

COUNTY COURT : COUNTY OF SARATOGA
STATE OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

- against -

MARIO SCLAFANI, BRAULIO BAEZA

Defendants

INDICTMENT

OCTF #04-037WP

THE GRAND JURY OF SARATOGA COUNTY, by this indictment, accuses the defendants MARIO SCLAFANI, BRAULIO BAEZA, of **CONSPIRACY IN THE FIFTH DEGREE** in violation of Section 105.05(1) of the Penal Law of the State of New York, committed in Saratoga County, and elsewhere as follows:

The Defendants, from on or before June 23, 2004, to on or before December 15, 2004, with intent that conduct constituting the felonies of Falsifying Business Records in the First Degree and Grand Larceny, be performed, agreed with each other and with others to engage in and cause the performance of such conduct.

BACKGROUND OF THE CONSPIRACY

In thoroughbred horse racing in New York State each horse is assigned a fixed weight to carry in each race, and the assigned weight includes the weight of the jockey and certain riding equipment. If a jockey and the equipment are even one pound over the assigned weight the horse owner or their agent, the horse trainer, and the general public must be notified before the race. If the jockey and equipment weigh in excess of five pounds over the designated weight, the jockey is prohibited from riding in the race, the public and the horse owner are notified, and a jockey is substituted.

The Clerks of the Scales are required to weigh the jockey and the equipment prior to the race as well as after the race and certify in the records of the New York Racing Association that the horse carried exactly the designated or announced weight. Jockeys are required to accurately report their true weight to the Clerks of Scales no later than 45 minutes before each race. Jockeys are paid to ride by the owners of the horses, and their compensation increases the better their horse finishes the race. Jockeys are not paid if they are disqualified by the Clerks of Scales for exceeding the weight designation.

The co-conspirator jockeys weighed too much to ride in many races at New York Racing Association racetracks. The defendants agreed to falsely report and misrepresent the jockeys' true weight and not disqualify jockeys for weight violations. Co-conspirator jockeys then rode horses in races and thereby caused the horses to carry in excess of five pounds over the designated weight. In so doing, the defendants, acting in concert with the co-conspirator jockeys, fraudulently obtained compensation from the owners for riding, and deprived bettors of hundreds of thousands of dollars by misrepresenting the jockeys' weights and thereby tricked said bettors into betting on said horses.

MEMBERS OF THE CONSPIRACY

The defendants are licensed to officiate over thoroughbred horse racing in New York State. Defendant MARIO SCLAFANI was employed by the New York Racing Association as Clerk of the Scales, and BRAULIO BAEZA was employed as Assistant Clerk of Scales. Other members of the conspiracy known to the Grand Jury are Robby Albarado, Heberto Castillo, Jr., Jose Santos, Ariel Smith, Cornelio Velasquez, all of whom are jockeys licensed to race in New York.

OVERT ACTS

In furtherance of the conspiracy and to affect the objects thereof, from on or about June 23, 2004, to on or before December 15, 2004, the following overt acts, among others, were committed:

1. On or about June 23, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race seven at Belmont Park Racetrack.
2. On or about June 23, 2004, Heberto Castillo, Jr. rode the number one horse in race seven at Belmont Park Racetrack to completion.
3. On or about June 23, 2004, the defendants, acting in concert, caused the scale sheet for race seven at Belmont Park Racetrack to be filed with the office of the horsemen's bookkeeper.
4. On or about July 11, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race three at Belmont Park Racetrack.
5. On or about July 11, 2004, Heberto Castillo, Jr. rode the number ten horse in race three at Belmont Park Racetrack to completion.
6. On or about July 11, 2004, the defendants, acting in concert, caused the scale sheet for race three at Belmont Park Racetrack to be filed with the office of the horsemen's bookkeeper.
7. On or about July 17, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race eight at Belmont Park Racetrack.
8. On or about July 17, 2004, Heberto Castillo, Jr. rode the number nine horse in race eight at Belmont Park Racetrack to completion.
9. On or about July 17, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Belmont Park Racetrack to be filed with the office of the horsemen's bookkeeper.
10. On or about August 16, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race one at Saratoga Race Course.
11. On or about August 16, 2004, Heberto Castillo, Jr. rode the number eleven horse in race one at Saratoga Race Course to completion.
12. On or about August 16, 2004, the defendants, acting in concert, caused the scale sheet for race one at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
13. On or about August 16, 2004, Robby Albarado stepped on the official scale prior to race two at Saratoga Race Course.
14. On or about August 16, 2004, Robby Albarado rode the number four horse in race two at Saratoga Race Course to completion.
15. On or about August 16, 2004, the defendants, acting in concert, caused the scale sheet for race two at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
16. On or about August 16, 2004, Robby Albarado stepped on the official scale prior to race four at Saratoga Race Course.
17. On or about August 16, 2004, Robby Albarado rode the number five horse in race four at Saratoga Race Course to completion.
18. On or about August 16, 2004, the defendants, acting in concert, caused the scale sheet for race four at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
19. On or about August 16, 2004, Robby Albarado stepped on the official scale prior to race six at Saratoga Race Course.

20. On or about August 16, 2004, Robby Albarado rode the number six horse in race six at Saratoga Race Course to completion.
21. On or about August 16, 2004, the defendants, acting in concert, caused the scale sheet for race six at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
22. On or about August 16, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race seven at Saratoga Race Course.
23. On or about August 16, 2004, Heberto Castillo, Jr. rode the number one horse in race seven at Saratoga Race Course to completion.
24. On or about August 16, 2004, the defendants, acting in concert, caused the scale sheet for race seven at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
25. On or about August 16, 2004, Robby Albarado stepped on the official scale prior to race eight at Saratoga Race Course.
26. On or about August 16, 2004, Robby Albarado rode the number eight horse in race eight at Saratoga Race Course to completion.
27. On or about August 16, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
28. On or about August 19, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race three at Saratoga Race Course.
29. On or about August 19, 2004, Heberto Castillo, Jr. rode the number three horse in race three at Saratoga Race Course to completion.
30. On or about August 19, 2004, the defendants, acting in concert, caused the scale sheet for race three at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
31. On or about August 19, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race six at Saratoga Race Course.
32. On or about August 19, 2004, Heberto Castillo, Jr. rode the number one horse in race six at Saratoga Race Course to completion.
33. On or about August 19, 2004, Ariel Smith stepped on the official scale prior to race six at Saratoga Race Course.
34. On or about August 19, 2004, Ariel Smith rode the number five horse in race six at Saratoga Race Course to completion.
35. On or about August 19, 2004, the defendants, acting in concert, caused the scale sheet for race six at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
36. On or about August 21, 2004, Robby Albarado stepped on the official scale prior to race five at Saratoga Race Course.
37. On or about August 21, 2004, Robby Albarado rode the number four horse in race five at Saratoga Race Course to completion.
38. On or about August 21, 2004, the defendants, acting in concert, caused the scale sheet for race five at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
39. On or about August 21, 2004, Robby Albarado stepped on the official scale prior to race six at Saratoga Race Course.
40. On or about August 21, 2004, Robby Albarado rode the number seven horse in race six at Saratoga Race Course to completion.
41. On or about August 21, 2004, the defendants, acting in concert, caused the scale sheet for race six at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
42. On or about August 22, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race one at Saratoga Race Course.

43. On or about August 22, 2004, Heberto Castillo, Jr. rode the number four horse in race one at Saratoga Race Course to completion.
44. On or about August 22, 2004, the defendants, acting in concert, caused the scale sheet for race one at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
45. On or about August 22, 2004, Robby Albarado stepped on the official scale prior to race eight at Saratoga Race Course.
46. On or about August 22, 2004, Robby Albarado rode the number eight horse in race eight at Saratoga Race Course to completion.
47. On or about August 22, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
48. On or about August 22, 2004, Robby Albarado stepped on the official scale prior to race nine at Saratoga Race Course.
49. On or about August 22, 2004, Robby Albarado rode the number seven horse in race nine at Saratoga Race Course to completion.
50. On or about August 22, 2004, Cornelio Velasquez stepped on the official scale prior to race nine at Saratoga Race Course.
51. On or about August 22, 2004, Cornelio Velasquez rode the number eight horse in race nine at Saratoga Race Course to completion.
52. On or about August 22, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
53. On or about August 23, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race one at Saratoga Race Course.
54. On or about August 23, 2004, Heberto Castillo, Jr. rode the number three horse in race one at Saratoga Race Course to completion.
55. On or about August 23, 2004, the defendants, acting in concert, caused the scale sheet for race one at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
56. On or about August 23, 2004, Ariel Smith stepped on the official scale prior to race three at Saratoga Race Course.
57. On or about August 23, 2004, Ariel Smith rode the number one horse in race three at Saratoga Race Course to completion.
58. On or about August 23, 2004, Robby Albarado stepped on the official scale prior to race three at Saratoga Race Course.
59. On or about August 23, 2004, Robby Albarado rode the number seven horse in race three at Saratoga Race Course to completion.
60. On or about August 23, 2004, the defendants, acting in concert, caused the scale sheet for race three at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
61. On or about August 23, 2004, Robby Albarado stepped on the official scale prior to race six at Saratoga Race Course.
62. On or about August 23, 2004, Robby Albarado rode the number four horse in race six at Saratoga Race Course to completion.
63. On or about August 23, 2004, Ariel Smith stepped on the official scale prior to race six at Saratoga Race Course.
64. On or about August 23, 2004, Ariel Smith rode the number ten horse in race six at Saratoga Race Course to completion.
65. On or about August 23, 2004, the defendants, acting in concert, caused the scale sheet for race six at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.

66. On or about August 25, 2004, Robby Albarado stepped on the official scale prior to race three at Saratoga Race Course.
67. On or about August 25, 2004, Robby Albarado rode the number four horse in race three at Saratoga Race Course to completion.
68. On or about August 25, 2004, the defendants, acting in concert, caused the scale sheet for race three at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
69. On or about August 25, 2004, Robby Albarado stepped on the official scale prior to race five at Saratoga Race Course.
70. On or about August 25, 2004, Robby Albarado rode the number four horse in race five at Saratoga Race Course to completion.
71. On or about August 25, 2004, Cornelio Velasquez stepped on the official scale prior to race five at Saratoga Race Course.
72. On or about August 25, 2004, Cornelio Velasquez rode the number six horse in race five at Saratoga Race Course to completion.
73. On or about August 25, 2004, the defendants, acting in concert, caused the scale sheet for race five at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
74. On or about August 26, 2004, Robby Albarado stepped on the official scale prior to race two at Saratoga Race Course.
75. On or about August 26, 2004, Robby Albarado rode the number four horse in race two at Saratoga Race Course to completion.
76. On or about August 26, 2004, the defendants, acting in concert, caused the scale sheet for race two at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
77. On or about August 26, 2004, Robby Albarado stepped on the official scale prior to race three at Saratoga Race Course.
78. On or about August 26, 2004, Robby Albarado rode the number five horse in race three at Saratoga Race Course to completion.
79. On or about August 26, 2004, the defendants, acting in concert, caused the scale sheet for race three at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
80. On or about August 26, 2004, Robby Albarado stepped on the official scale prior to race four at Saratoga Race Course.
81. On or about August 26, 2004, Robby Albarado rode the number ten horse in race four at Saratoga Race Course to completion.
82. On or about August 26, 2004, the defendants, acting in concert, caused the scale sheet for race four at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
83. On or about August 26, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race nine at Saratoga Race Course.
84. On or about August 26, 2004, Heberto Castillo, Jr. rode the number eight horse in race nine at Saratoga Race Course to completion.
85. On or about August 26, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
86. On or about August 27, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race one at Saratoga Race Course.
87. On or about August 27, 2004, Heberto Castillo, Jr. rode the number two horse in race one at Saratoga Race Course to completion.
88. On or about August 27, 2004, the defendants, acting in concert, caused the scale sheet for race one at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.

89. On or about August 27, 2004, Robby Albarado stepped on the official scale prior to race six at Saratoga Race Course.
90. On or about August 27, 2004, Robby Albarado rode the number four horse in race six at Saratoga Race Course to completion.
91. On or about August 27, 2004, Ariel Smith stepped on the official scale prior to race six at Saratoga Race Course.
92. On or about August 27, 2004, Ariel Smith rode the number five horse in race six at Saratoga Race Course to completion.
93. On or about August 27, 2004, the defendants, acting in concert, caused the scale sheet for race six at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
94. On or about August 30, 2004, Cornelio Velasquez stepped on the official scale prior to race two at Saratoga Race Course.
95. On or about August 30, 2004, Cornelio Velasquez rode the number five horse in race two at Saratoga Race Course to completion.
96. On or about August 30, 2004, the defendants, acting in concert, caused the scale sheet for race two at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
97. On or about August 30, 2004, Jose Santos stepped on the official scale prior to race six at Saratoga Race Course.
98. On or about August 30, 2004, Jose Santos rode the number six horse in race six at Saratoga Race Course to completion.
99. On or about August 30, 2004, Robby Albarado stepped on the official scale prior to race six at Saratoga Race Course.
100. On or about August 30, 2004, Robby Albarado rode the number ten horse in race six at Saratoga Race Course to completion.
101. On or about August 30, 2004, the defendants, acting in concert, caused the scale sheet for race six at Saratoga Race Course to be filed with the office of the horsemen's bookkeeper.
102. On or about October 29, 2004, Heberto Castillo, Jr. stepped on the official scale prior to race four at Aqueduct Racetrack.
103. On or about October 29, 2004, Heberto Castillo, Jr. rode the number six horse in race four at Aqueduct Racetrack to completion.
104. On or about October 29, 2004, the defendants, acting in concert, caused the scale sheet for race four at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
105. On or about November 2, 2004, Ariel Smith stepped on the official scale prior to race five at Aqueduct Racetrack.
106. On or about November 2, 2004, Ariel Smith rode the number one-A horse in race five at Aqueduct Racetrack to completion.
107. On or about November 2, 2004, the defendants, acting in concert, caused the scale sheet for race five at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
108. On or about November 4, 2004, Ariel Smith stepped on the official scale prior to race two at Aqueduct Racetrack.
109. On or about November 4, 2004, Ariel Smith rode the number two horse in race two at Aqueduct Racetrack to completion.
110. On or about November 4, 2004, the defendants, acting in concert, caused the scale sheet for race two at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
111. On or about November 4, 2004, Ariel Smith stepped on the official scale prior to race four at Aqueduct Racetrack.

112. On or about November 4, 2004, Ariel Smith rode the number eight horse in race four at Aqueduct Racetrack to completion.
113. On or about November 4, 2004, the defendants, acting in concert, caused the scale sheet for race four at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
114. On or about November 6, 2004, Cornelio Velasquez stepped on the official scale prior to race eight at Aqueduct Racetrack.
115. On or about November 6, 2004, Cornelio Velasquez rode the number one-A horse in race eight at Aqueduct Racetrack to completion.
116. On or about November 6, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
117. On or about November 6, 2004, Cornelio Velasquez stepped on the official scale prior to race nine at Aqueduct Racetrack.
118. On or about November 6, 2004, Cornelio Velasquez rode the number four horse in race nine at Aqueduct Racetrack to completion.
119. On or about November 6, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
120. On or about November 7, 2004, Ariel Smith stepped on the official scale prior to race eight at Aqueduct Racetrack.
121. On or about November 7, 2004, Ariel Smith rode the number ten horse in race eight at Aqueduct Racetrack to completion.
122. On or about November 7, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
123. On or about November 10, 2004, Ariel Smith stepped on the official scale prior to race four at Aqueduct Racetrack.
124. On or about November 10, 2004, Ariel Smith rode the number two horse in race four at Aqueduct Racetrack to completion.
125. On or about November 10, 2004, the defendants, acting in concert, caused the scale sheet for race four at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
126. On or about November 12, 2004, Ariel Smith stepped on the official scale prior to race one at Aqueduct Racetrack.
127. On or about November 12, 2004, Ariel Smith rode the number eight horse in race one at Aqueduct Racetrack to completion.
128. On or about November 12, 2004, the defendants, acting in concert, caused the scale sheet for race one at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
129. On or about November 14, 2004, Ariel Smith stepped on the official scale prior to race nine at Aqueduct Racetrack.
130. On or about November 14, 2004, Ariel Smith rode the number six horse in race nine at Aqueduct Racetrack to completion.
131. On or about November 14, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
132. On or about November 17, 2004, Ariel Smith stepped on the official scale prior to race one at Aqueduct Racetrack.
133. On or about November 17, 2004, Ariel Smith rode the number five horse in race one at Aqueduct Racetrack to completion.
134. On or about November 17, 2004, the defendants, acting in concert, caused the scale sheet for race one at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.

135. On or about November 18, 2004, Ariel Smith stepped on the official scale prior to race two at Aqueduct Racetrack.
136. On or about November 18, 2004, Ariel Smith rode the number three horse in race two at Aqueduct Racetrack to completion.
137. On or about November 18, 2004, the defendants, acting in concert, caused the scale sheet for race two at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
138. On or about November 18, 2004, Ariel Smith stepped on the official scale prior to race four at Aqueduct Racetrack.
139. On or about November 18, 2004, Ariel Smith rode the number ten horse in race four at Aqueduct Racetrack to completion.
140. On or about November 18, 2004, the defendants, acting in concert, caused the scale sheet for race four at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
141. On or about November 20, 2004, Ariel Smith stepped on the official scale prior to race six at Aqueduct Racetrack.
142. On or about November 20, 2004, Ariel Smith rode the number six horse in race six at Aqueduct Racetrack to completion.
143. On or about November 20, 2004, the defendants, acting in concert, caused the scale sheet for race six at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
144. On or about November 21, 2004, Cornelio Velasquez stepped on the official scale prior to race four at Aqueduct Racetrack.
145. On or about November 21, 2004, Cornelio Velasquez rode the number two horse in race four at Aqueduct Racetrack to completion.
146. On or about November 21, 2004, the defendants, acting in concert, caused the scale sheet for race four at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
147. On or about November 26, 2004, Cornelio Velasquez stepped on the official scale prior to race six at Aqueduct Racetrack.
148. On or about November 26, 2004, Cornelio Velasquez rode the number five horse in race six at Aqueduct Racetrack to completion.
149. On or about November 26, 2004, the defendants, acting in concert, caused the scale sheet for race six at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
150. On or about November 26, 2004, Cornelio Velasquez stepped on the official scale prior to race nine at Aqueduct Racetrack.
151. On or about November 26, 2004, Cornelio Velasquez rode the number four horse in race nine at Aqueduct Racetrack to completion.
152. On or about November 26, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
153. On or about November 27, 2004, Jose Santos stepped on the official scale prior to race nine at Aqueduct Racetrack.
154. On or about November 27, 2004, Jose Santos rode the number five horse in race nine at Aqueduct Racetrack to completion.
155. On or about November 27, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
156. On or about November 28, 2004, Jose Santos stepped on the official scale prior to race seven at Aqueduct Racetrack.
157. On or about November 28, 2004, Jose Santos rode the number nine horse in race seven at Aqueduct Racetrack to completion.

158. On or about November 28, 2004, the defendants, acting in concert, caused the scale sheet for race seven at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
159. On or about November 28, 2004, Cornelio Velasquez stepped on the official scale prior to race eight at Aqueduct Racetrack.
160. On or about November 28, 2004, Cornelio Velasquez rode the number one horse in race eight at Aqueduct Racetrack to completion.
161. On or about November 28, 2004, Jose Santos stepped on the official scale prior to race eight at Aqueduct Racetrack.
162. On or about November 28, 2004, Jose Santos rode the number four horse in race eight at Aqueduct Racetrack to completion.
163. On or about November 28, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
164. On or about November 28, 2004, Cornelio Velasquez stepped on the official scale prior to race ten at Aqueduct Racetrack.
165. On or about November 28, 2004, Cornelio Velasquez rode the number two horse in race ten at Aqueduct Racetrack to completion.
166. On or about November 28, 2004, the defendants, acting in concert, caused the scale sheet for race ten at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
167. On or about December 2, 2004, Ariel Smith stepped on the official scale prior to race two at Aqueduct Racetrack.
168. On or about December 2, 2004, Ariel Smith rode the number six horse in race two at Aqueduct Racetrack to completion.
169. On or about December 2, 2004, the defendants, acting in concert, caused the scale sheet for race two at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
170. On or about December 2, 2004, Ariel Smith stepped on the official scale prior to race five at Aqueduct Racetrack.
171. On or about December 2, 2004, Ariel Smith rode the number four horse in race five at Aqueduct Racetrack to completion.
172. On or about December 2, 2004, the defendants, acting in concert, caused the scale sheet for race five at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
173. On or about December 2, 2004, Ariel Smith stepped on the official scale prior to race six at Aqueduct Racetrack.
174. On or about December 2, 2004, Ariel Smith rode the number nine horse in race six at Aqueduct Racetrack to completion.
175. On or about December 2, 2004, the defendants, acting in concert, caused the scale sheet for race six at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
176. On or about December 2, 2004, Ariel Smith stepped on the official scale prior to race nine at Aqueduct Racetrack.
177. On or about December 2, 2004, Ariel Smith rode the number one horse in race nine at Aqueduct Racetrack to completion.
178. On or about December 2, 2004, the defendants, acting in concert, caused the scale sheet for race nine at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
179. On or about December 3, 2004, Ariel Smith stepped on the official scale prior to race six at Aqueduct Racetrack.
180. On or about December 3, 2004, Ariel Smith rode the number two-B horse in race six at Aqueduct Racetrack to completion.

181. On or about December 3, 2004, the defendants, acting in concert, caused the scale sheet for race six at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
182. On or about December 3, 2004, Ariel Smith stepped on the official scale prior to race seven at Aqueduct Racetrack.
183. On or about December 3, 2004, Ariel Smith rode the number two horse in race seven at Aqueduct Racetrack to completion.
184. On or about December 3, 2004, the defendants, acting in concert, caused the scale sheet for race seven at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
185. On or about December 4, 2004, Ariel Smith stepped on the official scale prior to race three at Aqueduct Racetrack.
186. On or about December 4, 2004, Ariel Smith rode the number four horse in race three at Aqueduct Racetrack to completion.
187. On or about December 4, 2004, the defendants, acting in concert, caused the scale sheet for race three at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
188. On or about December 5, 2004, Ariel Smith stepped on the official scale prior to race four at Aqueduct Racetrack.
189. On or about December 5, 2004, Ariel Smith rode the number six horse in race four at Aqueduct Racetrack to completion.
190. On or about December 5, 2004, the defendants, acting in concert, caused the scale sheet for race four at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.
191. On or about December 5, 2004, Ariel Smith stepped on the official scale prior to race eight at Aqueduct Racetrack.
192. On or about December 5, 2004, Ariel Smith rode the number three horse in race eight at Aqueduct Racetrack to completion.
193. On or about December 5, 2004, the defendants, acting in concert, caused the scale sheet for race eight at Aqueduct Racetrack to be filed with the office of the horsemen's bookkeeper.

SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA of the crime of SCHEME TO DEFRAUD IN THE FIRST DEGREE, in violation of Section 190.65(1) (a) of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the County of Saratoga, State of New York, and elsewhere, from on or before June 23, 2004, to on or before December 15, 2004, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud ten or more persons and to obtain property from ten or more persons by false and fraudulent pretenses, representations and promises, and so obtained property from one and more of such persons

The defendants were racing officials employed by the New York Racing Association, and charged with the responsibility of enforcing the New York State Codes, Rules, Regulations that require that each horse in a thoroughbred horse race carry the weight designated in advance of the race and published to the horseman and general public. The defendants, together with other individuals known and unknown to the Grand Jury, including jockeys Robby Albarado, Heberto Castillo, Jr., Jose Santos, Ariel Smith, Cornelio Velasquez, devised, implemented and perpetuated a scheme whereby they fraudulently and collusively failed to report overweight jockeys to the owners and bettors, made false entries in the business records of the New York Racing Association. The defendants further failed to enforce the rules of racing and disqualify these jockeys and wrongfully and corruptly permitted overweight jockeys to ride in thoroughbred horse races.

The participants in this scheme intended to defraud the horse owners, known to the Grand Jury, of the jockeys fees, paid by the owners for riding their horses in a race, by misrepresenting to the horse owners that the jockey was the proper weight for the race. The participants further intended to defraud bettors, known to the Grand Jury, of their wagers by misrepresenting to the betting public the true weight horses carried in races, and intended to tamper with the race contest by causing certain horses to be weighed down beyond the weight designated by rule. The defendants thereby deprived bettors of hundreds of thousands of dollars in value of their wagers, and corrupted the records kept by the New York Racing Association and others of the horses' race performances.

Defendants, and other participants in the scheme, engaged in fraudulent conduct as follows: Jockeys presented themselves to the defendants prior to certain races weighing more than five pounds over the weight designated for their horse to carry, and the defendants made false

entries and omitted to make true entries in the business records of the New York Racing Association, instead corruptly certifying that the jockey was the proper weight. The jockeys mounted their horses, misrepresenting to the horse owners that they were qualified to ride their horses, and rode thoroughbred horses in races weighing them down with more than the designated weight. The misrepresentation of the true weights was made to the betting public, who placed hundreds of thousands of dollars of wagers on these horses based on the misrepresentations of the defendants.

THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA of the crime of SCHEME TO DEFRAUD IN THE FIRST DEGREE, in violation of Section 190.65(1)(b) of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other, jockeys Robby Albarado, Heberto Castillo, Jr., Jose Santos, Ariel Smith, Cornelio Velasquez, and with others, in the County of Saratoga, State of New York, and elsewhere, from on or before June 23, 2004, to on or before December 15, 2004, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one and more such persons.

The defendants were racing officials employed by the New York Racing Association, and charged with the responsibility of enforcing the New York State Codes, Rules, Regulations that require that each horse in a thoroughbred horse race carry the weight designated in advance of the race and published to the horseman and general public. The defendants, together with other individuals known and unknown to the Grand Jury, including jockeys Robby Albarado, Heberto Castillo, Jr., Jose Santos, Ariel Smith, Cornelio Velasquez, devised, implemented and perpetuated a scheme whereby they fraudulently and collusively failed to report overweight jockeys to the owners and bettors, made false entries in the business records of the New York Racing Association. The defendants further failed to enforce the rules of racing and disqualify these jockeys and wrongfully and corruptly permitted overweight jockeys to ride in thoroughbred horse races.

The participants in this scheme intended to defraud the horse owners, known to the Grand Jury, of the jockeys fees, paid by the owners for riding their horses in a race, by misrepresenting to the horse owners that the jockey was the proper weight for the race. The participants further intended to defraud bettors, known to the Grand Jury, of their wagers by misrepresenting to the betting public the true weight horses carried in races, and intended to tamper with the race contest by causing certain horses to be weighed down beyond the weight designated by rule.

Defendants, and other participants in the scheme, engaged in fraudulent conduct as follows:

Jockeys presented themselves to the defendants prior to certain races weighing more than five pounds over the weight designated for their horse to carry, and the defendants made false entries and omitted to make true entries in the business records of the New York Racing Association, instead corruptly certifying that the jockey was the proper weight. The jockeys mounted their horses, misrepresenting to the horse owners that they were qualified to ride their horses, and rode

thoroughbred horses in races weighing them down with more than the designated weight. The misrepresentation of the true weights was made to the betting public, who placed hundreds of thousands of dollars of wagers on these horses based on the misrepresentations of the defendants. This fraud caused horse owners, known to the Grand Jury to pay jockey fees in excess of one thousand dollars to jockeys who were not qualified to ride their horses in those races. The misrepresentation of the true weights was made to the betting public, who placed hundreds of thousands of dollars of wagers on these horses based on the misrepresentations of the defendants. This fraud deprived bettors, known to the Grand Jury, of the value of their wagers in excess of one thousand dollars. The defendants corrupted the records kept by the New York Racing Association and others of the horses' race performances.

FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about June 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number one horse in the seventh race.

FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about June 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the seventh race to carry more than five pounds of weight over the published weight for the contest.

SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about June 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the seventh race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about June 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the seventh race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 11, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number ten horse in the third race.

NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 11, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in

a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number ten horse in the third race to carry more than five pounds of weight over the published weight for the contest.

TENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 11, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ELEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 11, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWELFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 17, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number nine horse in the eighth race.

THIRTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 17, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number nine horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

FOURTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 17, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number nine horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FIFTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Belmont Park Racetrack, County of Nassau, State of New York, on or about July 17, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number nine horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number eleven horse in the first race.

SEVENTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eleven horse in the first race to carry more than five pounds of weight over the published weight for the contest.

EIGHTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eleven horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

NINETEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eleven horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the second race.

TWENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the second race to carry more than five pounds of weight over the published weight for the contest.

TWENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the second race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the second race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number five horse in the fourth race.

TWENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

TWENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWENTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number six horse in the sixth race.

TWENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

THIRTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

THIRTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

THIRTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number one horse in the seventh race.

THIRTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the seventh race to carry more than five pounds of weight over the published weight for the contest.

THIRTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the seventh race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

THIRTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the seventh race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

THIRTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Aaron Gryder's fee for riding the number six horse in the seventh race.

THIRTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the seventh race to carry more than five pounds of weight over the published weight for the contest.

THIRTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the seventh race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

THIRTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the seventh race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FORTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number eight horse in the eighth race.

FORTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eight horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

FORTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FORTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 16, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FORTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number three horse in the third race.

FORTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number three horse in the third race to carry more than five pounds of weight over the published weight for the contest.

FORTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FORTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FORTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number one horse in the sixth race.

FORTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

FIFTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FIFTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FIFTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number five horse in the sixth race.

FIFTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

FIFTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FIFTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 19, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FIFTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the fifth race.

FIFTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

FIFTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

FIFTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Pablo Fragoso's fee for riding the number seven horse in the fifth race.

SIXTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number seven horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

SIXTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number seven horse in the sixth race.

SIXTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number seven horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

SIXTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 21, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number four horse in the first race.

SIXTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the first race to carry more than five pounds of weight over the published weight for the contest.

SEVENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SEVENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SEVENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number eight horse in the eighth race.

SEVENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eight horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

SEVENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SEVENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SEVENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number seven horse in the ninth race.

SEVENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number seven horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

SEVENTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

SEVENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

EIGHTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of GRAND LARCENY IN THE THIRD DEGREE in violation of Section 155.35 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to deprive another of property with a value in excess of three thousand dollars and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number eight horse in the ninth race.

EIGHTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eight horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

EIGHTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

EIGHTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 22, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

EIGHTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Aaron Gryder's fee for riding the number one horse in the first race.

EIGHTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the first race to carry more than five pounds of weight over the published weight for the contest.

EIGHTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

EIGHTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

EIGHTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number three horse in the first race.

EIGHTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number three horse in the first race to carry more than five pounds of weight over the published weight for the contest.

NINETIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

NINETY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

NINETY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number one horse in the third race.

NINETY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the third race to carry more than five pounds of weight over the published weight for the contest.

NINETY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

NINETY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

NINETY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number seven horse in the third race.

NINETY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number seven horse in the third race to carry more than five pounds of weight over the published weight for the contest.

NINETY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

NINETY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number seven horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDREDTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the sixth race.

ONE HUNDRED FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number ten horse in the sixth race.

ONE HUNDRED FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number ten horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 23, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of GRAND LARCENY IN THE FOURTH DEGREE in violation of Section 155.30(1) of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to deprive another of property with a value in excess of one thousand dollars and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the third race.

ONE HUNDRED NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the third race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED TENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED ELEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED TWELFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Jorge Chavez's fee for riding the number three horse in the fifth race.

ONE HUNDRED THIRTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number three horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED FOURTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FIFTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SIXTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the fifth race.

ONE HUNDRED SEVENTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED EIGHTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED NINETEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED TWENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number six horse in the fifth race.

ONE HUNDRED TWENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED TWENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED TWENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 25, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED TWENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the second race.

ONE HUNDRED TWENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the second race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED TWENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the second race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED TWENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the second race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED TWENTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number five horse in the third race.

ONE HUNDRED TWENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the third race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED THIRTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED THIRTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED THIRTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number ten horse in the fourth race.

ONE HUNDRED THIRTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number ten horse in the four race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED THIRTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED THIRTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED THIRTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number eight horse in the ninth race.

ONE HUNDRED THIRTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eight horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED THIRTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED THIRTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FORTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number two horse in the first race.

ONE HUNDRED FORTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two horse in the first race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED FORTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number second horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FORTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FORTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number four horse in the sixth race.

ONE HUNDRED FORTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED FORTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FORTY SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FORTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number five horse in the sixth race.

ONE HUNDRED FORTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED FIFTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FIFTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 27, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FIFTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number five horse in the second race.

ONE HUNDRED FIFTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the second race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED FIFTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the second race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FIFTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the second race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FIFTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Jose Santos's fee for riding the number six horse in the sixth race.

ONE HUNDRED FIFTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED FIFTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED FIFTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SIXTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Robby Albarado's fee for riding the number ten horse in the sixth race.

ONE HUNDRED SIXTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number ten horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SIXTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SIXTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Saratoga Race Course, County of Saratoga, State of New York, on or about August 30, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SIXTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about October 29, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Heberto Castillo, Jr.'s fee for riding the number six horse in the fourth race.

ONE HUNDRED SIXTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about October 29, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SIXTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about October 29, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SIXTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about October 29, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SIXTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 2, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number one-A horse in the fifth race.

ONE HUNDRED SIXTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 2, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one-A horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SEVENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one-A horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SEVENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one-A horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SEVENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number two horse in the second race.

ONE HUNDRED SEVENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two horse in the second race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SEVENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the second race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SEVENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the second race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SEVENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number eight horse in the fourth race.

ONE HUNDRED SEVENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eight horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED SEVENTY-EIGHTH

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED SEVENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 4, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED EIGHTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number one-A horse in the eighth race.

ONE HUNDRED EIGHTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one-A horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED EIGHTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one-A horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED EIGHTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one-A horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED EIGHTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number four horse in the ninth race.

ONE HUNDRED EIGHTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED EIGHTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED EIGHTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 6, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED EIGHTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 7, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number ten horse in the eighth race.

ONE HUNDRED EIGHTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 7, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number ten horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED NINETIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 7, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED NINETY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 7, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED NINETY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 10, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number two horse in the fourth race.

ONE HUNDRED NINETY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 10, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED NINETY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 10, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED NINETY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 10, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED NINETY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 12, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number eight horse in the first race.

ONE HUNDRED NINETY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 12, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number eight horse in the first race to carry more than five pounds of weight over the published weight for the contest.

ONE HUNDRED NINETY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 12, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

ONE HUNDRED NINETY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 12, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number eight horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDREDTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 14, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number six horse in the ninth race.

TWO HUNDRED FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 14, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 14, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 14, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 17, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number five horse in the first race.

TWO HUNDRED FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 17, 2004,

with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the first race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 17, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the first race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 17, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the first race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number three horse in the second race.

TWO HUNDRED NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number three horse in the second race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED TENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the second race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED ELEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the second race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED TWELFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number ten horse in the fourth race.

TWO HUNDRED THIRTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number ten horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED FOURTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FIFTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 18, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number ten horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SIXTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 20, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number six horse in the sixth race.

TWO HUNDRED SEVENTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 20, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED EIGHTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 20, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED NINETEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 20, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED TWENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of GRAND LARCENY IN THE FOURTH DEGREE in violation of Section 155.30(1) of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with the intent to deprive another of property with a value in excess of one thousand dollars and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number two horse in the fourth race.

TWO HUNDRED TWENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED TWENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED TWENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED TWENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Oscar Gomez's fee for riding the number three horse in the fourth race.

TWO HUNDRED TWENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004,

with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number three horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED TWENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED TWENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 21, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED TWENTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number five horse in the sixth race.

TWO HUNDRED TWENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED THIRTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED THIRTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED THIRTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number four horse in the ninth race.

TWO HUNDRED THIRTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED THIRTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED THIRTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 26, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED THIRTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of GRAND LARCENY IN THE THIRD DEGREE in violation of Section 155.35 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 27, 2004, with the intent to deprive another of property with a value in excess of three thousand dollars and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Jose Santos's fee for riding the number five horse in the ninth race.

TWO HUNDRED THIRTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 27, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number five horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED THIRTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 27, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED THIRTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 27, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number five horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FORTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Jose Santos's fee for riding the number nine horse in the seventh race.

TWO HUNDRED FORTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number nine horse in the seventh race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED FORTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number nine horse carried in the seventh race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FORTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number nine horse carried in the seventh race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FORTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number one horse in the eighth race.

TWO HUNDRED FORTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004,

with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED FORTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FORTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FORTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Jose Santos's fee for riding the number four horse in the eighth race.

TWO HUNDRED FORTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED FIFTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004,

with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FIFTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FIFTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Cornelio Velasquez's fee for riding the number two horse in the tenth race.

TWO HUNDRED FIFTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two horse in the tenth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED FIFTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the tenth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FIFTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about November 28, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the tenth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FIFTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number six horse in the second race.

TWO HUNDRED FIFTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with

the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the second race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED FIFTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the second race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED FIFTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the second race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SIXTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number four horse in the fifth race.

TWO HUNDRED SIXTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the fifth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SIXTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the fifth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SIXTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the fifth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SIXTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number nine horse in the sixth race.

TWO HUNDRED SIXTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number nine horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SIXTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number nine horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SIXTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number nine horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SIXTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number one horse in the ninth race.

TWO HUNDRED SIXTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number one horse in the ninth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SEVENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the ninth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SEVENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 2, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number one horse carried in the ninth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SEVENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number two-B horse in the sixth race.

TWO HUNDRED SEVENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two-B horse in the sixth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SEVENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two-B horse carried in the sixth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SEVENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two-B horse carried in the sixth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SEVENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number two horse in the seventh race.

TWO HUNDRED SEVENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number two horse in the seventh race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED SEVENTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the seventh race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED SEVENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 3, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number two horse carried in the seventh race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED EIGHTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 4, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number four horse in the third race.

TWO HUNDRED EIGHTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 4, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number four horse in the third race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED EIGHTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 4, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the third race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED EIGHTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 4, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number four horse carried in the third race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED EIGHTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of PETIT LARCENY in violation of Section 155.25 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with the intent to deprive another of property and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number six horse in the fourth race.

TWO HUNDRED EIGHTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number six horse in the fourth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED EIGHTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the fourth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED EIGHTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number six horse carried in the fourth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED EIGHTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of GRAND LARCENY IN THE THIRD DEGREE in violation of Section 155.35 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with the intent to deprive another of property with a value in excess of three thousand dollars and to appropriate the same to himself and to a third person, wrongfully took, obtained and withheld such property from an owner thereof, to wit, jockey Ariel Smith's fee for riding the number three horse in the eighth race.

TWO HUNDRED EIGHTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI, BRAULIO BAEZA of the crime of TAMPERING WITH A SPORTS CONTEST IN THE SECOND DEGREE in violation of Section 180.51 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with the intent to influence the outcome of a sports contest, tampered with a sports participant and an animal and equipment and other thing involved in the conduct and operation of a sports contest in a manner contrary to the rules and usages purporting to govern such a contest, to wit, caused the number three horse in the eighth race to carry more than five pounds of weight over the published weight for the contest.

TWO HUNDRED NINETIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the eighth race, on a proof program of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

TWO HUNDRED NINETY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, MARIO SCLAFANI and BRAULIO BAEZA, of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The defendants, acting in concert with each other and with others, in the premises at Aqueduct Racetrack, County of Queens, State of New York, on or about December 5, 2004, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the true weight the number three horse carried in the eighth race, on a scale sheet of the New York Racing Association, in violation of a duty to do so which they knew to be imposed upon them by law or by the nature of their position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof.

Dated: Ballston, New York
September 8, 2005

J. CHRISTOPHER PRATHER
Deputy Attorney General
Office of the New York Attorney General
Statewide Organized Crime Task Force

By:

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GRAND JURY FOREPERSON