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F.#2009R02325

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

FRED ALESI,
also known as
"Whiney,"
ANTHONY ARCURI,
also known as "Tony,"
ROBERT BERLINER,
also known as "Bacala,"
LAWRENCE BETRO,
FRANKLIN CAMARANO,
JOHN CAVALLO,
also known as
"Jackie Cavallo" and
"Little John,"
ANTHONY CAVEZZA,
also known as "Tony Bagels,"
FRANCIS COSTELLO,
DOMINICK DELIO,
ROBERT DITO,
THOMAS DITTA,
FRANK POLITI,
also known as
"Frankie P" and "Frankie Cap,"
ANTHONY SABBAGH,
also known as "Tony O,"
AYUB SAYED,
also known as "Adam,"
GIOVANNI VELLA,
also known as
"John Vella,"
"Mousey" and
"Little John," and
CARLOS ZAMBRANO,

Cr. No. 099
(T. 18, U.S.C., §§ 371,
981(a)(1)(C), 1511(a),
1511(d), 1951(a),
1952(a)(1)(A),
1955(a), 1955(d),
1962(d), 1963,
1963(a), 1963(m), 2 and
3551 et seq; T. 21,
U.S.C., § 853(p);
T. 28, U.S.C.,
§ 2461(c))

WEXLER, J.

LINDSAY, M.J.

Defendants.

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THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Indictment, unless otherwise indicated:

The Enterprise

1. The members and associates of La Cosa Nostra constituted an "enterprise," as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. La Cosa Nostra engaged in, and its activities affected, interstate and foreign commerce. La Cosa Nostra was an organized criminal group that operated in the Eastern District of New York and elsewhere.

2. La Cosa Nostra operated through organized crime families. Five of these crime families - the Bonanno, Colombo, Gambino, Genovese and Luchese crime families - were headquartered in New York City and supervised criminal activity in New York, in other areas of the United States and, in some instances, in other countries. Another crime family, the Decalvacante organized crime family of La Cosa Nostra, operated principally in New Jersey, but from time to time also in New York City.

3. The ruling body of La Cosa Nostra, known as the "Commission," consisted of leaders from each of the crime families. The Commission convened from time to time to decide certain issues affecting all of the crime families, such as rules governing crime family membership.

4. Each La Cosa Nostra crime family had a hierarchy and structure. The head of each crime family was known as the "boss." The crime family boss was assisted by an "underboss" and a counselor known as a "consigliere." Together, the boss, underboss and consigliere were the crime family's "administration." With the assistance of the underboss and consigliere, the boss was responsible for, among other things, setting policy and resolving disputes within and between La Cosa Nostra crime families and other criminal groups. The administration further supervised, supported, protected and disciplined the lower-ranking participants in the crime family. In return for their supervision and protection, the administration received part of the illegal earnings generated by the crime family. Members of the crime family served in an "acting" rather than "official" capacity in the administration on occasion due to another administration member's incarceration or ill health, or for the purpose of seeking to insulate another administration member from law enforcement scrutiny. Further, on occasion, a La Cosa Nostra crime family would be overseen by a

"panel" of crime family members that did not include the boss, underboss and/or consigliere.

5. Below the administration of each crime family were numerous "crews," also known as "regimes" and "decinas." Each crew was headed by a "captain," also known as a "skipper," "caporegime" and "capodecina." Each captain's crew consisted of "soldiers" and "associates." The captain was responsible for supervising the criminal activities of his crew and providing the crew with support and protection. In return, the captain often received a share of the crew's earnings.

6. Only members of a La Cosa Nostra crime family could serve as a boss, underboss, consigliere, captain or soldier. Members of a La Cosa Nostra crime family were referred to on occasion as "goodfellas" or "wiseguys," or as persons who had been "straightened out" or who had their "button." Associates were individuals who were not members of a La Cosa Nostra crime family, but who nonetheless engaged in criminal activity for, and under the protection of, a crime family.

7. Many requirements existed before an associate could become a member of a La Cosa Nostra crime family. The Commission of La Cosa Nostra from time to time limited the number of new members that could be added to a crime family. An associate was also required to be proposed for membership by an existing crime family member. When the crime family's

administration considered the associate worthy of membership, the administration then circulated the proposed associate's name on a list given to other La Cosa Nostra crime families, which the other crime families reviewed and either approved or disapproved. Unless there was an objection to the associate's membership, the crime family then "inducted," or "straightened out," the associate as a member of the crime family in a secret ceremony. During the ceremony, the associate, among other things: swore allegiance for life to the crime family above all else, even the associate's own family; swore, on penalty of death, never to reveal the crime family's existence, criminal activities and other secrets; and swore to follow all orders issued by the crime family boss, including swearing to commit murder if the boss directed it.

Methods and Means of the Enterprise

8. The principal purpose of La Cosa Nostra and each of its crime families was to generate money for its members and associates. This purpose was implemented by members and associates of the crime families through various criminal activities, including drug trafficking, robbery, extortion, illegal gambling and loansharking. The members and associates of the crime families also furthered the enterprise's criminal activities by threatening economic injury and using and threatening to use physical violence, including murder.

9. Although the primary purpose of La Cosa Nostra was to generate money for its members and associates, the members and associates at times used the resources of the crime families to settle personal grievances and vendettas, sometimes with the approval of higher-ranking members of the crime families. For those purposes, members and associates of the enterprise were asked and expected to carry out, among other crimes, acts of violence, including murder and assault.

10. The members and associates of La Cosa Nostra engaged in conduct designed to prevent government detection of their identities, their illegal activities and the location of proceeds of those activities. That conduct included a commitment to murdering persons, particularly members or associates of the crime families, who were perceived as potential witnesses against members and associates of the enterprise.

11. Members and associates of La Cosa Nostra often coordinated criminal activity with members and associates of other organized crime families.

The Defendants

12. At various times relevant to this Indictment, the defendant JOHN CAVALLO, also known as "Jackie Cavallo" and "Little John," was a soldier within the Gambino crime family.

13. At various times relevant to this Indictment, the defendant FRANK POLITI, also known as "Frankie P" and "Frankie Cap," was a soldier within the Colombo crime family.

14. At various times relevant to this Indictment, the defendant GIOVANNI VELLA, also known as "John Vella," "Mousey" and "^{Little}~~Big~~ John," was an associate within the Gambino crime family.

15. At various times relevant to this Indictment, the defendant DOMINICK DELIO was an associate within the Colombo crime family.

16. At various times relevant to this Indictment, the defendant ROBERT DITO was an officer and employee of the Suffolk County Police Department, assigned to the Emergency Services Unit. It was part of the official duties of the defendant ROBERT DITO to investigate and enforce the laws of the State of New York concerning, among other things, the operation of illegal gambling businesses. It was also part of the official duties of the defendant ROBERT DITO to participate in enforcement actions, or "raids," of locations in which illegal gambling businesses were known to be operating.

COUNT ONE
(Racketeering Conspiracy)

17. The allegations contained in paragraphs 1 through 15 are realleged and incorporated as if fully set forth in this paragraph.

18. In or about and between January 2007 and January 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN CAVALLO, also known as "Jackie Cavallo" and "Little John," DOMINICK DELIO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and GIOVANNI VELLA, also known as "John Vella," "Mousey" and "Little John," together with others, being persons employed by and associated with La Cosa Nostra, an enterprise which engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally conspire to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

19. The pattern of racketeering activity through which the above-named defendants, together with others, agreed to conduct the affairs of the enterprise consisted of Racketeering Acts One through Ten, set forth below in paragraphs 20 through 33. The defendants agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

RACKETEERING ACT ONE
(Illegal Gambling - 9th Avenue Club)

20. In or about 2007, within the Eastern District of New York, the defendants JOHN CAVALLO and GIOVANNI VELLA, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on 9th Avenue in Bohemia, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day, contrary to Title 18, United States Code, Sections 1955(a) and 2.

RACKETEERING ACT TWO
(Illegal Gambling - Castle Collision Club)

21. In or about 2008, within the Eastern District of New York, the defendants JOHN CAVALLO and GIOVANNI VELLA, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located in the Castle Collision Autobody Shop in Westbury, New York, which operated in violation of the laws of

the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day, contrary to Title 18, United States Code, Sections 1955(a) and 2.

RACKETEERING ACT THREE
(Extortion Conspiracy)

22. The defendants JOHN CAVALLO, FRANK POLITI and GIOVANNI VELLA agreed to the commission of the following acts, either one of which alone constitutes Racketeering Act Three:

A. State Extortion Conspiracy

23. In or about and between 2007 and 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN CAVALLO, FRANK POLITI and GIOVANNI VELLA, together with others, did knowingly and intentionally conspire to steal property by extortion, in that the defendants and others agreed to obtain property, to wit: money, by compelling and inducing John Doe #1, John Doe #2, John Doe #3, John Doe #4 and John Doe #5, managers and owners of illegal gambling operations whose identities are known to the Grand Jury, to deliver such property by instilling in them a fear that, if the property were not so delivered, one or more persons would (1) cause physical injury to some person in

the future and (2) cause damage to property, contrary to New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 105.10.

B. Federal Extortion Conspiracy

24. In or about and between 2007 and 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN CAVALLO, FRANK POLITI and GIOVANNI VELLA, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others agreed to obtain property, to wit: money, from John Doe #1, John Doe #2, John Doe #3, John Doe #4 and John Doe #5, with their consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear, contrary to Title 18, United States Code, Section 1951(a).

RACKETEERING ACT FOUR
(Extortion Conspiracy)

25. The defendants JOHN CAVALLO and GIOVANNI VELLA agreed to the commission of the following acts, either one of which alone constitutes Racketeering Act Four:

A. State Extortion Conspiracy

26. In or about and between 2008 and 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendants JOHN CAVALLO and GIOVANNI VELLA, together with others, did knowingly and intentionally conspire to steal property by extortion, in that the defendants and others agreed to obtain property, to wit: money, by compelling and inducing John Doe #6 and John Doe #7, managers and owners of illegal gambling operations whose identities are known to the Grand Jury, to deliver such property by instilling in them a fear that, if the property were not so delivered, one or more persons would (1) cause physical injury to some person in the future and (2) cause damage to property, contrary to New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 105.10.

B. Federal Extortion Conspiracy

27. In or about and between 2008 and 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendants JOHN CAVALLO and GIOVANNI VELLA, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others agreed to obtain property, to wit: money, from John Doe #6 and John Doe #7, with their consent,

which consent was to be induced through wrongful use of actual and threatened force, violence and fear, contrary to Title 18, United States Code, Section 1951(a).

RACKETEERING ACT FIVE
(Illegal Gambling - Keyland Avenue Club)

28. In or about and between January 2009 and May 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants FRANK POLITI and DOMINICK DELIO, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Keyland Avenue in Bohemia, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day, contrary to Title 18, United States Code, Sections 1955(a) and 2.

RACKETEERING ACT SIX
(Illegal Gambling - Knickerbocker Avenue Club)

29. In or about and between May 2009 and August 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants FRANK POLITI and DOMINICK

DELIO, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Knickerbocker Avenue in Bohemia, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day, contrary to Title 18, United States Code, Sections 1955(a) and 2.

RACKETEERING ACT SEVEN

(Interstate Transportation in-aid-of Racketeering)

30. On or about September 21, 2009, within the Eastern District of New York and elsewhere, the defendants FRANK POLITI and DOMINICK DELIO, together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and

carrying on of such unlawful activity, contrary to Title 18, United States Code, Sections 1952(a)(1)(A) and 2.

RACKETEERING ACT EIGHT
(Interstate Transportation in-aid-of Racketeering)

31. On or about September 28, 2009, within the Eastern District of New York and elsewhere, the defendants FRANK POLITI and DOMINICK DELIO, together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity, contrary to Title 18, United States Code, Sections 1952(a)(1)(A) and 2.

RACKETEERING ACT NINE
(Interstate Transportation in-aid-of Racketeering)

32. On or about October 20, 2009, within the Eastern District of New York and elsewhere, the defendants FRANK POLITI and DOMINICK DELIO, together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and

20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity, contrary to Title 18, United States Code, Sections 1952(a)(1)(A) and 2.

RACKETEERING ACT TEN

(Interstate Transportation in-aid-of Racketeering)

33. On or about October 26, 2009, within the Eastern District of New York and elsewhere, the defendants FRANK POLITI and DOMINICK DELIO, together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity, contrary to Title 18, United States Code, Sections 1952(a)(1)(A) and 2.

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seq.)

COUNT TWO

(Conspiracy to Operate Illegal Gambling Businesses)

34. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

35. In or about and between January 2007 and January 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRED ALESI, also known as "Whiney," ROBERT BERLINER, also known as "Bacala," LAWRENCE BETRO, ANTHONY CAVEZZA, also known as "Tony Bagels," ROBERT DITO, THOMAS DITTA and CARLOS ZAMBRANO, together with others, did knowingly and willfully conspire to conduct, finance, manage, supervise, direct and own all or part of one or more illegal gambling businesses, to wit: gambling businesses involving illegal card games, the identities of which are known to the Grand Jury, located in Suffolk County, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such businesses and which remained in substantially continuous operation for periods in excess of thirty days and had gross revenues of at least \$2,000 in any single day, contrary to Title 18, United States Code, Section 1955(a).

36. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York, the defendants FRED ALESI, ROBERT BERLINER, LAWRENCE BETRO, ANTHONY CAVEZZA and ROBERT DITO, THOMAS DITTA and CARLOS ZAMBRANO, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. In or about and between January 2009 and September 2009, both dates being approximate and inclusive, the defendants ROBERT BERLINER, LAWRENCE BETRO, ANTHONY CAVEZZA, THOMAS DITTA and CARLOS ZAMBRANO operated a gambling club on Oser Avenue in Hauppauge, New York.

b. In or about August 2009, the defendant ROBERT DITO had a telephone conversation regarding the execution of search warrants by the Suffolk County Police Department.

c. In or about and between June 2009 and November 2009, both dates being approximate and inclusive, the defendants FRED ALESI, ROBERT BERLINER, LAWRENCE BETRO, THOMAS DITTA and CARLOS ZAMBRANO operated a gambling club on Veterans Memorial Highway in Bohemia, New York.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT THREE

(Illegal Gambling - 9th Avenue Club)

37. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

38. In or about 2007, within the Eastern District of New York, the defendants JOHN CAVALLO, also known as "Jackie Cavallo" and "Little John," and GIOVANNI VELLA, also known as "John Vella," "Mousey" and "Little John," together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on 9th Avenue in Bohemia, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT FOUR
(Extortion Conspiracy)

39. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

40. In or about and between July 2007 and January 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendants FRANKLIN CAMARANO, JOHN CAVALLO, also known as "Jackie Cavallo" and "Little John," FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and GIOVANNI VELLA, also known as "John Vella," "Mousey" and "Little John," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others agreed to obtain property, to wit: money, from John Doe #1, John Doe #2, John Doe #3, John Doe #4 and John Doe #5, with their consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT FIVE

(Illegal Gambling - Castle Collision Club)

41. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

42. In or about 2008, within the Eastern District of New York, the defendants JOHN CAVALLO, also known as "Jackie Cavallo" and "Little John," and GIOVANNI VELLA, also known as "John Vella," "Mousey" and "Little John," together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games in the Castle Collision Autobody Shop in Westbury, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT SIX
(Extortion Conspiracy)

43. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

44. In or about and between January 2008 and January 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRANKLIN CAMARANO, JOHN CAVALLO, also known as "Jackie Cavallo" and "Little John," and GIOVANNI VELLA, also known as "John Vella," "Mousey" and "Little John," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others agreed to obtain property, to wit: money, from John Doe #6 and John Doe #7, with their consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT SEVEN
(Illegal Gambling - Oser Avenue Club)

45. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

46. In or about and between January 2009 and September 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ROBERT BERLINER, also known as "Bacala," LAWRENCE BETRO, ANTHONY CAVEZZA, also known as "Tony Bagels," THOMAS DITTA and CARLOS ZAMBRANO, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Oser Avenue in Hauppauge, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT EIGHT

(Illegal Gambling - Keyland Avenue Club)

47. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

48. In or about and between January 2009 and May 2009, both dates being approximate and inclusive, within the Eastern

District of New York, the defendants DOMINICK DELIO, ROBERT DITO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and ANTHONY SABBAGH, also known as "Tony O," together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Keyland Avenue in Bohemia, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT NINE

(Illegal Gambling - Knickerbocker Avenue Club)

49. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

50. In or about and between May 2009 and August 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants DOMINICK DELIO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and ANTHONY

SABBAGH, also known as "Tony O," together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Knickerbocker Avenue in Bohemia, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT TEN

(Illegal Gambling - Johnson Avenue Club)

51. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

52. In or about and between May 2009 and July 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ROBERT BERLINER, also known as "Bacala," LAWRENCE BETRO, THOMAS DITTA and CARLOS ZAMBRANO, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an

illegal gambling business, to wit: a gambling business involving illegal card games located on Johnson Avenue in Ronkonkoma, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT ELEVEN

(Illegal Gambling - Raynor Avenue Club)

53. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

54. In or about and between July 2009 and August 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ROBERT BERLINER, also known as "Bacala," LAWRENCE BETRO, ROBERT DITO, THOMAS DITTA and CARLOS ZAMBRANO, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Raynor Avenue in Ronkonkoma, New York, which operated in

violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT TWELVE

(Conspiracy to Obstruct Enforcement of State Criminal Law)

55. The allegations contained in paragraphs 1 through 16 and 54 are realleged and incorporated as if fully set forth in this paragraph.

56. In or about and between March 2009 and September 2009, both dates being approximate and inclusive, ^{within} ~~in~~ the Eastern District of New York, the defendant ROBERT DITO, an official and employee of the State of New York and a political subdivision thereof, and the defendant ROBERT BERLINER, also known as "Bacala," together with others, did knowingly and intentionally conspire to obstruct the enforcement of the criminal laws of the State of New York, with the intent to facilitate an illegal gambling business, to wit: the illegal gambling business identified in paragraph 54, where one or more

conspirators conducted, financed, managed, supervised, directed and owned all or part of such illegal gambling business.

57. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York, the defendants ROBERT DITO and ROBERT BERLINER, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about August 10, 2009, the defendant ROBERT DITO engaged in a telephone conversation.

b. On or about August 10, 2009, during a telephone conversation, the defendant ROBERT DITO told a coconspirator that law enforcement agents would be conducting a raid of an illegal gambling business within hours.

c. On or about August 10, 2009, the defendant ROBERT BERLINER engaged in a telephone conversation.

(Title 18, United States Code, Sections 1511(a), 1511(d) and 3551 et seq.)

COUNT THIRTEEN

(Interstate Transportation in-aid-of Racketeering)

58. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

59. On or about September 21, 2009, within the Eastern District of New York and elsewhere, the defendants FRANCIS

COSTELLO, DOMINICK DELIO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and ANTHONY SABBAGH, also known as "Tony O," together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, contrary to Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity.

(Title 18, United States Code, Sections 1952(a)(1)(A), 2 and 3551 et seq.)

COUNT FOURTEEN

(Interstate Transportation in-aid-of Racketeering)

60. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

61. On or about September 26, 2009, within the Eastern District of New York and elsewhere, the defendants FRANCIS COSTELLO, DOMINICK DELIO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and ANTHONY SABBAGH, also known as "Tony O," together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling

business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity.

(Title 18, United States Code, Sections 1952(a)(1)(A), 2 and 3551 et seq.)

COUNT FIFTEEN

(Interstate Transportation in-aid-of Racketeering)

62. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

63. On or about October 20, 2009, within the Eastern District of New York and elsewhere, the defendants FRANCIS COSTELLO, DOMINICK DELIO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and ANTHONY SABBAGH, also known as "Tony O," together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the

promotion, management, establishment and carrying on of such unlawful activity.

(Title 18, United States Code, Sections 1952(a)(1)(A), 2 and 3551 et seq.)

COUNT SIXTEEN

(Interstate Transportation in-aid-of Racketeering)

64. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

65. On or about October 26, 2009, within the Eastern District of New York and elsewhere, the defendants FRANCIS COSTELLO, DOMINICK DELIO, FRANK POLITI, also known as "Frankie P" and "Frankie Cap," and ANTHONY SABBAGH, also known as "Tony O," together with others, did knowingly and intentionally use the mail in interstate commerce, with intent to distribute the proceeds of unlawful activity, to wit: an illegal gambling business, in violation of Title 18, United States Code, Sections 1955(a) and 2, and New York Penal Sections 225.05 and 20.00, and thereafter did perform and attempt to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity.

(Title 18, United States Code, Sections 1952(a)(1)(A), 2 and 3551 et seq.)

COUNT SEVENTEEN

(Illegal Gambling - Veterans Memorial Highway Club)

66. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

67. In or about and between October 2009 and November 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants FRED ALESI, also known as "Whiney," ROBERT BERLINER, also known as "Bacala," LAWRENCE BETRO, THOMAS DITTA and CARLOS ZAMBRANO, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Veterans Memorial Highway Club in Ronkonkoma, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT EIGHTEEN

(Illegal Gambling - Motor Avenue Club)

68. The allegations contained in paragraphs 1 through 16 are realleged and incorporated as if fully set forth in this paragraph.

69. In or about and between October 2009 and January 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ANTHONY ARCURI and AYUB SAYED, also known as "Adam," together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving illegal card games located on Motor Avenue in Nassau County, New York, which operated in violation of the laws of the State of New York, to wit: New York Penal Law Sections 225.05 and 20.00, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue of at least \$2,000 in any single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

71. The United States hereby gives notice to the defendants charged in Count One that, upon conviction of such

offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963, which requires any person convicted of such offense to forfeit:

a. any interest the person acquired or maintained in violation of Title 18, United States Code, Section 1962;

b. any interest in, security of, claims against or property or contractual right of any kind affording a source of influence over any enterprise which the person has established, operated, controlled, conducted or participated in the conduct of, in violation of Title 18, United States Code, Section 1962; or

c. any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, for which the defendants are jointly and severally liable.

72. 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 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 18, United States Code, Section 1963(m), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 1963(a) and 1963(m))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS TWO THROUGH FIVE, EIGHT, NINE THROUGH ELEVEN, SEVENTEEN AND EIGHTEEN

73. The United States hereby gives notice to the defendants charged in Counts Two through Five, Eight, Nine through Eleven, Seventeen and Eighteen that, upon conviction of any such offenses, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 1955(d), which requires any person convicted of such offenses to forfeit any property, including money, used in violation of Title 18, United States Code, Section 1955, for which the defendants are jointly and severally liable.

74. 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 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 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 981(a)(1)(C) and 1955(d); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION AS TO
COUNTS FOUR, SIX, TWELVE AND THIRTEEN THROUGH SIXTEEN

75. The United States hereby gives notice to the defendants charged in Counts Four, Six, Twelve and Thirteen through Sixteen that, upon conviction of any such offenses, the government will seek forfeiture in accordance with Title 18,

United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses.

76. 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 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 21, United States Code, Section 853(p), as incorporated by Title 28,

United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

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

A TRUE BILL

FOREPERSON


LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

Fred Alesi, et al,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 371, 981(a)(1)(C), 1511(a), 1511(d), 1951(a), 1952(a)(1)(A), 1955(a), 1955(d), 1962(d), 1963, 1963(a), 1963(m), 2 and 3551 et seq; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c)

A true bill.

Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Amir Toossi, Assistant United States Attorney, (718) 254-6176