



U.S. Department of Justice

United States Attorney  
Eastern District of New York

AB:SEF  
F.#2011R00013

271 Cadman Plaza East  
Brooklyn, New York 11201

January 20, 2011

By ECF and Hand

The Honorable Andrew L. Carter, Jr.  
United States Magistrate Judge  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Dominic Caramanica, et al.  
Criminal Docket No. 11-0026 (JG)

Dear Judge Carter:

The government respectfully submits this letter in support of its position regarding pretrial detention in the above-captioned matter.

Three of the four defendants - Daniel Cilenti, Glenn Mazzella, and Peter Pace, Jr. - stand charged with, inter alia, racketeering conspiracy involving the extortion of two individuals, identified in the indictment as John Doe #1 and John Doe #2, over a period of several years. The fourth, Dominic Caramanica, is a former member of the New York City Police Department who is charged with conspiring to extort, and extorting, John Doe #2.

Defendant Cilenti has been an inducted member of the Genovese organized crime family of La Cosa Nostra (the "Genovese crime family") for more than six decades. Cilenti has an arrest record that dates to at least 1961. As set forth below, Cilenti's involvement in the charged crimes includes the period he was on bail pending sentencing, as well as the two years he was on probation, following his 2006 conviction, in the Southern District of New York, for obstruction of justice, in violation of 18 U.S.C. § 1512. See United States v. Cilenti, 05-CR-774 (KBW) (S.D.N.Y.). Indeed, the evidence against Cilenti includes consensual recordings in which Cilenti describes his scheme to extort kickbacks on construction projects from the government's cooperating witness just two months after his sentence was imposed in that case, in October 2007.

Defendant Peter Pace, Jr. is an associate of the Genovese family who likewise has a violent criminal record spanning at least two decades. As with Cilenti, the evidence against Pace includes numerous consensual recordings, including recordings in which Pace speaks openly about committing acts of violence, such as an attempt to throw his mother-in-law off a roof in 1988.

The government respectfully submits that, for these reasons and the reasons set forth below, Cilenti and Pace each represent a danger to the community and a risk of flight and should be detained pending trial.

The other two defendants - Glenn Mazzella and Dominic Caramanica - are Genovese crime family associates in Cilenti's crew. The government respectfully submits that Mazzella and Caramanica also pose a danger to the community and a risk of flight that can only be mitigated, if at all, through substantial bail packages and restrictive conditions of release.

#### Background

On January 10, 2011, a grand jury in the Eastern District of New York returned a sealed indictment charging Cilenti and two of his closest associates, Mazzella and Pace, with racketeering conspiracy, including predicate acts of extortion and extortion conspiracy, in violation of 18 U.S.C. § 1962(d). Caramanica is also charged with extortion and extortion conspiracy, in violation of 18 U.S.C. § 1951(a). The charges stem from a long-term investigation involving a proactive cooperating witness ("CW"), identified in the indictment as John Doe #1, who made consensual recordings over a period of close to four years.

As part of one of the charged extortion conspiracies, Cilenti and his associates demanded cash kickbacks from John Doe #1, who was active in the construction industry in New York and New Jersey, in exchange for providing him with opportunities to work on construction projects in the New York area. In addition to John Doe #1, Cilenti and his associates also extorted another individual, identified in the indictment as John Doe #2, who owed John Doe #1 a legitimate business debt. Cilenti's associates, Mazzella, Pace and Caramanica, conspired to use and used intimidation to collect on the debt owed by John Doe #2 to John Doe #1, and Cilenti and Mazzella then demanded a percentage of the repaid debt from John Doe #1 as payment for their illegal collection efforts.

In light of the nature of these charges and the other reasons set forth below, all four defendants pose a danger to the community and a risk of flight.

### Legal Standard

#### A. Bail Reform Act

Under the Bail Reform Act, 18 U.S.C. § 3141 et seq., federal courts are empowered to order a defendant's detention pending trial upon a determination that the defendant is either a danger to the community or a risk of flight. See 18 U.S.C. § 3142(e) ("no condition or combination of conditions would reasonably assure the appearance of the person as required and the safety of any other person and the community"). A finding of dangerousness must be supported by clear and convincing evidence. See United States v. Ferranti, 66 F.3d 540, 542 (2d Cir. 1995); United States v. Chimurenga, 760 F.2d 400, 405 (2d Cir. 1985). A finding of risk of flight must be supported by a preponderance of the evidence. See United States v. Jackson, 823 F.2d 4, 5 (2d Cir. 1987); Chimurenga, 760 F.2d at 405.

The Bail Reform Act lists four factors to be considered in the detention analysis: (1) the nature and circumstances of the crimes charged, (2) the history and characteristics of the defendant, (3) the seriousness of the danger posed by the defendant's release and (4) the evidence of the defendant's guilt. See 18 U.S.C. § 3142(g).

The Bail Reform Act makes clear that evidentiary rules do not apply at detention hearings and the government is entitled to present evidence by way of proffer, among other means. See 18 U.S.C. § 3142(f)(2); see also United States v. LaFontaine, 210 F.3d 125, 130-31 (2d Cir. 2000) (government entitled to proceed by proffer in detention hearings); Ferranti, 66 F.3d at 542 (same); United States v. Martir, 782 F.2d 1141, 1145 (2d Cir. 1986) (same). As the Second Circuit has explained:

[I]n the pre-trial context, few detention hearings involve live testimony or cross examination. Most proceed on proffers. See United States v. LaFontaine, 210 F.3d 125, 131 (2d Cir. 2000). This is because bail hearings are "typically informal affairs, not substitutes for trial or discovery." United States v. Acevedo-Ramos, 755 F.2d 203, 206 (1st Cir. 1985) (Breyer, J.) (quoted approvingly in LaFontaine, 210 F.3d at 131).

Indeed, § 3142(f)(2)(B) expressly states that the Federal Rules of Evidence do not apply at bail hearings; thus, courts often base detention decisions on hearsay evidence. Id.

United States v. Abuhamra, 389 F.3d 309, 320 n.7 (2d Cir. 2004).

#### B. Organized Crime Defendants

Courts in this circuit routinely have faced the issue of pretrial detention of organized crime defendants charged with racketeering-related offenses. See, e.g., United States v. Cirillo, Cr. No. 05-212 (SLT), slip op. (E.D.N.Y. 2005) (Genovese family members detained as dangers to the community), aff'd, 149 Fed. Appx. 40 (2d Cir. 2005); United States v. Gotti, 219 F. Supp. 2d 296, 299-300 (E.D.N.Y. 2002) (Gambino family acting boss Peter Gotti detained as danger to the community), aff'd, United States v. Ciccone, 312 F.3d 535, 543 (2d Cir. 2002); United States v. Defede, 7 F. Supp. 2d 390, 395 (S.D.N.Y. 1998) (Luchese family acting boss detained as danger to the community); United States v. Agnello, 101 F. Supp. 2d 108, 116 (E.D.N.Y. 2000) (Gambino family captain detained as danger to the community); United States v. Salerno, 631 F. Supp. 1364, 1375 (S.D.N.Y. 1986) (Genovese family acting boss detained as danger to the community), order vacated, 794 F.2d 64 (2d Cir.), order reinstated, 829 F.2d 345 (2d Cir. 1987).

Together, these cases stand for at least the following propositions: (1) organized crime defendants often constitute dangers to the community due to the high likelihood that they will continue to commit crimes if released on bail; and (2) elaborate bail packages involving home detention and electronic monitoring are often insufficient to protect the community from dangerous organized crime defendants.

#### 1. Organized Crime Defendants Are Likely to Commit Crimes if Released on Bail

Organized crime defendants pose a particular threat to the community due to the continuing nature of the charged enterprise and its violent criminal activities. Because organized crime defendants are career criminals who belong to an illegal enterprise, they pose a distinct threat to commit additional crimes if released on bail. See Salerno, 631 F. Supp. at 1375 (finding that the illegal businesses of organized crime require constant attention and protection, and recognizing a strong incentive on the part of its leadership to continue business as usual).

Congress noted that defendants pose a danger to the community not only when they commit acts of violence, but when it is likely that they will commit even non-violent crimes that are detrimental to the community. See S. Rep. No. 225 98th Cong., 1st Sess. at 6-7, as reprinted in 1984 U.S. Code Cong. & Admin. News 3182 ("Senate Report"), 3195 ("language referring to safety of the community refers to the danger that the defendant might engage in criminal activity to the detriment of the community . . . . The Committee intends that the concern about safety be given a broader construction than merely danger of harm involving physical violence"). In Salerno, the court held:

In light of Congress' direction that "[w]here there is a strong probability that a person will commit additional crimes if released, the need to protect the community becomes sufficiently compelling that detention is, on balance, appropriate" . . . .

631 F. Supp. at 1371 (quoting Senate Report at 3189). See also United States v. Colombo, 777 F.2d 96, 99 (2d Cir. 1985).

2. Elaborate Bail Packages Are Insufficient to Protect the Community Against Violent Organized Crime Defendants

The Second Circuit repeatedly has rejected "elaborate" bail packages for dangerous defendants, and has viewed home detention and electronic monitoring as insufficient to protect the community against dangerous individuals. See, e.g., Ferranti, 66 F.3d at 543-44 (rejecting \$1 million bail package secured by real property); United States v. Orena, 986 F.2d 628, 630-33 (2d Cir. 1993) (rejecting \$3 million bail package secured with real property, home detention, restricted visitation and telephone calls, and electronic monitoring); Colombo, 777 F.2d at 97, 100 (rejecting \$500,000 bail package secured by real property). In United States v. Millan, the Second Circuit held that:

Home detention and electronic monitoring at best elaborately replicate a detention facility without the confidence of security such a facility instills. If the government does not provide staff to monitor compliance extensively, protection of the community would be left largely to the word of [the defendants] that [they] will obey the conditions.

4 F.3d 1039, 1048-49 (2d Cir. 1993) (citations and internal quotations omitted). See also Orena, 986 F.2d at 632 ("electronic surveillance systems can be circumvented by the wonders of science and of sophisticated electronic technology") (internal quotation marks and citations omitted).

Similarly, courts in this district have denied dangerous defendants bail in recognition of the Second Circuit's dim view of the effectiveness of home detention and electronic monitoring. See, e.g., United States v. Cantarella, 2002 WL 31946862, \*3-4 (E.D.N.Y. 2002) (Garaufis, J.) (adopting "principle" of "den[ying] bail to 'dangerous' defendants despite the availability of home detention and electronic surveillance and notwithstanding the value of a defendant's proposed bail package"); Agnello, 101 F. Supp. 2d at 116 (Gershon, J.) ("the protection of the community provided by the proposed home detention remains inferior to that provided by confinement in a detention facility"); United States v. Masotto, 811 F. Supp. 878, 884 (E.D.N.Y. 1993) (rejecting bail because "the Second Circuit appears to be saying to us that in the case of 'dangerous defendants' the Bail Reform Act does not contemplate the type of conditions suggested by this Court [including home confinement and electronic monitoring] and that, even if it did, the conditions would not protect the public or the community, given the ease with which many of them may be circumvented").

#### Argument

Detailed below is a proffer of the relevant facts in support of the government's position with respect to the four defendants.

#### A. Daniel Cilenti

As noted above, Cilenti is charged with racketeering conspiracy, including predicate acts of extortion and extortion conspiracy - both crimes of violence. See 18 U.S.C. § 3156(a)(4)(A) (defining "crime of violence" as an offense that has as one of its elements the "attempted use, or threatened use of physical force against the person or property of another"). Cilenti is also charged with those extortions as substantive crimes. The evidence against Cilenti and his associates is strong, and is expected to include, inter alia, victim testimony and numerous consensual recordings in which Cilenti and his associates can be heard conspiring to commit, and then committing, the charged crimes. If convicted, Cilenti faces a sentence of up to 20 years in prison on each of five counts. The government seeks entry of a permanent order of detention against

Cilenti on the ground that he is a danger to the community and a risk of flight.

During the course of the government's investigation, Cilenti advised the government's cooperating witness that he had been inducted into the Genovese crime family in 1947. Cilenti has thus, by his own account, been a member of this notoriously violent and dangerous criminal enterprise for more than six decades. Cilenti boasted to John Doe #1 that, during that time, he had participated in numerous acts of violence, including several murders. Indeed, on one occasion during the mid-1990s, John Doe #1 personally witnessed Cilenti and several associates preparing for an expected confrontation with several individuals with whom Cilenti was involved in a dispute over an alleged debt. On that occasion, as one of Cilenti's associates loaded a .25 caliber semiautomatic handgun, Cilenti advised John Doe #1 to leave for his own safety.

Cilenti's arrest record dates to at least 1961, and he has repeatedly been convicted of crimes related to his involvement with the Genovese crime family. In October 1961, Cilenti was convicted in Bronx County Criminal Court of possession of bookmaking records. Less than two years later, in April 1963, and again less than two years after that, in February 1965, Cilenti was arrested and charged with the same crime, although both those cases were ultimately dismissed. In January 1975, Cilenti was again arrested and charged with involvement in a gambling conspiracy, but the government filed a nolle prosequi in September 1976.

In 1988, Cilenti was convicted, upon his plea of guilty in the United States District Court for the District of New Jersey, of one count of travel in-aid-of racketeering in connection with a scheme to extort \$450,000 from a victim. In that case, Cilenti was initially sentenced to a suspended term of imprisonment of 18 months and three years' probation. However, his probationary term was subsequently extended by two years after he violated the conditions of his probation by associating with known criminals, and he was ultimately incarcerated after violating his probation a second time by committing a new federal offense. In September 1994, Cilenti was convicted, upon his plea of guilty in the United States District Court for the Southern District of New York, to conspiring with other members of the Genovese crime family to make and collect extortionate extensions of credit, and conspiring to collect unlawful debts. He was sentenced to 30 months' imprisonment and three years' supervised release.

In July 2005, Cilenti was arrested along with senior leaders of the Genovese crime family - including the acting boss of the family, Matthew Ianniello, also known as "Matty the Horse" - and charged with multiple counts of conspiring and attempting to obstruct and impede a federal grand jury investigation in the Southern District of New York. Cilenti later pled guilty to participating in that conspiracy by, inter alia, facilitating communications between an officer of Local 1181 of the Amalgamated Transit Union and other members of the Genovese crime family, in connection with an effort to obstruct the government's investigation of the Genovese family's involvement with the union.

In that case, Cilenti was initially released pending trial on a \$250,000 personal recognizance bond co-signed by two financially responsible suretors and secured by \$50,000 in cash or property. His travel was limited to the Southern and Eastern Districts of New York and he was ordered to surrender his travel documents. Following his guilty plea, Cilenti was sentenced in October 2007 by the Honorable Kimba M. Wood to two years' probation, with a special condition of six months' home confinement with electronic monitoring. According to a status report prepared by the Probation Department, on November 15, 2007 - approximately two hours after Cilenti was fitted with an ankle bracelet in connection with the electronic monitoring - he complained of pain, swelling and bruising around his ankle. The Probation Department further reported that due to Cilenti's raspy voice, he was not a candidate for a voice-recognition monitoring system. Accordingly, on December 17, 2007, the court ordered the ankle bracelet to be removed and directed that Cilenti perform four hours per week of community service for a period of six months, in lieu of the home confinement and electronic monitoring portion of his sentence.

On the same day that Chief Judge Wood ordered the ankle bracelet removed, Cilenti met with John Doe #1 at his home and discussed the extortion scheme whereby John Doe #1 would be assigned trucking work by Cilenti's associate, Pace, and required to pay a kickback to Pace and Cilenti. The following is an excerpt from a draft transcript of the consensual recording made by John Doe #1:

CILENTI:           Anyway, what I gotta know is prices. Did you do prices yet?

John Doe #1:       Yes.



CILENTI: Good. Because, I gotta . . . [UI] What do you call it? Peter's [PACE] a minority guy. [UI]

John Doe #1: Yes. Right. I met his partner too, the guy Paul.

CILENTI: [UI]. . . He's looking to get rid of him. [UI]

John Doe #1: Really? Some guy, Rotundi was his name. Paul? Paul.

CILENTI: [UI] I don't know the guy.

John Doe #1: 'Cause I met him. I met his father. I met Peter Sr. Your guy. Peter [PACE]. And this guy.

CILENTI: Yeah, Peter. Peter's my guy over there. [UI] And over here [UI]. . . I got a guy. [UI] He's got all kinds of trucking responsibility [UI]. You understand? But I [UI]. . . I want everything to go to you. But this other stuff that we can't handle . . . because this other job we do. I don't know. You got all the trucks, right?

John Doe #1: Yeah. I got a lot of . . . I hire them all now.

CILENTI: [UI]. . . I mean I care about him, but you're the one I want to do it. [UI] I want to see what he says. There are going to be jobs that will come up [UI]. . . But I don't want to use nobody but you. If I don't have to use him, I don't want to use him.

John Doe #1: OK, thanks Unc.

CILENTI: I don't care, even if his prices are lower than yours. Understand? But we gotta know what we're doing.

John Doe #1: Right.

CILENTI: First, he says he's going to talk to him . . . [UI] And don't forget, 'cause not many people know, 'cause I understand there might be a wise guy on top. There may be a wise guy in there. [UI]. . .

John Doe #1: Oh yeah? Well I'll leave that to Peter and I'll just stay in the background. That's all.

CILENTI: That's right. Cover your mouth. You talk to the guy. [UI] . . . His name's Joe or something? From Brooklyn? You speak to the guy. He told me you know him . . . [UI] He's the guy that's giving you the job.

John Doe #1: I don't know him. I introduced Peter to a guy. [UI] He used to be . . . This is the guy that gave Peter the job.

CILENTI: Yes.

John Doe #1: But I didn't know that when Peter called me. And he's actually friends with my dispatcher . . . [UI] In other words I have no obligation to this guy. But here's what I did. Big John is the guy's name, that I introduced him to Peter, because he can help Peter on the job. He runs the safety. He's like the director of safety for the company, for not Angelites, sounds like that name. [UI] The guy Peter's [UI]. And he used to be around Sammy and Peter and Bobby Zaza [UI]. He's with 282, the guy. I met him through Tony O, who's with that family also. You know, Gotti's family. My arrangement with them is that we just get along . . . So what I did . . . [UI] There's nobody. Here's what I said to John . . . [UI] I stay away from that. Here's what I did, I said John I want you to meet a guy that's like my kid brother or my nephew. OK? And I said to John in front of Peter, this guy is like blood to me, I said, and his uncle is my uncle out of the Bronx. I said very, very close. He said beautiful. He said don't worry, he said, you're not going to have a problem on this job. No matter what. So then he told Peter, he told Peter to go inside and tell them, to the owners, gee what do you, you got that safety director is picking on me already, like, in other words, so they don't know they're close. So this way, Peter don't have nobody busting his balls. All I did was share a contact with Peter.

CILENTI: Alright, good. [UI] Somewhere down the line, something comes up. [UI] They're not going to bother us. You know how people are. I'm sure there's somebody behind the whole thing. There's

no question in my mind. But that's not going to happen.

John Doe #1: I don't need to know that, I don't need to know that, 'cause I got you to know that . . .

CILENTI: That's right. I don't know you. I don't know you. I know Peter, but I don't know you. You understand? Not that I don't know you, but...

John Doe #1: Of course.

The December 17 recording, among others, together with the testimony of the CW, makes clear that even as Cilenti was petitioning the court to have the conditions of his probation relaxed due to an alleged medical condition, he was engaging in acts of racketeering in furtherance of the affairs of the Genovese crime family. Moreover, as Cilenti's lengthy criminal history demonstrates, this is not the first time that he has refused to abide by the conditions of his release. These facts make clear that Cilenti has no regard for the authority of the court and will not cease his criminal activity if released on bail. Bail should be denied on this ground alone.

Recently, Magistrate Judge Levy rejected the offer of a substantial bail package made by a member of the Gambino crime family on precisely this ground. In March 2008, Vincent Gotti, a Gambino soldier charged with RICO conspiracy, proposed a \$10 million bail package. Though the package Gotti proposed was secured by over \$5 million in real property and included conditions such as home detention and electronic monitoring, Judge Levy found it insufficient in light of the evidence the government proffered that Gotti had been under some form of court supervision at the same time he was engaging in narcotics dealing and loansharking:

[T]he key factors are what the Government has proffered happened during the time that Mr. Gotti was either on parole or in prison or under indictment in the past[,] and that gives me serious concern because it has to do with whether or not an order of the Court can be evaded.

United States v. Gotti, Cr. No. 08-76, Hearing Transcript, Docket Entry No. 440 at 34 (E.D.N.Y. Mar. 13, 2008). Gotti appealed Magistrate Judge Levy's decision, offering to improve the bail package by agreeing to "a Consensual Wire Tap on all phones in

the home [and] any other reasonable condition imposed." Id., Docket Entry No. 443 at 1. After hearing oral argument, the Honorable Jack B. Weinstein, United States District Judge, affirmed Magistrate Judge Levy's decision. See id., Docket Entry No. 582. Gotti clearly counsels in favor of detention here.

Indeed, all of the relevant factors favor pretrial detention in this case. See 18 U.S.C. § 3142(g). First, the crimes of violence with which Cilenti is charged are serious, could result in Cilenti being imprisoned for the remainder of his life, and were committed, in part, while he was on a sentence of probation. Second, Cilenti's lengthy criminal history, his decades-long involvement with the Genovese crime family, his history of violence, including murder, and the fact that he has Genovese crime family members and associates at his disposal who are willing to commit acts of violence on his behalf, all militate in favor of detention. Third, Cilenti poses a danger to the community through his demonstrated refusal to comply with court orders his repeated commission of new crimes while under court supervision. Fourth, the evidence of Cilenti's guilt is strong. Accordingly, the government respectfully requests that the court issue a permanent order of detention pending trial.

B. Peter Pace, Jr.

Cilenti's close associate, Peter Pace, Jr., is charged, together with Cilenti, with racketeering conspiracy, including predicate acts of extortion and extortion conspiracy. As with Cilenti, the evidence of Pace's guilt is strong, and includes cooperating witness testimony and extensive consensual recordings. Like Cilenti, Pace has a lengthy criminal history, including acts of violence, dating back some two decades. If convicted, Pace also faces a sentence of up to 20 years in prison on each of the five counts with which he is charged. Accordingly, the government seeks entry of a permanent order of detention against Pace on the ground that, like Cilenti, he is a danger to the community and a risk of flight.

In 1980, Pace was arrested by the New Rochelle City Police Department on a felony charge of criminal mischief. His criminal history does not indicate how the charges were resolved. Thereafter, in 1991, Pace was convicted after trial in Westchester County Court, of multiple counts of assault with intent to cause serious injury with a weapon and related charges. He was sentenced to concurrent terms of 18 months to 54 months, and one to three years in prison.

The government's investigation makes clear that Pace has used, and remains prepared to use, violence in furtherance of his criminal aims. Pace repeatedly boasted to John Doe #1 of his willingness to use violence, including the fact that he shot someone on at least one occasion, and sustained several gunshot wounds himself. In addition, John Doe #1 personally witnessed Pace remove a baseball bat from his car after it was vandalized on Arthur Avenue in the Bronx and walk off in search of the vandals with the stated intention of assaulting them.

Pace also boasted of his willingness to use violence in numerous consensual recordings made over the course of the government's investigation. For example, during a conversation on January 21, 2008, Pace spoke of having allegedly assaulted his own mother-in-law. Pace said, "I tried to throw her off the roof on Viewmont Avenue back in 1988. She was a fucking junkie, right? So now . . . she's fucking telling everybody that I'm gonna come rob everybody, set me up with the neighborhood, right? So I brought her up to the fucking roof about six stories, it was fucking, I hung her off the fucking side of the roof."

Pace also spoke openly of his willingness to use violence in connection with the extortion of John Doe #2. For example, during a consensually recorded conversation on December 8, 2009, Pace said, "I would have fucking been there last week cracking this guy in the fucking head. I swear to God."

During the same conversation, Pace had the following exchange with Mazzella:

PACE: Give, give me his fucking office [UI], gimme where he lives . . .

MAZZELLA: Yeah, I'll go [UI]. . .

PACE: . . . And I'll go there.

PACE: I'll go myself. Give me his home address. . .

MAZZELLA: Then what you need me for?

PACE: I don't need you.

MAZZELLA: OK, go ahead. Go to fucking jail. . .

PACE: Give me the guy's. . . give me his fucking home address.

Accordingly, as with Cilenti, all four applicable factors favor the entry of a permanent order of detention against Pace: (1) the crimes of violence with which Pace is charged are serious, (2) Pace has a lengthy history of violence, (3) Pace's willingness to use violence against others poses a danger to the community, and (4) the evidence of Pace's guilt is strong.

C. Glenn Mazzella and Dominic Caramanica

Mazzella and Caramanica are both Genovese family associates. Like Cilenti and Pace, Mazzella faces a sentence of up to 20 years in prison on each of the five counts with which he is charged. Caramanica, a retired member of the New York City Police Department, is charged with two crimes of violence - extortion and extortion conspiracy - each of which also carries a maximum sentence of 20 years in prison. The evidence against both defendants is strong, and includes witness testimony and consensual recordings, including video recordings. Those recordings demonstrate the defendants' willingness to use intimidation and violence in connection with their extortion scheme. For example, in the December 8, 2009 recording reference above, Mazzella noted that he had sent Caramanica to visit John Doe #2, and explained that "even if he's not there, the message will be sent. The guy better get a hold of you. Alright, so we'll get somebody over there right away and he'll go as many times as necessary." In a subsequent conversation, Mazzella told John Doe #1, "If there's ever any place where we can squeeze somebody else for bread . . . let's do that too."

For the foregoing reasons - and given their close association with Cilenti and Pace - Mazzella and Caramanica each pose a danger to the community and a risk of flight. Accordingly, pretrial release is only appropriate in the event the defendants present substantial bail packages and are subject to restrictive release conditions, such as home detention and electronic monitoring.

Conclusion

For the foregoing reasons, the government respectfully submits that the defendants Daniel Cilenti and Peter Pace, Jr. should be detained pending trial, and that the defendants Glenn Mazzella and Dominic Caramanica should not be released unless they present substantial bail packages and are subject to restrictive conditions of release. In addition, the government respectfully requests that the Court direct each of the

