

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

- WILSON PAGAN,
- a/k/a "King Gunz,"
- CHRISTIAN SANCHEZ,
- a/k/a "King Chi Chi,"
- PEDRO HERRERA,
- a/k/a "King Aventura,"
- ARMANDO SANCHEZ,
- a/k/a "King Malo,"
- a/k/a "King Mondo,"
- LUIS TAMBITO,
- a/k/a "King Luch,"
- JASON CARABALLO,
- a/k/a "King Loco,"
- OSMAN NUNEZ,
- a/k/a "King Ozzy,"
- JOSE LAGOS,
- a/k/a "King Gordo,"
- CARLOS ROMERO,
- a/k/a "King Los,"
- CHRISTOPHER MCNAIR,
- a/k/a "King Speedy,"
- WILLIAM OVERTON,
- a/k/a "King Tutu,"
- THOMAS JIMENEZ,
- a/k/a "King Tunes,"
- STEVEN LEWIS,
- a/k/a "King Scoobz,"
- HUMBERTO MORALES,
- a/k/a "King Papo,"
- WILFREDO SANCHEZ,
- a/k/a "King Frito,"
- FELIX LAGARES,
- a/k/a "King Bavage,"
- KELVIN LAGARES,
- a/k/a "King Haze,"
- JUAN RIOS,
- a/k/a "King Juan,"
- ANDREW SANCHEZ,
- a/k/a "Animal,"

SEALED
SUPERSEDING
INDICTMENT

S3 10 Cr. 392 (CS)

WILFREDO NIEVES, :
 a/k/a "Jo Jo," :
 NOEL VELEZ, :
 NELSON CALDERON, :
 a/k/a "King Murder," :
 RICARDO RAMOS, :
 a/k/a "Carlito," :
 NICHOLAS COLON, :
 a/k/a "King Tragedy," :
 CARLOS ORTIZ, :
 a/k/a "King Tone," :
 DAMON SINCLAIR, :
 a/k/a "King Dash," :
 ANGELO DELEON, :
 a/k/a "King Truth," :
 DEVON SMITH, :
 a/k/a "King Bullethead," :
 EDNA REYES, :
 a/k/a "Queen Anita," :
 RANDY ANGULO, :
 a/k/a "King Randy," and :
 LEO AUSTIN, :
 a/k/a "King Pumba," :

 Defendants. :

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RACKETEERING OFFENSES

COUNT ONE

The Grand Jury charges:

1. At all times relevant to this Indictment, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM

OVERTON, a/k/a "King Tutu," and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, and others known and unknown, were members of a criminal organization (the "Newburgh Latin Kings") whose members and associates engaged in, among other activities, narcotics trafficking, murder, attempted murder, armed robbery, and witness tampering.

2. The Newburgh Latin Kings, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. At all times relevant to this Indictment, the Newburgh Latin Kings was engaged in, and its activities affected, interstate and foreign commerce.

3. WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," and CARLOS ROMERO, a/k/a "King Los," the defendants, and others known and unknown, were leaders and members of the enterprise who directed other members of the

enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise's affairs. PAGAN, CHRISTIAN SANCHEZ, HERRERA, ARMANDO SANCHEZ, NUNEZ, TAMBITO, LAGOS, CARABALLO, and ROMERO, the defendants, and others known and unknown, participated in the operation and management of the enterprise.

4. The Newburgh Latin Kings was a chapter of the "Almighty Latin King and Queen Nation" (the "Latin Kings"), a nationwide criminal organization that was founded in the 1940s in Chicago, Illinois. The Latin Kings are organized into local chapters by geographic area. At all times relevant to this Indictment, the Newburgh Latin Kings operated in the East End neighborhood of Newburgh, New York.

5. At all times relevant to this Indictment, the Newburgh Latin Kings was governed by a council of five officers, who were referred to as crowns (collectively, the "Crown Council"). Each crown in the Crown Council had a set of responsibilities specific to his position. The First Crown was the overall leader of the Chapter and ran all meetings of the Newburgh Latin Kings. The Second Crown was the second in command of the Chapter, served as an advisor to the First Crown, and assumed the leadership of the Chapter if the First Crown was absent or incapacitated. The Third Crown was the warlord and chief enforcer of the Chapter, and was responsible for the use of

force by the Newburgh Latin Kings, both internally, to enforce discipline among members, and externally, to fight against other gangs such as the Bloods, a prominent rival criminal organization. The Fourth Crown was the treasurer of the organization and was responsible for collecting dues from Chapter members at meetings and spending the Chapter's funds. The Fifth Crown was the secretary of the Newburgh Latin Kings and was responsible for keeping records of business conducted at Chapter meetings and for distributing Latin Kings literature to other members. At certain times relevant to this Indictment, the following individuals held the following positions in the Crown Council of the Newburgh Latin Kings: WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," and ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," the defendants, held the position of First Crown; PEDRO HERRERA, a/k/a "King Aventura," JOSE LAGOS, a/k/a "King Gordo," OSMAN NUNEZ, a/k/a "King Ozzy," JASON CARABALLO, a/k/a "King Loco," and LUIS TAMBITO, a/k/a "King Luch," the defendants, held the position of Third Crown; and JOSE LAGOS, a/k/a "King Gordo," the defendant, held the position of Fifth Crown.

6. The Crown Council decided who was admitted into the Newburgh Latin Kings, a process that required a prospective member to pass through two periods of initiation. The first stage, called "five alive," was a period in which the prospective

member conducted activities with the Newburgh Latin Kings, but was not allowed to attend Chapter meetings. The second stage, called "probation," was a period in which the prospective member could conduct all Newburgh Latin Kings activities, but had not yet been admitted as a full member. After passing through the two periods of initiation, a prospective member could become a member (or a "full crown") of the Newburgh Latin Kings, if approved by the Crown Council.

7. The Newburgh Latin Kings had regular Chapter meetings at which attendance was mandatory and members were required to pay dues. At the meetings, members of the Newburgh Latin Kings discussed their criminal activities. The Crown Council also discussed any alleged transgressions of Chapter rules by members and, in some instances, directed physical punishments, known as "violations," against members who were determined to have committed transgressions. Furthermore, at the meetings the Newburgh Latin Kings also discussed conflicts with other gangs and, in some instances, the Crown Council used meetings to order attacks on non-members and rival gangs.

8. The Newburgh Latin Kings had multiple criminal objectives, one of which was the operation of drug markets at certain locations in the East End of Newburgh, from which they distributed cocaine base, commonly known as "crack," heroin, powder cocaine, and marijuana, among other drugs. In particular,

the Newburgh Latin Kings controlled drug markets in the areas of Benkard Avenue and William Street; Broadway between South Miller and Lutheran Streets; Washington and Clark Streets; and Dubois and First Streets. All of these drug markets were within a ten-block radius of one another in the East End of Newburgh. The Newburgh Latin Kings allowed other members of the Newburgh Latin Kings to sell crack cocaine, heroin, powder cocaine, marijuana, other forms of narcotics, in areas of Newburgh controlled by the Newburgh Latin Kings. Generally speaking, non-members, outsiders, and rival narcotics dealers were prohibited or prevented from distributing narcotics in areas controlled by the Newburgh Latin Kings.

9. Additional individuals who were not members of the Newburgh Latin Kings conspired with the Newburgh Latin Kings to operate the drug markets in Newburgh. Among other things, these individuals helped supply the Newburgh Latin Kings with crack cocaine, heroin, powder cocaine, marijuana, and otherwise aided the criminal activities of the Newburgh Latin Kings, including narcotics distribution.

10. Members of the Newburgh Latin Kings and their associates committed and conspired, attempted, and threatened to commit acts of violence to protect and expand their drug-trafficking operation, and to protect fellow members of the Newburgh Latin Kings. These acts included beatings, stabbings,

and shootings intended either to prevent people not affiliated with the Newburgh Latin Kings from distributing narcotics in areas controlled by the Newburgh Latin Kings, or to dissuade members of rival gangs, such as the Bloods, from encroaching on territory controlled by the Newburgh Latin Kings.

PURPOSES OF THE ENTERPRISE

11. The purposes of the enterprise included the following:

a. Enriching the members and associates of the enterprise through, among other things, the distribution and sale of narcotics, including crack cocaine, powder cocaine, heroin, and marijuana.

b. Preserving and protecting the power, territory, and profits of the enterprise through murder, attempted murder, other acts of violence, and threats of violence.

c. Promoting and enhancing the enterprise and the activities of its members and associates.

MEANS AND METHODS OF THE ENTERPRISE

12. Among the means and methods employed by the members and associates of the Newburgh Latin Kings in conducting and participating in the conduct of the affairs of the enterprise were the following:

a. Members and associates of the enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, to protect and expand the enterprise's criminal operations, including the distribution of narcotics.

b. Members and associates of the enterprise used threats of violence and physical violence, including murder, against other members and associates to enforce and maintain discipline within the enterprise.

c. Members and associates of the enterprise distributed narcotics.

THE RACKETEERING VIOLATION

13. From at least in or about 2007 through in or about February 2011, in the Southern District of New York and elsewhere, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, and others known and unknown, being persons employed by and associated with the enterprise described above, to wit, the Newburgh Latin Kings, which was engaged in, and the

activities of which affected, interstate and foreign commerce, unlawfully, willfully, and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, that is, through the commission of the following acts of racketeering:

THE PATTERN OF RACKETEERING ACTIVITY

14. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

Racketeering Act One:

Conspiracy to Murder and Attempted Murder of Victim 1, and the Resulting Murder of Jeffrey Zachary

15. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act One;

Conspiracy to Murder Victim 1

a. In or about May 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Victim 1 in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Victim 1, PAGAN, LAGOS, and others known and unknown, agreed together and with each other to engage in or cause the performance of such murder.

Overt Acts

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

1. On or about May 6, 2008, PAGAN and LAGOS directed two co-conspirators not charged as defendants herein ("CC-1" and "CC-2") to shoot Victim 1.

2. On or about May 6, 2008, CC-1 and CC-2, and others known and unknown, attempted to shoot Victim 1 in the vicinity of 27 Dubois Street, Newburgh, New York.

Attempted Murder of Victim 1

c. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder, and aided and abetted the attempted murder, of Victim 1 in the vicinity of 27 Dubois Street, Newburgh, New York, in violation of New York Penal Law, Sections 20.00, 110.00, and 125.25, in that, with the intent to cause the death of Victim 1, CC-1 and CC-2, aided and abetted by PAGAN and LAGOS, engaged in conduct that tended to effect the commission of such murder.

Murder of Jeffrey Zachary

d. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly murdered and aided and abetted the murder of Jeffrey Zachary, in the vicinity of 27 Dubois Street, Newburgh, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Victim 1, CC-1 and CC-2, aided and abetted by PAGAN and LAGOS, caused the death of Zachary.

Racketeering Act Two:

Conspiracy to Commit Robbery and Attempted Armed Robbery of a Suspected Narcotics Dealer at 276 Temple Hill Road, New Windsor, New York

16. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Two:

Conspiracy to Commit Robbery of 276 Temple Hill Road

a. On or about October 19, 2009, in the Southern District of New York, PEDRO HERRERA, a/k/a "King Aventura," and JOSE LAGOS, a/k/a "King Gordo," the defendants, together with others known and unknown, unlawfully, willfully, and knowingly conspired to rob a suspected narcotics dealer of narcotics and/or narcotics proceeds at a residence located at 276 Temple Hill Road, New Windsor, New York, in violation of New York Penal Law, Sections 160.15 and 105.15.

Overt Act

b. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

1. On or about October 19, 2009, HERRERA, LAGOS, and others known and unknown, traveled to 276 Temple Hill Road, New Windsor, New York.

Attempted Robbery of 276 Temple Hill Road,
New Windsor, New York

c. On or about October 19, 2009, PEDRO HERRERA, a/k/a "King Aventura," and JOSE LAGOS, a/k/a "King Gordo," the defendants, unlawfully, willfully, and knowingly attempted to rob and aided and abetted the attempted robbery of a suspected narcotics dealer at a residence located at 276 Temple Hill Road, New Windsor, New York, in violation of New York Penal Law, Sections 160.15, 110.00, and 20.00.

Racketeering Act Three:
Conspiracy to Murder and Attempted Murder of Victim 2

17. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Three:

Conspiracy to Murder Victim 2

a. On or about November 13, 2009, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy,"

and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, unlawfully, willfully, and knowingly conspired to murder Victim 2, in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Victim 2, NUNEZ, JIMENEZ, and others known and unknown, agreed together and with each other to engage in or cause the performance of such murder.

Overt Act

b. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

1. On or about November 13, 2009, NUNEZ and JIMENEZ attempted to shoot Victim 2 in the vicinity of Washington Street and Clark Street, Newburgh, New York.

Attempted Murder of Victim 2

c. On or about November 13, 2009, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy," and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, unlawfully, intentionally, and knowingly attempted to murder and aided and abetted the attempted murder of Victim 2 in the vicinity of Washington Street and Clark Street, Newburgh, New York, in violation of New York Penal Law, Sections 20.00, 110.00, and 125.25, in that, with the intent to cause the death of Victim

2, NUNEZ and JIMENEZ engaged in conduct that tended to effect the commission of such murder.

Racketeering Act Four:
Conspiracy to Murder and Attempted Murder of Victim 3

18. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Four:

Conspiracy to Murder Victim 3

a. On or about January 7, 2010, in the Southern District of New York, CHRISTOPHER MCNAIR, a/k/a "King Speedy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Victim 3, in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Victim 3, MCNAIR, and others known and unknown, agreed together and with each other to engage in or cause the performance of such murder.

Overt Act

b. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

1. On or about January 7, 2010, MCNAIR and a co-conspirator not charged as a defendant herein ("CC-3") attempted to shoot Victim 3 in the vicinity of 22 Gidney Avenue, Newburgh, New York.

Attempted Murder of Victim 3

c. On or about January 7, 2010, in the Southern District of New York, CHRISTOPHER MCNAIR, a/k/a "Speedy," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder and aided and abetted the attempted murder of Victim 3 in the vicinity of 22 Gidney Avenue, Newburgh, New York, in violation of New York Penal Law, Sections 20.00, 110.00, and 125.25, in that, with the intent to cause the death of Victim 3, MCNAIR and CC-3 engaged in conduct that tended to effect the commission of such murder.

Racketeering Act Five:
Attempt to Tamper with an Informant

19. The defendants named below committed the following act, which constitutes the commission of Racketeering Act Five:

Attempt to Tamper with an Informant

a. From in or about November 2009, through on or about January 17, 2010, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and LUIS TAMBITO, a/k/a "King Luch," the defendants, and others known and unknown, unlawfully, wilfully, and knowingly did attempt to use physical force and the threat of physical force against a person, with intent to hinder, delay, and prevent the communication to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a Federal offense, to wit, PAGAN ordered that an individual ("Individual 1"), whom PAGAN

believed had provided information to law enforcement officers, be assaulted, and TAMBITO stabbed Individual 1 as a result of PAGAN's order, in violation of Title 18, United States Code, Sections 1512(a)(2)(C) and 2.

Racketeering Act Six:
Conspiracy to Murder and Attempted Murder of Victim 4, and the
Resulting Murder of Jerome Scarlett, a/k/a "Rude Boy"

20. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Six:

Conspiracy to Murder Victim 4

a. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder Victim 4 in violation of New York Penal Law, Sections 105.15 and 125.25, in that, with the intent to cause the death of Victim 4, SANCHEZ, ROMERO, TAMBITO, and others known and unknown, agreed together and with each other to engage in or cause the performance of such murder.

Overt Acts

b. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts,

among others, were committed in the Southern District of New York and elsewhere:

1. On or about March 11, 2010, SANCHEZ, ROMERO, and TAMBITO directed two co-conspirators not charged herein, Jerome Scarlett, a/k/a "Rude Boy," and John Maldonado, a/k/a "Tarzan," to shoot Victim 4.

2. On or about March 11, 2010, ROMERO, Scarlett, and Maldonado drove to the vicinity of Farrington Street and Lander Street in Newburgh, New York, in search of Victim 4.

Attempted Murder of Victim 4

c. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly attempted to murder, and aided and abetted the attempted murder, of Victim 4 in the vicinity of Farrington Street and Lander Street, Newburgh, New York, in violation of New York Penal Law, Sections 20.00, 110.00, and 125.25, in that, with the intent to cause the death of Victim 4, Jerome Scarlett, a/k/a "Rude Boy," and John Maldonado, a/k/a "Tarzan," aided and abetted by CHRISTIAN SANCHEZ, ROMERO and TAMBITO, engaged in conduct that tended to effect the commission of such murder.

Murder of Jerome Scarlett, a/k/a "Rude Boy"

d. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly murdered and aided and abetted the murder of Jerome Scarlett, a/k/a "Rude Boy," in the vicinity of Farrington Street and Lander Street, Newburgh, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Victim 4, CHRISTIAN SANCHEZ, ROMERO, and TAMBITO, caused the death of Scarlett.

Racketeering Act Seven:

Conspiracy to Murder and Murder of John Maldonado, a/k/a "Tarzan"

21. The defendants named below committed the following acts, any one of which alone constitutes the commission of Racketeering Act Seven:

Conspiracy to Murder John Maldonado, a/k/a "Tarzan"

a. On or about March 12, 2010 in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King Tutu," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder John Maldonado, a/k/a "Tarzan," in violation of New York Penal Law, Sections

105.15 and 125.25, in that, with the intent to cause the death of Maldonado, CHRISTIAN SANCHEZ, ARMANDO SANCHEZ, NUNEZ, ROMERO, LAGOS, and OVERTON, and others known and unknown, agreed together and with each other to engage in or cause the performance of such murder.

Overt Acts

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

1. On or about March 12, 2010, CHRISTIAN SANCHEZ, ARMANDO SANCHEZ, NUNEZ, ROMERO, LAGOS, and OVERTON, the defendants, and others known and unknown, agreed to murder Maldonado.

2. On or about March 12, 2010, ARMANDO SANCHEZ, NUNEZ, and ROMERO, the defendants, brought Maldonado to the vicinity of Benkard Avenue and Little Monument Street, Newburgh, New York.

3. On or about March 12, 2010, OVERTON, the defendant, shot and killed Maldonado in the vicinity of Benkard Avenue and Little Monument Street, Newburgh, New York.

Murder of John Maldonado, a/k/a "Tarzan"

c. On or about March 12, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi,"

ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King Tutu," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly murdered and aided and abetted the murder of John Maldonado, a/k/a "Tarzan," in the vicinity of Benkard Avenue and Little Monument Street, Newburgh, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Maldonado, OVERTON, aided and abetted by CHRISTIAN SANCHEZ, ARMANDO SANCHEZ, NUNEZ, ROMERO, and LAGOS, caused the death of Maldonado.

Racketeering Act Eight:
Narcotics Distribution Conspiracy

22. From at least in or about 2007, through in or about December 2010, in the Southern District of New York and elsewhere, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics

laws of the United States, in violation of Title 21, United States Code, Section 846.

23. It was a part and an object of the conspiracy that WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

24. The controlled substances involved in the offense were: (1) 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); (2) 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B); (3) 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); and (4) mixtures and substances

containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(D).

(Title 18, United States Code, Sections 1961 and 1962(c)).

COUNT TWO

THE RACKETEERING CONSPIRACY

The Grand Jury further charges:

25. Paragraphs 1 through 12 and 14 through 24 of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

26. From at least in or about 2007 through in or about February 2011, in the Southern District of New York and elsewhere, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," and JASON CARABALLO, a/k/a "King Loco," the defendants, and others known and unknown, being persons employed by and associated with the enterprise described in Paragraphs 1 through 12 of Count One of this Indictment, to wit, the Newburgh Latin Kings, unlawfully, willfully, and knowingly combined, conspired, confederated, and

agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity, to wit, the racketeering acts set forth in Paragraphs 14 through 24 of Count One of this Indictment as Racketeering Acts One through Eight. 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 enterprise.

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

COUNT THREE

CONSPIRACY TO MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

27. The Newburgh Latin Kings, as described in paragraphs 1 through 12 of Count One of this Indictment, which are realleged and incorporated by reference as though fully set forth herein, 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 engaged in, and the activities of which affected, interstate and foreign commerce.

28. The Newburgh Latin Kings, 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), that is, acts involving murder and attempted murder, in violation of New York Penal Law, attempted robbery, in violation of New York Penal Law, attempted tampering with an informant, in violation of Title 18, United States Code, Section 1512, and narcotics distribution, in violation of Title 21, United States Code, Sections 841 and 846.

29. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly conspired to murder Victim 1, in violation of New York Penal Law, Sections 125.25 and 105.15.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT FOUR

ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

30. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

31. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly attempted to murder an individual, and aided and abetted the same, to wit, PAGAN and LAGOS directed CC-1 and CC-2 to kill Victim 1, and CC-1 and CC-2 attempted to kill Victim 1 in the vicinity of 27 Dubois Street, Newburgh, New York, in violation of New York Penal Law, Sections 125.25 and 110.00.

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

COUNT FIVE

MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

32. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

33. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, intentionally, and knowingly, murdered, and aided and abetted the murder of, Jeffrey Zachary, in the vicinity of 27 Dubois Street, Newburgh, New York, in violation of New York Penal Law, Sections 125.25 and 20.00.

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

COUNT SIX

CONSPIRACY TO MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

34. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

35. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly conspired to murder Victim 4, in violation of New York Penal Law, Sections 125.25 and 105.15.

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

COUNT SEVEN

ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

36. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

37. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly attempted to murder an individual, and aided and abetted the same, to wit, CHRISTIAN SANCHEZ, ROMERO, and TAMBITO directed John Maldonado, a/k/a "Tarzan," and Jerome Scarlett, a/k/a "Rude Boy," to kill Victim 4, and Maldonado and Scarlett attempted to kill Victim 4 in the vicinity of Farrington Street and Lander Street, Newburgh, New York, in violation of New York Penal Law, Sections 125.25 and 110.00.

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

COUNT EIGHT

MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

38. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

39. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, intentionally, and knowingly murdered, and aided and abetted the murder of, Jerome Scarlet, a/k/a "Rude Boy," in the vicinity of Farrington Street and Lander Street, Newburgh, New York, in violation of New York Penal Law, Sections 125.25 and 20.00.

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

COUNT NINE

CONSPIRACY TO MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

40. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

41. On or about March 12, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King Tutu," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly conspired to murder John Maldonado, a/k/a "Tarzan," in violation of New York Penal Law, Sections 125.25 and 105.15.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT TEN

MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

42. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

43. On or about March 12, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King Tutu," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, intentionally, and knowingly murdered, and aided and abetted the murder of, John Maldonado, a/k/a "Tarzan," in the vicinity of Benkard Avenue and Little Monument Street, Newburgh, New York, in violation of New York Penal Law, Sections 125.25 and 20.00.

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

COUNT ELEVEN

CONSPIRACY TO MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

44. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

45. On or about November 13, 2009, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy," and THOMAS JIMENEZ, a/k/a "King Tunes," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly conspired to murder Victim 2, in violation of New York Penal Law, Sections 125.25 and 105.15.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT TWELVE

ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

46. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

47. On or about November 13, 2009, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy," and THOMAS JIMENEZ, a/k/a "King Tunes," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly attempted to murder an individual, and aided and abetted the same, to wit, NUNEZ and JIMENEZ attempted to kill Victim 2 in the vicinity of Washington Street and Clark Street, in violation of New York Penal Law, Sections 125.25 and 110.00.

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

COUNT THIRTEEN

CONSPIRACY TO MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

48. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

49. On or about January 7, 2010, in the Southern District of New York, CHRISTOPHER MCNAIR, a/k/a "King Speedy," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing his position in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly conspired to murder Victim 3, in violation of New York Penal Law, Sections 125.25 and 105.15.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT FOURTEEN

ATTEMPTED MURDER IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

50. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

51. On or about January 7, 2010, in the Southern District of New York, CHRISTOPHER MCNAIR, a/k/a "King Speedy," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing his position in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly attempted to murder an

individual, and aided and abetted the same, to wit, at the direction of a co-conspirator not charged as a defendant herein, MCNAIR and CC-3 attempted to kill Victim 3 in the vicinity of 22 Gidney Avenue, Newburgh, New York, in violation of New York Penal Law, Sections 125.25 and 110.00.

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

COUNT FIFTEEN

ASSAULT IN AID OF RACKETEERING ACTIVITY

The Grand Jury further charges:

52. Paragraphs 27 and 28 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

53. From in or about November 2009 through on or about January 17, 2010, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and LUIS TAMBITO, a/k/a "King Luch," 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 the Newburgh Latin Kings, and for the purpose of gaining entrance to and maintaining and increasing their positions in the Newburgh Latin Kings, an enterprise engaged in racketeering activity, as described above, unlawfully, willfully, and knowingly assaulted an individual with a dangerous weapon, and such assault resulted in serious bodily injury to that individual, to wit, PAGAN

ordered that Individual 1, whom PAGAN believed had provided information to law enforcement officers, be assaulted, and TAMBITO stabbed Individual 1 as a result of PAGAN's order.

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

NARCOTICS OFFENSES

COUNT SIXTEEN

NARCOTICS CONSPIRACY

The Grand Jury further charges:

54. From at least in or about 2007, up to and including in or about February 2011, in the Southern District of New York and elsewhere, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," STEVEN LEWIS, a/k/a "King Scoobz," HUMBERTO MORALES, a/k/a "King Papo," WILFREDO SANCHEZ, a/k/a "King Frito," FELIX LAGARES, a/k/a "King Bavage," KELVIN LAGARES, a/k/a "King Haze," JUAN RIOS, a/k/a "King Juan," ANDREW SANCHEZ, a/k/a "Animal," WILFREDO NIEVES, a/k/a "Jo Jo," NOEL VELEZ, NELSON CALDERON, a/k/a "King Murder," RICARDO RAMOS, a/k/a "Carlito," NICHOLAS COLON, a/k/a "King Tragedy," CARLOS ORTIZ,

a/k/a "King Tone," DAMON SINCLAIR, a/k/a "King Dash," ANGELO DELEON, a/k/a "King Truth," DEVON SMITH, a/k/a "King Bullethead," EDNA REYES, a/k/a "Queen Anita," RANDY ANGULO, a/k/a "King Randy," and LEO AUSTIN, a/k/a "King Pumba," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

55. It was a part and an object of the conspiracy that WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," STEVEN LEWIS, a/k/a "King Scoobz," HUMBERTO MORALES, a/k/a "King Papo," WILFREDO SANCHEZ, a/k/a "King Frito," FELIX LAGARES, a/k/a "King Bavage," KELVIN LAGARES, a/k/a "King Haze," JUAN RIOS, a/k/a "King Juan," ANDREW SANCHEZ, a/k/a "Animal," WILFREDO NIEVES, a/k/a "Jo Jo," NOEL VELEZ, NELSON CALDERON, a/k/a "King Murder," RICARDO RAMOS, a/k/a "Carlito," NICHOLAS COLON, a/k/a "King Tragedy," CARLOS ORTIZ, a/k/a "King Tone," DAMON SINCLAIR, a/k/a "King Dash," ANGELO DELEON, a/k/a "King Truth," DEVON

SMITH, a/k/a "King Bullethead," EDNA REYES, a/k/a "Queen Anita," RANDY ANGULO, a/k/a "King Randy," and LEO AUSTIN, a/k/a "King Pumba," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1) .

56. The controlled substances involved in the offense were: (1) 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b) (1) (A); (2) 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b) (1) (B); (3) 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b) (1) (A); and (4) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b) (1) (D) .

OVERT ACTS

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

a. On or about December 3, 2007, ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," the defendant, sold approximately 0.5 grams of cocaine to a confidential source in exchange for approximately \$20, in the vicinity of Benkard Avenue and William Street, Newburgh, New York.

b. On or about May 15, 2009, WILSON PAGAN, a/k/a "King Gunz," the defendant, sold approximately 1.8 grams of heroin to a confidential source in exchange for approximately \$225, in the vicinity of Third Street and Dubois Street, Newburgh, New York.

c. On or about May 20, 2009, WILSON PAGAN, a/k/a "King Gunz," the defendant, sold approximately 24 grams of crack cocaine to a confidential source in exchange for approximately \$1,250, in the vicinity of 154 Washington Street, Newburgh, New York.

d. On or about June 22, 2009, NICHOLAS COLON, a/k/a "King Tragedy," and ANGELO DELEON, a/k/a "King Truth," possessed a quantity of marijuana in the vicinity of 334 Liberty Street, Newburgh, New York.

e. On or about June 25, 2009, RICARDO RAMOS, a/k/a "Carlito," the defendant, sold approximately 28 grams of crack cocaine to a confidential source in exchange for approximately \$1,100, in the vicinity of 174 Broadway, Newburgh, New York.

f. On or about July 13, 2009, HUMBERTO MORALES, a/k/a "King Papo," the defendant, sold approximately 27 grams of crack cocaine to a confidential source in exchange for approximately \$1,200, inside the building located at 210 Broadway, Newburgh, New York.

g. On or about July 28, 2009, NELSON CALDERON, a/k/a "King Murder," and DAMON SINCLAIR, a/k/a "King Dash," possessed a quantity of heroin in the vicinity of 218 Renwick Street, Newburgh, New York.

h. On or about August 1, 2009, WILLIAM OVERTON, a/k/a "King Tutu," possessed a quantity of heroin in the vicinity of Broadway and South Miller Street, Newburgh, New York.

i. On or about August 29, 2009, DEVON SMITH, a/k/a "King Bullethead," the defendant, possessed approximately 3.8 grams of crack cocaine in the vicinity of 1401 Route 300, Town of Newburgh, New York.

j. On or about October 1, 2009, PEDRO HERRERA, a/k/a "King Aventura," the defendant, sold approximately 15 grams of crack cocaine to a confidential source in exchange for approximately \$700, in the vicinity of 154 Washington Street, Newburgh, New York.

k. On or about October 21, 2009, JOSE LAGOS, a/k/a "King Gordo," the defendant, sold approximately 24 grams of crack cocaine to a confidential source in exchange for

approximately \$1,500, inside the building located at 154 Washington Street, Newburgh, New York.

l. On or about November 3, 2009, PEDRO HERRERA, a/k/a "King Aventura," the defendant, sold approximately 29 grams of crack cocaine to a confidential source in exchange for approximately \$1,100, in the vicinity of Renwick and William Streets, Newburgh, New York.

m. On or about December 9, 2009, WILFREDO NIEVES, a/k/a "Jo Jo," the defendant, sold approximately 29 grams of crack cocaine to an undercover officer in exchange for approximately \$1,200, inside the building located at 266 First Street, Newburgh, New York.

n. In or about 2009, CHRISTOPHER MCNAIR, a/k/a "King Speedy," the defendant, sold crack cocaine in Newburgh, New York.

o. In or about 2009, THOMAS JIMENEZ, a/k/a "King Tunes," the defendant, sold crack cocaine in Newburgh, New York.

p. In or about 2009, RANDY ANGULO, a/k/a "King Randy," the defendant, sold marijuana in Newburgh, New York.

q. In or about 2009, LEO AUSTIN, a/k/a "King Pumba," the defendant, sold crack cocaine in Newburgh, New York.

r. On or about January 20, 2010, FELIX LAGARES, a/k/a "King Bavage," the defendant, sold approximately 0.2 grams of crack cocaine to a confidential source in exchange for

approximately \$20, in the vicinity of Benkard Avenue and William Street, Newburgh, New York.

s. On or about January 26, 2010, CARLOS ORTIZ, a/k/a King Tone," the defendant, possessed a quantity of marijuana in the vicinity of 107 William Street, Newburgh, New York.

t. On or about January 31, 2010, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," the defendant, offered to provide narcotics to a co-conspirator for the co-conspirator to sell.

u. On or about February 1, 2010, HUMBERTO MORALES, a/k/a "King Papo," the defendant, sold approximately 3 grams of cocaine to a confidential source in exchange for approximately \$110, inside the building located at 210 Broadway, Newburgh, New York.

v. On or about February 12, 2010, HUMBERTO MORALES, a/k/a "King Papo," the defendant, possessed a .45 caliber Glock handgun, a Glenfield Model-60 .22 caliber rifle, and approximately 473 grams of cocaine inside the building located at 210 Broadway, Newburgh, New York.

w. On or about February 18, 2010, ANDREW SANCHEZ, a/k/a "Animal," the defendant, sold approximately 3 grams of crack cocaine to an undercover officer in exchange for approximately \$130, in the vicinity of 172 Broadway, Newburgh, New York.

x. On or about March 2, 2010, STEVEN LEWIS, a/k/a "King Scoobz," and ANDREW SANCHEZ, a/k/a "Animal," the defendants, sold approximately 6 grams of crack cocaine to an undercover officer in exchange for approximately \$260, in the vicinity of 123 William Street, Newburgh, New York.

y. On or about March 4, 2010, STEVEN LEWIS, a/k/a "King Scoobz," and WILFREDO SANCHEZ, a/k/a "King Frito," the defendants, sold approximately 7 grams of crack cocaine to an undercover officer in exchange for approximately \$310, in the vicinity of 111 William Street, Newburgh, New York.

z. On or about March 5, 2010, WILFREDO NIEVES, a/k/a "Jo Jo," the defendant, sold approximately 10 grams of crack cocaine to an undercover officer in exchange for approximately \$450, in the vicinity of 66 Carpenter Avenue, Newburgh, New York.

aa. On or about March 19, 2010, KELVIN LAGARES, a/k/a "King Haze," the defendant, sold approximately 0.2 grams of cocaine to a confidential source in exchange for approximately \$20, in the vicinity of 80 Robinson Avenue, Newburgh, New York.

bb. On or about March 24, 2010, OSMAN NUNEZ, a/k/a "King Ozzy," and NOEL VELEZ, the defendants, sold approximately 10 grams of crack cocaine to an undercover officer in exchange for approximately \$450, inside the building located at 48 Benkard Avenue, Newburgh, New York.

cc. On or about April 1, 2010, STEVEN LEWIS, a/k/a "King Scoobz," the defendant, sold approximately 7 grams of crack cocaine to an undercover officer in exchange for approximately \$300, in the vicinity of Benkard Avenue and William Street, Newburgh, New York.

dd. On or about April 1, 2010, JASON CARABALLO, a/k/a "King Loco," the defendant, sold approximately 3 grams of heroin to an undercover officer in exchange for approximately \$350, in the vicinity of Benkard Avenue and William Street, Newburgh, New York.

ee. On or about April 6, 2010, OSMAN NUNEZ, a/k/a "King Ozzy," WILFREDO NIEVES, a/k/a "Jo Jo," and NOEL VELEZ, the defendants, sold approximately 14 grams of crack cocaine to an undercover officer in exchange for approximately \$630, inside the building located at 48 Benkard Avenue, Newburgh, New York.

ff. On or about April 15, 2010, KELVIN LAGARES, a/k/a "King Haze," the defendant, possessed approximately 9 grams of cocaine and approximately 0.6 grams of heroin inside the building located at 80 Robinson Avenue, Newburgh, New York.

gg. On or about April 21, 2010, CARLOS ROMERO, a/k/a "King Los," and STEVEN LEWIS, a/k/a "King Scoobz," the defendants, sold approximately 10 grams of crack cocaine to an undercover officer in exchange for approximately \$450, in the vicinity of 123 William Street, Newburgh, New York.

hh. On or about April 26, 2010, JUAN RIOS, a/k/a "King Juan," the defendant, sold approximately 12 grams of crack cocaine to an undercover officer in exchange for approximately \$650, in the vicinity of 136 Carson Avenue, Newburgh, New York.

ii. On or about November 4, 2010, LUIS TAMBITO, a/k/a "King Luch," the defendant, sold approximately 1.2 grams of heroin to a confidential source in exchange for approximately \$400, in the vicinity of Carpenter and Van Ness Streets, Newburgh, New York.

jj. On or about December 20, 2010, EDNA REYES, a/k/a "Queen Anita," the defendant, spoke with a confidential source about the sale of cocaine.

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

COUNT SEVENTEEN

The Grand Jury further charges:

58. On or about May 20, 2009, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT EIGHTEEN

The Grand Jury further charges:

59. On or about June 25, 2009, in the Southern District of New York, RICARDO RAMOS, a/k/a "Carlito," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT NINETEEN

The Grand Jury further charges:

60. On or about July 7, 2009, in the Southern District of New York, HUMBERTO MORALES, a/k/a "King Papo" the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY

The Grand Jury further charges:

61. On or about October 21, 2009, in the Southern District of New York, JOSE LAGOS, a/k/a "King Gordo," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-ONE

62. On or about November 3, 2009, in the Southern District of New York, PEDRO HERRERA, a/k/a "King Aventura," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-TWO

The Grand Jury further charges:

63. On or about March 2, 2010, in the Southern District of New York, STEVEN LEWIS, a/k/a "King Scoobz," and

ANDREW SANCHEZ, a/k/a "Animal," the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-THREE

The Grand Jury further charges:

64. On or about March 4, 2010, in the Southern District of New York, STEVEN LEWIS, a/k/a "King Scoobz," and WILFREDO SANCHEZ, a/k/a "King Frito," the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-FOUR

The Grand Jury further charges:

65. On or about March 5, 2010, in the Southern District of New York, WILFREDO NIEVES, a/k/a "Jo Jo," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances

containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-FIVE

The Grand Jury further charges:

66. On or about March 24, 2010, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy," and NOEL VELEZ, the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-SIX

The Grand Jury further charges:

67. On or about April 6, 2010, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy," WILFREDO NIEVES, a/k/a "Jo Jo," and NOEL VELEZ, the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-SEVEN

The Grand Jury further charges:

68. On or about April 21, 2010, in the Southern District of New York, CARLOS ROMERO, a/k/a "King Los," and STEVEN LEWIS, a/k/a "King Scoobz," the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-EIGHT

The Grand Jury further charges:

69. On or about April 26, 2010, in the Southern District of New York, JUAN RIOS, a/k/a "King Juan," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT TWENTY-NINE

MURDER IN CONNECTION WITH A DRUG CRIME

70. On or about March 12, 2010, in the Southern District of New York and elsewhere, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, namely, the narcotics conspiracy charged in Count Sixteen of this Indictment, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King Tutu," the defendants, unlawfully, intentionally, and knowingly killed and counseled, commanded, induced, procured, and caused the intentional killing of John Maldonado, a/k/a "Tarzan," and such killing resulted.

(Title 21, United States Code, Section 848(e)(1)(A); Title 18, United States Code, Section 2.)

ROBBERY OFFENSES

COUNT THIRTY

CONSPIRACY TO COMMIT ROBBERY

The Grand Jury further charges:

71. On or about October 19, 2009, in the Southern District of New York, PEDRO HERRERA, a/k/a "King Aventura," and JOSE LAGOS, a/k/a "King Gordo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to

commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, HERRERA and LAGOS, the defendants, and others known and unknown, agreed to commit a robbery of a suspected narcotics dealer whom they believed possessed narcotics and/or narcotics proceeds at a residence in New Windsor, New York.

Overt Acts

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

a. On or about October 19, 2009, HERRERA, LAGOS, and others known and unknown, traveled to the vicinity of 276 Temple Hill Road, New Windsor, New York.

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

COUNT THIRTY-ONE

ATTEMPTED ROBBERY

The Grand Jury further charges:

73. On or about October 19, 2009, in the Southern District of New York, PEDRO HERRERA, a/k/a "King Aventura," and JOSE LAGOS, a/k/a "King Gordo," the defendants, and others known

and unknown, unlawfully, willfully, and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected 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, HERRERA and LAGOS, the defendants, and others known and unknown, attempted to rob a suspected narcotics dealer of narcotics and/or narcotics proceeds at a residence in the vicinity of 276 Temple Hill Road, New Windsor, New York.

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

FIREARMS OFFENSES

COUNT THIRTY-TWO

The Grand Jury further charges:

74. From at least in or about 2007, up to and including in or about February 2011, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," STEVEN LEWIS, a/k/a "King Scoobz," HUMBERTO

MORALES, a/k/a "King Papo," WILFREDO SANCHEZ, a/k/a "King Frito," FELIX LAGARES, a/k/a "King Bavage," KELVIN LAGARES, a/k/a "King Haze," JUAN RIOS, a/k/a "King Juan," ANDREW SANCHEZ, a/k/a "Animal," NELSON CALDERON, a/k/a "King Murder," RICARDO RAMOS, a/k/a "Carlito," NICHOLAS COLON, a/k/a "King Tragedy," CARLOS ORTIZ, a/k/a "King Tone," ANGELO DELEON, a/k/a "King Truth," DEVON SMITH, a/k/a "King Bullethead," RANDY ANGULO, a/k/a "King Randy," and LEO AUSTIN, a/k/a "King Pumba," the defendants, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count Sixteen of this Indictment, did use and carry firearms; and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, to wit, PAGAN, SANCHEZ, HERRERA, SANCHEZ, TAMBITO, CARABALLO, NUNEZ, LAGOS, ROMERO, MCNAIR, OVERTON, JIMENEZ, LEWIS, MORALES, SANCHEZ, LAGARES, LAGARES, RIOS, SANCHEZ, CALDERON, RAMOS, COLON, ORTIZ, DELEON, SMITH, ANGULO, and AUSTIN used, carried, and possessed firearms in Newburgh, New York, during and in relation to a conspiracy to distribute "crack" cocaine, "powder" cocaine, heroin, and marijuana, which firearms were discharged.

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

COUNT THIRTY-THREE

The Grand Jury further charges:

75. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Three of this Indictment, the attempted murder in aid of racketeering charged in Count Four of this Indictment, or the murder in aid of racketeering charged in Count Five of this Indictment, 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 discharged in the vicinity of 27 Dubois Street, Newburgh, New York.

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

COUNT THIRTY-FOUR

The Grand Jury further charges:

76. On or about May 6, 2008, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and JOSE LAGOS, a/k/a "King Gordo," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering

charged in Count Three of this Indictment, the attempted murder in aid of racketeering charged in Count Four of this Indictment, or the murder in aid of racketeering charged in Count Five of this Indictment, 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, and in the course of those crimes 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), to wit, PAGAN and LAGOS caused the death of Jeffrey Zachary by aiding and abetting the discharge of a .38 caliber Smith and Wesson revolver at Zachary.

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

COUNT THIRTY-FIVE

The Grand Jury further charges:

77. On or about October 19, 2009, in the Southern District of New York, PEDRO HERRERA, a/k/a "King Aventura," and JOSE LAGOS, a/k/a "King Gordo," the defendants, unlawfully, willfully, and knowingly, 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 robbery charged in Count Thirty-One of this Indictment, 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 during the attempted robbery.

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

COUNT THIRTY-SIX

The Grand Jury further charges:

78. On or about November 13, 2009, in the Southern District of New York, OSMAN NUNEZ, a/k/a "King Ozzy," and THOMAS JIMENEZ, a/k/a "King Tunes," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Eleven of this Indictment, or the attempted murder in aid of racketeering charged in Count Twelve of this Indictment, 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, to wit, NUNEZ and JIMENEZ used, carried, and possessed a Colt Model 1917 handgun.

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

COUNT THIRTY-SEVEN

The Grand Jury further charges:

79. On or about January 7, 2010, in the Southern District of New York, CHRISTOPHER MCNAIR, a/k/a "King Speedy," the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted

in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Thirteen of this Indictment, or the attempted murder in aid of racketeering charged in Count Fourteen of this Indictment, 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 discharged.

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

COUNT THIRTY-EIGHT

The Grand Jury further charges:

80. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Six of this Indictment, the attempted murder in aid of racketeering charged in Count Seven of this Indictment, or the murder in aid of racketeering charged in Count Eight of this Indictment, 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 discharged.

(Title 18, United States Code, Sections

924(c)(1)(A)(iii), 924(c)(1)(C)(i), and 2.)

COUNT THIRTY-NINE

The Grand Jury further charges:

81. On or about March 11, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," CARLOS ROMERO, a/k/a "King Los," and LUIS TAMBITO, a/k/a "King Luch," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Six of this Indictment, the attempted murder in aid of racketeering charged in Count Seven of this Indictment, or the murder in aid of racketeering charged in Count Eight of this Indictment, 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, and in the course of those crimes 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), to wit, CHRISTIAN SANCHEZ, ROMERO, and TAMBITO caused the death of Jerome Scarlett, a/k/a "Rude Boy," by aiding and abetting the discharge of a firearm in the vicinity of Farrington Street and Lander Street, Newburgh, New York.

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

COUNT FORTY

The Grand Jury further charges:

82. On or about March 12, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King Tutu," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Nine of this Indictment, or the murder in aid of racketeering charged in Count Ten of this Indictment, 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 discharged.

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

COUNT FORTY-ONE

The Grand Jury further charges:

83. On or about March 12, 2010, in the Southern District of New York, CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," OSMAN NUNEZ, a/k/a "King Ozzy," CARLOS ROMERO, a/k/a "King Los," JOSE LAGOS, a/k/a "King Gordo," and WILLIAM OVERTON, a/k/a "King

Tutu," the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit murder in aid of racketeering charged in Count Nine of this Indictment, or the murder in aid of racketeering charged in Count Ten of this Indictment, 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, and in the course of those crimes 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), to wit, CHRISTIAN SANCHEZ, ARMANDO SANCHEZ, NUNEZ, ROMERO, LAGOS, and OVERTON caused the death of John Maldonado, a/k/a "Tarzan," by discharging a firearm at Maldonado, and aiding and abetting the discharge of a firearm at Maldonado, in the vicinity of Little Monument Street and Benkard Avenue, Newburgh, New York.

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

COUNT FORTY-TWO

ATTEMPTED TAMPERING WITH AN INFORMANT

The Grand Jury further charges:

84. From in or about November 2009, through on or about January 17, 2010, in the Southern District of New York, WILSON PAGAN, a/k/a "King Gunz," and LUIS TAMBITO, a/k/a "King

Luch," the defendants, and others known and unknown, unlawfully, wilfully, and knowingly did attempt to use physical force and the threat of physical force against a person, with intent to hinder, delay, and prevent the communication to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a Federal offense, to wit, PAGAN ordered that Individual 1, whom PAGAN believed had provided information to law enforcement officers, be assaulted, and TAMBITO stabbed Individual 1 as a result of PAGAN's order.

(Title 18, United States Code, Sections 1512(a)(2)(C) and 2.)

SPECIAL FINDINGS AS TO WILSON PAGAN

85. Counts Five and Thirty-Four of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Five and Thirty-Four, alleging the murder of Jeffrey Zachary in connection with a crime of violence, the defendant WILSON PAGAN:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Jeffrey Zachary died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, Jeffrey Zachary (Title 18, United States Code, Section 3592(c)(5)).

d. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13)).

SPECIAL FINDINGS AS TO JOSE LAGOS

86. Counts Three, Nine, Twenty-Seven, Thirty-One, and Thirty-Six of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Five and Thirty-Four, alleging the murder of Jeffrey Zachary in connection with a crime of violence, and Counts Ten, Twenty-Nine, and Forty-One, alleging the murder of John Maldonado, in connection with a crime of violence and drug trafficking crime, the defendant JOSE LAGOS:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Jeffrey Zachary and John Maldonado died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. in the commission of the offense, and in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, Jeffrey Zachary (Title 18, United States Code, Section 3592(c)(5)).

d. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13));

SPECIAL FINDINGS AS TO CHRISTIAN SANCHEZ

87. Counts Ten, Twenty-Nine, and Forty-One of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Ten, Twenty-Nine, and Forty-One, alleging the murder of John Maldonado, in connection

with a crime of violence and drug trafficking crime, the defendant CHRISTIAN SANCHEZ:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and John Maldonado died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13));

SPECIAL FINDINGS AS TO ARMANDO SANCHEZ

88. Counts Ten, Twenty-Nine, and Forty-One of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Ten, Twenty-Nine, and Forty-One, alleging the murder of John Maldonado, in connection with a crime of violence and drug trafficking crime, the defendant ARMANDO SANCHEZ:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and John Maldonado died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13)).

SPECIAL FINDINGS AS TO OSMAN NUNEZ

89. Counts Ten, Twenty-Nine, and Forty-One of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Ten, Twenty-Nine, and Forty-One, alleging the murder of John Maldonado, in connection with a crime of violence and drug trafficking crime, the defendant OSMAN NUNEZ:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and John Maldonado died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13)).

SPECIAL FINDINGS AS TO CARLOS ROMERO

90. Counts Ten, Twenty-Nine, and Forty-One of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Ten, Twenty-Nine, and Forty-One, alleging the murder of John Maldonado, in connection with a crime of violence and drug trafficking crime, the defendant CARLOS ROMERO:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or

intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and John Maldonado died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13)).

SPECIAL FINDINGS AS TO WILLIAM OVERTON

91. Counts Ten, Twenty-Nine, and Forty-One of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Ten, Twenty-Nine, and Forty-One, alleging the murder of John Maldonado, in connection with a crime of violence and drug trafficking crime, the defendant WILLIAM OVERTON:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and

John Maldonado died as a direct result of the acts (Title 18, United States Code, Section 3591(a)(2)(C));

c. committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13)).

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

92. The allegations contained in Counts One and Two of this Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 1963, and Title 28, United States Code, Section 2461(c).

93. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," and JASON

CARABALLO, a/k/a "King Loco," the defendants, are hereby notified that, upon conviction of the violation of Title 18, United States Code, Section 1962, as charged in Counts One and Two of this Indictment, the defendants shall forfeit, pursuant to Title 18, United States Code, Section 1963:

a. all interests acquired and maintained in violation of Title 18, United States Code, Section 1962;

b. all interests in, securities of, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise named and described herein which the defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and

c. all property constituting and derived from proceeds obtained, directly and indirectly, from racketeering activity in violation of Title 18, United States Code, Section 1962.

94. Pursuant to Title 18, United States Code, Section 1963(m) and Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King

Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," and JASON CARABALLO, a/k/a "King Loco," the defendants, shall forfeit substitute property up to the value of the property described in the previous paragraph if that 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 party;
 - c. has been placed beyond the jurisdiction of this Court;
 - d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be divided without difficulty.

(Title 18, United States Code, Section 1963; Title 28, United States Code, Section 2461(c); and Rule 32.2(a), Federal Rules of Criminal Procedure.)

FORFEITURE ALLEGATION AS TO COUNTS SIXTEEN THROUGH TWENTY-EIGHT

95. As a result of committing the controlled substance offenses alleged in Counts Sixteen through Twenty-Eight of this Indictment, WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura,"

ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS
TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco,"
OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo,"
CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King
Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ,
a/k/a "King Tunes," STEVEN LEWIS, a/k/a "King Scoobz," HUMBERTO
MORALES, a/k/a "King Papo," WILFREDO SANCHEZ, a/k/a "King Frito,"
FELIX LAGARES, a/k/a "King Bavage," KELVIN LAGARES, a/k/a "King
Haze," JUAN RIOS, a/k/a "King Juan," ANDREW SANCHEZ, a/k/a
"Animal," WILFREDO NIEVES, a/k/a "Jo Jo," NOEL VELEZ, NELSON
CALDERON, a/k/a "King Murder," RICARDO RAMOS, a/k/a "Carlito,"
NICHOLAS COLON, a/k/a "King Tragedy," CARLOS ORTIZ, a/k/a "King
Tone," DAMON SINCLAIR, a/k/a "King Dash," ANGELO DELEON, a/k/a
"King Truth," DEVON SMITH, a/k/a "King Bullethead," EDNA REYES,
a/k/a "Queen Anita," RANDY ANGULO, a/k/a "King Randy," and LEO
AUSTIN, a/k/a "King Pumba," the defendants, shall forfeit to the
United States, pursuant to 21 U.S.C. § 853, any and all property
constituting or derived from any proceeds the said defendants
obtained directly or indirectly as a result of the said violation
and any and all property used or intended to be used in any
manner or part to commit and to facilitate the commission of the
violations alleged in Counts Sixteen through Twenty-Eight of this
Indictment, including but not limited to a sum in United States
currency representing the amount of all proceeds obtained as a

result of the controlled substance offenses alleged in Counts Sixteen through Twenty-Eight of the Indictment.

Substitute Asset Provision

96. 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;

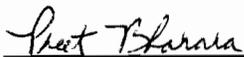
(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WILSON PAGAN, a/k/a "King Gunz," CHRISTIAN SANCHEZ, a/k/a "King Chi Chi," PEDRO HERRERA, a/k/a "King Aventura," ARMANDO SANCHEZ, a/k/a "King Malo," a/k/a "King Mondo," LUIS TAMBITO, a/k/a "King Luch," JASON CARABALLO, a/k/a "King Loco," OSMAN NUNEZ, a/k/a "King Ozzy," JOSE LAGOS, a/k/a "King Gordo," CARLOS ROMERO, a/k/a "King Los," CHRISTOPHER MCNAIR, a/k/a "King Speedy," WILLIAM OVERTON, a/k/a "King Tutu," THOMAS JIMENEZ, a/k/a "King Tunes," STEVEN LEWIS, a/k/a "King Scoobz," HUMBERTO MORALES, a/k/a "King Papo," WILFREDO SANCHEZ, a/k/a "King Frito," FELIX LAGARES, a/k/a "King Bavage," KELVIN LAGARES, a/k/a "King Haze," JUAN RIOS, a/k/a "King Juan," ANDREW SANCHEZ, a/k/a "Animal," WILFREDO NIEVES, a/k/a "Jo Jo," NOEL VELEZ, NELSON CALDERON, a/k/a "King Murder," RICARDO RAMOS, a/k/a "Carlito," NICHOLAS COLON, a/k/a "King Tragedy," CARLOS ORTIZ, a/k/a "King Tone," DAMON SINCLAIR, a/k/a "King Dash," ANGELO DELEON, a/k/a "King Truth," DEVON SMITH, a/k/a "King Bullethead," EDNA REYES, a/k/a "Queen Anita," RANDY ANGULO, a/k/a "King Randy," and LEO AUSTIN, a/k/a "King Pumba,"

Defendants.

INDICTMENT

S3 10 Cr. 392 (CS)

(18 U.S.C. §§ 2, 924(c), 924(j), 1512, 1951, 1959(a)(1), (a)(3), (a)(5), 1961, 1962, and 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 841(b)(1)(D), 846, 848).)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.
