

EAG:JMM/NMA/MEG
F. #2014R00552

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

ANGELO GIGLIOTTI,
ELEONORA GIGLIOTTI,
GREGORIO GIGLIOTTI and
FRANCO FAZIO,

Defendants.

-----X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Import Cocaine)

1. On or about and between July 1, 2014 and March 11, 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI, GREGORIO GIGLIOTTI and FRANCO FAZIO, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 952(a) and 960(a)(1). The amount of cocaine involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct

U.S. DISTRICT COURT E.D.N.Y.
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SUPERSEDING
INDICTMENT

Cr. No. 15-204 (S-1) (RJD)
(T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(d), 2 and 3551 et seq.; T. 21,
U.S.C., §§ 841(b)(1)(A)(ii)(II), 846,
853(a), 853(p), 952(a), 960(a)(1),
960(b)(1)(B)(ii) and 963; T. 28, U.S.C.,
§ 2461(c))

of other conspirators reasonably foreseeable to them, was five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 963 and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO
(Importation of Cocaine)

2. On or about October 19, 2014, within the Eastern District of New York and elsewhere, the defendants ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI, GREGORIO GIGLIOTTI and FRANCO FAZIO, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE
(Importation of Cocaine)

3. On or about December 28, 2014, within the Eastern District of New York and elsewhere, the defendants ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI, GREGORIO GIGLIOTTI and FRANCO FAZIO, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof,

which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR

(Conspiracy to Possess Cocaine With Intent to Distribute)

4. On or about and between July 1, 2014 and March 11, 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI, GREGORIO GIGLIOTTI and FRANCO FAZIO, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of others reasonably foreseeable to them, was five kilograms or more of a substance containing cocaine.

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

COUNT FIVE

(Attempted Possession of Cocaine)

5. On or about and between July 1, 2014 and March 11, 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI, GREGORIO GIGLIOTTI and

FRANCO FAZIO, together with others, did knowingly and intentionally attempt to possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine involved in the attempt attributable to the defendants as a result of their own conduct, and the conduct of others reasonably foreseeable to them, was five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIX

(Unlawful Use and Possession of Firearms)

6. On or about and between July 1, 2014 and March 11, 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI and GREGORIO GIGLIOTTI, together with others, did knowingly and intentionally use and possess one or more firearms during and in relation to one or more drug trafficking crimes, to wit: the crimes charged in Counts One through Five, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crimes.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH FIVE

7. The United States hereby gives notice to the defendants that, upon their conviction of any offenses charged in Counts One through Five, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any

person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses, including but not limited to:

(a) A sum of money equal to at least approximately \$12.6 million in United States currency;

(b) The following assets seized from the defendants on or about March 11, 2015 at 51-01 108th Street, Corona, New York:

- i) One hundred thousand dollars and zero cents (\$100,000.00), more or less, in United States currency,
- ii) Two hundred and twenty dollars and zero cents (\$220.00), more or less, in United States currency,
- iii) Two hundred and seventy-nine dollars and zero cents (\$279.00), more or less, in United States currency,
- iv) One Colt .357 caliber revolver, serial number J76276,
- v) One Colt .22 caliber revolver, serial number 79386,
- vi) One .762 caliber handgun, serial number E12808,
- vii) One Keltec P-11 nine millimeter handgun, serial number 59312,
- viii) One .38 caliber "derringer" style handgun, serial number unknown,

- ix) One Charter Arms .38 caliber handgun, serial number 995127,
- x) One twelve gauge shotgun, serial number 172729,
- xi) One unknown caliber handgun magazine,
- xii) Three 9 millimeter handgun magazines,
- xiii) One .32 caliber handgun magazine,
- xiv) One .22 caliber handgun magazine,
- xv) Twenty-five twelve (12) gauge shotgun shells,
- xvi) Eight unknown caliber rounds (ammunition),
- xvii) Fifty nine millimeter rounds (ammunition),
- xviii) One hundred and ten .22 caliber rounds (ammunition),
- xix) Six .357 caliber rounds (ammunition),
- xx) Seven .38 caliber rounds (ammunition),
- xxi) Fifty .32 caliber rounds (ammunition),
- xxii) One set of "brass knuckles", and
- xxiii) One automated money counter.

(c) The following assets seized from the defendants on or about March 11, 2015 at 32 Center Drive, Whitestone, New York:

- i) Four thousand dollars and zero cents (\$4,000.00), more or less, in United States currency,

ii) Fourteen thousand six hundred and seventy-five dollars and zero cents (\$14,675.00), more or less, in United States currency,

iii) One Llama .45 caliber handgun, serial number A42445,

iv) One .45 caliber handgun magazine,

v) Seven .45 caliber rounds (ammunition), and

vi) Nineteen .357 caliber rounds (ammunition).

(d) The following assets seized from the defendants on or about March 11, 2015 at 2200 Northern Boulevard, East Hills, New York:

i) Five thousand two hundred one dollar and zero cents (\$5,201.00), more or less, in United States currency, and

ii) One red 2010 Mercedes-Benz model ML350 sport utility vehicle (SUV), New York State vehicle registration number GBP7112, vehicle identification number (V.I.N.) 4JGBB8GB8AA622118.

(e) Real property located at 51-01 108th Street, Corona, New York 11368, designated as Block 2007, Lot 99 on the Queens County Tax Map, and all proceeds traceable thereto.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

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

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT SIX

9. The United States hereby gives notice to the defendants charged in Count Six that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offense to forfeit any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), or any violation of any other criminal law of the United States, including but not limited to:

(a) The following assets seized from the defendants on or about March 11, 2015 at 51-01 108th Street, Corona, New York:

- i) One Colt .357 caliber revolver, serial number J76276,
- ii) One Colt .22 caliber revolver, serial number 79386,
- iii) One .762 caliber handgun, serial number E12808,

- iv) One Keltec P-11 nine millimeter handgun, serial number 59312,
- v) One .38 caliber "derringer" style handgun, serial number unknown,
- vi) One Charter Arms .38 caliber handgun, serial number 995127,
- vii) One twelve gauge shotgun, serial number 172729,
- viii) One unknown caliber handgun magazine,
- ix) Three 9 millimeter handgun magazines,
- x) One .32 caliber handgun magazine,
- xi) One .22 caliber handgun magazine,
- xii) Twenty-five twelve (12) gauge shotgun shells,
- xiii) Eight unknown caliber rounds (ammunition),
- xiv) Fifty nine millimeter rounds (ammunition),
- xv) One hundred and ten .22 caliber rounds (ammunition),
- xvi) Six .357 caliber rounds (ammunition),
- xvii) Seven .38 caliber rounds (ammunition), and
- xviii) Fifty .32 caliber rounds (ammunition).

(b) The following assets seized from the defendants on or about

March 11, 2015 at 32 Center Drive, Whitestone, New York:

- i) One Llama .45 caliber handgun, serial number A42445,
- ii) One .45 caliber handgun magazine,

iii) Seven .45 caliber rounds (ammunition), and

iv) Nineteen .357 caliber rounds (ammunition).

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

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

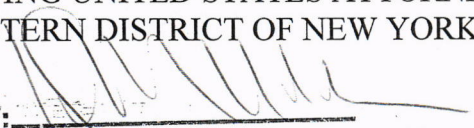
(Title 18, United States Code, Section 924(d); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON

KELLY T. CURRIE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

*ANGELO GIGLIOTTI, ELEONORA GIGLIOTTI, GREGORIO
GIGLIOTTI and FRANCO FAZIO,*

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(d), 2 and 3551 et seq.; T. 21,
U.S.C., §§ 841(b)(1)(A)(ii)(II), 846, 853(a), 853(p), 952(a), 960(a)(1),
960(b)(1)(B)(ii) and 963; T. 28, U.S.C., § 2461(c))

A true bill. _____

Robert Heffner

Foreperson

Filed in open court this _____ day,

of MAY A.D. 20 15

Clerk

Bail, \$ _____

*James Miskiewicz, Nicole M. Argentieri & Margaret E. Gandy, Assistant U.S. Attorneys
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