

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

2011 NOV 16 PM 3:45

UNITED STATES OF AMERICA

v.

CAUSE NO. 2:10 CR 109

ALEXANDER VARGAS,

a/k/a "Pacman,"

SISTO BERNAL,

a/k/a "Cisco," "Suge,"

JASON ORTIZ,

a/k/a "Creeper,"

BRANDON CLAY,

a/k/a "Cheddar," "Cheddar Boy,"

"Swiss," "Slick,"

MARTIN ANAYA,

a/k/a "Lefty,"

IVAN QUIROZ,

a/k/a "Captain Kirk,"

HILUTERIO CHAVEZ,

a/k/a "Tails," "Zeus,"

████████████████████  
SERGIO ROBLES,

a/k/a "Checko,"

EMILIANO ESPARZA,

a/k/a "Ken Milleano," "Kent,"

"Double G,"

PAULINO SALAZAR,

a/k/a "Chino,"

SANTIAGO GUDINO,

a/k/a "Creeper,"

GABRIEL JALOMOS,

a/k/a "Sneaky,"

OSCAR GONZALEZ,

a/k/a "Puppet,"

DAVID LIRA,

a/k/a "Flaco,"

VICTOR MEZA, JR.,

a/k/a "Shadow,"

ANTONIO GUDINO,

a/k/a "Chronic,"

BIANCA FERNANDEZ,

18 U.S.C. § 1962(d)

21 U.S.C. § 846

18 U.S.C. § 1959(a)(5)

18 U.S.C. § 1959(a)(1)

18 U.S.C. § 924(j)

18 U.S.C. § 922(g)

18 U.S.C. § 922(j)

18 U.S.C. § 1951

18 U.S.C. § 924(c)

18 U.S.C. § 2

SERINA ARAMBULA, )  
ALEX GUERRERO, and )  
ANTONIO C. MARTINEZ, JR. )  
 )  
Defendants. )

**THIRD SUPERSEDING INDICMENT**

**COUNT ONE**

**(Conspiracy to Participate in Racketeering Activity)**

The Grand Jury Charges:

**Introduction**

1. At various times relevant to this Third Superseding Indictment, the following defendants, and others known and unknown, were members of the "Almighty LATIN KING and Queen Nation" gang (hereinafter the "LATIN KINGS"), a criminal organization whose members and associates engaged in acts of violence, including murder, attempted murder, assault with a dangerous weapon, and narcotics distribution, and which operated in the Northwest Indiana area, the Northern District of Indiana, Hammond Division, and elsewhere: ALEXANDER VARGAS, a/k/a "Pacman," SISTO BERNAL, a/k/a "Cisco," "Suge," JASON ORTIZ, a/k/a "Creeper," BRANDON CLAY, a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick," MARTIN ANAYA, a/k/a "Lefty," IVAN QUIROZ, a/k/a Captain Kirk," HILUTERIO CHAVEZ, a/k/a "Tails," "Zeus," [REDACTED] SERGIO ROBLES, a/k/a "Checko," EMILIANO ESPARZA, a/k/a "Ken Milleano," "Kent," "Double G," PAULINO SALAZAR, a/k/a "Chino," SANTIAGO GUDINO, a/k/a "Creeper," GABRIEL JALOMOS, a/k/a "Sneaky," OSCAR GONZALEZ, a/k/a "Puppet," DAVID LIRA, a/k/a "Flaco," VICTOR MEZA, JR., a/k/a "Shadow," ANTONIO GUDINO, a/k/a "Chronic," ALEX GUERRERO, and ANTONIO C. MARTINEZ, JR.

### Structure of the Enterprise

2. The structure of the LATIN KINGS included, but was not limited to, the following:

a. The LATIN KINGS were a violent street gang with thousands of members across the United States and overseas.

b. The traditional power centers of the LATIN KINGS, and members of the gang's national leadership structure, were predominantly located in the Chicago (known as "KMC" or the "Motherland") and New York (referred to as the "Bloodline") metropolitan areas.

c. The LATIN KINGS had a detailed and uniform organizational structure, which is outlined – along with various "prayers," codes of behavior, and rituals – in a written "manifesto" widely distributed to members throughout the country, including, but not limited to, Texas.

d. The Chicago area LATIN KINGS is divided by the North and South Sides of Chicago, each lead by the "Corona," the highest ranking LATIN KING member. Both Coronas would report to the overall LATIN KING leader, currently incarcerated and serving a life sentence in a federal prison. The LATIN KINGS were further organized by geographic locations into "Regions." Generally, each Region had a rank structure that included a "Regional Officer" or "Regional Inca," one or more "Regional Enforcers," and a "Regional Treasurer." The Regional Officer was the highest authority within the Region. Regional Enforcers served to support the Regional Officer, and enforce discipline and adherence by gang members of established LATIN KING rules and by-laws. The Regional Officers reported to an individual known as the "Supreme Regional Officer," who was sometimes known as the "Supreme Regional Inca."



e. The Supreme Regional Officer was the second highest ranking LATIN KING on the South Side of Chicago. In turn, the Supreme Regional Officer reported to the "Corona," the highest ranking LATIN KING gang member on the South side of the Chicago area.

f. Each Region was comprised of "Branches," "Chapters," or "Sections," hereinafter referred to as "Chapters." Each chapter was typically named after a street or streets that ran through the chapter. In the case of larger regions, such as the LATIN KINGS in the State of Texas, the chapter would be named after the town where the chapter was located. Each chapter had its own rank structure, a leader or "Inca," a second in command or "Casique," an "Enforcer," a "Treasurer" and "Crown Council" members, all of whom were in charge of the non-ranking gang members or "Soldiers" within the chapter. Each chapter's membership of Soldiers numbered on the average approximately 30 individuals.

g. There were several Regions of LATIN KINGS operating throughout the Chicago, Suburban and Northwest Indiana areas. One such Region was known as the Southeast Chicago Region, which included parts of Chicago's South and East side, Chicago South Suburban, as well as the Hammond, Gary, and East Chicago Indiana areas.

h. The Southeast Chicago Region of the LATIN KINGS contained numerous Chapters, all of whom answered to the Regional officers. The Chapters under the Southeast Chicago Region of the LATIN KINGS included, but not limited to: 149<sup>th</sup> (Hammond, Indiana) Gary, Indiana, 82<sup>nd</sup> Street, Bush, 89<sup>th</sup> Street, 97<sup>th</sup> Street, 99<sup>th</sup> Street, 104<sup>th</sup> Street, Roseland, Pullman, Blue Island, and Chicago Heights Chapters.

i. The LATIN KINGS in the State of Texas was divided into Four Regions. The Regions of the LATIN KINGS within the State of Texas included South, West,

Central, and North. Each Region in the State of Texas was comprised of several chapters. In addition to the typical Regional and Chapter positions described above, the LATIN KINGS in the State of Texas had state-wide positions of Counsel Members, Enforcer, Treasurer, and Representative. The State Representative of Texas was responsible for communicating with the "Motherland" (Chicago).

j. LATIN KINGS leaders had the authority within the gang to order "missions," and mete out punishment. A "mission" was an assignment given to a subordinate LATIN KING member that would serve a purpose for the LATIN KING nation. The "missions" could range from a leader ordering a "B.O.S." (beat down on sight), meaning the assault of a rival gang member or a LATIN KING member who had committed a violation of the LATIN KING rules, to a "green light" or "K.O.S." (kill on sight), meaning the murder of a rival gang member or of a LATIN KING member who may have committed an egregious violation of the gang's rules. Failure to perform a "mission" resulted in the assigned member being in violation of the rules. Punishment for failing to complete the "mission" could range anywhere from a beating to death.

k. Members of the LATIN KINGS greeted each other, and showed their membership in the gang, using a set of hand-gang signs, each intended to evoke the shape of a crown. In addition, LATIN KINGS often greeted one another, demonstrated their allegiance to the gang, or simply announced their arrival or presence in a particular area, by exclaiming "ADR" or "Amor De Rey," which meant "King's Love" in Spanish. Other phrases unique to the LATIN KING lexicon included "360," "ALKN," "ALKQN," "Crown," "Lion," "Lion Tribe," "Motherland," "KMC," "Kingism," and "Bloodline." The LATIN KINGS employed a robust symbology as well, often using depictions of five-pointed crowns, lions, and Inca or Aztec-



inspired artwork to demonstrate their affiliation. Members often had tattoos incorporating one or more of the aforementioned phrases or symbols, the crown and the lion being the most prominent. The gang also incorporated these phrases and symbols into graffiti, which they used to mark their territory or announce their presence in a particular area. The colors associated with the LATIN KINGS were black and gold, and members of the LATIN KINGS often demonstrated their affiliation with the LATIN KINGS by wearing clothing containing the colors black and gold, or incorporating some of the gang's other symbols or phrases.

### **The Racketeering Enterprise**

3. The LATIN KINGS, including its leadership, membership, and associates, constituted an "enterprise," as defined in Title 18, United States Code, Section 1961(4) (hereinafter "the enterprise"), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce.

### **Purposes of the Enterprise**

4. The purposes of the enterprise included, but were not limited to, the following:
- a. Enriching the leaders, members, and associates of the enterprise through, among other things, the illegal trafficking of controlled substances.
  - b. Preserving and protecting the power, territory, operations, and proceeds of the enterprise through the use of threats, intimidation, violence, and destruction including, but not limited to, acts of murder, attempted murder, assault with a dangerous weapon, kidnapping, robbery, extortion, and other acts of violence.

c. Promoting and enhancing the enterprise and its members' and associates' activities.

d. Keeping victims in fear of the enterprise and in fear of its leaders, members, and associates through threats of violence and violence. The leaders, members, and associates of the enterprise undertook all steps necessary to prevent the detection of their criminal activities, and sought to prevent and resolve the imposition of any criminal liabilities upon their leaders, members, and associates, by the use of murder, violence, and intimidation directed against witnesses, victims, and others. As part of this practice, the enterprise enforced what it referred to as an "SOS" or shoot on sight order, or also known as "KOS" or, kill on sight, sometimes known as "green light," against LATIN KING members who were suspected of having cooperated with law enforcement.

e. Providing support to gang members who were charged with, or incarcerated for, gang-related activities.

**The Racketeering Conspiracy**

5. Beginning on a date unknown to the Grand Jury, but at least as of in or about August 1989, and continuing through on or about the date of this Third Superseding Indictment, in the Northern District of Indiana and elsewhere, the defendants,

ALEXANDER VARGAS  
a/k/a "Pacman,"  
SISTO BERNAL,  
a/k/a "Cisco," "Suge,"  
JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"  
MARTIN ANAYA  
a/k/a "Lefty,"  
IVAN QUIROZ,  
a/k/a "Captain Kirk,"

**HILUTERIO CHAVEZ,  
a/k/a "Tails," "Zeus,"  
[REDACTED]  
SERGIO ROBLES,  
a/k/a "Checko,"  
EMILIANO ESPARZA,  
a/k/a "Ken Milleano," "Kent," "Double G,"  
PAULINO SALAZAR,  
a/k/a "Chino,"  
SANTIAGO GUDINO,  
a/k/a "Creeper,"  
GABRIEL JALOMOS,  
a/k/a "Sneaky,"  
OSCAR GONZALEZ,  
a/k/a "Puppet,"  
DAVID LIRA,  
a/k/a "Flaco,"  
VICTOR MEZA, JR.,  
a/k/a "Shadow,"  
ANTONIO GUDINO,  
a/k/a "Chronic,"  
ALEX GUERRERO, and  
ANTONIO C. MARTINEZ, JR.,**

each being a person employed by and associated with the LATIN KINGS, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, together with JOSE ZAMBRANO, a/k/a "Speedy," a/k/a "Bird," a/k/a "Big Greasy," JERMAINE ELLIS, a/k/a "J-Dub," a/k/a "Donnie Brasco," a/k/a "Shorty," and 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, consisting of multiple acts involving murder in violations of Illinois Statute Chapter 720 Section 5/9-1 and Indiana Code 35-42-1-1, 35-4-2-4, and 35-50-2-9, and multiple acts involving robbery in violation of Illinois Statute Chapter 720 Section 5/18-5 and Indiana Code 35-42-5-1, and multiple acts indictable under Title 18 United States Code Section 1951 (robbery affecting interstate commerce); and 18 United



States Code Section 1952 (interstate and foreign travel in aid of racketeering); and multiple acts involving narcotics trafficking in violations of 21 United States Code Sections 841(a)(1) (distribution and possession with the intent to distribute a controlled substance) and Section 846 (conspiracy to distribute and possess with the intent to distribute a controlled substance). It was part of this conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

#### **Manner and Means of the Conspiracy**

6. Each defendant agreed to facilitate a scheme that included the operation and management of the enterprise by a conspirator. Members of the enterprise and their associates operated and conducted their affairs through a series of laws and policies, some of which were codified in a constitution and a series of laws.

a. The members of the enterprise and their associates attended regular meetings, known as “demos” at which they discussed, planned, and otherwise engaged in criminal activity, including murder, attempted murder, narcotics distribution, and obstruction of justice.

b. Members of the enterprise and their associates initiated members through the practice of causing them to endure physical assaults conducted by members of the enterprise at various gang-related gatherings.

c. To enforce discipline and the rules of the enterprise, members of the enterprise and their associates engaged in a system of “violations,” in which the defendants and others attempted to murder, conspired to murder, and physically beat and threatened those members of the enterprise who violated rules, questioned authority, or posed a threat to the leaders or purposes of the enterprise.

d. Members of the enterprise and their associates employed and used gang-related terminology, symbols, gestures, and color schemes.

e. To perpetuate the enterprise and to maintain and extend their power, members of the enterprise and their associates committed illegal acts known as "burns," including murder, attempted murder, aggravated battery, intimidation, and assault against individuals who posed a threat to the enterprise or jeopardized its operations, including rival gang members and witnesses to the illegal activities of the enterprise. Pursuant to gang policy, members of the enterprise and their associates were required to participate in such "burns," received standing orders to shoot rival gang members, and were instructed to retaliate for gang-related attacks upon the members and associates of the enterprise.

f. Members of the enterprise and their associates managed the procurement, transfer, use, concealment, and disposal of firearms and dangerous weapons within the enterprise to protect gang-related territory, personnel, and operations, and to deter, eliminate, and retaliate against competitors and other rival criminal organizations and persons.

g. Members of the enterprise and their associates monitored law enforcement radio frequencies, and acquired radio equipment and monitors to do so, in order to detect and avoid law enforcement inquiry into their activities, including during gang-related missions.

h. Members of the enterprise and their associates were required to stand guard, or "post-up" in the neighborhoods controlled by the enterprise. As part of "posting-up," the members of the enterprise and their associates would flash gang signs and/or yell gang slogans to demonstrate their control of the neighborhood.

i. Members of the enterprise and their associates earned money for their members and regularly financed their activities through funds obtained in the illegal trafficking of controlled substances, including the distribution and possession with intent to distribute cocaine and marijuana.

j. Members of the enterprise and their associates operated and conducted their affairs, in part, through a "Box" system in which the Chapter and Region leadership of the LATIN KINGS and others, possessed, controlled, and otherwise maintained a monetary stash on behalf of the enterprise. As part of this practice, the members of the enterprise and their associates paid requisite monthly dues into the Box or "Caja" which, in turn, the enterprise used to bail gang members out of jail, to send money to incarcerated gang members, and to purchase and sell firearms and controlled substances. At times, the members of the enterprise and their associates paid money into the "Box" by selling narcotics supplied by members of the gang.

k. Members of the enterprise and their associates hid, misrepresented, concealed, and caused to be misrepresented, concealed, and hidden, the objectives of acts done in furtherance of the conspiracy, and used coded language and other means to avoid detection and apprehension by law enforcement authorities.

l. Members of the enterprise recruited and used juveniles to commit acts for the benefit of the enterprise.

#### **Overt Acts**

7. In furtherance of the conspiracy and to achieve the objects thereof, the conspirators performed or caused to be performed the following overt acts, among others, in the Northern District of Indiana and elsewhere:



a. Beginning on a date unknown to the Grand Jury, but at least as of in or about May 1989, and continuing through on or about the date of this Third Superseding Indictment, **SISTO BERNAL, ALEXANDER VARGAS, JASON ORTIZ, BRANDON CLAY, MARTIN ANAYA, IVAN QUIROZ, HILUTERIO CHAVEZ,** [REDACTED], [REDACTED], **SERGIO ROBLES, EMILIANO ESPARZA, PAULINO SALAZAR, SANTIAGO GUDINO, GABRIEL JALOMOS, OSCAR GONZALEZ, DAVID LIRA, VICTOR MEZA, JR., ANTONIO GUDINO, ALEX GUERRERO, ANTONIO C. MARTINEZ, JR.,** and other members or associates of the LATIN KINGS caused to be distributed cocaine and marijuana.

b. On or about May 4, 1989, **SISTO BERNAL** possessed a quantity of cocaine.

c. On or about August 7, 1989, **MARTIN ANAYA** and other LATIN KING members beat another person with a baseball bat (beat down) due to that person's desire to leave the LATIN KINGS.

d. On or about October 3, 1991, **MARTIN ANAYA** possessed a firearm.

e. On or about January 27, 1992, **EMILIANO ESPARZA** possessed a firearm.

f. On September 25, 1993, **MARTIN ANAYA** possessed a firearm.

g. On or about August 21, 1994, **ALEXANDER VARGAS** possessed a quantity of cocaine.

h. On or about June 6, 1995, **ALEXANDER VARGAS** possessed a firearm.

i. On or about June 15, 1995, **SISTO BERNAL** and **EMILIANO ESPARZA** flashed gang signs and intimidated pedestrians.

j. On or about June 26, 1996, **HILUTERIO CHAVEZ** possessed a quantity of cocaine, marijuana, and a firearm.

k. [REDACTED]  
[REDACTED]

l. On or about August 25, 2000, **PAULINO SALAZAR** possessed a firearm.

m. On or about September 14, 2000, **ALEXANDER VARGAS** possessed a firearm.

n. On or about December 20, 2001, **LATIN KING** members murdered Ricardo Cabrales, whom the **LATIN KING** members believed to be a Latin Dragons gang member, in Chicago, Illinois

o. On or about November 25, 2002, **SANTIAGO GUDINO**, **ANTONIO GUDINO**, and three other **LATIN KING** members or associates traveled together in two vehicles toward East Chicago, Indiana, within hours after a **LATIN KING** member was shot and killed in East Chicago, Indiana. Each vehicle contained a loaded firearm, and one vehicle contained additional ammunition.

p. On or about November 29, 2002, **EMILIANO ESPARZA** possessed a firearm and a quantity of marijuana.

q. On or about May 26, 2003, **ALEXANDER VARGAS** possessed a firearm.

r. On or about July 12, 2003, **SANTIAGO GUDINO, SERGIO ROBLES** and other LATIN KING members murdered Mark Balnius, whom the LATIN KING members believed to be a rival gang member, in Chicago, Illinois

s. On or about July 13, 2003, LATIN KING members murdered Kenneth Lawson, whom the LATIN KING members believed to be a rival gang member, in Chicago, Illinois.

t. On or about October 28, 2003, LATIN KING members murdered Greg Washington, whom the LATIN KING members believed to be a rival gang member, in Chicago, Illinois.

u. On or about December 6, 2003, **SISTO BERNAL, SANTIAGO GUDINO, SERGIO ROBLES, GABRIEL JALOMOS** and other LATIN KING members caused Jonathan Zimmerman to be transported from Chicago, Illinois, to Hammond, Indiana and then murdered him in retaliation for using counterfeit United States currency to purchase narcotics.

v. In or about 2004 to in or about 2006, **ALEX GUERRERO, ANTONIO C. MARTINEZ, SISTO BERNAL** and another individual travelled from Chicago, Illinois to a warehouse in the vicinity of Rockford, Illinois that was being used to store marijuana. **ALEX GUERRERO** and **ANTONIO C. MARTINEZ** drove to this warehouse in their Chicago Police Department-issued vehicle, wearing their Chicago Police Department badges and firearms. At **BERNAL's** direction, **GUERRERO** and **MARTINEZ** forcibly broke into the warehouse and stole a large quantity of marijuana. **GUERRERO** and **MARTINEZ** turned this marijuana over to **BERNAL** and were paid approximately \$2,000 each for committing this armed burglary.



w. In or about 2004 to in or about 2006, **SISTO BERNAL** directed **ALEX GUERRERO** and **ANTONIO C. MARTINEZ** to make a traffic stop on a female who was transporting marijuana from Mexico to Chicago, Illinois. **GUERRERO** and **MARTINEZ** made this traffic stop under the guise of a legitimate police investigation, and were driving their unmarked Chicago Police Department vehicle and were wearing their Chicago Police Department badges and firearms at the time. **GUERRERO** and **MARTINEZ** released the female driver of the vehicle and kept her minivan. After they located approximately 90-100 pounds of marijuana in the minivan, they turned it over to **BERNAL**.

x. In or about 2004 to in or about 2006, **SISTO BERNAL** directed **ALEX GUERRERO** and **ANTONIO C. MARTINEZ** to go to the residence of a drug trafficker in East Chicago, Indiana. **GUERRERO** and **MARTINEZ** went to this residence under the guise of a legitimate police investigation, and wore their Chicago Police Department badges and firearms at the time. While in the residence they stole approximately \$20,000-\$25,000 of drug money and turned it over to **BERNAL**, who paid them approximately \$3,000-\$4,000 for committing the armed robbery.

y. In or about 2004 to in or about 2006, **SISTO BERNAL** directed **ALEX GUERRERO**, **ANTONIO C. MARTINEZ** and **HILUTERIO CHAVEZ** to go to the residence of a drug trafficker in the vicinity of South Massasoit Avenue in Chicago, Illinois. **GUERRERO** and **MARTINEZ** went to this residence under the guise of a legitimate police investigation, and were wearing their Chicago Police Department badges and firearms at the time. **GUERRERO**, **MARTINEZ** and **CHAVEZ** took between \$30,000 and \$40,000 of drug money from the residence, and turned it over to **BERNAL**. During the course of the robbery **CHAVEZ** purported to be a Chicago Police Department officer and handcuffed an individual

inside the residence. **BERNAL** paid **GUERRERO**, **MARTINEZ** and **CHAVEZ** approximately \$5,000 to \$6,000 each for committing this armed robbery.

z. In or about 2004 to in or about 2006, **SISTO** directed **ALEX GUERRERO** and **ANTONIO C. MARTINEZ** to do a traffic stop on **BERNAL** and another drug trafficker's vehicle in Chicago, Illinois while **BERNAL** was purporting to purchase cocaine from this drug trafficker. **GUERRERO** and **MARTINEZ** did this traffic stop under the guise of a legitimate police investigation, and were driving their Chicago Police Department undercover vehicle and wearing their badges and firearms at the time. **GUERRERO** and **MARTINEZ** seized a large quantity of cocaine from the drug trafficker and released him. They then turned this cocaine over to **BERNAL**.

aa. [REDACTED]

[REDACTED]

[REDACTED]

bb. On or about November 9, 2004, **SISTO BERNAL** had a telephone conversation with a **LATIN KING** member discussing the Texas **LATIN KING** hierarchy and other topics related to the enterprise.

cc. On or about February 28, 2005, to on or about March 1, 2005, members of the **LATIN KINGS** from the Southeast Chicago Region kidnapped an individual who they believed to be involved in drug trafficking and took him against his will from Chicago, Illinois to a residence in Hammond, Indiana and then to another residence in Gary, Indiana. During the course of this interstate kidnapping **GABRIEL JALAMOS** stood watch over the kidnapping victim while the other members of the **LATIN KINGS** attempted to collect a ransom and/or drug debt from the victim's associates.

dd. On or about April 20, 2005, **PAULINO SALAZAR** possessed a firearm.

ee. On or about May 28, 2005, **SISTO BERNAL, ALEXANDER VARGAS, HILUTARIO CHAVEZ** and other **LATIN KING** members traveled from the Chicago/Northwest Indiana area to Willis, Texas to meet with [REDACTED] [REDACTED] Texas **LATIN KING** hierarchy.

ff. On or about May 29, 2005, at a meeting in Willis, Texas, **SISTO BERNAL** threatened [REDACTED] [REDACTED] Texas **LATIN KING** leadership that they would be "smashed" if they did not comply with the rules issued by **LATIN KINGS** from the Chicago area.

gg. On or about May 29, 2005, **ALEXANDER VARGAS** instructed [REDACTED] Texas **LATIN KING** leadership on methods and practices to avoid detection and prosecution from law enforcement for criminal violations.

hh. On or about May 29, 2005, **SISTO BERNAL** [REDACTED] [REDACTED] designated the Texas **LATIN KING** State Enforcer as the Texas **LATIN KING REPRESENTATIVE**, the person who would communicate between Texas and the Chicago **LATIN KING** hierarchy.

ii. On or about July 12, 2005, **HILUTERIO CHAVEZ**, a female associate, and a small child, traveled from the Chicago area to Big Spring, Texas. The purpose of the trip was for **CHAVEZ** to acquire firearms from the Texas **LATIN KING REPRESENTATIVE**. **CHAVEZ** intended to transport these firearms back to Chicago and distribute these firearms to other **LATIN KINGS**.

jj. On or about July 20, 2005, **JASON ORTIZ** possessed a firearm.



kk. In or about October of 2005, **SISTO BERNAL, VICTOR MEZA, JR.**, a LATIN KING member and associate possessed a large quantity of controlled substances.

ll. In or about October of 2005, **SISTO BERNAL** directed **ALEX GUERRERO** and **ANTONIO C. MARTINEZ** to go to a residence on Harrison Avenue in Hammond, Indiana, to take money and controlled substances from a LATIN KING member. **BERNAL** had previously told that LATIN KING member that he had stolen a large quantity of marijuana and a quantity of cocaine from **BERNAL**. **GUERRERO** and **MARTINEZ** went to this residence under the guise of a legitimate police investigation, wearing their Chicago Police Department badges and firearms. While in the residence, **GUERRERO** and **MARTINEZ** took a Glock 9mm pistol and a Glock .357 pistol which were legally purchased and possessed by one of the residents and turned these pistols over to **BERNAL**.

mm. From in or about the late fall of 2005 and prior to February of 2006, **ALEXANDER VARGAS, SISTO BERNAL**, and other LATIN KING members possessed and distributed in excess of 150 kilograms of cocaine

nn. On or about January 12, 2006, **BRANDON CLAY** possessed a firearm.

oo. In or about 2006, **ALEXANDER VARGAS**, as Regional Inca, attended a 99th Street Chapter meeting, during which time he complained that the "soldiers" were not "posting up" (conducting armed patrols) in their neighborhood.

pp. On or about September 17, 2006, **BRANDON CLAY** and other LATIN KING members engaged in a street fight with rival gang members.

qq. On or about November 26, 2006, **BRANDON CLAY** and two other **LATIN KING** members, with the assistance of two female associates, caused Edward Delatorre and another person, both of whom the **LATIN KING** members believed to be Latin Dragons gang members, to be shot, killing Delatorre, in Chicago, Illinois.

rr. On or about December 2, 2006, **ALEXANDER VARGAS** attempted to have other **LATIN KING** members shoot at persons who were attending the funeral of Edward Delatorre.

ss. On or about December 2, 2006, **ALEXANDER VARGAS** conducted a meeting where he directed **IVAN QUIROZ**, **HILUTERIO CHAVEZ**, and other **LATIN KING** members, all "Enforcers" for the Southeast Region, to increase their efforts in targeting for murder the leadership of the Latin Dragons gang in retaliation for the October 2, 2006, murder of **ALEXANDER VARGAS'** younger brother, Jose Vargas. During this meeting, **ALEXANDER VARGAS** indicated that the homicide of Edward Delatorre was an inadequate retaliation for the death of Jose Vargas.

tt. On or about December 5, 2006, to on or about December 24, 2006, **SISTO BERNAL** directed **ALEX GUERRERO** and **ANTONIO C. MARTINEZ** to go to the residence of James Walsh, a Latin Dragon, in Hammond, Indiana. **GUERRERO** and **MARTINEZ** went to this residence under the guise of a legitimate police investigation, while armed and wearing their Chicago Police Department badges. **GUERRERO** and **MARTINEZ** took narcotics, firearms and United States currency from the residence and turned it over to **BERNAL**.

uu. From on or about January 2007, until February 25, 2007, **SERGIO ROBLES**, **PAULINO SALAZAR**, **HILUTERIO CHAVEZ**, and another **LATIN KING**

member had a wager on who would be the first to successfully carry out **ALEXANDER VARGAS'** order to kill a Latin Dragon leader in retaliation for the death of Jose Vargas.

vv. On or about January 18, 2007, a **LATIN KING** member murdered Isaiah Cintron, whom the **LATIN KING** members believed to be a Latin Counts gang member, in Whiting, Indiana.

ww. On or about February 21, 2007, **ALEXANDER VARGAS, IVAN QUIROZ** and other **LATIN KING** members met, discussed, and planned the ambushing of leaders of the Latin Dragons gang.

xx. On or about February 24, 2007, **IVAN QUIRO**, and other **LATIN KING** members traveled from Illinois to Griffith, Indiana, armed with firearms to ambush leaders of the Latin Dragons gang.

yy. On or about February 24, 2007, **IVAN QUIROZ** and other **LATIN KING** members traveled from Griffith, Indiana to Lansing, Illinois and gave **DAVID LIRA** firearms to hold for later use in the intended ambush of the Latin Dragons gang leaders.

zz. On or about February 25, 2007, **IVAN QUIROZ, JASON ORTIZ, BRANDON CLAY** and two other **LATIN KING** members traveled to Lansing, Illinois to meet with **DAVID LIRA** and receive back the firearms that were left with **LIRA** the previous evening.

aaa. On or about February 25, 2007, **IVAN QUIROZ, JASON ORTIZ, BRANDON CLAY** and two other **LATIN KING** members, traveled from Lansing, Illinois to Griffith, Indiana to ambush leaders of the Latin Dragons gang.

bbb. On or about February 25, 2007, **ALEXANDER VARGAS, IVAN QUIROZ, JASON ORTIZ, BRANDON CLAY** and two other **LATIN KING** members caused



James Walsh and Gonzalo Diaz, known leaders of the Latin Dragons gang, to be shot and killed outside of the Sopranos Lounge in Griffith, Indiana.

ccc. On or about February 25, 2007, **ALEXANDER VARGAS, IVAN QUIROZ**, and a LATIN KING member and an associate fled Northwest Indiana for the United States' border with Mexico, where **QUIROZ** entered into Mexico.

ddd. On or about February 26, 2007, **JASON ORTIZ** conveyed to other LATIN KING members that the police were looking for another LATIN KING member, in connection with the Sopranos Lounge double homicide on February 25, 2007.

eee. On or about March 4, 2007, **JASON ORTIZ** met with LATIN KING hierarchy and obtained a "green light" (kill on sight) on another LATIN KING member due to concerns that he was cooperating with law enforcement regarding the Sopranos Lounge double homicide.

fff. On or about March 4, 2007, **JASON ORTIZ** placed a telephone call to **BRANDON CLAY** and conveyed that LATIN KING leadership ordered a "green light" on another LATIN KING member.

ggg. On or about March 17, 2007, a LATIN KING member possessed a firearm.

hhh. On or about April 2, 2007, **IVAN QUIROZ, DAVID LIRA**, another LATIN KING member and two associates traveled from Mexico to the Chicago, Illinois, area.

iii. On April 19, 2007, a LATIN KING member murdered Sylvester Jackson, whom the LATIN KING member believed to be a member of the Latin Dragons, in Chicago, Illinois.

jjj. On or about May 18, 2007, **BRANDON CLAY** informed **JASON ORTIZ** that they enhanced their status within the LATIN KINGS due to their participation in the Sopranos Lounge double homicide. **CLAY** told **ORTIZ** "you and me got ugly clout now."

kkk. On or about July 25, 2007, LATIN KING members murdered Guadalupe Ramirez and shot another person, both of whom the LATIN KING members believed to be rival gang members, in Chicago, Illinois.

lll. On or about August 6, 2007, **JASON ORTIZ** asked **BRANDON CLAY** why he was associating with a particular LATIN KING member.

mmm. On or about August 6, 2007, **BRANDON CLAY** informed **JASON ORTIZ** that the LATIN KING Hierarchy reorganized and selected **CLAY** and another LATIN KING member for increased positions of Chapter leadership.

nnn. On or about October 24, 2007, **DAVID LIRA** together with another LATIN KING member yelled, "King got this!"

ooo. On or about December 27, 2007, **ALEXANDER VARGAS**, **PAULINO SALAZAR**, and another LATIN KING member flashed LATIN KING gang signs at passing traffic.

ppp. On or about February 16, 2008, **DAVID LIRA** and two other LATIN KING members flashed LATIN KING gang signs to others in the area.

qqq. On or about February 23, 2008, **BRANDON CLAY** possessed a firearm.

rrr. On or about May 6, 2008, **MARTIN ANAYA** and other LATIN KING members flashed gang signs and threw bottles at passing motorists.

sss. On May 25, 2008, **SERGIO ROBLES, EMILIANO ESPARZA, PAULINO SALAZAR, GABRIEL JALOMOS** and **OSCAR GONZALEZ** caused Jose Cortez and another person, both of whom the LATIN KING members believed to be Latin Dragons gang members, to be shot in East Chicago, Indiana, killing Cortez.

ttt. In or about June of 2008, **VICTOR MEZA, JR.**, stored in his residence the weapon used to kill Jose Cortez on May 25, 2008.

uuu. On or about November 7, 2008, **JASON ORTIZ** and other members of the LATIN KINGS flashed gang signs and intimidated passing motorists.

vvv. In or about February 2009, **EMILIANO ESPARZA** directed **SANTIAGO GUDINO, GABRIEL JALOMOS,** and **ANTONIO GUDINO** to take another LATIN KING member from his residence to "violate" him. After the LATIN KING member refused to accompany them, the LATIN KING leadership subsequently issued a "KOS" on this LATIN KING member.

www. On or about February 20, 2009, LATIN KING members murdered a thirteen-year-old juvenile, a fifteen-year-old juvenile, and Kendrick Pitts, whom the LATIN KING members believed to be rival gang members, in Chicago, Illinois.

xxx. On or about March 6, 2009, LATIN KING members murdered Carnell Pitts, whom the LATIN KING members believed to be a rival gang member, in Chicago, Illinois.

yyy. On or about May 4, 2009, the Texas State LATIN KING Representative [REDACTED] [REDACTED] [REDACTED] appointed by SISTO BERNAL, directed four other LATIN KING members or associates to conduct a drive-by shooting in Big Spring, Texas. The shooting occurred in front of the residence of rivals during a



party in which several persons were present, resulting in five persons shot, two of whom were killed, including a pregnant woman.

zzz. On or about April 22, 2009, **JASON ORTIZ, BRANDON CLAY, MARTIN ANAYA**, and another LATIN KING member caused Christina Campos, whom the LATIN KING members believed to be a member of the Lady Counts, to be shot and killed in Chicago, Illinois.

aaaa. On or about July, 6, 2009, **JASON ORTIZ** and associates of the LATIN KINGS were occupants in a vehicle in which at least one of the occupants discharged a firearm at another person.

bbbb. On or about August 17, 2009, LATIN KING members murdered Carlton Ewing, whom the LATIN KING members believed to be a rival gang member, in Chicago, Illinois.

cccc. On or about September 21, 2009, **BRANDON CLAY** and another LATIN KING member flashed gang signs and refused to obey police orders to disperse.

dddd. [REDACTED]

eeee. [REDACTED]

ffff. On or about March 18, 2010, **VICTOR MEZA, JR.** possessed approximately 100 pounds of marijuana.

gggg. On or about June 27, 2010, **BRANDON CLAY, DAVID LIRA** and another LATIN KING member flashed LATIN KING gang signs to others in the area.

**Notice of Enhanced Sentencing**

8. From in or about 1989, and continuing through on or about the date of the return of this Third Superseding Indictment, in the Northern District of Indiana and elsewhere, **ALEXANDER VARGAS, SISTO BERNAL, JASON ORTIZ, BRANDON CLAY, MARTIN ANAYA, IVAN QUIROZ, HILUTERIO CHAVEZ** [REDACTED] **SERGIO ROBLES, EMILIANO ESPARZA, PAULINO SALAZAR, SANTIAGO GUDINO, GABRIEL JALOMOS, OSCAR GONZALEZ, DAVID LIRA, VICTOR MEZA, JR., ANTONIO GUDINO, ALEX GUERRERO, and ANTONIO C. MARTINEZ, JR.** conspired to distribute and possess with the intent to distribute in excess of five kilograms of cocaine and a thousand kilograms of marijuana, in violation of 21 United States Code Sections 846.

9. On or about July 12, 2003, in the Northern District of Indiana and elsewhere, **SANTIAGO GUDINO** and **SERGIO ROBLES**, without lawful justification and with intent to kill, did kill Mark Balnius in violation of Illinois Statute Chapter 720 Section 5/9-1. In addition, **GUDINO** and **ROBLES** committed the murder pursuant to an understanding by which they were to receive something of value in return for committing the murder and that the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result there from, in violation of Illinois Statute Chapter 720 Section 5/9-1(b)(5) & (11).

10. On or about December 6, 2003, in the Northern District of Indiana and elsewhere, **SISTO BERNAL, SANTIAGO GUDINO, SERGIO ROBLES, and GABRIEL JALOMOS**, knowingly and intentionally killed Jonathan Zimmerman in violation of Indiana Code Sections 35-41-2-4, and 35-42-1-1.

11. On or about November 26, 2006, in the Northern District of Indiana and elsewhere, **BRANDON CLAY**, without lawful justification and with intent to kill, did kill Edward Delatorre in violation of Illinois Statute Chapter 720 Section 5/9-1. In addition, **CLAY** committed the murder pursuant to an understanding by which he was to receive something of value in return for committing the murder and that the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result there from, in violations of Illinois Statute Chapter 720 Section 5/9-1(b)(5) & (11).

12. On or about February 25, 2007, in the Northern District of Indiana and elsewhere, **ALEXANDER VARGAS, JASON ORTIZ, BRANDON CLAY, and IVAN QUIROZ**, knowingly and intentionally killed James Walsh, in violation of Indiana Code Sections 35-41-2-4, and 35-42-1-1.

13. On or about February 25, 2007, in the Northern District of Indiana and elsewhere, **ALEXANDER VARGAS, JASON ORTIZ, BRANDON CLAY, and IVAN QUIROZ**, knowingly and intentionally killed Gonzalo Diaz, in violation of Indiana Code Sections 35-41-2-4 and 35-42-1-1.

14. On May 25, 2008, in the Northern District of Indiana and elsewhere, **SERGIO ROBLES, EMILIANO ESPARZA, PAULINO SALAZAR, GABRIEL JALOMOS and OSCAR GONZALEZ**, knowingly and intentionally killed Jose Cortez in violation of Indiana Code Sections 35-41-2-4, and 35-42-1-1.

15. On or about April 22, 2009, in the Northern District of Indiana and elsewhere, **JASON ORTIZ, BRANDON CLAY and MARTIN ANAYA** knowingly without lawful



justification and with intent to kill, did kill Christina Campos in violation of Illinois Statute Chapter 720 Section 5/9-1. In addition, **ORTIZ, CLAY** and **ANAYA** committed the murder pursuant to an understanding by which they were to receive something of value in return for committing the murder, in violation of Illinois Statute Chapter 720 Section 5/9-1(b)(5).

All in violation of Title 18, United States Code, Section 1962(d).

**COUNT TWO**

**(Conspiracy to Possess with Intent to Distribute and Distribute Cocaine and Marijuana)**

The Grand Jury further charges:

16. On Beginning on a date unknown to the Grand Jury, but at least as of in or about 1989, and continuing through on or about the date of the return of this Third Superseding Indictment, in the Northern District of Indiana and elsewhere, the defendants,

ALEXANDER VARGAS  
a/k/a "Pacman,"  
SISTO BERNAL,  
a/k/a "Cisco," "Suge,"  
JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"  
MARTIN ANAYA  
a/k/a "Lefty,"  
IVAN QUIROZ,  
a/k/a "Captain Kirk,"  
HILUTERIO CHAVEZ,  
a/k/a "Tails," "Zeus,"  
[REDACTED]  
SERGIO ROBLES,  
a/k/a "Checko,"  
EMILIANO ESPARZA,  
a/k/a "Ken Milleano," "Kent," "Double G,"  
PAULINO SALAZAR,  
a/k/a "Chino,"  
SANTIAGO GUDINO,  
a/k/a "Creeper,"  
GABRIEL JALOMOS,  
a/k/a "Sneaky,"  
OSCAR GONZALEZ,  
a/k/a "Puppet,"  
DAVID LIRA,  
a/k/a "Flaco,"  
VICTOR MEZA, JR.,  
a/k/a "Shadow,"  
ANTONIO GUDINO,  
a/k/a "Chronic,"

**ALEX GUERRERO, and  
ANTONIO C. MARTINEZ, JR.,**

did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons, both known and unknown to the Grand Jury, to possess with the intent to distribute and distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance and one thousand (1000) kilograms or more of mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 846 .



**COUNT THREE**

**(Conspiracy to Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

17. At all times relevant to this Third Superseding Indictment, LATIN KINGS, as more fully described in Paragraphs One through Four of this Third Superseding Indictment, which are re-alleged and incorporated by reference as though set forth fully herein, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), namely LATIN KINGS, 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 a common purpose of achieving the objectives of the enterprise.

18. At all times relevant to this Third Superseding Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, narcotics trafficking in violation of Title 21, United States Code, Sections 841 and 846, murders and robberies in violation of Illinois Criminal Statute and Indiana Criminal Code and acts indictable under Title 18, United States Code, Section 1951 (robbery affecting interstate commerce) and Section 1952 (interstate travel in aid of racketeering).

19. On or about November 26, 2006, in the Northern District of Indiana, and elsewhere, the defendants,

**BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"  
BIANCA FERNANDEZ, and  
SERINA ARAMBULA,**

along with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in LATIN KINGS, an enterprise engaged in racketeering activity, did intentionally and knowingly conspire to murder Edward Delatorre and another person in violation of violation of Illinois Statute Chapter 720 Section 5/9-1.

All in violation of Title 18, United States Code, Section 1959(a)(5) and 2.

**COUNT FOUR**

**(Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

20. Paragraphs Seventeen and Eighteen of this Third Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein.

21. On or about November 26, 2006, in the Northern District of Indiana, and elsewhere, the defendant,

**BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"**

along with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in LATIN KINGS, an enterprise engaged in racketeering activity, murdered Edward Delatorre in violation of violation of Illinois Statute Chapter 720 Section 5/9-1.

All in violation of Title 18, United States Code, Section 1959(a)(1) and 2.



**COUNT FIVE**

**(Murder Resulting From the Use and Carrying of Firearm During and in Relation to Crimes of Violence and Drug Trafficking)**

The Grand Jury further charges:

22. On or about November 26, 2006, in the Northern District of Indiana, and elsewhere, the defendant,

**BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"**

along with others known and unknown to the Grand Jury, did knowingly carry, use, and discharge firearms during and in relation to crimes of violence and drug trafficking, that is, Conspiracy to Commit Racketeering Activity, Conspiracy to Possess with the Intent to Distribute Controlled Substances, Conspiracy to Murder in Aid of Racketeering Activity and Murder in Aid of Racketeering Activity, as set forth in Counts One, Two, Three, and Four, respectively, of this Third Superseding Indictment, which are incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, that is, Edward Delatorre, willfully, deliberately, and maliciously.

All in violation of Title 18, United States Code, Sections 924 (c); 924(j) and 2.

**COUNT SIX**

**(Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

23. Paragraphs Seventeen and Eighteen of this Third Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein.

24. On or about February 25, 2007, in the Northern District of Indiana, and elsewhere, the defendants,

**ALEXANDER VARGAS  
a/k/a "Pacman,"  
JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick," and  
IVAN QUIROZ,  
a/k/a "Captain Kirk,"**

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in LATIN KINGS, an enterprise engaged in racketeering activity, murdered James Walsh, a/k/a "Jim Bob," in violation of Indiana Code Sections 35-41-2-4, and 35-42-1-1.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

**COUNT SEVEN**

**(Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

25. Paragraphs Seventeen and Eighteen of Count Three of this Third Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein.

26. On or about February 25, 2007, in the Northern District of Indiana, and elsewhere, the defendants,

**ALEXANDER VARGAS  
a/k/a "Pacman,"  
JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick," and  
IVAN QUIROZ,  
a/k/a "Captain Kirk,"**

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in LATIN KINGS, an enterprise engaged in racketeering activity, murdered Gonzalo Diaz, a/k/a "Chalo," in violation of Indiana Code Sections 35-41-2-4, and 35-42-1-1.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.



**COUNT EIGHT**

**(Murder Resulting From the Use and Carrying of Firearm During and in Relation to Crimes of Violence and Drug Trafficking)**

The Grand Jury further charges:

27. On or about February 25, 2007, in the Northern District of Indiana, and elsewhere, the defendants,

**ALEXANDER VARGAS  
a/k/a "Pacman,"  
JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Slick," and  
IVAN QUIROZ,  
a/k/a "Captain Kirk,"**

together with others known and unknown to the Grand Jury, did knowingly carry, use, and discharge firearms during and in relation to crimes of violence and drug trafficking, that is, Conspiracy to Commit Racketeering Activity, Conspiracy to Possess with the Intent to Distribute Controlled Substances, and Murder in Aid of Racketeering Activity, as set forth in Counts One, Two, and Six of this Third Superseding Indictment, which is incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, that is, James Walsh, a/k/a "Jim Bob," willfully, deliberately, and maliciously.

All in violation of Title 18, United States Code, Sections 924 (c); 924(j) and Section 2.

**COUNT NINE**

**(Murder Resulting From the Use and Carrying of Firearm During and in Relation to  
Crimes of Violence and Drug Trafficking)**

The Grand Jury further charges:

28. On or about February 25, 2007, in the Northern District of Indiana, and elsewhere, the defendants,

**ALEXANDER VARGAS  
a/k/a "Pacman,"  
JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick," and  
IVAN QUIROZ,  
a/k/a "Captain Kirk,"**

together with others known and unknown to the Grand Jury, did knowingly carry, use, and discharge firearms during and in relation to crimes of violence and drug trafficking, that is, Conspiracy to Commit Racketeering Activity, Conspiracy to Possess with the Intent to Distribute Controlled Substances, and Murder in Aid of Racketeering Activity, as set forth in Counts One, Two, and Seven, respectively, of this Third Superseding Indictment, which are incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, that is, Gonzalo Diaz, a/k/a "Chalo," willfully, deliberately, and maliciously.

All in violation of Title 18, United States Code, Sections 924(c); 924(j) and 2.

**COUNT TEN**

**(Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

29. Paragraphs Seventeen and Eighteen of this Third Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein.

30. On or about April 22, 2009, in the Northern District of Indiana, and elsewhere, the defendants,

**JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"  
MARTIN ANAYA  
a/k/a "Lefty,"**

together with others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in LATIN KINGS, an enterprise engaged in racketeering activity, murdered Christina Campos in violation of Illinois Statute Chapter 720 Section 5/9-1.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.



**COUNT ELEVEN**

**(Murder Resulting From the Use and Carrying of Firearm During and in Relation to Crimes of Violence and Drug Trafficking)**

The Grand Jury further charges:

31. On or about April 22, 2009, in the Northern District of Indiana, and elsewhere, the defendants,

**JASON ORTIZ,  
a/k/a "Creeper,"  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick," and  
MARTIN ANAYA  
a/k/a "Lefty,"**

along with others known and unknown to the Grand Jury, did knowingly carry, use, and discharge firearms during and in relation to crimes of violence and drug trafficking, that is, Conspiracy to Commit Racketeering Activity, Conspiracy to Possess with the Intent to Distribute Controlled Substances, and Murder in Aid of Racketeering Activity, as set forth in Counts One, Two, and Ten, respectively, of this Third Superseding Indictment, which is incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, that is, Christina Campos, willfully, deliberately, and maliciously.

All in violation of Title 18, United States Code, Sections 924(c); 924(j) and 2.

**COUNT TWELVE**

**(Convicted Felon in Possession of Firearms)**

The Grand Jury further charges:

32. On or about February 25, 2007, in the Northern District of Indiana, and elsewhere, the defendants,

**JASON ORTIZ,  
a/k/a "Creeper," and  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"**

who had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate and foreign commerce firearms, that is: 1) a Norinco, Mak-90 Sporter, 7.62x39 caliber semi-auto rifle, serial number 60281; 2) a Smith & Wesson, Sigma, 9mm. caliber semi-auto pistol, serial number PAC4012; and 3) a Ruger, P89, 9 mm. caliber semi-auto pistol, serial number 314-56431.

All in violation of Title 18, United States Code, Sections 922(g)(1); 924(a)(2) and 2.

**COUNT THIRTEEN**

**(Possession of Stolen Firearms)**

The Grand Jury further charges:

33. On or about February 25, 2007, in the Northern District of Indiana, and elsewhere the defendants,

**JASON ORTIZ,  
a/k/a "Creeper," and  
BRANDON CLAY,  
a/k/a "Cheddar," "Cheddar Boy," "Swiss," "Slick,"**

did knowingly possess stolen firearms which had been shipped and transported in interstate and foreign commerce, before said firearm was stolen, that is: 1) a Norinco, Mak-90 Sporter, 7.62x39 caliber semi-auto rifle, serial number 60281; and 2) Ruger, P89, 9 mm caliber semi-auto pistol, serial number 314-56431, defendants knowing and having reasonable cause to believe that said firearms were stolen.

All in violation of Title 18, United States Code, Sections 922(j); 924(a)(2) and 2.



**COUNT FOURTEEN**

**(Interference with Commerce by Threats or Violence)**

The Grand Jury further charges:

34. In or about December 2006, in the Northern District of Indiana, and elsewhere the defendants,

**SISTO BERNAL,  
a/k/a "Cisco," "Suge,"  
ALEX GUERRERO, and  
ANTONIO C. MARTINEZ, Jr.,**

did unlawfully obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendants **SISTO BERNAL, ALEX GUERRERO** and **ANTONIO C. MARTINEZ**, did unlawfully take and obtain personal property consisting of firearms and/or marijuana and/or cocaine and/or United States currency from James Walsh a/k/a "Jim Bob," and others against their will by means of actual and threatened force, violence and fear of injury, immediate and future, to their person, that is, detaining others and handcuffing Walsh and searching his home located in Hammond, Indiana, and taking firearms and/or marijuana and/or cocaine and/or United States currency while armed with a firearm and wearing Chicago Police Department badges and under the guise of a legitimate police investigation.

All in violation of Title 18, United States Code, Section 1951, and Title 18, United States Code, Section 2.

**COUNT FIFTEEN**

**(Use and Carrying of Firearm During and in Relation to Crimes of Violence and Drug Trafficking)**

The Grand Jury further charges:

35. In or about December 5, 2006, to on or about December 24, 2006, in the Northern District of Indiana, and elsewhere the defendants,

**ALEX GUERRERO and  
ANTONIO C. MARTINEZ, Jr.,**

defendants herein, did knowingly carry, and use firearms during and in relation to crimes of violence and drug trafficking, that is, Conspiracy to Commit Racketeering Activity, Conspiracy to Possess with the Intent to Distribute Controlled Substances, and Interference with Commerce by Threats or Violence, as set forth in Counts One, Two, Fourteen, respectively, of this Third Superseding Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

### CRIMINAL FOREITURE ALLEGATIONS

36. The allegations contained in Count One of this Third Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant Title 18, United States Code, Section 1963.

37. Pursuant to Title 18, United States Code, Section 1963, upon conviction of Count One of this Third Superseding Indictment, the defendants named in Count One shall forfeit to the United States of America:

- a. any interest acquired or maintained in violation of section 1962;
- b. any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which the defendants established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and
- c. any property constituting, or derived from, any proceeds obtained, directly or indirectly, from racketeering activity in violation of 1962 (or a sum of money representing the total amount of gross proceeds obtained as a result of the racketeering activity, for which the defendants are jointly and severally liable).

38. If any of the property described above, as a result of any act or omission of one or more of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 18, United States Code, Section 1963(m).



39. The allegations contained in Count Two of this Third Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

40. Pursuant to Title 21, United States Code, Section 853, upon conviction of Count Two of this Third Superseding Indictment, the defendants named in Count Two shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses (or a sum of money representing the total amount of proceeds obtained as a result of the drug trafficking activity, for which the defendants are jointly and severally liable) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses.

41. If any of the property described above in paragraph 40, as a result of any act or omission of one or more of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

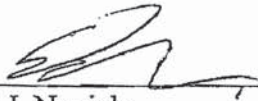
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:

  
FOREPERSON

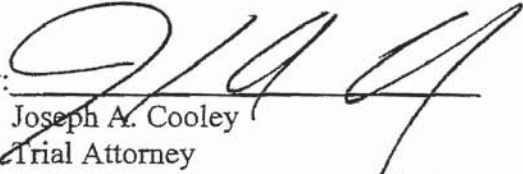
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ASSISTANT ATTORNEY GENERAL

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Gang Section