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2008R01454/JM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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 UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
 :
 v. : Crim. No. 09-863 (S-1)
 :
 PETER VENTRICELLI and : 18 U.S.C. §§ 892,
 MARK VENTRICELLI : 1951, and 2
 -----X

SUPERCEDING INDICTMENT

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

COUNT 1 - Conspiracy to Commit Extortion
(18 U.S.C. § 1951)

Background

A. The Coconspirators

1. At times relevant to this Indictment:

a. Defendant PETER VENTRICELLI was a resident of Parlin,
New Jersey.

b. Defendant MARK VENTRICELLI, the brother of defendant
PETER VENTRICELLI, was a resident of Parlin, New Jersey.

c. M.C.S. also known as "the Old Man" and "Big Mike," was a
resident of Pompton Plains, New Jersey.

B. Entities

2. At times relevant to this Indictment:

a. Harrington Landscape and Construction LLC (hereinafter "Harrington Landscape") was a New Jersey company based in New Jersey that provided landscaping services and built patios and retaining walls for customers based in New Jersey and New York.

b. The Oak Leaf Club was a social club in Hoboken, New Jersey frequented by the defendants, coconspirator M.C.S., and others.

C. Victim

3. At times relevant to this Indictment, M.H. was the owner of Harrington Landscape.

The Conspiracy

4. From in or about May 2006 through in or about April 2009, in Hudson, Passaic, and Bergen Counties, in the District of New Jersey, and elsewhere, defendants,

PETER VENTRICELLI and
MARK VENTRICELLI,

knowingly and willfully conspired and agreed with each other and with others to obstruct, delay, and affect interstate commerce and the movement of articles and commodities in interstate commerce by extortion, by agreeing to obtain the property of M.H., with the consent of M.H., induced by the wrongful use of threatened force, violence, and fear, including the fear of economic harm.

Object of the Conspiracy

5. The object of the conspiracy was to obtain money and property from M.H. through the wrongful use of threats of force, violence, and economic injury.

Manner and Means of the Conspiracy

6. It was part of the conspiracy that, from May 2006 through April 2009, defendant PETER VENTRICELLI, as an employee of Harrington Landscape, would at various times invest money, which he initially claimed were his personal or family funds, into the company.

7. It was further part of the conspiracy that after defendant PETER VENTRICELLI invested money in Harrington Landscape, he would advise M.H. that the money was not only from his personal or family funds but also obtained from individuals, including coconspirator M.C.S. Defendant PETER VENTRICELLI identified M.C.S. as the "Boss," or as "my big friend," implying that M.C.S. was associated with organized crime and the kind of person who would hurt M.H. if M.H. did not make, at least, the required interest-only payments, commonly referred to as "vig" payments.

8. It was further part of the conspiracy that defendants PETER VENTRICELLI and MARK VENTRICELLI, and other coconspirators would use implicit and explicit threats of force, violence, and fear to compel M.H. to make the necessary vig payments.

9. From in or about September 2007 through in or about April 2009, defendant PETER VENTRICELLI claimed to M.H. that he had invested \$25,000 into Harrington Landscape to pay expenses. Thereafter, defendant PETER VENTRICELLI advised M.H. that the \$25,000 had come from coconspirator M.C.S. and that M.H. was required to make regular \$500 payments on the debt. As a result of defendant PETER VENTRICELLI's implicit and explicit threats of force, violence, and fear, M.H. regularly made \$500 payments on the debt.

Threats of Violence and Fear

10. In or about the end of September or beginning of October 2007, defendant PETER VENTRICELLI went to M.H.'s apartment with two .22 caliber pistols and told M.H. that they had been used on previous jobs; defendant PETER VENTRICELLI then fired off a round from one of the guns from M.H.'s balcony.

11. After the incident described in paragraph 10 above, defendant PETER VENTRICELLI stored a bag of handguns in the home of Individual #1. When Individual #1 found the weapons, Individual #1 demanded that they be removed. Thereafter, defendant PETER VENTRICELLI met with defendant MARK VENTRICELLI and delivered the guns into defendant MARK VENTRICELLI's possession.

12. In or about July 2008, during a telephone conversation, defendant PETER VENTRICELLI threatened M.H., in substance and in

part, that he [M.H.] "had twenty-four hours" to get out of the state or defendant PETER VENTRICELLI and others were going to come after M.H.

13. Later on the same day referred to in Paragraph 12 above, coconspirator M.C.S. met M.H. outside of the Oak Leaf Club in Hoboken, and threatened M.H. with harm if M.H. did not pay M.C.S. \$150,000.

14. On or about September 19, 2008, defendant MARK VENTRICELLI telephoned M.H.'s brother, T.H. and demanded M.H.'s phone number. During this telephone conversation with T.H., defendant PETER VENTRICELLI got on the telephone and threatened M.H. and his family that he would kill M.H. because M.H. had stopped making vig payments.

15. Later that same day, defendant MARK VENTRICELLI called M.H. on the phone. During that call, defendant PETER VENTRICELLI interrupted the conversation and threatened M.H., in substance and in part, that he was "dead" and "they were coming to get him that night."

16. On or about October 1, 2008, at the Malibu Diner in Hoboken, New Jersey, M.H. met with defendant PETER VENTRICELLI and coconspirator M.C.S. to discuss the repayment of various loans that the defendants claimed to have given M.H. During the course of the meeting, defendant PETER VENTRICELLI produced a diner receipt on which he had handwritten approximately eleven

loans that M.H. was told he was obligated to pay off to PETER VENTRICELLI, M.C.S. and others. The total amount of the alleged loans was in excess of \$350,000.

17. On or about November 26, 2008, coconspirator M.C.S. met with M.H. at a diner in Pompton Plains, New Jersey. During the meeting, M.C.S repeatedly demanded that M.H. pay him the sum of \$80,000 and stated further, "I was told you were gonna pay me. You told me you were gonna pay me. So stop the [expletive] with that. . . . "

18. On or about February 3, 2009, defendant PETER VENTRICELLI and coconspirator M.C.S. met with M.H. at a diner in Carlstadt, New Jersey, at which time defendant PETER VENTRICELLI became extremely angry and asked M.C.S., in the presence of M.H., for "permission" to harm M.H. for nonrepayment of the various debts. M.C.S. warned defendant PETER VENTRICELLI not to do anything in the diner, stating, "Would you stop! You wanna go to jail? You're gonna go to jail here."

All in violation of Title 18, United States Code, Section 1951.

COUNT 2 - Extortion
(18 U.S.C. §§ 1951 and 2)

1. The allegations set forth in Paragraphs 1 through 3 and 5 through 18 of Count 1 of this Indictment are hereby realleged as if fully set forth herein.

2. From in or around September 2007 through in or around April 2009, in Hudson, Passaic, and Bergen Counties, in the District of New Jersey, and elsewhere, defendant

PETER VENTRICELLI

knowingly and willfully obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by extortion, that is, by obtaining, and attempting to obtain, the property of M.H. with respect to a \$25,000 loan (paragraph 9 above), with the consent of M.H., induced by the wrongful use of threatened force, violence, and fear, including the fear of economic harm.

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

COUNT 3

Making an Extortionate Extension of Credit to T.H.

(18 U.S.C. §§ 892 and 2)

1. Paragraphs 1(a) and 1(b) of Count 1 of this Indictment are hereby realleged as if fully set forth herein.

2. From in or about October 2006 through in or about December 2006, in Hudson County, in the District of New Jersey, and elsewhere, defendants

PETER VENTRICELLI and
MARK VENTRICELLI

knowingly made an extortionate extension of credit, in the approximate amount of \$3,000, as defined in Title 18, United States Code, Section 891(6), to T.H.

In violation of Title 18, United States Code, Section 892 and Section 2.

A TRUE BILL,

FOREPERSON



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 2008R010454

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

UNITED STATES OF AMERICA

v.

**PETER VENTRICELLI and
MARK VENTRICELLI**

INDICTMENT FOR

18 U.S.C. §§ 892, 1951, and 2

A True Bill,

Foreperson

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