

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

SEALED SUPERSEDING
INDICTMENT

JOWENKY NUNEZ, JR.,

a/k/a "Juju,"

JERRIN PENA,

a/k/a "Rooga,"

a/k/a "Perry,"

JUSTIN DEAZA,

a/k/a "Booka,"

a/k/a "Pepito,"

WILSON MENDEZ,

a/k/a "Tati,"

BRIAN HERNANDEZ,

a/k/a "Malikai,"

HUGO RODRIGUEZ,

a/k/a "Juice,"

MAYOVANEX RODRIGUEZ,

a/k/a "Menorcito,"

JOHANN ZAPATA,

a/k/a "Zapata,"

ELVIS TREJO,

a/k/a "Po Po,"

STEVEN JOAQUIN,

a/k/a "Baby Gunz,"

IYAURY RODRIGUEZ-ROSARIO,

a/k/a "Bricha,"

JOWENKY NUNEZ, SR.,

a/k/a "Bala,"

ARGENIS TAVAREZ,

a/k/a "Nose,"

a/k/a "A-Kash,"

VICTOR COLON,

a/k/a "V,"

JOSE GUTIERREZ,

a/k/a "G," and

NIJMAH MARTE,

a/k/a "N,"

a/k/a "Nena,"

Defendants.

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COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

THE ENTERPRISE

1. From at least in or about 2018, up through and including at least in or about July 2022, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, and others known and unknown, were members and associates of Own Every Dollar, a/k/a "OED," a criminal organization whose members and associates engaged in, among other activities, acts involving murder, robbery, assault, unlawful interstate transport of firearms, and the distribution of controlled substances. Own Every Dollar operated principally in and around the Washington Heights area of Manhattan, but also in the Bronx and Queens, New York.

2. Own Every Dollar, including its leadership, membership, and associates, constituted an "enterprise" (hereinafter the "OED Enterprise"), as defined by Title 18,

United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals associated in fact, although not a legal entity. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the OED Enterprise. At all times relevant to this Indictment, the OED Enterprise was engaged in, and its activities affected, interstate and foreign commerce. JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO

3. , a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, participated in the OED Enterprise and participated in unlawful and other activity in furtherance of the conduct of the OED Enterprise's affairs.

4. Members and associates of the OED Enterprise engaged in a series of violent disputes with rivals of the OED Enterprise, including those within the OED Enterprise who they deemed disloyal to the OED Enterprise. During these disputes, members and associates of the OED Enterprise committed multiple

murders, shootings, robberies, and assaults against their rivals and against fellow members of the OED Enterprise.

5. Members and associates of OED also sold fentanyl, heroin, cocaine, cocaine base (crack cocaine), oxycodone, 3,4-methylenedioxymethamphetamine (ecstasy), and marijuana in and around New York, New York, and the Bronx, New York.

6. Members and associates of OED committed and agreed, attempted, and threatened to commit acts of violence to protect and expand their narcotics business, to protect fellow members and associates of the OED Enterprise, to otherwise promote the standing and reputation of OED amongst rival gangs, and to promote the standing and reputation of members of OED. These acts of violence included acts involving murder, robbery, and assault, intended to protect the OED Enterprise's narcotics business, and to retaliate against members of rival gangs who had encroached on the OED Enterprise's narcotics business.

PURPOSES OF THE ENTERPRISE

7. The purposes of the OED Enterprise included the following:

a. Preserving and protecting the power, territory, and profits of the OED Enterprise and its members and associates through acts involving murder, other acts of violence, and threats of violence.

b. Promoting and enhancing the OED Enterprise and the activities of its members and associates.

c. Keeping victims and potential victims in fear of the OED Enterprise and its members and associates through acts and threats of violence.

d. Providing assistance to members and associates who committed crimes for and on behalf of the OED Enterprise.

e. Enriching the members and associates of the OED Enterprise through, among other things, robbery and the distribution and sale of narcotics, including fentanyl, heroin, cocaine, cocaine base (crack cocaine), oxycodone, 3,4-methylenedioxymethamphetamine (ecstasy), and marijuana.

f. Protecting the OED Enterprise and its members and associates from detection and prosecution by law enforcement authorities through, among other things, acts of intimidation and violence against potential witnesses to crimes committed by members and associates of the OED Enterprise.

MEANS AND METHODS OF THE ENTERPRISE

8. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the OED Enterprise were the following:

a. Members and associates of the OED Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including acts involving murder, to protect and

expand the OED Enterprise's criminal operations, and to attack and retaliate against rival gang members.

b. Members and associates of the OED Enterprise used threats of violence and physical violence against other members and associates of the OED Enterprise to enforce and maintain discipline within the OED Enterprise.

c. Members and associates of the OED Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including acts involving murder and robbery against rival gang members and other individuals.

d. Members and associates of the OED Enterprise promoted and celebrated, including in music, on YouTube, and on social media, the criminal conduct of OED, namely narcotics distribution, acts involving violence, and the use of firearms.

e. Members and associates of the OED Enterprise obtained, possessed, and used firearms, including in connection with their narcotics trafficking activities and acts of violence.

f. Members and associates of the OED Enterprise sold narcotics, including fentanyl, heroin, cocaine, cocaine base (crack cocaine), oxycodone, 3,4-methylenedioxymethamphetamine (ecstasy), and marijuana.

THE RACKETEERING CONSPIRACY

9. From at least in or about 2018, up to and including in or about July 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs One through Seven of this Indictment, namely, Own Every Dollar, an enterprise, which engaged in, and the activities of which affected, interstate and foreign commerce, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the OED Enterprise through a pattern of racketeering activity as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of:

a. multiple acts involving murder, chargeable under the following provisions of state law: New York Penal Law Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (aiding and abetting);

b. multiple acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

c. multiple acts indictable under Title 18, United States Code, Section 1951 (relating to Hobbs Act robbery); and

d. multiple offenses involving the distribution of controlled substances, including, fentanyl, heroin, cocaine, cocaine base, oxycodone, 3,4-methylenedioxymethamphetamine, and marijuana, in violation of laws of the United States, namely Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(A), 841(b)(1)(C), 841(b)(1)(D), and 846, and Title 18, United States Code, Section 2.

10. It was a part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the OED Enterprise.

NOTICE OF SPECIAL SENTENCING FACTORS
(Murder)

11. On or about August 31, 2018, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," the defendant, and others known and unknown, knowingly murdered Nicholas Vargas in the vicinity of 5655 Broadway in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, NUNEZ, JR., caused the death of Vargas, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, NUNEZ, JR., recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Vargas, and aided and abetted the same.

12. On or about April 14, 2019, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," the defendants, and others known and unknown, knowingly murdered and aided and abetted the murder of Hector Cruz in the vicinity of 500 West 135th Street in the New York, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, NUNEZ, JR., and PENA caused the death of Cruz, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to

human life, NUNEZ, JR., and PENA recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Cruz, and aided and abetted the same.

13. On or about July 2, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, knowingly murdered and aided and abetted the murder of Richard Dominguez, a/k/a "Chikin," in the vicinity of 1475 Sedgewick Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO caused the death of Dominguez, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Dominguez, and aided and abetted the same.

14. On or about July 2, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, knowingly murdered and aided and abetted the murder of Israel

Cabrera, a/k/a "Gotti," in the vicinity of 1475 Sedgewick Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO caused the death of Cabrera, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Cabrera, and aided and abetted the same.

15. On or about February 7, 2022, in the Southern District of New York and elsewhere, MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," the defendant, and others known and unknown, knowingly murdered and aided and abetted the murder of Anthony Savarese in the vicinity of 2296 Andrews Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, M. RODRIGUEZ caused the death of Savarese, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, M. RODRIGUEZ recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Savarese, and aided and abetted the same.

NOTICE OF SPECIAL SENTENCING FACTORS
(Narcotics Conspiracy)

16. From at least in or about 2018, up to and including at least in or about July 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

17. It was a part and an object of the conspiracy, that JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and

ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

18. The controlled substances that JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, conspired to distribute and possess with intent to distribute were: (i) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A); (ii) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); and (iii) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(A), all in violation of Title 21, United States Code, Section 846.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO
(Murder in Aid of Racketeering)

The Grand Jury further charges:

19. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

20. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

21. On or about July 2, 2020, in the Southern District of

New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Richard Dominguez, a/k/a "Chikin," in the vicinity of 1475 Sedgewick Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO caused the death of Dominguez, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Dominguez, and aided and abetted the same.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT THREE
(Murder Through the Use of a Firearm)

The Grand Jury further charges:

22. On or about July 2, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Two of this Indictment, willfully and knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO shot and killed Richard Dominguez, a/k/a "Chikin," and aided and abetted the shooting and killing of Dominguez in the vicinity of 1475 Sedgewick Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

COUNT FOUR
(Murder in Aid of Racketeering)

The Grand Jury further charges:

23. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment,

which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

24. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

25. On or about July 2, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from

OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Israel Cabrera, a/k/a "Gotti," in the vicinity of 1475 Sedgewick Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO caused the death of Cabrera, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Cabrera, and aided and abetted the same.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT FIVE
(Murder Through the Use of a Firearm)

The Grand Jury further charges:

26. On or about July 2, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder

in aid of racketeering charged in Count Four of this Indictment, willfully and knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, NUNEZ, JR., HERNANDEZ, and RODRIGUEZ-ROSARIO shot and killed Israel Cabrera, a/k/a "Gotti," and aided and abetted the shooting and killing of Cabrera in the vicinity of 1475 Sedgewick Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

COUNT SIX
(Murder in Aid of Racketeering)

The Grand Jury further charges:

27. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of

achieving the objectives of the Enterprise.

28. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts in violation of under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

29. On or about February 7, 2022, in the Southern District of New York and elsewhere, MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Anthony Savarese in the vicinity of 2296 Andrews Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, M. RODRIGUEZ caused the death of Savarese, and aided and abetted the same, and (ii) under circumstances evincing a depraved

indifference to human life, M. RODRIGUEZ recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Savarese, and aided and abetted the same.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT SEVEN
(Murder Through the Use of a Firearm)

The Grand Jury further charges:

30. On or about February 7, 2022, in the Southern District of New York and elsewhere, MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Six of this Indictment, willfully and knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, M. RODRIGUEZ shot and killed Anthony Savarese in the vicinity of 2296 Andrews Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

COUNT EIGHT
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

31. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

32. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

33. On or about January 24, 2020, in the Southern District

of New York and elsewhere, BRIAN HERNANDEZ, a/k/a "Malikai," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, HERNANDEZ, TAVAREZ, and others known and unknown, shot at a rival gang member in the vicinity of 136th Street between Amsterdam and Broadway in New York, New York, in violation of New York Penal Law, Sections 125.25, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT NINE

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

34. On or about January 24, 2020, in the Southern District of New York and elsewhere, BRIAN HERNANDEZ, a/k/a "Malikai," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," 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 attempted murder and assault with a dangerous weapon in aid of

racketeering charged in Count Eight of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TEN
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

35. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

36. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections

1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

37. In or about February 2020, in the Southern District of New York and elsewhere, JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," BRIAN HERNANDEZ, a/k/a "Malikai," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, PENA, HERNANDEZ, TAVAREZ, and others known and unknown, shot at rival gang members in the vicinity of 136th Street, in New York, New York, in violation of New York Penal Law, Sections 125.25, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT ELEVEN

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

38. In or about February 2020, in the Southern District of New York and elsewhere, JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," BRIAN HERNANDEZ, a/k/a "Malikai," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," 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 attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Ten of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TWELVE

(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

39. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an

association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

40. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

41. On or about April 18, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, SR., a/k/a "Bala," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, NUNEZ, SR., while inside an apartment

on Audubon Avenue in New York, New York, shot and struck another individual, in violation of New York Penal Law, Sections 125.25, 120.05, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT THIRTEEN

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

42. On or about April 18, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, SR., a/k/a "Bala," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Twelve of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT FOURTEEN

(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

43. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment,

which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

44. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

45. On or about May 13, 2020, in the Southern District of New York and elsewhere, JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining

entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder individuals and assaulted those individuals with a dangerous weapon, and aided and abetted the same, to wit, DEAZA and MENDEZ traveled to the vicinity of West 184th Street and Audubon Avenue in New York, New York, where they shot at two rival drug dealers, in violation of New York Penal Law, Sections 125.25, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT FIFTEEN

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

46. On or about May 13, 2020, in the Southern District of New York and elsewhere, JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," and WILSON MENDEZ, a/k/a "Tati," 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 attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Fourteen of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the

use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT SIXTEEN

(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

47. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

48. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to

robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

49. On or about May 15, 2020, in the Southern District of New York and elsewhere, BRIAN HERNANDEZ, a/k/a "Malikai," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, HERNANDEZ shot a rival drug dealer in the leg in the vicinity of 188th Street between Audubon and St. Nicholas Avenues in New York, New York, in violation of New York Penal Law, Sections 125.25, 120.05, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT SEVENTEEN

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

50. On or about May 15, 2020, in the Southern District of New York and elsewhere, BRIAN HERNANDEZ, a/k/a "Malikai," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States,

namely, the attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Sixteen of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT EIGHTEEN
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

51. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

52. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as

that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

53. On or about June 26, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," STEVEN JOAQUIN, a/k/a "Baby Gunz," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, in the vicinity of West 188th Street and Audubon Avenue in New York, New York, NUNEZ, JR., JOAQUIN, and RODRIGUEZ-ROSARIO shot at a group of rival drug dealers, in violation of New York Penal Law, Sections 125.25, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT NINETEEN
(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

54. On or about June 26, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," STEVEN JOAQUIN, a/k/a "Baby Gunz," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," 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 attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Eighteen of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TWENTY
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

55. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an

association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

56. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

57. On or about July 5, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the

same, to wit, NUNEZ, JR., and RODRIGUEZ-ROSARIO shot a rival gang member in the vicinity of 136th Street, in New York, New York, in violation of New York Penal Law, Sections 125.25, 120.05, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT TWENTY-ONE

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

58. On or about July 5, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," 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 attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Twenty of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TWENTY-TWO
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

59. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

60. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts in violation of under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

61. On or about July 18, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, in the vicinity of 183rd Street and Audubon Avenue in New York, New York, NUNEZ, JR., shot at an individual, in violation of New York Penal Law, Sections 125.25, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT TWENTY-THREE

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

62. On or about July 18, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Twenty-Two of this Indictment, knowingly did use and carry a firearm and, in

furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TWENTY-FOUR
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

63. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

64. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable

under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

65. On or about October 22, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder two individuals and assaulted those individuals with a dangerous weapon, and aided and abetted the same, to wit, NUNEZ, JR., and DEAZA drove to Valentine Avenue, near 181st Street, in the Bronx, New York, and shot and struck at least two individuals, in violation of New York Penal Law, Sections 125.25, 120.05, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT TWENTY-FIVE

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

66. On or about October 22, 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and

JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," 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 attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Twenty-Four of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TWENTY-SIX
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

67. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of

achieving the objectives of the Enterprise.

68. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

69. On or about August 12, 2021, in the Southern District of New York and elsewhere, HUGO RODRIGUEZ, a/k/a "Juice," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, in the vicinity of 183rd Street and Audubon Avenue in New York, New York, H. RODRIGUEZ shot at an individual, in violation of New York Penal Law, Sections 125.25, 120.05, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and

2.)

COUNT TWENTY-SEVEN

(Discharge of Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

70. On or about August 12, 2021, in the Southern District of New York and elsewhere, HUGO RODRIGUEZ, a/k/a "Juice," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Twenty-Six of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT TWENTY-EIGHT

(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

71. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an

association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

72. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

73. On or about August 12, 2021, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, SR., a/k/a "Bala," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, in the vicinity of 183rd Street and

Audubon Avenue in New York, New York, NUNEZ, SR., shot at an individual, in violation of New York Penal Law, Sections 125.25, 120.14, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT TWENTY-NINE
(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

74. On or about August 12, 2021, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, SR., a/k/a "Bala," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Twenty-Eight of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT THIRTY
(Hobbs Act Robbery)

The Grand Jury further charges:

75. On or about January 22, 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," STEVEN JOAQUIN, a/k/a

"Baby Gunz," and ELVIS TREJO, a/k/a "Po Po," the defendants, 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, NUNEZ, JR., PENA, JOAQUIN, and TREJO robbed a drug dealer in the vicinity of Riverside Drive and West 145th Street in New York, New York.

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

COUNT THIRTY-ONE

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

76. On or about January 22, 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ELVIS TREJO, a/k/a "Po Po," and STEVEN JOAQUIN, a/k/a "Baby Gunz," 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 Hobbs Act robbery charged in Count Thirty of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crime, did possess a firearm, and did aid and abet the use,

carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT THIRTY-TWO
(Attempted Murder and Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

77. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

78. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to

robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

79. On or about March 4, 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and ELVIS TREJO, a/k/a "Po Po," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly attempted to murder an individual and assaulted that individual with a dangerous weapon, and aided and abetted the same, to wit, in the vicinity of 124 Dyckman Street in New York, New York, NUNEZ, JR., and TREJO shot at a rival gang member, and in doing so, shot a bystander, in violation of New York Penal Law, Sections 125.25, 120.05, 110.00, and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.)

COUNT THIRTY-THREE

(Discharge of a Firearm in Connection with a Crime of Violence)

The Grand Jury further charges:

80. On or about March 4, 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," and ELVIS TREJO, a/k/a "Po Po," 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 attempted murder and assault with a dangerous weapon in aid of racketeering charged in Count Thirty-Two of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT THIRTY-FOUR
(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

81. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

82. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as

that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts in violation of under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

83. On or about December 13, 2020, in the Southern District of New York and elsewhere, WILSON MENDEZ, a/k/a "Tati," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, outside a restaurant located in the vicinity of 188th Street and St. Nicholas Avenue in New York, New York, MENDEZ and others robbed an individual of jewelry at gunpoint, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT THIRTY-FIVE
(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

84. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

85. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

86. In or about August 2021, in the Southern District of New York and elsewhere, JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, near a club in downtown Manhattan in New York, New York, DEAZA and others robbed an individual at gunpoint, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT THIRTY-SIX

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

87. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce.

The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

88. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

89. In or about September 2021, in the Southern District of New York and elsewhere, JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, DEAZA and others attempted to steal a luxury watch from an individual at gunpoint near a high-end restaurant in New

York, New York, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT THIRTY-SEVEN

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

90. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

91. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled

substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

92. In or about September 2021, in the Southern District of New York and elsewhere, JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, DEAZA and another individual robbed two men at gunpoint near the FDR Drive in New York, New York, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT THIRTY-EIGHT

(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

93. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an

association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

94. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

95. In or about September 2021, in the Southern District of New York and elsewhere, JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," and WILSON MENDEZ, a/k/a "Tati," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, DEAZA and MENDEZ robbed an

individual of jewelry at gunpoint in the vicinity of a nightclub in Queens, New York, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT THIRTY-NINE
(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

96. At all times relevant to this Indictment, OED, as described in Paragraphs One through Seven of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals that was engaged in, and the activities of which affected, interstate and foreign commerce. The OED Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

97. At all times relevant to this Indictment, OED, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Section 1951 (relating to

robbery), and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841, and 846.

98. On or about February 14, 2022, in the Southern District of New York and elsewhere, HUGO RODRIGUEZ, a/k/a "Juice," and ELVIS TREJO, a/k/a "Po Po," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from OED, and for the purpose of gaining entrance to and maintaining and increasing position in OED, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, H. RODRIGUEZ and TREJO robbed an individual at gunpoint in the vicinity of 204th and 206th Streets in New York, New York, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT FORTY
(Narcotics Conspiracy)

The Grand Jury further charges:

99. From at least in or about 2018, up to and including at least in or about July 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka,"

a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," and NIJMAH MARTE, a/k/a "N," a/k/a "Nena," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

100. It was a part and an object of the conspiracy that JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," and NIJMAH MARTE, a/k/a "N," a/k/a "Nena," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute

controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

101. The controlled substances that JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," and NIJMAH MARTE, a/k/a "N," a/k/a "Nena," the defendants, conspired to distribute and possess with intent to distribute were: (i) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A); (ii) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); (iii) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(A); (iv) mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section

841(b)(1)(C); (v) mixtures and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C); (vi) mixtures and substances containing a detectable amount of 3,4-methylenedioxymethamphetamine, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (vii) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

COUNT FORTY-ONE
(Firearms Use, Carrying, and Possession in Connection with a Drug Trafficking Crime)

The Grand Jury further charges:

102. From at least in or about 2018, up to and including at least in or about July 2022, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," and NIJMAH

MARTE, a/k/a "N," a/k/a "Nena," the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the controlled substance conspiracy charged in Count Forty of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the same.

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

COUNT FORTY-TWO
(Interstate Transport or Receipt of Firearms)

The Grand Jury further charges:

103. From at least in or about May 2020, up to and including at least in or about October 2020, in the Southern District of New York and elsewhere, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, not being licensed importers, licensed manufacturers, licensed dealers, and licensed collectors of firearms, within the meaning of Chapter 44, Title 18, United States Code, did willfully and knowingly transport into or receive in the State where they reside firearms purchased or otherwise obtained outside that State, to wit, NUNEZ, JR., PENA, and RODRIGUEZ-ROSARIO, New York state residents who are not licensed importers, licensed manufacturers, licensed dealers, or licensed collectors of

firearms, purchased firearms through the use of a straw purchaser in Pennsylvania, transferred those firearms into New York from Pennsylvania, and did aid and abet the same.

(Title 18, United States Code, Sections 922(a)(3), 924(a)(1), and 2.)

FORFEITURE ALLEGATIONS

104. As a result of committing the offense alleged in Count One of this Indictment, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," and ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, any and all interests the defendants acquired or maintained in violation of Title 18, United States Code, Section 1962; any and all interests in, securities of, claims against, and property or contractual rights of any kind affording a source of influence over, the enterprise named and described herein which the defendants established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United

States Code, Section 1962; and any and all property constituting and derived from proceeds obtained, directly and indirectly, from the offense alleged in Count One of this Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

105. As a result of committing the offense alleged in Count Forty of this Indictment, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," JUSTIN DEAZA, a/k/a "Booka," a/k/a "Pepito," WILSON MENDEZ, a/k/a "Tati," BRIAN HERNANDEZ, a/k/a "Malikai," HUGO RODRIGUEZ, a/k/a "Juice," MAYOVANEX RODRIGUEZ, a/k/a "Menorcito," JOHANN ZAPATA, a/k/a "Zapata," ELVIS TREJO, a/k/a "Po Po," STEVEN JOAQUIN, a/k/a "Baby Gunz," IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," JOWENKY NUNEZ, SR., a/k/a "Bala," ARGENIS TAVAREZ, a/k/a "Nose," a/k/a "A-Kash," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," and NIJMAH MARTE, a/k/a "N," a/k/a "Nena," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing

the amount of proceeds traceable to the commission of said offense.

106. As a result of committing the offense alleged in Count Forty-Two of this Indictment, JOWENKY NUNEZ, JR., a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," and IYAURY RODRIGUEZ-ROSARIO, a/k/a "Bricha," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in or used in the offense.

Substitute Assets Provision

107. If any of the above-described forfeitable property, 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 Title 18, United States Code, Section 1963(m), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property

of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1963; Title 21, United States Code, Section 853.)

[REDACTED]

FOREPERSON

Damian Williams/kbm

DAMIAN WILLIAMS

United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOWENKY NUNEZ, JR., a/k/a "Juju,"
JERRIN PENA, a/k/a "Rooga," a/k/a
"Perry,"
JUSTIN DEAZA, a/k/a "Booka," a/k/a
"Pepito,"
WILSON MENDEZ, a/k/a "Tati,"
BRIAN HERNANDEZ, a/k/a "Malikai,"
HUGO RODRIGUEZ, a/k/a "Juice,"
MAYOVANEX RODRIGUEZ, a/k/a "Menorcito,"
JOHANN ZAPATA, a/k/a "Zapata,"
ELVIS TREJO, a/k/a "Po Po,"
STEVEN JOAQUIN, a/k/a "Baby Gunz,"
IYAURY RODRIGUEZ-ROSARIO, a/k/a
"Bricha,"
JOWENKY NUNEZ, SR., a/k/a "Bala,"
ARGENIS TAVAREZ, a/k/a "Nose," a/k/a
"A-Kash,"
VICTOR COLON, a/k/a "V,"
JOSE GUTIERREZ, a/k/a "G," and
NIJMAH MARTE, a/k/a "N," a/k/a "Nena,"


Defendants.

SEALED SUPERSEDING INDICTMENT

S3 22 Cr. 293 (JPO)

(18 U.S.C. §§ 1959, 1962, 924(j),
924(c), 924(a)(1), 922(a)(3), 1951, and
2; 21 U.S.C. §§ 812, 841, and 846.)

DAMIAN WILLIAMS
United States Attorney


Foreperson