

AB:SEF
F.#2011R00013

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
★ JAN 11 2011 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

DOMINIC CARAMANICA,
DANIEL CILENTI,
 also known as "Uncle
 Danny,"
GLENN MAZZELLA and
PETER PACE, JR.,

Defendants.

INDICTMENT
CR 11-0026
Ch. No. 11-0026
(T. 18, U.S.C.,
§§ 981(a)(1)(C), 1951(a),
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))

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GLEESON, J.
BLOOM, M.J.

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 the Genovese
organized crime family 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
(hereinafter the "Genovese crime family" and the "enterprise").
The enterprise constituted an ongoing organization whose members
functioned as a continuing unit for a common purpose of achieving
the objectives of the enterprise. The Genovese crime family

engaged in, and its activities affected, interstate and foreign commerce. The Genovese crime family 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 crime family, 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. The Genovese crime family had a hierarchy and structure. The head of the Genovese crime family was known as the "boss." The Genovese 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 Genovese 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, the Genovese crime family was overseen by a "panel" of crime family members that did not include the boss, underboss and/or consigliere.

5. Below the administration of the Genovese 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 the Genovese crime family could serve as a boss, underboss, consigliere, captain or soldier.

Members of the 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 the crime family, but who nonetheless engaged in criminal activity for, and under the protection of, the crime family.

7. Many requirements existed before an associate could become a member of the Genovese 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 the Genovese crime family was to generate money for its members and associates. This purpose was implemented by members and associates of the Genovese crime family through various criminal activities, including robbery, extortion, illegal gambling and loansharking. The members and associates of the Genovese crime family 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 the Genovese crime family was to generate money for its members and associates, the members and associates at times used the resources of the Genovese crime family to settle personal grievances and vendettas, sometimes with the approval of higher-ranking members of the Genovese crime family. 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 the Genovese crime family 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 organized crime families, who were perceived as potential witnesses against members and associates of the enterprise.

11. Members and associates of the Genovese crime family often coordinated criminal activity with members and associates of other organized crime families.

The Defendants

12. At various times, the defendant DANIEL CILENTI, also known as "Uncle Danny," was a soldier and an associate within the Genovese crime family.

13. At various times, the defendants GLENN MAZZELLA and PETER PACE, JR. were associates within the Genovese crime family.

COUNT ONE
(Racketeering Conspiracy)

14. The allegations in paragraphs one through thirteen are realleged and incorporated as if fully set forth in this paragraph.

15. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, also known as "Uncle Danny," GLENN MAZZELLA and PETER PACE, JR., together with others, being persons employed by and

associated with the Genovese crime family, an enterprise that 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).

16. 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 and Two, set forth below in paragraphs 17 through 28. The defendants agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

RACKETEERING ACT ONE
(Conspiracy/Extortion - John Doe #1)

17. The defendants named below agreed to the commission of the following acts, any one of which alone constitutes Racketeering Act One:

A. New York State Law - Extortion Conspiracy

18. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., 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, an individual whose identity is known to the Grand Jury, to deliver such property, by instilling in him a fear that, if the property was 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. New York State Law - Extortion

19. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., together with others, did knowingly and intentionally steal property by extortion, in that the defendants, together with others, obtained property, to wit: money, by compelling and inducing John Doe #1 to deliver such property, by instilling in him a fear that, if the property was 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 20.00.

C. Federal Law - Hobbs Act Extortion Conspiracy

20. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., 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, with his 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).

D. Federal Law - Hobbs Act Extortion

21. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants, together with others, obtained property, to wit: money, from John Doe #1, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear, contrary to Title 18, United States Code, Sections 1951(a) and 2.

RACKETEERING ACT TWO
(Conspiracy/Extortion - John Doe #2)

22. The defendants named below agreed to the commission of the following acts, any one of which alone constitutes Racketeering Act Two:

A. New York State Law - Extortion Conspiracy

23. In or about and between September 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., 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 #2, an individual whose identity is known to the Grand Jury, to deliver such property, by instilling in him a fear that, if the property was 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. New York State Law - Extortion

24. In or about and between September 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., together with others, did knowingly and intentionally steal property by

extortion, in that the defendants, together with others, obtained property, to wit: money, by compelling and inducing John Doe #2 to deliver such property by instilling in him a fear that, if the property was 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 20.00.

C. Federal Law - Hobbs Act Extortion Conspiracy

25. In or about and between September 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., 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 #2, with his 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).

D. Federal Law - Hobbs Act Extortion

26. In or about and between September 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, GLENN MAZZELLA and PETER PACE, JR., together with

others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants, together with others, obtained property, to wit: money, from John Doe #2, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear, contrary to Title 18, United States Code, Sections 1951(a) and 2.

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

COUNT TWO

(Extortion Conspiracy - John Doe #1)

27. The allegations in paragraphs one through thirteen are realleged and incorporated as if fully set forth in this paragraph.

28. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, also known as "Uncle Danny," GLENN MAZZELLA and PETER PACE, JR., 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, with his 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 THREE
(Extortion - John Doe #1)

29. The allegations in paragraphs one through thirteen are realleged and incorporated as if fully set forth in this paragraph.

30. In or about and between May 2007 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL CILENTI, also known as "Uncle Danny," GLENN MAZZELLA and PETER PACE, JR., together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants, together with others, obtained property, to wit: money, from John Doe #1, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FOUR

(Extortion Conspiracy - John Doe #2)

31. The allegations in paragraphs one through thirteen are realleged and incorporated as if fully set forth in this paragraph.

32. In or about and between September 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DOMINIC CARAMANICA, DANIEL CILENTI, also known as "Uncle Danny," GLENN MAZZELLA and PETER PACE, JR., 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 #2, with his 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
(Extortion - John Doe #2)

33. The allegations in paragraphs one through thirteen are realleged and incorporated as if fully set forth in this paragraph.

34. In or about and between September 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DOMINIC CARAMANICA, DANIEL CILENTI, also known as "Uncle Danny," GLENN MAZZELLA and PETER PACE, JR., together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants, together with others, obtained property, to wit: money, from John Doe #2, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

37. The United States hereby gives notice to the defendants charged in Count One that, upon their 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 acquired or maintained contrary to Title 18, United States Code,

Section 1962; (b) any interest in, security of, claim against or property or contractual right of any kind affording a source of influence over any enterprise which the person established, operated, controlled, conducted or participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and (c) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from racketeering activity in violation of Title 18, United States Code, Section 1962, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of such offense.

38. If any of the property described above, 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

39. The United States hereby gives notice to the defendants charged in Counts Two through Five that, upon their 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), of any property, real or personal, which constitutes or is derived from proceeds traceable to any such offenses, including but not limited to a sum of money representing the amount of proceeds obtained as a result of any such offenses.

40. If any of the property described above, 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

