

2007R01451/am

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal No. 11- 248(FSH)
MICHAEL ARPAIO : Title 18, United States Code,
Sections 1951(a) and 2

I N D I C T M E N T

(Extortion)

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges as follows:

Background

1. At all times relevant to this Indictment:

The Defendant and Other Parties

a. Defendant MICHAEL ARPAIO was a resident of Belleville, New Jersey. Defendant MICHAEL ARPAIO was neither an officer nor employee of any police department in the State of New Jersey or elsewhere.

b. An individual (hereinafter the "the Individual") was an employee of a non-profit used clothing recycling company located in New York (hereinafter "Company One"). Company One collected clothes in clothing bins into which the public could donate used clothing (hereinafter "bins"), sold the clothes, and then donated the net proceeds to a charity. The bins were the property of Company One.

Overview of the Extortion Scheme

2. Company One placed its bins on various properties located in New York and New Jersey, including Belleville, Bloomfield, and Kearney, New Jersey, among others. Defendant MICHAEL ARPAIO neither owned nor had an interest in Company One nor the bins owned and managed by Company One. Additionally, defendant MICHAEL ARPAIO neither owned nor had an interest in any of the properties in which Company One placed its bins.

3. Beginning in or about July 2010, defendant MICHAEL ARPAIO stole and caused to be stolen Company One's bins. Thereafter, defendant MICHAEL ARPAIO told the Individual that defendant MICHAEL ARPAIO's permission was needed to place bins in his territory, namely, northern New Jersey. Defendant MICHAEL ARPAIO also requested money from the Individual in exchange for finding the bins that defendant MICHAEL ARPAIO stole or caused to be stolen.

4. On or about September 29, 2010, the Individual gave defendant MICHAEL ARPAIO approximately \$1,000 in cash. Thereafter, defendant MICHAEL ARPAIO made the following statements to the Individual, in substance and in part:

You're giving me a thousand dollars not to find sites for you. This thousand dollars is gonna return some of your boxes to you and it's gonna make sure none of your other s**t's gone.

* * * *

You're going to have to put together a list for me . . . where you have your boxes [bins] so I can

let my people know never to f*****g touch these boxes [bins]."

5. On or about October 11, 2010, defendant MICHAEL ARPAIO met the Individual and falsely represented himself as a police officer. The Individual gave defendant MICHAEL ARPAIO approximately \$250 in cash and a \$1,000 check drawn on Company One's bank account, which check was payable to a third-party. Defendant MICHAEL ARPAIO told the Individual that in exchange for the money defendant MICHAEL ARPAIO would locate Company One's missing bins, which bins defendant MICHAEL ARPAIO stole or caused to be stolen, and would prevent more of the company's bins from being stolen.

6. On or about October 29, 2010, defendant MICHAEL ARPAIO met the Individual. During this meeting, defendant MICHAEL ARPAIO demanded money from the Individual for the privilege of keeping Company One's bins on the property of a retail store in Belleville, New Jersey (hereinafter the "Store"). Defendant MICHAEL ARPAIO further falsely claimed to the Individual that defendant MICHAEL ARPAIO had paid the Store approximately \$400 to permit Company One to place a bin on the Store's property. After the Individual requested a receipt from the Store, defendant MICHAEL ARPAIO made the following statements to the Individual, in substance and in part:

Individual: I'll go with you to the [Store], they [Company One] want a receipt from [the Store].

Arpaio: No Either you get my money now or your f*****g box will be gone. I'ma [sic] tell ya [sic] right now, I'm telling you that box is there, I want my f*****g money that I put out, the four hundred dollars

Individual: They [Company One] will give you the money for the [Store].

Arpaio: You told me you had my Okay, no problem, we're done, you're not good now, I will, I'm telling you to your face, your boxes will be gone. You tell that m*****f*****r [the Individual's boss], he don't scare me. . . .

* * * *

Arpaio: Nobody scares me. I want my money. I put out four hundred f*****g dollars. You told me you had it. . . . Okay, your boxes are done. . . . I'm on the job. I can tell you, your boxes are gonna be gone. You tell that m*****f*****r I took 'em [sic], he can come see me because I got f*****g people that will put a f*****g foot up his ass. You bull*****d me. . . . You f*****g your boxes'll [sic] be gone. . . .

* * * *

Arpaio: I'm telling ya. It's [the bin] gonna be moved off of my property [the Store] tonight. I don't get my money, its going off my property. That's it, that's it, we're done.

Individual: Bring me in there and introduce him to me [the Store].

Arpaio: No, no, I'm not. I'm not.

* * * *

Arpaio: How do you think you got your box on my property?

Individual: You told me to put the box there

Arpaio: Alright, on my property you put the box there, now you don't wanna pay me for it?

Individual: No, absolutely not.

Arpaio: Okay, ya know, you're lucky I'm on the job. You're lucky I'm on the f*****g job cause I'd break every bone in your f*****g body right now. You don't think I'm capable? I'd break every f*****g bone in your body.

* * * *

Individual: Let me tell you something . . . take this to the f*****g bank . . . take this to the bank on my mother dying in that f*****g hospital bed up there, if you, within ten weeks, I'm gonna have at least ten of your f*****g boxes, and I'm gonna tell you I got'em. I'm gonna tell you I got'em. And know what? Every, every box you want back, you're gonna pay me a thousand dollars f*****g cash to get it back. Or take me to, take me to f*****g court. You don't know my f*****g, who my brother is, my brother is the deputy of all of f*****g Newark, the deputy chief of Police. You think I'm gonna sweat it? My f*****g uncle is connected big. . . .

* * * *

Arpaio: [M]y uncle's connected. . . . My uncle used to work for a guy[who was a] captain in the Genovese Crime Family but he worked directly for John Gotti. Now you know who John Gotti is right?

The Charge

From in or about July 2010 through on or about October 29, 2010, in Bergen and Essex Counties, in the District of New Jersey and elsewhere, defendant

MICHAEL ARPAIO

knowingly and willfully obstructed, delayed, and affected in commerce and the movement of an article and commodity in commerce by extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), and attempted to do so, by obtaining money, property, and other items of another person, namely the Individual and Company One, with the consent of such person, induced by wrongful use of actual and threatened force, violence, and fear, and threatened physical violence to a person and property in furtherance of a plan and purpose to commit said extortion.

In violation of Title 18, United States Code, Section 1951(a) and Section 2.

A TRUE BILL,

FOREPERSON



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: *11-CR-248(FSH)*

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

MICHAEL ARPAIO

INDICTMENT FOR

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

A True Bill,

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