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11 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

12

UNITED STATES DISTRICT COURT

13

FOR THE CENTRAL DISTRICT OF CALIFORNIA

14

UNITED STATES OF AMERICA,

No. CR 16-442-CAS-6

15

Plaintiff,

PLEA AGREEMENT FOR DEFENDANT
JONATHAN PORTILLO

16

v.

17

CARLOS HERNANDEZ, et al.,
[JONATHAN PORTILLO]

18

Defendants.

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21 1. This constitutes the plea agreement between JONATHAN
 22 PORTILLO ("defendant") and the United States Attorney's Office for
 23 the Central District of California and the Department of Justice
 24 Civil Rights Division (collectively, "the USAO") in the above-
 25 captioned case. This agreement is limited to the USAO and cannot
 26 bind any other federal, state, local, or foreign prosecuting,
 27 enforcement, administrative, or regulatory authorities.

28

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. At the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to Counts One, Three, Four, and Seven of the Indictment in United States v. Carlos Hernandez, et al., CR 16-442-CAS, which charge defendant with violations of Title 18 U.S.C §§ 241 (Conspiracy to Violate Civil Rights), 1959 (Violent Crime in Aid of Racketeering), and 844(h) (Use Fire and Carry Explosive to Commit Another Federal Felony), and a violation of Title 42 U.S.C. § 3631 (Fair Housing Act).

b. Not contest the Factual Basis agreed to in this agreement.

c. Abide by all agreements regarding sentencing contained in this agreement.

d. Appear for all court appearances, surrender as ordered for service of sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter.

e. Not commit any crime; however, offenses that would be excluded for sentencing purposes under United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the scope of this agreement.

f. Be truthful at all times with Pretrial Services, the United States Probation Office, and the Court.

g. Pay the applicable special assessments at or before the time of sentencing unless defendant lacks the ability to pay and prior to sentencing submits a completed financial statement on a form to be provided by the USAO.

THE USAO'S OBLIGATIONS

3. The USAO agrees to:

a. Dismiss, upon defendant's guilty plea to Counts One, Three, Four, and Seven of the Indictment, the remaining counts of the Indictment.

b. Not contest the Factual Basis agreed to in this agreement.

c. Abide by all agreements regarding sentencing contained in this agreement.

d. At the time of sentencing, provided that defendant demonstrates an acceptance of responsibility for the offenses up to and including the time of sentencing, recommend a two-level reduction in the applicable Sentencing Guidelines offense level, pursuant to U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an additional one-level reduction if available under that section.

NATURE OF THE OFFENSES

4. Defendant understands that for defendant to be guilty of the crime charged in Count One, that is, Conspiring to Violate Civil Rights, in violation of Title 18, United States Code, Section 241, the following must be true: (1) a conspiracy existed which defendant joined; (2) the object of the conspiracy was to injure, oppress, threaten or intimidate a person or persons in the free exercise or enjoyment of a right protected by the Constitution or laws of the United States, in this case, that is, the right to occupy a dwelling free from injury, intimidation, and interference based on race or color; and (3) the planned interference with a protected right was willful.

1 5. Defendant understands that for defendant to be guilty of
2 the crime charged in Count Three, that is, Violent Crime in Aid of
3 Racketeering, in violation of Title 18, United States Code, Section
4 1959(a)(6), the following must be true: (1) an enterprise affecting
5 interstate commerce existed during the time period set forth in Count
6 Three; (2) the enterprise engaged in racketeering activity; (3)
7 defendant attempted to commit an assault with a dangerous weapon; (4)
8 defendant's purpose in attempting to commit assault with a dangerous
9 weapon was to gain entrance to, or to maintain, or to increase his
10 position in the enterprise; and (5) defendant did something that was
11 a substantial step toward committing the crime.

12 6. Defendant understands that for defendant to be guilty of
13 the crime charged in Count Four, that is, Interference With the Fair
14 Housing Act, in violation of Title 42, United States Code, Section
15 3631, the following must be true: (1) defendant used force or threats
16 of force to intimidate or interfere with, or to attempt to intimidate
17 or interfere with, a person; (2) defendant did so because of that
18 person's race or color; and (3) because that person was enjoying a
19 housing right, namely renting or occupying a dwelling.

20 7. Defendant understands that for defendant to be subject to
21 the statutory maximum sentence set forth below with respect to Count
22 Four, the government must prove beyond a reasonable doubt that
23 defendant used a dangerous weapon, explosives, or fire in the
24 commission of the offense. Defendant admits that defendant, in fact,
25 used a dangerous weapon, explosives, and fire in the commission of
26 the interference with the Fair Housing Act offense charged in Count
27 Four.

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1 8. Defendant understands that for defendant to be guilty of
2 the crime charged in Count Seven, that is, Use Fire, Carry Explosive
3 to Commit Another Felony, in violation of Title 18, United States
4 Code, Section 844(h)(1) the following must be true: (1) defendant
5 used or carried fire; and (2) defendant did so to commit a felony
6 which may be prosecuted in federal court.

7 PENALTIES

8 9. Defendant understands that the statutory maximum sentence
9 that the Court can impose for a violation of Title 18, United States
10 Code, Section 241, is: 10 years' imprisonment; a three-year period of
11 supervised release; a fine of \$250,000 or twice the gross gain or
12 gross loss resulting from the offense, whichever is greatest; and a
13 mandatory special assessment of \$100.

14 10. Defendant understands that the statutory maximum sentence
15 that the Court can impose for a violation of Title 18, United States
16 Code, Section 1959(a)(6), as charged in Count Three of the
17 Indictment, is: three years' imprisonment; a one-year period of
18 supervised release; a fine of \$250,000 or twice the gross gain or
19 gross loss resulting from the offense, whichever is greatest; and a
20 mandatory special assessment of \$100.

21 11. Defendant understands that the statutory maximum sentence
22 that the Court can impose for a violation of Title 42, United States
23 Code, Section 3631, as charged in Count Four of the Indictment, is:
24 10 years' imprisonment; a three-year period of supervised release; a
25 fine of \$250,000 or twice the gross gain or gross loss resulting from
26 the offense, whichever is greatest; and a mandatory special
27 assessment of \$100.

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1 12. Defendant understands that the statutory maximum sentence
2 that the Court can impose for a violation of Title 18, United States
3 Code, Section 844(h)(1) as charged in Count Seven of the Indictment,
4 is: 10 years' imprisonment; a three-year period of supervised
5 release; a fine of \$250,000 or twice the gross gain or gross loss
6 resulting from the offense, whichever is greatest; and a mandatory
7 special assessment of \$100.

8 13. Defendant understands that the statutory mandatory minimum
9 sentence that the Court must impose for a violation of Title 18,
10 United States Code, Section 844(h)(1) as charged in Count Seven of
11 the Indictment, is 10 years' imprisonment, in addition to the
12 punishment provided for the underlying felony committed during the
13 commission of Count Seven.

14 14. Defendant understands, therefore, that the total maximum
15 sentence for all offenses to which defendant is pleading guilty is:
16 33 years' imprisonment; a five-year period of supervised release; a
17 fine of \$1,000,000 or twice the gross gain or gross loss resulting
18 from the offenses, whichever is greatest; and a mandatory special
19 assessment of \$400. Defendant further understands that the total
20 mandatory minimum sentence that the Court must impose is 10 years'
21 imprisonment.

22 15. Defendant understands that supervised release is a period
23 of time following imprisonment during which defendant will be subject
24 to various restrictions and requirements. Defendant understands that
25 if defendant violates one or more of the conditions of any supervised
26 release imposed, defendant may be returned to prison for all or part
27 of the term of supervised release authorized by statute for the
28 offense that resulted in the term of supervised release.

1 of guilty to the charges described in this agreement and to establish
 2 the Sentencing Guidelines factors set forth below but is not meant to
 3 be a complete recitation of all facts relevant to the underlying
 4 criminal conduct or all facts known to either party that relate to
 5 that conduct.

6 SENTENCING FACTORS

7 19. Defendant understands that in determining defendant's
 8 sentence the Court is required to calculate the applicable Sentencing
 9 Guidelines range and to consider that range, possible departures
 10 under the Sentencing Guidelines, and the other sentencing factors set
 11 forth in 18 U.S.C. § 3553(a). Defendant understands that the
 12 Sentencing Guidelines are advisory only, that defendant cannot have
 13 any expectation of receiving a sentence within the calculated
 14 Sentencing Guidelines range, and that after considering the
 15 Sentencing Guidelines and the other § 3553(a) factors, the Court will
 16 be free to exercise its discretion to impose any sentence it finds
 17 appropriate between the mandatory minimum and up to the maximum set
 18 by statute for the crimes of conviction.

19 20. Defendant and the USAO agree to the following applicable
 20 Sentencing Guidelines factors:

21 Base Offense Level:	24	[U.S.S.G. §§ 2H1.1., 2K1.4]
22 Hate Crime Motivation:	+3	[U.S.S.G. § 3A1.1]
23		
24		

25 Defendant and the USAO reserve the right to argue that additional
 26 specific offense characteristics, adjustments, and departures under
 27 the Sentencing Guidelines are appropriate. Defendant understands
 28 that, absent a finding from the Court that defendant provided

1 substantial assistance, the Court must sentence defendant to a term
2 of 10 years' imprisonment on Count Seven in addition to the penalty
3 for the underlying felony committed during the commission of Count
4 Seven.

5 21. Defendant understands that there is no agreement as to
6 defendant's criminal history or criminal history category.

7 22. Defendant and the USAO reserve the right to argue for a
8 sentence outside the sentencing range established by the Sentencing
9 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
10 (a)(2), (a)(3), (a)(6), and (a)(7).

11 WAIVER OF CONSTITUTIONAL RIGHTS

12 23. Defendant understands that by pleading guilty, defendant
13 gives up the following rights:

14 a. The right to persist in a plea of not guilty.

15 b. The right to a speedy and public trial by jury.

16 c. The right to be represented by counsel - and if
17 necessary have the court appoint counsel - at trial. Defendant
18 understands, however, that, defendant retains the right to be
19 represented by counsel - and if necessary have the court appoint
20 counsel - at every other stage of the proceeding.

21 d. The right to be presumed innocent and to have the
22 burden of proof placed on the government to prove defendant guilty
23 beyond a reasonable doubt.

24 e. The right to confront and cross-examine witnesses
25 against defendant.

26 f. The right to testify and to present evidence in
27 opposition to the charges, including the right to compel the
28 attendance of witnesses to testify.

1 g. The right not to be compelled to testify, and, if
2 defendant chose not to testify or present evidence, to have that
3 choice not be used against defendant.

4 h. Any and all rights to pursue any affirmative defenses,
5 Fourth Amendment or Fifth Amendment claims, and other pretrial
6 motions that have been filed or could be filed.

7 WAIVER OF APPEAL OF CONVICTION

8 24. Defendant understands that, with the exception of an appeal
9 based on a claim that defendant's guilty pleas were involuntary, by
10 pleading guilty defendant is waiving and giving up any right to
11 appeal defendant's convictions on the offenses to which defendant is
12 pleading guilty.

13 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

14 25. Defendant agrees that, provided the Court imposes a term of
15 imprisonment of 180 months or less, defendant gives up the right to
16 appeal all of the following: (a) the procedures and calculations used
17 to determine and impose any portion of the sentence, with the
18 exception of defendant's criminal history category (b) the term of
19 imprisonment imposed by the Court; (c) the fine imposed by the court,
20 provided it is within the statutory maximum; (d) the term of
21 probation or supervised release imposed by the Court, provided it is
22 within the statutory maximum; and (e) any of the following conditions
23 of probation or supervised release imposed by the Court: the
24 conditions set forth in General Orders 318, 01-05, and/or 05-02 of
25 this Court; the drug testing conditions mandated by 18 U.S.C.
26 §§ 3563(a)(5) and 3583(d).

1 26. The USAO agrees that, provided the Court imposes a term of
2 imprisonment no less than 120 months, the USAO gives up its right to
3 appeal any portion of the sentence.

4 RESULT OF WITHDRAWAL OF GUILTY PLEA

5 27. Defendant agrees that if, after entering guilty pleas
6 pursuant to this agreement, defendant seeks to withdraw and succeeds
7 in withdrawing defendant's guilty pleas on any basis other than a
8 claim and finding that entry into this plea agreement was
9 involuntary, then (a) the USAO will be relieved of all of its
10 obligations under this agreement; (b) should the USAO choose to
11 pursue any charge that was either dismissed or not filed as a result
12 of this agreement, then (i) any applicable statute of limitations
13 will be tolled between the date of defendant's signing of this
14 agreement and the filing commencing any such action; and
15 (ii) defendant waives and gives up all defenses based on the statute
16 of limitations, any claim of pre-indictment delay, or any speedy
17 trial claim with respect to any such action, except to the extent
18 that such defenses existed as of the date of defendant's signing this
19 agreement.

20 EFFECTIVE DATE OF AGREEMENT

21 28. This agreement is effective upon signature and execution of
22 all required certifications by defendant, defendant's counsel, and an
23 Assistant United States Attorney.

24 BREACH OF AGREEMENT

25 29. Defendant agrees that if defendant, at any time after the
26 signature of this agreement and execution of all required
27 certifications by defendant, defendant's counsel, and an Assistant
28 United States Attorney, knowingly violates or fails to perform any of

1 defendant's obligations under this agreement ("a breach"), the USAO
2 may declare this agreement breached. For example, if defendant
3 knowingly, in an interview, before a grand jury, or at trial, falsely
4 accuses another person of criminal conduct or falsely minimizes
5 defendant's own role, or the role of another, in criminal conduct,
6 defendant will have breached this agreement. All of defendant's
7 obligations are material, a single breach of this agreement is
8 sufficient for the USAO to declare a breach, and defendant shall not
9 be deemed to have cured a breach without the express agreement of the
10 USAO in writing. If the USAO declares this agreement breached, and
11 the Court finds such a breach to have occurred, then:

12 a. If defendant has previously entered guilty pleas
13 pursuant to this agreement, defendant will not be able to withdraw
14 the guilty pleas.

15 b. The USAO will be relieved of all its obligations under
16 this agreement; in particular, the USAO will no longer be bound by
17 any agreements concerning sentencing and will be free to seek any
18 sentence up to the statutory maximum for the crimes to which
19 defendant has pleaded guilty.

20 c. The USAO will be free to criminally prosecute
21 defendant for false statement, obstruction of justice, and perjury
22 based on any knowingly false or misleading statement by defendant.

23 COURT AND PROBATION OFFICE NOT PARTIES

24 30. Defendant understands that the Court and the United States
25 Probation Office are not parties to this agreement and need not
26 accept any of the USAO's sentencing recommendations or the parties'
27 agreements to facts or sentencing factors.

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1 31. Defendant understands that both defendant and the USAO are
2 free to: (a) supplement the facts by supplying relevant information
3 to the United States Probation Office and the Court, (b) correct any
4 and all factual misstatements relating to the Court's Sentencing
5 Guidelines calculations and determination of sentence, and (c) argue
6 on appeal and collateral review that the Court's Sentencing
7 Guidelines calculations and the sentence it chooses to impose are not
8 error, although each party agrees to maintain its view that the
9 calculations in paragraph 21 are consistent with the facts of this
10 case. This paragraph permits both the USAO and defendant to submit
11 full and complete factual information to the United States Probation
12 Office and the Court, even if that factual information may be viewed
13 as inconsistent with the Factual Basis or Sentencing Factors agreed
14 to in this agreement.

15 32. Defendant understands that even if the Court ignores any
16 sentencing recommendation, finds facts or reaches conclusions
17 different from those agreed to, and/or imposes any sentence up to the
18 maximum established by statute, defendant cannot, for that reason,
19 withdraw defendant's guilty pleas, and defendant will remain bound to
20 fulfill all of defendant's obligations under this agreement.

21 Defendant understands that no one - not the prosecutor, defendant's
22 attorney, or the Court - can make a binding prediction or promise
23 regarding the sentence defendant will receive, except that it will be
24 within the statutory maximum.

25 NO ADDITIONAL AGREEMENTS

26 33. Defendant understands that, except as set forth herein,
27 there are no promises, understandings, or agreements between the USAO
28 and defendant or defendant's attorney, and that no additional

1 promise, understanding, or agreement may be entered into unless in a
2 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

34. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

NICOLA T. HANNA
United States Attorney

Mack E. Jenkins

March 28, 2018

MACK E. JENKINS
JULIA GEGENHEIMER
Assistant United States Attorneys

Date

Jonathan Portillo

3-27-2018

JONATHAN PORTILLO
Defendant

Date

Daniel Moaddel

3/27/2018

DANIEL MOADDEL
Attorney for Defendant
Jonathan Portillo

Date

CERTIFICATION OF DEFENDANT

1
2 I have read this agreement in its entirety. I have had enough
3 time to review and consider this agreement, and I have carefully and
4 thoroughly discussed every part of it with my attorney. I understand
5 the terms of this agreement, and I voluntarily agree to those terms.
6 I have discussed the evidence with my attorney, and my attorney has
7 advised me of my rights, of possible pretrial motions that might be
8 filed, of possible defenses that might be asserted either prior to or
9 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),
10 of relevant Sentencing Guidelines provisions, and of the consequences
11 of entering into this agreement. No promises, inducements, or
12 representations of any kind have been made to me other than those
13 contained in this agreement. No one has threatened or forced me in
14 any way to enter into this agreement. I am satisfied with the
15 representation of my attorney in this matter, and I am pleading
16 guilty because I am guilty of the charges and wish to take advantage
17 of the promises set forth in this agreement, and not for any other
18 reason.

19
20 Jonathan Portillo
21 JONATHAN PORTILLO
22 Defendant

3-27-2018
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am the defendant's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of guilty pleas pursuant to this agreement.



DANIEL MOADDEL
Attorney for Defendant
Jonathan Portillo

3/27/2018
Date

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ATTACHMENT A: FACTUAL BASIS

The parties agree to the following facts and that, if this case were to proceed to trial, the government would be prepared to prove at least the following facts beyond a reasonable doubt:

1. Throughout the period described in the above-captioned Indictment, defendant JONATHAN PORTILLO, aka "Pelon" ("defendant"), along with codefendants CARLOS HERNANDEZ, aka "Creeper," aka "Rider," JOSE SAUCEDO, aka "Lil' Moe," FRANCISCO FARIAS, aka "Bones," JOEL M. MONARREZ, aka "Gallo," JOSUE GARIBAY, aka "Malo," EDWIN FELIX, aka "Boogie," and JOSE D. ZAMORA, aka "Fresh," (collectively, the "codefendants"), were all members of the Big Hazard street gang ("Hazard").

2. Throughout the period described in the above-captioned Indictment, Hazard is and was a multi-generational gang that claims as part of its territory the Ramona Garden Housing Development ("RGHD"), a public housing development located in the Boyle Heights section of Los Angeles, within the Central District of California. The RGHD was built using federal funds provided by the United States Housing Authority and continues to receive financial assistance from the United States Department of Housing and Urban Development. The RGHD is occupied primarily by Hispanic residents and also includes, among others, a tiny fraction of African-American residents.

3. Hazard, including its leaders, members, and associates, constitutes a criminal "enterprise," as defined by Title 18, United States Code, Section 1961(4). That is, Hazard constitutes a group of individuals associated together in an organization whose members and

Defendant's Initials JP

1 associates function as a continuing unit for a common purpose of
2 achieving the objectives of the enterprise. These objectives include
3 dominating the RGHD and monopolizing its criminal activity, including
4 drug trafficking. As a result of its drug trafficking conduct,
5 throughout the period described in the above-captioned Indictment,
6 Hazard members and associates engaged in, and their activities in
7 some way affected, interstate commerce.

8 4. Between no later than early May 2014, defendant PORTILLO
9 and the codefendants knowingly and willfully entered into an
10 agreement to firebomb several of the apartments in the RGHD because
11 of the occupants' race. These apartments were occupied by African-
12 Americans, including women and children ("the African-American
13 victims"). The co-conspirators planned to use Molotov cocktails to
14 attack residences in order to (1) threaten and intimidate the
15 African-American victims for exercising and enjoying their federally
16 protected right to live in the RGHD free from injury, intimidation,
17 and interference based on race and (2) maliciously damage the
18 residences occupied by the African-American victims. Additionally,
19 defendant PORTILLO knew that the firebombing could result in serious
20 bodily injury to the African-American victims. Defendant PORTILLO
21 entered into this agreement in order to maintain his position within
22 Hazard.

23 5. On or about May 11, 2014, defendant PORTILLO arrived at a
24 gang hang out in Hazard territory, where codefendant HERNANDEZ and
25 other codefendants were preparing for the firebombing. Multiple
26 codefendants were assembling Molotov cocktails to use in the
27 firebombing. Codefendant HERNANDEZ told defendant PORTILLO and other
28

Defendant's Initials JP

1 codefendants that the Hazard gang was going to firebomb African-
2 American residents of RGHD and that the firebombing was going to take
3 place that night.

4 6. Codefendant HERNANDEZ divided defendant PORTILLO and the
5 other codefendants into two groups of four. Codefendant HERNANDEZ
6 told the two groups they would split up when they arrived at the
7 RGHD, with one group going to target the African-American victims who
8 resided in one area of the RGHD and the other group going to target
9 the African-American victims who resided in a different area of the
10 RGHD. The codefendants then discussed the locations of each victim's
11 residence.

12 7. Defendant and codefendants HERNANDEZ, FARIAS, and another
13 coconspirator were in one group; HERNANDEZ was the leader of that
14 group. Codefendants SAUCEDO, GARIBAY, FELIX, and MONARREZ, were in
15 the other group. HERNANDEZ assigned everyone in his group a role in
16 the firebombing. Codefendant HERNANDEZ told defendant PORTILLO that
17 the group would throw the Molotov cocktails into the African-American
18 victims' apartments after the windows were broken and the Molotov
19 cocktails were ignited. Defendant PORTILLO had a wrench to break the
20 victims' windows in order to allow the firebombs to make a clean
21 entry into the targeted locations. Codefendant HERNANDEZ gave
22 codefendant FARIAS a lighter to ignite the Molotov cocktails.
23 Codefendant HERNANDEZ also provided the codefendants with several
24 Molotov cocktails, tools to break the windows, including a a hammer,
25 and materials to conceal their identities from the surveillance
26 cameras in and around the RGHD and any witnesses.

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28 Defendant's Initials JP

1 8. Defendant PORTILLO and the other codefendants who were
2 present were told by codefendant HERNANDEZ that the African-American
3 victims were being targeted for firebombing because of their race.

4 9. Codefendant HERNANDEZ obtained a van to transport the
5 codefendants. Codefendant HERNANDEZ was armed with a semiautomatic
6 handgun in furtherance of the firebombing and to protect the Hazard
7 members from any rivals they might encounter while preparing to
8 travel to the firebombing and to use in case any of the firebombing
9 victims attempted to defend their homes from the attack.

10 10. Codefendant HERNANDEZ drove the codefendants in the van
11 outside of the Projects and Hazard territory and parked the van.
12 After leaving the van, the codefendants walked to the RGHD using the
13 pedestrian overpass that runs over the I-10 freeway. The
14 codefendants chose this route to the RGHD in order to avoid detection
15 by surveillance cameras. Shortly after midnight on or about May 12,
16 2014, the codefendants entered the RGHD. Once inside the RGHD, the
17 codefendants split up into their respective groups and proceeded to
18 their targets.

19 11. When defendant PORTILLO's group arrived at their victims'
20 residences, defendant PORTILLO used his wrench to break three of the
21 victims' windows, including at Unit 61. Codefendant FARIAS ignited
22 at least one of the Molotov cocktails. When codefendant HERNANDEZ
23 attempted to throw one of the ignited Molotov cocktails into Unit 61,
24 he cut his right arm on the broken glass and began bleeding
25 profusely, which later required medical attention. Codefendant
26 HERNANDEZ still managed to drop the Molotov cocktail he was holding
27 inside Unit 61.

28 Defendant's Initials JP

1 12. Immediately after the firebombing attack, codefendant
2 FARIAS, driving the van obtained by conspirator HERNANDEZ,
3 transported codefendant HERNANDEZ to White Memorial Hospital due to
4 injuries that HERNANDEZ incurred during the firebombing. Codefendant
5 FARIAS then drove the other codefendants to a gang location.

6 13. In total, the codefendants maliciously struck and damaged
7 four different residences in the RGHD with Molotov cocktails on May
8 12, 2014. The units were: (a) Unit 124, occupied by Victim "1",
9 Victim "1"'s minor children, and Victim "2"; (b) Unit 119, occupied
10 by Victim "3", Victim "3"'s minor children, and Victim "4"; (c) Unit
11 61, occupied by Victim "5", and Victim "5"'s children and three
12 grandchildren; (d) Unit 123, occupied by Victim "6", directly
13 adjacent to Victim "1"'s Unit 124.

14 14. Three of the four residences they struck and damaged were
15 occupied by the African-American victims, who were the intended
16 targets of the codefendants' firebombing. Defendant PORTILLO and the
17 codefendants targeted the victims because they are African-American
18 and in order to force the African-American victims to move from the
19 RGHD. Defendant PORTILLO also committed the firebombing, in
20 substantial part, to maintain his status in Hazard.

21 15. Defendant PORTILLO and the codefendants knew that throwing
22 firebombs into occupied residences after midnight created a
23 substantial likelihood of causing serious bodily injury to at least
24 one of the residents. Such bodily injury could have included
25 injuries sustained from broken glass, being hit by an ignited bottle,
26 smoke inhalation, the explosion resulting from the firebomb, and any
27 resulting fire. Defendant PORTILLO also knew that the African-

28 *Defendant's Initials JP*

1 American victims could suffer serious bodily injury as a result of
2 the firebombing.

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Defendant's Initials JP