

Department of Justice

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SIX ADDITIONAL 10TH STREET GANG MEMBERS AND ASSOCIATES INDICTED FOR RACKETEERING AND NARCOTICS TRAFFICKING

BUFFALO, N.Y.-- U.S. Attorney William J. Hochul, Jr. announced today that a federal grand jury has returned a fourth Superseding Indictment charging six additional members and associates of the 10th Street Gang. The Indictment specifically accuses the defendants of racketeering conspiracy, multiple violent crimes in aid of racketeering, narcotics trafficking and firearm offenses.

In September 2009, the grand jury charged six 10th Street Gang members and associates with violent crimes in aid of racketeering and other charges. Since that time, three additional Indictments have been returned charging an additional thirty two 10th Street Gang members and associates with a variety of federal criminal offenses.

The six men charged in the most recent Indictment were arrested early this morning in a coordinated effort led by the FBI's Safe Streets Task Force. The defendants are identified as Jonathan Delgado, 23, Sam Thurmond, 23, Domenico Anastasio, 24, Ismael Lopez, 24, Darnell McIntosh, 28, and Christopher Pabon, 23, all of Buffalo N.Y.

Assistant U.S. Attorney Joseph M. Tripi, who is handling the case, stated that the latest Indictment accuses the newly charged defendants of multiple acts of violence. These incidents consist of:

1. Jonathan Delgado, Sam Thurmond, Ismael Lopez, Domenico Anastasio, Christopher Pabon, and Matthew Smith (previously charged) are accused of participating in the murders of Brandon McDonald and Darinell Young and the attempted murder of three others on April 17, 2006;

2. Jonathan Delgado, Tony Peebles, and Hector Rodriguez (both previously charged) are accused of participating in a May 22, 2006 home invasion of rival drug dealers on Hudson St.;

In addition, Darnell McIntosh is accused of narcotics conspiracy.

The latest Superseding Indictment also identifies new incidents committed by previously charged defendants. These incidents consist of:

3. Tony Peebles and Justin Augus are accused in a shooting on August 11, 2009 on Pennsylvania Ave.;
 4. Cody Busch is accused of a shooting on August 13, 2009 on Prospect Ave.;
 5. Tony Peebles, Saul Santana, Desmond Ford, and Cody Busch are accused of shootings on August 17, 2009 on Virginia St. and Fargo Ave.;
 6. Nourooz Ali is accused of a shooting on October 21, 2009 on Virginia St.;
 7. Michael Hernandez is accused of drug trafficking and attempting to facilitate the sale of a gun in December 2009;
- Tony Peebles and Omar Hernandez are accused of participating in the shooting of Rival M&T gang members on June 15, 2007;
 - Derrick Yancey, Brandon Bobbitt, and Desmond Ford are accused of participating in the September 15, 2008 murder of Omar Fraticello Lugo and the shootings of two others

Today's Indictment also continues to include incidents charged in earlier Indictments. These include:

- the murder of Christian Portes on June 13, 2009 on Whitney Place;
- the murder of Anthony Colon on June 26, 2009 on Ullman and Esser;

- 10 attempted murders of rival gang members and rival gang associates;
- multiple instances of witness intimidation, assault and robbery.

Today's Indictment brings to 38 the total number of 10th Street Gang members and associates charged to date. Thirteen of these defendants have been convicted thus far in connection with this investigation.

In addition to the violent crimes, the 10th Street Gang is also accused of being involved in trafficking various controlled substances, including cocaine, cocaine base, heroin, marijuana, ecstasy and hydrocodone. During the course of the investigation, law enforcement officers seized approximately 150 grams of crack cocaine, approximately 200 grams of cocaine and quantities of heroin, marijuana, hydrocodone and ecstasy as well as several firearms.

"Today's arrests of six additional, alleged members of the 10th Street Gang is further proof of this Office's commitment to ferret out violent, gang-driven crime," said U.S. Attorney Hochul. Those who join a gang or engage in gun violence should realize their days are numbered. Federal law, and the jail terms they authorize, were specifically designed to protect the community from this type of conduct. We along with all of our law enforcement partners intend to vigorously enforce those laws in order to keep our citizens safe and our streets gang-free."

"This morning's arrests represent the FBI Safe Streets Task Force's continued enterprise approach toward dismantling and defeating gang activity in the Buffalo area," said Christopher M. Piehota, FBI Special Agent in Charge. "This unified law enforcement strategy leverages all available resources, skills, and authorities to combat crime. As a result of the shared intelligence developed through the ongoing 7th and 10th Street Gangs investigation, the Safe Streets Task Force has arrested numerous associated gang members and associates. Subsequent gang activity in the Buffalo West Side has diminished, community members feel safer in their homes, and can better enjoy their historic neighborhoods. The continued success of this investigation would not be possible without major contributions from the New York State Police, the Buffalo Police Department, and other Safe Street Task Force partners."

"The investigation that resulted in the dissolution of the 7th and 10 Street gangs, that were operating in the City of Buffalo, is a textbook example of how resources from city, state and Federal Law enforcement and prosecutors combined with the citizens within a community to reclaim peace and security for its residents," said Major Christopher Cummings of the NYS Police. "This level of cooperation will always be a key factor to success against organized criminal activity."

The Superseding Indictment is the culmination of an investigation on the part of Special Agents of the FBI Safe Streets Task Force, under the direction of Special Agent in Charge Christopher M. Piehota, New York State Police under the direction of Major Christopher Cummings, the Buffalo Police Department under the direction of Commissioner Daniel Derenda and the Bureau of Alcohol, Tobacco, Firearms, and Explosives under the direction of Frank Christiano.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

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