and appurtenances known as 265 West 27th Street, Ship Bottom, New Jersey; and

m. Any and all right, title, and interest held by ARNOLD SQUITIERI, the defendant, in the real property and

appurtenances known as 42 Hickory Street, Englewood Cliffs, New Jersey.

119. The above-named defendants, and each of them, are jointly and severally liable for the forfeiture obligations alleged above in Paragraph 117(a).

(Title 18, United States Code, Section 1963.)

SECOND FORFEITURE ALLEGATION

120. As the result of committing one or more of the extortion, stolen property, loansharking, union embezzlement, fraud or counterfeit goods offenses in violation of 18 U.S.C. §§ 371, 664, 891, 892, 894, 1341, 1349, 1951, 2314, 2315 and 2320 alleged in Counts Four through Twenty-Seven, Thirty-One through Thirty-Six through Forty-Two, Forty-Six through Forty-Nine, and Fifty-Two through Fifty-Three of this Indictment, defendants ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, NICHOLAS LASORSA, a/k/a "Nicky," THOMAS CACCIOPOLI, a/k/a "Tommy Sneakers," JOHN CAPRA, a/k/a "Johnny Hooks," CHRISTOPHER SUCARATO, JOSEPH FORNINO, a/k/a "Joey Per Voi," SAM NORDONE, ROBERT PERSICO, ROBERT VACCARO, JR., JAMES VETRANO, MICHAEL DEPALMA, THOMAS D'AGOSTINO, a/k/a "Tommy D," FRANK D'AGOSTINO, a/k/a "Frankie D," AL ALVAREZ, MARK DENUZIO, JOSEPH MORAY, NEIL DELIETO, ROBERT SANSEVERINO, a/k/a "Bobby

Phones," and ALFRED LAFATA, JR., the defendants, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the violations of 18 U.S.C. §§ 371, 664, 891, 892, 894, 1343, 1349, 1951, 2314, 2315 and 2320, including but not limited to the following:

a. At least \$10,000,000 in United States currency, for which the defendants are jointly and severally liable;

b. Any and all interest of SAM NORDONE, the defendant, in the real property and appurtenances known as 2430 Boston Post Road, Larchmont, New York, including NORDONE's interest in the assets of the business operated thereon, Sam Nordone & Sons Auto Body;

c. Any and all interest of GREGORY DEPALMA and SAM NORDONE, the defendants, in one 2000 BMW, VIN# WBABM5346YJP00939;

d. Any and all interest of GREGORY DEPALMA, SAM NORDONE, and MICHAEL DEPALMA, the defendants, in one 1995 BMW, VIN# WBAEF6321SCC90304 registered to MICHAEL DEPALMA; and

e. Any and all interest of GREGORY DEPALMA, ROBERT PERSICO, SAM NORDONE, and MICHAEL DEPALMA, the defendants, in one 1990 Cadillac Fleetwood, VIN# 1G6CB5332L4348795.

Substitute Assets

121. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant(s)-

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the forfeitable property, including but not limited to:

a. Any and all right, title, and interest held by LOUIS FILIPPELLI, the defendant, in the real property and appurtenances known as 13 Byram Brook Place, Armonk, New York;

b. Any and all right, title, and interest held by JOSEPH FORNINO, the defendant, in the real property and appurtenances known as 4032-24th Street, Queens, New York;

c. Any and all right, title, and interest held by JOSEPH FORNINO, the defendant, in the real property and appurtenances known as 131 Huntsbridge Road, Yonkers, New York 10704;

d. Any and all right, title, and interest held by NICHOLAS LASORSA, the defendant, in the real property and appurtenances known as 15 Bonnie Briar Road, White Plains, New York 10607;

e. Any and all right, title, and interest held by ANTHONY MEGALE, the defendant, in the real property and appurtenances known as 105 Northwind Drive, Stamford, Connecticut 06903;

f. Any and all right, title, and interest held by ROBERT PERSICO, the defendant, in the real property and appurtenances known as 75 Stoneleigh Road, Yonkers, New York 10583;

g. Any and all right, title, and interest held by ROBERT PERSICO, the defendant, in the real property and appurtenances known as 75 Woodford Road, Scarsdale, New York 10583;

h. Any and all right, title, and interest held by ROBERT PERSICO, the defendant, in the real property and appurtenances known as 550 Franklin Avenue, Mount Vernon, New York 10550;

i. Any and all right, title, and interest held by SAM NORDONE, the defendant, in the real property and appurtenances known as 40 Mill River Road, South Salem, New York 12590;

j. Any and all right, title, and interest held by SAM NORDONE, the defendant, in the real property and appurtenances known as 4 Hall Place, Eastchester, New York 10790;

k. Any and all right, title, and interest held by ARNOLD SQUITIERI, the defendant, in the real property and appurtenances known as 42 Hickory Street, Englewood Cliffs, New Jersey;

l. Any and all right, title, and interest held by ALPHONSE SISCA, the defendant, in the real property and appurtenances known as 53 Anderson Avenue, Englewood Cliffs, New Jersey;

m. Any and all right, title, and interest held by ALPHONSE SISCA, the defendant, in the real property and appurtenances known as 265 West 27th Street, Ship Bottom, New Jersey;

n. Any and all right, title, and interest held by JOHN CAPRA, the defendant, in the real property and appurtenances known as 18 Durie Avenue, Closter, New Jersey 07624;

o. Any and all right, title, and interest held by JOSEPH MORAY, the defendant, in the real property and appurtenances known as 30 Valentine Street, Yonkers, New York;

p. Any and all right, title, and interest held by JOSEPH MORAY, the defendant, in the real property and appurtenances known as 110 Ash Street, Yonkers, New York 10701; and

q. Any and all right, title, and interest held by JAMES VETRANO, the defendant, in the real property and appurtenances known as 120 Saw Mill River Road, Hastings-On-Hudson, New York 10706, including VETRANO's interest in the assets of the business operated thereon, "120 Saw Mill River Road Realty."

(Title 18, United States Code, Sections 371, 664, 891, 892, 894, 1343, 1349, 1951, 2314, 2315 and 2320 and Title 28, United States Code, Section 2461(c)).

THIRD FORFEITURE ALLEGATION

122. As the result of committing one or more of the gambling offenses in violation of 18 U.S.C. §§ 371, 1084 and 1955, alleged in Counts Twenty-Eight through Thirty and Forty-Three through Forty-Five of this Indictment, defendants ARNOLD SQUITIERI, a/k/a "Bozey," a/k/a "Zeke," a/k/a "Sylvester," ANTHONY MEGALE, a/k/a "Mac," a/k/a "Machiavelli," GREGORY DEPALMA, ALPHONSE SISCA, a/k/a "Funzi," LOUIS FILIPPELLI, a/k/a "Bo," ROBERT VACCARO, PASQUALE DELUCA, a/k/a "Scop," JOSEPH FORNINO, a/k/a "Joey Per Voi," LEONARD MINUTO, SR., a/k/a "Lenny," LEONARD MINUTO, JR., a/k/a "Lenny," LOUIS NATRELLA, a/k/a "Little Louie," FRANK BUSCEMI, a/k/a "Cheech," JOHN

VACCARO, a/k/a "Popcorn," JUSTIN CARTISANO, and PAUL OLIVERI, shall forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 1955(d) and 28 U.S.C. § 2461, any property, including money used in the gambling offenses, and all property, real and personal, that constitutes or is derived from proceeds traceable to the violations of 18 U.S.C. §§ 371, 1084 and 1955, including but not limited to the following:

a. At least \$20,000,000 in United States currency, for which the defendants are jointly and severally liable;

b. Any and all interest of JOSEPH FORNINO, in the real property and appurtenances, known as 23 North Main Street, Portchester, New York, including FORNINO's interest in the assets of the business operated thereon, the Pasta Per Voi a/k/a "Pasta PerVoi Italian Restaurant," a/k/a "Per Voi," also including any gambling proceeds found therein;

c. Any and all interest of LEONARD MINUTO, SR. and LEONARD MINUTO, JR., the defendants, in the real property and appurtenances, known as 3046 Eastchester Road, Bronx, New York, including any gambling proceeds found therein;

d. Any and all interest of LEONARD MINUTO, SR. and LEONARD MINUTO, JR., the defendants, in the real property and appurtenances, at the unmarked entrance directly to the right of the address known as 2952 Fenton Avenue, Bronx, New York, including any gambling proceeds found therein; and

e. Any and all interest of LOUIS NATRELLA, the defendant, in the real property and appurtenances, known as 744A Morris Park Avenue, Bronx, New York, including any gambling proceeds found therein.

Substitute Assets

123. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant(s)-

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the forfeitable property, including but not limited to:

a. Any and all right, title, and interest held by LEONARD MINUTO, SR., the defendant, in the real property and appurtenances known as 11 Norge Avenue, Nanuet, New York, 10954;

b. Any and all right, title, and interest held by LEONARD MINUTO, SR., the defendant, in the real property and appurtenances known as 550 South Ocean Boulevard, #2204, Boca Raton, Florida 33432;

c. Any and all right, title, and interest held by LEONARD MINUTO, JR, the defendant, in the real property and appurtenances known as F5 Contempra Circle, Tappan, New York, 10983;

d. Any and all right, title, and interest held by PASQUALE DELUCA, the defendant, in the real property and appurtenances known as 2940 East 194th Street, Bronx, New York 10461;

e. Any and all right, title, and interest held by LOUIS FILIPPELLI, the defendant, in the real property and appurtenances known as 13 Byram Brook Place, Armonk, New York;

f. Any and all right, title, and interest held by JOSEPH FORNINO, the defendant, in the real property and appurtenances known as 4032-24th Street, Queens, New York;

g. Any and all right, title, and interest held by JOSEPH FORNINO, the defendant, in the real property and appurtenances known as 131 Huntsbridge Road, Yonkers, New York 10704;

h. Any and all right, title, and interest held by ANTHONY MEGALE, the defendant, in the real property and

appurtenances known as 105 Northwind Drive, Stamford, Connecticut 06903;

i. Any and all right, title, and interest held by ALPHONSE SISCA, the defendant, in the real property and appurtenances known as 53 Anderson Avenue, Englewood Cliffs, New Jersey;

j. Any and all right, title, and interest held by ALPHONSE SISCA, the defendant, in the real property and appurtenances known as 265 West 27th Street, Ship Bottom, New Jersey;

k. Any and all right, title, and interest held by ARNOLD SQUITIERI, the defendant, in the real property and appurtenances known as 42 Hickory Street, Englewood Cliffs, New Jersey;

l. Any and all right, title, and interest held by PAUL OLIVERI, the defendant, in the real property and appurtenances known as 219 West Lovell Street, Mahopac, New York 10541; and

m. Any and all right, title, and interest held by ALFRED LAFATA, JR., the defendant, in the real property and appurtenances known as 6 Vernon Drive, Scarsdale, New York 10583.

(Title 18, United States Code, Sections 371, 1084 and 1955 and Title 28, United States Code, Section 2461(c)).

FOREPERSON

DAVID N. KELLEY
United States Attorney