

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**05-80066**

CASE NO.

**CR-HURLEY**

**MAGISTRATE JUDGE  
VITUNAC**

18 USC § 844(i)  
18 USC § 844(n)  
18 USC § 2

UNITED STATES OF AMERICA,

Plaintiff,

v.

SALVATORE PUCCIO,  
MICHAEL ASSENZA, and  
PHILIP POLIZZOTTO,

Defendants.

**INDICTMENT**

The Grand Jury Charges:

**INTRODUCTION**

At all times relevant to this Indictment:

1. L.H. Ross and Company, Inc., ("L.H. Ross") was a broker-dealer of securities registered with the Securities and Exchange Commission ("SEC") and the National Association of Securities Dealers, ("NASD"). L. H. Ross engaged in securities transactions with investors both inside and outside the State of Florida. L.H. Ross's principal office was located at 2255 W. Glades Road in Boca Raton, Florida.

2. L.H. Ross operated a number of satellite offices both inside and outside the State of Florida, which operated under

franchise-type agreements.

3. From in or about 2000 through in or about March 2003, defendant SALVATORE PUCCIO had a franchise agreement to operate an L.H. Ross office. In early 2003 that LH Ross franchise office was located at 900 South Federal Highway <sup>IN BOCA RATON, FLORIDA. (R)</sup> In or about March 2003, the owner of LH Ross allegedly severed the franchise agreement with defendant PUCCIO over the unauthorized sale by defendant PUCCIO and his brokers of a private placement offering called IBID USA.COM (IBID).

4. In or about late March 2003, defendant PUCCIO associated himself with another securities firm called Richmark Capital (Richmark).

5. Defendant MICHAEL ASSENZA was a licensed broker for defendant PUCCIO at his L.H. Ross franchise office.

6. Defendant PHILIP POLIZZOTTO was an associate of defendant PUCCIO.

7. In or about late-March 2003, at or around the time that defendant PUCCIO ended his association with LH Ross, the owner of LH Ross solicited brokers who had been employed by defendant PUCCIO to remain with LH Ross. The owner also distributed the names of persons who had been clients of defendant PUCCIO's office to brokers at other LH Ross franchise offices, particularly the office at 703 E. Palmetto Park Road, Boca Raton, Florida. The LH Ross salesman told the clients not to do business with defendant PUCCIO's firm, because defendant PUCCIO's firm had been engaged in fraud, particularly in the sale of IBID.

8. Defendant PUCCIO became upset with LH Ross because the statements of the LH Ross salesman would cause Federal law enforcement to investigate the defendant. In retaliation, defendant PUCCIO solicited defendants ASSENZA and POLIZZOTTO to assist him in the firebombing of the office of L.H. Ross located at 703 East Palmetto Park Road in Boca Raton, Florida. Defendant PUCCIO intended to damage the telephone room in order to prevent that L.H. Ross office from doing business for a period of time.

COUNT ONE - CONSPIRACY

1. The allegations set forth in paragraphs 1 through 8 of the Introduction are realleged and incorporated herein.

2. From on or about the March 31, 2003, through on or about April 1, 2003, in Palm Beach County, in the Southern District of Florida, the defendants,

SALVATORE PUCCIO,  
MICHAEL ASSENZA, and  
PHILIP POLIZZOTTO,

and others known and unknown to the Grand Jury did knowingly and willfully combine, conspire, confederate, and agree to maliciously damage and destroy and attempt to damage and destroy, by means of fire and explosive materials, the office of L.H. Ross located at 703 East Palmetto Park Road, Boca Raton, Florida, used in interstate and foreign commerce, in violation of Title 18, United States Code, Section 844(i).

MANNER AND MEANS

3. It was part of the conspiracy that defendant PUCCIO would solicit defendants ASSENZA and POLIZZOTTO to assist him in retaliating against L. H. Ross by firebombing the office located at 703 E. Palmetto Park Road, Boca Raton , Florida.

4. It was further part of the conspiracy that defendants PUCCIO, ASSENZA, and POLIZZOTTO would travel in a Black Lexus SUV to 703 E. Palmetto Park Road, Boca Raton, Florida, with the intent to firebomb the office of LH Ross.

5. It was further part of the conspiracy that one of the defendants would break the window in front of the LH Ross office with a hammer in order to place a firebomb in the building.

6. It was further part of the conspiracy that the defendants would flee from the office of LH Ross in the Black Lexus SUV in order to avoid detection.

All in violation of Title 18, United States Code, Section 844(n).

COUNT TWO-ATTEMPT TO COMMIT ARSON

1. The allegations set forth in paragraphs 1 through 8 of the Introduction and paragraphs 3 through 6 of the Manner and Means set forth in Count One of the Indictment are realleged and incorporated herein by reference.


2. From on or about the March 31, 2003, through on or about April 1, 2003, in Palm Beach County, in the Southern District of Florida, the defendants,


SALVATORE PUCCIO,  
MICHAEL ASSENZA, and  
PHILIP POLIZOTTO,

did attempt to damage and destroy, by means of fire and explosive materials, the office of L.H. Ross located at 703 East Palmetto Park Road, Boca Raton, Florida, used in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 844(i) and 2.

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
for MARCOS DANIEL JIMENEZ  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JEFFREY KAPLAN  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

SALVATORE PUCCIO, et al.

CERTIFICATE OF TRIAL ATTORNEY\*

Superseding Case Information: \_\_\_\_\_

Court Division (Select One)

\_\_\_\_ Miami \_\_\_\_\_ Key West  
\_\_\_\_ FTL  X  WPB \_\_\_\_\_ FTP

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No)  No   
List language and/or dialect  English

4. This case will take  4-5  days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u> X </u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u> X </u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No  X

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No)  No

If yes:  
Magistrate Case No. \_\_\_\_\_

Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

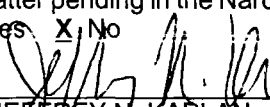
Is this a potential death penalty case? (Yes or No)  No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003?  X  Yes \_\_\_\_\_ No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? \_\_\_\_\_ Yes  X  No  
If yes, was it pending in the Central Region? \_\_\_\_\_ Yes \_\_\_\_\_ No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes  X  No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? \_\_\_\_\_ Yes  X  No

  
\_\_\_\_\_  
JEFFREY N. KAPLAN, Assistant United States Attorney  
Court I.D. No. A005500030

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
PENALTY SHEET**

**Defendant's Name: MICHAEL ASSENZA**

**Count #: 1 CONSPIRACY 18 U.S.C. § 844 (i) and § 844 (n)**

**\* Max.Penalty: 5 years' minimum, 20 years' maximum imprisonment, and up to a \$250,000 fine**

**Count #: 2 ATTEMPT TO COMMIT ARSON 18 U.S.C. § 844 (i) and 2**

**\* Max.Penalty: 5 years' minimum, 20 years' maximum imprisonment, and up to a \$250,000 fine**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
PENALTY SHEET**

**Defendant's Name:** SALVATORE PUCCIO

**Count #: 1 CONSPIRACY 18 U.S.C. § 844 (i) and § 844 (n)**

**\* Max. Penalty:** 5 years' minimum, 20 years' maximum imprisonment, and up to a \$250,000 fine

**Count #: 2 ATTEMPT TO COMMIT ARSON 18 U.S.C. § 844 (i) and 2**

**\* Max. Penalty:** 5 years' minimum, 20 years' maximum imprisonment, and up to a \$250,000 fine



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
PENALTY SHEET**

**Defendant's Name: PHILIP POLIZZOTTO**

**Count #: 1 CONSPIRACY 18 U.S.C. § 844 (i) and § 844 (n)**

**\* Max. Penalty: 5 years' minimum, 20 years' maximum imprisonment, and up to a \$250,000 fine**

**Count #: 2 ATTEMPT TO COMMIT ARSON 18 U.S.C. § 844 (i) and 2**

**\* Max. Penalty: 5 years' minimum, 20 years' maximum imprisonment, and up to a \$250,000 fine**