

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.  
v. : Criminal No.: 13-  
JOHN BREHENY : Title 18, United States Code,  
Sections 1962, 1963, 981, and  
2, Title 26, United States  
Code, Section 7201, and Title  
28, United States Code,  
Section 2461

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE  
(Racketeering Conspiracy)

Background

1. At all times relevant to this Information:

The Racketeering Enterprise

a. The Genovese Crime Family was one of the five families that comprised La Cosa Nostra or the "Mafia." The members and associates of the Genovese Crime Family of La Cosa Nostra constituted an "enterprise," as that term is defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact (hereinafter the "Genovese Crime Family" or 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 Enterprise operated in the District of New Jersey and elsewhere.

b. 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." The Genovese Crime Family further operated through smaller groups, sometimes referred to as "crews," that operated in northern New Jersey and elsewhere. Each crew was headed by a "captain," "capo," or "skipper." 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.

c. 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 but not limited to the theft of goods and cargo, the receipt of stolen property in interstate commerce, illegal gambling, and the collection of unlawful debt.

### The Defendant and Other Parties and Entities

d. J.L., a co-conspirator not named as a defendant herein, was a "capo" and a made member of the Genovese Crime Family of La Cosa Nostra. Co-Conspirator J.L. was in charge of and directed the various criminal activities of a group of associates or crew of the Genovese Crime Family (hereinafter the "Crew"), which activities included the theft of goods and cargo, the receipt of stolen property in interstate commerce, illegal gambling, and the collection of unlawful debt.

e. A website (hereinafter the "Website") was used by members and associates of the Crew to profit through the operation of an illegal gambling business that operated in northern New Jersey and elsewhere. The Website was maintained in Costa Rica and, at times, referred to as the "office." The Crew conspired and agreed with individuals who operated and directed the activities of the Website to profit through the use of the Website to conduct an illegal gambling business in New Jersey and elsewhere. High-level associates of the Crew acted as "agents" of an illegal gambling business that was operated through the Website. Through the use of a username and password, the agents accessed the Website and tracked the bets or wagers placed by their bettors. This "electronic portfolio" was referred to as the agent's "package." The agent also had the ability, through the Website, to create packages for sub-agents. Sub-agents, who

also were members or associates of the Crew, operated under the agent, maintained their ownbettors, had access to the Website related to their package, and were required to share their profits with the agent and ultimately, Co-Conspirator J.L. Accordingly, an agent could have several sub-agents under him.

f. Defendant JOHN BREHENEY was an associate of the Genovese Crime Family and a member of the Crew. Defendant JOHN BREHENEY assisted Co-Conspirator J.L. in carrying out the Crew's racketeering activities, including conducting an illegal gambling business through the Website and other illegal gambling rackets and the collection of unlawful debt. Defendant JOHN BREHENEY was, at various times, an agent and sub-agent of the illegal gambling business that was operated through the Website.

g. J.G., a co-conspirator not named as a defendant herein, operated and maintained an interest in the Website.

h. D.B., a co-conspirator not named as a defendant herein, was employed by and acted as an agent for the Website and collected money from members of the Crew derived through their illegal gambling business that was conducted through the Website.

i. P.P., a co-conspirator not named as a defendant herein, was an associate of the Genovese Crime Family and a member of the Crew. Co-Conspirator P.P. reported directly

to Co-Conspirator J.L. and assisted in carrying out the Crew's racketeering activities, including illegal gambling business, the collection of unlawful debt, and cargo theft.

j. F.M., a co-conspirator not named as a defendant herein, was an individual who collected and delivered money that was the proceeds derived from the illegal gambling conducted through the Website, from members of the Crew to individuals who operated and controlled the Website.

k. E.P., a co-conspirator not named as a defendant herein, was an associate of the Genovese Crime Family and a member of the Crew who assisted in carrying out the Crew's racketeering activities, including the illegal gambling business conducted through the Website and other illegal gambling rackets. Co-Conspirator E.P. was a sub-agent of the illegal gambling business that was operated through the Website.

l. S.T., co-conspirator not named as a defendant herein, was an associate of the Genovese Crime Family.

m. M.S., a co-conspirator not named as a defendant herein, was an associate of the Genovese Crime Family.

n. R.S., a co-conspirator not named as a defendant herein, was an associate of the Genovese Crime Family

## The Purposes of the Enterprise

2. The purposes of the Enterprise included the following:
- a. Enriching the leaders, members, and associates of the Enterprise through various criminal activities, including the operation of an illegal gambling business;
  - b. Preserving and protecting the power, control, and revenue of the Enterprise through violence, threats of violence, and intimidation; and
  - c. Avoiding law enforcement detection of their illegal activities and the proceeds derived through those activities.

## The Racketeering Conspiracy

3. From in or around early 2008 and continuing through in or around May 2012, in Hudson County, in the District of New Jersey and elsewhere, defendant

JOHN BREHENY

being a person employed by and associated with the Genovese Crime Family of La Cosa Nostra, an enterprise that was engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired and agreed with Co-Conspirator J.L., Co-Conspirator J.G., Co-Conspirator D.B., Co-Conspirator P.P., Co-Conspirator F.M., Co-Conspirator E.P., and others to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and

indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity and through the collection of unlawful debt.

4. The pattern of racketeering activity, as that term is defined by Title 18, United States Code, Sections 1961(1) and 1961(5), through which defendant JOHN BREHENEY, together with others, agreed to conduct, and participate, directly and indirectly, in the conduct of the affairs of the enterprise consisted of multiple acts indictable under federal law, namely, Title 18, United States Code, Sections 659 (felonious theft from interstate shipment), 1084 (transmission of wagering information related to sports betting in interstate and foreign commerce), 1955 (prohibition of illegal gambling businesses), and 2314-2315 (relating to interstate transportation of stolen property). It was part of the conspiracy that defendant JOHN BREHENEY and his co-conspirators each agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

5. The collection of unlawful debt, as that term is defined by Title 18, United States Code, Section 1961(6), through which defendant JOHN BREHENEY, together with others, agreed to conduct, and participate, directly and indirectly, in the conduct of the affairs of the enterprise consisted of the collection of multiple debts incurred and contracted in gambling activity which was in violation of the laws of the State of New Jersey, and

which was incurred in connection with the business of gambling in violation of the laws of the State of New Jersey. It was part of the conspiracy that defendant JOHN BREHENEY and his co-conspirators each agreed that a conspirator would commit at least one collection of unlawful debt in the conduct of the affairs of the enterprise.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO  
(Tax Evasion)

1. The allegations set forth in Paragraphs 1 and 2 and 4 through 5 of Count One of this Information are hereby realleged as if fully set forth herein.

2. At times relevant to Count Two of this Information, defendant JOHN BREHENEY:

a. managed, supervised, operated, and participated in an illegal gambling operation;

b. received cash from his participation in the in an illegal gambling operation;

c. deposited, and caused to be deposited, cash consisting of the proceeds of the illegal gambling operation, into his bank account and the bank account of a family member;

d. withdrew, and caused to be withdrawn, funds from these accounts to pay personal expenses; and

e. failed to report as income on his individual tax returns the proceeds he had derived through the illegal gambling operation, thereby causing such returns to understate a substantial amount of the income.

3. On or about December 19, 2008, defendant JOHN BREHENY signed and caused to be filed with the Internal Revenue Service a Form 1040 for tax year 2007 on behalf of himself. That return declared that his taxable income for calendar year 2007 was approximately \$0, and the amount of tax due and owing was approximately \$2,688. That return did not include approximately \$101,166 in additional taxable income defendant JOHN BREHENY had received in 2007. With this income, an additional tax of approximately \$30,982 was due and owing to the United States.

The Charge

4. On or about December 19, 2008, in Ocean County, in the District of New Jersey, defendant

JOHN BREHENY

knowingly and willfully attempted to evade and defeat a substantial part of the income tax due and owing to the United States, in that he signed and caused to be filed a false and fraudulent Form 1040 knowing it to be false and fraudulent, as described in Paragraph 3 of this Count.

In violation of Title 26, United States Code, Section 7201 and Title 18, United States Code, Section 2.

**FORFEITURE ALLEGATION**

1. The allegations set forth in Count One this Information are hereby realleged as if fully set forth herein for the purpose of alleging forfeiture to the United States of America of property in which defendant JOHN BREHENEY has an interest.

2. Upon conviction of the offense alleged in Count One of this Information and under Title 18, United States Code, Sections 1963, 981(a)(1)(C), and Title 28, United States Code, Section 2461, defendant JOHN BREHENEY shall forfeit to the United States any and all right, title, and interest in any and all property constituting or derived from any proceeds said defendant obtained, directly or indirectly, as a result of the offense alleged in Count One of the Information, and any and all property traceable to such property, namely, a forfeiture money judgment in the amount of \$400,000 in United States currency, in that this sum represents the amount of proceeds obtained by defendant JOHN BREHENEY as a result of the offense alleged in Count One of the Information.

3. Substitute Asset

If any of the above-described forfeitable property, as a result of any act or omission of defendant JOHN BREHENEY:

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;

then the United States shall be entitled to forfeiture of substitute property under Title 18, United States Code, Section 1963(m) and Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(b).

All pursuant to Title 18, United States Code, Sections 1963 and 981(a)(1)(C), Title 28, United States Code, Section 2461, and the procedures set forth in Fed. R. Crim. P. 32.2.

  
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PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: \_\_\_\_\_

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

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**v.**

**JOHN BREHENY**

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**INFORMATION FOR**

**Title 18, United States Code, Sections 1962, 1963, 981,  
and 2, Title 26, United States Code, Section 7201,  
and Title 28, United States Code, Section 2461**

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**PAUL J. FISHMAN**

*U.S. ATTORNEY NEWARK, NEW JERSEY*

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