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 11 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 CARLOS HERNANDEZ, et al.,
 18 [Edwin Felix]
 19 Defendants.

No. CR 16-442-CAS-5
PLEA AGREEMENT FOR DEFENDANT EDWIN
 FELIX

20
 21 1. This constitutes the plea agreement between EDWIN FELIX
 22 ("defendant") and the United States Attorney's Office for the Central
 23 District of California and the Department of Justice Civil Rights
 24 Division (collectively, "the USAO") in the above-captioned case.
 25 This agreement is limited to the USAO and cannot bind any other
 26 federal, state, local, or foreign prosecuting, enforcement,
 27 administrative, or regulatory authorities.
 28

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

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

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

26 9. Defendant understands that for defendant to be guilty of
27 the crime charged in Count Five, that is, Attempted Arson of Federal
28 Property, in violation of Title 18, United States Code, Section

1 844(f), the following must be true: (1) defendant maliciously
2 attempted to damage or destroy; (2) a building; (3) owned or leased
3 by an organization receiving federal assistance; by (4) means of
4 fire.

5 10. Defendant understands that for defendant to be subject to
6 the mandatory minimum and statutory maximum sentence set forth below
7 with respect to Count Five, the government must prove beyond a
8 reasonable doubt that defendant's attempted use of fire created a
9 substantial risk of injury to any person. Defendant admits that the
10 attempted use of fire to damage federal property, as charged in Count
11 Five, created a substantial risk of injury to a person.

12 PENALTIES

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

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

26 13. Defendant understands that the statutory maximum sentence
27 that the Court can impose for a violation of Title 42, United States
28 Code, Section 3631, as charged in Count Four of the Indictment, is:

1 10 years' imprisonment; a three-year period of supervised release; a
2 fine of \$250,000 or twice the gross gain or gross loss resulting from
3 the offense, whichever is greatest; and a mandatory special
4 assessment of \$100.

5 14. Defendant understands that the statutory maximum sentence
6 that the Court can impose for a violation of Title 18, United States
7 Code, Section 844(f)(2), as charged in Count Five of the Indictment,
8 is 40 years' imprisonment; a five-year period of supervised release;¹
9 a fine of \$250,000 or twice the gross gain or gross loss resulting
10 from the offense, whichever is greatest; and a mandatory special
11 assessment of \$100.

12 15. Defendant understands that the statutory mandatory minimum
13 sentence that the Court must impose for a violation of Title 18,
14 United States Code, Section 844(f)(2), as charged in Count Five of
15 the Indictment, is 7 years' imprisonment.

16 16. Defendant understands, therefore, that the total maximum
17 sentence for all offenses to which defendant is pleading guilty is:
18 63 years' imprisonment; a five-year period of supervised release; a
19 fine of \$1,000,000 or twice the gross gain or gross loss resulting
20 from the offenses, whichever is greatest; and a mandatory special
21 assessment of \$400. Defendant further understands that the total
22 mandatory minimum sentence that the Court must impose is 7 years'
23 imprisonment.

25 ¹ Defendant understands that there is case law suggesting that
26 the term of supervised release on Count Five could be imposed to run
27 consecutively to the terms of supervised release on the other counts.
28 While the USAO does not intend to seek a consecutive term of
supervised release, defendant understands that if the court were to
impose a consecutive term of supervised release, the maximum term of
supervised release for all of the counts of conviction would be eight
years, rather than five years as stated in the text above.

1 17. Defendant understands that supervised release is a period
2 of time following imprisonment during which defendant will be subject
3 to various restrictions and requirements. Defendant understands that
4 if defendant violates one or more of the conditions of any supervised
5 release imposed, defendant may be returned to prison for all or part
6 of the term of supervised release authorized by statute for the
7 offense that resulted in the term of supervised release.

8 18. Defendant understands that, by pleading guilty, defendant
9 may be giving up valuable government benefits and valuable civic
10 rights, such as the right to vote, the right to possess a firearm,
11 the right to hold office, and the right to serve on a jury.
12 Defendant understands that once the court accepts defendant's guilty
13 plea, it will be a federal felony for defendant to possess a firearm
14 or ammunition. Defendant understands that the conviction in this
15 case may also subject defendant to various other collateral
16 consequences, including but not limited to revocation of probation,
17 parole, or supervised release in another case and suspension or
18 revocation of a professional license. Defendant understands that
19 unanticipated collateral consequences will not serve as grounds to
20 withdraw defendant's guilty plea.

21 19. Defendant understands that, if defendant is not a United
22 States citizen, the felony conviction in this case may subject
23 defendant to: removal, also known as deportation, which may, under
24 some circumstances, be mandatory; denial of citizenship; and denial
25 of admission to the United States in the future. The court cannot,
26 and defendant's attorney also may not be able to, advise defendant
27 fully regarding the immigration consequences of the felony conviction
28 in this case. Defendant understands that unexpected immigration

1 consequences will not serve as grounds to withdraw defendant's guilty
2 plea.

3 FACTUAL BASIS

4 20. Defendant admits that defendant is, in fact, guilty of the
5 offenses to which defendant is agreeing to plead guilty. Defendant
6 and the USAO agree to the statement of facts provided in Attachment A
7 and agree that this statement of facts is sufficient to support pleas
8 of guilty to the charges described in this agreement and to establish
9 the Sentencing Guidelines factors set forth below but is not meant to
10 be a complete recitation of all facts relevant to the underlying
11 criminal conduct or all facts known to either party that relate to
12 that conduct.

13 SENTENCING FACTORS

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

26 22. Defendant and the USAO agree to the following applicable
27 Sentencing Guidelines factors:
28

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

Defendant and the USAO reserve the right to argue that additional specific offense characteristics, adjustments, and departures under the Sentencing Guidelines are appropriate. Defendant understands that, absent a finding from the Court that defendant provided substantial assistance, the Court must sentence defendant to a term of 7 years' imprisonment on Count Five.

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

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

WAIVER OF CONSTITUTIONAL RIGHTS

25. Defendant understands that by pleading guilty, defendant gives up the following rights:

- a. The right to persist in a plea of not guilty.
- b. The right to a speedy and public trial by jury.
- c. The right to be represented by counsel - and if necessary have the court appoint counsel - at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel - and if necessary have the court appoint counsel - at every other stage of the proceeding.

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

4 e. The right to confront and cross-examine witnesses
5 against defendant.

6 f. The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g. The right not to be compelled to testify, and, if
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against defendant.

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

15 WAIVER OF APPEAL OF CONVICTION

16 26. Defendant understands that, with the exception of an appeal
17 based on a claim that defendant's guilty pleas were involuntary, by
18 pleading guilty defendant is waiving and giving up any right to
19 appeal defendant's convictions on the offenses to which defendant is
20 pleading guilty.

21 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

22 27. Defendant agrees that, provided the Court imposes a term of
23 imprisonment of not more than 144, defendant gives up the right to
24 appeal all of the following: (a) the procedures and calculations used
25 to determine and impose any portion of the sentence, with the
26 exception of defendant's criminal history category (b) the term of
27 imprisonment imposed by the Court; (c) the fine imposed by the court,
28 provided it is within the statutory maximum; (d) the term of

1 probation or supervised release imposed by the Court, provided it is
2 within the statutory maximum; and (e) any of the following conditions
3 of probation or supervised release imposed by the Court: the
4 conditions set forth in General Orders 318, 01-05, and/or 05-02 of
5 this Court; the drug testing conditions mandated by 18 U.S.C.
6 §§ 3563(a)(5) and 3583(d).

7 28. The USAO agrees that, provided the Court imposes a term of
8 imprisonment within or above the range corresponding to the offense
9 level recommended by the USAO at the time of sentencing and the
10 criminal history category calculated by the Court, the USAO gives up
11 its right to appeal any portion of the sentence.

12 RESULT OF WITHDRAWAL OF GUILTY PLEA

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

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

4 COURT AND PROBATION OFFICE NOT PARTIES

5 32. Defendant understands that the Court and the United States
6 Probation Office are not parties to this agreement and need not
7 accept any of the USAO's sentencing recommendations or the parties'
8 agreements to facts or sentencing factors.

9 33. Defendant understands that both defendant and the USAO are
10 free to: (a) supplement the facts by supplying relevant information
11 to the United States Probation Office and the Court, (b) correct any
12 and all factual misstatements relating to the Court's Sentencing
13 Guidelines calculations and determination of sentence, and (c) argue
14 on appeal and collateral review that the Court's Sentencing
15 Guidelines calculations and the sentence it chooses to impose are not
16 error, although each party agrees to maintain its view that the
17 calculations in paragraph 24 are consistent with the facts of this
18 case. This paragraph permits both the USAO and defendant to submit
19 full and complete factual information to the United States Probation
20 Office and the Court, even if that factual information may be viewed
21 as inconsistent with the Factual Basis or Sentencing Factors agreed
22 to in this agreement.

23 34. Defendant understands that even if the Court ignores any
24 sentencing recommendation, finds facts or reaches conclusions
25 different from those agreed to, and/or imposes any sentence up to the
26 maximum established by statute, defendant cannot, for that reason,
27 withdraw defendant's guilty pleas, and defendant will remain bound to
28 fulfill all of defendant's obligations under this agreement.

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

5 NO ADDITIONAL AGREEMENTS

6 35. Defendant understands that, except as set forth herein,
7 there are no promises, understandings, or agreements between the USAO
8 and defendant or defendant's attorney, and that no additional
9 promise, understanding, or agreement may be entered into unless in a
10 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

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

AGREED AND ACCEPTED

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

NICOLA T. HANNA
United States Attorney

MACK E. JENKINS
JULIA GEGENHEIMER
Assistant United States Attorneys

Date

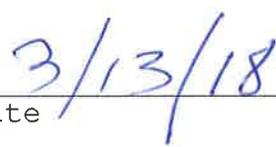




EDWIN FELIX
Defendant

Date





JOHN D. ROBERTSON
Attorney for Defendant
Edwin Felix

Date

CERTIFICATION OF DEFENDANT

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


EDWIN FELIX
Defendant

3-13-18
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

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



JOHN B. ROBERTSON
Attorney for Defendant
Edwin Felix

Date 3/13/18

1 drug trafficking. As a result of its drug trafficking conduct,
2 throughout the period described in the above-captioned Indictment,
3 Hazard members and associates engaged in, and their activities in
4 some way affected, interstate commerce.

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

19 5. Codefendant ZW divided codefendant BD and the other
20 codefendants into two groups of four. Codefendant ZW told the two
21 groups they would split up when they arrived at the RGHD, with one
22 group going to target the African-American victims who resided in one
23 area of the RGHD and the other group going to target the African-
24 American victims who resided in a different area of the RGHD. The
25 codefendants then discussed the locations of each victim's residence.

26 6. Codefendants ZW, BD, TE, and another coconspirator were in
27 one group; ZW was the leader of that group. Defendant FELIX and
28

Defendant's Initials F.F

1 codefendants QX, XL, and UT, were in the other group. Codefendant ZW
2 assigned everyone in his group a role in the firebombing.
3 Codefendant ZW told codefendant BD that the group would throw the
4 Molotov cocktails into the African-American victims' apartments after
5 the windows were broken and the Molotov cocktails were ignited.
6 Codefendant ZW provided the codefendants with several Molotov
7 cocktails, tools to break the windows, including a wrench and a
8 hammer, and materials to conceal their identities from the
9 surveillance cameras in and around the RGHD and any witnesses.
10 Defendant FELIX and codefendant RH put the gasoline-filled bottles
11 with torn rags in a crate.

12 7. Defendant FELIX and the other codefendants who were present
13 were told by codefendant ZW that the African-American victims were
14 being targeted for firebombing because of their race and that such
15 order had come down from a senior Hazard gang leader and ultimately
16 from the Mexican Mafia. Codefendant ZW, defendant FELIX and the
17 other codefendants who were present discussed that the targeted units
18 would be occupied by residents, including children, at the time of
19 the proposed firebombing attack.

20 8. Codefendant ZW obtained a van to transport the
21 codefendants. Codefendants ZW and XL were each armed with a
22 semiautomatic handgun in furtherance of the firebombing and to
23 protect the Hazard members from any rivals they might encounter while
24 preparing to travel to the firebombing.

25 9. Codefendant ZW drove the codefendants in the van outside of
26 the Projects and Hazard territory and parked the van. After leaving
27 the van, the codefendants walked to the RGHD using the pedestrian

28 Defendant's Initials EF

1 overpass that runs over the I-10 freeway. The codefendants chose
2 this route to the RGHD in order to avoid detection by surveillance
3 cameras. Shortly after midnight on or about May 12, 2014, the
4 codefendants entered the RGHD. Once inside the RGHD, the
5 codefendants split up into their respective groups and proceeded to
6 their targets.

7 10. When defendant FELIX's group arrived at their victims'
8 residences, he and his codefendants fulfilled the roles provided them
9 by codefendant ZW. Using his hammer, codefendant UT broke the window
10 of one victim's residence in order to allow a firebomb to enter the
11 unit, defendant FELIX lit the ripped up towel in the firebomb, and
12 codefendant QX then threw a firebomb into that unit. A codefendant
13 in defendant FELIX's group threw a second firebomb at their targeted
14 unit.

15 11. Defendant FELIX and the codefendants moved to a second
16 victim's residence. Codefendant QX knew the location of second
17 victim's unit to break. Codefendant UT hit a window with a hammer.
18 A codefendant threw a firebomb at the second victim's unit.

19 12. Immediately after the firebombing attack, codefendant BD,
20 driving the van obtained by codefendant ZW, transported codefendant
21 ZW to White Memorial Hospital due to injuries that codefendant ZW
22 incurred during the firebombing. Codefendant BD then drove the other
23 codefendants to a location outside of Hazard territory. While at
24 that location, codefendants XL and UT both possessed firearms.

25 13. In total, the codefendants maliciously struck and damaged
26 four different residences in the RGHD with Molotov cocktails on May
27 12, 2014. The units were: (a) Unit 124, occupied by Victim "1",

28 Defendant's Initials FF

1 Victim "1"'s minor children, and Victim "2"; (b) Unit 119, occupied
2 by Victim "3", Victim "3"'s minor children, and Victim "4"; (c) Unit
3 61, occupied by Victim "5", and Victim "5"'s children and three
4 grandchildren; (d) Unit 123, occupied by Victim "6", directly
5 adjacent to Victim "1"'s Unit 124.

6 14. Three of the four residences they struck and damaged were
7 occupied by the African-American victims, who were the intended
8 targets of the codefendants' firebombing. Defendant FELIX and the
9 codefendants targeted the victims because they are African-American
10 and in order to force the African-American victims to move from the
11 RGHD. Defendant FELIX also committed the firebombing, in substantial
12 part, to maintain his status in Hazard.

13 15. Defendant FELIX and the codefendants knew that throwing
14 firebombs into residences occupied by children, among others, after
15 midnight created a substantial likelihood of causing serious bodily
16 injury to at least one of the residents. Such bodily injury could
17 have included injuries sustained from broken glass, being hit by an
18 ignited bottle, smoke inhalation, the explosion resulting from the
19 firebomb, and any resulting fire. Defendant FELIX also knew that
20 such bodily injury was intended by at least one of the codefendants.

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Defendant's Initials EF