MDCPDJ USAO#2004R00622

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	*	
	*	
v.	*	CRIMINAL NO. DKC-05-0393
	*	
ISRAEL RAMOS CRUZ,	*	(Conspiracy to Participate in a
a/k/a "Taylor,"	*	Racketeering Enterprise, 18 U.S.C.
a/k/a "Tailor,"	*	§ 1962(d); Murder in Aid of
a/k/a "Sastre,"	*	Racketeering, 18 U.S.C. § 1959(a)(1);
EVEREC ALVAREZ CHACON,	*	Assault with a Deadly Weapon in Aid of
a/k/a "Moreno,"	*	Racketeering, 18 U.S.C. § 1959(a)(3);
JORGE RIGOBERTO AMADOR,	*	Conspiracy to Commit Murder in Aid
a/k/a "Santo Diablo,"	*	of Racketeering, 18 U.S.C. § 1959(a)(5);
ANTONIO ROBERTO ARGUETA,	*	Use and Carrying of a Firearm During
a/k/a "Alex Antonio Cruz,"	*	and in Relation to a Crime of Violence,
a/k/a "Buda,"	*	18 U.S.C. § 924(c); Murder Resulting
NELSON BERNAL,	*	From the Use and Carrying of a
a/k/a "Alfredo Sanchez,"	*	Firearm During and in Relation to a
a/k/a "Lil Man,"	*	Crime of Violence, 18 U.S.C. § 924(j);
SANTOS MAXIMINO GARCIA,	*	Witness Tampering, 18 U.S.C. § 1512;
a/k/a "Curley,"	*	Illegal Alien in Possession of a Firearm
JAMES GUILLEN,	*	and Ammunition, 18 U.S.C.
a/k/a "Toro,"	*	§ 922(g)(5)(A); Interference with
ISRAEL ERNESTO PALACIOS,	*	Commerce by Robbery, 18 U.S.C.
a/k/a "Homie,"	*	§ 1951; Aiding and Abetting, 18 U.S.C.
JUAN CARLOS MORIERA,	*	§ 2)
a/k/a "Stockey,"	*	
a/k/a "Stokey,"	*	<u>FOURTH SUPERSEDING</u>
ERIS MARCHANTE-RIVAS,	*	<u>INDICTMENT</u> (as to captioned
a/k/a "Eric Marchante-Rivas,"	*	Defendants only)
a/k/a "Strayboy,"	*	
a/k/a "Strauyboy,"	*	
VICTOR RAMIREZ,	*	
a/k/a "Mousey,"	*	
JUAN JIMENEZ-HERNANDEZ,	*	
a/k/a "Snider,"	*	
a/k/a "Sniroon,"	*	
CARLOS VASQUEZ MARTINEZ,	*	
a/k/a "Killer Bill,"	*	
a/k/a "Killer,"	*	

RIGOBERTO DEL TRANSITO MEJIA	*
REGALDO,	*
a/k/a "Ski,"	*
a/k/a "Loco Rigo,"	*
a/k/a "Gonso,"	*
DANY FREDY RAMOS MEJIA,	*
a/k/a "Sisco,"	*
a/k/a "Cisco,"	*
a/k/a "Grompic," and	*
SAUL ANTONIOS TURCIO ANGEL	*
a/k/a "Trece."	*
	*******

COUNT ONE

(Conspiracy to Participate in Racketeering Activity)

The Grand Jury for the District of Maryland charges that:

Introduction

1. La Mara Salvatrucha, also known as the MS-13 gang (hereafter "MS-13"), is a gang composed primarily of immigrants or descendants of immigrants from El Salvador, with members operating throughout Prince George's County and Montgomery County, Maryland, and elsewhere.

2. The name "Mara Salvatrucha" is a combination of several slang terms. The word "Mara" is the term used in El Salvador for "gang." The phrase "Salvatrucha" is a combination of the words "Salva," which is an abbreviation for "Salvadoran," and "trucha," which is a slang term for "alert," "look out," or "cunning."

3. In the United States, the MS-13 gang originated in Los Angeles, California, where MS-13 members engaged in turf wars for the control of drug distribution locations. MS-13 quickly spread to states across the country, including Maryland.

4. MS-13 is a national and international criminal organization with approximately 10,000 members regularly conducting gang activities in at least eleven states and the District of Columbia, Mexico, Honduras and El Salvador. MS-13 is one of the largest street gangs in the

United States. Gang members actively recruit members, including juveniles, from communities with a large number of immigrants from El Salvador. In the United States, MS-13 has been functioning since at least the 1980s.

5. At all times relevant to this Fourth Superseding Indictment, the following defendants were members of MS-13: **ISRAEL RAMOS CRUZ, a/k/a "Taylor," a/k/a "Tailor," a/k/a "Sastre," EVEREC ALVAREZ CHACON, a/k/a "Moreno," JORGE RIGOBERTO AMADOR, a/k/a "Santo Diablo," ANTONIO ROBERTO ARGUETA, a/k/a "Alex Antonio Cruz," a/k/a "Buda," NELSON BERNAL, a/k/a "Alfredo Sanchez," a/k/a "Lil Man," SANTOS MAXIMINO GARCIA, a/k/a "Curley," JAMES GUILLEN, a/k/a "Toro," ISRAEL ERNESTO PALACIOS, a/k/a "Homie," JUAN CARLOS MORIERA, a/k/a "Stockey," a/k/a "Stokey," ERIS MARCHANTE-RIVAS, a/k/a "Eric Marchante-Rivas" a/k/a "Strayboy," a/k/a "Strauyboy," VICTOR RAMIREZ, a/k/a "Mousey," JUAN JIMENEZ-HERNANDEZ, a/k/a "Snider," a/k/a "Sniroon," CARLOS VASQUEZ MARTINEZ, a/k/a "Killer Bill," a/k/a "Killer," RIGOBERTO DEL TRANSITO MEJIA REGALDO, a/k/a "Ski," a/k/a "Loco Rigo," a/k/a "Gonso," DANY FREDY RAMOS MEJIA, a/k/a "Sisco," a/k/a "Cisco," a/k/a "Grompie," and SAUL ANTONIO TURCIOS ANGEL,** a/k/a "Trece." The following coconspirators were also members of MS-13: **Jose Pena Aguilar, a/k/a "Smokey," a/k/a "Smookie," Edgar Alberto Ayala, a/k/a "Pony," Walter Noel Barahona,** a/k/a "Lil Loco," **Jose Hipolito Cruz Diaz, a/k/a "Pirana," Ronaldo Diaz Vasquez, a/k/a "Duende," a/k/a "Sapo," Juan Lopez, a/k/a "Juan Pablo Arevalo," a/k/a "Diabolico," "Franklin Mejia Molina, a/k/a "Dragon," Omar Vasquez, a/k/a "Duke," a/k/a "Sir Duck," a/k/a "Pato," Oscar Ramos Velasquez, a/k/a "Casper," Henry Zelaya, a/k/a "Jose Manuel Alvarado," a/k/a "Homeboy," Emilia Masaya, a/k/a "La Sombra," Lisbeth Delcid, a/k/a "Lil**

Truca," a/k/a "Lil Trucha," Wilbur Garcia Martinez, a/k/a "Scorpion," Noe Cruz, a/k/a "Shorty," Jose Constanza, a/k/a "Stomper," Juan Dominguez, a/k/a "El Sombra," and Jose Trejo, a/k/a "Mr. Shorty."

6. At all times relevant to this Fourth Superseding Indictment, in order to join MS-13, members were required to complete an initiation process, often referred to as being "jumped in" or "beat in" to the gang. During that initiation, other members of MS-13, some who were juveniles, would beat the new member until a gang member finished counting aloud to 13.

7. At all times relevant to this Fourth Superseding Indictment, members of MS-13 from time to time signified their membership by wearing tattoos reading "MARA SALVATRUCHA," "MS," "MS-13," or similar tattoos, often written in gothic lettering. The gang colors of MS-13 were blue, black and white, and members often wore clothing, particularly sports jerseys, with the number "13" or with numbers that, when added together, totaled 13, such as "76." MS-13 members referred to one another by their gang names and often did not know fellow gang members except by their gang names.

8. At all times relevant to this Fourth Superseding Indictment, members of MS-13 frequently engaged in criminal activity, including, but not limited to, murders, assaults, kidnappings, and threatening and intimidating of witnesses. MS-13 members were required to commit acts of violence to maintain membership and discipline within the gang and against rival gangs. Participation in criminal activity by a member, particularly violent acts directed at rival gangs or as directed by the gang leadership, increased the respect accorded to that member, resulted in that member maintaining or increasing his position in the gang, and could have resulted in a promotion to a leadership position.

9. At all times relevant to this Fourth Superseding Indictment, MS-13 was organized in "cliques," including, but not limited to, the Sailors Locos Salvatruchos Westside ("SLSW" or "Sailors"), the Teclas Locos Salvatruchos ("TLS"), and the Langley Park Salvatruchos ("LPS"). The MS-13 cliques worked together cooperatively to commit these acts of violence. Members of some MS-13 cliques occasionally attended meetings of other MS-13 cliques. The cliques operated under the umbrella rules of MS-13.

10. At all times relevant to this Fourth Superseding Indictment, MS-13 members met on a regular basis to, among other things, report on acts of violence committed by their members with the goal of inciting and encouraging further violence. Leaders of cliques of MS-13 from across the United States and within regions of the United States would meet to discuss gang rules and gang business, to resolve problems or issues among gang members of different cliques, and to unite gang members from across the country.

11. At all times relevant to this Fourth Superseding Indictment, MS-13 members paid dues which were collected at gang meetings. MS-13 members collected dues for the benefit of, and to be provided to, MS-13 gang members who were imprisoned in the United States, both inside and outside of the District of Maryland, and in El Salvador.

12. At all times relevant to this Fourth Superseding Indictment, MS-13 gang members routinely communicated about gang activities with gang members in other states and in El Salvador using cellular telephones and the United States mails. MS-13 members also used transnational and international money wire transfers to conduct and promote gang activities.

The Racketeering Enterprise

13. MS-13, including its leadership, members and associates, constituted an "enterprise" as defined in Section 1961(4) of Title 18, United States Code, that is, a group of individuals

associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

14. The purposes of the enterprise included the following:

a. Preserving and protecting the power, territory and profits of the enterprise through the use of intimidation, violence, including assaults and murder, and threats of violence;

b. Promoting and enhancing the enterprise and its members' and associates' activities;

c. Keeping victims and potential victims in fear of the enterprise and in fear of its members and associates, through violence and threats of violence;

d. Providing financial support and information to gang members, including those who were incarcerated for committing acts of violence or other offenses; and

e. Providing assistance to other gang members who committed crimes for and on behalf of the gang in order to hinder, obstruct and prevent law enforcement officers from identifying the offender, apprehending the offender and trying and punishing the offender.

The Racketeering Conspiracy

15. Beginning on a date unknown to the Grand Jury, but at least as of in or about 2001, and continuing through in or about March 2007, in the District of Maryland and elsewhere, the defendants,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
EVEREC ALVAREZ CHACON,
a/k/a "Moreno,"

JORGE RIGOBERTO AMADOR,
a/k/a "Santo Diablo,"
ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"
SANTOS MAXIMINO GARCIA,
a/k/a "Curley,"
JAMES GUILLEN,
a/k/a "Toro,"
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"
JUAN CARLOS MOREIRA,
a/k/a "Stockey,"
a/k/a "Stokey,"
ERIS MARCHANTE-RIVAS,
a/k/a "Eric Marchante-Rivas"
a/k/a "Strayboy,"
a/k/a "Strauyboy,"
VICTOR RAMIREZ,
a/k/a "Mousey,"
JUAN JIMENEZ-HERNANDEZ,
a/k/a "Snider"
a/k/a "Sniroon,"
CARLOS VASQUEZ MARTINEZ,
a/k/a "Killer Bill,"
a/k/a "Killer Beel,"
a/k/a "Killer,"
RIGOBERTO DEL TRANSITO MEJIA REGALDO,
a/k/a "Ski,"
a/k/a "Loco Rigo,"
a/k/a "Gonso,"
DANY FREDY RAMOS MEJIA,
a/k/a "Sisco,"
a/k/a "Cisco,"
a/k/a "Grompie," and
SAUL ANTONIO TURCIOS ANGEL,
a/k/a "Trece,"

each being a person employed by and associated with MS-13, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, together with others known and unknown to the Grand Jury, did knowingly and intentionally conspire to conduct and participate,

directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as defined in Sections 1961(1) and (5) of Title 18, United States Code, including racketeering activity for which the maximum penalty includes life imprisonment, which pattern of racketeering activity consisted of multiple acts involving intentional and premeditated murder in violation of Maryland Code, Criminal Law § 2-201; attempted intentional and premeditated murder in violation of Maryland Code, Criminal Law § 2-205; murder and attempted murder in violation of Maryland Code, Criminal Law §§ 2-204 and 2-206, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §1-201; conspiracy to commit premeditated murder, in violation of the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §1-202; acts involving murder in violation of Virginia Code §§ 18.2-22 and 18.2-30; kidnaping in violation of Maryland Code, Criminal Law § 3-502, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §§ 1-201 and 1-202; robbery in violation of Maryland Code, Criminal Law §§ 3-402 and 3-403, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §§ 1-201 and 1-202; and multiple acts indictable under 18 U.S.C. §§ 1503 (obstruction of justice) and 1512 (witness tampering).

Manner and Means of the Conspiracy

16. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise. Each defendant also agreed to facilitate a scheme that included the operation and management of the enterprise by a conspirator.

17. It was further part of the conspiracy that the defendants, as gang members of MS-13, would regularly meet as required with other MS-13 gang members to pay their dues and discuss, among other thing, past acts of violence and other crimes committed by gang members against rival

gang members and others; to notify one another about gang members who were arrested or incarcerated; to discuss the disciplining of MS-13 gang members; to discuss police interactions with gang members; to share with one another the identities of individuals who may be cooperating with law enforcement and propose actions to be taken against those individuals; to plan and agree upon the commission of future crimes, including murders, kidnapping, robberies, and assaults, and means to cover up these crimes; and to reinforce gang rules.

18. It was further part of the conspiracy that the defendants and other members and associates of MS-13 agreed to purchase, maintain and circulate a collection of firearms for use in criminal activity by MS-13 members.

19. It was further part of the conspiracy that the defendants and other members and associates of MS-13 agreed that acts of murder, including deliberate, premeditated and willful murder and attempted deliberate, premeditated and willful murder, and other acts of violence, would be committed by members and associates of MS-13 against rival gang members and to impose discipline within MS-13 itself, and on other occasions as deemed necessary.

20. It was further part of the conspiracy that the defendants and other members and associates of MS-13 agreed that members and associates of MS-13 would commit robberies, kidnapings, and other crimes, and would conceal their criminal activities and obstruct justice, including by threatening witnesses.

21. It was further part of the conspiracy that the defendants and other members and associates of MS-13 would participate in gatherings known as "destroyers" and "skipping parties" to socialize with one another and to recruit new members into the gang.

Overt Acts

22. In furtherance of the conspiracy and to achieve the objectives thereof, at least one of the conspirators performed or caused to be performed at least one of the following overt acts, among others, in the District of Maryland and elsewhere:

a. On or about June 3, 2002, **SANTOS MAXIMINO GARCIA** assaulted an individual with a weapon.

b. On or about July 26, 2002, following an attack on rival gang members at a mall in Wheaton, Maryland, **ISRAEL ERNESTO PALACIOS** possessed a machete.

c. On or about January 1, 2003, **ISRAEL RAMOS CRUZ, NELSON BERNAL, JUAN CARLOS MOREIRA** and other MS-13 gang members attacked and assaulted Osmin Alfaro Fuentes, a/k/a "Buso," an MS-13 gang member from El Salvador.

d. On or about April 9, 2003, **JUAN CARLOS MORIERA** possessed and sold a MAC-90 rifle to an individual.

e. On or about April 20, 2003, **Henry Zelaya** and other MS-13 gang members participated in the beating of Noel Gudiel, a member of a rival gang, in Langley Park, Maryland. **Jose Pena Aguilar** drove the getaway car.

f. On or about April 20, 2003, **Henry Zelaya** murdered Noel Gudiel.

g. On or about May 12, 2003, **Oscar Ramos Velasquez, Henry Zelaya, CARLOS VASQUEZ MARTINEZ,** and other MS-13 gang members sexually assaulted two juvenile females at an MS-13 "skipping party." **Oscar Ramos Velasquez** and **CARLOS VASQUEZ MARTINEZ** possessed a deadly weapon during the assault.

h. On or about June 10, 2003, **Jose Pena Aguilar** and other MS-13 gang members attempted to kill a juvenile member of a rival gang by shooting him at close range in broad daylight outside of High Point Senior High School in Beltsville, Maryland .

I. On or about August 1, 2003, **ISRAEL RAMOS CRUZ** sprayed MS-13 graffiti on a road bridge abutment under Route 125 in Woodstock, Baltimore County, Maryland.

j. On or about October 21, 2003, **Henry Zelaya, Walter Noel Barahona, CARLOS VASQUEZ MARTINEZ** and other MS-13 gang members assaulted a rival gang member.

k. On or about September 2, 2003, **Henry Zelaya** wrote eight letters to the TLS clique and various MS-13 gang members, care of **Lisbeth Delcid,** including one in which **Zelaya** provided guidance to the gang about how it should operate while **Zelaya** was incarcerated and in which **Zelaya** incited the gang members to continue engaging in acts of violence by stating, in substance, " ...let's keep moving forward walking with our head held high for the Big Mara Salvatrucha Thirteen that rapes, kills and controls and to hell with the fucking chavalas [rival gang members]."

l. On or about November 2, 2003, **ISRAEL RAMOS CRUZ, Edgar Alberto Ayala, Jose Hipolito Cruz Diaz, NELSON BERNAL, SANTOS MAXIMINO GARCIA, CARLOS VASQUEZ MARTINEZ, JUAN CARLOS MORIERA, Lisbeth Delcid, Emilia Masaya** and other MS-13 gang members met with one another and paid gang membership dues.

m. On or about November 22, 2003, **NELSON BERNAL**, Randy Calderon, a/k/a "Fenix," and other MS-13 gang members participated in the stabbing of Eliuth Madrigal, in Silver Spring, Maryland.

n. On or about November 22, 2003, **ISRAEL RAMOS CRUZ, JUAN CARLOS MORIERA, NELSON BERNAL, SANTOS MAXIMINO GARCIA** and other MS-13 gang members met in Mount Ranier, Maryland, to discuss whether to kill gang member Randy Calderon, a/k/a "Fenix."

o. On or about November 22, 2003, **JUAN CARLOS MORIERA** fatally shot Randy Calderon, a/k/a "Fenix."

p. On or about November 23, 2003, **JUAN CARLOS MORIERA, ISRAEL RAMOS CRUZ,** and other MS-13 gang members attempted to cover up the murder of Eluith Madrigal by facilitating the painting of the walls of the residence in which Madrigal had been stabbed multiple times.

q. On or about December 5, 2003, **Emilia Masaya** provided false information to a detective with the Montgomery County Police Department who was investigating the murder of Randy Calderon, a/k/a "Fenix," in order to protect gang members who were involved in Calderon's murder.

r. On or about January 11, 2004, **Oscar Ramos Velasquez, Walter Noel Barahona, Wilbur Garcia Martinez, ERIS MARCHANTE-RIVAS, JUAN JIMENEZ-HERNANDEZ** and other MS-13 gang members met at a park in Beltsville, Maryland, for the purpose of, among other things, collecting and paying gang membership dues.

s. On or about February 24, 2004, **Henry Zelaya** mailed a letter to **Lisbeth Delcid** to disseminate a message to an MS-13 gang member about how the gang should handle the leadership of **Zelaya**'s clique while **Zelaya** was incarcerated, including instructing the gang member to make contact with other MS-13 gang members in El Salvador and to use **Lisbeth Delcid** as a conduit for passing information to **Zelaya**.

t. On or about March 27, 2004, **ISRAEL RAMOS CRUZ, CARLOS VASQUEZ MARTINEZ, Edgar Alberto Ayala, SANTOS MAXIMINO GARCIA, Ronald Diaz Vasquez, Lisbeth Delcid, Emilia Masaya**, and other MS-13 gang members met with one another and paid gang membership dues.

u. On or about April 17, 2004, **ISRAEL RAMOS CRUZ, SANTOS MAXIMINO GARCIA** and other MS-13 gang members attended a meeting of the SLSW clique in Langley Park, Maryland, during which they watched a videotape of a detective with the Prince George's County Police Department who had been actively investigating the gang, and discussed killing the detective.

v. On or about April 28, 2004, **Franklin Mejia Molina** and **Wilbur Garcia Martinez** threatened two female occupants of a vehicle and damaged the vehicle, because the women had driven through an area that MS-13 sought to control.

w. On or about May 21, 2004, **EVEREC ALVAREZ CHACON** and other MS-13 gang members killed Ashley Antonio Urias at the Washington National Cemetery in Suitland, Maryland.

x. On or about June 5, 2004, **ISRAEL RAMOS CRUZ, Edgar Alberto Ayala** and other MS-13 gang members discussed the murder of Ashley Antonio Urias with another gang member.

y. On or about July 22, 2004, **ISRAEL RAMOS CRUZ** testified falsely before a state grand jury in Prince George's County, Maryland that was investigating the May 2004 murder of Ashley Antonio Urias.

z. On or about July 22, 2004, **Edgar Alberto Ayala** testified falsely before a state grand jury in Prince George's County, Maryland that was investigating the May 2004 murder of Ashley Antonio Urias.

aa. On or about July 22, 2004, **SANTOS MAXIMINO GARCIA** testified falsely before a state grand jury in Prince George's County, Maryland that was investigating the May 2004 murder of Ashley Antonio Urias.

bb. On or about August 10, 2004, **Juan Lopez** possessed a knife in Prince George's County, Maryland.

cc. On a date unknown to the Grand Jury, but on a date prior to August 17, 2004, **Omar Vasquez** wrote a letter to **ISRAEL RAMOS CRUZ,** the contents of which concerned gang business in El Salvador.

dd. On or about August 17, 2004, **ISRAEL RAMOS CRUZ** possessed a handgun.

ee. On or about September 17, 2004, **ANTONIO ROBERTO ARGUETA, Walter Noel Barahona, Oscar Ramos Velasquez** and other MS-13 gang members assaulted rival gang members outside a nightclub in Langley Park, Maryland.

ff. On or about September 24, 2004, **Juan Lopez** and other MS-13 gang members participated in an armed robbery in Montgomery County, Maryland.

gg. In or about September or October 2004, **DANY FREDY RAMOS MEJIA, a/k/a "Sisco," a/k/a "Cisco," a/k/a "Grompie," and SAUL ANTONIO TURCIOS ANGEL, a/k/a "Trece,"** produced a videotape of themselves and fellow MS-13 gang members in Quezeltepeque, El Salvador, in which they in part communicated to MS-13 gang members in Maryland regarding the activities of MS-13 in El Salvador.

hh. In or about October 2004, at an MS-13 gang meeting, **ANTONIO ROBERTO ARGUETA, ISRAEL ERNESTO PALACIOS, JAMES GUILLEN**, Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and other MS-13 gang members discussed the murder of Nancy Diaz and specifically agreed that MS-13 gang members would kill Diaz.

ii. On or about October 25, 2004, **JAMES GUILLEN** drove a car, in which Nancy Diaz and a juvenile female "AT" were being held, to an area close to a cemetery in Adelphi, Maryland.

jj. On or about October 25, 2004, Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," who were both members of MS-13, participated in the murder of Nancy Diaz at a cemetery in Adelphi, Maryland.

kk. On or about October 25, 2004, Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," who were both members of MS-13, attempted to murder a juvenile female "AT" at a cemetery in Adelphi, Maryland.

ll. On or about October 25, 2004, following the murder of Nancy Diaz and the attempted murder of juvenile female "AT," MS-13 gang members gathered at an apartment in Silver Spring, Maryland and assisted in the disposal and destruction of evidence that could tie MS-13 gang members to the murder of Nancy Diaz and the attempted murder of juvenile female "AT" at a cemetery in Adelphi, Maryland.

mm. In or about December 2004, **CARLOS VASQUEZ MARTINEZ** participated in a meeting of MS-13 members in Prince George's County, Maryland, where he was beaten as punishment for failing to pay dues.

nn. In or about January 2005, **Henry Zelaya**, as leader of the TLS clique, wrote a letter to **Walter Noel Barahona** from prison advising **Barahona**, in substance, that a victim of a

prior act of violence had not yet identified **Barahona** as one of the perpetrators of the crime, and instructing **Barahona** to find new members to be initiated into the TLS clique in order to expand its membership.

oo. On or about January 21, 2005, **Edgar Alberto Ayala** picked up MS-13 gang members in Maryland and drove with them to Virginia to look for rival gang members who had assaulted **JUAN CARLOS MORIERA** and **Omar Vasquez** at a McDonald's restaurant on January 5, 2005.

pp. On or about January 21, 2005, **JUAN CARLOS MORIERA, Omar Vasquez, Edgar Alberto Ayala, Jose Hipolito Cruz Diaz** and other MS-13 gang members drove to an apartment building in Fairfax, Virginia, where they had observed a group of youths which they believed included a member of a rival gang.

qq. On or about January 21, 2005, two MS-13 gang members shot at the crowd of youths sitting outside an apartment building in Fairfax, Virginia, injuring two juveniles and murdering one juvenile male.

rr. On or about February 23, 2005, **ISRAEL RAMOS CRUZ** and **Edgar Alberto Ayala** traveled together to Baltimore, Maryland with a loaded handgun.

ss. On or about February 24, 2005, while a defendant in Prince George's County Circuit Court charged with the murder of Ashley Antonio Urias, **EVEREC ALVAREZ CHACON** caused a threatening letter to be sent to a potential witness that stated, in substance, "When someone is from the 13, it's forever. People from the 13 don't talk, they die."

tt. On or about March 26, 2005, **Juan Lopez** and other MS-13 gang members were involved in a confrontation with rival gang members outside a strip mall in Prince George's County, Maryland.

uu. On or about March 26, 2005, following a confrontation between **Juan Lopez** and a rival gang, **JORGE RIGOBERTO AMADOR** and other MS-13 gang members, including a juvenile MS-13 gang member, participated in a drive-by shooting resulting in the death of a juvenile male.

vv. On or about June 7, 2005, **Walter Noel Barahona, Franklin Mejia Molina** and other MS-13 gang members assaulted two youths with bottles, a knife and other hard objects in Langley Park, Maryland.

ww. On or about June 14, 2005, MS-13 gang members, including a juvenile gang member, assaulted two juveniles, one of whom was a rival gang member, with bats, knives and machetes, near an elementary school in Langley Park, Maryland.

xx. On or about July 9, 2005, **Ronaldo Diaz Vasquez, Emilia Masaya, SANTOS MAXIMINO GARCIA, ISRAEL ERNESTO PALACIOS, CARLOS VASQUEZ MARTINEZ, Franklin Mejia Molina** and other MS-13 gang members met to discuss, among other things, the planned murder of a police officer.

yy. On or about July 24, 2005, **CARLOS VASQUEZ MARTINEZ** participated in a meeting of MS-13 members in Prince George's County, Maryland.

zz. On or about August 1, 2005, **Emilia Masaya,** testified falsely before a federal grand jury in Greenbelt, Maryland that was investigating the activities of the MS-13 gang and the murders of Eluith Madrigal and Randy Calderon a/k/a "Fenix."

aaa. On or about August 5, 2005, **NELSON BERNAL, Wilbur Garcia Martinez** and other MS-13 gang members traveled to Springbrook High School, in Montgomery County, Maryland, where **NELSON BERNAL** and other MS-13 gang members assaulted and stabbed two youths.

bbb. On or about August 6, 2005, **NELSON BERNAL, SANTOS MAXIMINO GARCIA, CARLOS VASQUEZ MARTINEZ, Emilia Masaya** and other members of MS-13's SLSW clique attended a meeting in a wooded area in Prince George's County, Maryland, during which gang members paid dues and discussed, among other things, the finances of the gang, the status of gang members who were incarcerated, the purchase of firearms, and the stabbing of youths near Springbrook High School and a Target store in Montgomery County, Maryland.

ccc. On or about August 6, 2005, **ISRAEL ERNESTO PALACIOS** and other members of MS-13's LPS clique attended a meeting in Prince George's County, Maryland, during which gang members discussed collecting money to retain an attorney for an incarcerated gang member, a regional meeting in Ocean City, Maryland, and a gang fight in Wheaton, Maryland.

ddd. On or about August 21, 2005, **RIGOBERTO DEL TRANSITO MEJIA REGALDO, a/k/a "Ski," a/k/a "Loco Rigo," a/k/a "Gonso,"** participated in the premeditated murder of Anber Juarez Sanchez in the vicinity of Mission Road, Howard County, Maryland.

eee. On or about August 25, 2005, **Ronaldo Diaz Vasquez** possessed a machete.

fff. On or about August 25, 2005, **ISRAEL ERNESTO PALACIOS** possessed a machete.

ggg. On or about August 25, 2005, **Edgar Alberto Ayala** possessed a machete.

hhh. On or about October 9, 2005, **SAUL ANTONIO TURCIOS ANGEL, a/k/a "Trece,"** communicated with members of the TLS clique in Maryland via telephone from El Salvador regarding acts of violence, including murder, against rival gang members.

iii. On or about October 9, 2005, **ERIS MARCHANTE-RIVAS, VICTOR RAMIREZ** and other MS-13 gang members participated in the premeditated murders of Jose Cerda and Edward Trujillo on Quintana Street in Riverdale, Prince George's County, Maryland.

jjj. On or about October 9, 2005, **ERIS MARCHANTE-RIVAS, VICTOR RAMIREZ** and other MS-13 gang members participated in the attempted murder of juvenile victim "R.P." on Quintana Street in Riverdale, Prince George's County, Maryland.

kkk. On or about November 14, 2005, **ERIS MARCHANTE-RIVAS, VICTOR RAMIREZ** and **JUAN JIMENEZ-HERNANDEZ** robbed a brothel and raped the prostitute employed there.

lll. On or about November 14, 2005, **ERIS MARCHANTE-RIVAS, VICTOR RAMIREZ** and **JUAN JIMENEZ-HERNANDEZ** possessed a firearm.

mmm. On or about May 27, 2006, **RIGOBERTO DEL TRANSITO MEJIA REGALDO, a/k/a "Ski," a/k/a "Loco Rigo," a/k/a "Gonso,"** and others participated in the armed robbery of a grocery store in Reisterstown, Maryland.

nnn. On or about May 27, 2006, **RIGOBERTO DEL TRANSITO MEJIA REGALDO, a/k/a "Ski," a/k/a "Loco Rigo," a/k/a "Gonso,"** and others assaulted and stabbed an adult male.

ooo. On or about June 5, 2006, **RIGOBERTO DEL TRANSITO MEJIA REGALDO, a/k/a "Ski," a/k/a "Loco Rigo," a/k/a "Gonso," Oscar Serrano** and **Ronald Fuentes** fled after a routine traffic stop and led Nashville, Metropolitan Police on a high-speed vehicular chase through crowded streets.

18 U.S.C. § 1962(d)

COUNT TWO

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. At all times relevant to this Fourth Superseding Indictment, MS-13, as more fully described in Paragraphs 1 through 12 of Count One of the Fourth Superseding Indictment, which are realleged and incorporated by reference as though set forth fully herein, constituted an enterprise as defined in Title 18, U.S.C. § 1959(b)(2), namely, MS-13, that is, a group of individuals associated in fact which was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the enterprise.

2. At all times relevant to the Fourth Superseding Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely intentional and premeditated murder in violation of Maryland Code, Criminal Law § 2-201; attempted intentional and premeditated murder in violation of Maryland Code, Criminal Law § 2-205; murder and attempted murder in violation of Maryland Code, Criminal Law §§ 2-204 and 2-206, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §1-201; conspiracy to commit premeditated murder, in violation of the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §1-202; acts involving murder in violation of Virginia Code §§ 18.2-22 and 18.2-30; kidnaping in violation of Maryland Code, Criminal Law § 3-502, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §§ 1-201 and 1-202; robbery in violation of Maryland Code, Criminal Law §§ 3-402 and 3-403, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §§ 1-201 and 1-202; and multiple acts indictable under

18 U.S.C. §§ 1503 (obstruction of justice) and 1512 (witness tampering).

3. On or about January 1, 2003, in the District of Maryland, the defendants,

ISRAEL RAMOS CRUZ
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man," and
JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did assault with a dangerous weapon Osmin Alfaro Fuentes, a/k/a "Buso," in violation of Maryland Code, Criminal Law §§ 3-202 and 3-203.

18 U.S.C. § 1959(a)(3)
18 U.S.C. § 2

COUNT THREE

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1 Paragraphs 1 through 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about May 12, 2003, in the District of Maryland, the defendant,

CARLOS VASQUEZ MARTINEZ,
a/k/a "Killer Bill,"
a/k/a "Killer Beel,"
a/k/a "Killer,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing his position in the MS-13 gang, an enterprise (as defined in 18 U.S.C. § 1959(b)(2)) engaged in racketeering activity, did assault with a dangerous weapon two juvenile females (hereafter "Victim 1" and "Victim 2") in violation of Maryland Code, Criminal Law §§ 3-202 and 3-203.

18 U.S.C. § 1959(a)(3)
18 U.S.C. § 2

COUNT FOUR

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about May 12, 2003, in the District of Maryland, the defendant,

CARLOS VASQUEZ MARTINEZ,
a/k/a "Killer Bill,"
a/k/a "Killer Beel,"
a/k/a "Killer,"

together with others known and unknown to the Grand Jury, did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United States, to wit, conspiracy to participate in a racketeering enterprise and assault with a dangerous weapon in aid of racketeering, as set forth in Counts One and Three of this Fourth Superseding Indictment, which are incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

COUNT FIVE

(Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about November 22, 2003, in the District of Maryland and elsewhere, the defendant,

NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"

together with Randy Calderon, a/k/a "Fenix," and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing his position in the MS-13 gang, an enterprise engaged in racketeering activity, did murder Eluith Madrigal, in violation of Maryland Code, Criminal Law §§ 2-201, and 2-204.

18 U.S.C. § 1959(a)(1)
18 U.S.C. § 2

COUNT SIX

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about November 22, 2003, in the District of Maryland and elsewhere, the defendants,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"
SANTOS MAXIMINO GARCIA
a/k/a "Curley," and
JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did conspire to murder Randy Calderon, a/k/a "Fenix," in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §§ 1-202.

18 U.S.C. § 1959(a)(5)
18 U.S.C. § 2

COUNT SEVEN

(Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about November 22, 2003, in the District of Maryland and elsewhere, the defendants,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,
a/k/a "Lil Man,"
SANTOS MAXIMINO GARCIA
a/k/a "Curley," and
JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did murder Randy Calderon, a/k/a "Fenix," in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204.

18 U.S.C. § 1959(a)(1)
18 U.S.C. § 2

COUNT EIGHT

(Witness Tampering Murder)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about November 22, 2003, in the District of Maryland and elsewhere, the defendants,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"
SANTOS MAXIMINO GARCIA
a/k/a "Curley," and
JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

did kill another person, to wit, Randy Calderon, a/k/a "Fenix," with the intent to prevent the communication by Randy Calderon, a/k/a "Fenix," to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, and such killing was a murder as defined in 18 U.S.C. § 1111, in that the defendants, with malice aforethought, unlawfully killed Randy Calderon, a/k/a "Fenix," willfully, deliberately, maliciously and with premeditation.

18 U.S.C. §§ 1512(a)(1)(C) and (a)(3)(A)
18 U.S.C. § 2

COUNT NINE

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about November 22, 2003, in the District of Maryland and elsewhere, the defendants,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"
SANTOS MAXIMINO GARCIA
a/k/a "Curley," and
JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States, to wit, conspiracy to participate in a racketeering enterprise, conspiracy to commit murder in aid of racketeering, murder in aid of racketeering, and witness tampering, as set forth in Counts One, Six, Seven and Eight of this Fourth Superseding Indictment, which are incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

COUNT TEN

(Murder Resulting From the Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about November 22, 2003, in the District of Maryland and elsewhere, the defendants,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"
NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"
SANTOS MAXIMINO GARCIA
a/k/a "Curley," and
JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

in the course of committing a violation of 18 U.S.C. § 924(c) as set forth in Count Nine of this Fourth Superseding Indictment, which is incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder as defined in 18 U.S.C. § 1111, in that the defendants, with malice aforethought, unlawfully killed a human being, to wit, Randy Calderon, a/k/a "Fenix," willfully, deliberately, maliciously and with premeditation.

18 U.S.C. § 924(j)
18 U.S.C. § 2

COUNT ELEVEN

(Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about May 21, 2004, in the District of Maryland and elsewhere, the defendant,

EVEREC ALVAREZ CHACON
a/k/a "Moreno,"

together with Alexis Ayala, a/k/a "Black," Mario Ayala, a/k/a "Cocu," and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing his position in the MS-13 gang, an enterprise engaged in racketeering activity, did murder Ashley Antonio Urias, in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204.

18 U.S.C. § 1959(a)(1)
18 U.S.C. § 2

COUNT TWELVE

(Alien in Possession of a Firearm and Ammunition)

The Grand Jury for the District of Maryland further charges that:

On or about August 17, 2004, in the District of Maryland, the defendant,

ISRAEL RAMOS CRUZ
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"

who, being an alien, was illegally and unlawfully in the United States, did knowingly and unlawfully possess a firearm and ammunition in and affecting commerce, to wit, a High Point, model CF, .380 caliber semiautomatic firearm bearing serial number P736448, and .380 ammunition.

18 U.S.C. § 922(g)(5)(A)

COUNT THIRTEEN

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about September 17, 2004, in the District of Maryland and elsewhere, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did assault with a dangerous weapon, to wit, a knife, knives, or broken bottles, a male outside a nightclub in Prince George's County, Maryland, in violation of Maryland Code, Criminal Law §§ 3-202 and 3-203.

18 U.S.C. § 1959(a)(3)
18 U.S.C. § 2

COUNT FOURTEEN

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. Beginning on a date unknown the Grand Jury, but at least as of the beginning of October 2004, and continuing through on or about October 25, 2004, in the District of Maryland and elsewhere, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
JAMES GUILLEN,
a/k/a "Toro," and
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"

together with Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did conspire to murder Nancy Diaz, in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law § 1-202.

18 U.S.C. § 1959(a)(5)
18 U.S.C. § 2

COUNT FIFTEEN

(Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about October 25, 2004, in the District of Maryland, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
JAMES GUILLEN,
a/k/a "Toro," and
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"

together with Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did murder Nancy Diaz, in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204.

18 U.S.C. § 1959(a)(1)
18 U.S.C. § 2

COUNT SIXTEEN

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about October 25, 2004, in the District of Maryland and elsewhere, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
JAMES GUILLEN,
a/k/a "Toro," and
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"

together with Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did assault with a dangerous weapon, to wit, a firearm and a knife, a juvenile female "AT," in violation of Maryland Code, Criminal Law §§ 3-202 and 3-203.

18 U.S.C. § 1959(a)(3)
18 U.S.C. § 2

COUNT SEVENTEEN

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about October 25, 2004, in the District of Maryland, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
JAMES GUILLEN,
a/k/a "Toro," and
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"

together with Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and others known and unknown to the Grand Jury, did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States, to wit, conspiracy to participate in a racketeering enterprise, conspiracy to murder in aid of racketeering and murder in aid of racketeering, as set forth in Counts One, Fourteen and Fifteen of this Fourth Superseding Indictment, which are incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

COUNT EIGHTEEN

(Murder Resulting From the Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about October 25, 2004, in the District of Maryland, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
JAMES GUILLEN,
a/k/a "Toro," and
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"

together with Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and others known and unknown to the Grand Jury, in the course of committing a violation of 18 U.S.C. § 924(c) as set forth in Count Seventeen of this Fourth Superseding Indictment, which is incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder as defined in 18 U.S.C. § 1111, in that the defendants, with malice aforethought, unlawfully killed a human being, to wit, Nancy Diaz, willfully, deliberately, maliciously and with premeditation.

18 U.S.C. § 924(j)
18 U.S.C. § 2

COUNT NINETEEN

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about October 25, 2004, in the District of Maryland, the defendants,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"
JAMES GUILLEN,
a/k/a "Toro," and
ISRAEL ERNESTO PALACIOS,
a/k/a "Homie,"

together with Jesus Canales, a/k/a "Fantasma," Jeffrey Villatoro, a/k/a "Magic," and others known and unknown to the Grand Jury, did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States, to wit, conspiracy to participate in a racketeering enterprise, and assault with a dangerous weapon in aid of racketeering, as set forth in Counts One and Sixteen of this Fourth Superseding Indictment, which are incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

COUNT TWENTY

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. Beginning on a date unknown to the Grand Jury, but at least as of on or about January 5, 2005, and continuing through on or about January 21, 2005, in the District of Maryland, the Eastern District of Virginia, and elsewhere, the defendant,

JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did conspire to murder Anthony Campos, in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law §1-202 and pursuant to Virginia Code §§ 18.2-22 and 18.2-30, et seq.

18 U.S.C. § 1959(a)(5)
18 U.S.C. § 2

COUNT TWENTY-ONE

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about February 23, 2005, in the District of Maryland and elsewhere, the defendant,

ISRAEL RAMOS CRUZ,
a/k/a "Taylor,"
a/k/a "Tailor,"
a/k/a "Sastre,"

together with others known and unknown to the Grand Jury, did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United States, to wit, conspiracy to participate in a racketeering enterprise, as set forth in Count One of this Fourth Superseding Indictment, which is incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

COUNT TWENTY-TWO

(Witness Tampering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 and Overt Act paragraph 22rr of Count One of this Fourth Superseding Indictment are incorporated here.

2. On or about February 24, 2005, in the District of Maryland and elsewhere, the defendant,

EVEREC ALVAREZ CHACON
a/k/a "Moreno,"

knowingly did intimidate, threaten and corruptly persuade another person, and did attempt to intimidate, threaten and corruptly persuade another person, with the intent to (1) influence, delay, and prevent the testimony of that person in an official proceeding, (2) cause and induce that person to withhold testimony from an official proceeding, and (3) hinder, delay and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense.

18 U.S.C. §§ 1512(b)(1), (b)(2) and (b)(3)
18 U.S.C. § 2

COUNT TWENTY-THREE

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about March 26, 2005, in the District of Maryland and elsewhere, the defendant,

JORGE RIGOBERTO AMADOR,
a/k/a "Santo Diablo,"

together with a juvenile member of MS-13 and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing his position in the MS-13 gang, an enterprise engaged in racketeering activity, did conspire to murder Jose Arias, in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204, and the Common Law of Maryland punishable pursuant to Maryland Code, Criminal Law § 1-202.

18 U.S.C. § 1959(a)(5)
18 U.S.C. § 2

COUNT TWENTY-FOUR

(Murder in Aid of Racketeering)

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about March 26, 2005, in the District of Maryland and elsewhere, the defendant,

JORGE RIGOBERTO AMADOR,
a/k/a "Santo Diablo,"

together with a juvenile member of MS-13, and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing his position in the MS-13 gang, an enterprise engaged in racketeering activity, did murder Jose Arias, in violation of Maryland Code, Criminal Law §§ 2-201 and 2-204.

18 U.S.C. § 1959(a)(1)
18 U.S.C. § 2

COUNT TWENTY-FIVE

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about March 26, 2005, in the District of Maryland, the defendant,

JORGE RIGOBERTO AMADOR,
a/k/a "Santo Diablo,"

did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United States, to wit, conspiracy to participate in a racketeering enterprise, conspiracy to commit murder in aid of racketeering, and murder in aid of racketeering, as set forth in Counts One, Twenty-Three and Twenty-Four of this Fourth Superseding Indictment, which are incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

COUNT TWENTY-SIX

(Murder Resulting From the Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about March 26, 2005, in the District of Maryland, the defendant,

JORGE RIGOBERTO AMADOR,
a/k/a "Santo Diablo,"

in the course of committing a violation of 18 U.S.C. § 924(c) as set forth in Count Twenty-Five of this Fourth Superseding Indictment, which is incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder as defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, to wit, Jose Arias, willfully, deliberately, maliciously and with premeditation.

18 U.S.C. § 924(j)
18 U.S.C. § 2

COUNT TWENTY-SEVEN

(Assault with a Dangerous Weapon in Aid of Racketeering)

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about August 5, 2005, in the District of Maryland and elsewhere, the defendant,

NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did assault with a dangerous weapon a male (hereafter "Victim 3") near Springbrook High School in Montgomery County, Maryland, in violation of Maryland Code, Criminal Law §§ 3-202 and 3-203.

18 U.S.C. § 1959(a)(3)
18 U.S.C. § 2

COUNT TWENTY-EIGHT

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 and 2 of Count Two of this Fourth Superseding Indictment are incorporated here.

2. On or about August 5, 2005, in the District of Maryland and elsewhere, the defendant,

NELSON BERNAL,
a/k/a "Alfredo Sanchez,"
a/k/a "Lil Man,"

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing their positions in the MS-13 gang, an enterprise engaged in racketeering activity, did assault with a dangerous weapon a male hereafter ("Victim 4") near the Springbrook High School in Montgomery County, Maryland, in violation of Maryland Code, Criminal Law §§ 3-202 and 3-203.

18 U.S.C. § 1959(a)(3)
18 U.S.C. § 2

COUNT TWENTY-NINE

(Interference with Commerce by Robbery)

The Grand Jury for the District of Maryland further charges that:

On or about November 14, 2005, in the District of Maryland, the defendants,

ERIS MARCHANTE-RIVAS,
a/k/a "Eric Marchante-Rivas"
a/k/a "Stryboy,"
VICTOR RAMIREZ,
a/k/a "Mousey," and
JUAN JIMENEZ-HERNANDEZ,
a/k/a "Snider"
a/k/a "Sniroon,"

attempted to and did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in such commerce, by robbery, in that the defendants did unlawfully take and obtain United States currency and personal property from individuals present at 2302 Blueridge Avenue, Apartment #5, Wheaton, Maryland, in the presence of those individuals, against their will, by means of actual and threatened force, violence, and fear of immediate injury to their persons, and committed and threatened physical violence to those individuals in furtherance of a plan and purpose to commit the robbery.

18 U.S.C. § 1951(a)
18 U.S.C. § 2

COUNT THIRTY

(Use and Carrying of Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about November 14, 2005, in the District of Maryland, the defendants,

ERIS MARCHANTE-RIVAS,
a/k/a "Eric Marchante-Rivas"
a/k/a "Stryboy,"
VICTOR RAMIREZ,
a/k/a "Mousey," and
JUAN JIMENEZ-HERNANDEZ,
a/k/a "Snider"
a/k/a "Sniroon,"

did knowingly use and carry a firearm during and in relation to, and possess a firearm in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States, to wit, attempting to and unlawfully obstructing, delaying, and affecting commerce and the movement of articles and commodities in such commerce, by robbery, as set forth in Count Twenty-Nine of this Fourth Superseding Indictment, which is incorporated here.

18 U.S.C. § 924(c)
18 U.S.C. § 2

NOTICE OF SPECIAL FINDINGS

1. As to Counts Seven, Eight, and Ten of this Fourth Superseding Indictment, the defendant,

JUAN CARLOS MORIERA,
a/k/a "Stockey,"
a/k/a "Stokey,"

(1) was 18 years or older at the time of the offenses charged (18 U.S.C. § 3591(a));

(2) intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));

(4) intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Randy Calderon died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

(5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Randy Calderon died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));

(6) the defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person; (18 U.S.C. § 3592(c)(4)) and

(7) the defendant committed the offenses after substantial planning and premeditation to cause the death or a person (18 U.S.C. § 3592(c)(9)).

2. As to Counts Fifteen and Eighteen of this Fourth Superseding Indictment, the defendant,

ANTONIO ROBERTO ARGUETA,
a/k/a "Alex Antonio Cruz,"
a/k/a "Buda,"

(1) was 18 years or older at the time of the offenses charged (18 U.S.C. § 3591(a));

(2) intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));

(4) intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Nancy Diaz died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

(5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Nancy Diaz died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));

(6) the defendant committed the offenses after substantial planning and premeditation to cause the death or a person (18 U.S.C. § 3592(c)(9)); and

(7) the defendant killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592 (c)(16)).

3. As to Counts Twenty-Four and Twenty-Six of this Fourth Superseding Indictment, the defendant,

JORGE RIGOBERTO AMADOR,
a/k/a "Santo Diablo,"

(1) was 18 years or older at the time of the offenses charged (18 U.S.C. § 3591(a));

(2) intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));

(4) intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Jose Arias died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

(5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jose Arias died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));

(6) the defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm against another person (18 U.S.C. § 3592(c)(2)); and

(7) the defendant, in the commission of the offense, or in escaping apprehension for the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5)); and

(8) the defendant killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592 (c)(16)).

18 U.S.C. §§ 3591 and 3592

ROD J. ROSENSTEIN
UNITED STATES ATTORNEY

A TRUE BILL:

FOREPERSON

June 4, 2007
DATE