

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA :  
:  
-v- :  
:  
TODD LABARCA, :  
:  
Defendant. :  
- - - - -x

INFORMATION

S5 11 Cr. 12 (RMB)

COUNT ONE  
(Racketeering)

The United States Attorney charges:

The Enterprise

1. At all times relevant to this Information, TODD LABARCA, the defendant, and others known and unknown, were members and associates of the Gambino Organized Crime Family of La Cosa Nostra (the "Gambino Crime Family"). The Gambino Crime Family was a criminal organization whose members and associates engaged in crimes including murder, narcotics trafficking, extortion, robbery, assault, loansharking, operating illegal gambling businesses, and other crimes.

2. The Gambino Crime Family, including its leadership, membership, and associates, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1961(4) -- that is, a group of individuals associated in fact. This enterprise was engaged in, and its activities affected, interstate and foreign commerce. The Gambino Crime Family was an organized criminal group based in New

York City that operated in the Southern District of New York and elsewhere and constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

3. The Gambino Crime Family was part of a nationwide criminal organization known by various names, including the "Mafia" and "La Cosa Nostra" ("LCN"), which operated through entities known as "Families." In addition to the Gambino Crime Family, five other Families operated in the New York City and New Jersey area, namely, the Genovese Crime Family of LCN, the Luchese Crime Family of LCN, the Colombo Crime Family of LCN, the Bonanno Crime Family of LCN, and the Decavalcante Crime Family of LCN.

4. The Gambino Crime Family operated through groups of individuals known as "crews" and "regimes," most of which were based in New York City. Each "crew" had as its leader a person known as a "Caporegime," "Capo," "Captain," or "Skipper," and consisted of "made" members, sometimes known as "Soldiers," "wiseguys," "friends of ours," and "good fellows." Soldiers were aided in their criminal endeavors by other trusted individuals, known as "associates," who sometimes were referred to as "connected" or identified as "with," "around," or "under" a Soldier or other member of the Family. In order for an associate to become a made member of the Family, the associate typically

needed to demonstrate the ability to generate income for the Family, and/or that the associate was capable of committing acts of violence.

5. Each Capo was responsible for supervising the criminal activities of his crew and provided Soldiers and associates with support and protection. In return, the Capo typically received a share of the illegal earnings of each of his crew's Soldiers and associates, which was sometimes referred to as "tribute."

6. Above the Capos were the highest-ranking members of the Gambino Crime Family, commonly referred to as the "Administration." The head of the Gambino Crime Family was known as the "Boss," who was ordinarily assisted by an "Underboss" and a "Consigliere," or counselor. The Boss, Underboss, and Consigliere were responsible for, among other things, setting policy, resolving disputes between and among members of the Gambino Crime Family, and resolving disputes between members of the Gambino Crime Family and members of other criminal organizations. The Administration of the Gambino Crime Family was also responsible for overseeing the criminal activities of the Family's Capos, Soldiers and associates, and was at times called upon to make decisions regarding those criminal endeavors.

7. The Boss, Underboss, and Consigliere supervised,

supported, protected, and disciplined the Capos, Soldiers, and associates, and regularly received reports regarding their various activities. In return for their supervision and protection, the Boss, Underboss, Consigliere, and members of any multi-member committee serving an Administration function typically received part of the illegal earnings of each crew.

#### The Defendant

8. TODD LABARCA, the defendant, was a participant in the enterprise, the Gambino Crime Family. As an associate, LABARCA was in the crew of Gambino Crime Family Captain Louis Mastrangelo, and LABARCA also commonly participated in crimes with other individuals in the crew of Gambino Crime Family Captain Alphonse Trucchio. In approximately 2009, LABARCA was proposed for induction as a Soldier in the Gambino Crime Family.

#### Purposes of the Enterprise

9. The purposes of the enterprise included the following:

a. Enriching the leaders, members, and associates of the enterprise through murder, narcotics trafficking, extortion, robbery, assault, loansharking, operating illegal gambling businesses, and other crimes.

b. Preserving and augmenting the power, territory, and financial profits of the enterprise through

intimidation, violence, and threats of physical and economic harm; and

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

#### The Racketeering Violation

10. From at least in or about the late 1980s, up to and including in or about 2011, in the Southern District of New York and elsewhere, TODD LABARCA, the defendant, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 9 above, namely, the Gambino Crime Family, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, willfully and knowingly did conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), that is, through the commission of the following racketeering acts:

The Pattern of Racketeering

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

Racketeering Act One:  
Conspiracy to Murder Martin Bosshart

12. From at least in or about December 2001, up to and including on or about January 2, 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, willfully and knowingly conspired to murder Martin Bosshart, in violation of New York State Penal Law, Sections 125.25 and 105.15.

Racketeering Act Two:  
Marijuana Trafficking

13. From at least in or about the mid-1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, intentionally and knowingly distributed, and possessed with intent to distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812 and 841(a)(1), and Title 18, United States Code, Section 2.

**Racketeering Act Three:**  
**Ecstasy Trafficking**

14. From at least 1999, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, intentionally and knowingly distributed, and possessed with intent to distribute, a controlled substance, to wit, 3,4-methylenedioxymethamphetamine ("MDMA"), commonly known as "ecstasy", in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C), and Title 18, United States Code, Section 2.

**Racketeering Act Four:**  
**Extortion Conspiracy - "Victim-1"**

15. In or about 2009, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, an individual ("Victim-1") who purportedly owed a debt, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18,

United States Code, Section 1951(b)(3), in violation of Title 18,  
United States Code, Section 1951.

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

**Racketeering Act Five:**  
**Illegal Gambling Business - Sports Betting or "Bookmaking"**

16. From at least in or about the 1990s, up to and including in or about 2011, in the Southern District of New York, the Eastern District of New York, and elsewhere, TODD LABARCA, the defendant, and others known and unknown, willfully and knowingly did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, which operated illegal gambling activities, to wit, a sports betting business, in violation of New York State Penal Law, Sections 225.00, 225.05, and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Sections 1955 and 2.

**COUNT TWO**


(Conspiracy to Commit Assault in Aid of Racketeering)

17. Paragraphs 1 through 9 of this Information are repeated, realleged, and incorporated by reference as though set forth fully herein.



18. In or about 2002, in the Southern District of New York and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the Gambino Crime Family, an enterprise engaged in racketeering activity, as described in paragraphs 1 through 9 of this Information, TODD LABARCA, the defendant, and others known and unknown, intentionally and knowingly did conspire to commit assault with a dangerous weapon and assault resulting in serious bodily injury against an individual, to wit, Martin Bosshart, in violation of New York State Penal Law, Sections 120.00, 110.00, and 20.00.

(Title 18, United States Code, Section 1959(a)(6).)

  
PREET BHARARA  
United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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TODD LABARCA,

Defendant.

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Information

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(Title 18, United States Code, Sections 1962(c) and 1959(a)(6))

PREET BHARARA  
United States Attorney.

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