



NICHOLAS W. CALABRESE, and his attorney, John T. Theis, have agreed upon the following:

1. Defendant acknowledges that he has been charged in the third superseding indictment ("the indictment") in this case with conspiring to conduct the affairs of an enterprise, that is, a criminal organization known as "the Chicago Outfit," through a pattern of racketeering and through the collection of unlawful debt, in violation of Title 18, United States Code, Section 1962(d).

2. Defendant has read the charges against him contained in the indictment, and those charges have been fully explained to him by his attorney.

3. Defendant fully understands the nature and elements of the crime with which he has been charged.

4. Defendant will enter a voluntary plea of guilty to Count One of the indictment in this case.

5. Defendant will plead guilty because he is in fact guilty of the charges contained in Count One of the indictment. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt. The following statement of facts is provided solely to assist the court in determining whether a factual basis exists for the defendant's plea of guilty and is not intended to be a complete or

comprehensive statement of all the facts within the defendant's personal knowledge regarding the charged crimes.

With respect to Count One of the indictment, the defendant admits that during the time period charged in the indictment, he was employed by and associated with a criminal enterprise known as "the Outfit," and that he agreed to commit criminal acts on its behalf that constituted federal and state felony violations, including murder, loan sharking, conducting an illegal gambling business, and collecting gambling debts and debts derived from usurious loans.

The defendant admits that the Outfit had a structure to enhance its ability to succeed in criminal ventures, including a hierarchy that included bosses and supervisors, and subgroups, or "crews," that operated in various parts of the Chicago area. The defendant himself was employed by and associated with what was known as "the 26<sup>th</sup> Street Crew," "the South Side Crew," and "the Chinatown Crew," a subgroup of the Outfit. This crew, which committed numerous murders and other crimes to advance Outfit interests, was at various times headed by Angelo LaPietra, James LaPietra, and John Monteleone. The defendant generally received instructions directly from his brother, Frank Calabrese, Sr., regarding the criminal activities he committed as a member of the crew.

The defendant admits that numerous federal and state crimes were in fact committed by himself and others in carrying out the criminal purposes of the criminal enterprise. The defendant personally made and collected "juice loans," and also collected illegal gambling debts on behalf of the Outfit. Under the direction of others in the Outfit, he also helped plan murders and committed murders on behalf of the Chicago Outfit with his brother, Frank Calabrese, Sr., James Marcello, Frank Schweih, Paul Schiro, and several others. The murder victims included Michael Albergo, John Mendell, Vincent Moretti, Donald Renno, Paul Haggerty, William Petrocelli, Henry Cosentino, Michael Cagnoni, Nicholas D'Andrea, Richard Ortiz, Arthur Morawski, Anthony and Michael Spilotro, and John Fecarotta. These murders were committed in order to protect the Outfit from individuals who were believed to be providing information about the enterprise to law enforcement officers, to punish actions taken against Outfit interests, or to otherwise advance the criminal goals of the Outfit.

In particular, the defendant, on orders of James LaPietra and under the direction of defendant Frank Calabrese, Sr., murdered John Fecarotta on September 14, 1986, with the assistance of his brother and John Monteleone. The defendant shot and killed the victim after luring him to a location on the pretext that they would be committing a crime together. The defendant and the victim struggled over a gun in the car they were in, and the victim fled

on foot. The defendant admits that he chased Fecarotta and shot and killed him after the victim fled the vehicle. The defendant admits that this murder was committed by him and the others without lawful justification and with premeditation that the death of the victim would result. The defendant acknowledges that his conduct in committing this homicide meets the requirements of the then-applicable Illinois statute defining murder subjecting him to a maximum penalty of life imprisonment.

From time to time, the defendant received a share of the Chicago Outfit's illegal proceeds. The defendant also relayed orders and messages from his Outfit superiors to members, employees, and associates of the Chicago Outfit and others. The defendant acknowledges that the enterprise and its various illegal activities were committed in and affected interstate commerce.

6. For purposes of calculating the guidelines promulgated by the United States Sentencing Commission pursuant to Title 28, United States Code, Section 994, the parties agree on the following points:

(a) The guidelines for the racketeering conspiracy charged in Count One of the indictment are calculated by calculating the offense levels applicable to the underlying racketeering activities. USSG §2E1.1(a)(2), and Application Note 1. Because the defendant committed murder in furtherance of the