

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUDGE ZAGEL

*JZ*

UNITED STATES OF AMERICA

v.

NICHOLAS W. CALABRESE,  
JAMES MARCELLO,  
JOSEPH LOMBARDO,  
    also known as "The Clown,"  
    "Lumpy," and "Lumbo,"  
FRANK CALABRESE, SR.,  
FRANK SCHWEIHS, also known as  
    "The German,"  
PAUL SCHIRO, also known as  
    "The Indian,"  
MICHAEL MARCELLO, also known as  
    "Mickey,"  
NICHOLAS FERRIOLA,  
ANTHONY DOYLE, also known as  
    "Twan,"  
THOMAS JOHNSON,  
JOSEPH VENEZIA, and  
DENNIS JOHNSON

) No. 02 CR 1050  
)  
) Violations: Title 18,  
) United States Code,  
) Sections 2, 371, 894, 1510,  
) 1512, 1951, 1955, and 1962(d)  
)

**MAGISTRATE JUDGE KEYS**

) Third Superseding Indictment  
)

**FILED**

MAR - 8 2007 *10*

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**COUNT ONE**

The SPECIAL AUGUST 2006-2 GRAND JURY charges:

I. THE ENTERPRISE

1. At times material to this indictment there existed a criminal organization which is referred to hereafter as "the Chicago Outfit." The Chicago Outfit was known to its members and associates as "the 'Outfit'" and was also known to the public as "organized crime," the "Chicago Syndicate" and the "Chicago Mob." The Chicago Outfit was an "enterprise" as that term is used in Title 18, United States Code, Section 1961(4), that is, it constituted a group of individuals associated in fact, which enterprise was engaged in and the activities of which affected

interstate commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

2. The Chicago Outfit existed to generate income for its members and associates through illegal activities. The illegal activities of the Chicago Outfit included, but were not limited to: (1) collecting "street tax," that is, extortion payments required as the cost of operating various businesses; (2) the operation of illegal gambling businesses, which included sports bookmaking and the use of video gambling machines; (3) making loans to individuals at usurious rates of interest (hereafter referred to as "juice loans"), which loans constituted "extortionate extensions of credit," as that term is defined in Title 18, United States Code, Section 891(6); (4) "collecting" through "extortionate means" juice loans constituting "extensions of credit," as those terms are defined in Title 18, United States Code, Sections 891(5), (7) and (6), respectively; (5) collecting debts bettors incurred with the Chicago Outfit's illegal gambling businesses; (6) collecting debts incurred in the Chicago Outfit's juice loan business, which debts carried rates of interest at least twice the rate enforceable under Illinois law; (7) using threats, violence and intimidation to collect street tax and juice loan debts; (8) using threats, violence, and intimidation to discipline Chicago Outfit members and associates; (9) using murder of Chicago Outfit members, associates and others to advance the interests of the Chicago Outfit's illegal activities; (10) obstructing justice and criminal investigations by

intimidating, bribing, retaliating against, and murdering witnesses and potential witnesses who could provide information adverse to the enterprise's interests; and (11) traveling in interstate commerce to further the goals of the criminal enterprise.

3. In order to carry out its criminal activities, the Chicago Outfit maintained a structure and chain of command. The criminal activities of the Chicago Outfit were carried out in part by sub-groups, or "crews," which were generally given territories in different geographic locations in the Chicago area. These crews were known by their geographic areas, and included the Elmwood Park crew, the North Side/Rush Street crew, the South Side/26th Street or Chinatown crew, the Grand Avenue crew, the Melrose Park crew, and the Chicago Heights crew. Each crew was run by a crew leader, also known as a street boss or "capo," and these crew bosses reported to an underboss, who was second in command of the Chicago Outfit, and therefore referred to at times as "Number Two." The overall leader of the Chicago Outfit was referred to as the Boss or "Number One." The Chicago Outfit also utilized a "consigliere," who provided advice to the Boss.

4. When an individual conducting illegal activities on behalf of the Chicago Outfit proved himself particularly trustworthy and was to be given special status in the enterprise, he was given "made" status. An individual could not normally be "made" unless he was of Italian descent, and had committed at least one murder on behalf of the enterprise. An individual had to be sponsored by his capo before he could be "made," which occurred at a ceremony in

which the person to be "made" swore allegiance to the enterprise. This ceremony was attended by the individual's capo, as well as other ranking members of the Chicago Outfit. Once "made," the individual was accorded greater status and respect in the enterprise. An individual who was "made" or who committed a murder on behalf of the Outfit was obligated to the enterprise for life to perform criminal acts on behalf of the enterprise when called upon.

5. Disputes between members of different crews were to be resolved by their respective capos, and, if no resolution could be made between the capos, then the Boss would settle the dispute.

6. During the course of the conspiracy, Anthony Accardo, also known as "Big Tuna," and "Joe Batters;" Joseph Aiuppa, also known as "Doves," and "Joey O'Brien;" Sam Carlisi, also known as "Wings;" and John Monteleone, also known as "Johnny Apes," among others, acted as Boss of the Chicago Outfit.

7. During the course of the conspiracy, Joseph Aiuppa, and Jack Cerone, among others, acted as Underboss of the Chicago Outfit.

8. During the course of the conspiracy, Joseph Ferriola was a "made" member of the Chicago Outfit who reported directly to the Boss. Harry Aleman, William Petrocelli, also known as "Butch," Jerry Scarpelli, and others, were criminal associates who reported at various times to Joseph Ferriola.

9. Defendant JAMES MARCELLO was a member of the Melrose Park crew, was a "made" member of the Chicago Outfit, and committed murder and other criminal activities on its behalf. Defendant

JAMES MARCELLO continued to conduct criminal activities on the Outfit's behalf while incarcerated through his brother, defendant MICHAEL MARCELLO, and others.

10. Defendant JOSEPH LOMBARDO, also known as "the Clown," "Lumpy," and "Lumbo," was a member of the Grand Avenue crew, and committed murder and other criminal activities on its behalf.

11. Defendant FRANK CALABRESE, SR., was a member of the South Side/26th Street crew, was a "made" member of the Chicago Outfit, and committed murder and other criminal activities on its behalf. Defendant FRANK CALABRESE, SR., continued to conduct criminal activities on the Outfit's behalf while incarcerated through defendants FERRIOLA, DOYLE, and others.

12. Other members of the South Side/26<sup>th</sup> Street crew were James Torello, also known as "Turk," Angelo LaPietra, also known as "the Hook," and "the Bull," and James LaPietra, all of whom served as capos of this crew during the course of the conspiracy. Additional members of this crew included, among others, John Monteleone, John Fecarotta, Ronald Jarrett, James DiForti, Frank Saladino, Frank Furio, and Frank Santucci.

13. Defendant NICHOLAS CALABRESE is the brother of defendant FRANK CALABRESE, SR., was also a member of the South Side/26<sup>th</sup> Street crew, was a "made" member of the Chicago Outfit, and committed murder and other criminal activities on its behalf.

14. Defendant FRANK SCHWEIHS, also known as "the German," was an enforcer for the Chicago Outfit, imposing and collecting "street tax" for himself and Outfit members, and making additional

collections on behalf of the enterprise through the use of extortionate means. Defendant SCHWEIHS also agreed to commit murder on behalf of the Chicago Outfit.

15. Defendant PAUL SCHIRO, also known as "the Indian," was a criminal associate of defendant SCHWEIHS, "made" member Anthony Spilotro, and Outfit associate Joseph Hansen, who committed murder and other criminal activities on behalf of the Chicago Outfit.

16. Defendant MICHAEL MARCELLO, also known as "Mickey," is the brother of defendant JAMES MARCELLO, and was a member of the Melrose Park crew. Defendant MICHAEL MARCELLO assisted his brother's participation in the activities of the enterprise while defendant JAMES MARCELLO was in jail, by keeping his brother informed of the enterprise's activities, delivering messages to persons associated with the enterprise, and carrying out illegal activities of the Chicago Outfit, including the operation of an illegal video gambling business.

17. Defendant NICHOLAS FERRIOLA is the son of Joseph Ferriola, and was a member of the South Side/26<sup>th</sup> Street crew who assisted defendant FRANK CALABRESE, SR.'s participation in the activities of the enterprise while defendant FRANK CALABRESE, SR., was in jail, by keeping defendant FRANK CALABRESE, SR., informed of the enterprise's activities, delivering messages to persons associated with the enterprise, collecting monies generated by extortionate demands of defendant FRANK CALABRESE, SR., and carrying out other illegal activities of the Chicago Outfit, including the operation of an illegal sports bookmaking business.

18. Defendant ANTHONY DOYLE, also known as "Twan," is a retired Chicago Police Department ("CPD") officer, who, at the time he was employed as a CPD officer, assisted defendant FRANK CALABRESE, SR.'s participation in the activities of the enterprise while defendant FRANK CALABRESE, SR., was in jail, by keeping defendant FRANK CALABRESE, SR. informed of a law enforcement investigation into the murder of John Fecarotta, committed by defendants FRANK CALABRESE, SR., NICHOLAS CALABRESE, and others. Defendant DOYLE also agreed to pass messages from defendant FRANK CALABRESE, SR., in jail to other members of the Chicago Outfit, including messages designed to determine whether defendant NICHOLAS CALABRESE or James DiForti, now deceased, was cooperating with law enforcement about the activities of the enterprise. Prior to becoming a Chicago police officer, defendant ANTHONY DOYLE was a juice loan collector for the South Side/26th Street Crew.

## II. THE RACKETEERING CONSPIRACY

19. From approximately the middle of the 1960s through the date of the return of this indictment, the exact dates being unknown to the Grand Jury, in the Northern District of Illinois, Eastern Division, and elsewhere,

NICHOLAS W. CALABRESE,  
JAMES MARCELLO,  
JOSEPH LOMBARDO, also known as  
"The Clown," "Lumpy," and "Lumbo,"  
FRANK CALABRESE, SR.,  
FRANK SCHWEIHS, also known as  
"The German,"  
PAUL SCHIRO, also known as  
"The Indian,"  
MICHAEL MARCELLO, also known as  
"Mickey,"  
NICHOLAS FERRIOLA, and

ANTHONY DOYLE, also known as  
"Twan,"

defendants herein, being persons employed by and associated with an enterprise, that is, the Chicago Outfit, which enterprise engaged in and the activities of which affected, interstate commerce, did knowingly conspire and agree, with other persons known and unknown to the Grand Jury, to conduct and to participate, directly and indirectly, in the conduct of the affairs of the Chicago Outfit through: (1) a "pattern of racketeering activity," as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), and as further specified in paragraph 46 of this count, and (2) the "collection of unlawful debt," as that term is defined in Title 18, United States Code, Section 1961(6), and as further specified in paragraph 47 of this count, both in violation of Title 18, United States Code, Section 1962(c).

20. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

21. It was further part of the conspiracy that the defendants, together with other persons known and unknown to the Grand Jury, each agreed to conduct and to participate in the conduct of the Chicago Outfit's affairs through the collection of unlawful debt.

22. It was further part of the conspiracy that acts involving murder would be attempted and were committed to further the criminal objectives of the Chicago Outfit and protect the enterprise from law enforcement. Such acts involving murder

included, but are not limited to, the acts committed by the following defendants as set out below:

- a. In or about August, 1970, defendant FRANK CALABRESE, SR., and others committed the murder of Michael Albergo, also known as "Hambone," in Chicago, Illinois;
- b. On or about September 27, 1974, defendants JOSEPH LOMBARDO, FRANK SCHWEIHS and others committed the murder of Daniel Seifert, in Bensenville, Illinois;
- c. On or about June 24, 1976, defendant FRANK CALABRESE, SR., and others committed the murder of Paul Haggerty, in Chicago, Illinois;
- d. On or about March 15, 1977, defendant FRANK CALABRESE, SR., and others committed the murder of Henry Cosentino in Chicago, Illinois;
- e. On or about January 16, 1978, defendant FRANK CALABRESE, SR., and others committed the murder of John Mendell, in Chicago, Illinois;
- f. On or about January 31, 1978, defendant FRANK CALABRESE, SR., and others committed the murders of Donald Renno and Vincent Moretti, in Cicero, Illinois;
- g. On or about July 2, 1980, defendant FRANK CALABRESE, SR., and others committed the murders of William and Charlotte Dauber, in Will County, Illinois;
- h. On or about December 30, 1980, defendant FRANK CALABRESE, SR., and others committed the murder of William Petrocelli, in Cicero, Illinois;
- i. On or about June 24, 1981, defendant FRANK CALABRESE, SR., and others committed the murder of Michael Cagnoni, in DuPage County, Illinois;
- j. On or about September 13, 1981, defendant JAMES MARCELLO and others committed the murder of Nicholas D'Andrea, in Chicago Heights, Illinois;
- k. On or about April 24, 1982, defendants JAMES MARCELLO, FRANK CALABRESE, SR., and others committed the attempted murder of Individual A, in Lake County, Illinois;
- l. On or about July 23, 1983, defendant FRANK CALABRESE, SR., and others committed the murders of Richard D. Ortiz and Arthur Morawski, in Cicero, Illinois;

- m. On or about June 6, 1986, defendants FRANK SCHWEIHS, PAUL SCHIRO, and others committed the murder of Emil Vaci, in Phoenix, Arizona;
- n. On or about June 14, 1986, defendant JAMES MARCELLO and others committed the murders of Anthony and Michael Spilotro, in DuPage County, Illinois;
- o. On or about September 14, 1986, defendants NICHOLAS CALABRESE, FRANK CALABRESE, SR., and others committed the murder of John Fecarotta, in Chicago, Illinois.

23. It was further part of the conspiracy that at times members of one crew would assist members of other crews in homicides, by conducting surveillances of and luring intended victims so that the victims would not be alerted that they were targeted for murder.

24. It was further part of the conspiracy that cash payments would be and were collected from numerous individuals as "street tax" to allow those individuals to continue to conduct both legitimate and illegitimate activities.

25. It was further part of the conspiracy that loans made at usurious rates, or "juice loans," would be and were made to numerous individuals. These loans carried interest rates generally ranging from one percent (1%) to ten percent (10%) per week, which translate into annual rates of 52% to 520%, respectively. In making these juice loans, the conspirators agreed to rely and did rely upon the borrower's understanding at the time the loan was made that delay or failure to repay the loans could result in the use of violence or other criminal means to cause harm to the borrower. The conspirators also understood at the time each juice loan was made that delay or failure to repay the loans could result

in the use of violence or other criminal means to cause harm to the particular borrower.

26. It was further part of the conspiracy that "juice loan" payments would be and were collected from numerous juice loan debtors, who borrowed money from conspirators at the rates described in the previous paragraph. The conspirators each understood at the time they collected each juice loan payment that delay or failure to repay the loan could result in the use of violence or other criminal means to cause harm to the particular debtor. The conspirators used violence, intimidation and threats to collect these debts.

27. It was further part of the conspiracy that collections would be made of debts incurred in connection with the juice loan business described in this Count, which business charged rates of interest at least twice the rate enforceable under Illinois law.

28. It was further part of the conspiracy that members and associates of the Chicago Outfit would and did knowingly conduct, finance, manage, supervise, direct, and own all or part of illegal gambling businesses in violation of the laws of the State of Illinois, including illegal sports bookmaking businesses, and businesses which utilized video gambling machines for illegal wagering.

29. It was further part of the conspiracy that members and associates of the Chicago Outfit agreed to collect and did collect debts incurred in connection with illegal gambling businesses described in this Count.

30. It was further part of the conspiracy that members and associates of the Chicago Outfit used violence, intimidation and threats to: (1) instill discipline within the Chicago Outfit by compelling adherence to the Chicago Outfit's edicts and instructions; and (2) punish conduct by Chicago Outfit members, associates and others, which the hierarchy of the Chicago Outfit believed was adverse to the interests of the Chicago Outfit.

31. It was further part of the conspiracy that members and associates of the Chicago Outfit would and did obstruct the due administration of justice by: (1) intimidating, harming, and killing witnesses and potential witnesses who could provide information detrimental to the operations of the enterprise; (2) providing false information to law enforcement officers; and (3) paying money to individuals to keep them from cooperating with law enforcement officials.

32. It was further part of the conspiracy that the conspirators would and did use nominees, "fronts," and fictitious names to hide the proceeds of criminal activities.

33. It was further part of the conspiracy that the conspirators would and did use coded language in their discussions and written materials, and utilized coded names for discussing fellow conspirators and victims of their criminal activities.

34. It was further part of the conspiracy that the conspirators would and did collect information directly and indirectly from corrupt law enforcement sources to determine and

disrupt legitimate law enforcement investigation into the activities of the enterprise.

35. It was further part of the conspiracy that the conspirators would and did steal, store, and utilize "work cars" for use in their criminal activities, including surveillance of murder victims and committing murders.

36. It was further part of the conspiracy that the conspirators would and did use walkie-talkies and citizen band radios to communicate amongst themselves while conducting criminal activities, including murder.

37. It was further part of the conspiracy that the conspirators would and did monitor law enforcement radio frequencies, and acquire radio equipment, monitors, and crystals to do so, in order to detect and avoid law enforcement inquiry into their activities, including murder.

38. It was further part of the conspiracy that the conspirators would and did conduct surveillance to detect the presence of law enforcement while they and coconspirators were committing illegal activities, including murder.

39. It was further part of the conspiracy that the conspirators would and did acquire explosives, explosive devices, detonators, transmitters, and remote control devices with the intent to murder individuals without needing to be in the immediate vicinity of the intended victim.

40. It was further part of the conspiracy that the conspirators would and did acquire and store firearms to be used to commit murder.

41. It was further part of the conspiracy that the conspirators would and did use pagers and pay phones in an effort to reduce law enforcement's ability to intercept their communications.

42. It was further part of the conspiracy that the conspirators would and did maintain hidden interests in businesses, from which they could receive income not traceable to them.

43. It was further part of the conspiracy that the conspirators would and did seek to maintain hidden control of labor organizations and assets.

44. It was further part of the conspiracy that the conspirators would and did maintain written records and ledgers for their loansharking and bookmaking activities.

45. It was further part of the conspiracy that members and associates of the Chicago Outfit misrepresented, concealed and hid, caused to be misrepresented, concealed and hidden, and attempted to misrepresent, conceal and hide the operation of the Chicago Outfit and acts done in furtherance of the enterprise.

### III. PATTERN OF RACKETEERING ACTIVITY

(First Alternative Ground of Liability)

46. The pattern of racketeering activity through which the defendants agreed to conduct and to participate in the conduct of

the Chicago Outfit's affairs, consisted of multiple violations of the following federal and state laws:

(a) Acts and threats involving murder chargeable under the law of the States of Illinois, Arizona, and Nevada, which are punishable by imprisonment for more than one year; that is, first degree murder (Illinois: Illinois Revised Statutes, Chapter 38, §9-1; Arizona: Arizona Revised Statutes §13-1105), conspiracy to commit murder (Illinois: Illinois Revised Statutes, Chapter 38, §8-2; Arizona: Arizona Revised Statutes §13-1003; Nevada: Nevada Revised Statutes §199.480), and attempted murder (Illinois: Illinois Revised Statutes, Chapter 38, §8-4);

(b) Making and conspiring to make extortionate extensions of credit, indictable under Title 18, United States Code, Section 892;

(c) Collecting and conspiring to collect extensions of credit by extortionate means, indictable under Title 18, United States Code, Section 894;

(d) Interference with commerce by threats and violence, and conspiring to commit this offense, indictable under Title 18, United States Code, Section 1951;

(e) Acts and threats involving extortion in violation of state law, which are punishable by imprisonment for more than one year; that is, intimidation, in violation of Chapter 38, Illinois Revised Statutes, §12-6 (which later became 720 ILCS 5/12-6 of the Illinois Compiled Statutes) and conspiracy to commit intimidation,

in violation of Chapter 38, Illinois Revised Statutes, §8-2 (which later became 720 ILCS 5/8-2 of the Illinois Compiled Statutes);

(f) Operating an illegal gambling business indictable under Title 18, United States Code, Section 1955;

(g) Obstructing the due administration of justice, indictable under Title 18, United States Code, Section 1503;

(h) Obstruction of criminal investigations, indictable under Title 18, United States Code, Section 1510;

(i) Witness tampering, indictable under Title 18, United States Code, Section 1512;

(j) Retaliating against a witness, indictable under Title 18, United States Code, Section 1513;

(k) Interstate travel in aid of racketeering enterprises, indictable under Title 18, United States Code, Section 1952.

#### IV. COLLECTION OF UNLAWFUL DEBT

(Second Alternative Ground of Liability)

47. The collection of unlawful debt through which the defendants agreed to conduct and to participate in the affairs of the enterprise, consisted of multiple acts of collecting and attempting to collect debt incurred in connection with the Chicago Outfit's operation of illegal gambling businesses and its lending money at usurious rates, which loans were unenforceable under Illinois laws relating to usury, such gambling and loan debts constituting unlawful debt as defined in Title 18, United States Code, Sections 1961(6)(A) and (B).

V. NOTICE OF ENHANCED SENTENCING

48. Each of the murders identified in paragraph 22 above, with the exception of paragraph 22(m), was committed in violation of Illinois Revised Statutes, Chapter 38, §9-1, in that in each such instance the named defendants killed the named victim(s) without lawful justification in performing acts which caused the death of the named victim(s): a) intending to kill and do great bodily harm to the named victim(s), and knowing that such acts would cause death to the named victim(s), and b) knowing that such acts created a strong probability of death and great bodily harm to the named victim(s).

49. In addition, with respect to each of the murders identified in paragraphs 22(f), (g), (h), (i), (j), (l), (n), and (o), each murder was accompanied by exceptionally brutal and heinous behavior indicative of wanton cruelty, in violation of Illinois Revised Statutes, Chapter 38, §1005-8-1.

50. With respect to the murders identified above in paragraphs 22(f), (h), (j), and (n), each murdered individual was killed by the named defendants in the course of another felony, namely, aggravated kidnaping, in violation of Illinois Revised Statutes, Chapter 38, §10-2, §1005-8-1, and §9-1(b)(6).

51. With respect to the murder of Michael Cagnoni, identified above in paragraph 22(i), defendant FRANK CALABRESE, SR., committed the murder of Michael Cagnoni in the course of another felony, namely, arson, in violation of Illinois Revised Statutes, Chapter 38, §20-1, §1005-8-1, and §9-1(b)(6).

52. With respect to the murder of Emil Vaci, identified above in paragraph 22(m), defendants FRANK SCHWEIHS and PAUL SCHIRO conspired to commit and committed first degree murder in violation of Arizona Revised Statutes §13-1003 and §13-1105, in that FRANK SCHWEIHS and PAUL SCHIRO, with the intent to promote and aid the commission of first degree murder, agreed with each other and others known and unknown, and with premeditation, that at least one person would cause the death of Emil Vaci, and that FRANK SCHWEIHS and PAUL SCHIRO, knowing that their conduct would cause death, caused the death of Emil Vaci with premeditation;

All of the above in violation of Title 18, United States Code, Sections 1962(d) and 1963.

COUNT TWO

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

From in or before 1996 and continuing through the date of this indictment, in the Northern District of Illinois, Eastern Division, and elsewhere,

JAMES MARCELLO,  
MICHAEL MARCELLO, also known as  
"Mickey,"  
THOMAS JOHNSON,  
JOSEPH VENEZIA, and  
DENNIS JOHNSON,

defendants herein, together with other persons known and unknown to the Grand Jury, knowingly conducted all or part of an illegal gambling business, that is, a business involving the use of video gambling machines and devices in the western Chicago suburbs and surrounding areas, which business was in substantially continuous operation for a period in excess of thirty (30) days, which involved five or more persons who conducted, financed, managed, supervised, directed, and owned all or part of the business, and which was a violation of the following laws of the State of Illinois: Illinois Revised Statutes, Chapter 38, Sections 8-2, 28-1(a)(1), (3), and (5) and 28-3, which later became 720 ILCS 5/8-2, 5/28-1(a)(1), (3), and (5), and 5/28-3;

In violation of Title 18, United States Code, Sections 1955 and 2.

COUNT THREE

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

From in or about 1998 and continuing until at least January 2003, in the Northern District of Illinois and elsewhere,

JAMES J. MARCELLO, and  
MICHAEL A. MARCELLO, also known as  
"Mickey,"

defendants herein, did willfully endeavor by means of bribery to obstruct, delay, and prevent the communication of information relating to violations of criminal statutes of the United States by a person to a criminal investigator; that is, the defendants paid and caused to be paid a monthly sum of money to and on behalf of Nicholas W. Calabrese in order to maintain his allegiance to the Chicago Outfit and to prevent and discourage his cooperation with law enforcement authorities;

In violation of Title 18, United States Code, Sections 1510 and 2.

COUNT FOUR

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

From sometime in the early 1980s and continuing until approximately November 2002, in the Northern District of Illinois and elsewhere,

FRANK CALABRESE, SR., and  
NICHOLAS FERRIOLA,

defendants herein, knowingly committed extortion, as that term is used in Title 18, United States Code, Section 1951(b)(2), which extortion affected interstate commerce as that term is used in Title 18, United States Code, Section 1951(b)(3), in that the defendants would and did obtain money as "street tax" from a restaurant operating in Chicago, with the consent of a representative of the restaurant, induced by the wrongful use of actual and threatened force, violence, and fear;

In violation of Title 18, United States Code, Sections 1951 and 2.

**COUNT FIVE**

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

From sometime in 1992 and continuing until at least sometime in 2001, in the Northern District of Illinois and elsewhere,

FRANK CALABRESE, SR., and  
NICHOLAS FERRIOLA,

defendants herein, together with other persons known and unknown to the Grand Jury, knowingly conducted all or part of an illegal gambling business, that is, a sports bookmaking business, which business was in substantially continuous operation for a period in excess of thirty (30) days, which involved five or more persons who conducted, financed, managed, supervised, directed, and owned all or part of the business, and which was a violation of the following laws of the State of Illinois: Illinois Revised Statutes, Chapter 38, Sections 8-2, 28-1(a)(1), (3), and (5) and 28-3, which later became 720 ILCS 5/8-2, 5/28-1(a)(1), (3), and (5), and 5/28-3;

In violation of Title 18, United States Code, Sections 1955 and 2.

**COUNT SIX**

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

From sometime in the summer of 2001 and continuing until approximately November 2001, in the Northern District of Illinois and elsewhere,

FRANK SCHWEIHS, also known as  
"the German,"

defendant herein, knowingly did attempt to commit extortion, as that term is used in Title 18, United States Code, Section 1951(b)(2), which extortion would have affected interstate commerce as that term is used in Title 18, United States Code, Section 1951(b)(3), in that the defendant would and did attempt to obtain money as "street tax" from an adult entertainment club operating in a suburb of Chicago, with the consent of a representative of the club, induced by the wrongful use of actual and threatened force, violence, and fear;

In violation of Title 18, United States Code, Sections 1951 and 2.