

★ AUG 31 2017 ★

BROOKLYN OFFICE

AL:MJJ/AS
F. #2016R00512

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VIKTOR ZELINGER,
also known as "Vitya" and
"Vityok,"
LEONID GERSHMAN,
also known as "Lenny," "Lenny
G.," "Lyonchik" and "Lyonya,"
ALEKSEY TSVETKOV,
also known as "Pelmin,"
"Lasha" and "Lyosha,"
LIBRADO RIVERA,
also known as "Macho" and
"Max,"
VYACHESLAV MALKEYEV,
also known as "Steve Bart," and
ARTIOM POCINOC,

Defendants.

-----X

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 16-553 (S-2) (BMC)
(T. 18, U.S.C., §§ 371, 844(h)(1), 844(i),
844(n), 892(a), 894(a), 922(a)(1)(A),
924(a)(1)(D), 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
924(d)(1), 981(a)(1)(C), 1349, 1951(a),
1955(a), 1955(d), 1959(a)(3), 1962(c),
1962(d), 1963, 1963(a), 1963(m), 2 and
3551 et seq.; T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(B)(vii), 841(b)(1)(D), 846,
853(a) and 853(p); T. 28, U.S.C.,
§ 2461(c))

THE GRAND JURY CHARGES:

INTRODUCTION

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

The Enterprise

1. The syndicate (hereinafter the "syndicate" or the "enterprise") was a criminal organization, operating in, among other places, the Brighton Beach and Coney Island neighborhoods of Brooklyn, New York. Members of the syndicate have engaged in arson, extortion, narcotics trafficking, loansharking, illegal gambling and extortionate collection of credit, among other criminal activities.

2. The syndicate, including its leadership, membership and associates, constituted an "enterprise," as defined by Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The syndicate constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

3. The principal purpose of the syndicate was to generate money for its members. This purpose was implemented by members of the syndicate through their commission of various criminal activities, including arson, extortion, narcotics trafficking, loansharking, illegal gambling and extortionate collection of credit. The members of the syndicate furthered the syndicate's criminal activities by using, and threatening to use,

economic injury and physical violence. The members of the syndicate engaged in conduct designed to prevent government detection of their illegal activity and the location and proceeds of those activities.

Means and Methods of the Enterprise

4. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the syndicate were the following:

- a. Members of the syndicate and their associates committed and conspired to commit arson.
- b. Members of the syndicate and their associates used, attempted to use and conspired to use extortion, which affected interstate and foreign commerce.
- c. Members of the syndicate and their associates conspired to make extortionate extensions of credit and used extortionate means to collect extensions of credit.
- d. Members of the syndicate and their associates ran unlawful gambling operations and used extortionate means to collect debts owed therefrom.
- e. Members of the syndicate and their associates distributed and possessed with intent to distribute and conspired to distribute and possess with intent to distribute narcotics.
- f. Members of the syndicate and their associates committed assaults to protect and promote their illegal activities.

The Defendants

5. The defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lasha” and “Lyosha,” LIBRADO RIVERA, also known as “Macho” and “Max,” VYACHESLAV MALKEYEV, also known as “Steve Bart,” and ARTIOM POCINOC were members of the syndicate.

COUNT ONE
(Racketeering)

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. In or about and between 2011 and May 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lasha” and “Lyosha,” LIBRADO RIVERA, also known as “Macho” and “Max,” VYACHESLAV MALKEYEV, also known as “Steve Bart,” and ARTIOM POCINOC, together with others, being persons employed by and associated with the syndicate, an enterprise that engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

RACKETEERING ACT ONE

(Extortionate Collection of Credit Conspiracy/Extortion Conspiracy)

8. The defendants named below committed the following acts, either of which alone constitutes Racketeering Act One.

A. Extortionate Collection of Credit Conspiracy

9. In or about and between 2015 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit, from one or more individuals, and to punish the nonrepayment thereof, in violation of Title 18, United States Code, Section 894(a).

B. State Law Extortion Conspiracy

10. In or about and between 2015 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to steal property by extortion, in that the defendants and others agreed to obtain property, from one or more persons, by compelling and inducing one or more persons to deliver property by instilling in one or more persons a fear that, if the property were not so delivered, the defendants and others would (1) cause physical injury to some person in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 105.10.

RACKETEERING ACT TWO
(Extortionate Collection of Credit/
Extortion – John Doe #1)

11. The defendants named below committed the following acts, either of which alone constitutes Racketeering Act Two.

A. Extortionate Collection of Credit

12. In or about and between May 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and ARTIOM POCINOC, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #1, an individual whose identity is known to the Grand Jury, and to punish the nonrepayment thereof, in violation of Title 18, United States Code, Sections 894(a) and 2.

B. State Law Extortion

13. In or about and between May 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and ARTIOM POCINOC, together with others, did knowingly and intentionally steal property by extortion, in that the defendants and others obtained property, to wit: money, by compelling and inducing John Doe #1 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendants and others would (1) cause physical injury to

one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT THREE

(Extortionate Extension of Credit/Extortionate Collection of Credit/
Extortion – John Doe #2)

14. The defendants named below committed the following acts, any of which alone constitutes Racketeering Act Three.

A. Extortionate Extension of Credit

15. In or about and between June 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally make one or more extortionate extensions of credit to John Doe #2, an individual whose identity is known to the Grand Jury, in violation of Title 18, United States Code, Sections 892(a) and 2.

B. Extortionate Collection of Credit

16. In or about and between June 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #2, and to punish the nonrepayment thereof, in violation of Title 18, United States Code, Sections 894(a) and 2.

C. State Law Extortion

17. In or about and between June 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally steal property by extortion, in that the defendants and others obtained property, to wit: money, by compelling and inducing John Doe #2 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendants and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT FOUR

(Extortionate Collection of Credit/Extortion – John Doe #3)

18. The defendants named below committed the following acts, either of which alone constitutes Racketeering Act Four.

A. Extortionate Collection of Credit

19. In or about 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #3, an individual whose identity is known to the Grand Jury, and to punish the nonrepayment thereof, in violation of Title 18, United States Code, Sections 894(a) and 2.

B. State Law Extortion

20. In or about 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally steal property by extortion, in that the defendants and others obtained property, to wit: money, by compelling and inducing John Doe #3 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendants and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT FIVE

(Extortionate Collection of Credit/Extortion – John Doe #4)

21. The defendant named below committed the following acts, either of which alone constitutes Racketeering Act Five.

A. Extortionate Collection of Credit

22. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #4, an individual whose identity is known to the Grand Jury, and to punish the nonrepayment thereof, in violation of Title 18, United States Code, Sections 894(a) and 2.

B. State Law Extortion

23. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally steal property by extortion, in that the defendant and others obtained property, to wit: money, by compelling and inducing John Doe #4 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT SIX

(Extortionate Collection of Credit/Extortion – John Doe #5)

24. The defendant named below committed the following acts, either of which alone constitutes Racketeering Act Six.

A. Extortionate Collection of Credit

25. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #5, an individual whose identity is known to the Grand Jury, and to punish the nonrepayment thereof, in violation of Title 18, United States Code, Sections 894(a) and 2.

B. State Law Extortion

26. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally steal property by extortion, in that the defendant and others obtained property, to wit: money, by compelling and inducing John Doe #5, to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT SEVEN
(Extortion – John Doe #6)

27. In or about and between March 2016 and July 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant VIKTOR ZELINGER, together with others, did knowingly and intentionally steal property by extortion, in that the defendant and others obtained property, to wit: money, by compelling and inducing John Doe #6, an individual whose identity is known to the Grand Jury, to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT EIGHT
(Extortion Conspiracy/Extortion – John Doe #7)

28. The defendant named below committed the following acts, any of which alone constitutes Racketeering Act Eight.

A. Federal Extortion Conspiracy

29. In or about and between 2013 and 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others agreed to obtain property, to wit: proceeds from an illegal narcotics trafficking business, from John Doe #7, an individual whose identity is known to the Grand Jury, with his consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear, in violation of Title 18, United States Code, Section 1951(a).

B. Federal Extortion

30. In or about and between 2013 and 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others obtained property, to wit: proceeds from an illegal narcotics trafficking business, from John Doe #7, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear, in violation of Title 18, United States Code, Sections 1951(a) and 2.

C. State Law Extortion Conspiracy

31. In or about and between 2013 and 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally conspire to steal property by extortion, in that the defendant and others agreed to obtain property, to wit: proceeds from an illegal narcotics trafficking business, by compelling and inducing John Doe #7 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to some person in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 105.10.

D. State Law Extortion

32. In or about and between 2013 and 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally steal property by extortion, in that the defendant and others obtained property, to wit: proceeds from an illegal narcotics trafficking business, by compelling and inducing John Doe #7 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT NINE
(Extortion Conspiracy/Extortion – John Doe #7)

33. The defendant named below committed the following acts, any of which alone constitutes Racketeering Act Nine.

A. Federal Extortion Conspiracy

34. In or about 2015, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others agreed to obtain property, to wit: proceeds from an illegal narcotics trafficking business, from John Doe #7, with his consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear, in violation of Title 18, United States Code, Section 1951(a).

B. Federal Extortion

35. In or about 2015, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others obtained property, to wit: proceeds from an illegal narcotics trafficking business, from John Doe #7, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear, in violation of Title 18, United States Code, Sections 1951(a) and 2.

C. State Law Extortion Conspiracy

36. In or about and between 2015, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally conspire to steal property by extortion, in that the defendant and others agreed to obtain property, to wit: proceeds from an illegal narcotics trafficking business, by compelling and inducing John Doe #7 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to some person in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 105.10.

D. State Law Extortion

37. In or about 2015, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally steal property by extortion, in that the defendant and others obtained property, to wit: money, by compelling and inducing John Doe #7 to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT TEN
(Extortion – John Doe #8)

38. In or about 2013, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ALEKSEY TSVETKOV, together with others, did knowingly and intentionally steal property by extortion, in that the

defendants and others obtained property, to wit: money, by compelling and inducing John Doe #8, an individual whose identity is known to the Grand Jury, to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendants and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT ELEVEN
(Extortion – John Doe #9)

39. In or about 2013, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, together with others, did knowingly and intentionally steal property by extortion, in that the defendant and others obtained property, to wit: money, by compelling and inducing John Doe #9, an individual whose identity is known to the Grand Jury, to deliver such property by instilling in him a fear that, if the property were not so delivered, the defendant and others would (1) cause physical injury to one or more persons in the future and (2) cause damage to property, in violation of New York Penal Law Sections 155.40(2), 155.05(2)(e)(i), 155.05(2)(e)(ii) and 20.00.

RACKETEERING ACT TWELVE
(Arson Conspiracy/Arson)

40. The defendants named below committed the following acts, either of which alone constitutes Racketeering Act Twelve.

A. State Law Arson Conspiracy

41. In or about and between April 2016 and May 2, 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and VYACHESLAV MALEKEYV, together with others, did knowingly and intentionally conspire to damage a building, to wit: the building located at 2220 Voorhies Avenue, Brooklyn, New York, by starting a fire and causing an explosion, in violation of New York Penal Law Sections 150.10 and 105.10.

B. State Law Arson

42. On or about May 2, 2016, within the Eastern District of New York, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and VYACHESLAV MALKEYEV, together with others, did knowingly and intentionally damage property, to wit: a building at 2220 Voorhies Avenue, Brooklyn, New York, by starting a fire and causing an explosion, in violation of New York Penal Law Sections 150.10 and 20.00.

RACKETEERING ACT THIRTEEN

(Extortionate Extension of Credit Conspiracy/Extortionate Extension of Credit)

43. The defendants named below committed the following acts, either of which alone constitutes Racketeering Act Thirteen.

A. Extortionate Extension of Credit Conspiracy

44. In or about and between 2013 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to make one or more extortionate extensions of credit, to one or more individuals, in violation of Title 18, United States Code, Section 892(a).

B. Extortionate Extension of Credit

45. In or about and between 2013 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN and ARTIOM POCINOC, together with others, did knowingly and intentionally make one or more extortionate extensions of credit to one or more individuals, in violation of Title 18, United States Code, Sections 892(a) and 2.

RACKETEERING ACT FOURTEEN
(Illegal Gambling)

46. In or about and between 2015 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV, VYACHESLAV MALKEYEV and ARTIOM POCINOC, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, to wit: a gambling business involving poker games, which operated in violation of the laws of New York State, to wit: New York Penal Law Sections 225.05 and 225.20, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of 30 days and had gross revenues of \$2,000 or more in a single day, in violation of Title 18, United States Code, Sections 1955(a) and 2.

RACKETEERING ACT FIFTEEN
(Conspiracy to Distribute Marijuana)

47. In or about and between 2011 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, ALEKSEY TSVETKOV, LIBRADO RIVERA and VYACHESLAV MALKEYEV, 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 marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1), in violation of Title 21, United States Code, Section 846.

RACKETEERING ACT SIXTEEN
(Distribution of Marijuana)

48. On or about and between May 12, 2016 and May 16, 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, LIBRADO RIVERA and VYACHESLAV MALKEYEV, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

RACKETEERING ACT SEVENTEEN
(Distribution of Marijuana)

49. On or about May 19, 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, LIBRADO RIVERA and VYACHESLAV MALKEYEV, together with others, did knowingly and intentionally

distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

(Title 18, United States Code, Sections 1962(c), 1963, 2 and 3551 et seq.)

COUNT TWO

(Collection of Unlawful Debt Racketeering Conspiracy)

50. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

51. In or about and between 2015 and 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as "Vitya" and Vityok," LEONID GERSHMAN, also known as "Lenny," "Lenny G.," "Lyonchik" and "Lyonya," ALEKSEY TSVETKOV, also known as "Pelmin," "Lesha" and "Lyosha," VYACHESLAV MALKEYEV, also known as "Steve Bart," and ARTIOM POCINOC, together with others, being persons employed by and associated with the syndicate, an enterprise which engaged in, and the activities of which affected interstate and foreign commerce, did knowingly and intentionally conspire to conduct and participate directly and indirectly in the conduct of the affairs of the enterprise, through the collection of unlawful debt, incurred and contracted in gambling activity in violation of Federal law, to wit: Title 18, United States Code, Section 1955, and State law, to wit: New York Penal Law Sections 225.05 and 225.20, and incurred in connection with the business of gambling in violation of Federal and State law.

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

COUNT THREE

(Extortionate Collection of Credit Conspiracy)

52. In or about and between 2015 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as, “Pelmin,” “Lasha” and “Lyosha,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from one or more persons, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a) and 3551 et seq.)

COUNT FOUR

(Extortionate Collection of Credit Conspiracy – John Doe #1)

53. In or about and between May 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as, “Pelmin,” “Lasha” and “Lyosha,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #1, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a) and 3551 et seq.)

COUNT FIVE

(Extortionate Collection of Credit – John Doe #1)

54. In or about and between May 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as, “Pelmin,” “Lesha” and “Lyosha,” and ARTIOM POCINOC, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #1, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a), 2 and 3551 et seq.)

COUNT SIX

(Extortionate Extension of Credit Conspiracy – John Doe #2)

55. In or about 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to make one or more extortionate extensions of credit to John Doe #2.

(Title 18, United States Code, Section 892(a) and 3551 et seq.)

COUNT SEVEN

(Extortionate Extension of Credit – John Doe #2)

56. In or about 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,”

“Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally make one or more extortionate extensions of credit to John Doe #2.

(Title 18, United States Code, Sections 892(a), 2 and 3551 et seq.)

COUNT EIGHT

(Extortionate Collection of Credit Conspiracy – John Doe #2)

57. In or about and between June 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #2, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a) and 3551 et seq.)

COUNT NINE

(Extortionate Collection of Credit – John Doe #2)

58. In or about and between June 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #2, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a), 2 and 3551 et seq.)

COUNT TEN

(Extortionate Collection of Credit Conspiracy – John Doe #3)

59. In or about 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #3, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a) and 3551 et seq.)

COUNT ELEVEN

(Extortionate Collection of Credit – John Doe #3)

60. In or about 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #3, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a), 2 and 3551 et seq.)

COUNT TWELVE

(Extortionate Collection of Credit Conspiracy – John Doe #4)

61. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally conspire to participate in the

use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #4, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a) and 3551 et seq.)

COUNT THIRTEEN

(Extortionate Collection of Credit – John Doe #4)

62. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #4, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a), 2 and 3551 et seq.)

COUNT FOURTEEN

(Extortionate Collection of Credit Conspiracy – John Doe #5)

63. In or about and between July 2016 and August 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe #5, and to punish the nonrepayment thereof.

(Title 18, United States Code, Sections 894(a) and 3551 et seq.)

COUNT FIFTEEN
(Extortion Conspiracy – John Doe #7)

64. In or about and between 2013 and 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others agreed to obtain property, to wit: proceeds from a narcotics trafficking business, from John Doe #7, with his consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT SIXTEEN
(Extortion – John Doe #7)

65. In or about and between 2013 and 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, and attempt to do so, by extortion, in that the defendant and others obtained and attempted to obtain property, to wit: proceeds from a narcotics trafficking business, from John Doe #7, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SEVENTEEN
(Extortion Conspiracy – John Doe #7)

66. In or about 2015, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others agreed to obtain property, to wit: proceeds from a narcotics trafficking business, from John Doe #7, with his consent, which consent was to be induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT EIGHTEEN
(Extortion – John Doe #7)

67. In or about 2015, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, and attempt to do so, by extortion, in that the defendant and others obtained and attempted to obtain property, to wit: proceeds from a narcotics trafficking business, from John Doe #7, with his consent, which consent was induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT NINETEEN
(Arson Conspiracy)

68. In or about and between April 2016 and May 2016, both dates being approximate and inclusive, with the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and VYACHESLAV MALKEYEV, also known as “Steve Bart,” together with others, did knowingly and intentionally conspire to maliciously damage and destroy, by means of fire and an explosive, a building and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit: a building located at 2220 Voorhies Avenue, Brooklyn, New York, that contained a gambling business, contrary to Title 18, United States Code, Section 844(i), and as a result of such conduct, did cause personal injury to one or more persons, to wit: one or more residents of the building located at 2220 Voorhies Avenue, Brooklyn, New York, and one or more New York City Fire Department firefighters performing duties as a direct and proximate result of such conduct.

(Title 18, United States Code, Sections 844(n) and 3551 et seq.)

COUNT TWENTY
(Arson Conspiracy)

69. In or about and between April 2016 and May 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY

TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and VYACHESLAV MALKEYEV, also known as “Steve Bart,” together with others, did knowingly and willfully conspire to maliciously damage and destroy, by means of fire, a building and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit: a building located at 2220 Voorhies Avenue, Brooklyn, New York, that contained a gambling business, contrary to Title 18, United States Code, Section 844(i).

70. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and VYACHESLAV MALKEYEV, together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

a. In or about April 2016, the defendants VIKTOR ZELINGER, LEONID GERSHMAN, ALEKSEY TSVETKOV and VYACHESLAV MALKEYEV, together with others, convened a meeting at which they planned the arson of the building at 2220 Voorhies Avenue, Brooklyn, New York.

b. On or about May 2, 2016, the defendant VYACHESLAV MALKEYEV traveled to the building at 2220 Voorhies Avenue in Brooklyn, New York.

c. On or about May 2, 2016, the defendant VYACHESLAV MALKEYEV set fire to the building at 2220 Voorhies Avenue, Brooklyn, New York.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWENTY-ONE
(Fire Used in Commission of Felony)

71. On or about May 2, 2016, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and VYACHESLAV MALKEYEV, also known as “Steve Bart,” together with others, did knowingly and intentionally use fire and an explosive to commit one or more felonies which may be prosecuted in a court of the United States, to wit: the crimes charged in Count One and Count Nineteen.

(Title 18, United States Code, Sections 844(h)(1), 2 and 3351 et seq.)

COUNT TWENTY-TWO
(Arson)

72. On or about May 2, 2016, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and VYACHESLAV MALKEYEV, also known as “Steve Bart,” together with others, did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a building and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit: a building located at 2220 Voorhies Avenue, Brooklyn, New York, that contained a gambling business, and as a result of such conduct, did cause personal injury to one or more persons, to wit: one or more residents of the

building located at 2220 Voorhies Avenue, Brooklyn, New York, and one or more New York City Fire Department firefighters performing duties as a direct and proximate result of such conduct.

(Title 18, United States Code, Sections 844(i), 2 and 3551 et seq.)

COUNT TWENTY-THREE
(Conspiracy to Distribute Marijuana)

73. In or about and between 2011 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and LIBRADO RIVERA, also known as “Macho” and “Max,” 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 marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of marijuana involved in the conspiracy attributable to the defendants LEONID GERSHMAN and LIBRADO RIVERA as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was 100 kilograms or more of a substance containing marijuana.

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

COUNT TWENTY-FOUR
(Distribution of Marijuana)

74. On or about and between May 12, 2016 and May 16, 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and LIBRADO RIVERA, also known as “Macho” and “Max,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance.

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

COUNT TWENTY-FIVE
(Distribution of Marijuana)

75. On or about May 19, 2016, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and LIBRADO RIVERA, also known as “Macho” and “Max,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance

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

COUNT TWENTY-SIX
(Assault in aid of Racketeering)

76. At all times relevant to this Superseding Indictment, the syndicate, as more fully described in paragraphs one through five, which are realleged and incorporated as if fully set forth in this paragraph, including its leadership, membership and associates, constituted an “enterprise,” as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign 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.

77. At all times relevant to this Superseding Indictment, the syndicate, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving extortion, arson and illegal gambling that are chargeable under New York Penal Law and punishable by imprisonment of more than one year; acts indictable under Title 18, United States Code, Section 844 (relating to arson and the use of fire), Title 18, United States Code, Sections 892 and 894 (relating to extortionate credit transactions), Title 18, United States Code, Section 1951 (extortion), and Title 18, United States Code, Section 1955 (illegal gambling); and offenses involving narcotics trafficking, punishable under Title 21, United States Code, Sections 841 and 846.

78. In or about and between September 2012 and 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY

TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and VYACHESLAV MALKEYEV, also known as “Steve Bart,” together with others, for the purpose of maintaining and increasing position in the syndicate, an enterprise engaged in racketeering activity, did knowingly and intentionally assault another person, to wit: John Doe #10, an individual whose identity is known to the Grand Jury, with one or more dangerous weapons, to wit: a firearm and a baton, and resulting in serious bodily injury, in violation of New York Penal Law Sections 120.05(2) and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), 2 and 3551 et seq.)

COUNT TWENTY-SEVEN
(Using, Carrying and Possessing a Firearm)

79. In or about and between September 2012 and 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” and VYACHESLAV MALKEYEV, also known as “Steve Bart,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more crimes of violence and narcotics trafficking crimes, to wit: (i) the crimes charged in Counts One and Twenty-Six as to defendants LEONID GERSHMAN, ALEKSEY TSVETKOV and VYACHESLAV MALKEYEV; (ii) the crime charged in Count Twenty-Three as to the defendants LEONID GERSHMAN and ALEKSEY TSVETKOV; and (iii) the conspiracy to distribute marijuana charged in Count Six of the indictment filed on October 21, 2016 in United States v. Gershman, et al., 16 CR 553 (BMC) (E.D.N.Y.), as to the defendant VYACHESLAV MALKEYEV, and did knowingly and intentionally possess

such firearms in furtherance of said crimes of violence and narcotics trafficking crimes, one or more of which firearms was brandished and discharged.

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

COUNT TWENTY-EIGHT
(Conspiracy to Unlawfully Deal in Firearms)

80. In or about and between 2008 and 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, not being a licensed importer, licensed manufacturer or licensed dealer in firearms, did knowingly and willfully conspire to engage in the business of dealing in firearms, contrary to Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D).

81. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York, the defendant LEONID GERSHMAN, together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

a. In or about and between 2008 and 2009, both dates being approximate and inclusive, the defendant LEONID GERSHMAN sold one or more firearms to John Doe #11, an individual whose identity is known to the Grand Jury.

b. In or about and between September 2012 and 2013, both dates being approximate and inclusive, the defendant LEONID GERSHMAN sold one or more

firearms to John Doe #11 and John Doe #12, an individual whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWENTY-NINE
(Unlawful Dealing in Firearms)

82. In or about and between 2008 and 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” together with others, not being a licensed importer, licensed manufacturer or licensed dealer in firearms, did knowingly and intentionally engage in the business of dealing in firearms.

(Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D) and 3551 et seq.)

COUNT THIRTY
(Illegal Gambling)

83. In or about and between 2015 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VIKTOR ZELINGER, also known as “Vitya” and Vityok,” LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” ALEKSEY TSVETKOV, also known as “Pelmin,” “Lasha” and “Lyosha,” VYACHESLAV MALKEYEV, also known as “Steve Bart,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conduct, finance, manage, supervise, direct, and own all or part of an illegal gambling business, to wit: a gambling business involving poker games, which operated in violation of the laws of New York State, to wit: New York Penal Law

Sections 225.05 and 225.20, which involved five or more persons who conducted, financed, managed, supervised, directed and owned all or part of such business and which remained in substantially continuous operation for a period in excess of 30 days and had gross revenues of \$2,000 or more in a single day.

(Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq.)

COUNT THIRTY-ONE
(Extortionate Extension of Credit Conspiracy)

84. In or about and between 2013 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally conspire to make one or more extortionate extensions of credit.

(Title 18, United States Code, Sections 892(a) and 3551 et seq.)

COUNT THIRTY-TWO
(Extortionate Extension of Credit)

85. In or about and between 2013 and November 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LEONID GERSHMAN, also known as “Lenny,” “Lenny G.,” “Lyonchik” and “Lyonya,” and ARTIOM POCINOC, together with others, did knowingly and intentionally make one or more extortionate extensions of credit.

(Title 18, United States Code, Sections 892(a), 2 and 3551 et seq.)

COUNT THIRTY-THREE
(Conspiracy to Commit Wire Fraud)

86. In or about and between June 2015 and August 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ALEKSEY TSVETKOV, also known as “Pelmin,” “Lesha” and “Lyosha,” together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud Progressive Auto Insurance (“Progressive”), and to obtain money and property from Progressive by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit: one or more telephone calls from New York to Progressive in Ohio and Texas in or about and between July 2015 and August 2015, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO

87. The United States hereby gives notice to the defendants charged in Counts One and Two that, upon their conviction of either offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963(a), which requires any person convicted of such offenses to forfeit any interest the person has acquired or maintained in violation of Section 1962; any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which the person has established, operated, controlled, conducted, or participated in the

conduct of, in violation of Section 1962; and any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of Section 1962.

88. If any of the above-described forfeitable property, as a result of any act or omission of such 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 18, United States Code, Section 1963(m), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 1963(a) and 1963(m))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS THREE THROUGH EIGHTEEN
AND THIRTY-ONE THROUGH THIRTY-THREE

89. The United States hereby gives notice to the defendants charged in Counts Three through Eighteen and Thirty-One through Thirty-Three that upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section

2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting or derived from proceeds traceable to such offenses.

90. If any of the above-described forfeitable property, as a result of any act or omission of such 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 such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT TWENTY-SEVEN**

91. The United States hereby gives notice to the defendants charged in Count Twenty-Seven, that the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violations of Title 18, United States Code, Section 922 or Section 924.

92. If any of the above-described forfeitable property, as a result of any act or omission of such 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 such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT THIRTY

93. The United States hereby gives notice to the defendants charged in Count Thirty that upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting or derived from proceeds traceable to such offense, and Title 18, United States Code, Section 1955(d), which requires any person convicted of such offense to forfeit any property, including money, used in such offense.

94. If any of the above-described forfeitable property, as a result of any act or omission of such 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 such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 981(a)(1)(C) and 1955(d); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWENTY-THREE THROUGH TWENTY-FIVE

95. The United States hereby gives notice to the defendants charged in Counts Twenty-Three through Twenty-Five that, upon their conviction of any such offenses, 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: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

96. If any of the above-described forfeitable property, as a result of any act or omission of such 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 such 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))

A TRUE BILL



FOREPERSON



BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. 16-CR-553

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

VIKTOR ZELINGER, a "Vitya" and Vityok," LEONID GERSHMAN, also known as "Lenny," "Lenny G.," "Lyonchik" and "Lyonya," ALEKSEY TSVETKOV, also known as "Pelmin," "Lesha" and "Lyosha," LIBRADO RIVERA, also known as "Macho" and "Max," VYACHESLAV MALKEYEV, also known as "Steve Bart," and ARTIOM POCINOC

Defendants.

SUPERSEDING INDICTMENT

(T.18, U.S.C., §§ 371, 844(i), 844(h)(1), 844(n), 892(a), 894(a)(1), 922(a)(1)(A), 922(o)(1), 924(a)(1)(D), 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(d)(1), 981(a)(1)(C), 1951(a), 1955(a), 1955(d), 1959(a)(3), 1962(c), 1962(d), 1963, 1963(a), 1963(m), 2 and 3551 *et seq.*; T. 21, U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vii), 841(b)(1)(D), 846, 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Foreperson

Filed in open court this _____ day, of _____ A.D. 20 _____

Clerk

Bail, \$ _____

**Matthew Jacobs, Andrey Spektor,
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