

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: MAR 28 2018

UNITED STATES OF AMERICA

- v. -

DANIEL FAMA,  
a/k/a "Danny,"

Defendant.

: **SEALED**  
: **INDICTMENT**

: 13 Cr. \_ ( )

1: 3 CRIM 234

:  
: x

**JUDGE CARTER**

COUNT ONE

**JUDGE CARTER**

The Grand Jury charges:

BACKGROUND

1. At all times relevant to this Indictment, the Gambino Organized Crime Family of La Cosa Nostra (the "Gambino Organized Crime Family") was a criminal organization whose members and associates engaged in numerous acts of violence, including murder.

2. The head of the Gambino Organized Crime Family was known as the "Boss," who was normally assisted by an "Underboss." At all times relevant to this indictment, John Gotti, Sr., was the Boss of the Gambino Organized Crime Family. At all times relevant to this indictment, Salvatore Gravano, a/k/a "Sammy the Bull," was the Underboss of the Gambino Organized Crime Family.

3. The Gambino Organized Crime Family operated through groups of individuals known as "crews" and "regimes." Each "crew" had as its leader a person known as a "Caporegime," "Capo," or "Captain." Each crew consisted of "made" members,

sometimes known as "Soldiers," "wiseguys," "friends of ours," and "good fellows." Soldiers were aided in their criminal endeavors by other trusted individuals, known as "Associates," who sometimes were referred to as "connected" or identified as "with" a Soldier.

4. Associates participated in the various activities of the crew and its members. At all times relevant to this indictment, DANIEL FAMA, a/k/a "Danny," the defendant was an Associate of the Gambino Organized Crime Family.

5. In or around 1990, Salvatore Gravano, a/k/a "Sammy the Bull," ordered Associate DANIEL FAMA, a/k/a "Danny," the defendant and others, to murder an individual (the "Victim") for, among other things, purportedly cooperating with a law enforcement investigation into the Gambino Organized Crime Family. On or about August 8, 1990, FAMA and others shot the Victim to death in front of the Victim's Brooklyn, New York, home.

#### STATUTORY ALLEGATION

6. On or about August 3, 1990, in the Southern District of New York and elsewhere, DANIEL FAMA, a/k/a "Danny," the defendant, willfully and knowingly killed and aided and abetted the killing of another person, with intent to prevent the attendance and testimony of such person in an official proceeding and to prevent the communication by such person to a law

enforcement officer of information relating to the commission and possible commission of a Federal offense, to wit, FAMA and others committed murder in the first degree and aided and abetted the murder in the first degree of the Victim, as "murder in the first degree" is defined in Title 18, United States Code, Section 1111, with the intent to prevent the Victim from testifying at an official proceeding or communicating to a law enforcement officer information relating to the commission and possible commission of Federal offenses, including the criminal activities of the Gambino Organized Crime Family.

(Title 18, United States Code, Sections 1512(a)(1), 2 and 1111(a) & (b).)

FORFEITURE ALLEGATION AS TO COUNT ONE

7. As a result of committing the offense alleged in Count One of the Indictment, DANIEL FAMA, a/k/a "Danny," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense.

Substitute Asset Provision

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

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

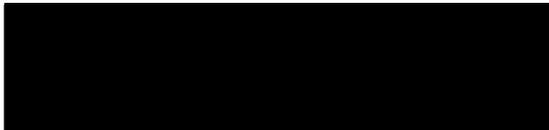
b. has been transferred or sold to, or deposited with, a third person;

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 subdivided without difficulty, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,  
Title 21, United States Code, Section 853(p),  
Title 28, United States Code, Section 2461.)



FOREPERSON

*Preet Bharara*  
PREET BHARARA *km*  
United States Attorney

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(18 U.S.C. §§ 1512(a)(1), 2, and 1111 (a) and (b).)

PREET BHARARA

United States Attorney.

A TRUE BILL

Foreperson.