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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

SLT:MEL
F. #2015R00437/OCDETF # NYNYE-764

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

– – – – – – – – – – – – – – – – X

UNITED STATES OF AMERICA

- against -

GUSTAVO PALOMINO ARAUJO,
also known as "Soldado," "Zarco"
and "Camilo,"

Defendant.

– – – – – – – – – – – – – – – – X

I N D I C T M E N T

CR 15- 00162

Cr. No. _____

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 924(d)(1), 3238, 2 and 3551 et seq.;T. 21, U.S.C., §§ 848(a), 848(c), 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

AMON, CH.J.

LEVY, M.J.

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. The PALOMINO ARAUJO Drug Trafficking Organization ("DTO") was a cocaine trafficking, cocaine-debt collection and paramilitary organization based in Cali, Colombia.

2. The defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," was a principal leader of the PALOMINO ARAUJO DTO.

3. The PALOMINO ARAUJO DTO facilitated the transfer of multi-ton shipments of cocaine from Colombia to Mexico and Central America for ultimate importation into the United States. The PALOMINO ARAUJO DTO coordinated the production, purchase and transfer of shipments of cocaine, as well as the receipt of shipments of cocaine in Mexico and Central America. The PALOMINO ARAUJO DTO also controlled territory in

various areas in Colombia and imposed a "tax" on any drug traffickers operating in regions under the PALOMINO ARAUJO DTO's control. Specifically, the PALOMINO ARAUJO DTO charged a set fee for every kilogram of cocaine that was manufactured, stored or transported through areas controlled by the PALOMINO ARAUJO DTO.

4. The PALOMINO ARAUJO DTO also employed "sicarios," or hitmen, who carried out various acts of violence, including murders, assaults, kidnappings and assassinations. The PALOMINO ARAUJO DTO utilized these acts of violence to collect drug debts, maintain discipline within the organization, establish control over and expand drug territory, and to promote and enhance the prestige, reputation and position of the organization.

COUNT ONE
(Continuing Criminal Enterprise)

5. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

6. In or about and between January 2010 and March 2015, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that the defendant GUSTAVO PALOMINO ARAUJO committed violations of Title 21, United States Code, Sections 848(e), 846, 959, 960 and 963, including Violations One through Ten set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendant GUSTAVO PALOMINO ARAUJO, in concert with five or more other persons with respect to whom the defendant

GUSTAVO PALOMINO ARAUJO occupied a supervisory and management position, and from which continuing series of violations the defendant GUSTAVO PALOMINO ARAUJO obtained substantial income and resources. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), included Violations One through Ten set forth below:

Violation One
(International Cocaine Manufacturing and Distribution Conspiracy)

7. In or about and between January 2010 and March 2015, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, did knowingly and intentionally conspire to manufacture and distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a), 960(a)(3), 960(b)(1)(B)(ii) and 963.

Violation Two
(Murder Conspiracy – Rival Drug Traffickers)

8. In or about and between January 2010 and March 2015, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally conspire to kill and cause the intentional killing of one or

more persons, to wit: leaders, members and associates of rival drug trafficking organizations, and such killings did result, in violation of Title 21, United States Code, Sections 848(e)(1)(A) and 846.

Violation Three
(Murder of John Doe #1)

9. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #1, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Four
(Murder of John Doe #2)

10. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #2, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Five
(Murder of John Doe #3)

11. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #3, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Six
(Murder of John Doe #4)

12. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #4, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Seven
(Murder of John Doe #5)

13. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more

offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #5, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Eight
(Murder of John Doe #6)

14. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #6, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Nine
(Murder of John Doe #7)

15. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #7, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

Violation Ten
(Murder of John Doe #8)

16. On or about October 3, 2014, within the extraterritorial jurisdiction of the United States, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Violation One, did knowingly and intentionally kill and cause the intentional killing of John Doe #8, whose identity is known to the grand jury, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

(Title 21, United States Code, Sections 848(a) and 848(c); Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT TWO
(Use of Firearms in Furtherance of Drug Trafficking)

17. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

18. In or about and between January 2010 and March 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo," together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a drug trafficking crime, to wit: the crime charged in Count One, and did knowingly and intentionally possess such firearms in furtherance of said drug

trafficking crime, one or more of which firearms was brandished and discharged and one or more of which firearms was a machinegun.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

19. The United States hereby gives notice to the defendant charged in Count One that, upon his conviction of such offense, the government will seek a forfeiture money judgment in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit (1) any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of such offense, (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, and (3) any of his interest in, claims against and property or contractual rights affording a source of control over, the continuing criminal enterprise.

20. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

21. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of such offense, or willful violation of any other criminal law of the United States.

22. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

Robert Heffernan

FOREPERSON

Loretta E. Lynch

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2014R01781/OCDETF #NYNYE-764
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

GUSTAVO PALOMINO ARAUJO, also known as "Soldado," "Zarco" and "Camilo,"

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 924(d)(1), 3238, 2 and 3551 et seq.; T. 21, U.S.C., §§ 848(a), 848(c), 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

Robert Heffernan

_____
Foreperson

Filed in open court this 1ST *day of* APRIL *A.D. 20* 15

_____
Clerk

Bail, $ _____

Steven L. Tiscione, Assistant U.S. Attorney (718) 254-6317