

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

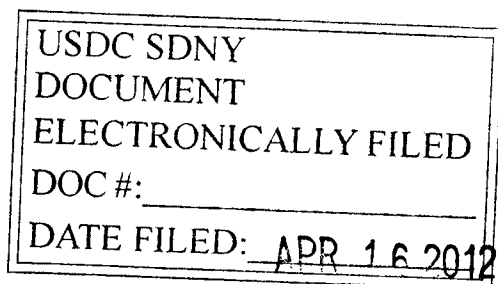
VINCENZO FROGIERO,  
a/k/a "Vinny Carwash,"  
TODD LABARCA,  
JOHN BRANCACCIO,  
a/k/a "Johnny Bandana,"  
CHRISTOPHER REYNOLDS,  
a/k/a "Burger," and  
SEAN DUNN,

Defendants.

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INDICTMENT

S3 11 Cr. 12 (RMB)



COUNT ONE

(Racketeering Conspiracy)

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, VINCENZO FROGIERO, a/k/a "Vinny Carwash," TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, were members and associates of the Gambino Organized Crime Family of La Cosa Nostra (the "Gambino Crime Family"). The Gambino Crime Family was a criminal organization whose members and associates engaged in crimes including murder, narcotics trafficking, extortion, robbery, assault, loansharking, operating illegal gambling businesses, and other crimes.

2. The Gambino 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. This enterprise was engaged in, and its activities affected, interstate and foreign commerce. The Gambino 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.

3. The Gambino 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." In addition to the Gambino Crime Family, five other Families operated in the New York City and New Jersey area, namely, the Genovese Crime Family of LCN, the Luchese Crime Family of LCN, the Colombo Crime Family of LCN, the Bonanno Crime Family of LCN, and the Decavalcante Crime Family of LCN.

4. The Gambino 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," "around," or "under" a Soldier or other member of the Family. In order for an associate to become a made member of the Family, the associate typically needed to demonstrate the ability to generate income for the Family, and/or that the associate was capable of committing acts of violence.

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 Crime Family, commonly referred to as the "Administration." The head of the Gambino 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 Crime Family, and resolving disputes between members of

the Gambino Crime Family and members of other criminal organizations. The Administration of the Gambino Crime Family was also responsible for overseeing the criminal activities of the Family's Capos, Soldiers and associates, and was at times called upon to make decisions regarding those criminal endeavors.

7. The Boss, Underboss, and Consigliere 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, Consigliere, and members of any multi-member committee serving an Administration function typically received part of the illegal earnings of each crew.

#### The Defendants

8. VINCENZO FROGIERO, a/k/a "Vinny Carwash," the defendant, was a participant in the enterprise, the Gambino Crime Family. In or about 2009, FROGIERO was inducted as a member, or Soldier, of the Gambino Crime Family. After his induction, FROGIERO was in the crew of Gambino Crime Family Captain Louis Mastrangelo. FROGIERO also commonly participated in crimes with other individuals in the crew of Gambino Crime Family Captain Alphonse Trucchio.

9. TODD LABARCA, the defendant, was a participant in the enterprise, the Gambino Crime Family. As an associate, LABARCA was in the crew of Gambino Crime Family Captain Louis

Mastrangelo, and LABARCA also commonly participated in crimes with other individuals in the crew of Gambino Crime Family Captain Alphonse Trucchio. In approximately 2009, LABARCA was proposed for induction as a Soldier in the Gambino Crime Family.

10. JOHN BRANCACCIO, a/k/a "Johnny Bandana," the defendant, was a participant in the enterprise, the Gambino Crime Family. As an associate, BRANCACCIO was "with," "around," and "under" Gambino Crime Family Captain Ronald Trucchio, a/k/a "Ronnie One-Arm." After Ronald Trucchio was imprisoned in 2003, BRANCACCIO was "with," "around," and "under" Gambino Family Captain Alphonse Trucchio.

11. CHRISTOPHER REYNOLDS, the defendant, was a participant in the enterprise, the Gambino Crime Family. As an associate, REYNOLDS was in the crew of Gambino Crime Family Captain Alphonse Trucchio, and REYNOLDS also commonly participated in crimes with other individuals in the crew of Gambino Crime Family Captain Louis Mastrangelo.

12. SEAN DUNN, the defendant, was a participant in the enterprise, the Gambino Crime Family. As an associate, DUNN was "with," "around," and "under" Gambino Crime Family Captain Ronald Trucchio, a/k/a "Ronnie One-Arm." After Ronald Trucchio was imprisoned in 2003, DUNN was "with," "around," and "under" Gambino Family Captain Alphonse Trucchio.

Purposes of the Enterprise

13. The purposes of the enterprise included the following:

a. Enriching the leaders, members, and associates of the enterprise through murder, narcotics trafficking, extortion, robbery, assault, loansharking, operating illegal gambling businesses, and other crimes.

b. Preserving and augmenting the power, territory, and financial profits of the enterprise through 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.

#### The Racketeering Conspiracy

14. From at least in or about the late 1980s, up to and including in or about 2011, VINCENZO FROGIERO, a/k/a "Vinny Carwash," TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 13 above, namely, the Gambino Crime Family,

which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 1962(c), to wit, 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), and as set forth below in paragraph 15.

The Pattern of Racketeering

15. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), through which VINCENZO FROGIERO, a/k/a "Vinny Carwash," TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, agreed to conduct and participate in the conduct of the affairs of the enterprise consisted of multiple acts and threats including the following:

(a) Acts involving murder, in violation of New York State Penal Law, Sections 125.25, 105.15, and 20.00;

(b) Acts involving distributing, and possessing with intent to distribute, controlled substances, including cocaine, marijuana, and ecstasy, in violation of Title 21, United

States Code, Sections 812, 841, and 846, and Title 18, United States Code, Section 2;

(c) Acts indictable under Title 18, United States Code, Sections 1951 and 2, which prohibit extortion; and acts involving extortion, in violation of New York State Penal Law, Sections 155, 110, 105, and 20.00;

(d) Acts indictable under Title 18, United States Code, Sections 1951 and 2, which prohibit robbery; and acts involving robbery, in violation of New York State Penal Law, Sections 160, 110, 105, and 20.00;

(e) Acts indictable under Title 18, United States Code, Sections 892, 894, and 2, which prohibit making extortionate extensions of credit, and using extortionate means to collect extensions of credit; and

(f) Acts indictable under Title 18, United States Code, Sections 1955 and 2, which prohibit illegal gambling businesses; and acts involving gambling, in violation of New York State Penal Law, Section 225;

Special Sentencing Allegation

16. During and as part of the conspiracy alleged in Count One of this Indictment, in the Southern District of New York and elsewhere, TODD LABARCA, the defendant, and others known and unknown, willfully and knowingly did commit an act involving murder, and aided and abetted murder, to wit, with intent to



cause the death of another person, LABARCA and others did cause the death of Martin Bosshart, in violation of New York State Penal Law, Sections 125.25 and 20.00.

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

**COUNT TWO**  
(Racketeering)

The Grand Jury further charges:

17. Paragraphs 1 through 13 of this Indictment are repeated and realleged and incorporated by reference as though fully set forth herein.

18. From at least in or about the late 1980s, up to and including in or about 2011, in the Southern District of New York and elsewhere, VINCENZO FROGIERO, a/k/a "Vinny Carwash," TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 13 above, namely, the Gambino Crime Family, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, willfully and knowingly did 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), that is, through the commission of the following racketeering acts:

The Pattern of Racketeering

19. 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:  
Murder of Martin Bosshart and  
Conspiracy to Murder Martin Bosshart

20. TODD LABARCA, the defendant, and others known and unknown, committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act One:

a. From at least in or about December 2001, up to and including on or about January 2, 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, willfully and knowingly conspired to murder Martin Bosshart, in violation of New York State Penal Law, Sections 125.25 and 105.15.

b. From at least in or about December 2001, up to and including on or about January 2, 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, willfully and knowingly did commit an act involving murder, and aided and abetted murder, to wit, with intent to cause the death of another person, LABARCA and others did cause

the death of Martin Bosshart, and did aid and abet the same, in violation of New York State Penal Law, Sections 125.25 and 20.00.

**Racketeering Act Two:**  
**Cocaine Trafficking**

21. JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Two:

a. From at least in or about the late 1980s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, intentionally and knowingly distributed, and possessed with intent to distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812 and 841(a)(1), and Title 18, United States Code, Section 2.

b. From at least in or about the late 1980s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to distribute, and possess with intent to

distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 846.

**Racketeering Act Three:**  
**Marijuana Trafficking**

22. TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Three:

a. From at least in or about the mid-1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, intentionally and knowingly distributed, and possessed with intent to distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812 and 841(a)(1), and Title 18, United States Code, Section 2.

b. From at least in or about the mid-1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD

LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to distribute, and possess with intent to distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 846.

**Racketeering Act Four:**  
**Ecstasy Trafficking**

23. TODD LABARCA, the defendant, and others known and unknown, committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Four:

a. From at least 1999, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, intentionally and knowingly distributed, and possessed with intent to distribute, a controlled substance, to wit, 3,4-ethylenedioxymethamphetamine ("MDMA"), commonly known as "ecstasy", in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C), and Title 18, United States Code, Section 2.

b. From at least 1999, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant,

and others known and unknown, intentionally and knowingly, did combine, conspire, confederate, and agree together and with each other to distribute, and possess with intent to distribute, a controlled substance, to wit, 3,4-ethylenedioxymethamphetamine ("MDMA"), commonly known as "ecstasy", in violation of Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(C), and 846.

**Racketeering Act Five:**  
**Illegal Gambling Business - Sports Betting or "Bookmaking"**

24. TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and CHRISTOPHER REYNOLDS, a/k/a "Burger," the defendants, and others known and unknown, committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Five:

a. From at least in or about the 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and CHRISTOPHER REYNOLDS, a/k/a "Burger," the defendants, and others known and unknown, willfully and knowingly did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, which operated illegal gambling activities, to wit, a sports betting business, in violation of New York State Penal Law, Sections 225.00, 225.05, 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 at least in or about the 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and CHRISTOPHER REYNOLDS, a/k/a "Burger," the defendants, and others known and unknown, willfully and knowingly did engage in bookmaking to the extent that they received and accepted in any one day more than five bets totaling more than \$5,000, and did aid and abet the same, in violation of New York State Penal Law, Sections 225.00 and 225.10, and 20.00.

**Racketeering Act Six:**  
**Illegal Gambling Business - Poker Games**

25. From at least in or about the 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, VINCENZO FROGIERO, a/k/a "Vinny Carwash," TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and CHRISTOPHER REYNOLDS, a/k/a "Burger," the defendants, and others known and unknown, willfully and knowingly did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, which operated

illegal gambling activities, to wit, poker games, in violation of New York State Penal Law, Sections 225.00 and 225.05, 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.

**Racketeering Act Seven:**  
**Illegal Gambling Business - Video Poker Machines**

26. From at least in or about the 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, VINCENZO FROGIERO, a/k/a "Vinny Carwash," and TODD LABARCA, the defendants, and others known and unknown, willfully and knowingly did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, which operated illegal gambling activities, to wit, video poker machines, in violation of New York State Penal Law, Sections 225.00 and 225.05, 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.



**Racketeering Act Eight:**  
**Making and Collecting Extortionate Loans ("Loansharking")**

27. VINCENZO FROGIERO, a/k/a "Vinny Carwash," and TODD LABARCA, the defendants, and others known and unknown, committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Eight:

a. From at least the late 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, VINCENZO FROGIERO, a/k/a "Vinny Carwash," and TODD LABARCA, the defendants, and others known and unknown, willfully and knowingly did make extortionate extensions of credit, as that term is defined in Title 18, United States Code, Section 891, to wit, extortionate loans to various individuals in the New York metropolitan area, in violation of Title 18, United States Code, Sections 892 and 2.

b. From at least the late 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, VINCENZO FROGIERO, a/k/a "Vinny Carwash," and TODD LABARCA, the defendants, and others known and unknown, willfully and knowingly, did use extortionate means to collect and attempt to collect extensions of credit from debtors, and to punish such persons for the nonrepayment of said extensions of credit, as that term is defined in Title 18, United States Code, Section

891, to wit, extortionate loans to various individuals in the New York metropolitan area, in violation of Title 18, United States Code, Sections 894 and 2.

**Racketeering Act Nine:**  
**Extortion Conspiracy - "Victim-1"**

28. In or about 2009, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA and JOHN BRANCACCIO, a/k/a "Johnny Bandana," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with others to obtain property by extortion committed by instilling in "Victim-1" a fear that LABARCA, BRANCACCIO, and others would cause physical injury to some person in the future and cause damage to property, and did agree with one and more persons to engage in and cause the performance of such conduct, in violation of New York State Penal Law, Sections 155.40 and 105.10.

**Racketeering Act Ten:**  
**Extortion Conspiracy - "Victim-2"**

29. In or about 2007, in the Southern District of New York, the Eastern District of New York, and elsewhere, CHRISTOPHER REYNOLDS, a/k/a "Burger," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree with others to obtain property by extortion committed by instilling in "Victim-2" a fear that REYNOLDS and others would cause physical injury to some person in

the future and cause damage to property, and did agree with one and more persons to engage in and cause the performance of such conduct, in violation of New York State Penal Law, Sections 155.40 and 105.10.

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

**COUNT THREE**

(Murder in Aid of Racketeering)

The Grand Jury further charges:

30. Paragraphs 1 through 13 of this Indictment are repeated, realleged, and incorporated by reference as though set forth fully herein.

31. On or about January 2, 2002, in the Southern District of New York and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the Gambino Crime Family, TODD LABARCA, the defendant, and others known and unknown, willfully, knowingly, and intentionally murdered and aided and abetted the murder of Martin Bosshart, in violation of New York State Penal Law, Sections 125.25 and 20.00.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

**COUNT FOUR**

(Murder While Engaged in Narcotics Trafficking)

The Grand Jury further charges:

32. On or about January 2, 2002, in the Southern District of New York and elsewhere, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States

Code, namely, a conspiracy to distribute and possess with intent to distribute 1,000 kilograms and more of a mixture or substance containing a detectable amount of marijuana, TODD LABARCA, the defendant, and others known and unknown, intentionally and knowingly killed and counseled, commanded, induced, procured, and caused the intentional killing of Martin Bosshart, and aided and abetted the same, and such killing resulted.

(Title 21, United States Code, Section 848(e)(1)(A),  
Title 18, United States Code, Section 2.)

**COUNT FIVE**

(Conspiracy to Traffic Cocaine)

The Grand Jury further charges:

33. From at least in or about the late 1980s, up to and including in or about 2011, in the Southern District of New York and elsewhere, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

34. It was a part and an object of the conspiracy that JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

35. The controlled substance involved in the offense was five kilograms and more of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

**COUNT SIX**  
(Cocaine Trafficking)

The Grand Jury further charges:

36. From at least in or about the late 1980s, up to and including in or about 2011, in the Southern District of New York and elsewhere, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, did intentionally and knowingly distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), & 841(b)(1)(A) and Title 18, United States Code, Section 2.)

**COUNT SEVEN**  
(Conspiracy to Traffic Marijuana)

The Grand Jury further charges:

37. From at least in or about the mid-1990s, up to and including in or about 2011, in the Southern District of New York and elsewhere, TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," and CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree

together and with each other to violate the narcotics laws of the United States.

38. It was a part and an object of the conspiracy that TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

39. The controlled substance involved in the offense was 1,000 kilograms and more of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

**COUNT EIGHT**  
(Marijuana Trafficking)

The Grand Jury further charges:

40. From at least in or about the mid-1990s, up to and including in or about 2011, in the Southern District of New York and elsewhere, TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," JOHN BRANCACCIO, a/k/a "Johnny Bandana," and SEAN DUNN, the defendants, and others known and unknown, did intentionally and knowingly distribute and possess with intent to distribute a controlled substance, to wit, 1,000 kilograms and more of marijuana.

(Title 21, United States Code, Sections 812, 841(a)(1), & 841 (b)(1)(A) and Title 18, United States Code, Section 2.)

**COUNT NINE**

(Possession and Use of Firearms  
Relating to Narcotics Trafficking Crime and Crime of Violence)

The Grand Jury further charges:

41. Paragraphs 1 through 13 of this Indictment are repeated, realleged, and incorporated by reference as though set forth fully herein.

42. From at least in or about the 1990s, up to and including in or about 2011, in the Southern District of New York and elsewhere, TODD LABARCA and JOHN BRANCACCIO, a/k/a "Johnny Bandana," the defendants, willfully and knowingly did use and carry firearms during and in relation to crimes of violence and drug trafficking crimes for which they may be prosecuted in a court of the United States, and possessed firearms in furtherance of such crimes of violence and drug trafficking crimes, to wit, LABARCA and BRANCACCIO used, carried, and possessed firearms, in relation to and in furtherance of the crimes charged in Counts One, Two, Three, Four, Five, Six, Seven, and Eight of this Indictment, and aided and abetted the same.

(Title 18, United States Code,  
Sections 924(c)(1)(A)(i), (ii), (iii), and 2.)

**COUNT TEN**

(Attempted Assault In Aid Of Racketeering - "Victim-3")

The Grand Jury further charges:

43. Paragraphs 1 through 13 of this Indictment are repeated, realleged, and incorporated by reference as though set forth fully herein.

44. In or about 2007, in the Southern District of New York and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the Gambino Crime Family, an enterprise engaged in racketeering activity, as described in paragraphs 1 through 13 of this Indictment, CHRISTOPHER REYNOLDS, a/k/a "Burger," the defendant, and others known and unknown, intentionally and knowingly did attempt and conspire to commit assault with a dangerous weapon and assault resulting in serious bodily injury against an individual ("Victim-3"), and aided and abetted the same, in violation of New York State Penal Law, Sections 120.00, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(6) and 2.)

**First Forfeiture Allegation**

45. The allegations contained in Counts One and Two of this Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963, and Title 28, United States Code, Section 2461(c). Pursuant to Rule 32.2(a), 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 Two of this Indictment.

46. The defendants, VINCENZO FROGIERO, a/k/a "Vinny Carwash," TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN,

a. have acquired and maintained interest 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);

b. 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);

c. have property constituting and derived from proceeds obtained, directly and indirectly, from 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),

47. 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 at least \$20 million.

48. If any of the above-described forfeitable property, 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 person;

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 subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 1963(m), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

49. The above-named defendants, and each of them, are jointly and severally liable for the forfeiture obligations as alleged above.

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

**Second Forfeiture Allegation**

50. As a result of committing one or more of the racketeering offenses in violation of Title 18, United States Code, Section 1959, as alleged in Counts Three and Ten of this Indictment, defendants TODD LABARCA and CHRISTOPHER REYNOLDS, a/k/a "Burger," shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

**Substitute Asset Provision**

51. If any of the above-described forfeitable property, 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 person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C),  
Title 21, United States Code, Section 853(p), and  
Title 28, United States Code, Section 2461.)

**Third Forfeiture Allegation**

52. As a result of committing murder while engaged in narcotics trafficking in violation of Title 21, United States Code, Section 848(e)(1)(A), as alleged in Count Four of this Indictment, defendant TODD LABARCA, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 848 and 853(a)(1)-(3), any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense alleged in Count Four of this Indictment, and any of the defendant's interest in, claims against, and property or contractual rights affording a source of control over the continuing criminal enterprise.

**Substitute Asset Provision**

53. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 848, 853(a)(1)-(3), and 853(p).)

#### **Fourth Forfeiture Allegation**

54. As a result of committing one or more of the controlled substance offenses in violation of Title 21, United States Code, Sections 841 and 846, as alleged in Counts Five, Six, Seven, and Eight of this Indictment, defendants TODD LABARCA, JOHN BRANCACCIO, a/k/a "Johnny Bandana," CHRISTOPHER REYNOLDS, a/k/a "Burger," and SEAN DUNN, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the offenses alleged in Counts Five, Six, Seven and Eight of this Indictment.

Substitute Assets Provision

55. If any of the above-described forfeitable property, 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 person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 & 853.)

Fifth Forfeiture Allegation

56. As a result of committing the firearms offense in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii) and 2, as alleged in Count Nine of this Indictment, defendants TODD LABARCA and JOHN BRANCACCIO, a/k/a "Johnny Bandana," shall forfeit to the United States pursuant to

Title 18, United States Code, Section 924(d), all firearms and ammunition involved in the commission of the offense.

Substitute Asset Provision

57. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

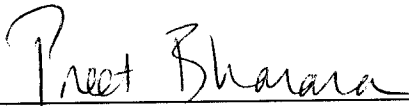
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value;
- or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 924(d) and  
Title 21, United States Code, Section 853(p).)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney

