

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : SEaled
 : INDICTMENT

-v- :

CARMINE FRANCO, : 13 Cr.

a/k/a "Papa Smurf," :

a/k/a "Uncle Sonny;" :

ANTHONY PUCCIARELLO, : **13 CRIM015**

a/k/a "Muzzy;" :

HOWARD ROSS; :

ANTHONY CARDINALLE, :

a/k/a "Tony Lodi;" :

PETER LECONTE; :

FRANK OLIVER; :

CHARLES GIUSTRA; :

DOMINICK PIETRANICO, :

a/k/a "Pepe;" :

JOSEPH SARCINELLA; :

WILLIAM CALI, :

a/k/a "Joe Cali;" :

SCOTT FAPPIANO; :

ANTHONY BAZZINI; :

PASQUALE CARBONE SR.; :

GAIL DEFURIA, :

a/k/a "Gail Iorio;" :

DOMINICK RAO; :

STEPHEN MOSCATELLO; :

ROBERT FRANCO; :

WILLIAM RIVERA, :

a/k/a "Big Bill;" :

MARIO VELEZ; :

PASQUALE P. CARTALEMI JR.; :

PASQUALE L. CARTALEMI; :

ANDREW MCGUIRE; :

JOSEPH BERTOLINO; :

BRIAN PETROLL; :

ROBERT ZARZUELA; :

JONATHAN GREENE; :

THOMAS GIORDANO; :

MICHAEL RUSSO; and :

LOUIS DONTIS; :

Defendants. :

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COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALLE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCIANELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, and others known and unknown, were members of an organized criminal enterprise involved in criminal activities relating to the operation of waste disposal businesses throughout the New York City metropolitan area and in New Jersey (the "Waste Disposal Enterprise"). The Waste Disposal Enterprise was a criminal organization whose members engaged in crimes including extortion, loansharking, mail fraud, and stolen property offenses, among other crimes.

2. The Waste Disposal Enterprise, including its leadership, members and associates, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1961(4) -- that is, a group of individuals associated in fact. This enterprise was engaged in, and its activities affected, interstate commerce. The Waste Disposal Enterprise was an organized criminal group that operated in the Southern District of New York, the Eastern District of New York, the District of New Jersey, and elsewhere, and constituted an ongoing organization

whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

3. The Waste Disposal Enterprise controlled several waste disposal businesses, including businesses based in Westchester, Rockland, and Nassau Counties in the state of New York, and Bergen and Passaic Counties in the state of New Jersey. Enterprise members avoided any official connection to those waste disposal businesses because they were either officially banned from the waste hauling industry, or unlikely to be granted the necessary licenses required to do business in the waste hauling industry because of their affiliations with organized crime. Accordingly, Enterprise members aligned themselves with waste disposal businesses that were officially owned and operated by non-Enterprise members ("Controlled Owners"), but that were in reality controlled and operated by Enterprise members. They did so by, among other things, dictating which trash pick-up stops that a particular hauling company could use, and by demanding extortion payments for protection of the company by individuals associated with organized crime. In addition, the Waste Disposal Enterprise used such businesses to commit other crimes, including stealing property of competing waste disposal businesses and defrauding customers of the businesses.

4. The Waste Disposal Enterprise was in part comprised of members and associates of the Genovese Organized Crime Family, the Gambino Organized Crime Family, and the Luchese Organized Crime Family (collectively, the "Organized Crime Families") of a

nationwide criminal organization known as La Cosa Nostra ("LCN") or the "Mafia," which operated through entities known as "Families." The Mafia Families operated through groups of individuals known as "crews" and "regimes." Each "crew" had as its leader a person known as a "Caporegime," "Capo," "Captain," or "Skipper," and 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," "around," or "under" a Soldier or other member of the Family. Associates participated in the various activities of the crew and its members. In order for an associate to become a made member of the Family, the associate typically needed to demonstrate the ability to generate income for the Family, and/or that the associate was capable of committing acts of violence.

The Defendants

5. CARMINE FRANCO, the defendant, is a Genovese family associate. For over thirty years, FRANCO has owned and/or controlled several waste disposal businesses. Due to two prior convictions related to the trash industry that FRANCO sustained in the early 1980's and late 1990's, FRANCO has been banned from the waste hauling business in New Jersey. In addition, due to FRANCO's prior convictions as well as his known associations with organized crime, FRANCO could not be licensed to operate a waste hauling business in many New York jurisdictions, including New York City

and Westchester County. Nevertheless, at all times relevant to this Indictment, FRANCO has continued to control and operate waste hauling businesses. FRANCO extorted proceeds of those businesses from the Controlled Owners, directed and participated in the theft and interstate transportation of property associated with those businesses, and met with other members of the Waste Disposal Enterprise to discuss the control and operation of waste hauling businesses.

6. ANTHONY PUCCIARELLO, a/k/a Muzzy," HOWARD ROSS, ANTHONY CARDINALLE, a/k/a "Tony Lodi," PETER LECONTE, and FRANK OLIVER, the defendants, are affiliated with a crew of the Genovese family based in Lodi, New Jersey ("Lodi Crew"). ROSS, CARDINALLE, and OLIVER are Genovese associates in the Lodi Crew, while PUCCIARELLO and LECONTE are made members, or soldiers, in the Crew. PUCCIARELLO, ROSS, CARDINALLE, LECONTE, and OLIVER, the defendants, were members of the Waste Disposal Enterprise. In this capacity, these defendants participated in and profited from, among other things, orchestrating the move of a Controlled Owner, who was also a cooperating witness (the "CW"), away from the control of FRANCO and toward the Lodi Crew's control. In so doing, the Lodi Crew demanded monthly protection payments as well as a 90% share of the CW's business.

7. CHARLES GIUSTRA, the defendant, is a member of the Waste Disposal Enterprise and a Luchese Organized Crime Family associate. Among other things, GIUSTRA served as a broker who introduced the CW to various other members of the Waste Disposal

Enterprise so that these members could offer protection or "backing" to the CW and his waste hauling business.

8. DOMINICK PIETRANICO, a/k/a "Pepe," and JOSEPH SARCINELLA, the defendants, are soldiers in the Genovese Organized Crime family and members of the Waste Disposal Enterprise. PIETRANICO and SARCINELLA provided protection and "backing" to the CW and his company, and offered and collected loans made to the CW at an extortionate rate of interest. PIETRANICO and SARCINELLA used their positions in the Waste Disposal Enterprise to intervene in and attempt to resolve disputes between the CW and other Waste Disposal Enterprise members that offered backing to these Controlled Owners. PIETRANICO and SARCINELLA also operated a waste disposal company whose prior manager had been imprisoned.

9. WILLIAM CALI, a/k/a "Joe Cali," the defendant, is a Genovese Organized Crime Family associate and a member of the Waste Disposal Enterprise. Among other things, CALI provided protection and "backing" to a Controlled Owner in exchange for regular, extortionate payments.

10. SCOTT FAPPIANO and ANTHONY BAZZINI, the defendants, are members of the Waste Disposal Enterprise. FAPPIANO is an associate of the Gambino Organized Crime Family and BAZZINI is a soldier in the Gambino Organized Crime Family. Among other things, FAPPIANO and BAZZINI provided protection and "backing" to the CW in exchange for regular, extortionate payments. FAPPIANO and BAZZINI also operated as the silent partners of a waste disposal company based in Nassau County, New York that was attempting to gain new

customers in New Jersey. FAPPIANO and BAZZINI asked the CW to recruit customers for this Nassau County waste disposal business, and stole the CW's waste hauling truck when customers recruited by the CW did not pay their fees to FAPPIANO's and BAZZINI's business in a timely fashion. FAPPIANO and BAZZINI agreed to release the CW's truck in exchange for extortionate payments to FAPPIANO and BAZZINI.

Means and Methods of the Enterprise

11. Among the means and methods by which CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCINELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, their co-conspirators, and other members and associates conducted and participated in the conduct of the affairs of the Waste Disposal Enterprise were the following:

a. Members and associates of the Waste Disposal Enterprise and their co-conspirators worked together to disguise their presence in the waste hauling industry because the Enterprise members were either officially banned from the waste hauling industry, or were unable to be licensed due to their organized crime affiliations. In reality, members and associates of the Waste Disposal Enterprise controlled the activities of the businesses of the Controlled Owners and diverted most of the profits of these companies to themselves.

b. Members and associates of the Waste Disposal Enterprise and their co-conspirators utilized the so-called "property rights" system to enforce the boundaries of the Enterprise. Under the property rights system, Enterprise members would assert, without legal justification, that they had a permanent "property right" to every location or "stop" where the company they controlled picked up garbage or waste. Once an Enterprise member had established a "property right" to a location, other Enterprise members belonging to a competing LCN faction would not be permitted to compete freely for that stop by, for instance, offering lower prices or better service. If another Enterprise member or a waste company that did not have LCN-backing attempted to take a stop that belonged to another Enterprise member, that member or company would face threats of, and actual, force or fear of economic reprisal.

c. Members and associates of the Waste Disposal Enterprise and their co-conspirators used so-called "sit-downs" as a means of dispute resolution among Enterprise members. These sit-downs were often scheduled when competing LCN factions wanted to assert their control over a particular waste disposal company. In the sit-down, Enterprise members would determine which LCN faction would be permitted to have an ownership interest in the waste disposal company. In addition, members would set the financial terms upon which the previous "owner" of the company could be bought out.

d. Members and associates of the Waste Disposal

Enterprise and their co-conspirators relied on extortion to obtain money from the Controlled Owners. On occasion, Enterprise members would gain control over the company's bank account and use that account to divert money to Enterprise members. For example, when FRANCO controlled the CW's company, FRANCO directed FRANCO's bookkeeper to establish automatic monthly payments from the CW's bank account to a company controlled by FRANCO.

e. Members and associates of the Waste Disposal Enterprise and their co-conspirators used extortionate means to preserve their authority and keep Controlled Owners in fear of the Enterprise. In particular, Enterprise members often collected monthly "protection" money from Controlled Owners. For example, the Lodi Crew (defendants PUCCIARELLO, ROSS, CARDINALLE, LECONTE, and OLIVER) insisted that the CW make payments of \$500 per week so that the CW "could not be touched" by other LCN factions.

f. Members and associates of the Waste Disposal Enterprise and their co-conspirators also required a Controlled Owner to act as a guarantor for debts owed by others to the Waste Disposal Enterprise, and then took retributive actions against the guarantor when the debtors failed to pay in the manner desired. Specifically, SCOTT FAPPIANO and ANTHONY BAZZINI, the defendants, asked the CW to recruit customers for a waste hauling business based in Nassau County, New York, which they operated "behind the scenes." After customers recruited for this business by the CW failed to pay their hauling fees at the speed FAPPIANO and BAZZINI desired, FAPPIANO and BAZZINI stole a truck used by the CW in his

waste hauling business. FAPPIANO and BAZZINI only agreed to release the CW's truck after the CW made payments to FAPPIANO and BAZZINI.

g. Members and associates of the Waste Disposal Enterprise and their co-conspirators extended loans at extortionate rates of interest to Controlled Owners, and then collected interest and principal payments on these loans. For example, in or about November 2010, DOMINICK PIETRANICO, a/k/a "Pepe," and JOSEPH SARCINELLA, the defendants, extended a \$12,500 loan to the CW, on which they collected an extortionate rate of interest of \$375 each week.

h. Members and associates of the Waste Disposal Enterprise and their co-conspirators stole garbage containers from rival waste hauling companies, changed the appearance of these containers to look like they were their own containers and then transported these stolen containers across state lines. For example, in or about January 2010, STEPHEN MOSCATELLO, the defendant, acting at the direction of CARMINE FRANCO, the defendant, stole containers from various waste hauling companies in New York. These containers were used by a waste hauling company controlled by FRANCO after their loading direction was re-oriented and their outside painted so that the colors of the containers matched those of FRANCO's company. The containers were then used at customer locations in New Jersey.

i. Members and associates of the Waste Disposal

Enterprise and their co-conspirators stole cardboard from locations serviced by rival waste hauling companies and then transported this cardboard across state lines where it was sold at a profit. For example, from in or about the summer of 2009 up to and including in or about the spring of 2010, CARMINE FRANCO and STEPHEN MOSCATELLO, the defendants, stole cardboard from various locations in New York that were serviced by rival waste hauling companies and transported this cardboard to an export broker in New Jersey who paid FRANCO and MOSCATELLO for the cardboard.

j. Members and associates of the Waste Disposal Enterprise and their co-conspirators committed mail fraud and wire fraud by overbilling their transfer station customers using inflated tonnage numbers and then mailing or faxing the fraudulent invoices. For example, from at least December 2009 up to and including at least May 2011, CARMINE FRANCO, the defendant, directed that tickets generated at the scale of a transfer station he controlled, which should have reflected the actual weight of the garbage any particular truck dumped at the transfer station, be doctored so as to inflate the tonnage dumped by a particular truck and to correspondingly inflate the dumping fee associated with that tonnage.

Purposes of the Enterprise

12. The purposes of the enterprise included the following:

a. Enriching the leaders, members, and associates of the enterprise through criminal activities;

b. Preserving and augmenting the power, territory, and financial profits of the enterprise through intimidation, violence, and threats of physical and economic harm; and

c. Keeping victims and citizens in fear of the enterprise and its members by: (i) identifying the enterprise and its members with La Cosa Nostra or the "Mafia;" (ii) causing and threatening to cause economic harm; and (iii) committing and threatening to commit physical violence.

The Racketeering Conspiracy

13. From at least in or about March 2009 up to and including in or about April 2012, in the Southern District of New York, the Eastern District of New York, the District of New Jersey, and elsewhere, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALLE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCINELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 4 above, namely, the Waste Disposal Enterprise, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 1962(c), to wit, to conduct and participate, directly and indirectly, in the conduct of the affairs of that

enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), and as set forth below in paragraph 15.

14. CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCINELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, each agreed that he or a co-conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

The Pattern of Racketeering

15. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), through which CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCINELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, and their co-conspirators agreed to conduct the affairs of the enterprise consisted of the following multiple acts:

(a) Acts indictable under Title 18, United States Code, Section 1951 (relating to extortion); and acts involving extortion, in violation of New York State Penal Law, Section 155;

(b) Acts indictable under Title 18, United States Code, Sections 892 and 894 (relating to extortionate credit transactions);

(c) Acts indictable under Title 18, United States Code, Sections 1341 and 1343 (relating to mail fraud and wire fraud); and

(d) Acts indictable under Title 18, United States Code, Sections 2314 and 2315 (relating to interstate transportation of stolen property).

(Title 18, United States Code, Section 1962(d).)

COUNT TWO
(Extortion)

The Grand Jury further charges:

16. From in or about June 2009, up to and including in or about May 2011, in the Southern District of New York and elsewhere, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," the defendant, and others known and unknown, willfully and knowingly committed extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the CW, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, ~~delay, and affect commerce and the movement of articles and~~ commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, FRANCO obtained money from the CW by the wrongful use of actual and threatened force, violence, and fear.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE
(Mail and Wire Fraud Conspiracy)

The Grand Jury further charges:

17. From in or about June 2009, up to and including in or about May 2011, in the Southern District of New York and elsewhere, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," PASQUALE CARBONE SR., DOMINICK RAO, and GAIL DEFURIA, a/k/a, "Gail Iorio," the defendants, and others known and unknown, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other, to violate Title 18, United States Code, Sections 1341 and 1343.

18. It was a part and an object of the conspiracy that CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," PASQUALE CARBONE SR., DOMINICK RAO, and GAIL DEFURIA, a/k/a "Gail Iorio," the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, such matter and thing, and would and did knowingly cause to be delivered by mail and

such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, such matter and thing, in violation of Title 18, United States Code, Section 1341.

19. It was further a part and an object of the conspiracy that CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," PASQUALE CARBONE SR., DOMINICK RAO, and GAIL DEFURIA, a/k/a "Gail Iorio," the defendants, and others known and unknown, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

COUNT FOUR

(Conspiracy to Transport Stolen Property Interstate: Garbage Containers)

The Grand Jury further charges:

20. From in or about June 2009, up to and including in or about May 2011, in the Southern District of New York and elsewhere, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," STEPHEN MOSCATELLO, and ROBERT FRANCO, the defendants, and others known and unknown, willfully and knowingly did

combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Section 2314 of Title 18 of the United States Code.

21. It was a part and an object of the conspiracy that, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," STEPHEN MOSCATELLO, and ROBERT FRANCO, the defendants, willfully and knowingly would and did transport, transmit, and transfer in interstate and foreign commerce, goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted, or taken by fraud, to wit, CARMINE FRANCO, MOSCATELLO, and ROBERT FRANCO, agreed together and with others to steal garbage containers owned by competitor waste disposal companies, and later transport the stolen containers in interstate commerce, in violation of Title 18, United States Code, Section 2314.

Overt Acts

22. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about January 8, 2010, STEPHEN MOSCATELLO and ROBERT FRANCO, the defendants, traveled to the Bronx to steal garbage containers owned by competitor waste disposal companies and later transport those containers.

b. On or about January 10, 2010, STEPHEN MOSCATELLO, and ROBERT FRANCO, the defendants, traveled to the

Bronx to steal garbage containers owned by competitor waste disposal companies and later transport those containers.

c. On or about February 9, 2010, CARMINE FRANCO, the defendant, and the CW discussed stealing garbage containers owned by a competitor waste disposal company.

(Title 18, United States Code, Section 371.)

COUNT FIVE

(Conspiracy to Transport Stolen Property Interstate: Cardboard)

The Grand Jury further charges:

23. From in or about June 2009 up to and including in or about May 2011, in the Southern District of New York and elsewhere, CARMINE FRANCO and ROBERT FRANCO, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Section 2314 of Title 18 of the United States Code.

24. It was a part and an object of the conspiracy that, CARMINE FRANCO and ROBERT FRANCO, the defendants, and others known and unknown, willfully and knowingly would and did transport, transmit, and transfer in interstate and foreign commerce, goods, wares, merchandise, securities and money, of the value of \$5,000 and more, to wit, cardboard stolen from customers of competitor waste disposal companies, knowing the same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

Overt Acts

25. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 8, 2010, ROBERT FRANCO, the defendant, transported approximately 5 tons of stolen cardboard to a transfer station located in West Nyack, New York.

b. On or about March 16, 2010, CARMINE FRANCO, the defendant, and the CW discussed, at a transfer station located in West Nyack, New York, CARMINE FRANCO's knowledge of ROBERT FRANCO's stealing and transporting approximately 7 tons of cardboard.

(Title 18, United States Code, Section 371.)

COUNT SIX
(Extortion Conspiracy)

The Grand Jury further charges:

26. From in or about July 2010 up to and including in or about May 2011, in the Southern District of New York and elsewhere, ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALE, a/k/a "Tony Lodi," PETER LECONTE, and FRANK OLIVER, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the CW, which consent would have been and was

induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT SEVEN
(Extortion Conspiracy)

The Grand Jury further charges:

27. From in or about February 2011 up to and including in or about July 2011, in the Southern District of New York and elsewhere, WILLIAM CALI, a/k/a "Joe Cali," and WILLIAM RIVERA, a/k/a "Big Bill," the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the CW, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT EIGHT
(Extortion Conspiracy)

The Grand Jury further charges:

28. From in or about September 2011 up to and including in or about March 2012, in the Southern District of New York and elsewhere, SCOTT FAPPIANO and ANTHONY BAZZINI, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, the CW, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT NINE
(Conspiracy to Make Extortionate Extensions of Credit)

The Grand Jury further charges:

29. From in or about September 2010, up to and including in or about November 2010, in the Southern District of New York, and elsewhere, DOMINICK PIETRANICO, a/k/a "Pepe" and JOSEPH SARCINELLA, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to make extortionate

extensions of credit, as that term is defined in Title 18, United States Code, Section 891, to wit, PIETRANICO and SARCINELLA agreed together and with others to make a \$12,500 loan to the CW with a rate of interest of 3 percentage points per week.

(Title 18, United States Code, Section 892.)

COUNT TEN

(Making Extortionate Extensions of Credit)

The Grand Jury further charges:

30. On or about November 19, 2010, DOMINICK PIETRANICO, a/k/a "Pepe" and JOSEPH SARCINELLA, the defendants, and others known and unknown, willfully and knowingly did make extortionate extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and aided and abetted the same, to wit, PIETRANICO and SARCINELLA made a \$12,500 loan to the CW with a rate of interest of 3 percentage points per week.

(Title 18, United States Code, Sections 892 and 2.)

COUNT ELEVEN

(Conspiracy to Collect Extensions of Credit by Extortionate Means)

The Grand Jury further charges:

31. From in or about November 2010 up to and including in or about April 2011, in the Southern District of New York and elsewhere, DOMINICK PIETRANICO, a/k/a "Pepe" and JOSEPH SARCINELLA, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to use extortionate means to collect and attempt to collect extensions of credit from debtors,

and to punish such persons for the nonrepayment of said extensions of credit, as those terms are defined in Title 18, United States Code, Section 891, to wit, PIETRANICO and SARCINELLA agreed together and with others to collect interest and principal on a \$12,500 loan made to the CW by express and implicit threats of the use of violence.

(Title 18, United States Code, Section 894.)

COUNT TWELVE

(Collection of Extensions of Credit by Extortionate Means)

The Grand Jury further charges:

~~32. From in or about November 2010 up to and including~~
in or about April 2011, in the Southern District of New York and elsewhere, DOMINICK PIETRANICO, a/k/a "Pepe" and JOSEPH SARCINELLA, the defendants, and others known and unknown, willfully and knowingly did use extortionate means to collect and attempt to collect extensions of credit from debtors, and to punish such persons for the nonrepayment of said extensions of credit, as those terms are defined in Title 18, United States Code, Section 891, and aided and abetted the same, to wit, PIETRANICO and SARCINELLA collected interest and principal on a \$12,500 loan made to the CW by express and implicit threats of the use of violence.

~~(Title 18, United States Code, Sections 894 and 2.)~~

COUNT THIRTEEN

(Extortion Conspiracy)

The Grand Jury further charges:

33. From in or about October 2011 up to and including

in or about December 2011, in the Southern District of New York and elsewhere, MARIO VELEZ, PASQUALE P. CARTALEMI JR., PASQUALE L. CARTALEMI, and ANDREW MCGUIRE, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, Victim-1, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT FOURTEEN
(Extortion)

The Grand Jury further charges:

34. From in or about October 2011 up to and including in or about December 2011, in the Southern District of New York and elsewhere, MARIO VELEZ, PASQUALE P. CARTALEMI JR., and PASQUALE L. CARTALEMI, the defendants, and others known and unknown, willfully and knowingly committed extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, Victim-1, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect

commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, VELEZ, CARTALEMI JR. and CARTALEMI took over the waste hauling business run by Victim-1 by the wrongful use of actual and threatened force, violence, and fear.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIFTEEN

(Conspiracy to Transport Stolen Property Interstate: Garbage Containers)

The Grand Jury further charges:

35. From at least in or about June 2010, up to and including in or about September 2010, in the Southern District of New York and elsewhere, JOSEPH BERTOLINO, BRIAN PETROLL, JOHN GREENE, and ROBERT ZARZUELA, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Section 2314 of Title 18, United States Code.

36. It was a part and an object of the conspiracy that JOSEPH BERTOLINO, BRIAN PETROLL, JOHN GREENE, and ROBERT ZARZUELA, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did transport, transmit, and transfer in interstate and foreign commerce, goods, wares, merchandise, and money of the value of \$5,000 and more, to wit, garbage containers and compactors owned by competitor waste disposal companies, knowing them to have been stolen, unlawfully

converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

Overt Acts

37. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 5, 2010, JOHN GREENE, the defendant, received a \$1,000 payment from the CW for stealing a container.

b. On or about August 12, 2010, BRIAN PETROLL, the defendant, drove a truck carrying a stolen trash compactor from New Jersey to the Bronx, New York.

c. On or about September 29, 2010, JOSEPH BERTOLINO, the defendant, communicated to the CW that ROBERT ZARZUELA, the defendant, was looking to be paid \$1,500 per stolen compactor.

(Title 18, United States Code, Section 371.)

COUNT SIXTEEN

(Conspiracy to Transport and Possess Stolen Property Interstate:
Cardboard)

The Grand Jury further charges:

38. From at least in or about March 2012, up to and including in or about June 2012, in the Southern District of New York and elsewhere, THOMAS GIORDANO, MICHAEL RUSSO, and LOUIS DONTIS, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and

agree together and with each other to commit offenses against the United States, to wit, to violate Sections 2314 and 2315 of Title 18, United States Code.

39. It was a part and an object of the conspiracy that THOMAS GIORDANO, MICHAEL RUSSO, and LOUIS DONTIS, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did transport, transmit, and transfer in interstate and foreign commerce, goods, wares, merchandise, and money of the value of \$5,000 and more, to wit, tons of cardboard, knowing it to have been stolen, unlawfully converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

40. It was further a part and an object of the conspiracy that THOMAS GIORDANO, MICHAEL RUSSO, and LOUIS DONTIS, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did receive, possess, conceal, store, barter, sell, and dispose of goods, wares, merchandise, and money of the value of \$5,000 and more, to wit, tons of cardboard, which had crossed a State and United States boundary after being stolen, unlawfully converted, and taken, and knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315.

Overt Acts

41. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and

elsewhere:

a. On or about March 27, 2012, MICHAEL RUSSO, the defendant, met with the CW and two other co-conspirators not indicted herein. In the meeting, it was decided that the meeting participants would split the proceeds of any stolen cardboard, with RUSSO receiving 60% of the proceeds.

b. On or about June 3, 2012, LOUIS DONTIS, the defendant, drove a tractor trailer carrying tons of cardboard across the Goethals Bridge from New Jersey to Staten Island, New York.

c. On or about May 29, 2012, THOMAS GIORDANO, the defendant, told the CW that he did not care where the cardboard came from as long as it went to him (GIORDANO).

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION AS TO COUNT ONE

42. As a result of committing the Racketeering offense charged in Count One of this Indictment, in violation of Title 18, United States Code, Section 1962(d), CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALLE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCIANELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, pursuant to Title 18, United States Code, Sections 1963(a)(1), 1963(a)(2) and 1963(a)(3), shall forfeit

a. all interests acquired or maintained in

violation of Title 18, United States Code, Section 1962;

b. all interests in, securities of, claims against, a property and contractual rights of any kind affording a source of influence over, the enterprise named and described herein which the defendants established, operated, enterprise which the person has established, operated, controlled, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and

c. all property constituting and derived from proceeds obtained, directly and indirectly, from racketeering activity in violation of Title 18, United States Code, Section 1962.

43. Pursuant to Title 18, United States Code, Section 1963(m), CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALLE, a/k/a "Tony Lodi," PETER LECONTE, FRANK OLIVER, CHARLES GIUSTRA, DOMINICK PIETRANICO, a/k/a "Pepe," JOSEPH SARCIANELLA, WILLIAM CALI, a/k/a "Joe Cali," SCOTT FAPPIANO, and ANTHONY BAZZINI, the defendants, shall forfeit substitute property up to the value of the property described above if that property, as a result of any act or omission of the defendants:

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 subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 1963(m) to seek forfeiture of any other property of the said defendants up to the value of the forfeitable property.

44. The above-named defendants are jointly and severally liable for the forfeiture allegations alleged above.

(All in accordance with Title 18, United States Code, Section 1963.)

FORFEITURE ALLEGATION AS TO COUNTS TWO, SIX, SEVEN, EIGHT, THIRTEEN AND FOURTEEN

45. As a result of committing one or more of the Extortion and Extortion Conspiracy offenses charged in Counts Two Six, Seven, Eight, Thirteen and Fourteen of this Indictment, in violation of Title 18, United States Code, Section 1951, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," ANTHONY PUCCIARELLO, a/k/a "Muzzy," HOWARD ROSS, ANTHONY CARDINALLE, a/k/a "Tony Lodi," PETER LCONTE, FRANK OLIVER, WILLIAM CALI, a/k/a "Joe Cali," WILLIAM RIVERA, a/k/a "Big Bill," SCOTT FAPPIANO, ANTHONY BAZZINI, MARIO VELEZ, PASQUALE P. CARTALEMI JR., PASQUALE L. CARTALEMI, and ANDREW MCGUIRE, the defendants, pursuant to Title 18, United States Code, Sections 981(a)(1)(c) and Title 28, United States Code, Section 2461, shall forfeit all property, real and personal, that constitutes or is derived,

directly and indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts Two, Six, Seven, Eight, Thirteen and Fourteen of this Indictment.

Substitute Asset Provision

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

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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 981 and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; and
Title 21, United States Code, Section 853.)

FORFEITURE ALLEGATION AS TO COUNT THREE

47. As a result of committing the Mail Fraud and Wire Fraud Conspiracy offense charged in Count Three of this Indictment, in violation of Title 18, United States Code, Section 1349, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny,"

PASQUALE CARBONE SR., DOMINICK RAO, and GAIL DEFURIA, a/k/a "Gail Iorio," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the Mail Fraud and Wire Fraud Conspiracy offense.

Substitute Asset Provision

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

-
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendants up to the value of the above forfeitable property.

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

FORFEITURE ALLEGATION AS TO COUNTS FOUR, FIVE, FIFTEEN AND SIXTEEN

49. As a result of committing one or more of the Conspiracy to Possess, Transport, Sell or Receive Stolen Goods offenses charged in Counts Four, Five, Fifteen and Sixteen of this Indictment, in violation of Title 18, United States Code, Sections 371, CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a "Uncle Sonny," STEPHEN MOSCATELLO, ROBERT FRANCO, JOSEPH BERTOLINO, BRIAN PETROLL, JOHN GREENE, ROBERT ZARZUELA, THOMAS GIORDANO, MICHAEL RUSSO, and LOUIS DONTIS, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the Conspiracy to Possess, Transport, Sell or Receive Stolen Goods offenses.

Substitute Asset Provision

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

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 subdivided without difficulty;
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendants up to the value of the above forfeitable property.

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

FORFEITURE ALLEGATION AS TO COUNTS NINE, TEN, ELEVEN AND TWELVE

51. As a result of committing one or more of the Extortionate Credit offenses charged in Counts Nine, Ten, Eleven and Twelve of this Indictment, in violation of Title 18, United States Code, Sections 892 and 894, DOMINICK PIETRANICO, a/k/a "Pepe" and JOSEPH SARCINELLA, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the Extortionate Credit offenses.

Substitute Asset Provision

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

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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendants up to the value of the above forfeitable property.

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


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

CARMINE FRANCO, a/k/a "Papa Smurf," a/k/a
"Uncle Sonny;" ANTHONY PUCCIARELLO, a/k/a
"Muzzy;" HOWARD ROSS; ANTHONY CARDINALE,
a/k/a "Tony Lodi;" PETER LECONTE; FRANK
OLIVER; CHARLES GIUSTRA; DOMINICK
PIETRANICO, a/k/a "Pepe;" JOSEPH
SARCINELLA; WILLIAM CALI, a/k/a "Joe
Cali;" SCOTT FAPPIANO; ANTHONY BAZZINI;
PASQUALE CARBONE SR.; GAIL DEFURIA, a/k/a
"Gail Iorio;" DOMINICK RAO; STEPHEN
MOSCATELLO; ROBERT FRANCO; WILLIAM
RIVERA, a/k/a "Big Bill;" MARIO VELEZ;
PASQUALE P. CARTALEMI JR.; PASQUALE L.
CARTALEMI; ANDREW MCGUIRE; JOSEPH
BERTOLINO; BRIAN PETROLL; ROBERT
ZARZUELA; JONATHAN GREENE; THOMAS
GIORDANO; MICHAEL RUSSO; LOUIS DONTIS;

Defendants.

SEALED INDICTMENT

13 Cr.

(18 U.S.C. §§ 371, 892, 894, 1349, 1951,
1962(d), and 2.)

PREET BHARARA

United States Attorney.

son.
