

COPY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ALEX AYALA,  
a/k/a "Al Bundy,"  
JASON AUZA,  
DENNIS BROWN,  
a/k/a "Bundles,"  
NELSON CARTAGENA,  
ANDRE EMILIEEN,  
a/k/a "Dre,"  
ELBIO ESPAILLAT,  
a/k/a "LB,"  
GUILLERMO FERNANDEZ,  
a/k/a "Chino,"  
KESEAN GALLOWAY,  
a/k/a "K,"  
JOHN NASSAR,  
a/k/a "Mush,"  
a/k/a "Big Johnny," and  
PAUL VALLARO,  
  
Defendants.

SEALED INDICTMENT

17 Cr. 202

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BACKGROUND

1. At all times relevant to this Indictment, ALEX AYALA, a/k/a "Al Bundy," JASON AUZA, DENNIS BROWN, a/k/a "Bundles," NELSON CARTAGENA, ANDRE EMILIEEN, a/k/a "Dre," ELBIO ESPAILLAT, a/k/a "LB," GUILLERMO FERNANDEZ, a/k/a "Chino," KESEAN GALLOWAY, a/k/a "K," JOHN NASSAR, a/k/a "Mush," a/k/a "Big Johnny," and PAUL VALLARO, the defendants, and others known and unknown, were

members and associates of a loosely organized criminal crew based primarily in Westchester County, New York (the "Crew"). Members of the Crew worked together to enrich themselves and their fellow crew members through thefts, burglaries and robberies, both armed and unarmed. During the time period charged in this Indictment, members of the crew burglarized over 50 commercial establishments in Westchester, Rockland, Putnam, Dutchess and Fairfield Counties. With respect to robberies, members of the Crew targeted both commercial establishments and drug dealers. Members of the Crew worked together to sell drugs, including drugs stolen from drug dealers during robberies and other thefts, and shared in the profits from those sales.

COUNT ONE

(Hobbs Act Robbery Conspiracy)

The Grand Jury charges:

2. From at least in or about 2015, up to and including in or about December 2016, in the Southern District of New York and elsewhere, ALEX AYALA, a/k/a "Al Bundy," JASON AUZA, DENNIS BROWN, a/k/a "Bundles," NELSON CARTAGENA, ANDRE EMILIEN, a/k/a "Dre," ELBIO ESPAILLAT, a/k/a "LB," GUILLERMO FERNANDEZ, a/k/a "Chino," KESEAN GALLOWAY, a/k/a "K," and PAUL VALLARO, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined

in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, AYALA, AUZA, BROWN, CARTAGENA, EMILIEN, ESPAILLAT, FERNANDEZ, GALLOWAY, and VALLARO, and others known and unknown, agreed to rob businesses and individuals in Westchester County and Bronx County, that transacted in interstate commerce.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about December 17, 2015, PAUL VALLARO and others attempted to rob a drug dealer inside the United States Post Office at Executive Boulevard, Yonkers, New York, and aided and abetted the same.

b. On or about April <sup>16</sup> 18, 2016, ANDRE EMILIEN, a/k/a "Dre," NELSON CARTAGENA, and others, attempted to rob employees of a chain restaurant in the vicinity of Central Park Avenue, Scarsdale, New York, and aided and abetted the same.

c. On or about July 10, 2016, ALEX AYALA, a/k/a "Al Bundy," and PAUL VALLARO, the defendants, and others, attempted

to rob a drug dealer in the vicinity of Franklin Avenue, Bedford, New York, and aided and abetted the same.

d. On or about August 2, 2016, DENNIS BROWN, a/k/a "Bundles," ELBIO ESPAILLAT, a/k/a "LB," and PAUL VALLARO, the defendants, and others, robbed a bookmaker in the vicinity of Main Street, Irvington, New York, and aided and abetted the same.

e. On or about September 3, 2016, ALEX AYALA, a/k/a "Al Bundy," and NELSON CARTAGENA, the defendants, and a co-conspirator not named herein, robbed at gunpoint a restaurant employee in the vicinity of Bedford Road, Bedford Hills, New York, and aided and abetted the same.

f. On or about September 9, 2016, ALEX AYALA, a/k/a "Al Bundy," and KESEAN GALLOWAY, the defendants, and a co-conspirator not named herein, robbed at gunpoint a drug dealer in the vicinity of Avenue St. John in the Bronx, New York, and, in the course of that robbery, shot and injured the robbery victim, and aided and abetted the same.

g. On or about September 22, 2016, JASON AUZA, and GUILLERMO FERNANDEZ, a/k/a "Chino," the defendants, and others, robbed at gunpoint a drug dealer in the vicinity of Roberts Avenue, Yonkers, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO  
(Hobbs Act Robbery)

The Grand Jury charges:

4. On or about October 5, 2012, in the Southern District of New York and elsewhere, GUILLERMO FERNANDEZ, a/k/a "Chino," and JOHN NASSAR, a/k/a "Mush," a/k/a "Big Johnny," the defendants, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b) (1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3), to wit, FERNANDEZ and NASSAR robbed at gunpoint the employees of a pizzeria located in the vicinity of Morsemere Avenue, Yonkers, New York, and aided and abetted the same.

(Title 18, United States Code, Sections 1951 and 2)

COUNT THREE  
(Firearms Offense)

The Grand Jury further charges:

5. From at least in or about 2015, up to and including in or about December 2016, in the Southern District of New York and elsewhere, ALEX AYALA, a/k/a "Al Bundy," JASON AUZA, NELSON CARTAGENA, GUILLERMO FERNANDEZ, a/k/a "Chino," KESEAN GALLOWAY, a/k/a "K," and PAUL VALLARO, the defendants, during and in relation to a crime of violence for which they may be prosecuted

in a court of the United States, namely, the robbery conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which firearms were brandished and discharged.

(Title 18, United States Code,  
Sections 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), and 2.)

**COUNT FOUR**  
(Firearms Offense)

6. On or about October 5, 2012, in the Southern District of New York, GUILLERMO FERNANDEZ, a/k/a "Chino," and JOHN NASSAR, a/k/a "Mush," a/k/a "Big Johnny," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Indictment, knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which firearms were brandished and discharged.

(Title 18, United States Code,  
Sections 924(c)(1)(A)(ii), 924(c)(1)(A)(ii), and 2.)

COUNT FIVE

(Interstate Transportation of Stolen Property)

The Grand Jury further charges:

7. On or about December 2, 2016, NELSON CARTAGENA, the defendant, transported, transmitted and transported in interstate commerce goods and merchandise and money of the value of \$5,000 and more, knowing the same to have been stolen, and did aid and abet the same, to wit CARTAGENA burglarized a business in Connecticut and transported over \$25,000 to New York.

(Title 18, United States Code, Sections 2314 and 2.)

COUNT SIX  
(Carjacking)

The Grand Jury charges:

8. On or about February 21, 2016, in the Southern District of New York, KESEAN GALLOWAY, a/k/a "K," the defendant, with the intent to cause death and serious bodily harm, knowingly took a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce from the person and presence of another by force and violence and by intimidation, and did aid and abet the same.

(Title 18, United States Code, Sections 2119 and 2.)

### FORFEITURE ALLEGATIONS

9. As a result of committing the Hobbs Act robbery offenses alleged in Counts One and Two of this Indictment, ALEX AYALA, a/k/a "Al Bundy," JASON AUZA, DENNIS BROWN, a/k/a "Bundles," NELSON CARTAGENA, ANDRE EMILIEN, a/k/a "Dre," ELBIO ESPAILLAT, a/k/a "LB," GUILLERMO FERNANDEZ, a/k/a "Chino," KESEAN GALLOWAY, a/k/a "K," JOHN NASSAR, a/k/a "Mush," a/k/a "Big Johnny," and PAUL VALLARO, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses.

### Substitute Assets Provision

10. If any of the property described above as subject to forfeiture, as a result of any act or omission 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 person;
- c. has been placed beyond the jurisdiction of the Court;

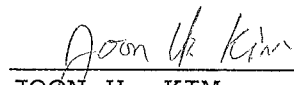


- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 981, 21 U.S.C. § 853(p), and 28 U.S.C. § 2461, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 1951; Title 28, United States Code, Section 2461; and Title 21, United States Code, Sections 841(a)(1) and 853.)

  
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Foreperson

  
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JOON H. KIM  
Acting United States Attorney

