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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**  
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 v. :  
 : **Mag. No. 12-2573 (DEA)**  
 TONY F. MACK, :  
 a/k/a "Honey Fitz," :  
 a/k/a "the Little Guy," :  
 a/k/a "Napoleon," :  
 JOSEPH A. GIORGIANNI, :  
 a/k/a "JoJo," :  
 a/k/a "Mr. Baker," :  
 a/k/a "the Fat Man," and :  
 RALPHIEL MACK :

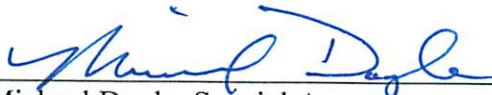
I, Michael Doyle, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Michael Doyle, Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,  
September 4, 2012 at Trenton, New Jersey

HONORABLE DOUGLAS E. ARPERT  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

ATTACHMENT A

(Conspiracy to Obstruct Commerce By Extortion  
Under Color of Official Right – Parking Garage Project)

From on or about September 14, 2010 to in or about July 2012, in Mercer and Atlantic Counties, in the District of New Jersey and elsewhere, defendants

TONY F. MACK,  
a/k/a “Honey Fitz,”  
a/k/a “the Little Guy,”  
a/k/a “Napoleon,”  
JOSEPH A. GIORGIANNI,  
a/k/a “JoJo,”  
a/k/a “Mr. Baker,”  
a/k/a “the Fat Man,” and  
RALPHIEL MACK,

and another co-conspirator (“CC-1”), knowingly and willfully did conspire to obstruct, delay and affect interstate commerce by extortion under color of official right-that is, by corruptly agreeing to obtain and obtaining money from others, including CW-1 and CW-2, with their consent, in exchange for defendants TONY F. MACK’s and CC-1’s exercise of official authority and influence as specific opportunities arose in connection with a proposed parking garage project in Trenton, New Jersey.

In violation of Title 18, United States Code, Section 1951(a).

## ATTACHMENT B

I, Michael Doyle, am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have personally participated in this investigation and am aware of the facts contained herein based upon my own participation in this investigation, interviews and briefings with other law enforcement officers and interviews and briefings with confidential sources of information and witnesses. I also have reviewed publicly available documents and reports, and other evidence, including pen registers, telephone toll information, reports, consensual audio and video recordings, surveillance and FBI pole camera footage and wire and electronic (text messages) court-authorized intercepts from the telephones used by certain of the defendants and others. Because this Attachment B is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of the investigation. Statements attributable to individuals contained in this Attachment are related in substance and in part.

1. Since September 2010, federal law enforcement has been investigating the conduct of **JOSEPH A. GIORGIANNI, TONY F. MACK, RALPHIEL MACK** and others concerning corruption within the City of Trenton government, among other crimes. The investigation revealed evidence of a conspiracy among these defendants and others to corrupt certain functions of Trenton City government in favor of a purported developer seeking to build a parking garage on City-owned property in exchange for cash payments totaling approximately \$119,000, a total of \$54,000 that the defendants actually accepted in one way or another and another \$65,000 that they anticipated accepting. To evade detection, **TONY F. MACK** and **GIORGIANNI**, among other things, employed intermediaries, including **RALPHIEL MACK**, used code words and limited discussions of the scheme over the telephone.

2. At times relevant to this Complaint:
  - a. Defendant **TONY F. MACK**, a/k/a “Honey Fitz,” a/k/a “Napoleon,” a/k/a “the Little Guy,” was the Mayor of the City of Trenton, New Jersey. As the Mayor of Trenton, defendant **TONY F. MACK** was in a position to influence, and did influence, actions taken on behalf of the City of Trenton.
  - b. Defendant **JOSEPH A. GIORGIANNI** was an associate of **TONY F. MACK, RALPHIEL MACK** and CC-1. **GIORGIANNI** maintained a sandwich shop on Martin Luther King Boulevard in Trenton (“JoJo’s Steakhouse”) and a clubhouse located next door to JoJo’s Steakhouse (“Giorgianni’s Clubhouse”).
  - c. Defendant **RALPHIEL MACK** was **TONY F. MACK**’s brother and was employed by the City of Trenton Board of Education and was the head football coach for Trenton Central High School.
  - d. An uncharged co-conspirator (“CC-1”) was an associate of **TONY F. MACK, RALPHIEL MACK** and **GIORGIANNI**. CC-1 was employed by the City of Trenton.

- e. An uncharged individual (“UI-1”) was an associate of **GIORGIANNI** and operated JoJo’s Steakhouse.
- f. There was a witness cooperating with law enforcement (“CW-1”) who held himself out to **GIORGIANNI** and CC-1 as a consultant for CW-2, who is described in more detail below. CW-1 has cooperated with law enforcement in the hopes of obtaining a more favorable outcome with respect to criminal charges.
- g. There was a second witness cooperating with law enforcement (“CW-2”) who held himself out as a developer of real estate in interstate commerce, and a business which affects interstate commerce. CW-2 purported to be interested in development of property in the Trenton area, including the development of a lot on East State Street (the “East State Street Lot”) for the purpose of building an automated parking garage (the “Parking Garage Project”). The FBI has reimbursed CW-2 for expenses and compensated CW-2 for time that CW-2 spent on matters concerning CW-2’s cooperation.
- h. There was a City of Trenton official (“Trenton Official-1”) within Trenton’s Housing and Economic Development Department. Trenton Official-1 served under Mayor **TONY F. MACK** and had authority over matters concerning the disposition of City-owned real property.

**A. GIORGIANNI’s Stated Intent to Promote and Facilitate a Corrupt System of Government in Trenton**

3. On September 14, 2010, **GIORGIANNI** met CW-1 at JoJo’s Steakhouse. During this consensually recorded meeting, **GIORGIANNI** was advised by CW-1 that CW-1 represented a developer who wanted to build a parking garage on the East State Street Lot in Trenton and that the developer wanted the support of **TONY F. MACK** in successfully completing the Parking Garage Project. In exchange for **TONY F. MACK**’s assistance, **GIORGIANNI** was advised that the developer was willing to provide a corrupt cash payment to **TONY F. MACK** and **GIORGIANNI**. **GIORGIANNI** stated, “we want this” and “what do you think we did all this for?” **GIORGIANNI** agreed to arrange a meeting between **TONY F. MACK** and CW-1. At various times, **GIORGIANNI** stated: (a) “I can be bought;” (b) “I like money so much, I hate the poor;” and (c) “Tony [**TONY F. MACK**] knows” that “when I’m in for a penny, I’m in for a pound,” confirming his close relationship with **TONY F. MACK**. **GIORGIANNI** stated, “I like to make money for my friends,” and “I like to do it like the Boss Tweed way. You know Boss Tweed ran Tamany Hall?” **GIORGIANNI** further explained his corrupt intent with an example:

call [CW-1], he’s got a brick company, boom, [CW-1], 200,000 in bricks, I want a little envelope. Uh, [CW-1’s wife], she’s got a cement company, alright, we need \$1 million in cement, give me a little envelope. Like that. That’s how you’re supposed to do it. Give the people the program and get yours from the, who you’re

dealing with. . . .

**GIORGIANNI** and CW-1 agreed to meet again.

4. On September 24, 2010, **GIORGIANNI** and CW-1 met and had a conversation that was audio and video recorded inside Giorgianni's Clubhouse. **GIORGIANNI** described **TONY F. MACK**'s use of intermediaries to engage in illegal activity. **GIORGIANNI** stated, "this is Tony Mack's theory, and it's a smart one," and stated "he uses guys like us" (meaning older individuals) who were "not going to go out like punks, we're going to go out like troopers," and said "there's nothing they can threaten us, what could they do?," and said "they can't hurt you with jail no more." CW-1 gave **GIORGIANNI** information related to the purported parking garage development. **GIORGIANNI** was informed by CW-1 that the developer would be willing to provide half of a corrupt cash payment upon meeting with **TONY F. MACK** and the other half upon the developer being designated as the official developer for the Parking Garage Project, and that "it's all going to be green, all cash, ain't no, ain't no record." **GIORGIANNI** responded, "ain't that a beautiful color." **GIORGIANNI** stated "this is good," and that he already had spoken to **TONY F. MACK** and that "he [**TONY F. MACK**] was happy when I told him I spoke with you." **GIORGIANNI**, describing his conversation with **TONY F. MACK** about the potential corrupt deal for the parking garage, stated "I says, he's [CW-1] looking to look out for you, Tony. Has something that looks good." **GIORGIANNI** stated that he had told **TONY F. MACK** that **GIORGIANNI** trusted CW-1 and "ain't gonna stop now," and that "there ain't no timer like an old timer." As **GIORGIANNI** and CW-1 were leaving Giorgianni's Clubhouse, **GIORGIANNI** referred to other deals that had been made inside Giorgianni's Clubhouse and said, "I hope you get the highest number of it all in this place."

5. On October 22, 2010, **GIORGIANNI** and CW-1 engaged in a telephone conversation that was recorded. **GIORGIANNI** stated that "Napoleon," referring to **TONY F. MACK**, had said "that's doable," referring to the corrupt deal concerning the Parking Garage Project. **GIORGIANNI** assured CW-1 that **TONY F. MACK** had agreed with the corrupt arrangement and agreed to set up a meeting with **TONY F. MACK**. **GIORGIANNI** stated, "hey, listen, an empty garbage bag can't stand up unless you put garbage in it, you know what I mean, it just, uh, . . . it folds right up, you know." **GIORGIANNI** stated "[w]e're all looking to, uh, get healthy," meaning make money, and that "we been sick too long here." **GIORGIANNI** and CW-1 discussed meeting with **TONY F. MACK**. **GIORGIANNI** told CW-1 to tell CW-1's developer client that "it's happening. There ain't no doubt about it. He [**TONY F. MACK**] likes it. He likes it," and, referring to receiving corrupt payments, that "the garbage bags are folding over fast. Got to fill them up a little bit." CW-1 asked whether "he [**TONY F. MACK**] wants the bags filled up, too," referring to whether **TONY F. MACK** wanted to receive corrupt cash payments, and **GIORGIANNI** stated "yeah, yeah, yeah. Can't have garbage building up all around. You got to put it in its place." **GIORGIANNI** was informed by CW-1 that CW-1 would tell the investors in the Parking Garage Project that the meeting would be within the next two weeks and that "they'll have a little gift or whatever you want." **GIORGIANNI** stated "yeah, tell them they're right on target. He's [**TONY F. MACK**] happy, he's happy, happy with it, hap-, very happy with it."

6. CW-1 and **GIORGIANNI** were unable to meet between November 2010 and January 2011 because **GIORGIANNI** was in Florida. Between January and April 2011, **GIORGIANNI** did not meet with CW-1, due in significant part to an effort by certain Trenton citizens to recall mayor **TONY F. MACK**. In this regard, during a consensually recorded meeting between **GIORGIANNI** and CW-1 that occurred on April 18, 2011 at JoJo's Steakhouse, **GIORGIANNI** stated that **TONY F. MACK** was interested in engaging in the corrupt transaction previously discussed "once this July thing's over," referring to the efforts by certain Trenton citizens to recall **TONY F. MACK**. **GIORGIANNI** stated that he "can't make a buck" and that "all this money . . . that I spent, we should have been in there having happy holidays," meaning that **GIORGIANNI** expected that **TONY F. MACK** would use his official position to enrich **GIORGIANNI** in exchange for payments that **GIORGIANNI** previously had given to **TONY F. MACK**. During a consensually recorded telephone call between **GIORGIANNI** and CW-1 that occurred on May 11, 2011, **GIORGIANNI** was informed by CW-1 that the individuals whom CW-1 represented were "cool" with "Napoleon" (a code word previously used by **GIORGIANNI** to refer to **TONY F. MACK**) waiting to conduct the corrupt transaction until after the "recall," meaning after July 2011. **GIORGIANNI** stated "Yeah, yeah. Once that's over, we're ready to roll," and "we'll be, uh, you know, in good shape." During a consensually recorded meeting between **GIORGIANNI** and CW-1 that occurred on August 29, 2011 outside of JoJo's Steakhouse, **GIORGIANNI** stated that **TONY F. MACK** "can't do nothing," because he was "under a microscope. To make money, it's sickening," referring to **TONY F. MACK**'s difficulty in performing official acts in exchange for money due to ongoing public scrutiny of **TONY F. MACK**. **GIORGIANNI** was asked by CW-1 whether "everything [was] still alive, or-," referring to the proposed corrupt transaction, and **GIORGIANNI** replied, "yeah, oh yeah. I just talked to him," meaning **TONY F. MACK**. **GIORGIANNI** was informed by CW-1 that "they're [the developers] still interested," and **GIORGIANNI** stated, "yeah, anything, yeah, I know."

**B. The October 27, 2011 Bribe Payment (\$3,000)**

7. On October 27, 2011, in a recorded meeting between **GIORGIANNI** and CW-1 inside JoJo's Steakhouse, **GIORGIANNI** accepted two envelopes, each containing \$1,500 in cash, from CW-1 with the express understanding that **GIORGIANNI** would give one of the envelopes to **TONY F. MACK** in exchange for **TONY F. MACK**'s support of the development of the East State Street Lot. **GIORGIANNI** stated, "that'll make it happen," meaning that the cash payment would secure **TONY F. MACK**'s official assistance, and further stated, "I'll give him [TONY F. MACK] the code word." By referring to the "code word," **GIORGIANNI** was referring to the term "Uncle Remus." Based on evidence of communications among **GIORGIANNI**, **TONY F. MACK** and others that had been intercepted by law enforcement in 2011 and law enforcement interviews of subjects of the investigation, "Uncle Remus" was a code word employed by **GIORGIANNI** and other co-schemers that meant **GIORGIANNI** had money for the benefit of **TONY F. MACK**. The meeting concluded at 4:52 p.m.

8. At approximately 4:53 p.m., **GIORGIANNI** tried unsuccessfully to call **TONY F. MACK**. At approximately 4:57 p.m., **GIORGIANNI** sent a text message to **TONY F.**

**MACK**, stating “Uncle Remus landed uncles remis call me.”<sup>1</sup> Following this text message, **GIORGIANNI** participated in several telephone calls with **TONY F. MACK** and others that were intercepted during which he used coded language to inform **TONY F. MACK** of **GIORGIANNI**’s receipt of the corrupt cash payment. For example:

- a. On October 29, 2011, at approximately 11:40 a.m., **GIORGIANNI** telephoned **TONY F. MACK** and stated, “I, I got to see you. Uncle Remus, uh, come by.” In response to this code word, **TONY F. MACK** stated, “okay, baby,” and did not request clarification about what **GIORGIANNI** meant by “Uncle Remus.”
- b. On October 29, 2011, at approximately 3:32 p.m., **GIORGIANNI** telephoned CC-1, who was then in Pennsylvania, and informed CC-1 that **GIORGIANNI** had to “see” **TONY F. MACK** and that “it’s important. I got, I got Uncle Remus for him.” **GIORGIANNI** directed CC-1 to bring **TONY F. MACK** to Giorgianni’s Clubhouse, stating “we gotta talk ‘cause he’s, uh, I got something that might be good for him,” meaning **TONY F. MACK**, and that “they’ve already come with Uncle Remus,” meaning money.
- c. On November 1, 2011, CC-1 telephoned **GIORGIANNI**. **GIORGIANNI** told CC-1, “you see him [**TONY F. MACK**], tell him he’s got to have a private one-on-one with me, without that cop,” referring to **TONY F. MACK**’s driver, “or nobody, you know,” and that, “there’s Uncle Remus,” meaning money. CC-1 responded, “yes sir. I’ll see you later on.” Like **TONY F. MACK**, CC-1 did not request clarification about what **GIORGIANNI** meant by “Uncle Remus.”
- d. During a November 2, 2011 telephone call, **GIORGIANNI** informed **TONY F. MACK** again that “Uncle Remus stopped by and paid me a visit and I, I got this thing but I just don’t know why, that’s, uh, I don’t know what it was about but, uh, I don’t know. When I see you, you can make heads or tails of it, but it’s a good number.” **GIORGIANNI** was referring to the two envelopes, each containing \$1,500, that **GIORGIANNI** received from CW-1 on October 27, 2011. **TONY F. MACK** replied, “right.” **GIORGIANNI** continued, “I couldn’t believe it. Came in two sections,” referring to the two cash-filled envelopes. **TONY F. MACK** stated, “good. Alright, I’ll talk to him. I’ll talk to both of them,” and that he would meet with **GIORGIANNI** the next day.
- e. On November 10, 2011, **GIORGIANNI** met with CW-1 at JoJo’s Steakhouse. CW-1 asked **GIORGIANNI**, “are you satisfied with, uh, with the gifts?” referring to the October 27, 2011 corrupt cash payment. **GIORGIANNI** stated, “yeah,” and further stated, “after the fifteenth,” and “once he [**TONY F. MACK**] gets clear of this thing,” meaning that **TONY F. MACK** would be able to take

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<sup>1</sup> Text messages described in this Affidavit often contain capitalization, spelling and grammatical errors. Such messages are quoted in this Affidavit as originally transmitted.

official action favorable to CW-1's development interests after the conclusion of efforts by certain Trenton citizens to recall **TONY F. MACK**. **GIORGIANNI** stated, "one thing about the Mack administration, when I say that, it's me and Mack [**TONY F. MACK**], we're not greedy. We're corruptible. We want anybody to make a buck." **GIORGIANNI** further described how he served as a "buffer" for **TONY F. MACK**, stating that "I'm there to buffer the thing where, you know, take the weight," and "going to jail's my business. It ain't his," meaning **TONY F. MACK**.

9. On November 16, 2011, **GIORGIANNI** met with **TONY F. MACK** and others at Harrah's Resort in Atlantic City, New Jersey. Before that meeting, **GIORGIANNI** had engaged in a November 14, 2011 telephone call with **TONY F. MACK** during which he informed **TONY F. MACK** that "I'm gonna bring Uncle Remus with me," meaning that **GIORGIANNI** would bring the October 27, 2011 corrupt cash payment with **GIORGIANNI** to Atlantic City. A review of casino video surveillance footage from Harrah's Resort showed **GIORGIANNI**'s associate pushing **GIORGIANNI** in a wheelchair into a restaurant. **GIORGIANNI** was carrying a folded piece of paper that had markings consistent with the written literature related to the proposed automated parking garage that CW-1 provided to **GIORGIANNI** during their November 10, 2011 meeting at JoJo's Steakhouse. The video footage further revealed that, inside the folded paper, there appeared to be another folded piece of paper of a different size that was consistent with the envelopes containing the \$1,500 cash payment that CW-1 provided to **GIORGIANNI** on October 27, 2011 with the understanding that **GIORGIANNI** would give that payment to **TONY F. MACK**. The video footage further revealed **TONY F. MACK**, CC-1 and another City of Trenton employee ("City Employee-1") walking toward the restaurant empty-handed. A law enforcement agent observed, and video footage revealed, that at approximately 2:35 p.m., **GIORGIANNI** and his associates entered the restaurant and thereafter met with **TONY F. MACK** at a table in the restaurant. At approximately 3:15 p.m., **GIORGIANNI** and **TONY F. MACK** were observed leaving the table and walking to an empty area toward the back of the restaurant and meeting privately. **GIORGIANNI** was holding the folded papers as he walked to the back of the restaurant. After speaking to each other for a few minutes, **TONY F. MACK** stood up and **GIORGIANNI** gave **TONY F. MACK** the folded papers. As **GIORGIANNI** and **TONY F. MACK** returned to the table with the others, **TONY F. MACK** was observed carrying the folded papers. **GIORGIANNI** sat down at the table, but **TONY F. MACK** did not. At approximately 3:20 p.m., **TONY F. MACK** left the restaurant with CC-1 and City Employee-1. A review of the video footage taken after **TONY F. MACK** left the restaurant revealed **TONY F. MACK** walking through Harrah's Resort carrying the folded papers and then getting into a cab and departing.

10. During a telephone call between **GIORGIANNI** and CC-1 that was intercepted on November 17, 2011, **GIORGIANNI** informed CC-1 that **GIORGIANNI** had "a long talk with the Little Guy," and that "he's got some major things that he could be alright with."



11. During a telephone call between **GIORGIANNI** and UI-1 that was intercepted on November 21, 2011, **GIORGIANNI** informed UI-1 that he would be meeting with **TONY F. MACK** at **GIORGIANNI**'s residence that evening. UI-1 stated, "he's [**TONY F. MACK**] looking for money, maybe." **GIORGIANNI** stated, "no. He got that." UI-1 stated, "it's the only reason why he could be coming." **GIORGIANNI** stated, "nah, he knows that's a dead issue."

12. On December 1, 2011, **TONY F. MACK** telephoned **GIORGIANNI**. During that intercepted call, **GIORGIANNI** asked **TONY F. MACK** about "that, uh, other thing, uh, with Ralphiel [**RALPHIEL MACK**]? Give that any consideration?" **TONY F. MACK** stated, "um-," and **GIORGIANNI** interjected, "the parking lot," referring to the proposed corrupt transaction whereby CW-1 provided, and would continue to provide, cash payments to **GIORGIANNI** and **TONY F. MACK** in exchange for official action by the **TONY F. MACK** administration in favor of the Parking Garage Project. **TONY F. MACK** stated, "I'm gonna find out. I'll call, I'll call you," and "I'll come by-, I'm gonna come by there." **GIORGIANNI** stated, "yeah, we got to, uh, we got to talk. There's two things that, y'know, I got to get, I got to get a war chest ready for you know when," referring to obtaining money for **TONY F. MACK**'s re-election. **TONY F. MACK** stated, "yes sir."

**C. The January 6, 2012 Bribe Payment (\$5,000)**

13. On January 6, 2012, **GIORGIANNI** and CW-1 met at JoJo's Steakhouse. During this recorded meeting, **GIORGIANNI** accepted two envelopes from CW-1, each containing \$2,500 in cash, with the express understanding, "one for you, one for Tony [**TONY F. MACK**]. Twenty-five hundred a piece." **GIORGIANNI** instructed CW-1 to obtain "plans" for the Parking Garage Project and to "see" Trenton Official-1 and that "it's all set." **GIORGIANNI** was informed by CW-1 that CW-2 needed a "guarantee" because CW-2 had to spend a "half million dollars" to proceed with the Parking Garage Project. **GIORGIANNI** instructed CW-1 to start the "legal process" and that **GIORGIANNI** would work "behind the scenes" and that "we can talk to him [**TONY F. MACK**] whenever we want." **GIORGIANNI** stated, "them guys got to go down there and just put a paper, like, what they're gonna do, a plan" and that "he [**TONY F. MACK**] got the book I gave him, you gave him, everything I gave him." **GIORGIANNI** was saying that **GIORGIANNI** had given **TONY F. MACK** "everything" that CW-1 had given to **GIORGIANNI**, including **TONY F. MACK**'s portion of the corrupt cash payments. **GIORGIANNI** further stated, "just as long as it's on record," and that "it's like a client meeting with you. He gives you a dollar bill, he's got your silence." **GIORGIANNI** was saying that, in return for CW-1's payments, CW-1 could expect official action from **TONY F. MACK** the same way that a client expects a duty of confidentiality from his lawyer. **GIORGIANNI** directed CW-1 to get documents concerning the the Parking Garage Project to Trenton Official-1 and then **GIORGIANNI** would set up a meeting with **TONY F. MACK**. **GIORGIANNI** stated that he, **TONY F. MACK** and CW-1 would "meet somewhere, y'know, go to dinner or something." **GIORGIANNI** instructed CW-1, "don't let [Trenton Official-1] know nothing" and that Trenton Official-1 "don't have to know nothing," but just that "it's about the property at 144," referring to the street address of the East State Street Lot, "just so it's on

record,” and that, once CW-1 went “on record” with Trenton Official-1 concerning the Parking Garage Project, then “nobody can say nothin’.”

14. On January 10, 2012, **GIORGIANNI** received a telephone call from UI-1 that was intercepted, during which he spoke to UI-1 and **TONY F. MACK**. UI-1 stated, “Tony’s here,” and put **TONY F. MACK** on the telephone. **TONY F. MACK** and **GIORGIANNI** agreed that **TONY F. MACK** would wait for **GIORGIANNI** at JoJo’s Steakhouse, where the two agreed to meet. A review of footage from a pole camera installed in the area of JoJo’s Steakhouse revealed that **TONY F. MACK** arrived at JoJo’s Steakhouse at approximately 2:14 p.m. that day, and **GIORGIANNI** arrived at approximately 2:25 p.m. The two remained inside JoJo’s Steakhouse together until **TONY F. MACK** left at approximately 3:02 p.m.

15. On January 13, 2012, **GIORGIANNI** received a telephone call from CW-1, which was recorded. **GIORGIANNI** stated, “I talked with the guy [**TONY F. MACK**] and he says everything’s good. Everything’s okay. Had a meeting with him [**TONY F. MACK**] the other day, y’know, we were together about two hours. He [**TONY F. MACK**] said ‘let’s just go ahead. Let’s go with it,’” meaning that **TONY F. MACK** confirmed his support for the Parking Garage Project.

16. On January 20, 2012, **GIORGIANNI** received a telephone call from CW-1, which was recorded. **GIORGIANNI** stated that “Tony [**TONY F. MACK**] told me, he said, y’know, for me to meet with them guys and, uh, y’know, it’s a done deal.” **GIORGIANNI** was asked by CW-1 whether **TONY F. MACK** was “happy with the gift,” referring to the January 6, 2012, \$5,000 corrupt payment to **GIORGIANNI** and **TONY F. MACK**. **GIORGIANNI** stated, “oh yeah. He’s always, y’know. You know the old saying, money makes a blind man see.”

17. On January 25, 2012, **GIORGIANNI**, CC-1, CW-1 and CW-2 met at a diner in Princeton, New Jersey. During this recorded meeting, **GIORGIANNI** and CC-1 were informed by CW-2 that “we need to be named developer, we need the property for a buck–,” and **GIORGIANNI** interjected, stating, “yeah, the property we can do right away.” CC-1 stated, “we need to . . . set up a meeting real fast–,” and **GIORGIANNI** stated, “with Mack,” and CC-1 stated, “yeah.” In the context of discussing CW-2 possibly doing other work for the City of Trenton, **GIORGIANNI** and CC-1 were informed by CW-1, that “the investors . . . don’t mind paying,” referring to the willingness of CW-2 to provide kickbacks. CW-2 made reference to the “four thousand a piece” and that there already was “eight thousand on the table,” meaning the total amount of the corrupt cash payments previously given to **GIORGIANNI** and **TONY F. MACK**. **GIORGIANNI**, CC-1, CW-1 and CW-2 discussed arranging a meeting with Trenton Official-1 to “get that process rolling.” CW-1 confirmed that “you two guys,” meaning **GIORGIANNI** and CC-1, were the “go between for the Mayor,” meaning **TONY F. MACK**. **GIORGIANNI** stated, “yeah. You’re right.”

18. The next day, on January 26, 2012, **TONY F. MACK** telephoned **GIORGIANNI**. During this intercepted call, **GIORGIANNI** stated “I gotta see you about a few things,” and “Uncle Remus might be stopping by.” **TONY F. MACK** replied, “Um-hmm. Yeah, I want to make sure you, um, you get everything squared away.”

19. On February 1, 2012, **TONY F. MACK** and **GIORGIANNI** spoke over the telephone. During this intercepted call, **GIORGIANNI** stated, "I got to see you when you get a chance. It's important," and "make you aware of something that's, uh, happening." **TONY F. MACK** stated, "okay." **GIORGIANNI** stated, "Good, I mean it's not a bad thing. It's good." **TONY F. MACK** stated, "good." **GIORGIANNI** stated, "Uncle Remus is gonna stop and visit us, so I wanted to tell you about it." **TONY F. MACK** stated, "alright. I'm gonna stop by there to see you." **GIORGIANNI** stated, "yeah, yeah," and "good man, Uncle Remus. Singing zippity do da. That's my favorite song. When you go to Disney World, they sing it all over." **TONY F. MACK** stated, "um-hmm," and "I might stop by today." **GIORGIANNI** stated, "yeah. Got some good things coming." **TONY F. MACK** stated, "um-hmm." At the close of the conversation, **TONY F. MACK** stated, "I might stop by to see you. You at the shop yet?," meaning JoJo's Steakhouse. The two arranged to speak later to set up a meeting.

20. In February and March of 2012, **GIORGIANNI** and CC-1 continued their communications to further the Parking Garage Project, which law enforcement intercepted or otherwise recorded:

- a. On February 2, 2012, CC-1, Trenton Official-1 and CW-1 met at Trenton City Hall. Trenton Official-1 stated that what "I understand from [CC-1], this is a City-owned property." CW-1 described the the Parking Garage Project and CC-1 interjected, "it's very nice. It's the thing of the future." CC-1 told Trenton Official-1 to communicate with CC-1 concerning the progress of the Parking Garage Project. CC-1 further told Trenton Official-1, "let's get that land dedicated. We have to get that land dedicated to that developer. That's the biggest thing." Trenton Official-1 stated, "and that's the part I have to discuss with the Mayor," meaning **TONY F. MACK**, and that Trenton Official-1 was going to "give him [**TONY F. MACK**] a call and see if he can see me tomorrow," and that "he likes to have these types of conversations off-line." Trenton Official-1 was asked by CW-1, "does the Mayor [**TONY F. MACK**] know about this?," and Trenton Official-1 stated that Trenton Official-1 would "let him [**TONY F. MACK**] know tomorrow, unless [CC-1] already had a conversation with him." CC-1 responded, "um-hmm." Trenton Official-1 asked CC-1, "you spoke to him [**TONY F. MACK**] already?," and CC-1 replied, "um-hmm." Trenton Official-1 stated, "alright," and that she would do "due diligence" and "I'm gonna say this is a doable project." Trenton Official-1 further stated that Trenton Official-1 had met with **GIORGIANNI** concerning the Parking Garage Project "the day before yesterday."
- b. On February 7, 2012, **TONY F. MACK** telephoned **GIORGIANNI**. **GIORGIANNI** stated that Trenton Official-1 "don't know nothin'," and "got to go to some kind of class or something," and was "a little scared to make, like, y'know, any decisions." **TONY F. MACK** stated, "um-hmm, um-hmm." **GIORGIANNI** further stated, "when you get a chance, I got to see you because everything worked out the way you wanted on that project, long term. I think you'll like it," referring to the arrangement to receive corrupt cash payments in

relation to the Parking Garage Project. **TONY F. MACK** replied, “uh, okay, good, good.” **GIORGIANNI** stated, “you’re gonna have to see me, y’know, it’s like, I don’t want to get into it here but–.” **TONY F. MACK** replied, “yeah,” and stated, “I’ll stop by there tomorrow.” **GIORGIANNI** stated, “when you get a chance, y’know, stop by. I got some good news for you. Like I told you. Our uncle’s in town. Uncle Remus.” **TONY F. MACK** stated, “I’ll call you–, I’ll call you, alright?”

- c. On February 24, 2012, CC-1 and CW-1 spoke over the telephone. CC-1 asked whether CW-1 had any “architectural plans,” and a “description” of the Parking Garage Project. CW-1 stated that CW-1 would get back to CC-1.
- d. On February 28, 2012, CC-1 telephoned CW-2. CW-2 asked whether CC-1 had “met with Tony [**TONY F. MACK**] yet?” CC-1 replied, “um, I can’t–, I don’t know what you’re talking about, sir.” CW-2 stated, “I can’t hear you.” CC-1 repeated, “I said I don’t know what you’re talking about yet, sir.” CW-2 stated, “about the, uh, about being named developer.” CC-1 attempted to cut CW-2 off, and stated, “I–, I–, I’ll talk to you later about that, sir.” CC-1 was feigning ignorance of the corrupt transaction in an attempt to thwart possible electronic surveillance by law enforcement.
- e. On March 2, 2012, **GIORGIANNI** met CW-1 at JoJo’s Steakhouse. **GIORGIANNI** accepted from CW-1 a packet of information concerning the proposed Parking Garage Project. **GIORGIANNI** was asked by CW-1 whether “the boss,” meaning **TONY F. MACK**, “put the word out for them to move it?” **GIORGIANNI** stated that CC-1 was “moving it along” and that CC-1 “got to stay right with it. Tony [**TONY F. MACK**] told him, ‘stay right with it.’ ‘Cause I told Tony, I says, [CC-1] left the room, [Trenton Official-1] ended the meeting,” referring to the February 2, 2012 meeting among CW-1, CC-1 and Trenton Official-1. **GIORGIANNI** stated that “Tony [**MACK**] told him [CC-1]” to “walk this right through,” and that “I told the Mayor, too, here’s the home run. Get it done.”
- f. On March 21, 2012, **GIORGIANNI** and CW-1 spoke over the telephone. During this recorded conversation, **GIORGIANNI** confirmed that **TONY F. MACK** was backing the Parking Garage Project.
- g. On March 23, 2012, CC-1 and CW-1 met at a restaurant in Lawrence Township, New Jersey. CC-1 gave CW-1 a copy of the City of Trenton Planning Board guidelines, an aerial photo of the East State Street Lot dated March 22, 2012 and a description of the subject lot, and stated “this is what you’re gonna submit, . . . our application,” for zoning approval. CW-1 asked CC-1 whether “the Little Man still pushing it?” and CC-1 nodded affirmatively. CW-1 stated, “he is. Good.” CC-1 stated, “listen. You don’t have to ever ask that,” and confirmed that “he’s [**TONY F. MACK**] behind it 100%,” and “we’re gonna get this done by the

summer,” referring to the approval of the Parking Garage Project, and “I’d say by April, May June. By July.”

**D. The April 12, 2012 Bribe Payment (\$3,000)**

21. On April 12, 2012, **GIORGIANNI** and CW-1 met at JoJo’s Steakhouse. During this recorded meeting, **GIORGIANNI** accepted two envelopes from CW-1 that each contained \$1,500 in cash, for a total of \$3,000. **GIORGIANNI** asked, “are they happy?,” referring to CW-2 and his investors on the Parking Garage Project. **GIORGIANNI** was informed by CW-1 that “they’re happy as the devil,” and “they’re very happy,” and, referring to the envelopes, informed **GIORGIANNI**, “one for you and one for the Little Guy,” meaning **TONY F. MACK**. **GIORGIANNI** stated, “good man, [CW-1].” **GIORGIANNI** also was informed by CW-1 that there would be a “bonus” if **TONY F. MACK** caused CW-2 to be named developer for the Parking Garage Project by May 1, 2012. **GIORGIANNI** stated, “it’ll be done. It’s got to be done? That’s it.” During this meeting, at approximately 3:57 p.m., **GIORGIANNI** telephoned CC-1 and stated, “when you see the Little Guy,” meaning **TONY F. MACK**, “it’s imperative that we get [CW-2] named before May.” **GIORGIANNI** informed CC-1 that CW-2 was “going to be at that conference, the Mayors Conference,” and that CW-2 would “send a limousine for us.” CC-1 stated, “I’ll shoot by there right now.”

22. On April 14, 2012, **GIORGIANNI** telephoned **TONY F. MACK** and was intercepted telling **TONY F. MACK** to “call me when you get a chance because I got a lot to tell you.”

23. On April 16, 2012, at approximately 7:35 a.m., **GIORGIANNI** sent **TONY F. MACK** a text message stating “Mr mayor i got to son you nothing for me but for you please time is of the Esscess it cant wait mr baker.”

24. On April 16, 2012, at approximately 5:00 p.m., Trenton Official-1 and CW-1 met at a Trenton restaurant. During this recorded meeting, Trenton Official-1 stated that **TONY F. MACK** was supportive of the Parking Garage Project. Trenton Official-1 advised, however, that the property should be purchased for “whatever the assessment value is,” or “market value,” and not for the nominal fee of \$1, as was suggested at the January 25, 2012 meeting.

25. On April 16, 2012, at approximately 8:43 p.m., **TONY F. MACK** was intercepted telephoning CC-1 and asking, “you been by J? You talk–, you went over to see JoJo today?,” meaning **GIORGIANNI**, and CC-1 stated “yeah, yeah.” **TONY F. MACK** asked, “how’s he doing?” CC-1 stated, “he’s doing good, he want to see you.” **TONY F. MACK** responded “yeah I gotta go by and holler at him” and CC-1 repeated “yeah, he want to see you, man.”

26. On April 17, 2012, starting at approximately 1:33 p.m., **TONY F. MACK** met with **GIORGIANNI** outside of JoJo’s Steakhouse. This meeting concluded at approximately 2:09 p.m. Following **TONY F. MACK**’s meeting with **GIORGIANNI**, on April 17, 2012, the following telephone calls were intercepted or otherwise recorded:

- a. At approximately 2:15 p.m., CW-1 placed a telephone call to **GIORGIANNI**. During this recorded call, **GIORGIANNI** told CW-1 that “Tony” [**TONY F. MACK**] was “just out here.” CW-1 asked **GIORGIANNI** “was he happy with the package?,” and **GIORGIANNI** responded “yeah, oh yeah . . . listen, you know money makes a blind man see.” **GIORGIANNI** stated that “the Little Guy wants to have dinner with our friend,” meaning CW-2, and that **TONY F. MACK** would be in Atlantic City between April 24 and 26, 2012. **GIORGIANNI** and CW-1 discussed that CW-2 would reserve rooms for **TONY F. MACK** and **GIORGIANNI** and would have dinner with **TONY F. MACK** on April 26, 2012. CW-1 explained that the reservations would be at the Borgata Hotel and Casino and CW-1 asked if **GIORGIANNI** wanted the developers “to pay for Tony’s [**TONY F. MACK**’s] room?” **GIORGIANNI** said “yeah.”
- b. At approximately 2:16 p.m., **GIORGIANNI** placed a telephone call to **TONY F. MACK**. During the call, **GIORGIANNI** stated that “whatcha-call . . . just called me,” meaning CW-1, and that “they’re making the reservations for three days, they’ll have dinner with us on Wednesday.” **TONY F. MACK** responded “very good, perfect.”

**E. The April 25, 2012 Bribe Payment (\$3,000) and Atlantic City Dinner Meeting Among TONY F. MACK, GIORGIANNI, CC-1 and CW-2**

27. On April 20, 2012, at approximately 1:55 p.m., **GIORGIANNI** and CW-1 talked over the telephone to arrange a dinner with **TONY F. MACK** at an Atlantic City restaurant. During that recorded call, CW-1 advised that CW-2 and his developer associates “arranged for 5, 5 rooms at the Borgata . . . one for you, one for, uh, [CW-2], one for the Mayor [**TONY F. MACK**], one for [CC-1], and one for me if I can make it.” **GIORGIANNI** was informed by CW-1 that “there is going to be a small package being prepared for you and the Mayor.” **GIORGIANNI** responded “oh, you know how we love money.” **GIORGIANNI** instructed CW-1 “don’t give it to the Little Guy [**TONY F. MACK**] . . . tell him [meaning CW-2] just give it to me.” **GIORGIANNI** also requested that CW-2 “make a little package for [CC-1], but give it to me, don’t give it to [CC-1].” CW-1 explained that “they,” referring to CW-2’s investors, paid for reservations for two nights.

28. On April 20, 2012, at approximately 2:06 p.m., **TONY F. MACK** was intercepted calling **GIORGIANNI**. **GIORGIANNI** stated, “I’ll give you the good news later.” In a call moments later, at approximately 2:12 p.m., **GIORGIANNI** informed **TONY F. MACK** that “we got rooms at the Borgata,” referring to the hotel rooms that CW-1 had booked, that the rooms were “all in everybody’s separate name, y’know, you’re down there as, y’know, you. Uh, no attachment,” and that dinner reservations were made at a restaurant within the Borgata. **TONY F. MACK** stated “okay. Um-hmm,” and “beautiful,” and “yup, perfect.”

29. On April 25, 2012, at approximately 8:25 a.m., **TONY F. MACK** telephoned **GIORGIANNI** and confirmed the date and time of the dinner. **TONY F. MACK** stated “if

somebody tries to take pictures with us, just say, like, you know . . . we don't take no pictures here."

30. On April 25, 2012, at approximately 12:34 p.m., **GIORGIANNI** and CW-1 talked over the telephone. During this recorded conversation, **GIORGIANNI** was advised by CW-1 that CW-1 could not travel to Atlantic City but that CW-2 would attend with "the package, packages, the 3 packages, he'll give them only to you," meaning the corrupt cash payments.

31. On April 25, 2012, in Atlantic City, at approximately 7:41 p.m., **GIORGIANNI** met with CW-2 outside of an Atlantic City restaurant. Consistent with the previous conversation between **GIORGIANNI** and CW-1, CW-2, in coordination with law enforcement agents, provided **GIORGIANNI** with three envelopes concealed inside a newspaper. Two of the envelopes each contained \$1,000 cash and two \$100 casino chips. The third envelope contained \$500 and one \$100 casino chip. During that recorded conversation, **GIORGIANNI** was informed by CW-2, "that's for you, Tony [**TONY F. MACK**], and [CC-1], we gave ya, got some cash and some chips in there, about \$1,200, [CC-1] got about 6, so if he doesn't come, whack it up." At approximately 7:42 p.m., **GIORGIANNI** took the three envelopes from the fold of the newspaper and put the envelopes in his right breast pocket, according to casino video surveillance footage.

32. On April 25, 2012, at approximately 8:40 p.m., **TONY F. MACK** joined **GIORGIANNI**, an associate of **GIORGIANNI** and CW-2 for dinner at the Atlantic City restaurant. CC-1 joined them at approximately 8:52 p.m. While in the restaurant, CW-2 discussed the plan for the Parking Garage Project. During this recorded meeting, CW-2 expressed gratitude to **TONY F. MACK**, at the dinner, stating "I really appreciate what you guys have done for us, I appreciate your support and, like before, I support you and I'll keep on supporting you." CW-2 asked **TONY F. MACK** if he was satisfied with his hotel room, but CW-2 did not explicitly discuss the corrupt payments given to **GIORGIANNI**. As the dinner was ending, CW-2 advised CC-1 that "[CW-1] is my guy" and "we're going to make some money." At approximately 10:28 p.m., **GIORGIANNI**, **TONY F. MACK**, CC-1 and CW-2 left the restaurant. After the dinner meeting, casino video surveillance footage revealed that, at approximately 10:34 p.m., **GIORGIANNI** removed from his pocket one of the yellow envelopes given to him by CW-2, ripped it open, counted out \$500 in \$100 bills and gave that money to CC-1. **GIORGIANNI** also gave CC-1 a casino chip from the same envelope. **GIORGIANNI** gave the yellow envelope to CC-1 who ripped it into pieces and threw it in a trash can.

33. On April 30, 2012, at approximately 5:04 p.m., **TONY F. MACK** telephoned **GIORGIANNI**. During this intercepted call, **GIORGIANNI** stated "Ralphiel [**RALPHIEL MACK**] said he was going to stop up. Uncle Remus, ya know, stopped by," referring to the April 25, 2012 corrupt cash payment that **GIORGIANNI** accepted from CW-2 for **TONY F. MACK**'s benefit. **TONY F. MACK** did not ask for clarification concerning the reference to "Uncle Remus."

34. On April 30, 2012, at approximately 10:34 p.m., **RALPHIEL MACK** telephoned CC-1. During this intercepted call, asked CC-1, "you know if the steakhouse is open tonight?"

meaning JoJo's Steakhouse. CC-1 stated, "they probably gone" and "go in the afternoon, like between 2 to 4." **RALPHIEL MACK** was arranging to pick up **TONY F. MACK**'s portion of the April 25, 2012 corrupt cash payment.

35. Pole camera footage revealed that, on May 1, 2012, at approximately 2:35 p.m., **RALPHIEL MACK** entered JoJo's Steakhouse, where he remained for approximately 20 minutes before departing. At approximately 5:19 p.m. that same day, CC-1 telephoned **RALPHIEL MACK** and asked him, "did you make it by to get something to eat?" **RALPHIEL MACK** responded by asking, "did I get something to eat?" CC-1 stated, "yeah, yeah cheese steak." After a pause, **RALPHIEL MACK** asked, "um, did I stop by?" CC-1 again asked, "yeah, did you stop by and get a cheese steak yet?" CC-1 was inquiring whether **RALPHIEL MACK** went to JoJo's Steakhouse and picked **TONY F. MACK**'s portion of the April 25, 2012 corrupt cash payment. **RALPHIEL MACK** responded, "yeah, yeah I got a steak," confirming that **RALPHIEL MACK** had retrieved the cash payment from JoJo's Steakhouse.

36. On May 14, 2012, CC-1 received a telephone call from CW-2. During this recorded call, CW-2 inquired about "them numbers, we didn't get 'em yet," meaning the purchase price for the East State Street Lot. CC-1 responded, "I have a meeting with [Trenton Official-1] today at 4:00" and Trenton Official-1 would "have the numbers and we'll email everything to you."

37. On May 15, 2012, Trenton Official-1 emailed CW-2 a letter stating that the total assessed value for the East State Street Lot was \$278,000 and that the land value was \$271,600.

**F. The May 21, 2012 Bribe Payment (\$5,000) and Solicitation of a \$100,000 Bribe Payment**

38. On May 16, 2012, at approximately 4:04 p.m., during a consensually recorded telephone call with **GIORGIANNI**, CW-1 stated that CW-2's investors were interested in purchasing the East State Street Lot for \$200,000, "but they want to know whether the Little Guy [**TONY F. MACK**] will tell you that is okay," and that "if you say, after talking to the Little Guy [**TONY F. MACK**], that it is okay, then, uh, I'll have a package for you of \$5,000 for you guys to split up," meaning **GIORGIANNI** and **TONY F. MACK**. CW-1 stated that a "letter" offering the East State Street Lot to CW-2 and the investors should be issued by the City of Trenton "by May 30." **GIORGIANNI** stated, "I'll get it done, don't worry about it." CW-1 asked whether the "Little Guy [**TONY F. MACK**] will go for the 200?" **GIORGIANNI** responded, "I'd say 99%, I'll make a phone call and I'll get back to you but I would say its 99 and nine tenths okay." CW-1 again confirmed with **GIORGIANNI** that the letter offering to sell the East State Street Lot to CW-2 was needed by May 30, 2012.

39. On May 16, 2012, at approximately 4:13 p.m., Trenton Official-1 and CW-1 engaged in telephone conversation, which was recorded, regarding the May 15, 2012 letter from Trenton Official-1 and the process for purchasing the city owned property for construction of the parking garage. Trenton Official-1 stated, "what I am expecting for you to do is to send me back a response saying that at this moment you're willing or you're proposing to purchase the property



at whatever the dollar amount you decide that you can afford to make the project happen.” CW-1 explained that CW-2 and his investors wanted to know what purchase price **TONY F. MACK** would accept. Trenton Official-1 stated, “he [**TONY F. MACK**] doesn’t get into those type of negotiations. The only thing that he has me do and it’s a standard process that he has me doing right now is that I send you what the assessment value of the property is and then it’s up to you to do a proposed purchase price to the city.” CW-1 asked who makes the decision on the purchase price and Trenton Official-1 explained that after the proposed purchase is received, “I will be sitting with the mayor and the business administrator and then get a okay from him and then keep moving forward.”

40. On May 17, 2012, at approximately 3:07 p.m., **GIORGIANNI** sent a text message to **TONY F. MACK**, which stated “Mr mayor mr baker needs five minutes in person please tomorrow friday if possible.” Also at approximately 3:07 p.m., **TONY F. MACK** telephoned **GIORGIANNI** and the two arranged to meet. During that intercepted call, **GIORGIANNI** stated “got something looks good” and “you only hear from me on positive notes.”

41. On May 21, 2012, during a recorded meeting that occurred inside JoJo’s Steakhouse, **GIORGIANNI** accepted \$5,000 from CW-1 for **TONY F. MACK**’s and **GIORGIANNI**’s benefit in exchange for **TONY F. MACK**’s official action with regard to the development of the East State Street Lot. **GIORGIANNI** was informed that CW-1 had two “envelopes,” “twenty-five for [**GIORGIANNI**]” and “twenty-five for the Little Man.” **GIORGIANNI** was informed by CW-1 that if the \$200,000 offer letter could be secured from the City by May 30, 2012, then an additional \$15,000 corrupt cash payment would be forthcoming. **GIORGIANNI** asked, “now if I can bring it in for less,” would “they give us the difference,” if they were “happy with the two?” **GIORGIANNI** further stated that he could “bring it in” for “one,” meaning cause the City of Trenton to offer CW-2 and the investors the East State Street Lot for \$100,000. Since CW-2 and the investors would purchase the property for \$200,000, **GIORGIANNI** proposed that **TONY F. MACK** would set the sale price for the East State Street Lot at \$100,000 and that the \$100,000 difference in the sales price would be shared by **TONY F. MACK**, **GIORGIANNI** and CC-1. **GIORGIANNI** stated “all I need is for him,” meaning CW-2, to tell **GIORGIANNI** “what we got to say,” meaning how the offer letter from the City of Trenton should read. **GIORGIANNI** gave CW-1 his email address for the purpose of sending the language of this proposed letter to **GIORGIANNI**.

42. On May 23, 2012, **GIORGIANNI** received a telephone call from CW-2. During this recorded call, CW-2 stated “I am going to get you, I’m going to email you a copy of the, uh, of the letter, this way we can get it back but we need it by the thirtieth, it’s very important for our, uh, finances.” **GIORGIANNI** further stated, “alright just tell me what you need and, uh, email it to me and, uh, it’s done,” and provided CW-2 with his email address. **GIORGIANNI** stated, “[CW-1] was telling me that two was alright,” but that “maybe I can get it for half that,” and “the other half, you know, look for, spread it around,” and “save him fifty,” meaning give **TONY F. MACK** \$50,000. CW-2 responded, “for the Little Guy?” and **GIORGIANNI** stated, “yeah.” CW-2 stated “we’re okay with that.” **GIORGIANNI** stated, “they’re willing to spend the two anyway, so what’s the difference where it goes.” CW-2 asked, “then what the other 100,

you whack it up with the Little Guy?” **GIORGIANNI** responded, “yeah, whatever we got to do with it, you know, yeah.” **GIORGIANNI** was explaining that he could secure a \$100,000 sales price for the East State Street Lot, instead of the agreed-upon \$200,000, and that the \$100,000 savings to CW-2 and the investors would be paid directly to **GIORGIANNI** for the benefit of **TONY F. MACK**, **GIORGIANNI** and CC-1, with \$50,000 of that money going to **TONY F. MACK**.

43. On May 23, 2012, following the above referenced conversation, CW-2 sent **GIORGIANNI** an email containing the language for the offer letter from the City of Trenton to CW-2 to sell the East State Street Lot to CW-2 for \$100,000. That language, which was drafted by law enforcement provided:

After consultation with you we are pleased to offer the City owned property located at 142-144 East State Street (Block: 504, Lot: 5), Trenton, New Jersey for the purchase price of \$100,000. The City understands that the property will be used by [CW-2’s company] to construct a parking garage capable of holding more than 150 cars. The Department of Economic and Housing Development is pleased to offer you this opportunity which will be beneficial to all those involved. We look forward to hearing from you soon regarding this offer. Of course, it is understood that the sale cannot be finalized without City Council approval.

The proposed offer letter was addressed to CW-2 and contained a signature block for Trenton Official-1.

44. On May 24, 2012, CC-1 telephoned **TONY F. MACK**. During this intercepted call, CC-1 told **TONY F. MACK** to “stop by, uh, and get a steak,” either that night or the next day, referring to **TONY F. MACK** meeting with **GIORGIANNI** at JoJo’s Steakhouse. CC-1 explained that “he,” meaning **GIORGIANNI** wanted to talk with **TONY F. MACK**, “one on one.” CC-1 ended the call by stating, “try and stop and see him [**GIORGIANNI**], it’s very important.”

45. On May 25, 2012, **GIORGIANNI** telephoned **TONY F. MACK**. During this intercepted call, **GIORGIANNI** asked to “get together” with **TONY F. MACK**. **GIORGIANNI** explained that he “only need[ed] 5 minutes” and that he needed to “bring [**TONY F. MACK**] up to date on a few things.”

#### **G. The May 29, 2012 Offer Letter**

46. On May 29, 2012, the following meetings and telephone calls, were intercepted, recorded or otherwise surveilled, took place, that resulted in the issuance of a letter by Trenton Official-1, on City of Trenton letterhead, offering CW-2 the East State Street Lot for a purchase price of \$100,000, consistent with the letter provided to **GIORGIANNI** by CW-2 on or about May 23, 2012:

- a. At approximately 8:45 a.m., **GIORGIANNI** telephoned **TONY F. MACK** and stated, “come over now, it’s important.”
- b. At approximately 10:37 a.m., law enforcement agents saw **TONY F. MACK** pull up in front of **GIORGIANNI**’s residence in Ewing, New Jersey and enter the residence.
- c. At approximately 10:52 a.m., law enforcement agents saw **TONY F. MACK** exit **GIORGIANNI**’s residence, speak with someone inside the home while standing on the front porch and then get into his vehicle and leave.
- d. At approximately 11:07 a.m., **GIORGIANNI** telephoned CC-1 and stated, “I got the okay from you know who, right? Tell [Trenton Official-1] to get that letter out, today.” **GIORGIANNI** confirmed, “he’s [TONY F. MACK] satisfied with the 100, so that means, you know what we got,” meaning the \$100,000 corrupt cash payment. **GIORGIANNI** directed CC-1 to come to the residence to retrieve the letter.
- e. At approximately, 11:35 a.m., **GIORGIANNI** and CW-2 spoke over the telephone. **GIORGIANNI** confirmed that the City of Trenton had agreed to set the sale price for the East State Street Lot for \$100,000 and that the letter was supposed to be issued by the City of Trenton that day. CW-2 confirmed that \$100,000 would be paid to the City and the other \$100,000 would be used to “take care of the Little Guy,” meaning that a portion of the \$100,000 corrupt cash payment would go to **TONY F. MACK**. CW-2 asked, in reference to **TONY F. MACK**, “is he alright, did you speak to him?” **GIORGIANNI** stated, “oh, yeah. I just was with him.” CW-2 asked so, “he [TONY F. MACK] knows what’s going on?” **GIORGIANNI** stated, “oh, yeah.” At the conclusion of the conversation, **GIORGIANNI** stated he was waiting for CC-1 to “come give it to” Trenton Official-1 and that Trenton Official-1 was “told to get it out today.”
- f. At approximately 11:40 a.m., law enforcement agents saw CC-1 pull up in front of **GIORGIANNI**’s residence and enter the residence. Also, at approximately 11:40 a.m., CC-1 telephoned Trenton Official-1 and asked if Trenton Official-1 was in the office. CC-1 said that he would “be there to speak to [Trenton Official-1] in a half an hour” and that “this” was “important.”
- g. At approximately 11:45 a.m., law enforcement agents saw CC-1 leave **GIORGIANNI**’s residence and arrive at Trenton City Hall at approximately 12:05 p.m.
- h. At approximately 12:10 p.m., Trenton Official-1 telephoned **TONY F. MACK** and stated that CC-1 was “in my office,” and that CC-1 “brought me a letter that [CC-1] wants me to put on City of Trenton letterhead in reference to, um-.” **TONY F. MACK** cut off Trenton Official-1 and directed Trenton Official-1 to

come to **TONY F. MACK**'s office at 12:30 p.m. When Trenton Official-1 again asked whether or not the letter should be drafted, **TONY F. MACK** again stated, "meet me at my office at 12:30." Trenton Official-1 later met with **TONY F. MACK** and **TONY F. MACK** approved the letter offering the East State Street Lot to CW-2 and the investors for \$100,000, according to Trenton Official-1.

- i. At approximately 12:35 p.m., CC-1 telephoned **GIORGIANNI** and stated that he was on his way to **GIORGIANNI**'s residence.
- j. At approximately 12:54 p.m., **GIORGIANNI** and CW-2 spoke over the telephone. **GIORGIANNI** confirmed that Trenton Official-1 "mailed" the offer letter. **GIORGIANNI** read CW-2 a copy of the letter over the telephone and said he would have a copy faxed to CW-2.
- k. At approximately 3:55 p.m., CC-1 telephoned **GIORGIANNI** and confirmed he had sent the offer letter to CW-2.

47. On May 31, 2012, CW-2 provided agents with a copy of the letter that CW-2 received by United States mail from the City of Trenton. The letter was postmarked May 29, 2012 and was mailed from zip code 08608, which is a zip code for Trenton, New Jersey. The letter was dated May 29, 2012 and addressed to CW-2 from Trenton Official-1, on City of Trenton letterhead. The letter provided:

After consultation with you we are pleased to offer the City owned property located at 142-144 E. state St. (Block: 504, Lot:5), Trenton, NJ for the purchase price of \$100,000.00. The city understands that the property will be used by [CW-2's company] to construct a parking garage capable of holding more than 150 cars. The Department of Economic and Housing Development is pleased to offer you this opportunity which will be beneficial to all those involved. We look forward to hearing from you soon regarding this offer. Of course, it is understood that the sale cannot be finalized without City Council approval.

The language contained in this letter, with the exception of certain typographical errors and minor alterations, was identical to the language in the letter which CW-2 provided **GIORGIANNI** by email on May 23, 2012.

48. On May 31, 2012, at approximately 11:05 a.m., **GIORGIANNI** and CW-2 spoke over the telephone. During this recorded conversation, CW-2 confirmed that CW-2 received "the letter already in the mail . . . so we're off and running." CW-2 stated that CW-2 was going to obtain "money" for "you and, uh, Tony [**TONY F. MACK**]," and "I am going to do it in cash," and "I have about twenty-five thousand for you." **GIORGIANNI** stated, "you know how we love money," "money makes the blind man see," and "the impossible I can do right way, the easy sometimes takes a while." This \$25,000 constituted an installment toward the \$100,000 bribe

payment solicited by **GIORGIANNI** for the benefit of **GIORGIANNI**, **TONY F. MACK** and **CC-1**.

49. On May 31, 2012, at approximately 3:11 p.m., **GIORGIANNI** and **CC-1** engaged in a telephone conversation. **GIORGIANNI** stated, "we may have something coming," referring to the \$25,000 payment from **CW-2**.

#### **H. The June 8, 2012 Bribe Payment (\$25,000)**

50. On June 8, 2012, at approximately 2:07 p.m., during a recorded meeting that **GIORGIANNI** had with **CW-2** inside JoJo's Steakhouse, **GIORGIANNI** accepted a \$25,000 corrupt cash payment from **CW-2**. The FBI recorded the serial numbers of the bills that comprised the \$25,000 payment. \$10,000 of the payment was contained in a uniquely marked brown leather folio. Another \$10,000 was contained in a separate, uniquely marked black leather folio. \$5,000 was contained in an envelope. **GIORGIANNI** was informed by **CW-2** "I appreciate your help," and "got some books for you to read," and gave **GIORGIANNI** the folios and the envelope containing the \$25,000 corrupt cash payment. As **CW-2** handed the folios to **GIORGIANNI**, **CW-2** stated, "this one has ten," and "that one has ten," and, with respect to the envelope, **CW-2** stated, "this, I don't know, I figured give Tony [**TONY F. MACK**] one, you one, this is five, I don't know what you want to do with it. [**CC-1**], whatever you want to do with this. Not my business, right?" **GIORGIANNI** was informed by **CW-2**, "I wanted to make sure you, you, uh, got what I said," and that "this is important to us." **CW-2** asked, "now, the balance, how you want to work that out? 'Cause, it's-- probably get you another 25 and then maybe 50," and "I'll see how soon I could put that together, maybe a week or two" and that "it's just tough to get cash out." **GIORGIANNI** nodded and stated, "yeah, I know." **GIORGIANNI** further stated, "you're Tony's first developer," and that "people came to him with deals, this and that," and "I said, 'don't do nothing 'til it's our people,'" and "this guy . . . from Atlantic City, some other guys, you don't know them," and "[**CW-1**] came to me, that's our people." At the conclusion of the meeting, **CW-2** stated, "you make sure Tony [**TONY F. MACK**] gets one of them," referring to the leather folios. **GIORGIANNI** stated, "oh, yeah. Definitely, definitely." **CW-2** reiterated that "whatever you do with the other thing," meaning the \$5,000 envelope, "is your business."

51. According to pole camera footage, on June 9, 2012, **CC-1** arrived at JoJo's Steakhouse at approximately 2:20 p.m. and went inside. **GIORGIANNI** arrived at JoJo's Steakhouse at approximately 2:24 p.m. and went inside. At approximately 2:31 p.m., while **GIORGIANNI** and **CC-1** were inside JoJo's Steakhouse, **CC-1** telephoned **TONY F. MACK**. During that intercepted call, **CC-1** stated, "Uncle Remus came to town today," meaning that **TONY F. MACK**'s portion of the June 8, 2012 corrupt cash payment was available for **TONY F. MACK** to pick up from **GIORGIANNI**. **TONY F. MACK** stated, "yeah?," and laughed. **CC-1** stated, "yeah, yeah." **TONY F. MACK** stated, "good." **CC-1** continued, stating, "he's around-- he's around today," and "ha-- have to see you." **TONY F. MACK** stated, "you, um, you have some pizza today?" **CC-1** stated, "yeah," and the two changed the subject to talk about little league baseball. **CC-1** then stated, "yeah, that's good, M-- Mr. Remus came around." **TONY F. MACK** stated, "yeah, so, um. Yeah, I'll be, um--," and **CC-1** stated, "yeah, I got

something—.” **TONY F. MACK** stated, “—be around, I’ll be around today.” CC-1 stated, “alright, I’ll call you later.” **TONY F. MACK** again changed the subject and began talking about going to someone’s house to watch a boxing match. **TONY F. MACK** asked, “what you doing later on?” CC-1 stated, “call me. I, y’know, we there. I got a coup—, y’know, got a couple dollars.” **TONY F. MACK** stated, “alright. I’ll call you in a little bit.” CC-1 stated, “alright, make it happen.” **TONY F. MACK** stated, “alright.”

52. On June 13, 2012, **GIORGIANNI** telephoned **TONY F. MACK**. During that intercepted call, **TONY F. MACK** stated he would call **GIORGIANNI** later that night. **GIORGIANNI** stated, “yeah, give me a call.” **TONY F. MACK** stated, “thanks, Joe.” **GIORGIANNI** stated, “Uncle, Uncle, uh, Uncle Remus—.” **TONY F. MACK** attempted to interject by saying “—I, I.” **GIORGIANNI** continued, stating, “Uncle Remus was there.” **TONY F. MACK** stated, “I’ll call you, J. Okay?”

53. According to pole camera footage and physical surveillance by a law enforcement agent, on June 19, 2012, at approximately 3:28 p.m., **RALPHIEL MACK** parked his car outside of JoJo’s Steakhouse and went inside. **RALPHIEL MACK** came out of JoJo’s Steakhouse at approximately 3:45 p.m., got into his car and drove to his residence, where he parked his car and walked inside.

#### **I. The June 21, 2012 Interview of CC-1 and Other Activity**

54. On the evening of June 21, 2012, agents interviewed CC-1. CC-1 stated that he and **TONY F. MACK** were good friends. CC-1 stated that he had known **GIORGIANNI** for many years but had developed a business relationship with **GIORGIANNI** more recently. CC-1 stated that the term “Uncle Remus” was a code phrase, established prior to CC-1’s involvement with **GIORGIANNI**, that meant money. CC-1 stated that the code phrase “Uncle Remus” was used to signal to **TONY F. MACK** over the telephone that **GIORGIANNI** had money for **TONY F. MACK** to pick up. CC-1 stated that he had, on occasion, used the term “Uncle Remus” to signal to **TONY F. MACK** to come to JoJo’s Steakhouse to pick up money. For example, CC-1 stated that the June 9, 2012 call to **TONY F. MACK**, during which CC-1 informed **TONY F. MACK** that “Uncle Remus came to town today,” meant that **GIORGIANNI** had money for **TONY F. MACK** to pick up. CC-1 stated that, at the time of the June 9, 2012 call, he believed either **TONY F. MACK** or **RALPHIEL MACK** would retrieve the money from **GIORGIANNI**. CC-1 stated that he came to learn that **RALPHIEL MACK** retrieved the money from **GIORGIANNI**. CC-1 stated that **TONY F. MACK** was aware that the money that **TONY F. MACK** received from **GIORGIANNI** and **RALPHIEL MACK** in June 2012 was from CW-2 and in furtherance of **TONY F. MACK**’s support of the Parking Garage Project. CC-1 stated that **RALPHIEL MACK** had picked up payments from **GIORGIANNI** on **TONY F. MACK**’s behalf prior to June 9, 2012. CC-1 thereafter agreed to cooperate with law enforcement agents.

55. On June 21, 2012, at approximately 8:55 p.m., **TONY F. MACK** received a telephone call from CC-1. During that recorded call, CC-1 asked, “what you doing later? I got

to speak to you,” and stated “when you get done, I got to speak to you.” **TONY F. MACK** stated, “okay.” CC-1 stated, “alright?,” and “Uncle Remus came back to town,” and CC-1 repeated, “I said, Uncle Remus came back to town.” **TONY F. MACK** responded by stating, “I gotta get some pizza over there,” and “I’ll call you, um, we’ll get together, uh, I’ll be around tomorrow.” CC-1 stated, “okay.” CC-1, under the supervision of law enforcement, was alerting **TONY F. MACK** that CW-2 purportedly had given CC-1 another installment of the \$100,000 corrupt cash payment for the benefit of **TONY F. MACK, GIORGIANNI** and CC-1.

**J. The June 28, 2012 Bribe Payment (\$10,000)**

56. On June 27, 2012, at approximately 4:08 p.m., **TONY F. MACK** received a telephone call from CC-1. During this recorded call, the two arranged to meet. In coordination with law enforcement, between approximately 9:45 p.m. and approximately 10:02 p.m., CC-1 met with **TONY F. MACK** at a little league field in Morrisville, Pennsylvania. During this meeting, which was not recorded, **TONY F. MACK** told CC-1 to be cautious of law enforcement conducting surveillance around City Hall and that **TONY F. MACK** had heard that county prosecutors were asking one of **TONY F. MACK**’s associates questions about **TONY F. MACK**, according to CC-1. CC-1 and **TONY F. MACK** then went to a restaurant in Morrisville, Pennsylvania where, according to CC-1, CC-1 told **TONY F. MACK** that CW-2 had given CC-1 plans for the Parking Garage Project. CC-1 also reported to law enforcement that CC-1 told **TONY F. MACK** that CC-1 had packages from CW-1 and CW-2 for **TONY F. MACK** and **GIORGIANNI**, each containing about \$5,000. CC-1 told **TONY F. MACK** that CC-1 had tried unsuccessfully to call **GIORGIANNI** and to go by JoJo’s Steakhouse but that **GIORGIANNI** was never there. **TONY F. MACK** told CC-1 that CC-1 should go and see **GIORGIANNI** with the money. **TONY F. MACK** then asked questions about CW-2, including whether CW-2 showed up unexpectedly, why CW-2 had gotten in touch with CC-1, and where CC-1 and CW-2 had met. CC-1 informed **TONY F. MACK** that his meeting with CW-2 was unexpected and that CW-2 had called CC-1 because CW-2 could not get in touch with **GIORGIANNI**. CC-1 told **TONY F. MACK** that CC-1 met CW-2 at a Trenton baseball field on June 26, 2012. CC-1 stated that **TONY F. MACK** appeared to be very cautious because City Hall personnel had observed what appeared to be a surveillance vehicle outside of City Hall the week before and because the Hamilton, New Jersey Mayor recently had been indicted. At approximately 10:46 p.m., law enforcement agents observed **TONY F. MACK** and CC-1 come out of the restaurant and speak privately in the parking lot. According to CC-1, **TONY F. MACK** continued to discuss possible surveillance at City Hall and **TONY F. MACK**’s concern that federal law enforcement was investigating someone in City Hall.

57. On June 28, 2012, at approximately 7:32 a.m., **GIORGIANNI** sent CC-1 a text message, which stated, “Honey boy need the green bad we got to get no the move its serious nephew he in bad shares,” meaning that **TONY F. MACK** badly needed money.

58. On June 28, 2012, at approximately 5:27 p.m., CC-1 received a call from **GIORGIANNI**, during which **GIORGIANNI** asked, “you seen [CW-2]?” and CC-1 stated, “yeah.” **GIORGIANNI** asked, “he have anything for us?,” and CC-1 stated, “yeah. I need to stop by and see you.” **GIORGIANNI** stated, “well, come over the house,” and CC-1 stated,

“okay.” **GIORGIANNI** asked, “was it a fat one?,” meaning the size of the envelope with the money inside, and **CC-1** stated, “yeah.” At approximately 5:42 p.m., **GIORGIANNI** sent **CC-1** a text message, stating “He have you that it maybe a set up,” meaning that **GIORGIANNI** suspected that **CW-2** might be cooperating with law enforcement in light of **CW-2** purportedly providing **CC-1** with a corrupt cash payment directly.

59. On June 28, 2012, following the receipt of the text message described in paragraph 58, **CC-1** met with **GIORGIANNI** at **GIORGIANNI**’s residence. During that consensually recorded meeting, **GIORGIANNI** stated “I smell a rat” and that **CW-2** “knows the ground rules. Don’t approach no administration with that,” meaning a cash payment, and “there’s got to be a buffer,” and “once you take–, you’re part of the administration. You’re dead and you could bring Tony [**TONY F. MACK**] down.” **CC-1** asked **GIORGIANNI**, “so you pretty much think–, [**CW-2** is] alright, though, isn’t he?” **GIORGIANNI** stated, “he’s alright as long as we got buffers.” **GIORGIANNI** was explaining that using **GIORGIANNI** as a “buffer” for payments to **CC-1** and **TONY F. MACK** would insulate those two public officials from detection and criminal liability. **CC-1** stated, “right, right.” **GIORGIANNI** stated, “I’d stake my life on me. I’m not gonna tell on you. You wanna stake your life on him? A Jew that we don’t know? Even [**CW-1**]. I mean, Tony [**TONY F. MACK**] wants to keep them at a distance.” **GIORGIANNI** was saying that he and **TONY F. MACK** did not trust **CW-1** or **CW-2** enough for **TONY F. MACK** to receive corrupt cash payments directly from them and instead uses or used intermediaries to pass corrupt cash payments. **CC-1** stated, “I see.”

60. The conversation continued and **GIORGIANNI** asked, “what’d he give you?,” and **CC-1** stated, “he gave me, um, five apiece,” meaning \$5,000 for **GIORGIANNI** and \$5,000 for **TONY F. MACK**. **GIORGIANNI** accepted the two envelopes from **CC-1**. **GIORGIANNI** stated, “got to be a trap.” **CC-1** stated, “You think so? I don’t think so.” **GIORGIANNI** asked, “for me and you?” **CC-1** stated, “for you and, um, the boss,” and **GIORGIANNI** stated, “the Mayor,” referring to **TONY F. MACK**. **GIORGIANNI** continued, stating, “don’t ever take again,” and that “this is 10 years, [**CC-1**]. 10 years. You can’t beat it. Because if you lie–, you get on the witness stand and you say–, did you take envelopes? And you say, ‘no.’ That’s 20. Taking ‘em is 10 and you’re gonna put Tony [**TONY F. MACK**] in jail.” **CC-1** stated, “I don’t think it’d put nobody in jail.” **GIORGIANNI** stated, “yeah. Yeah. These feds ain’t fucking around.” **GIORGIANNI** was admonishing **CC-1** for going around **GIORGIANNI** and receiving the corrupt cash payment directly from **CW-2**. **CC-1** stated, “well, just hold on to it,” and “I can give it back,” referring to the corrupt cash payment. **GIORGIANNI** stated, “no, no. Can’t give it back,” and **GIORGIANNI** continued to counsel **CC-1** on the risks of taking corrupt cash payments directly. **GIORGIANNI** stated, “listen, you didn’t have this education. I don’t want to seem mad–,” and **CC-1** interjected, stating, “no, of course. I’m learning.” **GIORGIANNI** stated, “–because I care about you.” **GIORGIANNI** stated “I’m gonna rip [**CW-2**’s] ass ‘cause, you know why? Because the ground rules are put down by Tony [**TONY F. MACK**]. Nobody in the administration touches nothin’. They can’t. Now, for [**CW-2**] to do that–, see, [**CW-2**]’s avoiding me,” and “I tried to text him and, y’know, he ain’t saying nothing.” **GIORGIANNI** further stated, “now, what you gotta remember, anybody can take but if the deal don’t go through, you gotta pay [**CW-2**] back.” **CC-1** stated, “I know, that’s terrible.”



**GIORGIANNI** stated, “that’s why I’m so mad. In other words, if we were taking, still I wouldn’t want to put you in jeopardy.” **GIORGIANNI** stated that CW-2 indicated he was in a meeting and that CW-2 “knows [CW-2] did wrong.”

61. As the conversation continued, **GIORGIANNI** returned to the subject of CC-1 purportedly receiving a direct payment from CW-2. Concerning CW-2’s payment of cash to CC-1 directly, **GIORGIANNI** stated, “I’m worried,” and “when you told me that, I was shaking. I couldn’t even stay at the Steakhouse,” and “it’s a set-up.” **GIORGIANNI** further instructed CC-1 what CC-1 should say if confronted by law enforcement about the corrupt cash payment. He stated, “say, ‘hey, I don’t know nothing. Guy gave me a letter for JoJo.’ Period. Say, ‘I didn’t touch it, look in it. It was a letter for–, guy told me it was a letter for JoJo.’” **GIORGIANNI** further stated, “I’m gonna rip his ass. [CW-1], too,” meaning CW-2, and that “I’ll give [CW-1] a heart attack.” CC-1 stated that CW-1 was “alright,” meaning that CW-1 could be trusted with illicit activity, and **GIORGIANNI** stated, “Tony [**TONY F. MACK**] don’t think so.” CC-1 stated, “maybe we should have never dealt with them.” **GIORGIANNI** stated, “no, it’s alright. As long as you got buffers, you’re safe. Look, Tony [**TONY F. MACK**] knows they ain’t never gonna break me. Tony seen me do something real serious one day. He knows I’m not giving nobody up. I don’t give a fuck. Jail–, that’s my business. I don’t give a fuck. So, Tony’s safe. I even keep Tony safe where I’ll give money to Ralphiel,” meaning **RALPHIEL MACK**, “y’know what I mean?” **GIORGIANNI** was explaining how he served as an intermediary to insulate **TONY F. MACK** from detection for receiving corrupt cash payments and that **GIORGIANNI** would not cooperate with law enforcement. **GIORGIANNI** further was saying that he used **RALPHIEL MACK** as an intermediary as a further measure to insulate **TONY F. MACK** from criminal liability in receiving corrupt cash payments. **GIORGIANNI** stated, “after Tony–, before Tony’s elected, I give him money direct cash,” and “I told him, after I’m elected, you get a middleman. I said, I assume it would be Muscles. I don’t know if Tony trusted him all that much. I know Muscles would stand up,” and “I know, I did time with him.” **GIORGIANNI** was saying how, before **TONY F. MACK** was elected Mayor, **GIORGIANNI** would provide him with cash payments directly but, after **TONY F. MACK** was elected Mayor, **GIORGIANNI** began using a “middleman” such as **RALPHIEL MACK**. **GIORGIANNI** was saying that he wanted to use a relative of **TONY F. MACK**, whose nickname was “Muscles” as a middleman to pass corrupt cash payments, rather than **RALPHIEL MACK**. **GIORGIANNI** further stated, “if you was on the outside, I’d protect you. I know you’d protect me. But I gotta protect you. I’d rather be where you’re at, and have you out here. Because I know, they give me up, I’m dead, I’m going away.”

62. **GIORGIANNI** further described the false story that he would give if confronted by law enforcement about his acceptance of the corrupt cash payments on **TONY F. MACK**’s behalf. **GIORGIANNI** stated, “I’m gonna say like this, I’m gonna say ‘I took money, yeah, but I never gave none to nobody else. They’re assholes for giving me money and I took it.’ That’s my out.” **GIORGIANNI** then contrasted the position of CC-1, a public official, with his own by asking CC-1, “what can you say? You’re a department head. ‘I took money.’ Why? Why did you take it, [CC-1]?” CC-1 stated, “right. That’s true.” **GIORGIANNI** continued, stating, “especially you got things in writing now,” meaning the May 29, 2012 offer letter, and “[CW-2] gets on the witness stand and says, ‘oh, I got this deal. I gave money to [CC-1],’” and “it’s gonna

be tough.” CC-1 stated, “right.” **GIORGIANNI** instructed CC-1 not to take future corrupt cash payments but rather to tell the payor to “call the Fat Man up. Go see him,” meaning to route those payments through **GIORGIANNI**. **GIORGIANNI** further stated, “I don’t like being out there as the buffer, ain’t no fucking bargain to me.” **GIORGIANNI** reiterated to CC-1, “ten years. If you lie–, that’s why you have to say, ‘this guy gave me a letter for JoJo. I gave it to Joe.’” **GIORGIANNI** was counseling CC-1 on what to say if confronted by law enforcement for his involvement in the bribery scheme. **GIORGIANNI** stated, “you see Tony at that meeting,” referring to **TONY F. MACK**’s April 25, 2012 Atlantic City dinner with CW-2, **GIORGIANNI** and CC-1. **GIORGIANNI** stated, “[y]ou notice he [**TONY F. MACK**] didn’t talk,” and that “Tony had the training for two years,” and “he’ll never talk,” and “like if it’s something illegal, you’ll never hear him.” **GIORGIANNI** was describing the care that **TONY F. MACK** took when dealing with illicit transactions. Referring to CW-2, **GIORGIANNI** stated, “this fucking guy, he’s got us.” CC-1 stated, “no, he ain’t got us.” **GIORGIANNI** stated, “he’s got something on us,” meaning that, because CW-2 delivered a corrupt cash payment directly to CC-1, CW-2 had the ability to cooperate with law enforcement against CC-1. The meeting between CC-1 and **GIORGIANNI** concluded at approximately 6:17 p.m.

63. Moments later, on June 28, 2012, at approximately 6:19 p.m., **GIORGIANNI** sent **TONY F. MACK** a text message stating, “Uncle remis is in town mr bakers,” meaning that **GIORGIANNI** had a corrupt cash payment available for **TONY F. MACK** to pick up.

64. On June 28, 2012, at approximately 6:21 p.m., **GIORGIANNI** sent **TONY F. MACK** a text message which stated, “St loseoh always provides.” **GIORGIANNI**’s reference to “St loseoh,” was a typographical error for his intended reference to himself as “St. Joseph.” **GIORGIANNI**’s statement that he “always provides” referred to **GIORGIANNI**’s ability to obtain corrupt cash payments for the benefit of **TONY F. MACK**.

65. On June 28, 2012, at approximately 7:14 p.m., in coordination with law enforcement, CW-2 placed a consensually recorded call to **GIORGIANNI**. **GIORGIANNI** was asked by CW-2 whether **GIORGIANNI** received “that package,” referring to the \$10,000 corrupt cash payment for the benefit of **TONY F. MACK** and **GIORGIANNI**. **GIORGIANNI** stated, “yeah, yeah, but don’t do that with [CC-1] no more. Just, you got to see me.” CW-2 apologized for leaving the payment with CC-1. **GIORGIANNI** stated, “always stop [by], you can leave it with [UI-1] or whatever.” **GIORGIANNI** told CW-2 that he was always “minutes away” from JoJo’s Steakhouse. **GIORGIANNI** was asked by CW-2, “did he give you the right thing? He gave you ten thousand?” **GIORGIANNI** stated, “yeah. Yeah.” **GIORGIANNI** was informed by CW-2 that CW-2 would “try to, uh, I’ll try to get that money out for you little by little so it’s not a big deal,” and CW-2 apologized for not delivering the \$10,000 corrupt cash payment to **GIORGIANNI**. **GIORGIANNI** stated, “always stop by,” and “[CC-1]’s a good man. He’s loyal and that but still he ain’t the brightest light bulb in the world,” and “I’m the guiding light in that whole administration,” and “see, when I called you and I told you, this is the figure,” and “I don’t want them handling my stuff.” **GIORGIANNI** likely was referring to the arrangement that led to the issuance of the May 29, 2012 letter offering CW-2 East State Street Lot for \$100,000. CW-2 stated that CW-2 had received a message from **GIORGIANNI** and that CW-2 was concerned whether or not **GIORGIANNI** received the corrupt cash payment.

**GIORGIANNI** stated, "I have no fear in that," but that **CC-1** was "part of the administration, so I want to keep him--," and **CW-2** interjected, stating "you want to keep him at arm's distance," and **GIORGIANNI** stated, "right, right." **CW-2** concluded the conversation by saying "I'm sorry about that. That won't happen again. I'll call you up and make an appointment or something." **GIORGIANNI** stated, "listen, long as [**UI-1** was] there, I'm reachable." The two arranged to speak the following week.

66. On June 29, 2012, in coordination with law enforcement, **CW-1** placed a consensually recorded telephone call to **GIORGIANNI**. **GIORGIANNI** stated, "I got in touch with [**CW-2**], finally, y'know. He, he was seeing [**CC-1**] yesterday and he gave him something. I said, 'don't ever do that again.' Y'know, I don't want that. Y'know, the Little Guy don't want that, y'know, especially somebody in the ad-, y'know, the administration, y'know?," and "he [**TONY F. MACK**] always wants it, y'know, with me. He [**TONY F. MACK**] was incensed, you know?" **GIORGIANNI** was asked by **CW-1** whether **GIORGIANNI** had "let [**CW-2**] know that?" **GIORGIANNI** stated, "yeah, yeah. I told him . . . I said, 'don't ever do that again,'" and "I wanted to see you first," because "I was a little, little hot 'cause the Little Guy was hot. Y'know, he was reaming me. Y'know, I said, what the fuck, I didn't know, I said what the fuck, I didn't even know the guy [**CW-2**] was in town." **GIORGIANNI** stated, "[**CC-1**]'s loyalty is unquestioned. He's a good man. But, y'know, he's not working on all cylinders," **GIORGIANNI** continued, stating, "and the Mayor wants it that way. That's what he set up. That's his pyramid, y'know. He knows that-, you know what I'm saying, y'know." **GIORGIANNI** was describing the scheme to use intermediaries as conduits for corrupt cash payments to insulate public officials, such as **TONY F. MACK** and **CC-1**, from detection and prosecution for accepting such payments.

67. On July 4, 2012, **GIORGIANNI** telephoned **TONY F. MACK**. During this intercepted call, **TONY F. MACK** stated, "I'm gonna stop by the shop tomorrow," meaning JoJo's Steakhouse. **GIORGIANNI** stated, "yeah, yeah. Stop by. I got a few things to go over with you. Uncle Remu-, Uncle Remus is in town," meaning that **GIORGIANNI** had **TONY F. MACK**'s portion of the June 28, 2012, \$10,000 corrupt cash payment ready to be picked up. **TONY F. MACK** stated, "um." **GIORGIANNI** continued, stating, "he stopped by. Said hello." **TONY F. MACK** stated, "I'll stop by-, I'll stop by there tomorrow."

68. On July 5, 2012, at approximately 12:04 p.m., in coordination with law enforcement, **CW-2** placed a consensually recorded call to **GIORGIANNI**. **GIORGIANNI** was informed by **CW-2** that "we're ready to pull the trigger on buying that property," meaning the East State Street Lot, and asked "is there anything else we need to do?" **GIORGIANNI** stated, "no, no. That's it," and "once [**Trenton Official-1**] sent that letter, that's, that's it. It's ready." **CW-2** stated, "alright," and that **CW-2** "wanted to make sure before I tell them," meaning the investors, "to go ahead." **GIORGIANNI** stated, "yeah, yeah. Whenever you say." **CW-2** stated that **CW-2** would "get back to him," and that **CW-2** would let **GIORGIANNI** know when "we're gonna do it." **GIORGIANNI** stated, "yeah. Just let me, let me know. I'll have it all ready. I'll have all the participants, it's ready to go, y'know?," and "whenever you say go, we're ready."

69. On July 5, 2012, at approximately 3:00 p.m., in coordination with law enforcement, CC-1 met with **GIORGIANNI** inside JoJo's Steakhouse. During that recorded conversation, with respect to CC-1's purported receipt of the June 27, 2012 \$10,000 corrupt cash payment from CW-2, **GIORGIANNI** stated, "you basically didn't. Envelopes were sealed, never opened 'em. You can beat that. I called my lawyer. No problem there." **GIORGIANNI** stated, "whenever you ain't sure, like I told Tony [**TONY F. MACK**], something don't look right, you say 'get back to you in 24 hours.'" CC-1 asked whether **GIORGIANNI** spoke to CW-2 and **GIORGIANNI** stated, "yeah." **GIORGIANNI** recounted his conversation with CW-2, stating "it's not that I don't trust you. We don't trust nobody. Don't ever put [CC-1] in that position," and that "you know who you have to deal with, I said, 'don't do that ever again.'"

70. On July 11, 2012, in coordination with law enforcement, CC-1 met with **TONY F. MACK** at **TONY F. MACK**'s Trenton, New Jersey residence. During this recorded conversation, CC-1 asked **TONY F. MACK**, "you stopped by to see him, Joe, though, right?" referring to **GIORGIANNI**. **TONY F. MACK** stated, "he wasn't there. I went by there earlier. I was gonna go by his house" but could not. CC-1 stated, "yeah," and "'cause he [**GIORGIANNI**] told me to tell you to stop on by." **TONY F. MACK** stated, "yeah, yeah, yeah . . . . Just to get that shit done."

71. On July 12, 2012, in coordination with law enforcement, CC-1 telephoned **GIORGIANNI**. During this recorded call, **GIORGIANNI** asked whether CC-1 had "see[n] the Little Guy at all?" CC-1 stated, "yeah, I spoke to him briefly," and that "I told Honey Fitz to stop by and see you." **GIORGIANNI** stated, "yeah, yeah. Tell him I gotta see him."

72. On July 14, 2012, **TONY F. MACK** telephoned **GIORGIANNI**. During this intercepted call, **TONY F. MACK** informed **GIORGIANNI** that he "came by to see" **GIORGIANNI** but that **GIORGIANNI** was not there.

73. According to pole camera footage and the observations of a law enforcement agent, on July 16, 2012, at approximately 3:41 p.m., **RALPHIEL MACK** parked his car in the area of JoJo's Steakhouse and got out of his car while talking on his cellular telephone. As he did so, a City of Trenton truck pulled up and parked behind **RALPHIEL MACK**'s car. Two City of Trenton employees got out of the truck, acknowledged **RALPHIEL MACK** and entered JoJo's Steakhouse. **RALPHIEL MACK** got back into his car and appeared to drive around the block. Moments later, **RALPHIEL MACK** pulled his car into a parking space around the corner from JoJo's Steakhouse, out of sight of the City of Trenton truck. At approximately 3:52 p.m., the city employees came out of JoJo's Steakhouse, got into the City of Trenton truck and departed. At about that time, **RALPHIEL MACK** got out of his car and entered JoJo's Steakhouse. At approximately 4:09 p.m., **RALPHIEL MACK** walked out of JoJo's Steakhouse, walked down the block, got into his car and departed. **RALPHIEL MACK** did not appear to be holding anything in his hands as he departed JoJo's Steakhouse. **RALPHIEL MACK** then drove to his residence using an indirect and circuitous route consistent with an attempt to thwart surveillance.

74. On July 16, 2012, at approximately 8:03 p.m., in coordination with law enforcement agents, CC-1 placed a consensually recorded call to **GIORGIANNI**. During the call, CC-1 asked **GIORGIANNI** how much more in corrupt cash payments **GIORGIANNI** expected to receive from CW-2. CC-1 asked, "how much is left? A lot left?" **GIORGIANNI** stated, "yeah. Oh, yeah. We got a load coming," and "we ain't even touched the iceberg yet." **GIORGIANNI** further stated, "we can't let it fall through either because who the fuck wants to go dig that up, after we get it," meaning that **GIORGIANNI** and CC-1 needed to ensure the success of the Parking Garage Project because **GIORGIANNI** did not want to have to return the corrupt cash payments to CW-2. **GIORGIANNI** stated, "I got mine gone already," and "you, too," and "we need a cushion."

75. On July 16, 2012, at approximately 8:39 p.m., **TONY F. MACK** received a telephone call from **RALPHIEL MACK**. During this intercepted call, the two arranged to meet.

**K. The July 18, 2012 Interviews and Searches of GIORGIANNI, TONY F. MACK and RALPHIEL MACK**

76. On July 18, 2012, agents interviewed **GIORGIANNI** and executed a search at **GIORGIANNI**'s residence pursuant to a court-authorized warrant. During the interview, **GIORGIANNI** stated that **GIORGIANNI** was approached by two men interested in developing a lot in Trenton into an automated parking garage. According to him, **GIORGIANNI** agreed to help them and one of the men gave **GIORGIANNI** two envelopes, each containing about \$2,000 in U.S. currency, with the understanding that one of the envelopes was for **GIORGIANNI** and the other was for **TONY F. MACK**. **GIORGIANNI** stated he desperately needed money so he accepted it. **GIORGIANNI** stated he called **TONY F. MACK** and told **TONY F. MACK** about the Parking Garage Project and that "Uncle Remus is here." **GIORGIANNI** stated that **RALPHIEL MACK** subsequently stopped by JoJo's Steakhouse and **GIORGIANNI** gave **RALPHIEL MACK** one of the envelopes. **GIORGIANNI** further stated that he believed that **RALPHIEL MACK** was coming to accept the money on **TONY F. MACK**'s behalf, but that **TONY F. MACK** never acknowledged to **GIORGIANNI** that **TONY F. MACK** received the money. **GIORGIANNI** stated that he used the term "Uncle Remus" to refer to money and nothing else. **GIORGIANNI** stated that, during Mack's 2006 campaign, **TONY F. MACK** needed money to pay his mortgage and real estate taxes. **GIORGIANNI** contacted an individual who provided money for **TONY F. MACK**'s benefit. When **GIORGIANNI** received the money on **TONY F. MACK**'s behalf, he contacted **TONY F. MACK** and informed him that "Uncle Remus is here." **GIORGIANNI** stated he then provided the money directly to **TONY F. MACK**. **GIORGIANNI** stated that, after **TONY F. MACK** was elected mayor, he no longer felt comfortable accepting cash directly from **GIORGIANNI**. **GIORGIANNI** further stated that he had given **RALPHIEL MACK** cash to be delivered to **TONY F. MACK** on more than one occasion in connection with the Parking Garage Project. **GIORGIANNI** stated he never saw **TONY F. MACK** receive the money and **TONY F. MACK** never indicated to **GIORGIANNI** that he received the cash; however, **GIORGIANNI** stated he believed that **TONY F. MACK** did receive the cash each time. **GIORGIANNI** stated that he contacted **TONY F. MACK** and told him that "Uncle Remus is here" after each time he received cash from these men. **RALPHIEL**

**MACK** appeared at JoJo's Steakhouse after each such conversation that **GIORGIANNI** had with **TONY F. MACK**. **GIORGIANNI** gave a portion of the cash received to **RALPHIEL MACK** and **GIORGIANNI** never discussed the cash again with **TONY F. MACK**. **RALPHIEL MACK** did not tend to stop by JoJo's Steakhouse for any other reason. **GIORGIANNI** stated that he recalled that one of the men gave **GIORGIANNI** two envelopes containing about \$1,200 each and a third containing \$600. **GIORGIANNI** stated that he kept one of the envelopes for himself, gave one to **RALPHIEL MACK** for **TONY F. MACK**'s benefit, and gave the envelope containing \$600 to CC-1. **GIORGIANNI** stated that **TONY F. MACK** was "basically an honest man," and that **TONY F. MACK** exemplified "good corruption," meaning that he was trying to do good things for the City of Trenton and if **TONY F. MACK** received small amounts of money along the way from people looking to do business with the City of Trenton, then **GIORGIANNI** considered that "good corruption."<sup>2</sup>

77. During the July 18, 2012 search of **GIORGIANNI**'s residence, agents recovered a total of \$9,441, of which \$9,080 worth of the bills bore the same serial numbers as bills that **GIORGIANNI** accepted from CW-2 as part of the June 8, 2012 corrupt cash payment. Agents also recovered the black folio used to deliver \$10,000 of the \$25,000 corrupt cash payment that **GIORGIANNI** accepted from CW-2 on June 8, 2012. During a search of JoJo's Steakhouse conducted on that same day, agents recovered the brown folio used to deliver \$10,000 of the \$25,000 corrupt cash payment that **GIORGIANNI** accepted from CW-2 on June 8, 2012. Neither folio contained any cash at the time that the folios were recovered.

78. On July 18, 2012, agents interviewed **TONY F. MACK** and searched **TONY F. MACK**'s residence pursuant to a court-authorized warrant. During the interview, **TONY F. MACK** initially stated he was unfamiliar with the phrase "Uncle Remus," then stated that he recalled that **GIORGIANNI** used the phrase "Uncle Remus" during some of their conversations. **TONY F. MACK** stated he did not know what "Uncle Remus" meant and denied that the term referred to money that **GIORGIANNI** had for **TONY F. MACK** in exchange for official action. **TONY F. MACK** denied accepting cash or anything of value in exchange for official action.

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<sup>2</sup> In a later July 24, 2012 interview with law enforcement agents, occasioned by **GIORGIANNI**'s telephone call to an FBI agent, **GIORGIANNI** stated that he accepted money from CW-1 and gave portions of that money to CC-1 and **RALPHIEL MACK** but had no reason to believe that any money was provided to **TONY F. MACK**. **GIORGIANNI** stated that **TONY F. MACK** did not trust CW-1 and that it was apparent to **GIORGIANNI** that **TONY F. MACK** would not support the Parking Garage Project, but that **GIORGIANNI** still accepted payments from CW-1 and CW-2 out of financial need. In a July 26, 2012 news article, **GIORGIANNI** was quoted as saying "I never gave Tony Mack a dime, except during the campaign," and "[i]f he ain't taking it from me, he ain't taking it from nobody." In a July 28, 2012 news article, **GIORGIANNI** was quoted as saying "I took it," meaning a corrupt cash payment, and "I kept them. I didn't give it to the mayor, didn't give it to nobody," which was consistent with **GIORGIANNI**'s June 28, 2012 conversation recorded through CC-1 where **GIORGIANNI** related what his cover story would be if questioned regarding accepting corrupt cash payments on behalf of **TONY F. MACK**, as set forth in paragraph 62.

**TONY F. MACK** stated he could not recall CC-1 using the term “Uncle Remus” in conversation. **TONY F. MACK** stated he had met an individual interested in developing a parking garage in Trenton, that this individual wanted a letter issued by the City concerning the purchase of the property and that the individual did not receive such a letter because the property had to be put out to bid. **TONY F. MACK** then stated that he could not recall whether Trenton Official-1 issued the letter. **TONY F. MACK** stated that CC-1 never told **TONY F. MACK** that **GIORGIANNI** had money available for **TONY F. MACK**. **TONY F. MACK** stated he knew CW-1 but stated that CW-1 was not involved with the parking garage developer to **TONY F. MACK**'s knowledge. **TONY F. MACK** denied that his brother, **RALPHIEL MACK**, ever picked up money on his behalf from **GIORGIANNI**. **TONY F. MACK** stated that his family members assist him in paying his personal bills every month. For example, **TONY F. MACK** stated that **RALPHIEL MACK** paid his PSE&G bill each month.

79. On July 18, 2012, law enforcement agents interviewed **RALPHIEL MACK** and searched **RALPHIEL MACK**'s residence pursuant to a court-authorized warrant. During the interview, **RALPHIEL MACK** stated that he was a friend of **GIORGIANNI** and would visit JoJo's Steakhouse approximately once every one to three months to get a steak and talk to **GIORGIANNI** about how **GIORGIANNI** could “be helpful.” **RALPHIEL MACK** stated that he visited **GIORGIANNI** at JoJo's Steakhouse two days before the interview because he needed some help from **GIORGIANNI**.

80. During the July 18, 2012 search of **RALPHIEL MACK**'s residence, agents recovered \$2,500 in \$100 bills that bore the same serial numbers as bills that **GIORGIANNI** accepted from CC-1 as part of the June 28, 2012 corrupt cash payment at **GIORGIANNI**'s residence.