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BROOKLYN OFFICE

MKM:NEM
F. #2018R02113

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

PETER TUCCIO and
JONATHAN GURINO,

Defendants.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

CR 18 00610

Cr. No. 18 00610
(T. 18, U.S.C., §§ 844(c)(1), 844(h),
844(i), 844(n), 981(a)(1)(C),
982(a)(2), 982(b)(1), 1951(a), 2 and
3551 et seq.; T. 21, U.S.C., § 853(p);
T. 28, U.S.C., § 2461(c))

COGAN, J.

TISCIONE, M.J.

COUNT ONE
(Arson Conspiracy)

1. On or about and between December 3, 2015 and December 4, 2015, both dates being approximate and inclusive, within the Eastern District of New York, the defendants PETER TUCCIO and JONATHAN GURINO, together with others, did knowingly, intentionally and maliciously conspire to damage and destroy, by means of fire and an explosive, a vehicle used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 844(n) and 3551 et seq.)

COUNT TWO
(Arson)

2. On or about December 4, 2015, within the Eastern District of New York, the defendants PETER TUCCIO and JONATHAN GURINO, together with others, did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and

destroy, by means of fire and an explosive, a vehicle used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 844(i), 2 and 3551 et seq.)

COUNT THREE
(Extortion Conspiracy)

3. In or about December 2015, within the Eastern District of New York and elsewhere, the defendants PETER TUCCIO and JONATHAN GURINO, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others conspired to obtain property, to wit: proceeds from a pizzeria in Queens, New York, from John Doe 1, an individual whose identity is known to the Grand Jury, with his consent, which consent was to be induced by wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT FOUR
(Extortion)

4. In or about December 2015, within the Eastern District of New York and elsewhere, the defendants PETER TUCCIO and JONATHAN GURINO, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others obtained property, to wit: proceeds from a pizzeria in Queens, New York, from John Doe 1, with his consent, which consent was induced by wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FIVE
(Using Fire to Commit a Felony)

5. On or about December 4, 2015, within the Eastern District of New York, the defendants PETER TUCCIO and JONATHAN GURINO, together with others, did knowingly and intentionally use fire to commit one or more felonies which may be prosecuted in a court of the United States, to wit: the crimes charged in Counts Three and Four.

(Title 18, United States Code, Sections 844(h), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE, TWO AND FIVE

6. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged in Counts One, Two and Five, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 982(a)(2), which requires any person convicted of any such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 844(c)(1), which requires any person convicted of any such offenses to forfeit any explosive materials involved or used or intended to be used in any violation of Title 18, United States Code, Section 844.

7. 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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 844(c)(1), 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS THREE AND FOUR**

8. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Counts Three and Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

9. 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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

8

FOREPERSON

RICHARD P. DONOGHUE 0
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

PETER TUCCIO, and JONATHAN GURINO,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 844(c)(1), 844(h), 844(i), 844(n), 981(a)(1)(C), 982(a)(2), 982(b)(1), 1951(a), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Nadia E. Moore, Assistant U.S. Attorney (718) 254-6362