

RECEIVED

MAY 11 2012

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Katharine S. Hayden
	:	Criminal No. 12-336
v.	:	18 U.S.C. § 894(a) and § 2
JOHN BALSAMO	:	

I N D I C T M E N T

The grand jury in and for the District of New Jersey,
sitting in Newark, New Jersey, charges:

COUNT ONE

(Conspiracy to Collect a Debt Using Extortionate Means)

Introduction

1. At all times relevant to this Indictment:

a. Victim, whose identity is known to the Grand Jury, was a construction contractor operating in Ocean County, New Jersey, among other locations.

b. Defendant JOHN BALSAMO was an Essex County Sheriff's Officer.

c. Timothy Kelly, a coconspirator, who is not named as a defendant herein, was a fireman in Union Township, Union County, New Jersey and also worked as a construction contractor.

d. Robert C. Bantang, Jr., a coconspirator, who is not named as a defendant herein, was a surveyor working for a company in Union County, New Jersey.

2. From at least as early as in or about November 2009 through on or about March 25, 2011, in Ocean, Monmouth, and Union Counties, in the District of New Jersey, and elsewhere, defendant

JOHN BALSAMO

did knowingly and intentionally conspire and agree with Timothy Kelly and Robert C. Bantang Jr., who are not named as defendants herein, and others to participate in the use of extortionate means, that is, means involving the use of express and implied threats of violence to the person and property of the Victim and others, in order to collect from Victim an extension of credit, as defined in Title 18, United States Code, Section 891, and to punish Victim for the non-repayment thereof.

Object of the Conspiracy

3. The object of the conspiracy was to threaten violence and economic harm to Victim and others in order to collect an extension of credit made by Timothy Kelly to Victim, and to punish Victim for the non-repayment of that extension of credit.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that Timothy Kelly would periodically meet with Victim to collect payments on a \$50,000 extension of credit that defendant Timothy Kelly had made to Victim in or about November 2009.

5. It was further part of the conspiracy that when Victim experienced difficulty making additional payments towards the debt in or about the fall of 2010, defendant JOHN BALSAMO

threatened the Victim that the \$50,000 had been supplied by an individual associated with organized crime (hereinafter "Individual No. 1"), and that JOHN BALSAMO had been sent by Individual No. 1 to speak to Victim about payment.

6. It was further part of the conspiracy that, on or about January 25, 2011, defendant JOHN BALSAMO received a Rolex watch and \$2,500 in cash from the Victim towards payment of the debt.

7. It was further part of the conspiracy that, on or about February 26, 2011, at a construction site where Victim was working in Brick, New Jersey, defendant JOHN BALSAMO displayed to Victim a key for the construction site which JOHN BALSAMO alleged that he obtained from Individual No. 1. BALSAMO further stated that the key could be used to gain access to, and cause damage to, the job site due to the failure of Victim to repay the debt. Defendant JOHN BALSAMO also warned that Victim needed to pay approximately \$80,000 or someone would show up and give him a beating.

8. It was further part of the conspiracy that Timothy Kelly and defendant JOHN BALSAMO solicited Robert C. Bantang, Jr. to visit the Brick construction site and threaten Victim regarding the debt. Thereafter, based upon instructions that Bantang received from defendant BALSAMO and Kelly, Bantang conveyed specific threats to the Victim at the Brick construction site on three occasions. In particular, Bantang told Victim that he was sent by Individual No. 1, whom he referred to as the "Old

Man." Bantang further advised Victim that the Old Man was very upset that Victim had not paid the loan, that the balance was growing, and that the next person who visited Victim would not be as nice as Bantang.

9. It was further part of the conspiracy that, on or about Thursday, March 24, 2011, defendant JOHN BALSAMO and Timothy Kelly came to the Brick construction site, which was now a completed restaurant, and had a conversation with Victim. Kelly told Victim that "we got a f - - n problem" and that the Victim had until Saturday at 10:00 a.m. to pay the debt. Kelly further stated to Victim "you know who the f- - k I am, I f - - n told you not to f- - n do this" and that he had given Victim every opportunity to pay. Kelly further advised that if he had brought his "boys," that it would have gotten "done right in here, right in this place, right like this, in front of everybody . . . and your wife gets it, too." Later in the conversation, Kelly warned Victim that he had "made my f - - n bones when I was f - - n 16 years old, " and that it was not his style to "f - - n sweet toeing(sic) around." In addition, Kelly threatened Victim that "you deserve a beatin' just out of f- - n principle."

10. It was further part of the conspiracy that during the March 24, 2011 incident referred to in Paragraph 8 above, defendant JOHN BALSAMO warned that the Old Man wanted to "beat the s- -t" out of the restaurant owner so that the Victim would have to explain the situation. BALSAMO further told Victim that

he needed to pay the full amount of the money because Victim had missed too many payments. According to BALSAMO, the Old Man had "been promoted" and may not want to see Victim, thereby implying that the Old Man now had possessed a higher position in organized crime. Defendant BALSAMO also threatened that if the Old Man came to the restaurant there was going to be a scene.

11. It was further part of the conspiracy that during a telephone conversation on or about March 25, 2011, Kelly told Victim he had until Friday, April 1, 2011 to pay \$70,000, the revised amount demanded to satisfy the loan. Kelly stated that he did not care how Victim got the money and that it was not his problem.

All in violation of Title 18, United States Code, Section 894(a).

COUNT TWO

(Collection of a Debt Using Extortionate Means)

1. The allegations contained in Paragraphs 1, and 4 through 11 of Count One of this Indictment are re-alleged and incorporated as if set forth in full herein.

2. On or about March 24, 2011, in Ocean County, in the District of New Jersey, and elsewhere, defendant

JOHN BALSAMO

did knowingly participate in the use of extortionate means, that is, means involving the use of express and implied threats of violence to the person and property of the Victim and others, in order to collect from Victim an extension of credit, as defined in Title 18, United States Code, Section 891, and to punish Victim for the non-repayment thereof,

In violation of Title 18, United States Code, Section 894(a) and Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of either of the offenses set forth in this Indictment, the defendant

JOHN BALSAMO

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and Title 28, United States Code 2461(c), any property which constitutes or is derived from proceeds traceable to such violations.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property

pursuant to Title 21, United States Code, Section 853(p), as
incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 12-336 (KSH)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

JOHN BALSAMO

INDICTMENT FOR

18 U.S.C. § 894(a) and § 2

A True Bill



PAUL J. FISHMAN
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY

LESLIE F. SCHWARTZ
ASSISTANT U.S. ATTORNEY
(973) 645-3986
