

SUPERIOR COURT OF N.J.
FILED

APR 10 2008

Christine P. Higgins
Acting Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ554-08-5

Superior Court

Docket Number 08-04-00062-S

STATE OF NEW JERSEY)
v.)
JACK BUSCEMI, JR.)
ANDREW MICALI)
ANTHONY NICODEMO)
VINCENT PROCOPIO)
RUSSELL BROWN)
DOUGLAS RUBINO)
JOSEPH BALDINO, JR.)
VINCENT BORGESI)
JOHN FINDLAY)
BERNARD MALSEED)
ROBERT MACKIE)
IAN BLACKMAN)
JEFFREY EBERT)
JOSEPH WISHNICK)
MATTHEW ZAMBANINI)
FRANK BALDINO)
NICHOLAS CALTIBIANO)
MARK GALASSO)

INDICTMENT

STEVEN CASSASANTO)
WILLIAM DEPENA)
DOMINIC GRANDE)
MICHAEL CONNELLY)
ANNIE GRAJALES OSPINA
and)
MARIANNE MICALI)

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Racketeering - Second Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO, JR.

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

and

NICOLAS CALTIBIANO

and other persons whose identities are known and unknown to the Grand Jurors, who are named as co-conspirators but not defendants herein, at the times and places herein specified, did commit the crime of racketeering, that is, the defendants and other persons employed by or associated with the enterprise engaged in activities which affected trade or commerce in the State of New Jersey, in that they:

1. Purposely or knowingly did conduct or participate directly or indirectly in the conduct of the enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt, including the commission of crimes of the second degree, contrary to the provisions of N.J.S.A. 2C:41-2c; or

2. With the purpose of promoting or facilitating the commission of the crime of racketeering, did conspire or agree together or with persons whose identities are known to the Grand Jurors, who at times relevant to this indictment were acting at the direction of various law enforcement agencies that:

A. One or more of them would engage in conduct which would constitute the crime of racketeering; or

B. One or more of them would aid in the planning, solicitation or commission of the crime of racketeering, that is, to conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity or collection of an unlawful debt, including the commission of crimes of the second degree, in violation of N.J.S.A. 2C:41-2d, all as hereinafter described.

THE RELEVANT TIMES AND PLACES

The predicate criminal activity and conspiracy occurred between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the Commonwealth of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere, and within the jurisdiction of this Court.

THE ENTERPRISE

JACK BUSCEMI, JR., ANDREW MICALI, ANTHONY NICODEMO, VINCENT PROCOPIO, RUSSELL BROWN, DOUGLAS RUBINO, JOSEPH BALDINO, JR., JOHN FINDLAY, BERNARD MALSEED, ROBERT MACKIE, IAN BLACKMAN, JEFFREY EBERT, JOSEPH WISHNICK, MATTHEW ZAMBANINI, FRANK BALDINO, NICHOLAS CALTIBIANO and other persons whose identities are known and unknown to the Grand Jurors, would constitute an enterprise within the meaning of N.J.S.A. 2C:41-1c, that is, a group of

individuals associated in fact, which was an illegal entity.

THE PURPOSES OF THE ENTERPRISE

The purpose of the enterprise was to engage in illegal bookmaking to obtain United States currency or property for members or associates of the enterprise. This was accomplished by accepting illegal sports wagers, collecting gambling debts, distributing loans at usurious rates to bettors and other individuals or through other violations of the laws of the State of New Jersey, including the commission of the crimes of criminal usury, money laundering and promoting gambling. The enterprise had a leadership which financed, organized, supervised or managed the subordinate members in a common course of conduct to participate in illegal bookmaking. Members of the enterprise took steps to conceal from law enforcement authorities the existence of the enterprise, the means and locations from which it conducted its affairs, including but not limited to using wireless telephones and using a variety of locations and websites which members or associates of the enterprise would use to conduct the business of this illegal enterprise. The enterprise was perpetuated through an organized and structured chain of command, delineated roles of members and associates and sharing of illicit profits, and through the solicitation, recruitment and employment of others to act as agents or bettors in the illegal bookmaking operation.

THE PATTERN OF RACKETEERING ACTIVITY

The pattern of racketeering activity, as defined in N.J.S.A. 2C:41-1d, consisted of at least two incidents of racketeering activity, including Promoting Gambling (N.J.S.A. 2C:37-2), Money Laundering (N.J.S.A. 2C:21-25), Criminal Usury (N.J.S.A. 2C:21-19) or conspiracies to commit these crimes (N.J.S.A. 2C:5-2), primarily in the following ways:

JACK BUSCEMI, JR.

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

ANDREW MICALI

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

ANTHONY NICODEMO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

VINCENT PROCOPIO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

RUSSELL BROWN

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

DOUG RUBINO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

JOSEPH BALDINO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

JOHN FINDLAY

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the

subject of Counts Two, Three and Five of this Indictment.

BERNARD MALSEED

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

ROBERT MACKIE

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

IAN BLACKMAN

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

JEFFREY EBERT

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

JOSEPH WISHNICK

did commit the racketeering conduct by engaging in and or

conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

MATTHEW ZAMBANINI

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

FRANK BALDINO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

NICHOLAS CALTIBIANO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

All in violation of N.J.S.A. 2C:41-2c and N.J.S.A. 2C:41-2d, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Conspiracy - Second Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

NICHOLAS CALTIBIANO

STEVEN CASSASANTO

WILLIAM DEPENA

DOMINIC GRANDE

MICHAEL CONNELLY

ANNIE GRAJALES OSPINA

and

MARIANNE MICALI

and other persons whose identities are known to the Grand Jurors, and who are co-conspirators, but not defendants herein, between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the Commonwealth of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of money laundering, criminal usury and promoting gambling, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, solicitation or commission of said crimes, that is:

1. Money laundering, in that one or more of them would transport or possess property known or which a reasonable person would believe to be derived from criminal activity, including criminal usury and promoting gambling, the aforesaid property being more than \$75,000 in U.S. currency, contrary to the provisions of N.J.S.A. 2C:21-25a;

2. Criminal usury, in that one or more of them would loan or agree to loan, directly or indirectly, money, at interest

rates exceeding the maximum rate permitted by law, or by taking or receiving money as interest on a loan in excess of the maximum rate permitted by law, that is, in excess of 50% per annum, or the equivalent rate for a longer or shorter period, contrary to the provisions of N.J.S.A. 2C:21-19b;

3. Promoting gambling, in that one or more of them would accept and receive money or other property pursuant to an agreement and understanding with any person whereby they participated or would participate in the proceeds of gambling activity, and would engage in conduct which materially aided said gambling activity by engaging in bookmaking to the extent that they would receive or accept in any one day more than five bets totaling more than \$1,000, contrary to the provisions of N.J.S.A. 2C:37-2.

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Money Laundering - Second Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

NICHOLAS CALTIBIANO

STEVEN CASSASANTO

WILLIAM DEPENA

DOMINIC GRANDE

MICHAEL CONNELLY

ANNIE GRAJALES OSPINA

and

MARIANNE MICALI

between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the Commonwealth of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere, and within the jurisdiction of this Court, did transport or possess property known or which a reasonable person would believe to be derived from criminal activity, including criminal usury and promoting gambling, the aforesaid property being more than \$75,000 in U.S. currency, contrary to the provisions of N.J.S.A. 2C:21-25a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Criminal Usury - Second Degree)

ANDREW MICALI

VINCENT PROCOPIO

IAN BLACKMAN

and

JEFFREY EBERT

between on or about May 1, 2006, and on or about November 14, 2007, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did engage in the business of making loans in violation of N.J.S.A. 2C:21-19a, that is, the said ANDREW MICALI, VINCENT PROCOPIO, IAN BLACKMAN and JEFFREY EBERT, when not being permitted or authorized by law to do so, knowingly did engage in the business of loaning or agreeing to loan, directly or indirectly, money at interest rates exceeding the maximum interest rate permitted by law, or knowingly did engage in the business of taking, agreeing to take or receiving money, as interest on a loan in excess of the maximum interest rate permitted by law, that is, at an interest rate exceeding 50% per annum, or the equivalent rate for a longer or shorter period, contrary to the provisions of N.J.S.A. 2C:21-19b and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Promoting Gambling - Third Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO

VINCENT BORGESI

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

NICHOLAS CALTIBIANO

STEVEN CASSASANTO

WILLIAM DEPENA

DOMINIC GRANDE

MICHAEL CONNELLY

ANNIE GRAJALES OSPINA

and

MARIANNE MICALI

and other persons whose identities are known and unknown to the Grand Jurors, who are named as co-conspirators but not as defendants herein, between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the State of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere and within the jurisdiction of this Court, did purposely and knowingly accept or receive money or property, pursuant to an agreement or understanding with any person whereby they participated or would participate in the proceeds of gambling activity, and did engage in conduct which materially aided the said gambling activity, the said conduct being directed toward the arrangement of the financial and recording phases thereof, by engaging in bookmaking, to the extent that they received or accepted in any one day more than five bets totaling more than \$1,000, contrary to the provisions of N.J.S.A. 2C:37-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

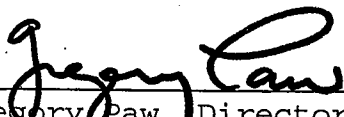
(Money Laundering - Third Degree)

ANDREW MICALI

and

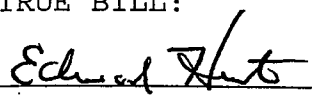
MARK GALASSO

between on or about November 9, 2006, at the City of Atlantic City, in the County of Atlantic, elsewhere and within the jurisdiction of this Court, did cause or attempt to cause a financial institution, such as a casino, or any other individual or entity required by State or federal law to file a report regarding currency transactions or suspicious transactions to fail to file a report or to file a report that contains a material omission or misstatement of fact, contrary to the provisions of N.J.S.A. 2C:21-25e and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.



Gregory Paw, Director
Division of Criminal Justice

A TRUE BILL:



Foreperson

DATE: 4/10/2008

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Acting Clerk

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LAW DIVISION - CRIMINAL

State Grand Jury
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Docket Number 08-04-00062-S

STATE OF NEW JERSEY)

v.)

JACK BUSCEMI, JR.)

ANDREW MICALI)

ANTHONY NICODEMO)

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NICHOLAS CALTIBIANO)

MARK GALASSO)

ORDER OF VENUE