

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUN 24 2010

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

BENJAMIN RAYMOND,
a/k/a, "Big Ben,")

Defendant.)

) CRIMINAL NO. 07-748 MCA

) COUNT 1: 18 U.S.C. § 1959(a)(5): Violent
) Crimes in Aid of Racketeering Activity (Conspiracy
) to Murder John Mudersbach);

) COUNT 2: 18 U.S.C. § 1959(a)(5): Violent
) Crimes in Aid of Racketeering Activity (Attempted
) Murder of John Mudersbach); and 18 U.S.C.
) § 2: Aiding and Abetting.

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

THE RACKETEERING ENTERPRISE, THE ARYAN BROTHERHOOD

1. At various times relevant to this Indictment, BRADLEY WASSON, a/k/a "Bad Brad," BENJAMIN RAYMOND, a/k/a "Big Ben," TRAVIS LOREN DALLY, a/k/a "Top," and JEREMIAH LOONEY, and others were members/prospects/associates of the Aryan Brotherhood, a criminal organization whose members/prospects/associates engaged in acts of violence, and other criminal activities, including murder, kidnapping, attempted murder, conspiracy to manufacture/distribute narcotics, and firearms trafficking. At all relevant times, the Aryan Brotherhood operated in the District of New Mexico and elsewhere.

2. The Aryan Brotherhood, including its leadership, membership, prospects, and associates, constitutes an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the

activities of which, affect interstate commerce. The enterprise constitutes an ongoing organization whose members/prospects/associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

GENERAL BACKGROUND

3. The Aryan Brotherhood is a powerful race-based national organization operating inside and outside of state and federal prisons throughout the United States. The Aryan Brotherhood offers protection to "white" inmates if they join the criminal enterprise. Membership in the Aryan Brotherhood is for life. The Aryan Brotherhood promotes "whites" as the superior race and is in constant conflict with those they consider "non-whites."

4. The Aryan Brotherhood of Texas has a written charter ("Constitution") which is followed by the Aryan Brotherhood in New Mexico. The charter lists the duties and responsibilities of the organization and membership and is considered the foundation of the organization.

5. In the past, the Aryan Brotherhood was primarily concerned with the protection of "white" inmates and white supremacy/separatism. The Aryan Brotherhood has expanded its focus to include illegal activities for profit. In some cases, the Aryan Brotherhood has made alliances with prison gangs of other ethnicities to aid in unlawful activities for profit. However, most members of the Aryan Brotherhood live the philosophy of "14/88." "14" represents the "Fourteen Words" that form the basis of their belief that, "We must secure the existence of our people and a future for white children." The "8" represents the eighth letter of the alphabet (H), which when appearing twice -- "88" or HH -- signifies "Heil Hitler," a reference to Adolf Hitler.

6. Once released from incarceration, Aryan Brotherhood members/prospects/associates continue to engage in criminal activity on behalf of the enterprise. Members are required to remain loyal to the Aryan Brotherhood and to work to further the goals of the Aryan Brotherhood through criminal activity. One of the goals of the Aryan Brotherhood is to recruit new members. Aryan Brotherhood members take a "blood in, blood out" oath. This means members have to draw blood on behalf of the Aryan Brotherhood, which according to the Constitution results in a lifetime commitment. Members are required to sign a "Blind Faith Commitment" in which they agree to do anything directed or requested by their superiors without question. Failure to comply may result in severe beating or death. These violent acts are carried out primarily by other Aryan Brotherhood members and sometimes by their prospects and associates. Identity theft and check fraud are the most prevalent non-violent crimes committed by the Aryan Brotherhood.

7. Each faction of the Aryan Brotherhood has a distinct membership and leadership, but all factions are called the Aryan Brotherhood. If a member from one Aryan Brotherhood faction enters a prison system controlled by another Aryan Brotherhood faction, that person must choose to remain with his former faction or may change allegiance to the other faction.

8. The Aryan Brotherhood enforces its rules and promotes discipline among its members/prospects/associates through murder, attempted murder, conspiracy to murder, assault, and threats against those who violate the rules or pose a threat to the enterprise. The Aryan Brotherhood also uses murder and the threat of murder to maintain a position of power inside and outside of prison. Maintaining power and avoiding loss of stature motivates the Aryan Brotherhood to commit violent acts against individuals believed to be

disrespectful toward the Aryan Brotherhood. Those members/prospects/associates who do not follow the orders of the Aryan Brotherhood are also subject to murder, as is anyone who uses violence against an Aryan Brotherhood member/prospect/associate. Aryan Brotherhood members/prospects/associates who cooperate with law enforcement authorities are also subject to murder.

MEMBERSHIP

9. Aryan Brotherhood members are recruited from both inside and outside of prison. In order to be considered for Aryan Brotherhood membership, a person must be sponsored by another Aryan Brotherhood member. Once sponsored, a prospective member must serve an unspecified term wherein he is referred to as a "prospect" while his conduct is observed by the members of the Aryan Brotherhood. While a prospect, the individual is considered part of the Aryan Brotherhood family and entitled to the full protection of the enterprise. The prospect is also subject to the rules and orders of the enterprise. If the prospect's conduct during the probationary period is deemed satisfactory, he is admitted into the Aryan Brotherhood.

10. In addition to members, the enterprise includes those closely affiliated with the Aryan Brotherhood who are called "associates." Associates who do not fulfill their obligations to the Aryan Brotherhood are sometimes subject to violence and murder. Members, and oftentimes associates, are required to follow the orders of higher-ranking members. In particular, members are required, when ordered, to kill without hesitation. Members who do not fulfill their obligations to the Aryan Brotherhood are themselves subject to violent acts, to include murder.

LEADERSHIP STRUCTURE IN NEW MEXICO

11. In New Mexico, as in Texas, there are two competing Aryan Brotherhood factions. Each faction in New Mexico follows the leadership of their respective faction in Texas. Because the Aryan Brotherhood in New Mexico is in the organizational phase, it is considered a sub-chapter of the Aryan Brotherhood of Texas, their sponsoring entity. The Aryan Brotherhood in New Mexico seeks to become its own Aryan Brotherhood chapter. The Aryan Brotherhood in New Mexico receives directives and approval from the Aryan Brotherhood of Texas. The Aryan Brotherhood in New Mexico, like full Aryan Brotherhood chapters across the nation, has a defined militaristic ranking structure beginning with soldier and ending with general. The ranking structure remains constant; however, there are frequent personnel changes (promotions, demotions, terminations) within the rank structure.

12. In 2002, one faction of the Aryan Brotherhood in New Mexico was headed by Bradley Wasson. Bradley Wasson was followed by Aryan Brotherhood prospective members **Benjamin Raymond**, Travis Loren Dally, Jeremiah Looney, and others.

13. The Aryan Brotherhood hierarchy and membership are frequently incarcerated and/or fleeing from law enforcement. In order to maintain discreet communications to avoid law enforcement scrutiny both inside and outside of prison, the Aryan Brotherhood, both in Texas and New Mexico, has established multiple communication points or "hubs." The hubs, usually females, support the Aryan Brotherhood's Aryan supremacist/separatist ideals and have full knowledge that they are supporting a criminal enterprise when they forward communications on behalf of the enterprise.

14. The Aryan Brotherhood hubs carry out duties similar to conventional secretaries, but with the specific purpose of aiding in the avoidance of law enforcement scrutiny to protect Aryan Brotherhood members/prospects/associates. Their duties include, but are not limited to, maintaining Aryan Brotherhood membership and records files, copying and forwarding Aryan Brotherhood letters both inside and outside of prisons, "sanitizing" letters and forwarding them to other members/prospects/associates both inside and outside of prisons, and facilitating "three-way" telephone calls between members/prospects/associates both inside and outside of prisons. The female hubs and other associates who have established themselves to be dependable enjoy the protection of the Aryan Brotherhood.

PURPOSES OF THE ENTERPRISE

15. The purposes of the enterprise include the following:
- a. Preserving and protecting power, territory, and profits through the use of intimidation, violence, threats of violence, assaults and murder.
 - b. Promoting and enhancing members'/prospects'/associates' activities.
 - c. Keeping individuals in fear of the enterprise and its members/prospects/associates through threats of violence and actual violence.

MEANS AND METHODS OF THE ENTERPRISE

16. Among the means and methods by which the defendant and others conduct and participate in the conduct of the affairs of the Aryan Brotherhood criminal enterprise are the following:

- a. Members/prospects/associates commit, and attempt and threaten to commit, acts of violence, including assault and murder, to protect and expand their criminal operations and to maintain their status.
- b. Members promote a climate of fear through violence and threats of violence.
- c. The rules dictate that an attack against a member will be considered an attack on the enterprise as a whole. All members are required to counter any such attack.
- d. Members promulgate rules as documented in their Constitution to be followed by all participants, including the rule that any member assisting law enforcement authorities must be killed.
- e. To enforce the rules and to promote discipline, members commit murder, attempt to commit murder, assault, and threaten those participants in the enterprise who violate rules or orders, or who pose a threat to the enterprise.
- f. To generate income, participants engage in illegal activities under the protection of the enterprise, including narcotics trafficking, fraud, trafficking in firearms, and other illegal activities.

- g. For protection and armed combat, the enterprise acquires, carries, and uses firearms.
- h. To perpetuate the enterprise, participants attempt to conceal from law enforcement the existence of the Aryan Brotherhood, the identity of its participants, and the ways in which it conducts its affairs.
- i. To keep secret their activities, members communicate using codes and hidden messages, and use a network of hubs to relay messages among members/prospects/associates.

ROLES OF THE MEMBERS

17. Those who participated in the operation and management of the enterprise are:

- a. BRADLEY WASSON, a/k/a "Bad Brad," in 2002, was the leader of the Aryan Brotherhood in New Mexico. He is currently a member of the Aryan Brotherhood in New Mexico.
- b. **BENJAMIN RAYMOND, a/k/a "Big Ben,"** in 2002, was a prospect of the Aryan Brotherhood in New Mexico. He is currently a member of the Aryan Brotherhood in New Mexico.
- c. TRAVIS LOREN DALLY, a/k/a "Top," in 2002, was a prospect of the Aryan Brotherhood in New Mexico. He is currently a member of the Aryan Brotherhood in New Mexico.
- d. JEREMIAH LOONEY, since 2002, has been a member of the Aryan Brotherhood in New Mexico.

18. The above-described enterprise, through its members, prospects, and associates, engaged in racketeering activity as defined in Title 18, U.S.C. §§1959(b)(1) and 1961(1), namely acts involving murder and kidnapping, in violation of New Mexico state law, narcotics trafficking, in violation of Title 21, U.S.C. §§ 841 and 846, fraud and related activity in connection with identification documents, in violation of 18 U.S.C. § 1028, financial institution fraud, in violation of 18 U.S.C. § 1344, and tampering with witnesses, victims or informants, in violation of 18 U.S.C. § 1512.

OVERVIEW

19. In or about June 2002, prospective Aryan Brotherhood in New Mexico member Henry George, disappeared from his Rio Rancho, New Mexico residence. A law enforcement investigation later determined that Henry George was kidnaped and murdered by Aryan Brotherhood members/prospects/associates. Henry George was murdered by the Aryan Brotherhood because he had contacted law enforcement. In addition, TRAVIS LOREN DALLY, a/k/a "Top," and **BENJAMIN RAYMOND, a/k/a "Big Ben,"** ordered Aryan Brotherhood member, JEREMIAH LOONEY, to kill Aryan Brotherhood prospective member John Mudersbach to prevent him from speaking to law enforcement about the kidnapping and murder of Henry George. The defendants sought to advance the status of the Aryan Brotherhood, as well as their positions within the Aryan Brotherhood, by committing the kidnapping/murder of Henry George and other related criminal activities.

Conspiracy to Murder Henry George

20. Starting in or about May 2002, and continuing until on or about September 17, 2002, in Bernalillo County, in the District of New Mexico and elsewhere, as consideration for the receipt of, and as consideration for a promise and agreement to pay,

anything of pecuniary value from the Aryan Brotherhood, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Aryan Brotherhood, an enterprise engaged in racketeering activity, BRADLEY WASSON, a/k/a "Bad Brad," **BENJAMIN RAYMOND**, a/k/a "**Big Ben**," TRAVIS LOREN DALLY, a/k/a "Top," and others known and unknown to the grand jury, did unlawfully, knowingly and intentionally conspire to murder Henry George in violation of NMSA 1978, Sections 30-2-1 and 30-28-2.

To further the conspiracy and to effect the objects thereof, the co-conspirators committed overt acts including the following within the State and District of New Mexico, and elsewhere:

In or about June, 2002, Bradley Wasson, as the leader of the Aryan Brotherhood in New Mexico, ordered the murder of Henry George.

On or about June 20, 2002, Bradley Wasson, **Benjamin Raymond**, and Travis Loren Dally assaulted Henry George in his residence and forced him to confess that he contacted the police.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally purchased a shovel from a Target Department store.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally transported Henry George from his residence to a remote area near Rio Rancho, New Mexico.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally killed Henry George.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally buried Henry George's body in the desert using the shovel that they had purchased at the Target Department store.

All in violation of 18 U.S.C. § 1959(a)(5).

Murder of Henry George

21. On or about June 20, 2002, in Sandoval County, in the District of New Mexico, as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from the Aryan Brotherhood, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Aryan Brotherhood, an enterprise engaged in racketeering activity, BRADLEY WASSON, a/k/a "Bad Brad," **BENJAMIN RAYMOND, a/k/a "Big Ben,"** TRAVIS LOREN DALLY, a/k/a "Top," and others known and unknown to the grand jury, did unlawfully, and knowingly and intentionally murder Henry George in violation of NMSA 1978, Sections 30-2-1 and 30-1-13.

In violation of 18 U.S.C. § 1959(a)(1) and 18 U.S.C. § 2.

Carrying a Firearm During and in Relation to a Crime of Violence

22. On or about June 20, 2002, in Sandoval County and elsewhere, in the State and District of New Mexico, BRADLEY WASSON, a/k/a "Bad Brad," **BENJAMIN RAYMOND, a/k/a "Big Ben,"** TRAVIS LOREN DALLY, a/k/a "Top," and others known and unknown to the grand jury, knowingly carried and used, and aided and abetted in the carrying and use of a firearm to wit: a Sturm, Ruger, Model P94DC, .40 caliber pistol, bearing Serial Number 341-00574, during and in relation to a crime of violence, for which they may be prosecuted in a court of the United States, to wit: Violent Crimes in Aid of Racketeering, the murder of Henry George, and as a result of that use, caused the death of Henry George, contrary to 18 U.S.C. §§ 1959(a)(1), 1959(b)(1) and (2).

In violation of 18 U.S.C. §§ 924(c)(1)(A) (iii), (j)(1).

Conspiracy to Kidnap Henry George

23. Starting in or about May 2002, and continuing to in or about September 17, 2002, in Sandoval County, in the District of New Mexico, as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from the Aryan Brotherhood, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Aryan Brotherhood, an enterprise engaged in racketeering activity, BRADLEY WASSON, a/k/a "Bad Brad," **BENJAMIN RAYMOND**, a/k/a "**Big Ben**," TRAVIS LOREN DALLY, a/k/a "Top," and others known and unknown to the grand jury, did unlawfully, and knowingly and intentionally conspire to kidnap Henry George in violation of NMSA 1978, Sections 30-4-1 and 30-28-2.

To further the conspiracy and to effect the objects thereof, the co-conspirators committed overt acts including the following within the State and District of New Mexico, and elsewhere:

In or about June, 2002, Bradley Wasson, as the leader of the Aryan Brotherhood in New Mexico, ordered the murder of Henry George.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally transported Henry George, by force and intimidation, from his residence to a remote area near Rio Rancho, New Mexico.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally purchased a shovel from a Target Department store.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally, by force and intimidation, held and kept Henry George in a remote area near Rio Rancho, New Mexico, with the intention to kill him.

On or about June 20, 2002, **Benjamin Raymond** and Travis Loren Dally killed Henry George.

All in violation of 18 U.S.C. § 1959(a)(5).

The Kidnapping of Henry George

24. On or about June 20, 2002, in Sandoval County, in the District of New Mexico, as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from the Aryan Brotherhood, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Aryan Brotherhood, an enterprise engaged in racketeering activity, BRADLEY WASSON, a/k/a "Bad Brad, "**BENJAMIN RAYMOND**, a/k/a "**Big Ben**," TRAVIS LOREN DALLY, a/k/a "Top," and others known and unknown to the grand jury, did knowingly and intentionally kidnap Henry George in violation of NMSA 1978, Sections 30-4-1 and 30-1-13.

In violation of 18 U.S.C. § 1959(a)(1) and 18 U.S.C. § 2.

COUNT 1

Conspiracy to Murder John Mudersbach

Paragraphs one through twenty-four of the Indictment are re-alleged and incorporated by reference as though fully set forth herein.

Starting in or about July 2002 and continuing on or about September 17, 2002, in Valencia County, in the District of New Mexico, as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from the

Aryan Brotherhood, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Aryan Brotherhood, an enterprise engaged in racketeering activity, the defendant, **BENJAMIN RAYMOND**, a/k/a, "**Big Ben**," TRAVIS LOREN DALLY, a/k/a "Top," JEREMIAH LOONEY, and others known and unknown to the grand jury, did unlawfully, and knowingly and intentionally conspire to murder John Mudersbach in violation of NMSA 1978, Sections 30-2-1 and 30-28-2.

To further the conspiracy and to effect the objects thereof, the co-conspirators committed overt acts including the following within the State and District of New Mexico, and elsewhere:

OVERT ACT ONE

In or about September 2002, **Benjamin Raymond** and Travis Loren Dally ordered Jeremiah Looney to kill John Mudersbach to prevent John Mudersbach from talking to law enforcement about the murder of Henry George.

OVERT ACT TWO

On or about September 17, 2002, Jeremiah Looney, with the intent to kill John Mudersbach, assaulted him and rendered him unconscious.

All in violation of 18 U.S.C. § 1959(a)(5).

COUNT 2

Attempted Murder of John Mudersbach

Paragraphs one through twenty-four of the Indictment are re-alleged and incorporated by reference as though fully set forth herein.

On or about September 17, 2002, in Valencia County, in the District of New Mexico, as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from the Aryan Brotherhood, and for the purpose of

