

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(Wichita Docket)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON NAJERA,

a.k.a. Ene,

a.k.a. Norte,

PEDRO GARCIA,

a.k.a. Peter Garcia,

a.k.a. Pistol Pete,

GONZALO RAMIREZ,

a.k.a. Gonzo,

RUSSELL WORTHEY,

a.k.a. Blanco,

ANTHONY WRIGHT,

a.k.a. Huesos,

JOSHUA FLORES,

a.k.a. Big Knox,

JESUS FLORES,

a.k.a. Tito,

ANGEL CERDA,

a.k.a. Shrek,

JUAN TORRES,

a.k.a. Buggy,

ALFREDO BELTRAN-RUIZ,

a.k.a. Deuce-Deuce,

DONTE BARNES,

a.k.a. Snipes,

a.k.a. Snipe,

a.k.a. Sniper,

JESUS SANCHEZ,

a.k.a. Drac,

a.k.a. Dracula,

ENRIQUE GOBIN,

a.k.a. Ricky,

Criminal Action

No. 12-_____ -01-23- _____

FILED UNDER SEAL

a.k.a. Sonny Boy,	}
ALFONSO BANDA-HERNANDEZ,	}
a.k.a. Fonso,	}
ANDREW GUSMAN,	}
a.k.a. Beaver,	}
EUSEBIO SIERRA-MEDRANO,	}
a.k.a. TC,	}
JAYSON VARGAS,	}
a.k.a. Wee Wee,	}
ADAM FLORES,	}
a.k.a. Little Lazy,	}
FABIAN NEAVE,	}
a.k.a. Puppet,	}
JESUS TORRES,	}
a.k.a. Rabbit,	}
JOSE NEAVE,	}
a.k.a. Caiyo,	}
HERNAN QUEZADA,	}
a.k.a. Cheese,	}
a.k.a. Cartoon,	}
HUMBERTO ORTIZ,	}
a.k.a. Beto,	}
Defendants.	}

INDICTMENT

COUNT 1

The Grand Jury charges:

The Enterprise

1. At various times relevant to this Indictment;

**JASON NAJERA, PEDRO GARCIA, GONZALO RAMIREZ, RUSSELL
WORTHEY, ANTHONY WRIGHT, JOSHUA FLORES, JESUS FLORES,
ANGEL CERDA, JUAN TORRES, ALFREDO BELTRAN-RUIZ, DONTE**

**BARNES, JESUS SANCHEZ, ENRIQUE GOBIN, ALFONSO BANDA-
HERNANDEZ, ANDREW GUSMAN, EUSEBIO SIERRA-MEDRANO, JAYSON
VARGAS, ADAM FLORES, FABIAN NEAVE, JESUS TORRES, JOSE NEAVE,
HERNAN QUEZADA, HUMBERTO ORTIZ,**

the defendants, and others known and unknown, were leaders, members and associates of the **Nortenos**, a criminal organization whose members and associates engaged in narcotics distribution and acts of violence including acts involving murder and robbery, and which operated principally in Dodge City, Kansas.

2. The **Nortenos**, including its leadership, membership and associates, constituted an "enterprise," as defined by 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 and associates 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.

3. The **Nortenos** (Spanish: Northerners) is a street gang present in numerous states in the United States. In Dodge City, Kansas, **Nortenos** members and associates identify with "sets" named **Diablos Viejos (DV)** and **Los Carnales Chingones (LCC)**. The **DV** and **LCC** members are organized under the common identity of **Nortenos**. Both

the **DV** and **LCC** members identify with the same colors and symbols, identify themselves as **Nortenos**, and associate regularly in the commission of various crimes.

Purposes of the Enterprise

4. The purposes of the enterprise included the following:
 - a. Enriching the members and associates of the enterprise through, among other things, murder, robbery, and distribution of narcotics.
 - b. Preserving and protecting the power, territory and profits of the enterprise through the use of actual and threatened violence, including assaults and murder.
 - c. Promoting and enhancing the enterprise and the activities and reputations of its members and associates.
 - d. Keeping victims in fear of the enterprise and in fear of its members and associates through actual violence and threats of violence.

Roles of the Defendants

5. The defendants participated in the operation and management of the enterprise.
 - a. Members and associates of the enterprise identify themselves through, amongst other things, clothing, hand signals and tattoos which signify gang affiliation. Red clothing and paraphernalia are associated with the **Nortenos** street gang. **Nortenos** gang members frequently reference the number “14” through hand signals and tattoos because the letter “N”, which represents “Norteno”, is the 14th letter of the

alphabet.

b. The defendant **Jason NAJERA** was a leader of the enterprise who directed other members of the enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise's affairs.

c. Under the direction of **Jason NAJERA** and other leaders of the enterprise, including **Eusebio SIERRA-MEDRANO** and **Fabian NEAVE**, the defendants and others participated in unlawful and other activities in furtherance of the conduct of the enterprise's affairs.

Means and Methods of the Enterprise

6. Among the means and methods by which the defendants and others conducted and participated in the conduct of the affairs of the enterprise were the following:

a. Members of the enterprise and their associates used, attempted to use, and conspired to use murder, robbery and assault, which affected interstate commerce.

b. Members of the enterprise and their associates committed, attempted and threatened to commit acts of violence, including murder and robbery, to protect and expand the enterprise's criminal operations.

c. Members of the enterprise and their associates promoted a climate of fear through violence and threats of violence.

d. Members of the enterprise and their associates used and threatened to use physical violence against various individuals, including rival gang members and associates.

e. Members of the enterprise and their associates trafficked in narcotics, including methamphetamine, cocaine and marijuana.

The Racketeering Conspiracy

7. On or about and between 2008 through the date of this Indictment, both dates being approximate and inclusive, within the District of Kansas, and elsewhere, **JASON NAJERA, PEDRO GARCIA, GONZALO RAMIREZ, ANTHONY WRIGHT, JESUS SANCHEZ, EUSEBIO SIERRA-MEDRANO, JAYSON VARGAS, FABIAN NEAVE**, together with persons known and unknown, being persons associated with the **Nortenos** street gang, an enterprise which engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired to violate 18 U.S.C. § 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Sections 1961(1) and 1961(5) of Title 18, United States Code, consisting of multiple acts involving:

- a. Distribution and possession with intent to distribute controlled substances and conspiracy to do so under 21 U.S.C. §841 and §846. and multiple acts involving:
- b. Distribution and possession with intent to distribute controlled substances and conspiracy to do so under Kan. Stat. Ann. §§21-5705 and 5302 (formerly §§65-4161 and 21-36a05 and 21-3302).
- c. Murder, chargeable under Kan. Stat. Ann. §§21-5402 and 5403 (formerly §§21-3401 and 3402), Kan. Stat. Ann. §21-5403 (formerly §21-3402), and attempts and conspiracies to do so under Kan. Stat. Ann. §§21-5301 and 5302 (formerly §§21-3301 and 3302).
- d. Robbery, chargeable under Kan. Stat. Ann. §21-5420 (formerly §21-3426 and §21-3427), and attempts and conspiracies to do so under Kan. Stat. Ann. §§21-5301 and 5302 (formerly §§21-3301 and 3302).

8. It was a 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.

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

COUNT 2

Violent Crimes in Aid of Racketeering Conspiracy to Murder Israel Peralta, Mariano Sorano, Faustino Peralta, and Roberto Arco

9. At all times relevant to this Indictment, the **Nortenos**, as more fully described in Paragraphs 1 through 6 of Count One of this Indictment, which are realleged 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 the **Nortenos**, 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.

10. At all times relevant to this 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, acts involving murder, robbery, and narcotics trafficking in violation of the laws of the State of Kansas, and narcotics trafficking in violation of Title 21, United States Code, Sections 841 and 846.

11. On or about June 8, 2009, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**PEDRO GARCIA,
GONZALO RAMIREZ,
RUSSELL WORTHEY, and
ANTHONY WRIGHT,**

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to murder Israel Peralta, Mariano Sorano, Faustino Peralta, and Roberto Arco, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

In violation of Title 18, United States Code, Section 1959(a)(5).

COUNT 3

**Violent Crimes in Aid of Racketeering
Murder of Israel Peralta**

12. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

13. On or about June 8, 2009, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**PEDRO GARCIA,
GONZALO RAMIREZ,
RUSSELL WORTHEY, and
ANTHONY WRIGHT,**

the defendants herein, unlawfully, and knowingly murdered Israel Peralta, in violation of Kan. Stat. Ann. § 21-5402 (formerly §21-3401).

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

COUNT 4

Violent Crimes in Aid of Racketeering **Attempted Murder of Mariano Sorano, Faustino Peralta, and Roberto Arco**

14. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

15. On or about June 8, 2009, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**PEDRO GARCIA,
GONZALO RAMIREZ,
RUSSELL WORTHEY, and
ANTHONY WRIGHT,**

the defendants herein, unlawfully, and knowingly attempted the murder of Mariano Sorano, Faustino Peralta, and Roberto Arco, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 5

Violent Crimes in Aid of Racketeering **Assault With a Dangerous Weapon Upon Israel Peralta, Mariano Sorano, Faustino Peralta, and Roberto Arco**

16. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

17. On or about June 8, 2009, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**PEDRO GARCIA,
GONZALO RAMIREZ,
RUSSELL WORTHEY, and
ANTHONY WRIGHT,**

the defendants herein, unlawfully, and knowingly assaulted Israel Peralta, Mariano Sorano, Faustino Peralta, and Roberto Arco with a dangerous weapon, to wit: a firearm, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 6

Possess/Discharge a Firearm in Furtherance of a Crime of Violence

18. On or about June 8, 2009, in the District of Kansas, the defendants,

**PEDRO GARCIA,
GONZALO RAMIREZ,
RUSSELL WORTHEY, and
ANTHONY WRIGHT,**

the defendants herein, did knowingly possess firearms and discharge firearms, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: 18 U.S.C. §1959, referencing Murder in the First Degree in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 7

Violent Crimes in Aid of Racketeering **Assault with a Dangerous Weapon Upon Isidro Raleas-Velasquez**

19. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

20. On or about June 8, 2009, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**PEDRO GARCIA,
GONZALO RAMIREZ,
JOSHUA FLORES, and
JESUS FLORES,**

the defendants herein, and others known and unknown, unlawfully, and knowingly committed an assault with a dangerous weapon, to wit: a firearm, upon Isidro Raleas-Velasquez, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

In violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 8

Violent Crimes in Aid of Racketeering **Conspiracy to Commit an Assault with a Dangerous Weapon**

21. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

22. On or about June 8, 2009, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**PEDRO GARCIA,
GONZALO RAMIREZ,
JOSHUA FLORES, and
JESUS FLORES,**

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to commit an assault with a dangerous weapon, to wit: a firearm, upon Isidro Raleas-Velasquez, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

In violation of Title 18, United States Code, Section 1959(a)(6).

COUNT 9

Possess and Brandish a Firearm in Furtherance of a Crime of Violence

23. On or about June 8, 2009, in the District of Kansas,

**PEDRO GARCIA,
GONZALO RAMIREZ,
JOSHUA FLORES, and
JESUS FLORES,**

the defendants herein, did knowingly possess firearms and brandish firearms, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: 18 U.S.C. §1951 and 18 U.S.C. §1959, referencing Aggravated Robbery, in violation of Kan. Stat. Ann. §21-5420(b)(1) (formerly §21-3427).

In violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

COUNT 10

Violent Crimes in Aid of Racketeering
Conspiracy to Commit the Murder of Rumlalda Hipolito and Abel Hernandez

24. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

25. On or about October 4, 2008, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**ANGEL CERDA,
JUAN TORRES, and
GONZALO RAMIREZ,**

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to murder Ruamlalda Hipolito and Abel Hernandez, in violation of Kan. Stat. Ann. §21-5402 formerly §21-3401).

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

COUNT 11

Violent Crimes in Aid of Racketeering
Attempted Murder of Rumlalda Hipolito and Abel Hernandez

26. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

27. On or about October 4, 2008, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**ANGEL CERDA,
JUAN TORRES, and
GONZALO RAMIREZ,**

the defendants herein, unlawfully, and knowingly attempted the murder of Rimalda Hipolito and Abel Hernandez, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 12

Violent Crimes in Aid of Racketeering **Assault With a Dangerous Weapon Upon Rimalda Hipolito and Abel Hernandez**

28. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

29. On or about October 4, 2008, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**ANGEL CERDA,
JUAN TORRES, and
GONZALO RAMIREZ,**

the defendants herein, unlawfully, and knowingly assaulted Rumalda Hipolito and Abel Hernandez, with a dangerous weapon, to wit: a firearm, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 13

Possess and Discharge a Firearm in Furtherance of a Crime of Violence

30. On or about October 4, 2008, in the District of Kansas,

**ANGEL CERDA,
JUAN TORRES, and
GONZALO RAMIREZ,**

the defendants herein, did knowingly possess firearms and discharge firearms, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: 18 U.S.C. § 1959, referencing Aggravated Assault, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

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

COUNT 14

Violent Crimes in Aid of Racketeering
Assault With a Dangerous Weapon Upon Jose Arreola

31. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

32. On or about March 29, 2010, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

EUSEBIO SIERRA-MEDRANO,

the defendant herein, unlawfully, and knowingly committed an assault with a dangerous weapon, to wit: a knife, upon Jose Arreola, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 15

Violent Crimes in Aid of Racketeering
Conspiracy to Commit the Murder of Reyes Delira-Padilla

33. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

34. On or about March 15, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**ALFREDO BELTRAN-RUIZ, and
DONTE BARNES,**

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to murder Reyes Delira-Padilla, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 16

Violent Crimes in Aid of Racketeering
Attempted Murder of Reyes Delira-Padilla

35. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

36. On or about March 15, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the Nortenos, an enterprise engaged in racketeering activity,

**ALFREDO BELTRAN-RUIZ, and
DONTE BARNES,**

the defendants herein, unlawfully, and knowingly attempted the murder of Reyes Delira-Padilla, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 17

Violent Crimes in Aid of Racketeering
Assault with a Dangerous Weapon Upon Reyes Delira-Padilla

37. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

38. On or about March 15, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

ALFREDO BELTRAN-RUIZ, and
DONTE BARNES,

the defendants herein, unlawfully, and knowingly assaulted Reyes Delira-Padilla with a dangerous weapon, to-wit: a firearm, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 18

Possess and Discharge a firearm in Furtherance of a Crime of Violence

39. On or about March 15, 2011, in the District of Kansas,

ALFREDO BELTRAN-RUIZ, and
DONTE BARNES,

the defendants herein, did knowingly possess a firearm and discharge a firearm, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: 18 U.S.C. §1959, referencing Aggravated Assault, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

In violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

COUNT 19

Violent Crimes in Aid of Racketeering
Conspiracy to Commit the Murder of George Gonzalez

40. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

41. On or about March 30, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

JESUS SANCHEZ,
ENRIQUE GOBIN,
ALFONSO BANDA-HERNANDEZ, and
ANDREW GUSMAN,

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to commit the murder of George Gonzalez, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 20

Violent Crimes in Aid of Racketeering
Attempted Murder of George Gonzalez

42. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

43. On or about March 30, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

JESUS SANCHEZ,
ENRIQUE GOBIN,
ALFONSO BANDA-HERNANDEZ, and
ANDREW GUSMAN,

the defendants herein, unlawfully, and knowingly attempted the murder of George Gonzalez, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 21

Violent Crimes in Aid of Racketeering
Assault with a Dangerous Weapon Upon George Gonzalez

44. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

45. On or about March 30, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**JESUS SANCHEZ,
ENRIQUE GOBIN,
ALFONSO BANDA-HERNANDEZ, and
ANDREW GUSMAN,**

the defendants herein, unlawfully, and assaulted George Gonzalez with a dangerous weapon, to-wit: a firearm, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 22

Possess and Discharge a firearm in Furtherance of a Crime of Violence

46. On or about March 30, 2011, in the District of Kansas,

**JESUS SANCHEZ,
ENRIQUE GOBIN,
ALFONSO BANDA-HERNANDEZ, and
ANDREW GUSMAN,**

the defendants herein, did knowingly possess firearms and discharge firearms, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: Aggravated Assault, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

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

COUNT 23

Violent Crimes in Aid of Racketeering
Assault with a Dangerous Weapon Upon Jose Santaella and Santos Gutierrez

47. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

48. On or about April 30, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

JAYSON VARGAS, and
ADAM FLORES,

the defendants herein, unlawfully, and assaulted Jose Santaella and Santos Gutierrez with a dangerous weapon, to-wit: a firearm, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 24

Violent Crimes in Aid of Racketeering
Conspiracy to Commit an Assault with a Dangerous Weapon

49. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

50. On or about April 30, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**JAYSON VARGAS, and
ADAM FLORES,**

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to commit an assault with a dangerous weapon, to wit; a firearm, against Jose Santaella and Santos Gutierrez, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

In violation of Title 18, United States Code, Section 1959(a)(6).

COUNT 25

Possess and Brandish a Firearm in Furtherance of a Crime of Violence

51. On or about April 30, 2011, in the District of Kansas,

**JAYSON VARGAS, and
ADAM FLORES,**

the defendants herein, did knowingly possess firearms and brandish firearms, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: 18 U.S.C. §1951 and 18 U.S.C. §1959, referencing Aggravated Robbery, in violation of Kan. Stat. Ann. §21-5420(b)(1) (formerly §21-3427).

In violation of Title 18, United States Code, Section 924(c)(1)(A) and Section 2.

COUNT 26

Violent Crimes in Aid of Racketeering **Attempted Murder of Gabriel Rivera and Carlos Ramirez**

52. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

53. On or about August 27, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

JASON NAJERA, and
JOSE NEAVE,

the defendant herein, unlawfully, and knowingly attempted the murder of Gabriel Rivera and Carlos Ramirez, in violation of Kan. Stat. Ann. §21-5402 (formerly §21-3401).

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

COUNT 27

Violent Crimes in Aid of Racketeering **Assault with a Dangerous Weapon Upon Gabriel Rivera and Carlos Ramirez**

54. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

55. On or about August 27, 2011, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**JASON NAJERA,
FABIAN NEAVE,
JESUS TORRES,
JOSE NEAVE, and
HUMBERTO ORTIZ**

the defendants herein, unlawfully, and assaulted Bryant Licon with a dangerous weapon, to-wit: a knife, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

COUNT 28

Violent Crimes in Aid of Racketeering
Conspiracy to Commit an Assault with a Dangerous Weapon

56. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

57. On or about July 2, 2008, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

**JESUS SANCHEZ, and
FABIAN NEAVE,**

the defendants herein, and others known and unknown, unlawfully, and knowingly conspired to commit an assault with a dangerous weapon, to wit: a knife, against Bryant Licon, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

In violation of Title 18, United States Code, Section 1959(a)(6).

COUNT 29

Felon in Possession of a Firearm

58. On or about August 20, 2011, in the District of Kansas, the defendant,

JAYSON VARGAS,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm, to wit: an Ejericto Argentino, Model 1927, .45 caliber handgun, with an obliterated Serial Number, said firearm having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(a)(2).

COUNT 30

Felon in Possession of a Firearm

59. On or about December 27, 2011, in the District of Kansas, the defendant,

FABIAN NEAVE,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm and ammunition, to wit: Jiminez Arms, model J.A. Nine, 9 mm semi-automatic handgun, Serial Number obliterated, said firearm having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(a)(2).

COUNT 31

Possession with Intent to Distribute Methamphetamine

60. On or about December 27, 2011, in the District of Kansas, the defendant,

FABIAN NEAVE,

did unlawfully, knowingly, and intentionally possess with intent to distribute approximately 22 grams of a mixture or substance containing methamphetamine, a controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Section 2.

COUNT 32

Possess a Firearm in Furtherance of a Drug Trafficking Crime

61. On or about December 27, 2011, in the District of Kansas,

FABIAN NEAVE,

the defendant herein, did knowingly possess a firearm, in furtherance of a drug trafficking crime, for which they may be prosecuted in a court of the United States, to wit: possess with the intent to distribute methamphetamine in violation of 21 U.S.C. §841(a).

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT 33

Felon in Possession of Ammunition

62. On or about March 21, 2008, in the District of Kansas, the defendant,

JASON NAJERA,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, ammunition, to wit: Winchester, Western Model, .380 caliber ammunition, said ammunition having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(a)(2).

COUNT 34

Felon in Possession of Ammunition

63. On or about January 28, 2012, in the District of Kansas, the defendant,

JASON NAJERA,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, ammunition, to wit: Federal, Champion Model, 9mm caliber ammunition and Winchester, SuperX model, 20 gauge ammunition, said ammunition having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(a)(2).

COUNT 35

Illegal Alien in Possession of a Firearm

64. On or about February 20, 2011, in the District of Kansas, the defendant,

JESUS SANCHEZ,

being a citizen of Mexico, who is illegally and unlawfully in the United States, and who is not a citizen or national of the United States, did knowingly possess in and affecting commerce, a firearm and ammunition, to wit: Frontier, model Six-Shooter, .22 caliber handgun, Serial Number 15726, said firearm having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(5) and Title 18, United States Code, Section 924(a)(2).

COUNT 36

Felon in Possession of a Firearm

65. On or about July 30, 2010, in the District of Kansas, the defendant,

EUSEBIO SIERRA-MEDRANO,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm and ammunition, to wit: Springfield Armory, model 1911A1, .45 caliber semi-automatic handgun, Serial Number 47727, said firearm having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(a)(2).

COUNT 37

Felon in Possession of a Firearm

66. On or about July 30, 2010, in the District of Kansas, the defendant,

EUSEBIO SIERRA-MEDRANO,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm and ammunition, to wit: Norinco, model SKS, 7.62 mm rifle, Serial Number 24004675K, said firearm having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(a)(2).

COUNT 38

Violent Crimes in Aid of Racketeering
Assault with a Dangerous Weapon Upon Reyes Bocanegra

67. Paragraphs 9 and 10 of Count Two of this Indictment are realleged and incorporated by reference as though fully set forth herein.

68. On or about February 5, 2012, in the District of Kansas, for the purpose of gaining entrance to and maintaining and increasing position in the **Nortenos**, an enterprise engaged in racketeering activity,

HERNAN QUEZADA,

the defendant herein, unlawfully, and assaulted Reyes Bocanegra with a dangerous weapon, to-wit: a beer bottle, in violation of Kan. Stat. Ann. §21-5412(b)(1) (formerly §21-3410(a)).

All in violation of Title 18, United States Code, Section 1959(a)(3) and Section 2.

NOTICE OF SPECIAL FINDINGS

The allegations contained in paragraphs 1 through 18 of this Indictment are hereby re-alleged and incorporated by reference as if fully set forth herein.

Defendants PEDRO GARCIA, a/k/a “Peter Garcia” and “Pistol Pete”

and GONZALO RAMIREZ, a/k/a “Gonzo”

As to Count 3 of this Indictment, the defendants PEDRO GARCIA, a/k/a “Peter Garcia” and “Pistol Pete” and GONZALO RAMIREZ, a/k/a “Gonzo”:

(1) Were both 18 years of age or older at the time of the offense. Title 18, United States Code, Section 3591(a).

(2) Intentionally killed Israel Peralta. Title 18, United States Code, Section 3591(a)(2)(A).

(3) Intentionally inflicted serious bodily injury that resulted in the death of Israel Peralta. Title 18, United States Code, Section 3591(a)(2)(B).

(4) Intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person,

other than one of the participants in the homicide offense and Israel Peralta died as a direct result of the act. Title 18, United States Code, Section 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 homicide offense, such that participation in the act constituted a reckless disregard for human life, and Israel Peralta died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(D).

(6) In the commission of the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Title 18, United States Code, Section 3592(c)(5).

(7) Intentionally killed or attempted to kill more than one person in a single criminal episode. Title 18, United States Code, Section 3592(c)(16).

Pursuant to Title 18, United States Code, Sections 3591 and 3592.

A TRUE BILL

April 16, 2012
DATE

s/Foreperson
FOREMAN OF THE GRAND JURY

/s/ Barry R. Grissom
BARRY R. GRISSOM
United States Attorney
District of Kansas
1200 Epic Center, 301 N. Main
Wichita, Kansas 67202
(316) 269-6481
(316) 269-6484 (fax)
barry.grissom@usdoj.gov
KS. S. Ct. No. 10866

(It is requested that trial be held in Wichita, Kansas.)