

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 10 CR 196-1
vs.)	
)	Judge Harry D. Leinenweber
RUDOLPH CARMEN FRATTO)	

GOVERNMENT’S SENTENCING MEMORANDUM

The UNITED STATES OF AMERICA, by GARY S. SHAPIRO, Acting United States Attorney for the Northern District of Illinois, submits this memorandum in support of its sentencing recommendation for defendant Rudolph Carmen Fratto (“Fratto). For the reasons set forth below, the government asks the Court to sentence Fratto to a term of imprisonment substantially in excess of the Advisory Guidelines range plus two offense levels.

I. BACKGROUND

On March 11, 2010, defendant Fratto was charged by indictment with mail fraud in violation of Title 18, United States Code, Sections 1341 and 2 (Count One). On October 27, 2011, Fratto entered a plea of guilty pursuant to a plea agreement to Count One of the indictment. Sentencing is set for September 26, 2012, at 9:45 a.m.

II. APPLICABLE GUIDELINES RANGE

A. PSR's Calculation of Total Offense Level

The government agrees with the PRS's calculation of a Total Offense Level of 14. PSR 5-6 //lines 87, 89.¹ That offense level includes a ten level increase for an intended loss amount greater than \$120,000 and less than \$200,000. PSR 5 //72-74.

B. PSR's Calculation of Criminal History Category

The government agrees with the PSR's calculation of total criminal history points of 2 and Criminal History Category II. PSR 6 //104-105.

C. Advisory Guidelines Range

The government agrees with the PSR's calculation of the advisory guideline range for imprisonment of 18-24 months. PSR 13 //303-304.

III. A SENTENCE ABOVE THE GUIDELINES RANGE IS APPROPRIATE.

A. Section 3553(a) factors

Section 3553(a) requires the Court to impose a sentence that is "sufficient, but not greater than necessary," to comply with the purposes of sentencing.² In order to determine

¹ Abbreviations in this filing are as follows:

// - Precedes citation to numbered lines on cited page

Tr. - Transcript of recorded conversations

²Those purposes are the need for the sentence "(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner." § 3553(a)(2)(A)-(D).

the “particular” sentence to impose, the Court must consider the familiar statutory factors listed in § 3553(a)(1)-(7). The advisory range set by the Sentencing Guidelines and the Commission’s policy statements are factors to be considered. §3553(a)(4), (a)(5). The Advisory Sentencing Guidelines “should be the starting point and the initial benchmark” in determining the appropriate sentence. *See Gall v. United States*, 522 U.S. 38, 128 S. Ct. 586, 596 (2007).

Where membership in or association with organized crime is used to further the criminal activity for which a defendant is convicted, a sentence above the Advisory Guidelines sentencing range is appropriate. *See United States v. Hanhardt*, 361 F.3d 382, 392-93 (7th Cir. 2004) (upward departure equivalent to two Guidelines offense levels imposed); *United States v. Zizzo*, 120 F.3d 1338, 1361 (7th Cir. 1997) (upward departure equivalent to two Guidelines offense levels imposed); *United States v. Damico*; 99 F.3d 1431, 1439 (7th Cir. 1996) (upward departure equivalent to two Guidelines offense levels imposed); *United States v. Schweih*s, 971 F.2d 1302, 1316-17 (7th Cir. 1992) (upward departure equivalent to seven Guidelines offense levels imposed, analogizing the use of organized crime to the discharge of a firearm (a seven-level increase under §2B3.2(b)(3)(A)(i))).

As explained below, a sentence above the advisory range is appropriate in this case because the § 3553(a) factors weigh in favor of such a sentence.

**B. Nature of Offense and History and Characteristics of Defendant –
§ 3553(a)(1)**

During the commission of the offense, Fratto was a “made” member of the Chicago Outfit. Nicholas Calabrese (“Calabrese”) testified under oath in the Family Secrets trial that Fratto became a made member of the Outfit in 1988. *United States v. Calabrese, et al.*, 02 CR 1050 (NDIL 2007), *aff’d sub nom. United States v. Schiro*, 679 F.3d 521 (7th Cir. 2012), (*Family Secrets* Transcript at 2709-10 attached as Exhibit A and 2855 // 17-18 attached as Exhibit B). Calabrese’ testimony is highly credible. In 2002, Calabrese began cooperating with the government. *United States v. Ambrose*, 668 F.3d 943, 948 (7th Cir. 2012). He was a “made” member of the Chicago Outfit. *Id.* A made member is someone who has gained a heightened role in the Outfit by proving himself based upon his trustworthiness and performance. *Id.* A person would not even be considered for that status until he had committed a homicide on behalf of the Outfit. *Id.* Because he was a made member, Calabrese was privy to a great deal of information and access. *Id.* Calabrese was the most important organized crime witness who ever testified in the Northern District of Illinois. *Id.* He was a key witness in the Family Secrets prosecution which brought RICO charges against the Outfit and which resulted in the conviction of all five defendants by a jury. *Id.*; *Schiro*, 679 F.3d at 524. *See also Hanhardt*, 361 F.3d at 393 (proper to consider out-of-court statements of informants corroborated by other evidence).

The Outfit conducts its operations in Chicago through “street crews.” *Schiro*, 679 F.3d at 525. Calabrese testified that Fratto was a member of the Elmwood Park Crew. *Family Secrets* Transcript at 2855 // 17-18 attached as Exhibit B). Fratto represented himself to be a “boss” of the Chicago Outfit and a member of the Elmwood Park crew.³

Fratto used his membership in and association with organized crime to further the scheme in the present case. Fratto encouraged Individual A to participate in the bid rigging scheme by telling Individual A that if they made money from the scheme, he, Fratto, would help Individual A with Individual A’s debt to Cleveland organized crime figures. Tr. 7/22/05 at 23-24 //15-23, 25-31. See attached Exhibit D. Fratto assured Individual A that he, Fratto, had influence with the Cleveland organized crime figures to whom Individual A owed money; that he, Fratto, would make sure that the Cleveland organized crime figures knew that Individual A was working with Fratto; and that, as a result, the Cleveland organized crime figures would be patient in demanding Individual A pay them what he owed them.⁴

³Fratto to Individual A: “I’m the fuckin’ boss of this area around here. No one else.” Tr. 9/1/05 at 19 //25-27. Later, Fratto told Individual A the government wanted to get Fratto because Fratto was part of the Elmwood Park crew. (“ (UI) get me because I’m a part of (UI) Park and they’re trying to get one of us.”) Tr. 9/1/05 at 26 //6-15. See attached Exhibit C.

⁴On June 6, 2007, Fratto told Individual A that, “Them guys [Cleveland OC figures] know who I am. ... [Cleveland OC Figure A] and me are equals. [Cleveland OC Figure A] will respect us because we have more authority in Chicago than they have in (UI).” ... “I wanna get it back to ‘em that you’re my friend and I’m doin’ stuff with you [Individual A], so this way they don’t fuckin’ say, ‘Fuck that [Individual A].’ They’ll say, ‘Wait a second, you know, you better watch out, talk to Rudy, ‘cause he [Individual A] really does business with Rudy,” Tr. 6/6/07 at 18 //18-22; 20-21 //30-32, 1-5. See attached Exhibit E.

On July 6, 2007, Fratto agreed with Individual A that Individual A should “call Cleveland”, “leave a message for [Cleveland OC Figure A]”, and tell Cleveland OC Figure A, “Let me

In short, in return for a share of the profits from the forklift contracts, Fratto was promising to provide protection. That is precisely the corrupting influence of organized crime that must be kept out of legitimate business activity everywhere. That this corrupting influence was interjected into business at McCormick Place, a vital component of the economic viability of the community, makes Fratto's conduct all the more aggravating.

In affirming enhanced sentences for committing an offense through association with organized crime, one of the factors that the Seventh Circuit has recognized is organized crime's penchant to use violence to achieve its goals. *See Zizzo*, 120 F.3d at 1360-61; *Schweih*s, 971 F.2d at 1312, 316-17. Fratto admitted his knowledge and acceptance of organized crime's penchant for violence and intimidation and his involvement in acts of violence and intimidation by organized crime.⁵ Fratto asserted that he would have liked to have used violence against their competitors for the forklift contracts but he did not do so only because he concluded that under the circumstances it would have been unwise to do so.⁶

[Individual A] know when you're gonna here. There's a good friend of mine here [Fratto] that met you at the golf outing. ... He knows everybody here. ... I'm sure you know who he is." Fratto warned Individual A, "I don't know how bad the phones are there" and agreed that Individual A use "no names." Tr. 7/6/07 at 18-19 //21-29, 1-13. See attached Exhibit F.

⁵ Fratto: I remember when I was a young guy ... the thing wound up in my lap. [T]his guy humiliated Tony [Accardo] in a traffic thing. ... [T]he guy [was] cutting grass one day and he got beat up so bad ... I don't think he could push a lawn mower anymore.

Tr. 2/25/06 at 69-70 //18-39, 1-11. See attached Exhibit G.

⁶ Fratto: And I would love to, like next week, get that [competitor's employee] ... and break his legs and put him in the hospital. ... But, that'll make things even worse... .

C. Need for the Sentence Imposed – § 3553(a)(2)

Fratto's offense is serious and the government asks that the sentence imposed provide just punishment and promote respect for the law. § 3553(a)(2)(A). The government asks that Fratto's sentence address the need for both specific and general deterrence, and be sufficient to protect the public from future criminal conduct by Fratto himself and by others who would emulate his conduct. § 3553(a)(2)(B)-(C). Though Fratto's own capacity for physical violence may diminish with age, Fratto's willingness to use his organize crime status, and the justified fear of others of that status, is a continuing threat. Indeed, even Fratto's willingness to act without explicit Outfit sanction, as may have been the case here, carries with it the danger of violence by other factions of organized crime. *See Family Secrets* Transcript at 2854-2856 attached as Exhibit B.

These factors all weigh in favor of a sentence in this case substantially in excess of the Advisory Guidelines range plus two offense levels.

Degironemo: [F]irst of all, out of respect, I would expect these two should have backed off ... number one, but they didn't. Number two, we should've sat 'em down in the beginning ... and said don't f--k with this show. ... Instead, we wanted to be nice guys, straight guys, be nice to him. ...

Fratto: I think that would've ... made it worse.

Tr. 4/8/06 at 20 //10-15; 30-31 //20-34. See attached Exhibit H.

IV. CONCLUSION

For all the foregoing reasons, the government asks this Court to sentence defendant Rudolph Carmen Fratto to a term of imprisonment substantially in excess of the Advisory Guidelines range plus two offense levels.

Respectfully submitted,

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EXHIBIT A

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UNITED STATES DISTRICT COURT.
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Government,)	No. 02 CR 01050
)	
vs.)	Chicago, Illinois
)	
FRANK Calabrese, Sr., JAMES)	
MARCELLO, JOSEPH LOMBARDO)	July 18, 2007
PAUL SCHIRO, ANTHONY DOYLE)	
)	
Defendants.)	1:56 o'clock p.m.

VOL. 16
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL

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01:56PM 1 THE MARSHAL: All rise.

02:14PM 2 (The following proceedings were had in the presence
02:14PM 3 of the jury in open court:)

02:14PM 4 THE COURT: Please be seated.

02:14PM 5 You may resume.

02:15PM 6 NICHOLAS CALABRESE, GOVERNMENT'S WITNESS, SWORN

02:15PM 7 DIRECT EXAMINATION (resumed)

02:15PM 8 BY MR. MARS:

02:15PM 9 Q. *Mr. Calabrese, just one follow-up on the murders of*
02:15PM 10 *Mr. Ortiz and Mr. Morawski.*

02:15PM 11 *was this an event in which you and your brother had a*
02:15PM 12 *special code for the two murders?*

02:15PM 13 A. Yes.

02:15PM 14 Q. *And how did you refer to these two murders?*

02:15PM 15 A. The Bean.

02:15PM 16 Q. *I'm sorry?*

02:15PM 17 A. Bean.

02:15PM 18 Q. *The Bean?*

02:15PM 19 A. Yes. And we also used Half and Half.

02:15PM 20 Q. *Half and Half?*

02:15PM 21 A. Yes.

02:15PM 22 Q. *But this is, again, between you and your brother?*

02:15PM 23 A. Yes.

02:15PM 24 Q. *The homicides that you just described prior to the break*
02:16PM 25 *occurred in 1983, in the summer, and I'm going to ask you now*

02:16PM 1 *if you had occasion to become part of a making ceremony*
02:16PM 2 *sometime after the murders of Mr. Ortiz and Mr. Morawski.*
02:16PM 3 A. Yes.
02:16PM 4 Q. *And can you tell us when the ceremony took place.*
02:16PM 5 A. Sometime at the beginning of October.
02:16PM 6 Q. *Were you to be made?*
02:16PM 7 A. Yes.
02:16PM 8 Q. *And how is it that you were advised that you were to be*
02:16PM 9 *made at this particular occasion?*
02:16PM 10 A. It was a Friday night and my brother said we gotta go by
02:16PM 11 Brother Jimmy, that's what we called him sometimes.
02:16PM 12 Q. *Brother Jimmy?*
02:16PM 13 A. Brother Jimmy.
02:16PM 14 Q. *Who was that in reference to?*
02:16PM 15 A. Jimmy LaPietra. And we went to his house, and we left
02:17PM 16 with him and he was driving us down to Bridgeport to go see
02:17PM 17 Angelo LaPietra. He dropped us off near his house and we
02:17PM 18 walked and went to Angelo's house, and we went into the
02:17PM 19 basement. We sat at a table, me and my brother and Angelo.
02:17PM 20 Q. *And did you have a conversation with Angelo LaPietra at*
02:17PM 21 *that time?*
02:17PM 22 A. Yes.
02:17PM 23 Q. *What did he say to the two of you?*
02:17PM 24 A. That he -- that he recommended us to be made and that if
02:17PM 25 we wanted it, did we want to do that. In other words, given a

02:17PM 1 choice, in my mind, I'm thinking if I say no, would I ever see
02:17PM 2 the next day or -- so I said yes.
02:17PM 3 Q. Now, did you perceive this as being a test of some kind?
02:17PM 4 A. Yes.
02:17PM 5 Q. And what about your brother, what was his response?
02:17PM 6 A. He said yes.
02:17PM 7 Q. And so the two of you were going to be made?
02:17PM 8 A. Yes.
02:18PM 9 Q. Can you tell us, first of all, in this organization in the
02:18PM 10 outfit, just what does it mean to be made?
02:18PM 11 A. Well, you -- you become part of like a brotherhood. You
02:18PM 12 -- you're -- you're trusted, then you're in that inner -- not
02:18PM 13 the inner circle, but that scope that is around all the made
02:18PM 14 guys, you belong to that whatever you want to call it.
02:18PM 15 Q. Is there any sort of financial benefit to being made?
02:18PM 16 A. Usually when you're made, you get a chance to make more
02:18PM 17 money, yes.
02:18PM 18 Q. And what about your own obligation or a made member's
02:18PM 19 obligation to the outfit?
02:18PM 20 A. Well, you're a lifetime member. There's only one way out.
02:18PM 21 Q. What way is that?
02:18PM 22 A. Feet first.
02:18PM 23 Q. Meaning you're in for life?
02:18PM 24 A. You're in for life.
02:18PM 25 Q. To your understanding, were there any qualifications or

02:19PM 1 *restrictions as to who could, in fact, be made in the outfit?*

02:19PM 2 A. One of them was that you had to be involved in killings,
02:19PM 3 and you had to be all Italian, you couldn't be part Italian.

02:19PM 4 Q. *So you had to perform a murder on behalf of, at least one,*
02:19PM 5 *on behalf of the outfit?*

02:19PM 6 A. One or more, yes. And you also had to be trusted.

02:19PM 7 Q. *And how is it that someone would actually be recommended*
02:19PM 8 *to be made?*

02:19PM 9 A. They would be recommended through their captain or their
02:19PM 10 capo.

02:19PM 11 Q. *And at this point in time when you and your brother were*
02:19PM 12 *recommended, who was the capo?*

02:19PM 13 A. Angelo LaPietra.

02:19PM 14 Q. *Could people who were not 100-percent Italian but who had,*
02:19PM 15 *in fact, committed murders on behalf of the outfit achieve the*
02:19PM 16 *same status?*

02:20PM 17 A. Can you repeat that?

02:20PM 18 Q. *If you were not 100-percent Italian but if you had*
02:20PM 19 *committed a murder on behalf of the outfit, was there any sort*
02:20PM 20 *of similar status accorded those people?*

02:20PM 21 A. No. Up until that time, no.

02:20PM 22 Q. *And once you were made, did you have any further*
02:20PM 23 *obligations with respect to the organization?*

02:20PM 24 A. Just continue doing what you're doing. Just do what
02:20PM 25 you're told to do.

02:20PM 1 Q. *Was there a status within the outfit that was called,*
02:20PM 2 *actually, I guess in the vernacular, to be put on the shelf?*
02:20PM 3 A. Yes, I heard that terme before.
02:20PM 4 Q. *What does that mean?*
02:20PM 5 A. It means you're told not to do anything. You're not to do
02:20PM 6 any kind of illegal activity at all. In other words, they're
02:20PM 7 just putting you on the shelf and you sit there, rather than
02:20PM 8 -- maybe you did something wrong and it doesn't warrant you
02:21PM 9 being killed, so they just shelve you.
02:21PM 10 Q. *Are you terminated from the outfit?*
02:21PM 11 A. No.
02:21PM 12 Q. *You're still a member?*
02:21PM 13 A. Yes.
02:21PM 14 Q. *And are you still obligated to perform activities on*
02:21PM 15 *behalf of the outfit if called upon?*
02:21PM 16 A. Yes.
02:21PM 17 Q. *Now, with respect to your own making, were you and your*
02:21PM 18 *brother the only ones made in the fall of 1983?*
02:21PM 19 A. No.
02:21PM 20 Q. *And is there, in fact, some kind of a ceremony attached to*
02:21PM 21 *being made?*
02:21PM 22 A. Yes.
02:21PM 23 Q. *And what is the ceremony?*
02:21PM 24 A. I didn't know what it was until I got there. You're
02:21PM 25 called into a room --

02:21PM 1 Q. Well, let me stop you and kind of set the stage for your
02:21PM 2 own making.

02:21PM 3 Do you recall when it was you, in fact, were made?

02:21PM 4 A. It was on a Sunday morning. We went -- my brother had got
02:21PM 5 a car from a dealer, it had dealer plates or sticker on it so
02:22PM 6 in case there was any heat around and they happened to take
02:22PM 7 the license number, it wouldn't come back to anybody but to
02:22PM 8 the dealer where the car was from. We met him and then he
02:22PM 9 drove us to a restaurant.

02:22PM 10 Q. Now, who is "us"?

02:22PM 11 A. Me and my brother, Jimmy LaPietra drove us to a restaurant
02:22PM 12 on Roosevelt Road west of Mannheim.

02:22PM 13 Q. Do you remember the name of it?

02:22PM 14 A. No.

02:22PM 15 Q. And do you know when this took place in 1983?

02:22PM 16 A. It took place on a Sunday. The only way I could tell you
02:22PM 17 is, I remember afterwards when I went by the house in Elmwood
02:22PM 18 Park the Bears were playing football, they were playing
02:22PM 19 against the Minnesota vikings.

02:22PM 20 Q. And do you remember what month this was?

02:22PM 21 A. October.

02:22PM 22 Q. So in October in which the Bears played the vikings on a
02:22PM 23 Sunday?

02:22PM 24 A. Yes. It was two days after we had saw Angelo on a Friday.

02:23PM 25 Q. When you got to this restaurant on Roosevelt Road, what,

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if anything, did you do?

A. We were let in. We were let into the kitchen area where there were several guys sitting around.

Q. *Who let you in?*

A. I don't remember now who let us in.

Q. *And do you remember who else was sitting around when you got to the restaurant?*

A. Yes.

Q. *Who? who was there?*

A. My brother, myself, Jimmy Marcello.

Q. *I'm sorry?*

A. Jimmy Marcello, Tony Zizzo, Rocky Infelice, Johnny Matassa, Frank Belmonte, Albert Tocco, and Nick, I think his last name Gazino.

Q. *And who are these individuals?*

A. Well, two were from Chicago Heights, two were from Carlisi, Sam Carlisi, me and my brother were with Angelo, along with Rocky, and Frank Belmonte and John Matassa were Vince Solano's.

Q. *So these were individuals from various crews of the outfit?*

A. Yes.

Q. *Do you know whether the individuals you just named were also to be made that day?*

A. Yes.

02:24PM 1 Q. *And were there capos present, if you recall, during the*
02:24PM 2 *course of that day?*

02:24PM 3 A. Yes.

02:24PM 4 Q. *What happened when you came into the restaurant and you*
02:24PM 5 *saw the individuals that were to be made?*

02:24PM 6 A. We just sat there and waited and they took us one at a
02:24PM 7 time.

02:24PM 8 Q. *Now, what part of the restaurant were you waiting in?*

02:24PM 9 A. Part of the kitchen.

02:24PM 10 Q. *Were the capos sitting there with you?*

02:24PM 11 A. No.

02:24PM 12 Q. *Just the guys to be made?*

02:24PM 13 A. Yes.

02:24PM 14 Q. *So then what happens?*

02:24PM 15 A. Well, then a guy would come, his name was Tornabene, Al
02:24PM 16 Tornabene, he took us in one at a time.

02:24PM 17 Q. *Was Al Tornabene a made guy?*

02:25PM 18 A. If he had to be there, he had to be made, yes.

02:25PM 19 Q. *And he would take these individuals one at a time to*
02:25PM 20 *where?*

02:25PM 21 A. To part of the restaurant where the capos were sitting at
02:25PM 22 the table with the boss, Joey Aiuppa.

02:25PM 23 Q. *Joseph Aiuppa was present on this occasion?*

02:25PM 24 A. Yes.

02:25PM 25 Q. *And at the time was he, in fact, the boss of the outfit?*

02:25PM 1 A. Yes.

02:25PM 2 Q. *Were you taken into this room in the presence of Joseph*

02:25PM 3 *Aiuppa?*

02:25PM 4 A. Yes.

02:25PM 5 Q. *And what capos do you recall being presses in that part of*

02:25PM 6 *the restaurant?*

02:25PM 7 A. It was Johnny Bananas, Johnny DiFronzo, Sam Carlisi, Toots

02:25PM 8 Palermo, Vince Solano and Angelo LaPietra.

02:25PM 9 Q. *And do you recall if anybody else was present from the*

02:25PM 10 *outfit there?*

02:25PM 11 A. Joe Aiuppa.

02:25PM 12 Q. *And do you remember if Jack Cerone was present?*

02:25PM 13 A. No, I don't.

02:25PM 14 Q. *When it was your turn to be brought -- were all the capos*

02:26PM 15 *sitting in the same area with Aiuppa?*

02:26PM 16 A. Yes, they were sitting at a table.

02:26PM 17 Q. *At a table?*

02:26PM 18 A. At a long table, or two tables put together.

02:26PM 19 Q. *And when you were brought to the area where the tables*

02:26PM 20 *were, what happened with respect to your own experience?*

02:26PM 21 A. I was let in and I stood facing Joey Aiuppa on the other

02:26PM 22 side of the table. On the table were a gun and a knife and a

02:26PM 23 candle. And there was some conversation before it happened,

02:26PM 24 but I don't remember what it was about. All I remember is

02:26PM 25 saying, after he asked something, I says "I wasn't brought up

02:26PM 1 that way."

02:26PM 2 Q. Now, what was it that he asked you or said to you?

02:26PM 3 A. I don't recall. It probably had something to do with -- I

02:26PM 4 don't know. I don't remember.

02:26PM 5 Q. Well, was there any sort of oath administered?

02:26PM 6 A. Afterwards, after this initial conversation he come around

02:26PM 7 the table and he took a holy picture and lit it on fire and he

02:27PM 8 threw it in my hand.

02:27PM 9 Q. Who did that?

02:27PM 10 A. Joey Aiuppa.

02:27PM 11 Q. He actually put a holy card in your hand?

02:27PM 12 A. Yeah.

02:27PM 13 Q. And lit in?

02:27PM 14 A. Yeah.

02:27PM 15 Q. And what happened then?

02:27PM 16 A. And he said, "repeat after me three times, if I give up my

02:27PM 17 brothers, may I burn in hell like this holy picture," and to

02:27PM 18 say that three times.

02:27PM 19 Q. Did you do that?

02:27PM 20 A. Yes.

02:27PM 21 Q. And when that occurred, after that occurred what happened?

02:27PM 22 A. Then he took a pin and pricked my finger so a little blood

02:27PM 23 came out.

02:27PM 24 Q. Aiuppa did that?

02:27PM 25 A. Yes.

02:27PM 1 Q. *And what was done with the blood or what happened?*

02:27PM 2 A. *There was nothing done with the blood. And then after*

02:27PM 3 *that, I think I was congratulated by each of the capos and*

02:27PM 4 *Joey Aiuppa and then I was let back out.*

02:27PM 5 Q. *To where?*

02:27PM 6 A. *Back to where we were sitting in the kitchen.*

02:27PM 7 Q. *And then the next person would be brought in?*

02:27PM 8 A. *Yes.*

02:27PM 9 Q. *Now, was your capo present when you were made?*

02:27PM 10 A. *Yes.*

02:27PM 11 Q. *And I think you said that was Angelo LaPietra at the time?*

02:28PM 12 A. *Yes.*

02:28PM 13 Q. *Now, with respect to the other capos that were present,*

02:28PM 14 *you mentioned Vince Solano, who was he there to represent or*

02:28PM 15 *-- well, I guess to represent with respect to who was being*

02:28PM 16 *made?*

02:28PM 17 A. *Frank Belmonte and Johnny Matassa.*

02:28PM 18 Q. *Did you know Belmonte and Matassa as of this point?*

02:28PM 19 A. *No, I just met them that day.*

02:28PM 20 Q. *And with respect to Mr. Marcello, who was there to sponsor*

02:28PM 21 *or represent him, which capo?*

02:28PM 22 A. *Sam Carlisi.*

02:28PM 23 Q. *And was anybody else from that crew made in addition to*

02:28PM 24 *James Marcello?*

02:28PM 25 A. *Tony Zizzo.*

02:28PM 1 Q. Now, was anybody from John DiFronzo's crew present to be
02:28PM 2 made besides DiFronzo?
02:28PM 3 A. No.
02:28PM 4 Q. And why was DiFronzo there?
02:28PM 5 A. Because he's a capo.
02:28PM 6 Q. Who was the sponsor for -- I think you said there was an
02:29PM 7 individual named Gazino.
02:29PM 8 A. Toots Palermo.
02:29PM 9 Q. And what crew was he representing?
02:29PM 10 A. Chicago Heights.
02:29PM 11 Q. Was there anybody else from that crew that was being made?
02:29PM 12 A. Albert Tocco.
02:29PM 13 Q. And did you know Albert Tocco or Mr. Gazino at that time?
02:29PM 14 A. No, I didn't.
02:29PM 15 Q. At this point in time, this is the fall of '83, was there
02:29PM 16 anyone representing the Grand Avenue Crew there.
02:29PM 17 A. No.
02:29PM 18 Q. Who was the capo of the crew at the time?
02:29PM 19 A. The Grand Avenue Crew?
02:29PM 20 Q. Right.
02:29PM 21 A. I don't know if there was one at the time.
02:29PM 22 Q. Do you know where Joseph Lombardo was at the time?
02:29PM 23 A. In jail.
02:29PM 24 Q. Now, after all of the individuals were made, was there any
02:30PM 25 sort of ceremony or any sort of function after that?

02:30PM 1 A. No, at that time we just -- we got up and walked towards
02:30PM 2 where they were and we got congratulated again and then we
02:30PM 3 left with Angelo because his brother Jimmy picked us up.

02:30PM 4 Q. *First let me show you what I have marked as Government*
02:30PM 5 *Exhibit Photo 36 and Government's Exhibit Photo 49.*

02:30PM 6 *Do you recognize either of the individuals in those*
02:30PM 7 *two photographs?*

02:30PM 8 A. Yes.

02:30PM 9 Q. *And with respect to Government Exhibit Photo 36, who is*
02:30PM 10 *that person?*

02:30PM 11 A. Johnny Matassa.

02:30PM 12 Q. *With respect to 49?*

02:31PM 13 A. That's Albert Tornabene.

02:31PM 14 MR. MARS: Your Honor, at this time I would offer
02:31PM 15 those two exhibits, Government's Exhibits Photo 36 and Photo
02:31PM 16 49.

02:31PM 17 THE COURT: Admitted.

02:31PM 18 (Government's Exhibit Photo 37 and Photo 49 were
02:31PM 19 received in evidence.)

02:31PM 20 MR. MARS: And if I might have leave to publish those
02:31PM 21 two photographs.

02:31PM 22 THE COURT: You may.

02:31PM 23 (Exhibit published to the jury.)

02:31PM 24 BY MR. MARS:

02:31PM 25 Q. *Sir, first displaying Government's Exhibit Photo 36, can*

02:31PM 1 you tell us, for the record, who that is?

02:31PM 2 A. Johnny Matassa.

02:31PM 3 Q. This was one of the individuals made at the making
02:31PM 4 ceremony you just described?

02:31PM 5 A. Yes.

02:31PM 6 Q. Did he go by any other name or nickname?

02:31PM 7 A. Peter Blubber or Bladder, something to do because of his
02:31PM 8 size. I don't recall the name right now, but it had something
02:31PM 9 to do with Blubber or --

02:31PM 10 Q. Describe him physically.

02:31PM 11 A. He was short and stocky and had this big stomach.

02:31PM 12 Q. And did you have occasion to have conversations with James
02:32PM 13 Marcello about this individual at a later date?

02:32PM 14 A. Yes.

02:32PM 15 Q. Where?

02:32PM 16 A. In prison.

02:32PM 17 Q. And when you were in prison -- it was when you were in
02:32PM 18 prison with him?

02:32PM 19 A. Yes.

02:32PM 20 Q. Mr. Marcello?

02:32PM 21 A. Yes.

02:32PM 22 Q. And during prison conversations, did James Marcello use
02:32PM 23 any sort of gestures or signals referring to this individual,
02:32PM 24 John Matassa?

02:32PM 25 A. Yes.

02:32PM 1 Q. *And what was that?*

02:32PM 2 A. He would take and go like this, like he's making a sign of
02:32PM 3 a big stomach (indicating).

02:32PM 4 MR. HALPRIN: Once again, Judge, we're not able to
02:32PM 5 see any gestures.

02:32PM 6 THE COURT: For the record, the witness put his hands
02:32PM 7 together in front of his chest and then made a loop.

02:32PM 8 MR. HALPRIN: Thank you.

02:32PM 9 MR. MARS: Thank you, Judge.

02:32PM 10 BY MR. MARS:

02:32PM 11 Q. *And that is how, rather that use his name, that is how*
02:32PM 12 *James Marcello would discuss this individual with you?*

02:32PM 13 A. Yes.

02:32PM 14 Q. *With respect to the other photograph, 49, and for the*
02:33PM 15 *record can you tell us who this person is?*

02:33PM 16 A. Al Tornabene.

02:33PM 17 Q. *This is the individual that kind of led the inductees into*
02:33PM 18 *the room with the capos?*

02:33PM 19 A. Yes.

02:33PM 20 Q. *And did you have conversations with James Marcello about*
02:33PM 21 *this individual at a later time?*

02:33PM 22 A. Yes.

02:33PM 23 Q. *Where was that?*

02:33PM 24 A. Same place, in prison.

02:33PM 25 Q. *And did he refer to this individual by any other name or*

02:33PM 1 *nickname?*

02:33PM 2 A. Yes.

02:33PM 3 Q. *What was that?*

02:33PM 4 A. Fa Fa.

02:33PM 5 Q. *Fa Fa?*

02:33PM 6 A. Fa Fa. F-a F-a, Fa Fa.

02:33PM 7 Q. *Do you know why we was referred in that fashion?*

02:33PM 8 A. No, I don't.

02:33PM 9 Q. *But that's the name that James Marcello used for this*

02:33PM 10 *individual?*

02:33PM 11 A. Yes.

02:33PM 12 Q. *Thank you.*

02:33PM 13 *Now, Mr. Calabrese, was there any sort of rule or --*

02:33PM 14 *well, let's call it a rule, as far as one made man of the*

02:34PM 15 *outfit introducing another within the organization?*

02:34PM 16 A. Well, after we left the restaurant, we stopped at a

02:34PM 17 restaurant with Angelo and Jimmy LaPietra, and we were -- we

02:34PM 18 got into a discussion. The discussion was that he says,

02:34PM 19 "we're brothers now, and you've got some insurance, not much,

02:34PM 20 but you've got some insurance now."

02:34PM 21 Q. *And what did you understand him to mean by that?*

02:34PM 22 A. That I had some life insurance against my life, meaning

02:34PM 23 that I would be given a little more leeway than somebody that

02:34PM 24 wasn't made.

02:34PM 25 Q. *As far as?*

02:34PM 1 A. Being killed.

02:34PM 2 Q. And was -- well, let me ask you this, besides this extra
02:34PM 3 little bit of life insurance, was there any sort of method
02:35PM 4 that made members or made people in the outfit would address
02:35PM 5 each other, introduce each other?

02:35PM 6 A. Well, the thing was you could not introduce yourself to
02:35PM 7 somebody that was a made member and say to them, "I'm made."
02:35PM 8 You would have to be introduced by another made person through
02:35PM 9 this other party. In other words, I couldn't come to -- say
02:35PM 10 you were made, I couldn't come up to you and say "I'm made
02:35PM 11 too." Somebody that we both knew that you were introduced to
02:35PM 12 that says he was a made guy, then he would introduce us.

02:35PM 13 Q. And was there particular words or introductions used for
02:35PM 14 that your Honor?

02:35PM 15 A. Yes.

02:35PM 16 Q. And what was that?

02:35PM 17 A. It was -- you would say "this is amigo nostra," this is a
02:35PM 18 friend of ours. And if it was a friend of mine, you would say
02:35PM 19 "he's a friend of mine." If I was to introduce somebody to
02:35PM 20 you and he wasn't a made guy, I would say this is a friend of
02:36PM 21 mine but if he was --

02:36PM 22 MR. HALPRIN: Judge, could I have that answer read
02:36PM 23 back, we couldn't understand, especially the Italian.

02:36PM 24 (Answer read.)

02:36PM 25 MR. HALPRIN: Thank you, Judge.

02:36PM 1 BY MR. MARS:

02:36PM 2 Q. *For the record, Mr. Calabrese, just so we all have it*
02:36PM 3 *right, how do you pronounce the Italian for "a friend of*
02:36PM 4 *ours"?*

02:36PM 5 A. *"Amigo nostra".*

02:36PM 6 Q. *"Amigo nostra"?*

02:36PM 7 A. *Nostra.*

02:36PM 8 Q. *And so what did "amigo nostra" signify, "a friend of*
02:36PM 9 *ours"?*

02:36PM 10 A. *A friend of ours.*

02:36PM 11 Q. *Meaning?*

02:36PM 12 A. *That I was a made person.*

02:36PM 13 Q. *To be distinguished from "a friend of mine"?*

02:36PM 14 A. *Right.*

02:36PM 15 Q. *Which was not a made guy?*

02:37PM 16 A. *Right, that's what we would do.*

02:37PM 17 Q. *Do you know whether there were -- this was in October*
02:37PM 18 *of 1983, do you know whether there was a making ceremony*
02:37PM 19 *subsequent to your own making ceremony?*

02:37PM 20 A. *Afterwards?*

02:37PM 21 Q. *Yes.*

02:37PM 22 A. *There was one in '88.*

02:37PM 23 Q. *1988?*

02:37PM 24 A. *1988.*

02:37PM 25 Q. *And do you understand who was made on that occasion?*

02:37PM 1 A. I remember it was Father's Day, it was on a Sunday, and we
02:37PM 2 had to go to a party that one of Jimmy LaPietra's
02:37PM 3 granddaughters either made a communion or something like that,
02:37PM 4 and we went to Al's Restaurant, he had a banquet hall, me and
02:37PM 5 my brother and our wives, we went there. And when we were
02:37PM 6 sitting down with Jimmy LaPietra, he had mentioned to us, he
02:37PM 7 says, "Poker got made today."

02:37PM 8 Q. *Meaning who?*

02:37PM 9 A. Jimmy DiForti.

02:37PM 10 Q. *Was anybody else made on that occasion?*

02:37PM 11 A. Yeah, after this Sunday, maybe a week or 2 weeks later, I
02:38PM 12 was with Jimmy DiForti, Poker, and he says when he got made
02:38PM 13 there was Jerry Scarpelli -- or -- yeah, Jerry Scarpelli, Rudy
02:38PM 14 Frado, Pete DiFranc, himself and Tony Chiaramonti.

02:38PM 15 Q. *You said Pete DiFranc, is he any relation to Johnny*
02:38PM 16 *Bananas?*

02:38PM 17 A. That's his brother.

02:38PM 18 Q. *What about the status of someone like Ronnie Jarrett, at*
02:39PM 19 *this point he participated in a number of murders that you*
02:39PM 20 *described, was Ronnie Jarrett made?*

02:39PM 21 A. Now, Ronnie Jarrett was in jail at the time, and I
02:39PM 22 remember afterwards, I don't know if it was that same day
02:39PM 23 Sunday, Father's Day, or another day, my brother and me we
02:39PM 24 were talking, and he goes, "they made Poker and he's half
02:39PM 25 Italian, why didn't they make Menz, Ronnie Jarrett, he should

02:39PM 1 be made, too, because he's half and half." Because one of
02:39PM 2 their things was, if you weren't all Italian, you weren't
02:39PM 3 suppose to be made.

02:39PM 4 Q. *And Mr. DiForti was not 100-percent Italian?*

02:39PM 5 A. No.

02:39PM 6 Q. *Yet he was made?*

02:39PM 7 A. Yes.

02:39PM 8 Q. *Was there any explanation ever given to you for why that*
02:39PM 9 *exception was made?*

02:39PM 10 A. No.

02:39PM 11 Q. *Mr. Calabrese, I'm going to ask you about a trip you took*
02:39PM 12 *out to Phoenix and Las Vegas in 1986.*

02:40PM 13 *I'm going to ask you if during the course of your*
02:40PM 14 *trip out to Phoenix, in Las Vegas, you participated in a*
02:40PM 15 *murder of a man named Emil Vaci?*

02:40PM 16 A. Yes.

02:40PM 17 Q. *And let me first ask you how it was you had taken that*
02:40PM 18 *trip out west to the Phoenix area.*

02:40PM 19 A. Would you repeat that, please.

02:40PM 20 Q. *Why was it you were first sent to Phoenix in 1986?*

02:40PM 21 A. Sometime toward the middle of February I get a beep and
02:40PM 22 it's Johnny Fecarotta, he wants to talk to my brother. My
02:40PM 23 brother is not in Chicago, he went down to Florida.

02:41PM 24 Q. *For what purpose?*

02:41PM 25 A. For vacation. So I -- I don't remember what I told Johnny

EXHIBIT B

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THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Government,)	No. 02 CR 01050
)	
vs.)	Chicago, Illinois
)	
FRANK Calabrese, Sr., JAMES)	
MARCELLO, JOSEPH LOMBARDO)	July 19, 2007
PAUL SCHIRO, ANTHONY DOYLE)	
)	
Defendants.)	10:10 o'clock a.m.

VOL. 17
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL

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N. Calabrese - direct by Mars

2853

10:53AM

1 Q. *Mr. Calabrese, you have testified earlier in the trial*
2 *that you plead guilty to certain federal criminal offenses and*
3 *received a sentence for those of 70 months. Can you tell us*
4 *approximately when it was you began service of your sentence?*

10:53AM

10:53AM

10:53AM

10:53AM

5 A. *October 7th 1997.*

10:53AM

10:53AM

6 Q. *And can you tell us where it was, initially anyway, you*
7 *began service of your sentence?*

10:53AM

8 A. *Pekin, Illinois.*

10:53AM

9 Q. *And did you report directly to Pekin?*

10:54AM

10 A. *Yes.*

10:54AM

11 Q. *And when got to Pekin, that's a federal prison?*

10:54AM

12 A. *Yes.*

10:54AM

13 Q. *Was there anybody that you knew that was also in Pekin?*

10:54AM

14 A. *Yes.*

10:54AM

15 Q. *Who was that?*

10:54AM

16 A. *Jimmy Marcello.*

10:54AM

17 Q. *And did you have occasion -- this was in October of '97?*

10:54AM

18 A. *Yes.*

10:54AM

19 Q. *Did you have occasion after you reported to Pekin to have*
20 *conversations with James Marcello while he was in jail?*

10:54AM

21 A. *Yes.*

10:54AM

22 Q. *And how long a period of time were you at Pekin?*

10:54AM

23 A. *I was transferred in -- I got transferred in June of 2000.*

10:54AM

24 Q. *From the time '97 until 2000, was Jimmy Marcello together*
25 *with you at Pekin?*

10:54AM

N. Calabrese - direct by Mars

2854

10:54AM

1 A. Yes.

10:54AM

2 Q. *Were you ever cellmates?*

10:55AM

3 A. No.

10:55AM

4 Q. *While you were housed in this institution, did you have*
5 *regular contact with Jimmy Marcello?*

10:55AM

5 *regular contact with Jimmy Marcello?*

10:55AM

6 A. Yes.

10:55AM

7 Q. *And during this period of time, did you have conversations*
8 *with him about outfit business?*

10:55AM

8 *with him about outfit business?*

10:55AM

9 A. Yes.

10:55AM

10 Q. *And did he indicate to you what his own plans were when he*
11 *was released from jail?*

10:55AM

11 *was released from jail?*

10:55AM

12 A. Over a period of time, yes.

10:55AM

13 Q. *And over what period of time?*

10:55AM

14 A. The discussions, we talked every day for about -- about
15 things like this for about a year, year and a half.

10:55AM

15 things like this for about a year, year and a half.

10:55AM

16 Let's see. Yeah, about a year, year and a half. And
17 at different times, different discussions. For instance,
18 there was an incident with forklift trucks in the Rudy Frado.

10:55AM

17 at different times, different discussions. For instance,

10:55AM

18 there was an incident with forklift trucks in the Rudy Frado.

10:55AM

19 Q. *And what do you recall about that?*

10:55AM

20 *First, before you relate the conversation, who was*
21 *present for this?*

10:55AM

21 *present for this?*

10:56AM

22 A. Just myself and Jimmy.

10:56AM

23 Q. *And what do you recall about that conversation?*

10:56AM

24 MR. BREEN: Could we have when it was, please.

10:56AM

25 Foundation Judge.

N. Calabrese - direct by Mars

2855

10:56AM

1 BY MR. MARS:

10:56AM

2 Q. *Can you tell us approximately when that was?*

10:56AM

3 A. Sometime between that time frame I mentioned, between

10:56AM

4 October of '97 and June of 2000. I can't give you a direct

10:56AM

5 time frame because I don't remember.

10:56AM

6 Q. *This was, obviously, when the two of you were*

10:56AM

7 *incarcerated?*

10:56AM

8 A. Yes.

10:56AM

9 Q. *And what did he say to you and what did you say to him?*

10:56AM

10 A. Well, he was -- he was mad because Rudy Frado and somebody

10:56AM

11 else were sticking their nose in where it didn't belong with

10:56AM

12 these forklift trucks, because they said they went and put a

10:56AM

13 bid in through a contractor for renting forklift trucks, and

10:56AM

14 he says, "I'm going to straighten this out when I get out,

10:56AM

15 everything is going to be falling in line like it's supposed

10:56AM

16 to be."

10:56AM

17 Q. *And who is Rudy Frado?*

10:57AM

18 A. He's a made guy that belonged to the Elmwood Park Crew.

10:57AM

19 Q. *And with respect to straighten things out, did he discuss*

10:57AM

20 *what his intentions were with the outfit, in general?*

10:57AM

21 A. Just to get it back in line. That a lot of guys were

10:57AM

22 doing a lot of things they're not supposed to be doing and he

10:57AM

23 wanted to get it back to the way it was supposed to mean.

10:57AM

24 Q. *What did you understand that to mean?*

10:57AM

25 A. Well, start pulling in the reigns on guys, and, you know,

N. Calabrese - direct by Mars

2856

10:57AM

1 guys just doing without asking, and stuff like that.

10:57AM

2 Q. *Did he indicate whether he had individuals in his control*
3 *that would assist him in that sort of line of work?*

10:57AM

10:57AM

4 A. Well, one day we were discussing things, I don't know how
5 it came up, talking about guys, good guys on the street and
6 stuff, and he says, "I know a couple of young kids that are
7 capable and good guys."

10:57AM

10:57AM

10:57AM

10:57AM

8 Q. *And what did you understand him to mean by guys that were*
9 *capable?*

10:57AM

10:57AM

10 A. That perform murders and killings.

10:58AM

10:58AM

11 Q. *By the way, do you know during this period of time whether*
12 *Sam Carlisi -- or where was Sam Carlisi?*

10:58AM

10:58AM

13 A. I don't recall. I don't recall where he was. I think he
14 might've died already, I'm not sure.

10:58AM

10:58AM

15 Q. *Did Jimmy Marcello tell you where these couple of guys,*
16 *capable guys were?*

10:58AM

10:58AM

17 A. They were out on the street. He mentioned no names or
18 anything, or where they were.

10:58AM

10:58AM

19 Q. *Did you have occasion to discuss with him the history of*
20 *organized crime?*

10:58AM

10:58AM

10:58AM

21 A. Yeah, we talked about it. He seemed to know -- he was
22 very knowledgeable about a lot of things, he had heard stories
23 and stuff.

10:58AM

10:58AM

24 Q. *Did you ever discuss with him or did he ever discuss with*
25 *you what your own role would be when you were released from*

N. Calabrese - direct by Mars

2857

10:58AM

1 *jail?*

10:58AM

2 A. Well, he had said that he would tell my brother that I

10:58AM

3 would in link with him rather than with my brother afterwards.

10:59AM

4 Q. *And what did that mean?*

10:59AM

5 A. That mean that I belong to his crew, be under him rather

10:59AM

6 than my brother.

10:59AM

7 Q. *So if I have it right, Jimmy Marcello said you would be*

10:59AM

8 *under "him" meaning --*

10:59AM

9 A. Jimmy.

10:59AM

10 Q. *Jimmy Marcello s?*

10:59AM

11 A. Right.

10:59AM

12 Q. *And what from your brother's crew?*

10:59AM

13 A. Right.

10:59AM

14 Q. *Do you know whether Mr. Marcello received messages from*

10:59AM

15 *anybody out on the street?*

10:59AM

16 A. Yes.

10:59AM

17 Q. *And how do you know that?*

10:59AM

18 A. Well, his brother used to come visit him every week. And

10:59AM

19 there was a couple of times he had visit and he'd come and

10:59AM

20 we'd talk about something, so it'd only come from one place,

10:59AM

21 would be from his brother.

10:59AM

22 Q. *What was his brother's name?*

10:59AM

23 A. Mickey.

10:59AM

24 Q. *Did you have occasion to discuss past homicides with James*

10:59AM

25 *Marcello?*

EXHIBIT C

DATE: 9/1/05
TIME: 9:40
ACTIVITY: Telephone Monitoring

SPEAKERS:

SA HICKEY: SA Andrew Hickey
CW: Cooperating Witness
FRATTO: Rudy Fratto

* * * *

1 CW Hello? Testing 1, 2, 3. Testing 1, 2,
2 3. Nah, I thought I saw something there,
3 but. Let's see. Seems like a little
4 pin prick.

5 SA HICKEY 1, 2, 3. 1, 2, 3. Let's put it
6 together. I mean, we hit it on a few
7 times.

8 CW Right. Oh, that's Jeff. I thought this
9 was (UI).

10 CW (UI). Hello? Hey, Kim. Yeah. Yeah,
11 I'll make sure I (UI). I would hate
12 that, too, Kim. (Laughs). Thanks, Kim.
13 Bye.

14 SA HICKEY That's that and (UI). Let's put this
15 one on. (UI)...

16 CW (UI) That's...

17 SA HICKEY (UI)...we'll do a preamble here. Gees,
18 let me turn this (UI). Okay. See that
19 record. Now when you come back here,
20 I'll turn everything off, okay.

21 CW Testing, 1, 2, 3. Testing 1, 2, 3.
22 Testing 1, 2, 3.

23 SA HICKEY Go ahead.

24 CW Got a light?

1 FRATTO
2
3

55 I think. He's 55 years old, 50 something. Sam was my, 62, he was like right, I mean, uh, not Sa-, um...

4 CW

[REDACTED]

5 FRATTO
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[REDACTED] a big guy. But these guys both when they talked to me inside and they said well you know if we need you, you know, they knew me because I sent the message out there with one of their guys and [REDACTED] went white because [REDACTED] between me and you, [REDACTED] was like down on these guys that, you know, because his father's dead, he's not and he's like, he's...

15 CW

But he ain't the boss.

16 FRATTO
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...no, but he's like somebody (UI). So they started up this, the one, you know, when they got that man power and I got mad because [REDACTED] threw himself right in there and they run around and ask my brother-in-law to get them some (UI) so I told the one guy you go back and tell your boss that they're, they should not be givin' no fuckin' bird dog to anybody but me cause I'm fuckin', I'm the fuckin' boss of this area around here. No one else. So the guy went back and told him, now these guys, (UI) pay big, for years they took (UI) from them guys and all them little (UI), you know. I (UI) so these guys (whispering). What the fuck's the matter, there's some guy in (UI) that's been saying where have been, we're giving money to the wrong person so it was like a big, this was, this was two years ago. [REDACTED] was fuckin' (UI) I see him one day and he said, he said, you know, uh, could I talk to ya and yeah, so we were out, and I started hangin' around with him again a little bit because I haven't been hangin' around with him for years, you know, uh, no one, everybody is, everybody bailed out on him, you know...

1 FRATTO ...I don't know (UI). I don't know why
2 leader come to the house I'd say listen
3 all I know you're doin' this (UI), say
4 fuck you and get the fuck out.

5 CW Yeah.

6 FRATTO I talk real nice to all of them. I
7 don't say nothin' to 'em. But they must
8 have seen me over by [REDACTED] and then [REDACTED]
9 [REDACTED] says yeah I know Rudy and then he
10 says, well what, what does he have to do
11 with your company. (UI) how come you
12 know him. What, what are you talkin'
13 about. (UI). (UI) get me because I'm a
14 part of (UI) Park and they're tryin' to
15 get one of us.

16 CW Right.

17 FRATTO So, I'm out there on the street and I'm
18 (UI) the other guys involved they (UI).
19 The next day, they fuckin', they stay
20 home. Everybody's sayin', you know,
21 they don't want to know nothin'. I'm
22 the only one runnin' around. So he said
23 you ever give him any money. Well you
24 have to be dealin' with the Mob, you
25 know. Well do you talk to him when you
26 see him. So I said, what you say,
27 that's all I do is I say hello and
28 goodbye and how you doin' and then
29 that's it. You know, their meeting with
30 a guy like [REDACTED]. I said I used to see
31 him by [REDACTED] when they were, you know,
32 when they needed a (UI) that was it. So
33 they put me by [REDACTED] they put me, they
34 could never, they never (UI) me nothin'.
35 I told [REDACTED] about it and [REDACTED] dummied up
36 on it. So here, I went to [REDACTED] a few
37 years ago and he seen me (UI) when I
38 fuckin' told them guys don't give him no
39 more money. Now when he became closer
40 to his destiny, he said you know, Rudy,
41 I got connections. He said all these
42 guys in the Mob (UI) they think you're
43 somebody. I got, I got the (UI).

EXHIBIT D

DATE: 07/22/2005
TIME: 9:52 AM
ACTIVITY: CONSENSUAL RECORDING

SPEAKERS:
CW: Cooperating Witness
FRATTO: Rudy Fratto

* * * *

1 (Adjustments being made; non-pertinent
2 agent set-up)

3 (Preamble)

4 CW OK, and it's approximately uh 9:55 AM,
5 Friday the 22nd of uh July, um, about to
6 go meet uh Rudy Fratto at uh Downers
7 Delight Restaurant on 75th and uh
8 Fairview in Downers Grove, um, I'm
9 meeting him at 10:15 AM.

10 Agent This one? I always had trouble seeing
11 the light, so...

12 CW Well I've never seen the light on that
13 thing.

14 Agent OK. Well. Do you want me to leave the
15 rubber band on it?

16 CW Yeah.

17 Agent Alright. Uh, this is Special Agent
18 Andrew T. Hickey. I'm with [REDACTED]
19 [REDACTED] He'll be uh going to, what's
20 the location?

21 CW Um, Downers Delight Restaurant on 75th
22 Street and Fairview in Downers Grove.

23 Agent The date is uh July 22nd, the time's
24 approximately 9:56, [REDACTED]

1 CW Yeah, well, you already know the answer
2 to that.

3 FRATTO Yeah.

4 CW He's another guy, all he wants to do is
5 get a check and it's, show up and, pat
6 everybody on the back.

7 FRATTO Peter wanted to put an order in. On
8 [REDACTED] [REDACTED] wants to be partners with
9 everybody...

10 CW Well here, [REDACTED] wanted a piece of
11 Billy...

12 FRATTO Right.

13 CW ...he wants a piece of me. Then he
14 wanted a piece of the, piece, then it's
15 still well, you know, you owe my friends
16 in Cleveland and you owe me, well,
17 you're not doin' anything and I gotta
18 keep comin' up with this.

19 FRATTO Wow, what do you owe the guys in
20 Cleveland?

21 CW Well they had part of, the display
22 company.

23 FRATTO Oh.

24 CW So it's...

25 FRATTO I mean it's none of my business...

26 CW No, it's like...

27 FRATTO ...but it's between me and you.

28 CW ...like, it's like two hundred. But
29 even that, (whispers) the guy lost eight

1 hundred G in the thing, right? And,
2 and, it just went under, it was a bad
3 time, it was a bad move, there's nothin'
4 we can do about it. And, all you get
5 outta [REDACTED] is well, we gotta make 'em
6 whole. I'm like well, [REDACTED], I'm livin'
7 in the basement, un-, until I can, put
8 something together, but back in...

9 FRATTO I thought you owed [REDACTED] I mean, it,
10 what I know is that you owe Billy
11 seventy-five and you owe [REDACTED] seventy-
12 five.

13 CW [REDACTED] was the whole thing, I mean the
14 hundred and fifty. He had a, a, he had
15 a hundred and fifty in, and I'm like OK
16 fine, you got a hundred and fifty. I
17 mean [REDACTED] at some point I'm gonna make
18 you whole, you know, but you can't get
19 blood out of a turnip.

20 FRATTO But [REDACTED] the hundred and fifty, he's
21 sayin' it's sellin' goods from them guys
22 money.

23 CW No, two hundred. There was three fifty
24 total...

25 FRATTO And you owe...

26 CW ...two hundred's from Cleveland.

27 FRATTO And that was from that one show?

28 CW Nah, this is from, when we had the
29 display company. This went on for two
30 years...

31 FRATTO No, I don't know (UI).

EXHIBIT E

DATE: 06/06/2007
TIME: 8:55 a.m.
ACTIVITY: Body Recording

SPEAKERS:

CW: Cooperating Witness
FRATTO: Rudy Fratto
UM: Unknown Male
UF: Unknown Female

* * * *

1 PREAMBLE Today is June 6, Wednesday, 2007. The
2 time is approximately 8:40 a.m. I'm
3 going to a meeting with Rudy Fratto at
4 Downer's Delight at 75th and Fairview in
5 Downers Grove. I'm with Special Agent
6 Andrew Hickey and Special Agent Chris
7 Mackey.

8 (TESTING EQUIPMENT - NON-PERTINENT)

9 (CW LISTENING TO RADIO)

10 (CW ENTERS RESTAURANT)

11 FRATTO What's up, boss?

12 CW Another guy was the boss. Nobody calls
13 me boss I'm in so much trouble all the
14 time. The more I have, more idiots.

15 FRATTO Decaf.

16 UM Decaf.

17 CW Water please.

18 FRATTO Fuckin' idiots following. I don't
19 listen to no one but you. One call,
20 even [REDACTED] he just got home. You
21 know [REDACTED] and he said do you have
22 his...called me one day, this is a few
23 months ago. Do you have so and so's

1 FRATTO He'll never pass it on. He's the
3 devil's advocate, 'cause he can light a
4 fire under these people and say, you
5 know this guy's makin'...like he told
6 me. He's got you makin' all kinds of
7 money. I said, well he's not livin' on
8 top of the world. No, he's still (UI),
9 that's a smoke screen where he lives by
10 his wife. He can live anywhere. You
11 know he don't wanna show her he's got
12 money 'cause she takes more money from
him.

13 CW You know what, then Rudy...

14 FRATTO I'm just tellin' you what he thinks.

15 CW I know. Call those guys...

16 FRATTO He's tellin' me this.

17 CW Then you know (UI).

18 FRATTO He's tellin' everybody this.

19 CW Then tell the guys in Cleveland or call
20 the guys in Cleveland, I'm more than
21 happy to sit down with them. Let them
22 tell me what they want, and then I'll
23 take it from there. But there ain't no
24 way I got two hundred thousand dollars
25 or two hundred and sixty-seven thousand
26 dollars, or whatever the case may be.

27 FRATTO Right. Two sixty-seven. And that's
28 with Billy. And Billy's out of it. So,
29 he wants to collect that. He says well
30 maybe we could, maybe uh, maybe we could
31 keep some of it.

32 CW Right.

33 FRATTO So what does that mean?

1 CW Cleveland will get nothing.

2 FRATTO No, that means then you give me ten
3 thousand.

4 CW Yeah.

5 FRATTO You know, and he keeps a hundred and ten
6 thousand.

7 CW Right.

8 FRATTO So, that ain't gonna happen. But what's
9 gonna happen sooner or later is, you
10 know, he's gonna keep, he's gonna keep
11 tellin' this story to these guys and
12 they're gonna get madder and madder, you
13 know, uh, until...

14 CW And you know what, the last time I was
15 in Cleveland, I was up there with him.
16 We were supposed to meet with 'em. He's
the one that didn't wanna sit down with
18 them. When we went up there for the
19 football game two years, not even two
20 years ago.

21 FRATTO Yeah.

22 CW Go all the way to Cleveland to meet with
23 them, to go to a football game with
24 them...

25 FRATTO Oh, yeah.

26 CW ...and then we don't meet with them. So
27 you know what, first off, he lied to
28 them about what the whole deal was, and
29 [REDACTED] will be the first one to tell you
30 that. What, what the paper says and
31 what [REDACTED] told him are two different
32 things.

1 FRATTO Right.

2 CW So, you know what, I got no trouble
3 meetin' with those guys.

4 FRATTO Well...But uh, I mean that's one thing.
5 So what you gotta do is, you gotta make
6 some money so you could try and make an
7 attempt to do somethin' with these guys.
8 You know what I mean? Uh, before it
9 gets, before screwy tells everybody in
10 the world that he's, you know, that he
11 come to me because uh, you know, he
12 says, he says you could collect this
13 here from ██████ you know. You could help
14 us get this money. And that's when I
15 told him, I said, I'll talk, I'll talk
16 to ██████

17 CW He's gonna jackpot you too with them.

18 FRATTO Oh, no, he can't. Them guys know who I
19 am. I'm ██████ and me are equals.
20 Matter of fact, ██████ will respect us
21 because we have more authority in
22 Chicago than they do in (UI). So he
23 talked to me...I'm tellin' you when I
24 met him out there at the golf outing, he
25 was so happy and the biggest mistake I
26 made was not given him, given my, a way
27 to get a hold of me. But in a way, I
28 didn't want them...what if they weren't
29 careful.

30 CW Yeah.

31 FRATTO And they got me hooked up, you know,
32 with these fuckin' guys out here too,
33 you know. And friends are one thing,
34 you know, and we're not makin' any
35 money. I told you the story, I the
36 story to someone the other day, that uh,
37 when I met that guy from Cleveland he

1 told me to give the wrong guy the money
2 and [REDACTED] went crazy. He didn't go
3 crazy. He met me, he was like, he was
4 no fuckin' nervous, you know.

5 CW But they truly believe that he's, it was
6 his dad.

7 FRATTO Yeah. Right.

8 CW He had the same position as his dad.

9 FRATTO And he did that (UI). These are all
10 retarded kids. That's why the kid was
11 howling, you know. But, but anyway,
12 that ain't gonna help us.

13 CW No.

14 FRATTO I just wanted to let you know and I
15 wanted...I was concerned about what
16 [REDACTED] wanted. I mean you shoulda
17 told him that you're a friend of mine
18 too, but...'cause he's droppin' names,
19 yeah.

20 CW (UI).

21 FRATTO Well right, he was droppin' names too,
22 you know. And uh, two other ones went.
23 One who had a body and was built like a
24 (UI). If you ever notice on all the
25 handicap kids, it's the beautiful girl
26 that's always, she's a therapist or
27 somethin'. There's two other ones with
28 all this, wheelchair, 'cause they're,
29 that were really nice lookin'. Oh, I
30 can't eat. Um, so anyway, that's that.
31 Uh, we uh...

32 CW Rudy, let me (UI).

33 FRATTO What?

1 CW I wanna settle this, I have to go to
Mexico for some work. Okay?

3 FRATTO Yeah.

4 CW I wanna settle this thing where they're
5 happy. I don't really, I'm not throwin'
6 (UI), but fuck him. He took advantage
7 of the whole situation, fucked me more
8 ways than you could shake a stick at.
9 And, you know, that's your friend. Used
10 to be my friend.

11 FRATTO He's my, yeah, friend.

12 CW Okay.

13 FRATTO But his dad was my friend. So I'm, I'm
14 inheriting a little bit of him.

15 CW Right.

FRATTO 'Cause he's got no friends left.

17 CW No, you're right. 'Cause he's fucked
18 every one of 'em. And I wanna put this
19 to bed once and for all. One way or
20 another. I wanna know what they want.
21 I wanna know what he wants. And I wanna
22 work out a time-frame because
23 otherwise...

24 FRATTO Right. It's gonna get goin' on.

25 CW ...it's gonna get worse and then
26 somebody's gonna get mad.

27 FRATTO Right. And that's why, that's why I
28 told uh, you know, I told him I talked
29 to you. But them guys don't know I
30 talked to you. You know, I wanna get it
31 back to 'em that you're my friend and
32 I'm doin' stuff with you, so this way

1 they don't fuckin' say, fuck that [REDACTED]
2 [REDACTED] (UI). They'll say wait a
3 second, you know, you better watch out,
4 talk to Rudy, 'cause he really does
5 business with Rudy, not [REDACTED] You know.

6 CW Did Billy find his forklift?

7 FRATTO No.

8 CW I think we got a better chance of
9 findin' Osama bin Laden.

10 FRATTO There's, they're in that building there.
11 I got a map. A guy was out there. To
12 go to the ladies house. It's where the
13 ladies' house is. You go out Lake
14 Street there, when you go to the ladies
15 house you make a right. The same street
16 you make a left there's two or three
17 barns.

CW Right.

19 FRATTO They're in the barns there. But with
20 Billy, I talked to him yesterday. What
21 he would like to do is contact that
22 [REDACTED] (ph).

23 CW [REDACTED]

24 FRATTO Yeah. I want you...

25 CW I'll call you and give you his number.

26 FRATTO I want you to give me his number and I
27 can pass it onto Billy. And I want
28 Billy to introduce himself and say I'm,
29 you know, Bill, I own the, you know, the
30 (UI).

31 CW [REDACTED] more than happy to talk.

9

EXHIBIT F

DATE: 07/06/2007
TIME: 9:30 A.M.
ACTIVITY: CONSENSUAL RECORDING

SPEAKERS:

CW: Cooperating Witness
FRATTO: Rudy Fratto
HICKEY: Special Agent Andrew Hickey

* * * *

1 SA HICKEY Testing, 1, 2, 3. Testing 1, 2, 3. This
2 is Special Agent Andrew Hickey. I'm with
3 [REDACTED] and [REDACTED]...
4 CW July 6th.
5 SA HICKEY .. [REDACTED] is gonna meet Rudy Fratto
6 at Downers Delight in Downers Grove.
7 Today is July 6th. The time is
8 approximately 9:....
9 CW 13.
SA HICKEY 13 a.m.
11 CW That's the one, well, yeah, I see this
12 one.
13 SA HICKEY You do. Okay, good.
14 CW This will go on the phone.
15 SA HICKEY Yeah, that'll go on the phone.
16 CW How do I do that one?
17 SA HICKEY This is to place on (UI). Testing 1, 2,
18 3. Testing 1, 2, 3.
19 CW Well, here, wait a minute. Let me turn
20 this one on so we don't have to do three
21 preambles.
22 SA HICKEY That's just record.

1 then they tied your name to it and the
2 next thing you know it's like, they hate
3 me there as it is. Did you hear from our
4 other pal?

5 FRATTO Yeah. Yeah, he gave me a, he gave me a
6 list of a couple guys that owe, owe him
7 one. You know, he's got you up the 2,
8 uhm, 276.

9 CW Okay. Well...

10 FRATTO But that's with Billy and I said you
11 don't owe Billy nothin'.

12 CW Well, first off, Rudy, again, if I owed
13 Billy I'd go to Billy.

14 FRATTO Yeah, why you want to give it to him?

15 CW Right, I would never give it to [REDACTED]
16 Same way, I went back and I looked.
17 Okay. Now, I don't have [REDACTED] number.

18 FRATTO Yeah.

19 CW But, even the numbers I have for [REDACTED].

20 FRATTO Mm hmm.

21 CW ...now, as far as I'm concerned, I'll
22 call [REDACTED] right now and I'll book the
23 flights so we can go up there or if they
24 come here. I don't care.

25 FRATTO Right, well...

26 CW But I don't want [REDACTED] tellin' them his
27 version of the story. So...

28 FRATTO Well, I know their Un-, when's there
29 Unico golf outing?

30 CW August.

1 FRATTO Well, that's not too far. I wonder if
any of them are comin' up there?

3 CW They come up every year.

4 FRATTO Really?

5 CW And I'd like to get them away from, from
6 [REDACTED]

7 FRATTO I don't know a [REDACTED] I know [REDACTED] and I
8 know, uhm, who's the other they golf
9 with? [REDACTED]

10 CW [REDACTED]

11 FRATTO Yes, right, I mean them guys are really
12 good, I mean, I told you the biggest
13 mistake I made is, you know, they could
14 get a hold of me but they'd have to go
15 through different channels. I said well
16 you get a hold of [REDACTED] Yeah, they, they
17 were lookin' for my number.

18 CW Well, and here, you know what I mean.
19 Rudy, last time I went with [REDACTED] when
20 we went up there, I had your card 'cause
21 remember you told me to give it to him.

22 FRATTO Yeah, give it to him. Yeah.

23 CW But then when we got up there, and all
24 of a sudden, we're not gonna see him.
25 I'm like, well, well, I came up, I
26 didn't come up here to see...

27 FRATTO (UI)

28 CW ...okay, I come up here to get this
29 thing settled and now I can't get it
30 settled.

1 FRATTO / Yeah, I mean I don't know this guy to
2 call him. He calls him, we need to get,
3 you know...

4 CW Rudy, I'll call him. I don't care.

5 FRATTO Yeah, you can call him, tell him, you
6 got a friend, you know, a friend here
7 (UI) that's alright. So, he might go to
8 [REDACTED] I don't know. Who knows? They
9 might be. They might be burnt out of
10 [REDACTED] too, by now.

11 CW Well, I wouldn't doubt it.

12 FRATTO You got to get a mess-, a, a message to
13 [REDACTED] Or maybe I could go through
14 these other guy who's a friend of mine.

15 CW Look, Rudy, 'cause [REDACTED] got an
16 office here.

17 FRATTO They're only here. They got an office
18 here, right?

19 CW Yeah, but his nephew is gone.

20 FRATTO Yeah, otherwise, yeah.

21 CW Well, I could call Cleveland.

22 FRATTO Yeah.

23 CW And leave a mus-, message for [REDACTED]

24 FRATTO Right.

25 CW 'Cause he's got an office now.

26 FRATTO Why don't you do that? And if you get
27 'em on the phone, just say, well, you've
28 got to let me, say, let me know when
29 you're gonna be here. There's a good

1 friend of mine here that met you at the
2 golf outing, you know, uh, here, I don't
3 know how bad the phone is there.

4 CW Any more how do you know?

5 FRATTO Yeah, I don't know but just, you know,
6 say, we'd like to...

7 CW Yeah, no names...(clears throat)

8 FRATTO ...yeah, we'd like to see ya, you met
9 him a few years ago at the golf. He's a
10 guy from here, you know...

11 UM2 Hi, how are ya?

12 FRATTO ...he, he knows everybody here. You
13 know. I'm sure you know who he is.

14 CW They guys are comin' up.

15 FRATTO Mm hmm. When you gonna come up...

16 CW Yeah, when you gonna come up with...

17 FRATTO ...this is my cell phone, your cell
18 phone.

19 CW Right. Call me back. You know.

20 FRATTO I'd like to sit with ya but not with,
21 not with the attorney. Me, you and...

22 CW Right.

23 FRATTO ...my friend, you know and I, 'cause,
24 you know, to, to get a handle on this
25 whole thing.

26 CW But, Rudy, if we ran five dollars or
27 fifty thousand on a horse, I mean the

EXHIBIT G

DATE: 02/25/2006
TIME: 11:00 A.M.
ACTIVITY: CONSENSUAL RECORDING

SPEAKERS:

CW: Cooperating Witness
FRATTO: Rudy Fratto
DEGIRONEMO: Bill Degironemo

* * * *

1 (Non-pertinent conversation between
2 agent and cooperating witness while
3 adjusting recording equipment)

4 CW Uh, today is Saturday, February 25,
5 2006, the time is approximately, uh,
6 11:00 a.m. I am with Special Agent
7 Andrew Hickey. I'm going to see Rudy
8 Fratto and Billy Degironemo as well as,
9 uhm, [REDACTED] for a
10 meeting unknown at this point.

11 (Non-pertinent conversation regarding
meet up point)

13 CW Alright, see ya later.

14 HICKEY Alright, [REDACTED] Good luck.

15 CW (Enters vehicle, drives to destination,
16 music playing, CW reached destination,
17 exits vehicle, proceeds to restaurant)

18 CW Good morning.

19 FRATTO Hello, hi [REDACTED]

20 CW It's a good morning, isn't it.

21 FRATTO [REDACTED] (ph). This here is [REDACTED]
22 [REDACTED]

23 [REDACTED] (UI) I'm right in there on [REDACTED]

24 UM Yeah, my brother's by (UI).

1 (UI) and she goes oh my gosh (UI) you
2 know, but I saw that on the Kennedy the
3 other day, a guy cut her off and the
4 girl flipped the guy off and I'm
5 thinkin' how stupid of you. You could
6 get in a fight on every corner.

7 FRATTO Yeah.

8 UM You could get in a fight on every block.
9 Every parking lot, every...

10 FRATTO And these dames you don't know what they
11 are carrying in the car.

12 UM No and they're drugged, they're drugged
13 up. Be, before if you got in an
14 accident you may get in a fist fight.
15 Today you don't know if these goofy drug
16 dealers.

17 FRATTO You gotta be nuts to get out of the car
18 today. For what? I remember when I was
19 a young guy a couple times and it came
20 from this old, old guy that's dead now
21 and it wasn't [REDACTED] it was another old,
22 it was JB, right and he gave (UI) his
23 license plate to somebody and that place
24 gave it to somebody and the next thing
25 the fuckin' thing wound up in my lap.
26 Well this guy humiliated Tony (UI) in a
27 traffic thing and he, (UI) the old man
28 this fuckin' guy he said you won't, if
29 you weren't so old I'd knock all your
30 (UI) tellin' JB this I'll knock, well JB
31 was getting old and a few times when he
32 drove...

33 UM He cut somebody off.

34 FRATTO ...he cut someone off but the guy was
35 like, uh, you know (UI).

36 UM (UI)

37 FRATTO Probably about 35 years old or somethin'
38 and real wise guy, you know and he told
39 him everything. [REDACTED] said boy this guy,

1 this fuckin' the old man was shakin'
2 when he came here, he had coffee in the
3 morning. This guy said I'll knock all
4 your fuckin' teeth out. I'll do this,
5 you do that, you know.

6 UM Hey, old man we owe him (UI).

7 FRATTO So that was it. Needless to say (UI)
8 cutting his grass one day and he got
9 beat up so bad I don't think he could, I
10 don't think he could push a lawn mower
11 anymore.

12 UM 'Cause it was a gas one.

13 CW Yeah.

14 FRATTO (Laughing)

15 UM The reason I got these pants on, I'm
16 filming a rap video this afternoon.

17 FRATTO You look good all in black. You know
18 what the other day I seen you had a red
19 shirt on here.

20 UM Yeah, you guys ignored me. You guys
21 ignored me.

22 FRATTO My little lady friend gave me this here.
23 The only lady friend I had now she's
24 probably too old now.

25 UM That lady I was with is the [REDACTED]
26 [REDACTED]. She's the [REDACTED]
27 [REDACTED]

28 FRATTO You were sittin' there all proper and
29 you didn't even look at us.

30 UM No, I know those two ugly fucks.

31 FRATTO And then you had that little guy there.

32 UM Actually her sister, her daughter...

EXHIBIT H

DATE: April 8, 2006
TIME: 7:51 AM
ACTIVITY: Body Recording

SPEAKERS:

SA HICKEY: Special Agent Andrew T. Hickey
CW: Cooperating Witness
FRATTO: Rudy Fratto
UF: Unknown Female
UM: Unknown Male

* * * *

1 SA HICKEY This is Special Agent Andrew T. Hickey.
2 I'm with [REDACTED] Uh, the time's
3 about 8:50, Saturday, what's the date...

4 CW Today's the uh, 8th of April.

5 SA HICKEY ...8th of April. [REDACTED] is...

6 CW (clears throat) 2006.

7 SA HICKEY ...2006... [REDACTED] is gonna meet
8 with Rudy Fratto and uh, Bill DeGeronimo
9 at the Marriott on 22nd Street, 1401
10 West 22nd. OK...(inaudible)

11 CW Is this a good one or...

12 SA HICKEY I don't know...(inaudible)

13 CW ...(UI)

14 SA HICKEY ...(inaudible)...

15 CW Testing...testing, OK, I see a red
16 light, this is a good (UI).

17 SA HICKEY this is device #2...the time is about
18 8:51...uh, April...

19 CW Eighth.

20 SA HICKEY ...8th, 2006. I'm with [REDACTED]

1 CW Right.

2 DEGERONIMO Nobody else.

3 FRATTO Right.

4 DEGERONIMO Nobody, nobody (inaudible)...

5 CW (interrupts) And now they're confused
6 because I'm saying oh, he's 88 years
7 old...

8 FRATTO Right.

9 CW ...he was a steward...

10 FRATTO And I would love to, like next week, get
11 that [REDACTED] going in the, where
12 he's at or coming out and, and break his
13 legs and put him in the hospital...
14 that's how mad I am. But, that'll make
15 it even worse because then he'll say
16 lookit, see, we fucking stirred this
17 here up and look what happened to this
18 guy, you know, he's fucking in the
19 hospital, put him in traction. (UI)
20 [REDACTED] too, the same fucking thing.

21 CW And uh, again, exactly what you just
22 said, Rudy...we didn't do that. You
23 know what?...[REDACTED] got a lotta enemies
24 in, at GS...they've been trying for
25 years to get rid of him...with Rudy,
26 with all due respect. You're our
27 friend, we would never do that to you.
28 You know what they're gonna...

29 FRATTO (UI), I once sat him down and that's
30 what I said, (UI)...

31 DEGERONIMO (interrupts/UI) mention Rudy.

32 FRATTO ... (UI), yeah...oh yeah, he'd say it.
33 It wasn't, I never would bring your name
34 up...you know, my dad and your dad go
35 back, (inaudible), you know. I, I was
36 with him because their grandson went to
37 school with Rudy...in [REDACTED]. So last

1 happens between Hertz and him is
2 whatever their deal is.

3 DEGERONIMO So whatever Hertz can't supply,
4 [REDACTED] calls him to go get, and
5 [REDACTED] gets his cut.
6 (inaudible/UI) investigate in full
7 [REDACTED] 'cuz I will have his
8 (inaudible)...

9 CW Yeah...D and M.

10 DEGERONIMO Yeah.

11 FRATTO Yeah...if all your (inaudible). It's
12 three hundred and fifty thousand dollars
13 worth of equipment (UI).

14 DEGERONIMO You think I'm gonna take this fucking
15 sitting down?

16 FRATTO Nah.

17 DEGERONIMO Not on your fucking life. Not as
18 important as a job.

19 FRATTO Right.

20 DEGERONIMO (inaudible) First of all, (UI)...first
21 of all, out of respect, I would expect
22 these two should've backed off...number
23 one, but they didn't. Number two, we
24 should've sat 'em down in the
25 beginning...should've sat him down and
26 said don't fuck with this show. Don't
27 fuck with any...if we need anything
28 extra, we'll, we'll throw you a little
29 pastry, but don't fuck with either one
30 of these guys. Instead, we wanted to be
31 nice guys, straight guys, be nice to him
32 and let...right?

33 FRATTO I think, uh, you know, I think that
34 would've fucking made it worse...

35 DEGERONIMO Nah...

36 FRATTO ...because I think they would've

1 fucking, if they're snitching now, they,
2 and these guys here, money, money means
3 everything to them, you're gonna take
4 the money (UI), you're gonna take the,
5 you know, a fucking million dollars from
6 'em?...

7 (talking at the same time)

8 DEGERONIMO (inaudible)...

9 FRATTO ...they're gonna fucking say, they were
10 sat down...

11 DEGERONIMO ...not to get involved. And if there is
12 anything, (UI) gonna be held
13 accountable, I don't think they would've
14 done it.

15 CW Billy? I gotta disagree.

16 DEGERONIMO Go 'head.

17 CW In 1996, [REDACTED] was told to leave it
18 alone...

19 DEGERONIMO Yeah.

20 CW ...ultimately, [REDACTED] was told to leave
21 it alone. [REDACTED] did what he was asked.
22 The other guy didn't quit...did he?

23 DEGERONIMO Yeah, (inaudible)

24 FRATTO (on phone) What's up? Oh, I don' know.
25 He's sleeping now. (inaudible) That's
26 alright, I'll call him (UI) go down to
27 meet him. Alright. (call disconnected)

28 (slight pause; food served)

29 DEGERONIMO Could you bring me a order of that
30 Italian cole slaw with that?

31 UF OK, (inaudible), OK.

32 DEGERONIMO Could we have ketchup too please?