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AB:WK/DPL
F.#2009R00195

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. 11-CR-0003
(T. 18, U.S.C., §§
981(a)(1)(C), 1951(a),
1952(A)(3)(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))

VINCENT DRAGONETTI,
also known as "Vinny,"
"Skinny," "Mike," "Mikey"
and "Marbles,"
THOMAS FRANGIAPANE,
EMMANUEL GARAFOLO,
also known as "Manny,"
ANTHONY LICATA,
also known as "Cheeks,"
"Anthony Firehawk," "Anthony
Nighthawk," "Nighthawk" and
"Firehawk,"
JOSEPH LOMBARDI,
ANTHONY O'DONNELL,
also known as "Tony O,"
ANTHONY SCIBELLI and
WILLIAM SCOTTO,
also known as "Billy" and
"Big Billy,"

Defendants.

----- X

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 Gambino 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 (the "Gambino 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 Gambino crime family engaged in, and its activities affected, interstate and foreign commerce. The Gambino 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, also 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 Gambino crime family had a hierarchy and structure. The head of the Gambino crime family was known as the "boss." The Gambino crime family boss was assisted by an "underboss" and a counselor known as a "consigliere." Together, the boss, underboss and consigliere were the Gambino 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 Gambino crime family. In return for their supervision and protection, the administration received part of the illegal earnings generated by the Gambino crime family. Members of the Gambino 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 Gambino 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 Gambino 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 Gambino crime family could serve as a boss, underboss, consigliere, captain or soldier. Members of the Gambino 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 Gambino crime family, but who nonetheless engaged in criminal activity for, and under the protection of, the Gambino crime family.

7. Many requirements existed before an associate could become a member of the Gambino 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 Gambino crime family was to generate money for its members and associates. This purpose was implemented by members and associates of the Gambino crime family through various criminal activities, including drug trafficking, robbery, extortion, illegal gambling and loansharking. The members and associates of the Gambino 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 Gambino crime family was to generate money for its members and associates, the members and associates at times used the resources of the organized crime families to settle personal grievances and vendettas, sometimes with the approval of higher-ranking members of the 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 the Gambino 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 Gambino crime family often coordinated criminal activity with members and associates of other organized crime families.

The Defendants

12. At various times, the defendants ANTHONY LICATA, also known as "Cheeks," "Anthony Firehawk," "Anthony Nighthawk," "Nighthawk" and "Firehawk," and ANTHONY SCIBELLI were soldiers within the Gambino crime family.

13. At various times, the defendant ANTHONY O'DONNELL, also known as "Tony O," was an associate within the Gambino crime family.

COUNT ONE
(Racketeering Conspiracy)

14. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

15. In or about and between July 2004 and August 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANTHONY LICATA, also known as "Cheeks," "Anthony Firehawk," "Anthony Nighthawk," "Nighthawk" and "Firehawk," ANTHONY O'DONNELL, also known as "Tony O," and ANTHONY SCIBELLI, together with others, being persons employed by and associated with the Gambino 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 through Eight, set forth below in paragraphs 17 through 44. 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

(Extortion Conspiracy/Attempted Extortion - Construction List)

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

A. Extortion Conspiracy

18. In or about and between July 2004 and January 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY O'DONNELL, 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 defendant and others agreed to obtain property, to wit: money, from one or more individuals and companies in the construction industry, whose identities are known to the Grand Jury, 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).

B. Attempted Extortion

19. In or about and between July 2004 and January 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY O'DONNELL, together with others, did knowingly and intentionally

attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others attempted to obtain property, to wit: money, from one or more individuals and companies in the construction industry, whose identities are known to the Grand Jury, 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, Sections 1951(a) and 2.

RACKETEERING ACT TWO
(Extortion Conspiracy - Cracolici Dispute)

20. On or about and between January 1, 2006 and March 17, 2006, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY LICATA, 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 defendant and others agreed to obtain property, to wit: money, from John Doe #1, an individual whose identity is known to the Grand Jury, 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).

RACKETEERING ACT THREE
(Extortion Conspiracy/Extortion - Cement Manufacturing)

21. The defendant named below agreed to the commission of the following acts, any one of which alone constitutes Racketeering Act Three:

A. Federal Law - Extortion Conspiracy

22. In or about and between May 2006 and June 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, 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 defendant and others agreed to obtain property, to wit: cash payments relating to John Doe #1's manufacture of cement at the Liberty View Harbor construction site, 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).

B. Federal Law - Extortion

23. In or about and between May 2006 and June 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, 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 defendant

and others obtained property, to wit: cash payments relating to John Doe #1's manufacture of cement at the Liberty View Harbor construction site, 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.

C. New York State Law - Extortion

24. In or about and between May 2006 and June 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, together with others, did knowingly and intentionally steal property by extortion, in that the defendant, together with others, obtained property, to wit: cash payments relating to John Doe #1's manufacture of cement at the Liberty View Harbor construction site, 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 John Doe #1 in the future, (2) cause damage to John Doe #1's property and (3) perform an act which would not in itself materially benefit the actor, but which was calculated to harm John Doe #1 materially with respect to his health, safety, business, calling, career, financial condition, reputation and personal relationships, contrary to New York Penal

Law Sections 155.30(6), 155.05(2)(e)(i), 155.05(2)(e)(ii),
155.05(2)(e)(ix) and 20.00.

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

25. The defendant named below agreed to the commission of the following acts, either one of which alone constitutes Racketeering Act Four:

A. Extortion Conspiracy

26. In or about and between February 2007 and August 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY LICATA, 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 defendant and others agreed to obtain property, to wit: money, from John Doe #2, whose identity is known to the Grand Jury, 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).

B. Attempted Extortion

27. In or about December 2007, within the Eastern District of New York and elsewhere, the defendant ANTHONY LICATA, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant

and others attempted 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) and 2.

RACKETEERING ACT FIVE

(Extortion Conspiracy/Extortion - Sitt Asset Management)

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

A. Federal Law - Extortion Conspiracy

29. On or about and between March 2, 2007 and May 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANTHONY O'DONNELL and ANTHONY SCIBELLI, 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 the owners of Sitt Asset Management, individuals whose identities are known to the Grand Jury, 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).

B. Federal Law - Extortion

30. On or about and between March 2, 2007 and May 31, 2007, both dates being approximate and inclusive, within the

Eastern District of New York and elsewhere, the defendants ANTHONY O'DONNELL and ANTHONY SCIBELLI, 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 the owners of Sitt Asset Management, with their 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.

C. New York State Law - Extortion

31. On or about and between March 2, 2007 and May 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANTHONY O'DONNELL and ANTHONY SCIBELLI, together with others, did knowingly and intentionally steal property by extortion, in that the defendants, together with others, obtained property, to wit: money, from Sitt Asset Management by compelling and inducing one or more owners and representatives of Sitt Asset Management to deliver such property by instilling in such owners and representatives a fear that, if the money were not so delivered, one or more persons would perform an act which would not in itself materially benefit the actors but which was calculated to harm such owners and representatives materially with respect to their health, safety, businesses, callings, careers, financial

conditions, reputations and personal relationships, contrary to New York Penal Law Sections 155.30(6), 155.05(2)(e)(ix) and 20.00.

D. Interstate Travel in-aid-of Racketeering

32. On or about and between March 2, 2007 and May 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY O'DONNELL, together with others, did knowingly and intentionally travel in interstate commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of unlawful activity, to wit: extortion, contrary to Title 18, United States Code, Sections 1951(a) and 2, and grand larceny by extortion, contrary to New York Penal Law Sections 155.30(6), 155.05(2)(e)(ix) and 20.00, and thereafter performed and attempted to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity, to wit: the extortion of Sitt Asset Management and its owners and representatives, contrary to Title 18, United States Code, Sections 1952(a)(3)(A) and 2.

RACKETEERING ACT SIX

(Extortion Conspiracy/Extortion - John Doe #3 and John Doe #4)

33. The defendant named below agreed to the commission of the following acts, any one of which alone constitutes Racketeering Act Six:

A. Federal Law - Extortion Conspiracy

34. On or about and between March 2, 2007 and June 4, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, 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 defendant and others agreed to obtain property, to wit: money, from John Doe #3 and John Doe #4, individuals whose identities are known to the Grand Jury, 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).

B. Federal Law - Extortion

35. On or about and between March 2, 2007 and June 4, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, 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 defendant, together with others, obtained property, to wit: money, from John Doe #3 and John Doe #4, with their 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.

C. New York State Law - Extortion

36. On or about and between March 2, 2007 and June 4, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, together with others, did knowingly and intentionally steal property by extortion, in that the defendant, together with others, obtained property, to wit: money, by compelling and inducing John Doe #3 and John Doe #4 to deliver such property by instilling in John Doe #3 and John Doe #4 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 155.30(6), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT SEVEN

(Extortion Conspiracy - John Doe #3)

37. The defendant named below agreed to the commission of the following acts, either one of which alone constitutes Racketeering Act Seven:

A. Federal Law - Extortion Conspiracy

38. In or about and between September 2007 and October 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY LICATA, 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 defendant and others agreed to obtain property, to wit: money, from John Doe #3, 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).

B. New York State Law - Extortion Conspiracy

39. In or about and between September 2007 and October 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY LICATA, together with others, did knowingly and intentionally conspire to steal property by extortion, in that the defendant and others agreed to obtain property, to wit: money, by compelling and inducing John Doe #3 to deliver such property by instilling in him a fear that, if the property was not so delivered, one or more persons would cause physical injury to John Doe #3 in the future, contrary to New York Penal Law Sections 155.40(2), 155.05(2)(e)(i) and 105.10.

40. In furtherance of the conspiracy, and to effect its objectives, within the Eastern District of New York and elsewhere, the defendant ANTHONY LICATA committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about September 21, 2007, the defendant ANTHONY LICATA met with John Doe #3 at the Staten Island office of Nighthawk Trucking.

b. On or about September 21, 2007, at the Staten Island Office of Nighthawk Trucking, the defendant ANTHONY LICATA demanded that John Doe #3 pay \$30,000.

c. On or about and between September 21, 2007 and February 7, 2008, both dates being approximate and inclusive, the defendant ANTHONY LICATA engaged in telephone calls with John Doe #3.

RACKETEERING ACT EIGHT

(Extortion Conspiracy/Extortion - Cement Powder Deliveries)

41. The defendant named below agreed to the commission of the following acts, any one of which alone constitutes Racketeering Act Eight:

A. Federal Law - Extortion Conspiracy

42. In or about and between October 2007 and January 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, 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 defendant and others agreed to obtain property, to wit: cash payments relating to John Doe #1's delivery of cement powder to

the Liberty View Harbor construction site, 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).

B. Federal Law - Extortion

43. In or about and between October 2007 and January 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, 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 and others obtained property, to wit: cash payments relating to John Doe #1's delivery of cement powder to the Liberty View Harbor construction site, 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.

C. New York State Law - Extortion

44. In or about and between October 2007 and January 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY SCIBELLI, together with others, did knowingly and intentionally steal property by extortion, in that the defendant, together with others, obtained property, to wit: cash payments relating to John

Doe #1's delivery of cement powder to the Liberty View Harbor construction site, 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 John Doe #1 in the future, (2) cause damage to John Doe #1's property and (3) perform an act which would not in itself materially benefit the actor, but which was calculated to harm John Doe #1 materially with respect to his health, safety, business, calling, career, financial condition, reputation and personal relationships, contrary to New York Penal Law Sections 155.30(6), 155.05(2)(e)(i), 155.05(2)(e)(ii), 155.05(2)(e)(ix) and 20.00.

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

COUNT TWO

(Extortion Conspiracy - John Doe #2)

45. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

46. In or about and between February 2007 and August 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants EMMANUEL GARAFOLO, also known as "Manny," ANTHONY LICATA, also known as "Cheeks," "Anthony Firehawk," "Anthony Nighthawk," "Nighthawk" and "Firehawk," and WILLIAM SCOTTO, also known as

"Billy" and "Big Billy," 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 THREE

(Extortion Conspiracy - Sitt Asset Management)

47. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

48. On or about and between March 2, 2007 and May 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT DRAGONETTI, also known as "Vinny," "Skinny," "Mike," "Mikey" and "Marbles," THOMAS FRANGIAPANE, ANTHONY O'DONNELL, also known as "Tony O," and ANTHONY SCIBELLI, 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 the owners of Sitt Asset Management, 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 FOUR

(Extortion - Sitt Asset Management)

49. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

50. On or about and between March 2, 2007 and May 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT DRAGONETTI, also known as "Vinny," "Skinny," "Mike," "Mikey" and "Marbles," THOMAS FRANGIAPANE, ANTHONY O'DONNELL, also known as "Tony O," and ANTHONY SCIBELLI, 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 the owners of Sitt Asset Management, with their 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 FIVE

(Interstate Travel in-aid-of Racketeering)

51. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

52. On or about and between March 2, 2007 and March 15, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY O'DONNELL, also known as "Tony O," together with others, did knowingly and intentionally travel in interstate commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of unlawful activity, to wit: extortion, contrary to Title 18, United States Code, Sections 1951(a) and 2, and grand larceny by extortion, contrary to New York Penal Law Sections 155.30(6), 155.05(2)(e)(ix) and 20.00, and thereafter performed and attempted to perform the promotion, management, establishment, carrying on and facilitation of the promotion, management, establishment and carrying on of such unlawful activity, to wit: the extortion of Sitt Asset Management and its owners and representatives.

(Title 18, United States Code, Sections 1952(a)(3)(A), 2 and 3551 et seq.)

COUNT SIX

(Extortion Conspiracy - John Doe #3 and John Doe #4)

53. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

54. On or about and between March 2, 2007 and June 4, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT DRAGONETTI, also known as "Vinny," "Skinny," "Mike," "Mikey" and "Marbles," and ANTHONY SCIBELLI, 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 #3 and John Doe #4, 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

(Extortion - John Doe #3 and John Doe #4)

55. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

56. On or about and between March 2, 2007 and June 4, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT DRAGONETTI, also known as "Vinny," "Skinny," "Mike," "Mikey" and "Marbles," and ANTHONY SCIBELLI, 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 #3 and John Doe #4, with their 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 EIGHT

(Extortion Conspiracy - John Doe #3)

57. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

58. In or about and between September 2007 and October 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANTHONY LICATA, also known as "Cheeks," "Anthony Firehawk," "Anthony Nighthawk," "Nighthawk" and "Firehawk," and JOSEPH LOMBARDI, 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 #3, 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 NINE

(Extortion - John Doe #3)

59. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

60. In or about and between September 2007 and October 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOSEPH LOMBARDI, 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 defendant and others obtained property, to wit: money, from John Doe #3, 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 TEN

(Attempted Extortion - John Doe #2)

61. The allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

62. In or about December 2007, within the Eastern District of New York and elsewhere, the defendants EMMANUEL GARAFOLO, also known as "Manny," ANTHONY LICATA, also known as "Cheeks," "Anthony Firehawk," "Anthony Nighthawk," "Nighthawk" and "Firehawk," and WILLIAM SCOTTO, also known as "Billy" and "Big Billy," together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others attempted 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, Section 1951(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

63. 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; and

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, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of such offenses.

64. 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 TEN

65. The United States hereby gives notice to the defendants charged in Counts Two through Ten 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), 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 such offenses.

66. 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

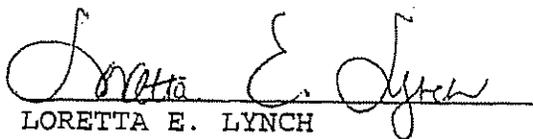
e. has been commingled with other property which cannot be divided without difficulty;

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