MEF:RWH F#200R03000

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

- - - - - - - - X

UNITED STATES OF AMERICA

- against -

INDICTMENT

STEPHEN CARACAPPA and LOUIS EPPOLITO,

Defendants.

- - - X

Cr. No.
(T. 18, U.S.C., §§ 1962(d),
1963, 2 and 3551 et seq.; T.
21, U.S.C. §§ 846 and
841(b)(1)(B)(viii))

THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Indictment, unless otherwise indicated:

The Enterprise

1. La Cosa Nostra ("LCN") was a nationwide criminal enterprise also known as "the mafia" and "the mob" that operated in the Eastern District of New York, other parts of the United States and Canada. LCN operated through entities known as "families." The five New York City-based LCN families were the Bonanno, Colombo, Gambino, Genovese and Luchese organized crime families. LCN constituted an "enterprise," as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. LCN engaged in, and its activities affected, interstate and foreign commerce.

- 2. Each LCN family operated through groups of individuals headed by "captains," who were also referred to as "skippers," "caporegimes" or "capodecinas." These groups, which were referred to as "crews," "regimes," or "decinas," consisted of "made" members of LCN. The made members were known as "soldiers," "friends of ours," "good fellows," and "buttons." Persons who were not inducted into an LCN family but who committed criminal activity with, on behalf of or under the protection of an LCN family were known as "associates."
- 3. Each captain was responsible for supervising the criminal activities of his crew and providing crew members and associates with support and protection. In return, the captain received a share of the earnings of each of the crew's members and associates.
- 4. Above the captains of each LCN family were the three highest ranking members of the LCN family. The head of each LCN family was known as the "boss." He was assisted by an "underboss" and a counselor, who was known as the "consigliere." With the assistance of the underboss and consigliere, the boss was responsible for setting policy and resolving disputes between members and associates of his own LCN family and members and associates of other criminal organizations, including but not limited to other LCN families. Each LCN family boss was

responsible for approving all significant actions taken by members and associates of his respective family.

- 5. The boss, underboss and consigliere of an LCN family, who were sometimes referred to collectively as the "administration," supervised, supported, protected and disciplined the captains, soldiers and associates within the family and regularly received reports regarding the activities of the members and associates of each crew. In return for their supervision and protection, the boss, underboss and consigliere received part of the illegal earnings of each crew.
- 6. The ruling body of LCN was known as the "Commission," the membership of which at various times included the bosses of the five New York City-based families, to wit: the Bonanno, Colombo, Gambino, Genovese and Luchese organized crime families.

The Defendants

7. At all times relevant to this Indictment, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO were LCN associates. Specifically, they were associated with the Luchese organized crime family of LCN and, at times, they provided sensitive law enforcement information to the Luchese Family that was utilized by various New York City-based LCN families.

The Purposes, Methods and Means of the Enterprise

8. LCN was an ongoing organization, whose members

functioned as a continuing unit for the common purpose of achieving the objectives of the enterprise. The principal purpose of LCN was to generate money for its members and associates. This purpose was implemented by members and associates of LCN through various criminal activities affecting interstate commerce, including arson, credit card fraud, drug trafficking, extortion, kidnaping, illegal gambling, interstate transportation of stolen goods, loansharking and robbery. The members and associates of LCN also furthered LCN's criminal activities by threatening economic injury and using and threatening to use physical violence, including murder.

- 9. Although the primary purpose of LCN was to generate money for its members and associates, members and associates at times used the resources of their respective families to settle personal grievances and vendettas, sometimes with the approval of their respective families. For those purposes, members and associates of the enterprise were asked and expected to carry out, among other crimes, acts of violence, including murder and assault.
- 10. The members and associates of LCN engaged in conduct designed to prevent government detection of their identities, their illegal activities and the location of proceeds of those activities. That conduct included attempting to determine the identities of persons who were cooperating with law enforcement authorities or potential witnesses against members and associates of LCN. That conduct also included murdering and attempting to

murder members or associates of LCN families who were perceived to be informants or potential witnesses against members and associates of LCN.

- 11. The organized crime families within LCN shared information and coordinated criminal activities. This included but was not limited to the following:
- a. Promoting and carrying out joint ventures between and among LCN families to obtain money through illegal activities;
- b. Resolving actual and potential disputes among LCN families regarding the operation, conduct and control of illegal activities including interference with interstate commerce through extortionate extensions of credit and the collection of debts by extortionate means, commonly referred to as "loansharking," infiltration and control of labor unions and labor organizations, illegal gambling, money laundering, fraud and narcotics trafficking;
- c. sharing information regarding government witnesses and potential or perceived government witnesses;
- d. Taking steps to preserve order in, between and among the LCN families, including authorizing acts of murder;
- e. Approving or disapproving the initiation of new members or soldiers in LCN families;

- f. Controlling relations between LCN and members of the "Sicilian Mafia," an enterprise distinct from LCN in the United States;
- g. Establishing certain rules governing the families, officers and members of LCN;
- h. Keeping persons inside and outside LCN in fear of LCN by identifying LCN with threats, violence and murder; and
- i. Extending formal recognition to newly-elected bosses of LCN families, and, from time to time, resolving leadership disputes within LCN families.

COUNT ONE (Racketeering Conspiracy)

- 12. The allegations contained in paragraphs 1 through 11 are realleged and incorporated as if fully set forth in this paragraph.
- 13. On or about and between March 1, 1983 and March 22, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, being persons employed by and associated with LCN, an enterprise that engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs

of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5).

14. The pattern of racketeering activity through which the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, agreed to conduct the affairs of the enterprise consisted of the racketeering acts set forth below as racketeering acts one through sixteen of this Indictment. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

<u>RACKETEERING ACT ONE</u> (Obstruction of Justice)

15. On or about and between December 13, 1983 and March 18, 1984, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LOUIS EPPOLITO, together with others, did knowingly, intentionally and corruptly obstruct, influence, and impede the due administration of justice, to wit: by disclosing sensitive law enforcement information regarding John Doe Gambino Family Member, an individual whose identity is known to the Grand Jury, in violation of Title 18, United States Code, Sections 1503 and 2.

RACKETEERING ACT TWO

16. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act two:

A. Kidnaping Conspiracy

17. On or about and between September 14, 1986 and October 31, 1986, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to abduct James Hydell, in violation of New York Penal Law Sections 135.20 and 105.15.

B. Kidnaping

18. On or about and between September 14, 1986 and October 31, 1986, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally abducted James Hydell, in violation of New York Penal Law Sections 135.20 and 20.00.

C. Murder Conspiracy

19. On or about and between September 14, 1986 and October 31, 1986, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of James Hydell, in violation of New York Penal Law Sections 125.25(1) and 105.15.

D. Murder

20. On or about and between September 14, 1986 and October 31, 1986, both dates being approximate and inclusive, within the Eastern District of New York, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of James Hydell, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

E. <u>Depraved Indifference Murder</u>

21. On or about and between September 14, 1986 and October 31, 1986, both dates being approximate and inclusive, within the Eastern District of New York, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to James Hydell, and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

RACKETEERING ACT THREE

(Murder Conspiracy/Murder/Depraved Indifference Murder)

22. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act three:

A. Murder Conspiracy

23. On or about and between September 14, 1986 and December 25, 1986, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of Nicholas Guido, date of birth January 29, 1957, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

24. On or about and between September 14, 1986 and December 25, 1986, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of Nicholas Guido, date of birth February 2, 1960, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

C. Depraved Indifference Murder

25. On or about and between September 14, 1986 and December 25, 1986, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to Nicholas Guido, date of birth February 2, 1960,

and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

RACKETEERING ACT FOUR

(Murder Conspiracy/Murder/Depraved Indifference Murder)

26. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act four:

A. Murder Conspiracy

27. On or about and between January 1, 1987 and October 8, 1987, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of John "Otto" Heidel, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

28. On or about and between January 1, 1987 and October 8, 1987, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of John "Otto" Heidel, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

C. <u>Depraved Indifference Murder</u>

29. On or about and between January 1, 1987 and October 8, 1987, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to John "Otto" Heidel, and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

RACKETEERING ACT FIVE (Obstruction of Justice)

30. On or about and between October 8, 1987 and October 31, 1987, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, did knowingly, intentionally and corruptly obstruct, influence and impede an official proceeding, to wit: by disclosing sensitive law enforcement information regarding John "Otto" Heidel, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

RACKETEERING ACT SIX (Murder Conspiracy)

31. On or about and between January 1, 1986 and January 1, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants

STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of Salvatore "Sammy" Gravano, in violation of New York Penal Law Sections 125.25(1) and 105.15.

RACKETEERING ACT SEVEN

(Obstruction of Justice/Murder Conspiracy/Attempted Murder/Attempted Obstruction of Justice Murder)

32. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act seven:

A. Obstruction of Justice

33. On or about and between January 1, 1988 and October 12, 1988, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, did knowingly, intentionally and corruptly obstruct, influence, and impede an official proceeding, to wit: by disclosing sensitive law enforcement information regarding John Doe #1, an individual whose identity is known to the Grand Jury, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

B. Murder Conspiracy

34. On or about and between January 1, 1988 and October 12, 1988, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others,

knowingly and intentionally conspired to cause the death of John Doe #1, in violation of New York Penal Law Sections 125.25(1) and 105.15.

C. Attempted Murder

35. On or about and between January 1, 1988 and October 12, 1988, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally attempted to cause the death of John Doe #1, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

D. Attempted Obstruction of Justice Murder

36. On or about and between January 1, 1988 and October 12, 1988, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to kill another person, to wit, John Doe #1, with intent to prevent the communication by such person to a law enforcement officer of information relating to the commission and possible commission of federal offenses, in violation of Title 18, United States Code, Sections 1512(a)(1)(C) and 2.

RACKETEERING ACT EIGHT (Murder Conspiracy/Attempted Murder)

37. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, either one of which alone constitutes racketeering act eight:

A. Murder Conspiracy

38. On or about and between June 1, 1988 and January 19, 1993, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of John Doe #2, an individual whose identity is known to the Grand Jury, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Attempted Murder

39. On or about and between June 1, 1988 and January 19, 1993, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally attempted to cause the death of John Doe #2, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

RACKETEERING ACT NINE (Murder Conspiracy/Murder/Depraved Indifference Murder)

40. The defendants STEPHEN CARACAPPA and LOUIS

EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act nine:

A. Murder Conspiracy

41. On or about and between January 1, 1989 and February 4, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of Anthony Dilapi, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

42. On or about and between January 1, 1989 and February 4, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of Anthony Dilapi, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

. C. Depraved Indifference Murder

43. On or about and between January 1, 1989 and February 4, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a deprayed indifference to

human life, recklessly engaged in conduct which created a grave risk of death to Anthony Dilapi, and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

RACKETEERING ACT TEN

(Murder Conspiracy/Murder/Depraved Indifference Murder/Obstruction of Justice Murder/Retaliation Against an Informant Murder)

44. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act ten:

A. Murder Conspiracy

45. On or about and between January 1, 1990 and May 17, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of James Bishop, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

46. On or about and between January 1, 1990 and May 17, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of James Bishop, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

C. Depraved Indifference Murder

47. On or about and between January 1, 1990 and May 17, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to James Bishop, and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

D. Obstruction of Justice Murder

48. On or about and between January 1, 1990 and May 17, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally killed another person, to wit, James Bishop, with intent to prevent the communication by such person to a law enforcement officer of information relating to the commission and possible commission of federal offenses, in violation of Title 18, United States Code, Sections 1512(a)(1)(C) and 2.

E. Retaliation Against an Informant Murder

49. On or about and between January 1, 1990 and May 17, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants

STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally killed another person, to wit, James Bishop, with intent to retaliate against that person for providing to a law enforcement officer information relating to the commission and possible commission of a federal offense, in violation of Title 18, Untied States Code, Sections 1513(a)(1)(B) and 2.

RACKETEERING ACT ELEVEN

(Obstruction of the Due Administration of Justice)

50. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, either one of which alone constitutes racketeering act eleven:

A. Obstruction of Justice regarding John Doe Luchese Family Member #1's arrest

51. On or about and between May 1, 1990 and May 30, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, did knowingly, intentionally and corruptly endeavor to influence, obstruct and impede the due administration of justice, to wit, by disclosing sensitive law enforcement information regarding the imminent arrest of John Doe Luchese Family Member #1, an individual whose identity is known to the Grand Jury, in violation of Title 18, United States Code, Sections 1503 and 2.

B. Obstruction of Justice regarding John Doe Luchese Family Member #2's arrest

52. On or about and between May 1, 1990 and May 30, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, did knowingly, intentionally and corruptly endeavor to influence, obstruct and impede the due administration of justice, to wit, by disclosing sensitive law enforcement information regarding the imminent arrest of John Doe Luchese Family Member #2, an individual whose identity is known to the Grand Jury, in violation of Title 18, United States Code, Sections 1503 and 2.

RACKETEERING ACT TWELVE

(Murder Conspiracy/Murder/Depraved Indifference Murder)

53. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act twelve:

A. Murder Conspiracy

54. On or about and between January 1, 1990 and August 30, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of Bruno Facciola, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

55. On or about and between January 1, 1990 and August 30, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of Bruno Facciola, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

C. Depraved Indifference Murder

56. On or about and between January 1, 1990 and August 30, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to Bruno Facciola, and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

RACKETEERING ACT THIRTEEN (Murder Conspiracy/Murder)

57. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, either one of which alone constitutes racketeering act thirteen:

A. Murder Conspiracy

58. On or about and between January 1, 1990 and November 6, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of Edward Lino, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

November 6, 1990, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of Edward Lino, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

RACKETEERING ACT FOURTEEN

(Murder Conspiracy/Murder/Depraved Indifference Murder)

60. The defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, committed the following acts, any one of which alone constitutes racketeering act fourteen:

A. Murder Conspiracy

61. On or about and between January 1, 1990 and May 13, 1991, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to cause the death of Bartolomeo "Bobby" Boriello, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder

62. On or about and between January 1, 1990 and May 13, 1991, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, with intent to cause the death of Bartolomeo "Bobby" Boriello, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

C. Depraved Indifference Murder

63. On or about and between January 1, 1990 and May 13, 1991, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, under circumstances evincing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to Bartolomeo "Bobby" Boriello, and thereby caused his death, in violation of New York Penal Law Sections 125.25(2) and 20.00.

RACKETEERING ACT FIFTEEN

(Conspiracy to Engage in Unlawful Monetary Transactions)

64. On or about and between December 1, 1994 and December 31, 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LOUIS EPPOLITO, together with others, did knowingly and intentionally conspire to engage in monetary transactions, in and affecting interstate and foreign commerce, in criminally derived

property that was of a value of greater than \$10,000 and was derived from specified unlawful activity, to wit, narcotics trafficking, in violation of Title 18, United States Code, Section 1957, all in violation of Title 18, United States Code, Section 1956(h).

RACKETEERING ACT SIXTEEN (Money Laundering Conspiracy)

On or about and between December 3, 2004 and the date of the filing of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to conduct financial transactions affecting interstate commerce, that in fact involved the proceeds of specified unlawful activity, to wit, narcotics trafficking, in violation of Title 21, United States Code, Section 841(a), knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of such proceeds, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), all in violation of Title 18, United States Code, Section 1956(h).

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seg.)

COUNT TWO (Money Laundering Conspiracy)

- 66. The allegations contained in paragraphs 1 through 11 are realleged and incorporated as if fully set forth in this paragraph.
- date of the filing of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LOUIS EPPOLITO, together with others, knowingly and intentionally conspired to conduct financial transactions affecting interstate commerce, that in fact involved the proceeds of specified unlawful activity, to wit, narcotics trafficking, in violation of Title 21, United States Code, Section 841(a), knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of such proceeds, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

COUNT THREE (Narcotics Conspiracy)

- 68. The allegations contained in paragraphs 1 through 11 are realleged and incorporated as if fully set forth in this paragraph.
- 69. On or about and between December 3, 2004 and the date of the filing of this indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved five grams or more of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a).

(Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii); Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR (Narcotics Distribution)

- 70. The allegations contained in paragraphs 1 through 11 are realleged and incorporated as if fully set forth in this paragraph.
- 71. On or about and between December 3, 2004 and the date of the filing of this Indictment, both dates being approximate and inclusive, within the Eastern District of New

York and elsewhere, the defendants STEPHEN CARACAPPA and LOUIS EPPOLITO, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved five grams or more of methamphetamine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a) and 841(b)(1)(B)(viii); Title 18, United States Code, Sections 2 and 3551 et seq.)

A TRUE BILL

Atturere Cumberbalil

ROSLYNN R. MAUSKOPF UNITED STATES ATTORNEY EASTERN DISTRICT OF NEW YORK

ACTING UNITED STATES ATTORNEY
PURSUANT TO 281 S.B. 0.136

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

VS

STEPHEN CARACAPPA, et al.

Defendants.

INDICTMENT

(T. 18 U.S.C., § 1962(d))

Bail, \$		of A.D. 19	Filed in open court this day,		A true bill.
	Clerk			Foreman	

AUSA Robert Henoch (718) 254-6234