



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

**FILE COPY**

MICHAEL W. DOBBINS  
CLERK

312-435-5670

June 14, 2005

Mr. Gino J. Agnello, Clerk  
U.S. Court of Appeals-Seventh Circuit  
219 South Dearborn Street-Room 2722  
Chicago, Illinois 60604

**U.S.C.A. – 7th Circuit  
RECEIVED**

**JUN 14 2005 SK**

RE: USA VS MICHAEL MARCELLO DFT #8

U.S.D.C. DOCKET NO. : 02CR1050-8

**GINO J. AGNELLO  
CLERK**

U.S.C.A. DOCKET NO. : 05-2356

Dear Mr. Agnello:

Please find attached the original record on appeal consisting of the following:

VOLUME(S) OF PLEADING(S) ONE VOLUME.

VOLUME(S) OF TRANSCRIPT(S)

VOLUME(S) OF DEPOSITION(S)

EXHIBITS:

VAULT ITEMS:

OTHER (SPECIFY):

SPECIAL NOTE:

Please acknowledge date of receipt of the above mentioned materials on the attached copy of this letter.

Very truly yours,

Michael W. Dobbins, Clerk

By: \_\_\_\_\_  
C. HOESLY, Deputy Clerk

**FILE COPY**

**I, MICHAEL W. DOBBINS, CLERK** of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, and together with a true copy of docket entries as they appear in the official dockets in this office, consisting of:

ONE VOLUME.

In the cause entitled: USA VS MICHAEL MARCELLO DFT#8.

USDC NO. : 02CR1050-8

USCA NO. : 05-2356

IN TESTIMONY WHEREOF, I hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois, this 14TH day of JUNE 2005.

MICHAEL W. DOBBINS, CLERK

By: \_\_\_\_\_  
C. HOESLY, Deputy Clerk

**FILE COPY**

1. APPEAL

**United States District Court  
Northern District of Illinois - CM/ECF LIVE, Ver 2.4 (Chicago)  
CRIMINAL DOCKET FOR CASE #: 1:02-cr-01050-8  
Internal Use Only**

Case title: USA v. Calabrese, et al

Date Filed: 10/30/2002

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Assigned to: Honorable James B.  
Zagel

**Defendant**

**Michael Marcello (8)**  
*also known as*  
Mickey (8)

represented by **Alexander M. Salerno**  
Law Offices of Alexander M. Salerno  
6447 West Cermak  
Suite #3  
Berwyn, IL 60402  
(708) 484-0909  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Pending Counts**

EXTORTION, RACKETEERING,  
AND THREATS AND 18:2 AID  
AND ABET  
(1)

EXTORTION, RACKETEERING,  
AND THREATS AND 18:1963  
(1s)

ILLEGAL GAMBLING AND 18:2  
AID AND ABET

**Disposition**

(2)

ILLEGAL GAMBLING AND 18:2  
AID AND ABET

(2s)

OBSTRUCTION OF CRIMINAL  
INVESTIGATIONS AND 18:2 AID  
AND ABET

(3)

OBSTRUCTION OF CRIMINAL  
INVESTIGATIONS AND 18:2 AID  
AND ABET

(3s)

CONSPIRACY TO DEFRAUD THE  
UNITED STATES

(9)

CONSPIRACY TO DEFRAUD THE  
UNITED STATES

(9s)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff****United States of America**represented by **John Joseph Scully**

United States Attorney's Office  
 219 South Dearborn Street  
 Suite 4400  
 Chicago, IL 60604  
 (312) 353-5300  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Pretrial Services**

435-5545  
 Email:  
 ilnptdb\_Court\_Action\_Notice@ilnpt.  
 uscourts.gov  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/21/2005	<u>9</u>	FIRST SUPERSEDING INDICTMENT as to Nicholas W Calabrese (1) count(s) 1s, James Marcello (2) count(s) 1, 2, 3, 9, Joseph Lombardo (3) count(s) 1, Frank Calabrese, Sr (4) count(s) 1, 4, 5, Frank Schweihs (5) count(s) 1, 6, 7, Frank Saladino (6) count(s) 1, Paul Schiro (7) count(s) 1, Michael Marcello (8) count(s) 1, 2, 3, 9, Nicholas Ferriola (9) count(s) 1, 4, 5, Anthony Doyle (10) count(s) 1, Michael Ricci (11) count(s) 1, 8, Thomas Johnson (12) count(s) 2, 9, Joseph Venezia (13) count(s) 2, 9, Dennis Johnson (14) count(s) 2 (emd, ) (Entered: 04/27/2005)
04/21/2005	<u>10</u>	MINUTE entry before Judge Sidney I. Schenkier : No bond set; detained by Judge as to Nicholas Calabrese. The Government will seek to have the defendants detained without bond pursuant to Title 18, United States Code, Section 3142 as to Frank Calabrese Sr and Paul Schiro. To set preliminary bail at \$50000.00 secured by 10 percent and that defendants be allowed to sign own recognizance bond as to Nicholas Perriola, Anthony Doyle and Michael Ricci. To set

		preliminary bail at \$50000.00 secured by signature only as to Thomas Johnson, Joseph Venezia and Dennis Johnson. To issue bench warrant and the Government will seek to have the defendants detained without bond pursuant to Title 18, United States Code, Section 3142 as to James Marcello, Joseph Lombardo, Frank Schweihs, Frank Saladino and Michael Marcello. The District Court Clerk's Office is directed to disclose to the Assistant U.S. Attorney assigned to this case for the government, the name of the Judge, Magistrate Judge, docket number assigned to this case and arrest warrants, in order to expedite arraignment of arrested defendants. This information is not to be disclosed to any other party and the indictment is to remain sealed until 4/25/05 at 10:00am or until further order of the Court. Do not seal arrest warrants. No notice (emd, ) (Entered: 04/27/2005)
04/21/2005	<u>11</u>	DESIGNATION Sheet: FELONY (Category 3). (emd, ) (Entered: 04/27/2005)
04/22/2005	<u>12</u>	MINUTE entry before Judge James B. Zagel : The Clerk of Court is directed to provide a "Filed" stamped copy of the indictment to the Assistant United States Attorney assigned to this case for purposes of execution of a bench warrant. No notice (emd, ) (Entered: 04/27/2005)
04/25/2005	<u>14</u>	MINUTE entry before Judge James B. Zagel : Arraignment as to James Marcello and Michael Marcello held. Defendant enters plea of not guilty to the indictment. Rule conference deadline 5/2/05. Detention hearing set for 4/29/05 at 11:00am. Status hearing set for 5/16/05 at 11:30am. Order time excluded pursuant to 18:3161(h)(8)(B)(iv) from 4/25/05 to 5/16/05. No notice (emd, ) (Entered: 04/27/2005)
04/25/2005	<u>23</u>	ATTORNEY Appearance for defendant Michael Marcello by Alexander M. Salerno (cmd, ) (Entered: 04/28/2005)
04/25/2005		BENCH WARRANTS issued as to Nicholas W Calabrese, James Marcello, Joseph Lombardo, Frank Calabrese, Sr, Frank Schweihs, Frank Saladino, Paul Schiro, Michael Marcello, Nicholas Ferriola, Anthony Doyle, Michael Ricci, Thomas Johnson, Joseph Venezia, Dennis Johnson (meg, ) (Entered: 05/12/2005)
04/25/2005		***Location start as to Michael Marcello (amb, ) (Entered: 05/13/2005)

04/29/2005	<u>28</u>	MOTION by Michael Marcello for pre-trial release (gma, ) (Entered: 05/02/2005)
04/29/2005	<u>29</u>	NOTICE of Motion by Alexander M. Salerno for presentment of MOTION by Michael Marcello for pre-trial release <u>28</u> before Honorable James B. Zagel on 4/29/2005 at 11:00 AM, (gma, ) (Entered: 05/02/2005)
04/29/2005	<u>32</u>	MINUTE entry before Judge James B. Zagel : Detention hearing as to James Marcello, Michael Marcello held and concluded. Evidence heard. Defendant's ordered detained pending trial. Findings of fact and conclusions to come. Status hearing set for 5/6/05 at 10:00am. Ordered time excluded pursuant to 18:3161(h)(8)(B)(iv) from 4/29/05 to 5/6/05. Mailed notice (emd, ) (Entered: 05/02/2005)
05/03/2005	<u>33</u>	DETENTION Order as to James Marcello, Michael Marcello Signed by Judge James B. Zagel on 5/3/05. (emd, ) (Entered: 05/03/2005)
05/05/2005	<u>36</u>	MEMORANDUM Opinion and Order as to James Marcello, Michael Marcello regarding testimony of victim at detention hearing. Signed by Judge James B. Zagel on May 5, 2005. Judicial staff mailed notice (drw, ) (Entered: 05/05/2005)
05/09/2005	<u>38</u>	NOTICE OF APPEAL by Michael Marcello regardin memorandum opinion and order <u>36</u> , order of detention <u>33</u> Filing fee \$ 255.00, receipt number 10421598 ;Notice of filing. (cdh, ) (Entered: 05/10/2005)
05/09/2005	<u>39</u>	DOCKETING statement by Michael Marcello regarding notice of appeal <u>38</u> (cdh, ) (Entered: 05/10/2005)
05/09/2005	<u>40</u>	DESIGNATION of record on appeal by Michael Marcello regarding notice of appeal <u>38</u> (cdh, ) (Entered: 05/10/2005)
05/09/2005	<u>44</u>	WARRANT returned executed as to Michael Marcello on 4/25/05 (amb, ) (Entered: 05/13/2005)
05/10/2005	<u>41</u>	Transmission of short record as to Michael Marcello to US Court of Appeals re notice of appeal <u>38</u> (cdh, ) Additional attachment(s) added on 5/10/2005 (cdh, ). (Entered: 05/10/2005)
05/13/2005	<u>50</u>	NOTICE by government regarding tendered discovery; Notice.(amb, ) (Entered: 05/18/2005)

05/13/2005	<u>51</u>	<del>NOTICE of docketing by USCA, case number as to Michael Marcello 05-2356 for notice of appeal <u>38</u> (amb, ) (Entered: 05/19/2005)</del>
06/02/2005	<u>60</u>	SECOND SUPERSEDING INDICTMENT as to Nicholas W Calabrese (1) count(s) 1ss, James Marcello (2) count(s) 1s, 2s, 3s, 9s, Joseph Lombardo (3) count(s) 1s, Frank Calabrese, Sr (4) count(s) 1s, 4s, 5s, Frank Schweihs (5) count(s) 1s, 6s, 7s, Paul Schiro (7) count(s) 1s, Michael Marcello (8) count(s) 1s, 2s, 3s, 9s, Nicholas Ferriola (9) count(s) 1s, 4s, 5s, Anthony Doyle (10) count(s) 1s, Michael Ricci (11) count(s) 1s, 8s, Thomas Johnson (12) count(s) 2s, 9s, Joseph Venezia (13) count(s) 2s, 9s, Dennis Johnson (14) count(s) 2s (emd, ) (Entered: 06/06/2005)
06/02/2005	<u>61</u>	MINUTE entry before Judge Geraldine Soat Brown : Detention order previously issued in 02 cr 1050 to stand as to Nicholas Calabrese, James Marcello, Frank Calabrese, Paul Schiro and Michael Marcello. Bond set in 02 cr 1050 to stand as bond in this instance as to Nicholas Ferriola, Anthony Doyle, Michael Ricci, Thomas Johnson, Joseph Venezia, and Dennis Johnson. Bench warrant issued on 5/3/05; defendant Joseph Lombardo is a fugitive. The government will seek to have the defendant detained without bond pursuant to Title 18, United States Code, Section 3142. Bench warrant issued on 4/22/05; defendant Frank Schweihs is a fugitive. The government will seek to have the defendant detained without bond pursuant to Title 18, United States Code, Section 3142. No notice (emd, ) (Entered: 06/06/2005)
06/02/2005	<u>62</u>	DESIGNATION Sheet: FELONY (Category 3). (emd, ) (Entered: 06/06/2005)
06/14/2005	<u>67</u>	<del>CERTIFIED and transmitted the long record regarding notice of appeal <u>38</u> as to Michael Marcello to US Court of Appeals (USCA no: 05-2356) consisting of one volume of pleadings. (cdh, ) (Entered: 06/14/2005)</del>

**KEY**

All highlighted items are included in the record.

All cross out items are not included in the record.

S/C: These items are sent under a separate certificate.

N/A: These items are not available.