

STATE OF NEW YORK  
COUNTY COURT SARATOGA COUNTY

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

ROBERT LODATI,  
ROBERT MARSHALL,  
PETE OSTER, and  
JOSEPH RABITO.

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APRIL, 2001 TERM  
INDICTMENT NO.  
M-163-2001

THE GRAND JURY OF THE COUNTY OF SARATOGA, by this Indictment, accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, of the crime of CONSPIRACY IN THE FIFTH DEGREE, in violation of Section 105.05 of the Penal Law of the State of New York, committed as follows:

The defendants, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, and in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about and between August 10, 2000, and September 15, 2000, with intent that conduct constituting a felony be performed, to wit, attempted money laundering in the first degree, agreed to engage in or cause the performance of such conduct. It was the purpose of this conspiracy to launder United States Currency, which currency was the proceeds of the criminal sale of a controlled substance. In furtherance of the conspiracy and to effect its objective, the following overt acts, among others, were committed:

## OVERT ACTS

1. On or about August 10, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Robert Marshall regarding the laundering of \$20,000 U.S. Currency for a 5% profit. Marshall told the undercover police officer that he would not launder the money for less than 10% profit and advised the undercover police officer that he would not do anything until he spoke to Lodati. Marshall advised the undercover police officer to speak to Lodati the next day;

2. On or about August 11, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Robert Lodati regarding Robert Marshall's refusal to launder proceeds from cocaine sales for 5% profit. Lodati told the undercover police officer to forgive Marshall and to deal with him and the undercover police officer discussed laundering \$100,000 in cocaine profits with Lodati;

3. On or about August 17, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Robert Lodati regarding the laundering of \$30,000 U.S. Currency. Lodati told the undercover police officer that Marshall gets "a piece" and that he needs guys to "do business." Lodati laundered the \$30,000, keeping 5% profit, and returning \$28,500 U.S. Currency to the undercover police officer;

4. On or about August 24, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Robert Marshall regarding Robert Lodati's whereabouts. Marshall informed the undercover police officer that Lodati was at his window and the undercover police officer proceeded there and found Lodati. The undercover police officer had a conversation with Lodati regarding the laundering from the profits of cocaine sales, in the amount of \$100,000 U.S. Currency. Lodati informed the undercover police officer that he could launder the \$100,000 the

“first Saturday back” at Belmont Racetrack and that he would meet the undercover police officer in the parking lot to pick up the money. During the conversation, Robert Marshall stood behind the undercover police officer, placed his hand on the back of the undercover police officer’s neck, and moved his hand across the undercover police officer’s neck, back, and belt line;

5. On or about August 30, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Robert Marshall regarding laundering \$10,000 U.S. Currency. Marshall took the \$10,000 and the undercover police officer informed him that he had another \$10,000 U. S. Currency to launder. Marshall agreed to launder \$10,000 more and the undercover police officer provided the \$10,000 to Marshall. The undercover police officer proceeded to Lodati’s teller window and had a conversation with Lodati regarding the laundering of \$100,000. Lodati gave the undercover police officer directions to Belmont Racetrack and Marshall’s home phone number to call to set up the money exchange. Marshall laundered the \$20,000, keeping 5% profit, and returning \$19,000 U.S. Currency to the undercover police officer. The undercover police officer informed Marshall that the monies were profits from cocaine sales;

6. On or about September 13, 2000, the undercover police officer had a telephone conversation with Robert Marshall regarding the laundering of \$100,000 U.S. Currency. Marshall gave the undercover police officer directions to a diner across the street from Belmont Racetrack where the undercover police officer would give Marshall the \$100,000 on the morning of September 15, 2000;

7. On or about September 15, 2000, the undercover police officer arrived at the diner and found Marshall already there. The undercover police officer gave Marshall the \$100,000 which Marshall placed in the trunk of his car. Marshall told the undercover police officer to come

to Lodati's window that afternoon to pick up the laundered money, stating that four different people will have to count it. The undercover police officer told Marshall that the money came from the sale of cocaine. Marshall proceeded to drive to his house. That afternoon, at Belmont Racetrack, the undercover police officer had a conversation with Robert Lodati at Lodati's teller window and Lodati provided the undercover police officer with the laundered funds, \$95,000 U.S. Currency, keeping 5% profit.

### SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about and between August 24, 2000, and August 30, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, ROBERT LODATI and ROBERT MARSHALL, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants, ROBERT LODATI and ROBERT MARSHALL, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the

defendants, ROBERT LODATI and ROBERT MARSHALL, intentionally made the exchange to conceal and disguise the nature, the location, the source, the ownership, or the control of such proceeds.

### THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about and between August 24, 2000, and August 30, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, ROBERT LODATI and ROBERT MARSHALL, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants, ROBERT LODATI and ROBERT MARSHALL, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants, ROBERT LODATI and ROBERT MARSHALL, intentionally made the exchange to benefit themselves and another person to commit and profit and benefit from the crime of criminal sale of a controlled substance.

FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about and between September 13, 2000, and September 15, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, ROBERT LODATI and ROBERT MARSHALL, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants, ROBERT LODATI and ROBERT MARSHALL, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants, ROBERT LODATI and ROBERT MARSHALL, intentionally made the exchange to conceal and disguise the nature, the location, the source, the ownership, or the control of such proceeds.

FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, of the crime of ATTEMPTED MONEY

LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about and between September 13, 2000, and September 15, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, ROBERT LODATI and ROBERT MARSHALL, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants, ROBERT LODATI and ROBERT MARSHALL, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants, ROBERT LODATI and ROBERT MARSHALL, intentionally made the exchange to benefit themselves and another person to commit and profit and benefit from the crime of criminal sale of a controlled substance.

SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, 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, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about September 15, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

#### SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, 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, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about September 15, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

#### EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants,

ROBERT LODATI and ROBERT MARSHALL, 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, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 30, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, 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, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 30, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

TENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, 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, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 30, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

ELEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, ROBERT LODATI and ROBERT MARSHALL, 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, ROBERT LODATI and ROBERT MARSHALL, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 30, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit,

the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

TWELFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 17, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 17, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the

New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

FOURTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 4, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

FIFTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 4, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New

York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

SIXTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about and between April 13, 2000, and June 15, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendant, ROBERT LODATI, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars, for one or more other monetary instruments and/or equivalent property, and the defendant, ROBERT LODATI, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendant, ROBERT LODATI, intentionally made the exchange to conceal and disguise the nature, the location, the source, the ownership, or the control of such proceeds.

SEVENTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST

DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about and between April 13, 2000, and June 15, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendant, ROBERT LODATI, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars, for one or more other monetary instruments and/or equivalent property, and the defendant, ROBERT LODATI, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendant, ROBERT LODATI, intentionally made the exchange to benefit himself and another person to commit and profit and benefit from the crime of criminal sale of a controlled substance.

EIGHTEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about June 15, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the

New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, the crime of attempted money laundering in the first degree.

NINETEENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about June 15, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, the crime of attempted money laundering in the first degree.

TWENTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about May 4, 2000, with

intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, the crime of attempted money laundering in the first degree.

TWENTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about May 4, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, the crime of attempted money laundering in the first degree.

TWENTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about April 27, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, the crime of attempted money laundering in the first degree.

TWENTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, 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 defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about April 27, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, the crime of attempted money laundering in the first degree.

TWENTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, of the crime of FALSIFYING BUSINESS RECORDS IN THE SECOND

DEGREE, in violation of Section 175.05 of the Penal Law of the State of New York, committed as follows:

The defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about April 19, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position.

TWENTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, of the crime of FALSIFYING BUSINESS RECORDS IN THE SECOND DEGREE, in violation of Section 175.05 of the Penal Law of the State of New York, committed as follows:

The defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about April 19, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association.

TWENTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, of the crime of FALSIFYING BUSINESS RECORDS IN THE SECOND DEGREE, in violation of Section 175.05 of the Penal Law of the State of New York, committed as follows:

The defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about April 13, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position.

TWENTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, ROBERT LODATI, of the crime of FALSIFYING BUSINESS RECORDS IN THE SECOND DEGREE, in violation of Section 175.05 of the Penal Law of the State of New York, committed as follows:

The defendant, ROBERT LODATI, in the premises at Aqueduct Racetrack, located at 110-00 Rockaway Boulevard, in the County of Queens, State of New York, on or about April 13, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association.

TWENTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, of the crime of CONSPIRACY IN THE FIFTH DEGREE, in violation of Section 105.05 of the Penal Law of the State of New York, committed as follows:

The defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, and in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about

and between July 7, 2000, and August 16, 2000, with intent that conduct constituting a felony be performed, to wit, attempted money laundering in the first degree, agreed to engage in or cause the performance of such conduct. It was the purpose of this conspiracy to launder United States Currency, which currency was the proceeds of the criminal sale of a controlled substance. In furtherance of the conspiracy and to effect its objective, the following overt acts, among others, were committed:

#### OVERT ACTS

1. On or about July 7, 2000, at Belmont Racetrack, the undercover police officer had a conversation with Pete Oster regarding the laundering of \$20,000 U.S. Currency for a 5% profit. Oster was joined by Joseph Rabito and then took the \$20,000 and laundered it, keeping 5% as profit, and returned \$10,000 U.S. Currency and two vouchers totaling \$9000 to the undercover police officer;

2. On or about July 12, 2000, at Belmont Racetrack, the undercover police officer had a conversation with Pete Oster regarding the laundering of profits from the sale of cocaine, in the amount of \$15,000 U.S. Currency. Oster told the undercover police officer that he worked with Joseph Rabito in the money laundering scheme and that he and Rabito could launder \$20,000 U.S. Currency for the undercover police officer. Oster then laundered the \$15,000, keeping 5% as profit, and returned \$14,250 U.S. Currency to the undercover police officer;

3. On or about July 20, 2000, at Belmont Racetrack, the undercover police officer had a conversation with Pete Oster and Joseph Rabito regarding the laundering of profits from the sale of cocaine, in the amount of \$15,000 U.S. Currency. Oster and Rabito laundered the \$15,000, keeping 5% as profit, and returned \$14,250 U.S. Currency to the undercover police officer;

4. On or about August 3, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Joseph Rabito regarding the laundering of profits from the sale of cocaine, in the amount of \$20,000 U.S. Currency. Rabito told the undercover police officer that he would “call Pete” and Pete Oster arrived minutes later. Rabito and Oster laundered the \$20,000, keeping 5% as profit, and returning \$14,000 U.S. Currency and one voucher in the amount of \$5,000 to the undercover police officer;

5. On or about August 9, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Pete Oster regarding the laundering of \$10,000 U.S. Currency. Oster laundered the \$10,000, keeping 5% as profit, and returned the remaining \$9500 U.S. Currency to the undercover police officer. Joseph Rabito was present during the conversation and transaction;

6. On or about August 10, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Joseph Rabito wherein Rabito gave the undercover police officer directions to Pete Oster, who was working as a mini-dealer. The undercover police officer followed Rabito’s directions, located Oster, and had a conversation with him regarding the laundering of \$20,000 U.S. Currency to use in the sale of cocaine. Oster told the undercover police officer he could only launder \$15,000 and gave the undercover police officer back \$5,000. Oster then laundered \$15,000, keeping 5%, and returning \$14,250 U.S. Currency to the undercover police officer. Oster instructed the undercover police officer to take the remaining \$5,000 back to Rabito. The undercover police officer took the remaining \$5,000 to Rabito who took the money and found it to be \$4600, not \$5000. Rabito returned the \$4600 to the undercover police officer and advised him to return to Oster. The undercover police officer returned to Oster who gave the undercover police officer back the \$400;

7. On or about August 16, 2000, at Saratoga Racetrack, the undercover police officer had a conversation with Joseph Rabito regarding the laundering or profits from the sale of cocaine, in the amount of \$10,000. Rabito took the \$10,000 and laundered it, keeping 5% as profit, and returning \$9500 U.S. Currency to the undercover police officer.

TWENTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about and between August 3, 2000, and August 16, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, PETE OSTER and JOSEPH RABITO, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants PETE OSTER and JOSEPH RABITO knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants PETE OSTER and JOSEPH RABITO, intentionally made the exchange to conceal and disguise the nature, the location, the source, the ownership, or the control of such proceeds.

THIRTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about and between August 3, 2000, and August 16, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, PETE OSTER and JOSEPH RABITO, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants PETE OSTER and JOSEPH RABITO knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants PETE OSTER and JOSEPH RABITO, intentionally made the exchange to benefit himself and another person to commit and profit and benefit from the crime of criminal sale of a controlled substance.

THIRTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, JOSEPH RABITO, 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 defendant, JOSEPH RABITO, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 16, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, JOSEPH RABITO, 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 defendant, JOSEPH RABITO, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 16, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants,

PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 10, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

THIRTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 10, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 9, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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 thier position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 9, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTY-SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 3, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

THIRTY-EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Saratoga Racetrack, located at 276 Union Avenue, County of Saratoga, State of New York, on or about August 3, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York

Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

THIRTY-NINTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about and between July 7, 2000, and July 20, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, PETE OSTER and JOSEPH RABITO, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants, PETE OSTER and JOSEPH RABITO, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants, PETE OSTER and JOSEPH RABITO, intentionally made the exchange to conceal and disguise the nature, the location, the source, the ownership, or the control of such proceeds.

FORTIETH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, of the crime of ATTEMPTED MONEY LAUNDERING IN THE FIRST DEGREE, in violation of Sections 110.00/470.15 of the Penal Law of the State of New York, committed as follows:

The defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about and between July 7, 2000, and July 20, 2000, with intent to commit the crime of Money Laundering in the First Degree, engaged in conduct which tended to effect the commission of such crime, in that the defendants, PETE OSTER and JOSEPH RABITO, exchanged and received in exchange in one or more transactions, one or more monetary instruments which were the proceeds of the criminal sale of a controlled substance and had a total value exceeding ten thousand dollars for one or more other monetary instruments and/or equivalent property, and the defendants, PETE OSTER and JOSEPH RABITO, knew that the monetary instrument or instruments exchanged and received in exchange were the proceeds of the criminal sale of a controlled substance and the defendants, PETE OSTER and JOSEPH RABITO, intentionally made the exchange to benefit themselves and another person to commit and profit and benefit from the crime of criminal sale of a controlled substance.

#### FORTY-FIRST COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, 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, PETE OSTER and JOSEPH RABITO, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about July 20, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

#### FORTY-SECOND COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, 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, PETE OSTER and JOSEPH RABITO, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about July 20, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

#### FORTY-THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, PETE OSTER, 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 defendant, PETE OSTER, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about July 12, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, the New York Racing Association, in violation of a duty to do so which he knew to be imposed upon him by law or by the nature of his position, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

FORTY-FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendant, PETE OSTER, 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 defendant, PETE OSTER, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about July 12, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

FORTY-FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about July 7, 2000, with intent to defraud, omitted to make a true entry in the business records of an enterprise, to wit, 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, to wit, attempted money laundering in the first degree.

FORTY-SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the defendants, PETE OSTER and JOSEPH RABITO, 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, PETE OSTER and JOSEPH RABITO, aiding and abetting and acting in concert with each other and with others, in the premises at Belmont Racetrack, located at 2150 Hempstead Turnpike, Town of Elmont, County of Nassau, State of New York, on or about July 7, 2000, with intent to defraud, caused an omission of a true entry in the business records of an enterprise, to wit, the New York Racing Association, and that intent included an intent to commit another crime or to aid or conceal the commission thereof, to wit, attempted money laundering in the first degree.

ELIOT SPITZER  
Attorney General

State of New York

GEORGE B. QUINLAN  
Deputy Attorney General-In-Charge  
Organized Crime Task Force

By: \_\_\_\_\_  
MERYL A. LUTSKY  
Assistant Deputy Attorney General

Dated: June 8, 2001  
A TRUE BILL

\_\_\_\_\_  
Grand Jury Foreman