

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

vs.

DOMINICK DINAPOLI,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant DOMINICK DINAPOLI of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15, as follows:

The defendant, in the County of New York, on or about July 21, 2011, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

The Waterfront Commission of New York Harbor (hereinafter “the Commission”) was conducting an investigation into the relationship of the defendant to Mario Gallo, an associate of an organized crime family, including payments made by the defendant to the commissary accounts of prison inmates who had been at the same prison facilities as Mario Gallo.

On July 21, 2011, the defendant appeared as a witness and testified in a proceeding before the Commission, a body authorized to administer an oath, and was duly sworn. The defendant swore under oath that he would testify truthfully in connection with the aforementioned investigation.

Whereupon, on July 21, 2011, before the Commission, the defendant was asked the following questions and gave the following answers:

Question: Did any longshoremen or checkers see Mario Gallo in the Dominican Republic?

Defendant: Not to my knowledge.

Question: Did any longshoremen or checkers interact with Mario Gallo in the Dominican Republic?

Defendant: I don't know.

Question: Did any longshoremen or checkers do any activity with Mario Gallo in the Dominican Republic?

Defendant: Not that I know of.

...

Question: To your knowledge have any longshoremen or checkers ever seen, talked to, interacted with, been with or done any activity with Mario Gallo outside of New York.

Defendant: Not that I know of.

...

Question: To your knowledge, did any longshoremen see Mario Gallo at the Sousa Bay Resort?

Defendant: Not that I know of.

Whereas, in truth and in fact, as the defendant knew, that testimony was false and the truth was that in May 2010, the defendant was in the Dominican Republic with Mario Gallo and several other longshoremen and checkers. While the defendant, Mario Gallo, and other longshoremen and checkers were in the Dominican Republic, the defendant, Mario Gallo, and other longshoremen and checkers ate breakfast together at the café, swam in the pool, and walked together on the beach at the Sousa Bay Resort. In addition, during the aforementioned May 2010 trip to the Dominican Republic, the defendant, Mario Gallo and other longshoreman and checkers took a fishing trip together, went sailing on a catamaran together, and were seated together in the VIP section of a nightclub.

SECOND COUNT

AND THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, further accuses the defendant DOMINICK DINAPOLI of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15, as follows:

The defendant, in the County of New York, on or about July 21, 2011, did swear falsely by intentionally making a false statement which he did not believe

to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

The Commission was conducting an investigation into the relationship of the defendant to Mario Gallo, an associate of an organized crime family, including payments made by the defendant to the commissary accounts of prison inmates who had been at the same prison facilities as Mario Gallo.

On July 21, 2011, the defendant appeared as a witness and testified in a proceeding before the Commission, a body authorized to administer an oath, and was duly sworn. The defendant swore under oath that he would testify truthfully in connection with the aforementioned investigation.

Whereupon, on July 21, 2011, before the Commission, the defendant was asked the following questions and gave the following answers:

Question: Did Joseph Dinapoli see, to your knowledge, did Joseph Dinapoli see, talk to, interact with or do any activity with Mario Gallo?

Defendant: Not to my knowledge.

...

Question: To your knowledge, did Joseph Dinapoli see Mario Gallo at the Sousa Bay Resort?

Defendant: Not to my knowledge.

Whereas, in truth and in fact, as the defendant knew, that testimony was false and the truth was that during a trip to the Dominican Republic in May

2010, the defendant, Mario Gallo, and Joseph Dinapoli, swam together in the pool, ate breakfast together at the café, and walked together on the beach at the Sousa Bay Resort. In addition, during the aforementioned May 2010 trip to the Dominican Republic, the defendant, Mario Gallo, and Joseph Dinapoli went sailing on a catamaran together and were seated together in the VIP section of a nightclub.

THIRD COUNT

AND THE GRAND JURY IN THE COUNTY OF NEW YORK, by this Indictment, further accuses defendant DOMINICK DINAPOLI of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15 as follows:

The defendant, in the County of New York, on or about July 21, 2011, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

The Commission was conducting an investigation into the relationship of the defendant to Mario Gallo, an associate of an organized crime family, including payments made by the defendant to the commissary accounts of prison inmates who had been at the same prison facilities as Mario Gallo.

On July 21, 2011, the defendant appeared as a witness and testified in a proceeding before the Commission, a body authorized to administer an oath, and was duly sworn. The defendant swore under oath that he would testify truthfully in connection with the aforementioned investigation.

Whereupon, on July 21, 2011, before the Commission, the defendant was asked the following questions and gave the following answers:

Question: Did you see Gallo at that airport, ever?

Defendant: No.

...

Question: Did you see Gallo at any airport in Puerto Plata?

Defendant: No.

Whereas, in truth and in fact, as the defendant knew, that testimony was false and the truth was that on May 24, 2010, the defendant, Mario Gallo, and others ate together at Gregorio Luperon International Airport in Puerto Plata, Dominican Republic before Gallo and others boarded a flight.

FOURTH COUNT

AND THE GRAND JURY IN THE COUNTY OF NEW YORK, by this Indictment, further accuses defendant DOMINICK DINAPOLI of the

crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15 as follows:

The defendant, in the County of New York, on or about July 21, 2011, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

The Commission was conducting an investigation into the relationship of the defendant to Mario Gallo, an associate of an organized crime family, including payments made by the defendant to the commissary accounts of prison inmates who had been at the same prison facilities as Mario Gallo.

On July 21, 2011, the defendant appeared as a witness and testified in a proceeding before the Commission, a body authorized to administer an oath, and was duly sworn. The defendant swore under oath that he would testify truthfully in connection with the aforementioned investigation.

Whereupon, on July 21, 2011, before the Commission, the defendant was asked the following questions and gave the following answers:

Question: Did Joseph Dinapoli ever see Mario Gallo at that airport in Puerto Plata?

Defendant: Not that I know of.

...

Question: To your knowledge did Joseph Dinapoli see Gallo at any airport in Puerto Plata?

Defendant: No.

Whereas, in truth and in fact, as the defendant knew, that testimony was false and the truth was that on May 24, 2010, the defendant, Mario Gallo, and others ate together at Gregorio Luperon International Airport in Puerto Plata, Dominican Republic before Gallo and others boarded a flight.

FIFTH COUNT

AND THE GRAND JURY IN THE COUNTY OF NEW YORK, by this indictment further accuses defendant DOMINICK DINAPOLI of the crime of PERJURY IN THE FIRST DEGREE in violation of Penal Law § 210.15 as follows:

The defendant, in the County of New York, on or about July 21, 2011, did swear falsely by intentionally making a false statement which he did not believe to be true, while giving testimony under oath that was material to the action, proceeding and matter in which it was made, to wit:

The Commission was conducting an investigation into the relationship of the defendant to Mario Gallo, an associate of an organized crime family, including payments made by the defendant to the commissary accounts of prison inmates who had been at the same prison facilities as Mario Gallo.

On July 21, 2011, the defendant appeared as a witness and testified in a proceeding before the Commission, a body authorized to administer an oath, and was duly sworn. The defendant swore under oath that he would testify truthfully in connection with the aforementioned investigation.

Whereupon, on July 21, 2011, before the Commission, the defendant was asked the following questions and gave the following answers:

Question: Okay, who is William Brown?

Defendant: I don't recall.

Question: You don't recall a William Brown?

Defendant: No.

Question: Do you know anyone named Mr. Brown who is in prison?

Defendant: Not that I recall.

Question: How about someone named William Allen?

Defendant: No.

Question: You didn't – you may have know him also as Sal Hudin, S-a-l-H-u-d-i-n?

Defendant: No.

Question: No?

Defendant: Not that I recall.

Question: How about this, other than Sammy, you told me the story of how you came to give money to Sammy Santiago, are there any other examples of inmates who asked you for money?

Defendant: I don't recall.

Question: I mean you sent a lot of money to Sammy Santiago – excuse me, William Brown; you don't recall that?

Defendant: No.

Question: Let's see if this refreshes your memory. You sent it was always installments of three hundred?

Defendant: Definitely not.

Question: You don't recall that at all?

Defendant: Not that I recall, no.

Question: Is it possible?

Defendant: No. I really don't recall that at all.

Whereas, in truth and in fact, as the defendant knew, that testimony was false and the truth was that during 2008 and 2009 defendant sent seven postal money orders and Western Union money transfers for \$300 each to be deposited in the commissary account of William Brown.

CYRUS R. VANCE, JR.
District Attorney