

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

JESSICA BISMARCK,
RICHARD CACCAVALE,
DOMINICK CAPELLI,
ANTHONY MARTINO,
STEVE MURRAY,
FRANK McKIERNAN,
SETH TRUSTMAN,
MICHAEL WAGNER,
ROBERT WAGNER, and
ROBERT WAGNER, JR.

INDICTMENT NO.
250-2018

Defendants.

-----X

COUNT ONE

ENTERPRISE CORRUPTION

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK, of **ENTERPRISE CORRUPTION**, in violation of Penal Law § 460.20(1)(a), committed as follows:

The defendants, in the Counties of Westchester and Bronx, State of New York, and elsewhere, from on or about August 1, 2016 through January 7, 2018, having knowledge of the existence of a criminal enterprise, to wit, the "WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE," and of the nature of its activities, and being employed by or associated with said criminal enterprise, intentionally conducted and participated in the affairs of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE by participating in a pattern of criminal activity.

The Criminal Enterprise

At all times relevant to the First Count:

A group of persons, namely defendants DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK, along with numerous known and unknown co-conspirators, were employed by or associated with the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE, sharing a common purpose of engaging in criminal conduct, associated in an ascertainable structure distinct from a pattern of criminal activity, and with a continuity of existence, structure, and criminal purpose beyond the scope of the individual criminal incidents.

Structure of the Criminal Enterprise

The defendants DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK were members of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE, which engaged in unlawful loansharking and/or bookmaking in the Counties of Bronx and Westchester, State of New York, and elsewhere. The WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE constituted a “criminal enterprise” as that term is defined in Penal Law Section 460.10(3).

The Lucchese Organized Crime Family is one of the five traditional Organized Crime families operating in the New York area and elsewhere in the United States and abroad. The other four families are the Columbo, Bonanno, Gambino, and Genovese. The families are part of a criminal network variously known as “the Mafia”, “the Mob”, and “La Cosa Nostra.” Organized crime seeks to be a secret society.

Organized Crime Families have a hierarchical structure headed by a “boss.” The boss is assisted by an “underboss” or “street boss,” and by a counselor and mediator known as a “consigliere.” The Lucchese Organized Crime Family operates through groups of individuals known as “crews.” Each crew is led by a captain or “Capo” or “Capo de regime.” The crew consists of “Soldiers” and “Associates.” Soldiers and those above in the hierarchy are considered “made members,” “friends of ours,” or “wise guys,” having taken an oath to put the interests of the crime family above their personal lives. A Capo typically has at least two Soldiers who report to and serve him, but it could be many more. Soldiers try to insulate and protect their Capo. In addition to “made members,” each crew has Associates who are sometimes referred to as being “connected” or identified as being “with” the Soldiers and Capo. The Associates report to and serve a given Soldier. The Associates engage in the day-to-day criminal activities of the crew and seek to insulate and protect the “made members.”

During the period relevant herein, the defendant DOMINICK CAPELLI was a Soldier in a crew run by recently-deceased Capo Salvatore Disimone. DOMINICK CAPELLI delegated the oversight of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE to ROBERT WAGNER, who was aided in the criminal endeavors relating to loansharking and illegal sports gambling by Lucchese Organized Crime Family Associates FRANK McKIERNAN, MICHAEL WAGNER, ANTHONY MARTINO, SETH TRUSTMAN, and STEVE MURRAY, as well as participants ROBERT WAGNER, JR., RICHARD CACCAVALE, and JESSICA BISMARCK who functioned as a part of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE by engaging in shared criminal activities and purposes in furtherance of loansharking and/or illegal sports gambling. These “made members,” Associates, other participants, and co-conspirators comprised the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE.

Purpose of the Criminal Enterprise

The common purpose of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE was to make money through illegal activities including illegal gambling (Promoting Gambling in the First Degree) and loansharking (Criminal Usury in the First Degree). The money flowed upwards. That is, the Associates, FRANK McKIERNAN, MICHAEL WAGNER, ANTHONY MARTINO, SETH TRUSTMAN, and STEVE MURRAY were obligated to earn for Soldier DOMINICK CAPELLI. The defendants and others associated with them engaged in surreptitious conduct and coded communication to prevent law enforcement from detecting their identities and illegal conduct. The defendants and others were willing to resort to threats of violence or physical force to further their moneymaking schemes or to resolve disputes. It was the common purpose of the members of the enterprise to operate an illegal gambling and loansharking operation to generate money for its members through the specialized roles of each defendant in the enterprise. Additionally, it was the common purpose of the enterprise to conceal its illegal conduct from law enforcement agencies, protect the enterprise from infiltration by law enforcement, and conceal and preserve the proceeds of the illegal activities reaped by its members. The participants of this enterprise coordinated their activities to achieve its common purpose through a hierarchical structure.

Each defendant participated in the furtherance of the enterprise's criminal purpose by fulfilling their specialized role within the enterprise. DOMINICK CAPELLI was the de facto leader of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE, and its participants conducted its criminal activities under his authority and protection. DOMINICK CAPELLI delegated the management of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE to Associate ROBERT WAGNER.

Loansharking Activity

It was the common criminal purpose of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE to generate financial profits by intentionally conducting an illegal loansharking operation (Usury in the First Degree) from on or about August 2016 through on or about January 2018 in the Counties of Westchester and Bronx, State of New York, and elsewhere.

DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK functioned as a part of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE by engaging in shared criminal activities and purposes in furtherance of loansharking through the disbursement of usurious loans and/or collection of monies owed therefrom. Within the period alleged herein, defendants FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK participated with ROBERT WAGNER to knowingly facilitate the charging, taking, and receipt of usurious loans approved and authorized by DOMINICK CAPELLI, who settled disputes regarding usurious loans when necessary. ROBERT WAGNER was required to seek authorization for the loans that were dispersed. STEVE MURRAY, FRANK McKIERNAN, ANTHONY MARTINO, and SETH TRUSTMAN were agents and intermediaries for the extension of usurious loans in that they solicited loanshark victims and/or additional loans from existing loansharking victims for the operation, thereby generating income for the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE by lending to borrowers at a usurious rate of interest, referred to as "juice" or "vig." Additionally, STEVE MURRAY, MICHAEL WAGNER, ANTHONY MARTINO, ROBERT WAGNER, JR., RICHARD CACCAVALE and JESSICA BISMARCK engaged in the ongoing scheme and business by functioning as collectors and/or recipients of weekly usurious loan payments and/or by urging loanshark victims to pay debts in a timely manner. ROBERT WAGNER, STEVE MURRAY, FRANK McKIERNAN, MICHAEL WAGNER,

ANTHONY MARTINO, and SETH TRUSTMAN extended usurious loans to numerous individuals and, by regularly collecting weekly payments, provided the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE with a consistent and profitable source of income. Defendants ROBERT WAGNER, FRANK McKIERNAN, MICHAEL WAGNER, SETH TRUSTMAN, ANTHONY MARTINO, and STEVE MURRAY, served as disbursers of usurious loans.

Illegal Gambling Activity

In addition to loansharking activities, from on or about March 2017 through on or about December 2017, the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE conducted illegal bookmaking activities (Promoting Gambling in the First Degree) throughout Westchester County and elsewhere inside and outside the state of New York.

During the course of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE, defendant ROBERT WAGNER was the Manager who ran the sports betting/bookmaking operation for the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE through Super-Agent FRANK McKIERNAN. The bookmaking operation was based in Westchester County, at McKiernan's Lawton Street Tavern. The operation was also run via toll-free telephone numbers and through the online sportsbook www.bxbets.com, where wagers were placed which generated business and income for the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE. Access for bettors to these websites was obtained through the combination of an account codes and passwords unique to each bettor. FRANK McKIERNAN was the bookmaking Super-Agent who furthered the goals of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE on a daily basis by managing sheetholders and bettors, including providing each with his or her own combination of account code and password.

Defendant DOMINICK CAPELLI was the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE's boss, charged with the overall decision-making direction of the bookmaking operation. This included setting the "lines" or "odds" for the sporting contests upon which the operation's bettors would wager. Defendant ROBERT WAGNER was the bookmaking Manager, charged with responsibility of overseeing the daily operations of the bookmaking operation. As the Manager, ROBERT WAGNER had oversight and controlled the access to the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE's gambling "package" and all Agents within that "package." ROBERT WAGNER's daily responsibilities within the bookmaking operation included controlling the access of the Agents and individual bettors to the www.bxbets.com online sportsbook through his management and control of account codes and passwords. ROBERT WAGNER ultimately answered (and controlled the flow of money) to boss, DOMINICK CAPELLI.

The wagers accepted by the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE's bookmaking operation were placed through defendant FRANK McKIERNAN, and un-indicted others, who were the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE Agents. FRANK McKIERNAN engaged in the daily activity of the bookmaking business that included: collecting/disbursing monies from/to the bettors and sheetholders and controlling the access of the Sub-Agents and individual bettors to the www.bxbets.com online sportsbook through his management and control of account codes and passwords. Bettors placed wagers on various professional and collegiate sporting events. FRANK McKIERNAN ultimately answered (and controlled the flow of money) to Manager ROBERT WAGNER.

Scope of the Pattern of Criminal Activity

During the period of this criminal enterprise, the defendants intentionally conducted and participated in the affairs of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE by participating in a pattern of criminal activity with the goal of advancing the affairs of the enterprise. That pattern included generating financial profits through their participation in

loansharking (Criminal Usury in the First Degree) and illegal bookmaking activities (Promoting Gambling in the First Degree) throughout Westchester and Bronx Counties, State of New York, and elsewhere for the benefit of the WESTCHESTER LOANSHARKING AND BOOKMAKING ENTERPRISE.

Pattern of Criminal Activity

During the period of this offense, the defendants, with intent to participate in and advance the affairs of the criminal enterprise and pursuant to a common scheme and plan, engaged in conduct constituting, and were criminally liable for, the following criminal acts included within a pattern of criminal activity:

USURY

PATTERN ACT 1

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 4, 2017 through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 2

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 2, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 3

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ROBERT WAGNER, JR., MICHAEL WAGNER, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 21, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 4

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, MICHAEL WAGNER, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 5, 2017, through November 9, 2017, in the Counties of Westchester and Bronx, and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 5

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about May 5, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 6

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 15, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 7

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 16, 2017, through November 15, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 8

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 11, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 9

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, ROBERT WAGNER, JR., and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 10

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 11, 2017, through December 1, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 11

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, SETH TRUSTMAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 3, 2017 through on or about December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 12

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, MICHAEL WAGNER, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 13, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 13

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, AND JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 14

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 23, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 15

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, RICHARD CACCAVALE, and ROBERT WAGNER, JR., each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 5, 2017, through January 7, 2018, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 16

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, ROBERT WAGNER, JR., and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 8, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 17

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 18

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about May 28, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 19

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about May 13, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 20

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 21

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 22

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 24, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 23

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 3, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 24

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 25

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 1, 2016, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 26

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 27

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, MICHAEL WAGNER, ROBERT WAGNER, JR., and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 25, 2017, through November 28, 2017, in the County of Westchester, State of New York, and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 28

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 29

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about November 1, 2016, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 30

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 1, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 31

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and RICHARD CACCAVALE, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about June 23, 2017, through December 3, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 32

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 24, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 33

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about December 1, 2016, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 34

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 14, 2017, through October 6, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 35

The defendants, DOMINICK CAPELLI and ROBERT WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 10, 2017, through October 14, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 36

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 10, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 37

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, SETH TRUSTMAN, and STEVE MURRAY, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 9, 2017, through September 26, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or

permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 38

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 13, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 39

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and ROBERT WAGNER, JR., each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 14, 2017, through December 1, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 40

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 6, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 41

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 42

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, STEVE MURRAY, and MICHAEL WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 14, 2017, through March 21, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 43

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 11, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 44

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 15, 2017, through September 11, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 45

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 18, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 46

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 11, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 47

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 48

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 1, 2016, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 49

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and MICHAEL WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 25, 2017, through November 2, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 50

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 51

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and RICHARD CACCAVALE, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 8, 2017, through December 5, 2017, in the Counties of Westchester and Bronx, and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 52

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and MICHAEL WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 3, 2017, through October 30, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 53

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and RICHARD CACCAVALE, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 7, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 54

The defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 28, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

PATTERN ACT 55

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CONSPIRACY IN THE FOURTH DEGREE in violation of Penal Law § 105.10(1), as follows:

The defendants, from on or about August 1, 2016 through January 7, 2018, in the Counties of Westchester and Bronx, State of New York, and elsewhere, with intent that conduct constituting a felony, to wit: CRIMINAL USURY IN THE FIRST DEGREE (Penal Law § 190.42), be performed, agreed with one or more persons to engage in or cause the performance of such conduct.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about February 27, 2017, ROBERT WAGNER, JR. processed a usurious loan payment through the business merchant account of The Glass Room, located at 11 Church Street, New Rochelle, New York 10801.
2. On or about March 15, 2017, STEVE MURRAY engaged in a telephone conversation with a loansharking victim, during which STEVE MURRAY asked, in sum and substance, “We’re doing a double tomorrow?” The loansharking victim responded, in sum and substance, “I dropped it” and “I told Frankie to call you when I went there”.
3. On or about April 27, 2017, FRANK McKIERNAN engaged in a telephone conversation with a loansharking victim, during which he stated, in sum and substance, “That seventy-five and eighty is what you owe on the bridge” and “they want seventy-five tomorrow”.

4. On or about July 5, 2017, ROBERT WAGNER engaged in a telephone conversation with ANTHONY MARTINO, during which ROBERT WAGNER stated, with respect to a requested usurious loan, in sum and substance, “Tell him we were told yes . . . as long as nothing changes, I mean”.

5. On or about September 2, 2017, ANTHONY MARTINO met and spoke with a loansharking victim, during which conversation, the victim stated to ANTHONY MARTINO, in sum and substance, “I owe you twenty-five hundred, which is the principal, and I owe you today’s vig, seventy-eight.”

6. On or about September 8, 2017, SETH TRUSTMAN engaged in a telephone conversation with a prospective loansharking victim, during which SETH TRUSTMAN stated, in sum and substance, “And by the way, it’s only three. Everyone else gets charged four. You’re getting charged three.”

7. On or about September 27, 2017, RICHARD CACCAVALE engaged in a telephone conversation with ANTHONY MARTINO, during which conversation, RICHARD CACCAVALE asked ANTHONY MARTINO, in sum and substance with respect to a loansharking victim, “Do you want me to text Jay and see if I can meet him for Friday?” ANTHONY MARTINO responded, in sum and substance, “No . . . he gave an extra week”.

8. On or about October 5, 2017 JESSICA BISMARCK engaged in a telephone conversation with FRANK McKIERNAN regarding a specific loansharking victim, during which JESSICA BISMARCK asked in sum and substance, “What do these people expect? Don’t they realize how it works? They expect you to go in your pocket?”

9. On or about October 30, 2017, MICHAEL WAGNER engaged in a telephone conversation with ROBERT WAGNER, during which MICHAEL WAGNER updated ROBERT WAGNER on the status of a loansharking victim’s payment, stating in sum and substance, “He gave me fifteen. He said he’d see you with the five tomorrow”.

10. On or about November 13, 2017, DOMINICK CAPELLI met with ROBERT WAGNER in the vicinity of The Glass Room, located at 11 Church Street, New Rochelle, New York 10801, to discuss a dispute regarding a specific usurious loan.

GAMBLING

PATTERN ACT 56

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about September 17, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 57

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about September 24, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 58

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about October 1, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 59

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about October 22, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 60

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about October 29, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the

extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 61

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about November 8, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 62

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about December 3, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

PATTERN ACT 63

The defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, committed the crime of CONSPIRACY IN THE FIFTH DEGREE in violation of Penal Law §105.05(1), as follows:

The defendants, from on or about March 8, 2017 to December 3, 2017, in the County of Westchester and elsewhere, with intent that conduct constituting a felony, to wit: PROMOTING

GAMBLING IN THE FIRST DEGREE (Penal Law § 225.10(1)), be performed, agreed with one or more persons to engage in or cause the performance of such conduct.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about March 8, 2017, FRANK McKIERNAN and ROBERT WAGNER engaged in a telephone conversation, during which FRANK MCKIERNAN stated, in sum and substance: "I texted Blues to see where he's at 'cause, he's got, he's down twenty-five" and "I haven't gotten a response since Monday." ROBERT WAGNER responded, in sum and substance, "If not, let him call him."

2. On or about May 30, 2017, FRANK McKIERNAN engaged in a telephone conversation in which he called a toll-free number associated with the bxbets.com gambling website. During this conversation, FRANK MCKIERNAN asked to remove a bet for a specific gambler, stating, in sum and substance, "He wants to remove a bet" and "I can give you the ticket number: four, two, four, nine".

3. On or about November 21, 2017, ROBERT WAGNER and DOMINICK CAPELLI engaged in a telephone conversation, during which ROBERT WAGNER stated to DOMINICK CAPELLI, in sum and substance, "everyone I spoke to yesterday, I mean, last night, today, had pick 'em and plus one on that game, that was the most." DOMINICK CAPELLI responded, in sum and substance, "I got so distracted . . . I never did anything, and, I was just going by what was in the paper..."

COUNT 2

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 4, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted

to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 3

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 2, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 4

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ROBERT WAGNER, JR., MICHAEL WAGNER, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 21, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 5

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, MICHAEL WAGNER, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 5, 2017, through November 9, 2017, in the Counties of Westchester and Bronx, and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 6

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about May 5, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 7

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 15, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 8

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 16, 2017, through November 15, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 9

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 11, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 10

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, ROBERT WAGNER, JR., and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 11

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 11, 2017, through December 1, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 12

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, SETH TRUSTMAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 3, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 13

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, MICHAEL WAGNER, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 13, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 14

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, AND JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 15

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 23, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 16

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, RICHARD CACCAVALE, and ROBERT WAGNER, JR., each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 5, 2017, through November 29, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 17

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, ROBERT WAGNER, JR. and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 8, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 18

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 19

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about May 28, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 20

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about May 13, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 21

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 22

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 23

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 24, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 24

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 3, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 25

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 26

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 1, 2016, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 27

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 28

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, MICHAEL WAGNER, ROBERT WAGNER, JR., and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 25, 2017, through November 28, 2017, in the County of Westchester, State of New York, and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 29

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 30

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about November 1, 2016, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 31

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 1, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 32

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and RICHARD CACCAVALE, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about June 23, 2017, through December 3, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 33

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 24, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 34

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about December 1, 2016, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 35

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 14, 2017, through October 6, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 36

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI and ROBERT WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 10, 2017, through October 14, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 37

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 10, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 38

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, SETH TRUSTMAN, and STEVE MURRAY, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about September 9, 2017, through September 26, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 39

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 13, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 40

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and ROBERT WAGNER, JR., each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about October 14, 2017, through December 1, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 41

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 6, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 42

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 43

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, STEVE MURRAY, and MICHAEL WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 14, 2017, through March 21, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 44

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 11, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 45

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and SETH TRUSTMAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 15, 2017, through September 11, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 46

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 18, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 47

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 11, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 48

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 49

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about August 1, 2016, through January 7, 2018, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 50

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and MICHAEL WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 25, 2017, through November 2, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 51

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, STEVE MURRAY, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about February 17, 2017, through December 12, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 52

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and RICHARD CACCAVALE, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 8, 2017, through December 5, 2017, in the Counties of Westchester and the Bronx, and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 53

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and MICHAEL WAGNER, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about March 3, 2017, through October 30, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 54

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, ANTHONY MARTINO, and RICHARD CACCAVALE, each aiding and acting in concert with each other and others known and unknown to the

Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about July 7, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 55

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants, DOMINICK CAPELLI, ROBERT WAGNER, and ANTHONY MARTINO, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CRIMINAL USURY IN THE FIRST DEGREE in violation of Penal Law § 190.42 as follows:

The defendants, from on or about April 28, 2017, through December 8, 2017, in the County of Westchester and elsewhere, each aiding the other and acting in concert, not being authorized or permitted to do so by law, knowingly charged, took, or received money, as interest on a loan or forbearance of any money, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

COUNT 56

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER, FRANK McKIERNAN, ANTHONY MARTINO, MICHAEL WAGNER, ROBERT WAGNER, JR., STEVE MURRAY, RICHARD CACCAVALE, SETH TRUSTMAN, and JESSICA BISMARCK, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CONSPIRACY IN THE FOURTH DEGREE in violation of Penal Law §105.10(1), as follows:

The defendants, from on or about August 1, 2016 through January 7, 2018, in the Counties of Westchester and Bronx, and elsewhere, with intent that conduct constituting a felony, to wit: CRIMINAL

USURY IN THE FIRST DEGREE (Penal Law § 190.42), be performed, agreed with one or more persons to engage in or cause the performance of such conduct.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about February 27, 2017, ROBERT WAGNER, JR. processed a usurious loan payment through the business merchant account of The Glass Room, located at 11 Church Street, New Rochelle, New York 10801.

2. On or about March 15, 2017, STEVE MURRAY engaged in a telephone conversation with a loansharking victim, during which STEVE MURRAY asked, in sum and substance, “We’re doing a double tomorrow?” The loansharking victim responded, in sum and substance, “I dropped it” and “I told Frankie to call you when I went there”.

3. On or about April 27, 2017, FRANK McKIERNAN engaged in a telephone conversation with a loansharking victim, during which he stated, in sum and substance, “That seventy-five and eighty is what you owe on the bridge” and “they want seventy-five tomorrow”.

4. On or about July 5, 2017, ROBERT WAGNER engaged in a telephone conversation with ANTHONY MARTINO, during which ROBERT WAGNER stated, with respect to a requested usurious loan, in sum and substance, “Tell him we were told yes . . . as long as nothing changes, I mean”.

5. On or about September 2, 2017, ANTHONY MARTINO met and spoke with a loansharking victim, during which conversation, the victim stated to ANTHONY MARTINO, in sum and substance, “I owe you twenty-five hundred, which is the principal, and I owe you today’s vig, seventy-eight.”

6. On or about September 8, 2017, SETH TRUSTMAN engaged in a telephone conversation with a prospective loansharking victim, during which SETH TRUSTMAN stated, in sum and substance, “And by the way, it’s only three. Everyone else gets charged four. You’re getting charged three.”

7. On or about September 27, 2017, RICHARD CACCAVALE engaged in a telephone conversation with ANTHONY MARTINO, during which conversation, RICHARD CACCAVALE asked ANTHONY MARTINO, in sum and substance with respect to a loansharking victim, "Do you want me to text Jay and see if I can meet him for Friday?" ANTHONY MARTINO responded, in sum and substance, "No . . . he gave an extra week".

8. On or about October 5, 2017 JESSICA BISMARCK engaged in a telephone conversation with FRANK McKIERNAN regarding a specific loansharking victim, during which JESSICA BISMARCK asked in sum and substance, "What do these people expect? Don't they realize how it works? They expect you to go in your pocket?"

9. On or about October 30, 2017, MICHAEL WAGNER engaged in a telephone conversation with ROBERT WAGNER, during which MICHAEL WAGNER updated ROBERT WAGNER on the status of a loansharking victim's payment, stating in sum and substance, "He gave me fifteen. He said he'd see you with the five tomorrow".

10. On or about November 13, 2017, DOMINICK CAPELLI met with ROBERT WAGNER in the vicinity of The Glass Room, located at 11 Church Street, New Rochelle, New York 10801, to discuss a dispute regarding a specific usurious loan.

COUNT 57

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about September 17, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 58

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about September 24, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 59

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about October 1, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 60

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about October 22, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the

extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 61

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about October 29, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 62

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about November 8, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 63

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of PROMOTING GAMBLING IN THE FIRST DEGREE in violation of Penal Law § 225.10(1) as follows:

The defendants, on or about December 3, 2017, in the County of Westchester and elsewhere, knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that they received or accepted on that date more than five bets totaling more than five thousand dollars.

COUNT 64

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this indictment, accuses the defendants DOMINICK CAPELLI, ROBERT WAGNER and FRANK McKIERNAN, each aiding and acting in concert with each other and others known and unknown to the Grand Jury, of CONSPIRACY IN THE FIFTH DEGREE in violation of Penal Law §105.05(1), as follows:

The defendants, from on or about March 8, 2017 to December 3, 2017, in the County of Westchester and elsewhere, with intent that conduct constituting a felony, to wit: PROMOTING GAMBLING IN THE FIRST DEGREE (Penal Law § 225.10(1)), be performed, agreed with one or more persons to engage in or cause the performance of such conduct.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about March 8, 2017, FRANK McKIERNAN and ROBERT WAGNER engaged in a telephone conversation, during which FRANK MCKIERNAN stated, in sum and substance: "I texted Blues to see where he's at 'cause, he's got, he's down twenty-five" and "I haven't gotten a response since Monday." ROBERT WAGNER responded, in sum and substance, "If not, let him call him."

2. On or about May 30, 2017, FRANK McKIERNAN engaged in a telephone conversation in which he called a toll-free number associated with the bxbets.com gambling website. During this conversation, FRANK MCKIERNAN asked to remove a bet for a specific gambler, stating, in sum and substance, "He wants to remove a bet" and "I can give you the ticket number: four, two, four, nine".

3. On or about November 21, 2017, ROBERT WAGNER and DOMINICK CAPELLI engaged in a telephone conversation, during which ROBERT WAGNER stated to DOMINICK

CAPELLI, in sum and substance, “everyone I spoke to yesterday, I mean, last night, today, had pick ‘em and plus one on that game, that was the most.” DOMINICK CAPELLI responded, in sum and substance, “I got so distracted . . . I never did anything, and, I was just going by what was in the paper...”.

Dated: March 20, 2018
Westchester County, New York


PERI ALYSE KADANOFF
Deputy Attorney General
Statewide Organized Crime Task Force

By:



Paige A. Wallace
Assistant Deputy Attorney General
Statewide Organized Crime Task Force
44 South Broadway
White Plains, NY 10601

A TRUE BILL



GRAND JURY FOREPERSON
Dated: March 20, 2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- against -

JESSICA BISMARCK,
RICHARD CACCAVALE,
DOMINICK CAPELLI,
ANTHONY MARTINO,
FRANK McKIERNAN,
STEVEN MURRAY,
SETH TRUSTMAN,
MICHAEL WAGNER,
ROBERT WAGNER,
ROBERT WAGNER, JR.,

Defendants.

-----X

SPECIAL INFORMATION

Indictment No. 250-2018

Certification Pursuant to Criminal
Procedure Law § 200.65

The Deputy Attorney General of New York State's Organized Crime Task Force, by this Special Information, attests that she has reviewed the substance of the evidence presented to the grand jury in the above-entitled matter and concurs in the judgment that the charge of Enterprise Corruption, in violation of Penal Law Article 460, is consistent with the legislative findings contained in said article.

Dated: March 20, 2018



PERI ALYSE KADANOFF
Deputy Attorney General
Statewide Organized Crime Task Force
Office of the New York State
Attorney General