

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

JOHN A. GOTTI, :

a/k/a "John, Jr.,"

a/k/a "Junior," : INDICTMENT

JOSEPH D'ANGELO,

a/k/a "Little Joey," : 04 Cr.

a/k/a "Joey D,"

MICHAEL YANNOTTI, :

a/k/a "Mikey Y," and

LOUIS MARIANI, :

a/k/a "Louie Black,"

:

Defendants.

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RACKETEERING CHARGES

COUNT ONE

Racketeering Violation

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," MICHAEL YANNOTTI, a/k/a "Mikey Y," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, were members and associates of the Gambino Organized Crime Family of La Cosa Nostra (the "Gambino Organized Crime Family"). The Gambino Organized Crime Family was a criminal organization whose members and associates engaged in

numerous acts of violence and other crimes, including: murder; conspiracy to commit murder; attempted murder; robbery; extortion; labor racketeering; the financing and making of extortionate extensions of credit and the collection of extensions of credit through extortionate means (commonly known as "loansharking"); securities fraud; money laundering; and the operation of illegal gambling businesses.

2. The Gambino Organized Crime Family, including its leadership, membership, 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, which was engaged in, and the activities of which affected, interstate and foreign commerce. The Gambino Organized Crime Family was an organized criminal group based in New York City that operated in the Southern District of New York 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. The Gambino Organized Crime Family was referred to by its members and associates in various ways, including as a "cosa nostra," a "Family," and "this thing of ours."

3. The Gambino Organized Crime Family was part of a nationwide criminal organization known by various names, including the "Mafia" and "La Cosa Nostra" ("LCN"), which

operated through entities known as "Families." The Gambino Organized Crime Family took its name from one of its first leaders, Carlo Gambino. In addition to the Gambino Organized Crime Family, five other Families operated in the New York City and New Jersey area, namely, the Genovese Organized Crime Family of LCN, the Luchese Organized Crime Family of LCN, the Colombo Organized Crime Family of LCN, the Bonanno Organized Crime Family of LCN, and the Decavalcante Organized Crime Family of LCN.

4. The Gambino Organized Crime Family operated through groups of individuals known as "crews" and "regimes," most of which were based in New York City. Each "crew" had as its leader a person known as a "Caporegime," "Capo," or "Captain," 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" a Soldier. Associates participated in the various activities of the crew and its members.

5. Each Capo was responsible for supervising the criminal activities of his crew and provided Soldiers and associates with support and protection. In return, the Capo typically received a share of the illegal earnings of each of his

crew's Soldiers and associates, which was sometimes referred to as "tribute."

6. Above the Capos were the highest-ranking members of the Gambino Organized Crime Family, commonly referred to as the Administration. The head of the Gambino Organized Crime Family was known as the "Boss," who was ordinarily assisted by an "Underboss" and a "Consigliere," or counselor. The Boss, Underboss, and Consigliere were responsible for, among other things, setting policy, resolving disputes between and among members of the Gambino Organized Crime Family, and resolving disputes between members of the Gambino Organized Crime Family and members of other criminal organizations. At various times relevant to this Indictment, members of the Gambino Organized Crime Family were temporarily appointed to serve as Boss, Underboss, Consigliere, or Capo in place of another member holding that position. Whenever this occurred, the member holding the temporary appointment would function in an "acting" capacity for the other member, who continued to hold the "official" position in the Family. In addition, at various times relevant to this Indictment, members of the Gambino Organized Crime Family served on a committee or ruling panel, a group of high-ranking members of the Family who assisted and, at times, made decisions with, or on behalf of, the Boss and the Acting Boss of the Family.

7. The Boss, Underboss, and Consigliere, and, at times, members of the ruling panel of the Gambino Organized Crime Family supervised, supported, protected, and disciplined the Capos, Soldiers, and associates, and regularly received reports regarding their various activities. In return for their supervision and protection, the Boss, Underboss, Consigliere, and members of the ruling panel typically received part of the illegal earnings of each crew.

8. While the overall structure of the Gambino Organized Crime Family remained constant, the structure of the Family's Administration was sometimes adjusted to meet situations -- including particularly the incarceration of the Boss and other high-ranking members of the Family -- that threatened to impede the orderly operation and criminal activities of the Gambino Organized Crime Family. Accordingly, at various times relevant to this Indictment following the incarceration of the Gambino Family's Boss, John J. Gotti, and its Consigliere (and, later, Underboss) Frank Locascio, supervisory authority over the affairs of the Gambino Organized Crime Family was delegated to, and exercised by, John J. Gotti's son, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior." In addition, a panel or committee of several senior Capos (the composition of which panel or committee changed over time) assisted JOHN A. GOTTI in supervising the

Gambino Organized Crime Family's various crews, members, and associates.

#### The Defendants

9. At all times relevant to this Indictment, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," MICHAEL YANNOTTI, a/k/a "Mikey Y," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, were members and associates of the enterprise, the Gambino Organized Crime Family. JOHN A. GOTTI, D'ANGELO, YANNOTTI, and MARIANI participated in the operation and management of the enterprise as follows:

a. JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," was, at various times relevant to this Indictment, a Soldier, a Capo, and a member of the ruling panel of the Gambino Organized Crime Family. In April 1992, JOHN A. GOTTI's father, John J. Gotti, who was then the Boss of the Gambino Organized Crime Family, was convicted of racketeering and other offenses and subsequently received a sentence of life imprisonment. Following his father's incarceration in December 1990 in connection with those racketeering charges, JOHN A. GOTTI assumed a supervisory role within the Administration of the Gambino Organized Crime Family, exercising authority equivalent to that of an Acting Boss. In that role, JOHN A. GOTTI was responsible for (among other things) supervising the illegal activities of

all of the members and associates of the Gambino Organized Crime Family, representing the Gambino Organized Crime Family in meetings with the leaders of other Organized Crime Families, and resolving disputes with other Organized Crime Families. Both prior to and after becoming the equivalent of an Acting Boss of the Gambino Organized Crime Family, JOHN A. GOTTI was a Capo who supervised, and profited from, the illegal activities of the Soldiers and associates in his crew. Even after JOHN A. GOTTI was convicted of racketeering offenses in April 1999, and while serving a sentence of imprisonment, JOHN A. GOTTI continued to hold the official position of Capo, exercising the authority and responsibilities of that position through a fellow member of the Gambino Organized Crime Family who served as an Acting Capo of JOHN A. GOTTI's crew. In addition, notwithstanding his incarceration, JOHN A. GOTTI continued to participate in the affairs of the Gambino Organized Crime Family by (among other things) meeting with associates of the Family, having discussions in prison relating to Gambino Family business, and sending messages and instructions from prison to other members and associates of the Gambino Organized Crime Family. Among JOHN A. GOTTI's criminal activities were participation in an attempted murder, two additional murder conspiracies, securities fraud, extortion, and loansharking.

b. JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," was at various times relevant to this Indictment an associate and a Soldier in the Gambino Organized Crime Family. Among D'ANGELO's criminal activities were participation in a murder, an additional murder conspiracy, securities fraud, extortion, loansharking, and operation of an illegal gambling business.

c. MICHAEL YANNOTTI, a/k/a "Mikey Y," was at various times relevant to this Indictment an associate and a Soldier in the Gambino Organized Crime Family. Among YANNOTTI's criminal activities were participation in two murders, two additional attempted murders, and loansharking.

d. LOUIS MARIANI, a/k/a "Louie Black," was an associate in the Gambino Organized Crime Family. Among MARIANI's criminal activities were participation in securities fraud, extortion, and loansharking.

#### Purposes of the Enterprise

10. The purposes of the enterprise included the following:

a. Enriching the leaders, members, and associates of the enterprise through, among other things: (i) the extortionate control of businesses, labor unions, persons, and property through threats of physical and economic harm; (ii) the financing, extension, and collection of extortionate extensions



of credit, commonly known as "loansharking"; (iii) the control of businesses through the collection of loansharking debts; (iv) the operation of an illegal bookmaking business; (v) the purchase and sale of stolen property and counterfeit goods; (vi) theft and robbery; (vii) securities fraud; and (viii) money laundering;

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

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

#### Means and Methods of the Enterprise

11. Among the means and methods by which the defendants and other enterprise members and associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. To protect and expand the enterprise's business and criminal operations, members and associates of the enterprise murdered and threatened to murder persons who engaged in activity that jeopardized (i) the power and criminal

activities of the enterprise and the power and criminal activities of fellow LCN Families, (ii) the power of leaders of the enterprise, and (iii) the flow of criminal proceeds to the leaders of the enterprise.

b. To protect and augment the reputation of the Gambino Organized Crime Family as a violent criminal organization, and in an effort to intimidate and neutralize critics of the Gambino Family enterprise, members and associates of the enterprise threatened to murder and attempted to murder members of the press and other media who spoke disparagingly of the enterprise's leaders, members, and associates and of their criminal activities.

c. Members and associates of the enterprise promoted a climate of fear in the community through threats of economic harm and violence.

d. Members and associates of the enterprise generated income for the enterprise through, among other things, (i) extortion; (ii) loansharking; (iii) the operation of illegal gambling businesses; (iv) labor racketeering; (v) the purchase and sale of stolen property; (vi) theft and robbery; (vii) securities fraud; and (viii) money laundering.

e. Members and associates of the enterprise at times engaged in criminal conduct or coordinated their criminal

activities with leaders, members, and associates of other LCN Families.

f. To avoid law enforcement scrutiny of the enterprise's criminal activities, members and associates of the enterprise conducted meetings surreptitiously, typically using coded language to make arrangements for meetings, meeting at rest stops along highways, at diners, and in other secluded areas, and engaging in "walk and talks." They also engaged in other evasive conduct, such as whispering and speaking in hushed tones in an effort to obstruct potential law enforcement eavesdropping, and not specifying the names of those about whom they were speaking.

g. Members and associates of the enterprise attempted to identify and did identify individuals suspected of providing, or deemed likely to provide, information to law enforcement about the enterprise, its members and activities, and about other LCN Families.

h. To conceal their receipt of money generated from their criminal activities, members and associates of the enterprise concealed their ownership of various assets that were purchased with proceeds of their criminal activities.

#### The Racketeering Violation

12. From at least in or about the mid-1980s, up through and including in or about 2004, in the Southern District of New York and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.,"

a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," MICHAEL YANNOTTI, a/k/a "Mikey Y," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 11 above, namely, the Gambino Organized Crime Family, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, intentionally, and knowingly conducted and participated, 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), that is, through the commission of the following racketeering acts:

The Pattern of Racketeering

13. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

**Racketeering Act One - Conspiracy to Kidnap and Murder,  
Kidnaping, and Attempted Murder of Curtis Sliwa**

14. The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act One:

a. From in or about early 1992, up through and including on or about June 19, 1992, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN

A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conspired to kidnap Curtis Sliwa, in violation of New York State Penal Law, Sections 105.10 and 135.20.

b. From in or about early 1992, up through and including on or about June 19, 1992, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Curtis Sliwa, in violation of New York State Penal Law, Sections 105.15 and 125.25.

c. On or about June 19, 1992, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendants, and others known and unknown, unlawfully, willfully, and knowingly kidnaped and aided and abetted the kidnaping of Curtis Sliwa, in violation of New York State Penal Law, Sections 135.20 and 20.00.

d. On or about June 19, 1992, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder and aided and abetted the attempted murder of Curtis Sliwa, in violation of New York State Penal Law, Sections 110.00, 125.25, and 20.00.

**Racketeering Act Two - Conspiracy to Murder Robert Arena and Murders of Robert Arena and Thomas Maranga**

15. The defendant named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Two:

a. In or about January 1996, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Robert Arena, in violation of New York State Penal Law, Sections 105.15 and 125.25.

b. On or about January 26, 1996, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did commit an act involving murder and aided and

abetted murder, to wit, with intent to cause the death of another person, they did cause the death of Robert Arena, in violation of New York State Penal Law, Sections 125.25 and 20.00.

c. On or about January 26, 1996, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did commit an act involving murder and aided and abetted murder, to wit, with intent to cause the death of another person, they did cause the death of Thomas Maranga, in violation of New York State Penal Law, Sections 125.25 and 20.00.

**Racketeering Act Three - Conspiracy to Murder and  
Murder of Edward Garofalo**

16. The defendant named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Three:

a. In or about July and August 1990, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Edward Garofalo, in violation of New York State Penal Law, Sections 105.15 and 125.25.

b. On or about August 8, 1990, in the Southern District of New York, the Eastern District of New York, and

elsewhere, JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did commit an act involving murder and aided and abetted murder, to wit, with intent to cause the death of another person, they did cause the death of Edward Garofalo, in violation of New York State Penal Law, Sections 125.25 and 20.00.

**Racketeering Act Four - Conspiracy to Murder and  
Attempted Murder of Victim #1**

17. The defendant named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Four:

a. From in or about 1990, up through and including in or about March 1991, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Victim #1, in violation of New York State Penal Law, Sections 105.15 and 125.25.

b. In or about late 1990 or early 1991, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder and aided and



abetted the attempted murder of Victim #1, in violation of New York State Penal Law, Sections 110.00, 125.25, and 20.00.

**Racketeering Act Five - Conspiracy to Murder and  
Attempted Murder of Victim #2**

18. The defendant named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Five:

a. In or about 1991, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Victim #2, in violation of New York State Penal Law, Sections 105.15 and 125.25.

b. In or about March 1991, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder and aided and abetted the attempted murder of Victim #2, in violation of New York State Penal Law, Sections 110.00, 125.25, and 20.00.

**Racketeering Act Six - Attempted Murder of Victim #3**

19. In or about June 1987, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly

attempted to murder and aided and abetted the attempted murder of Victim #3, in violation of New York State Penal Law, Sections 110.00, 125.25, and 20.00.

**Racketeering Act Seven - Conspiracy to Commit Securities Fraud and Commission of Mail and Wire Fraud**

20. The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Seven:

**Conspiracy to Commit Securities Fraud - Fraud in the Offer and Sale of Securities**

a. From in or about 1995, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to commit securities fraud, in violation of Title 15, United States Code, Sections 77q(a) and 77x.

b. It was a part and an object of the conspiracy that JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and

unknown, unlawfully, willfully, and knowingly, in the offer and sale of securities, by the use of the means and instruments of transportation and communication in interstate commerce and by the use of the mails, directly and indirectly, would and did: (i) employ devices, schemes, and artifices to defraud; (ii) obtain money and property by means of untrue statements of material fact and omitting to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading; and (iii) engage in transactions, practices and courses of business which operated and would operate as a fraud and deceit upon the purchasers of securities, in violation of Title 15, United States Code, Sections 77q(a) and 77x, all in violation of Title 18, United States Code, Section 371.

c. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

(i) In or about December 1999, a co-conspirator not named as a defendant herein received approximately \$40,000 in cash from another co-conspirator not named as a defendant herein.

Conspiracy to Commit Securities Fraud - Fraud in Connection with  
the Purchase and Sale of Securities

d. From in or about 1995, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to commit securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5.

e. It was a part and an object of the conspiracy that JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, by the use of the means and instrumentalities of interstate commerce and of the mails, directly and indirectly, would and did use and employ manipulative and deceptive devices and contrivances in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by: (i) employing devices, schemes, and artifices to defraud; (ii) making untrue statements of material fact and omitting to state

material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and (iii) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon a person, in connection with the purchase and sale of securities, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, all in violation of Title 18, United States Code, Section 371.

f. In furtherance of said 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:

(i) In or about December 1999, a co-conspirator not named as a defendant herein received approximately \$40,000 in cash from another co-conspirator not named as a defendant herein.

Mail Fraud

g. From in or about 1995, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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 to do so, did place in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the United States Postal Service, and did take and receive therefrom, such matter and thing, and did cause such matter and thing to be delivered by mail 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, to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others engaged in securities fraud and, in furtherance of that fraud, caused a co-conspirator not named as a defendant herein to mail approximately \$2,000 in cash to a person in Florida in or about November 1999, in violation of Title 18, United States Code, Sections 1341 and 2.

#### Wire Fraud

h. From in or about 1995, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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, did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others engaged in securities fraud during which phone calls were made from New York to persons located in other States, in violation of Title 18, United States Code, Sections 1343 and 2.

**Racketeering Act Eight - Construction Industry Extortion**

21. From in or about 1991, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree 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 other persons, to wit, various construction contractors doing business in interstate commerce, 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), to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others used threats of violence, actual violence, work stoppages, threats of work stoppages, and the reputation of the Gambino Organized Crime Family and of La Cosa Nostra generally to force construction contractors to pay money to the defendants and persons associated with them, in order (among other things) to ensure labor peace, in violation of Title 18, United States Code, Section 1951.

**Racketeering Act Nine - Loansharking Business**

22. The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Nine:

**Financing Extortionate Extensions of Credit**

a. From in or about 1991, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did advance money to other persons with reasonable grounds to believe that it was the intention of such



persons to use the money so advanced directly and indirectly for the purpose of making extortionate extensions of credit, as that term is defined in Title 18, United States Code, Section 891, in violation of Title 18, United States Code, Sections 893 and 2.

Conspiracy to Make Extortionate Extensions of Credit

b. From in or about 1991, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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, in violation of Title 18, United States Code, Section 892.

Conspiracy to Collect Extensions  
of Credit through Extortionate Means

c. From in or about 1991, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and

agreed together and with each other to participate in the use of extortionate means to collect and attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the nonrepayment of said extensions of credit, in violation of Title 18, United States Code, Section 894.

**Racketeering Act Ten - Loansharking Business**

23. The defendant named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Ten:

**Financing Extortionate Extensions of Credit**

a. From in or about 1993, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did advance money to other persons with reasonable grounds to believe that it was the intention of such persons to use the money so advanced directly and indirectly for the purpose of making extortionate extensions of credit, as that term is defined in Title 18, United States Code, Section 891, in violation of Title 18, United States Code, Sections 893 and 2.

Conspiracy to Make Extortionate Extensions of Credit

b. From in or about 1993, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, 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, in violation of Title 18, United States Code, Section 892.

Conspiracy to Collect Extensions  
of Credit through Extortionate Means

c. From in or about 1993, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, MICHAEL YANNOTTI, a/k/a "Mikey Y," the defendant, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to participate in the use of extortionate means to collect and attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the nonrepayment of said extensions of credit, in violation of Title 18, United States Code, Section 894.

### Racketeering Act Eleven - Illegal Gambling

24. The defendant named below committed the following acts of racketeering, either one of which alone constitutes the commission of Racketeering Act Eleven:

#### Operation of Illegal Gambling Business

a. From in or about the mid-1990s, up through and including in or about May 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed, and owned all and part of an illegal gambling business, namely, a bookmaking network, in violation of New York State Penal Law Sections 225.00 and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Sections 1955 and 2.

#### Illegal Bookmaking

b. From in or about the mid-1990s, up through and including in or about May 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," the defendant, and

others known and unknown, unlawfully, willfully, and knowingly advanced and profited from unlawful gambling activity by engaging in bookmaking, to the extent that they received and accepted in one day more than five bets totaling more than \$5,000, in violation of New York State Penal Law, Sections 225.00 and 225.10.

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

## **COUNT TWO**

### **The Racketeering Conspiracy**

The Grand Jury further charges:

25. Paragraphs 1 through 11 and 14 through 24 of this Indictment are repeated and realleged and incorporated by reference as though fully set forth herein.

26. From in or about the mid-1980s, up through and including in or about 2004, in the Southern District of New York and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," MICHAEL YANNOTTI, a/k/a "Mikey Y," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 11 above, namely, the Gambino Organized Crime Family, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, intentionally, and knowingly combined,

conspired, confederated, and agreed together and with each other 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), which pattern is set forth more fully in paragraphs 14 through 24 above, as Racketeering Acts One through Eleven. Each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

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

### **COUNT THREE**

#### **Conspiracy to Commit Securities Fraud**

The Grand Jury further charges:

27. From in or about 1995, up through and including in or about 2002, in the Southern District of New York and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," 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 commit (1) securities fraud, in violation of Sections 77q(a) and 77x of Title 15, United States Code; (2) securities fraud, in violation of Sections 78j(b) and 78ff of Title 15, United States Code, and

Title 17, Code of Federal Regulations, Section 240.10b-5; (3) mail fraud, in violation of Section 1341 of Title 18, United States Code; and (4) wire fraud, in violation of Section 1343 of Title 18, United States Code.

28. It was a part and an object of the conspiracy that JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, in the offer and sale of securities, by the use of the means and instruments of transportation and communication in interstate commerce and by the use of the mails, directly and indirectly, would and did: (i) employ devices, schemes, and artifices to defraud; (ii) obtain money and property by means of untrue statements of material fact and omitting to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading; and (iii) engage in transactions, practices and courses of business which operated and would operate as a fraud and deceit upon the purchasers of securities, in violation of Title 15, United States Code, Sections 77q(a) and 77x.

29. It was a further part and an object of the conspiracy that JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS

MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, by the use of the means and instrumentalities of interstate commerce and of the mails, directly and indirectly, would and did use and employ manipulative and deceptive devices and contrivances in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by: (i) employing devices, schemes, and artifices to defraud; (ii) making untrue statements of material fact and omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and (iii) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon a person, in connection with the purchase and sale of securities, in violation of Title 15, United States Code, Sections 78j(b) and 78ff.

30. It was a further part and an object of the conspiracy that JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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 to do so, 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 United States Postal Service, and would and did take and receive therefrom, such matter and thing, and would and did cause such matter and thing to be delivered by mail 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, in violation of Title 18, United States Code, Section 1341.

31. It was a further part and an object of the conspiracy that JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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 and radio 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.

#### Overt Act

32. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt act, among

others, was committed in the Southern District of New York and elsewhere:

a. In or about December 1999, a co-conspirator not named as a defendant herein received approximately \$40,000 in cash from another co-conspirator not named as a defendant herein.

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

#### **COUNT FOUR**

##### **Fraud in Connection with the Offer and Sale of Securities**

The Grand Jury further charges:

33. From in or about 1995, up through and including in or about 2002, in the Southern District of New York and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, in the offer and sale of securities, by the use of the means and instruments of transportation and communication in interstate commerce and by the use of the mails, directly and indirectly, did: (i) employ devices, schemes, and artifices to defraud; (ii) obtain money and property by means of untrue statements of material fact and omitting to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading; and (iii) engage in transactions, practices and courses of business which operated and would operate as a fraud

and deceit upon the purchasers of securities, to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others engaged in fraudulent schemes that were conducted through securities businesses, including, but not limited to, First Hanover Securities, Inc., Argent Securities, Inc., Silver Capital, Ltd., JP Turner, Inc., and LCP, Inc.

(Title 15, United States Code, Sections 77q(a) and 77x;  
Title 18, United States Code, Section 2.)

#### **COUNT FIVE**

##### **Fraud in Connection with the Purchase and Sale of Securities**

The Grand Jury further charges:

34. From in or about 1995, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, by the use of the means and instrumentalities of interstate commerce and of the mails, directly and indirectly, did use and employ manipulative and deceptive devices and contrivances in violation of Title 17, Code of Federal Regulations, Section 240.10b-5, by: (i) employing devices, schemes, and artifices to defraud; (ii) making untrue statements of material fact and omitting to state material facts

necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and (iii) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon a person, in connection with the purchase and sale of securities, to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others engaged in fraudulent schemes that were conducted through securities businesses, including, but not limited to, First Hanover Securities, Inc., Argent Securities, Inc., Silver Capital, Ltd., JP Turner, Inc., and LCP, Inc.

(Title 15, United States Code, Sections 78j(b) and 78ff;  
Title 18, United States Code, Section 2.)

#### **COUNT SIX**

##### **Mail Fraud**

The Grand Jury further charges:

35. From in or about 1995, up through and including in or about 2002, in the Southern District of New York and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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 to do so, did place in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the United States Postal Service, and did take and receive therefrom, such matter and thing, and did cause such matter and thing to be delivered by mail 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, to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others engaged in securities fraud and, in furtherance of that fraud, caused a co-conspirator not named as a defendant herein to mail approximately \$2,000 in cash to a person in Florida in or about November 1999.

(Title 18, United States Code, Sections 1341 and 2.)

**COUNT SEVEN**

**Wire Fraud**

The Grand Jury further charges:

36. From in or about 1995, up through and including in or about 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, 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, did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others engaged in securities fraud during which phone calls were made from New York to persons located in other States.

(Title 18, United States Code, Sections 1343 and 2.)

#### **COUNT EIGHT**

##### **Construction Industry Extortion**

The Grand Jury further charges:

37. From in or about 1991, up through and including in or about 2002, in the Southern District of New York and elsewhere, JOHN A. GOTTI, a/k/a "John, Jr.," a/k/a "Junior," JOSEPH D'ANGELO, a/k/a "Little Joey," a/k/a "Joey D," and LOUIS MARIANI, a/k/a "Louie Black," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree 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 other persons, to wit, various construction contractors doing business in interstate commerce, 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), to wit, JOHN A. GOTTI, D'ANGELO, MARIANI, and others used threats of violence, actual violence, work stoppages, threats of work stoppages, and the reputation of the Gambino Organized Crime Family and of La Cosa Nostra generally to force construction contractors to pay money to the defendants and persons associated with them, in order (among other things) to ensure labor peace.

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

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FOREPERSON

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DAVID N. KELLEY  
United States Attorney