
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Mark Falk
 :
 v. : Mag. No. 11-3769
 :
 NICOLE FACCENDA : **CRIMINAL COMPLAINT**

I, Michael Alongi, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about October 19, 2011 to on or about October 26, 2011, in Bergen County, in the District of New Jersey, and elsewhere, defendant NICOLE FACCENDA,

did knowingly use and cause another to use the mail and facilities of interstate commerce, with the intent that a murder be committed in violation of the laws of any State or the United States, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value,

in violation of Title 18, United States Code, Section 1958(a) and Section 2.

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.



Michael Alongi
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

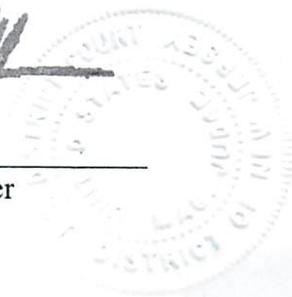
Sworn to before me and subscribed in my presence,

October 27th, 2011, at Newark, New Jersey

HONORABLE MARK FALK
U.S. MAGISTRATE JUDGE



Signature of Judicial Officer



ATTACHMENT A

I, Michael Alongi, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. Prior to the period relevant to this complaint, defendant NICOLE FACCENDA (hereinafter "FACCENDA") was in a long-term relationship with her boyfriend, with whom she has a child. Approximately three months ago, the boyfriend ended the relationship and FACCENDA found out that the boyfriend had begun a relationship with another woman, with whom the boyfriend also had at least one child.

2. On or about October 19, 2011, FACCENDA contacted an individual by telephone who was located in the State of Florida. During this telephone conversation and others between FACCENDA and the individual which followed, FACCENDA advised the individual that she wanted her boyfriend's new girlfriend to be killed and asked for the individual's assistance in finding someone to carry out the murder in return for a monetary payment of between \$10,000 and \$20,000. FACCENDA told the individual that she had a black outfit ready for the girlfriend's funeral. The individual told FACCENDA he would ask around about getting someone to carry out the murder and that he would get back to her.

3. The individual, believing that FACCENDA was serious about the murder plot, contacted federal authorities in Florida without FACCENDA'S knowledge and immediately began cooperating with agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

4. On October 21, 2011, the individual, now in New Jersey and operating under the direction of ATF agents from New Jersey, placed a recorded call to FACCENDA in which the individual advised that he had found a person to commit the murder. FACCENDA agreed to meet with the individual and the person he had found to do the murder. FACCENDA also stated that she was good for the money and would talk about payment at the meeting.

5. In a recorded telephone call, the meeting was set for the next day, October 21, 2011, at FACCENDA'S place of employment in Mahwah, New Jersey.

6. During phone calls the next day which were recorded, FACCENDA changed the meeting place to an A&P supermarket in Mahwah, told the individual that she would meet with the person the individual recruited, but would walk away if she felt uncomfortable because she did not want to get arrested as part of a "big sting."

7. At approximately 3:10 pm on October 21, 2011, in the A&P parking lot, FACCENDA met with the individual and an undercover ATF agent posing as the hitman the individual had recruited (hereinafter "the undercover-hitman").

8. During that meeting, which was recorded and surveilled by ATF agents, some of the statements made include the following:

- (A) FACCENDA stated that she has watched a lot of Lifetime movies and wanted to make sure that the undercover-hitman was not a cop.
- (B) FACCENDA assured the individual and the undercover-hitman that she could give them an envelope (meaning money) to make the job happen.
- (C) FACCENDA asked if the undercover-hitman had a price list. She was told that the job required that half of the payment be up front.
- (D) When told that she has to be sure that this is what she wants, because once it is done there is no turning back, FACCENDA stated, "That's not even an issue" and that she has thought about this for a long time and has played every scenario through her head how she wants the job done, such as forcing the victim girlfriend's car off the road, someone just coming up to her and taking her out, or going into the victim-girlfriend's house with a silencer and taking them all out.
- (E) FACCENDA said she could do the job herself but she doesn't want to get her hands on anything.

- (F) FACCENDA supplied the victim-girlfriends's occupation, town of residence, and the time the victim-girlfriend left for work. FACCENDA advised that often the victim-girlfriend was alone in the house in the morning after her boyfriend goes to work.
- (G) FACCENDA said that she was concerned about timing as she had a court date with the boyfriend the next week and "it may look fishy" if something happened before then.
- (H) A price of \$5,000 up front and \$5,000 after the victim-girlfriend was killed was quoted to FACCENDA, who responded, "That's it? 10?"
- (I) FACCENDA stated she is surrounded by people all the time so she will have an alibi.

9. On October 22, 2011, FACCENDA arranged a meeting with the individual at a Red Robin restaurant in Clifton for the next day. At approximately 7:30 on October 23, 2011, in a recorded meeting inside FACCENDA'S vehicle parked in the Red Robin parking lot which was surveilled by ATF agents, some of the statements made include the following:

(A) FACCENDA again inquired why the price was so cheap as she thought it would cost her \$20,000.

(B) FACCENDA stated that she wants the victim-girlfriend gone and her boyfriend to be miserable.

(C) FACCENDA stated that she wanted to "piss on (the victim-girlfriend's) grave and go to her funeral and spit on the casket" and that she will be happy when the victim-girlfriend is buried and six feet under.

(D) FACCENDA stated that she wanted to give the envelope with the money directly to the individual, not the undercover-hitman because she doesn't want the envelope to be linked to her.

(E) FACCENDA stated that she wants to chop up the victim-girlfriend's body into pieces and spread them around in the river.

(F) FACCENDA stated that she did not want her ex-boyfriend dead but he can be shot in the foot, but the victim-

girlfriend has to be shot in the head, "gone, gone to the moon" and that her happiest day will be when she gets the phone call that she's dead.

(G) FACCENDA stated that she does not want the victim-girlfriend's kids killed, but if something happens to one of them, "Oh well, I'm sorry."

10. On October 24, 2011, in a recorded phone call, FACCENDA stated that she wanted to give over the money at the funeral and was willing to pay double, or \$20,000, if the undercover-hitman would agree not to take money up front. She said that she wanted it done carefully so it could not be linked to any of the three of them. She stated if this arrangement was not good for the undercover-hitman, then the individual should find someone else or she would find someone else. She mentioned a person she knew in North Carolina who might do the job.

11. In another recorded conversation that day, FACCENDA agreed to turn over \$2,500 in cash up front at a meeting later that day with the individual, in which FACCENDA would also bring a photo of the victim-girlfriend and her exact address. The agreed location for the meeting was the Olive Garden Restaurant in Secaucus.

12. At approximately, 8:30 pm, FACCENDA called the individual and said she was at an Exxon station next to the Olive Garden restaurant. Under ATF surveillance, the individual walked to the Exxon station where FACCENDA'S white Infiniti vehicle registered in her name and address was parked. ATF agents observed FACCENDA roll down the window and hand a small manila envelope to the individual and then abruptly drive off. The envelope contained \$2,000 in cash.

13. In a recorded phone call a few hours later, the individual told FACCENDA that there would be no more meetings but inquired why there was only \$2,000 in the envelope versus the \$2,500 agreed upon. She responded by asking whether that was enough of a good-faith gesture. She stated that she was serious but could not get the picture and address of the victim-girlfriend until the next day. She confirmed the rest of the money would be available when the job was done. She stated that when she saw proof that the victim-girlfriend was dead in the form of a photo showing her dead body, she would give over the rest of the money.

14. Later that evening and into the early hours of the next day, October 25, 2011, several text and phone messages were

exchanged wherein FACCENDA gave over the victim-witness's name, license plate number, and photo. The individual again reminded her that once the hitman leaves to go do the murder there will be no more communication until the victim-girlfriend was dead. She acknowledged this by saying, "Okay, got you."

15. On October 26, 2011, in a recorded conversation, the individual called FACCENDA and told her that the hitman had shot the victim-girlfriend in the head and made it look like a robbery. FACCENDA stated she was busy at work and couldn't talk.

16. ATF agents apprehended FACCENDA at her place of employment a short time later.