

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>08-412-3</u>
v.	:	DATE FILED: _____
SCOTT HORNICK	:	VIOLATIONS:
a/k/a Scott Kennedy,	:	18 U.S.C. § 371 (conspiracy to commit
a/k/a Glenn Kennedy,	:	interstate transportation of stolen
a/k/a Steven Ingardi,	:	property - 1 count)
a/k/a Jerry Todisco	:	18 U.S.C. § 2314 (interstate
	:	transportation of stolen property - 6
	:	counts)
	:	18 U.S.C. § 2118(d) (conspiracy to
	:	burglarize pharmacies - 1 count)
	:	18 U.S.C. § 2118(b) (pharmacy burglary -
	:	2 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least on or about August 6, 2001 and continuing through at least on or about July 27, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

**SCOTT HORNICK,
a/k/a Scott Kennedy,
a/k/a Glenn Kennedy,
a/k/a Steven Ingardi,
a/k/a Jerry Todisco,**

conspired and agreed, together and with others known and unknown to the grand jury, including defendants Sasha Janice Ingardi, charged in the original indictment and a superseding information and Vallin Malcom, charged in a superseding information, and Jerry Todisco,

charged by indictment in the District of Maryland, and Anthony Todisco, charged by indictment in the District of Maryland, to commit an offense against the United States, that is, to unlawfully transport in interstate commerce from various states, including, but not limited to, New Jersey, Delaware, New York, Massachusetts, Rhode Island, Connecticut, Ohio, Maryland, Virginia, North Carolina, South Carolina, and Florida, to the Eastern District of Pennsylvania, stolen goods and merchandise with a value of \$5,000 or more, in violation of Title 18, United States Code, Section 2314.

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others financially supported themselves by stealing property and cash from businesses and having Vallin Malcom re-sell the stolen property on the black market.
3. Defendant SCOTT HORNICK identified more than 150 victim businesses which he, Sasha Janice Ingardi, and others later burglarized, causing losses of more than \$2 million.
4. Defendant SCOTT HORNICK primarily targeted businesses located a substantial distance from where he and his co-conspirators were residing to avoid detection and apprehension by law enforcement.
5. Defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others traveled to and from the victim businesses in sport utility vehicles or minivans, including vehicles that were, at defendant HORNICK's direction, stolen or rented under the name of another person.

6. In the late evening or early morning hours, when the premises were vacant, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others forcibly entered the victim businesses using burglary tools.

7. During the burglaries, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others wore masks and gloves and left the premises after one minute, all in order to evade detection and apprehension by law enforcement.

8. During the burglaries, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others stole items of value from the businesses and placed them in bags.

9. After the burglaries, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others transported the stolen property to Montgomery County, Pennsylvania, in order to sell some or all of it to their “fence,” Vallin Malcom.

10. As part of the conspiracy, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others also burglarized businesses in Pennsylvania to steal items of value and sell some or all of the stolen property to their “fence,” Vallin Malcom.

11. As part of the conspiracy, Vallin Malcom maintained storage space, including a storage shed at Locker Room Self Storage in Collegeville, Pennsylvania, in which he stored property stolen by defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others.

12. In order to perpetrate the conspiracy, defendant SCOTT HORNICK, employed false identities and other means designed to conceal his true identity as a wanted fugitive after he escaped from prison, became the subject of multiple arrests warrants, and was

featured on the “America’s Most Wanted” television program.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects of the conspiracy, defendant SCOTT HORNICK, Vallin Malcom, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On diverse dates between August 6, 2001 and July 27, 2007, defendant SCOTT HORNICK conducted Internet research to identify stores that sold certain merchandise that defendant HORNICK wanted to steal and to determine the retail price for those items.

2. On or about the following dates, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others burglarized the following businesses and stole from them the following items:

Date	Victim Store	Location	Stolen Property
8/9/01	Guitar Center	Langhorne, PA	Guitars and store property valued at approximately \$22,062
3/3/02	Best Buy	Belair, MD	Electronics and store property valued at approximately \$30,391
10/1/02	Tweeter	Milford, CT	Cameras and store property valued at approximately \$7,985
1/31/03	Ritz Camera	Carle Place, NY	Cameras and store property valued at approximately \$15,665
3/26/03	Ritz Camera	Warwick, RI	Cameras and store property valued at approximately \$8,116
6/21/03	Photo Zone	Parsippany, NJ	Cameras and store property valued at approximately \$51,800

7/9/03	LE Camera	Lawrenceville Township, NJ	Cameras and store property valued at more than \$54,000
11/20/03	Professional Pharmacy	Wellesley, MA	Medications and store property valued at approximately \$1200
11/21/03	Hunt's Photo and Video	Melrose, MA	Cameras and store property valued at approximately \$35,000
12/12/03	Ritz/Wolf Camera	Columbia, SC	Cameras and store property valued at approximately \$26,489
1/5/04	Drug World	Central Nyack, NY	Medications and store property valued at approximately \$9,738
2/15/04	Guitar Center	Joppa, MD	Gibson guitars and store property valued at approximately \$17,449
2/27/04	Ace Photo	Sterling, VA	Cameras and store property valued at approximately \$42,500
5/27/04	Fuller and Albert	Fairfax, VA	Cameras and store property valued at approximately \$9000
6/18/04	Concordville Pharmacy	Concordville, PA	Medications and store property valued at approximately \$116,000
6/21/04	Photo Shop	Brick, NJ	Cameras and store property valued at approximately \$21,5000
7/1/04	Photo Zone	Parsippany, NJ	Cameras and store property valued at approximately \$70,000
8/22/04	CompUSA	Timonium, MD	Store property valued at approximately \$4,400
8/24/04	Tweeter	Vienna, VA	Electronics and store property valued at approximately \$8,000
9/14/04	Ace Photo	Sterling, VA	Cameras and store property valued at approximately \$40,700
11/20/04	Ritz Camera	Broomall, PA	Lenses and store property valued at approximately \$1,700
12/13/04	Ritz Camera	Dundalk, MD	Cameras and store property valued at approximately \$21,000

3/18/05	Applied Technical Systems	Syracuse, NY	Cameras and store property valued at approximately \$43,000
6/13/05	Fossil Outlet	Rehoboth Beach, DE	Watches and store property valued at approximately \$15,000
8/22/05	Perfumania	Rehoboth Beach, DE	Perfume, a safe containing United States Currency and store property, having an approximate combined value of more than \$6,390
11/12/05	Fragrance Outlet	Rehoboth Beach, DE	Perfume, a safe containing United States Currency, and other store property, having an approximate combined value of more than \$4,400
1/10/06	In a Flash Camera & Photo	Chester, NJ	Store property valued at approximately \$30,000
7/7/06	Leica Camera	Allendale, NJ	Cameras and store property valued at approximately \$60,392
11/13/06	Beach Camera	Edison, NJ	Cameras and store property valued at approximately \$181,000
5/14/07	Fossil Outlet	Jackson Township, NJ	Watches and store property valued at approximately \$40,000

3. After committing each of the burglaries listed above, defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others transported to a location in Montgomery County, Pennsylvania \$5,000 or more of stolen property, knowing the same to have been stolen, converted, and taken by fraud.

4. After committing each of the burglaries listed above and transporting at least \$5,000 worth of stolen property to Montgomery County, Pennsylvania, defendant SCOTT HORNICK delivered some or all of the stolen property to Vallin Malcom, who gave defendant HORNICK cash for some or all of the stolen property.

5. In the course of committing crimes with R.M. and R.M.M., persons known to the grand jury, defendant SCOTT HORNICK used the identity of Jerry Todisco in order to conceal his status as a wanted fugitive and to continue the conspiracy.

- a. In or about March 2002, defendant HORNICK met Jerry Todisco and obtained personal information about Todisco, including his date of birth, social security number, and occupation.
- b. In or about the spring of 2002, defendant HORNICK told persons known and unknown to the grand jury, including R.M. and R.M.M., that his name was "Jerry Todisco."
- c. In or about the spring of 2002, defendant HORNICK obtained photo identification under the name "Jerry Todisco."
- d. On or about August 8, 2002, defendant HORNICK, R.M., and R.M.M. attempted to burglarize a Circuit City in Wayne, New Jersey by driving to the store in a stolen 2002 Chevrolet Suburban and using burglary tools to forcibly enter the store after it had closed for the night.
- e. After being detected by the police, defendant HORNICK, R.M., and R.M.M. fled from the police in a high speed car pursuit which caused multiple collisions with police cars and endangered many lives.
- f. During the high speed car pursuit, defendant HORNICK jumped from the stolen Suburban and continued to flee on foot as R.M. and

R.M.M. continued the high speed car pursuit.

- g. Upon his arrest by police, defendant HORNICK claimed to be “Jerry Todisco,” provided a New Jersey driver’s license in that name, and represented to the police that the date of birth, social security number, and occupation of the actual Jerry Todisco were his own.
- h. Defendant HORNICK provided police false information about R.M. and R.M.M., claiming that he wanted to “cooperate” in the police investigation, that R.M.’s name was “Angel Gomez,” and that during the police pursuit he had told “Angel Gomez” to pull over but that “Angel Gomez” said “No way, I don’t want to go back to jail.”
- i. Due to defendant HORNICK’s misrepresentations about his identity, New Jersey authorities were initially unaware of the warrants for HORNICK’s arrest, and allowed HORNICK to post bail, with instructions to appear in court in Patterson, New Jersey on October 2, 2002 to answer charges of burglary, resisting arrest, and related charges. After HORNICK posted his own bail and helped R.M.M. and R.M. post bail following their arrest, HORNICK and R.M.M. paid R.E., a person known to the grand jury, to appear in HORNICK’s place in court in Patterson, New Jersey, under the name “Jerry Todisco,” and to plead not guilty.

j. On October 2, 2002, R.E., acting on defendant HORNICK's direction, appeared in court in Patterson, New Jersey and identified himself as "Jerry Todisco."

6. Defendant SCOTT HORNICK continued to commit crimes using the alias of "Jerry Todisco" until the actual Jerry Todisco and Sasha Janice Ingardi replaced R.M. and R.M.M. in the conspiracy in or about late October 2002.

a. In addition to the October 1, 2002 burglary listed above, defendant HORNICK attempted to steal goods from the Tweeter in Milford, Connecticut on at least two other occasions.

i. On or about September 9, 2002, defendant HORNICK and R.M. forcibly entered the business using burglary tools but were unsuccessful in stealing store merchandise.

ii. On or about October 18, 2002, acting on the directions of defendant HORNICK, R.M. and R.M.M. forcibly entered the business and stole cameras and other store merchandise valued at approximately \$16,849. After committing the burglary, R.M. and R.M.M. fled from police but were arrested by police and were charged with their involvement in numerous burglaries that they committed with HORNICK.

b. On or about late October 2002, after learning that R.M. and R.M.M. had been arrested and charged with burglarizing the

Milford Tweeter, defendant HORNICK invited Sasha Janice Ingardi and Jerry Todisco to join the conspiracy.

- c. On or before March 26, 2003, Anthony Todisco joined the conspiracy.
- d. During the course of committing crimes with Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others between October 2002 and July 27, 2007, defendant HORNICK used various aliases, including Scott Kennedy, Glenn Kennedy and Steven Ingardi.

7. Defendant SCOTT HORNICK, Sasha Janice Ingardi, Jerry Todisco, Anthony Todisco, and others used vans, sports utility vehicles and other large vehicles in order to transport stolen goods.

- a. On diverse dates between October 29, 2003 and December 15, 2005, at the direction of defendant HORNICK, Anthony Todisco rented nine or more vans, including a Silver Dodge van, NY Tag # CRH5002, from Citiwide Auto Leasing, Brooklyn, New York.
- b. On or about December 13, 2005, after burglarizing the Ritz Camera store in Dundalk, Maryland, and loading the Silver Dodge with stolen cameras and store merchandise, defendant HORNICK bent the license plate of the vehicle in order to obstruct the view of an eyewitness who had called 911 to report the burglary.
- c. On or about November 11, 2006, defendant HORNICK and Sasha Janice Ingardi burglarized the Association of Retarded Citizens

(ARC) in Monmouth County, New Jersey, and stole, among other items, a green 2000 Ford Windstar, NJ Tag # NF17996, belonging to ARC, in order to facilitate the burglary of a Canon Distributor in Monmouth County, New Jersey.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about the following dates, in the Eastern District of Pennsylvania, and elsewhere, defendant

**SCOTT HORNICK,
a/k/a Scott Kennedy,
a/k/a Glenn Kennedy,
a/k/a Steven Ingardi,
a/k/a Jerry Todisco,**

unlawfully transported in interstate commerce from the following locations, to Montgomery County, in the Eastern District of Pennsylvania, goods and merchandise with a value of \$5,000 or more, that is, the following items, and aided and abetted the transportation of such goods and merchandise, knowing the same to have been stolen, converted, and taken by fraud:

COUNT	DATE	FROM	GOODS AND MERCHANDISE
2	11/21/03	Melrose, MA	Cameras and store property valued at approximately \$35,000
3	3/18/05	Syracuse, NY	Cameras and store property valued at approximately \$43,000
4	6/13/05	Rehoboth Beach, DE	Watches and store property valued at approximately \$15,000
5	8/22/05	Rehoboth Beach, DE	Perfume, a safe containing United States Currency and store property, having an approximate combined value of more than \$6,390
6	7/7/06	Allendale, NJ	Cameras and store property valued at approximately \$60,392
7	11/13/06	Edison, NJ	Cameras and store property valued at approximately \$181,000

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

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 12 of Count One are incorporated here.
2. From on or about November 20, 2003 to on or about July 27, 2007, in

Montgomery County, in the Eastern District of Pennsylvania, and elsewhere, defendant

**SCOTT HORNICK,
a/k/a Scott Kennedy,
a/k/a Glenn Kennedy,
a/k/a Steven Ingardi,
a/k/a Jerry Todisco,**

conspired and agreed, together and with Vallin Malcom, Sasha Janice Ingardi, Jerry Todisco, and Anthony Todisco, to enter and attempt to enter, and remain in, without authority, the business premises or property of persons registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, Title 21, United States Code, Section 822, having traveled in interstate commerce and used a facility in interstate commerce to facilitate such entry, with the intent to steal any material or compound containing a quantity of a controlled substance, including oxycodone, a Schedule II controlled substance, and whose replacement value to the registrant was not less than \$500, in violation of Title 18, United States Code Section 2118(b).

All in violation of Title 18, United States Code, Section 2118(d).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 5, 2004 to on or about July 27, 2007, in Collegeville, in the Eastern District of Pennsylvania, and elsewhere, defendant

**SCOTT HORNICK,
a/k/a Scott Kennedy,
a/k/a Glenn Kennedy,
a/k/a Steven Ingardi,
a/k/a Jerry Todisco,**

without authority, entered and aided and abetted the entry of, the business premises of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, Title 21, United States Code, Section 822, that is, Drug World, a pharmacy located at 312 Route 59, Central Nyack, New York, having traveled in interstate commerce and used a facility in interstate commerce to facilitate such entry, with intent to steal materials and compounds containing any quantity of a controlled substance, including but not limited to, Hydrocodone (narcotic), a Schedule II controlled substance, and Diazepam, Zolpidem and Testosterone, each a Schedule IV controlled substance, and whose replacement value was not less than \$500.

In violation of Title 18, United States Code, Sections 2118(b) and 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 18, 2004, in Concordville, in the Eastern District of Pennsylvania, and elsewhere, defendant

**SCOTT HORNICK,
a/k/a Scott Kennedy,
a/k/a Glenn Kennedy,
a/k/a Steven Ingardi,
a/k/a Jerry Todisco,**

without authority, entered and aided and abetted the entry of, the business premises of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, Title 21, United States Code, Section 822, that is, the Concordville Pharmacy, a pharmacy located at 790 E. Baltimore Pike, Concordville, Pennsylvania, with intent to steal materials and compounds containing any quantity of a controlled substance, including but not limited to, Hydrocodone (narcotic), Duragesic (Fentanyl – narcotic), Adderall, and Concerta, each a Schedule II controlled substance, Marinol (synthetic THC), a Schedule III controlled substance, and Ambien, Ativan, Diazepam, Phenobarbital, Phentermine, Zolpidem and Testosterone, each a Schedule IV controlled substance, and whose replacement value was not less than \$500.

In violation of Title 18, United States Code, Sections 2118(b) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371, 2118, and 2314, set forth in this indictment, defendant

**SCOTT HORNICK,
a/k/a Scott Kennedy,
a/k/a Glenn Kennedy,
a/k/a Steven Ingardi,
a/k/a Jerry Todisco,**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses.

2. If any of the property subject to forfeiture, 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 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 intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

