

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA : SUPERSEDING INDICTMENT

- v. - : S36 10 Cr. 905 (LTS)

OSCAR RODRIGUEZ, :

a/k/a "Elias Rodriguez," :

a/k/a "Chang," :

a/k/a "Chan," :

Defendant. :

- - - - -X

COUNT ONE
(Racketeering Conspiracy)

The Grand Jury Charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," and others known and unknown, was a member of a criminal organization (the "Rodriguez Organization," or the "Enterprise") whose members and associates engaged in, among other activities, narcotics trafficking, murder, attempted murder, money laundering, unlicensed money transmitting, and bank fraud. The Rodriguez Organization operated primarily in the Washington Heights and Inwood neighborhoods of Upper Manhattan, in New York City, but also invested in property and laundered money in, among other places, New York, Florida, and the Dominican Republic.



2. The Rodriguez Organization, 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 and associates functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Rodriguez Organization was engaged in, and its activities affected, interstate and foreign commerce.

3. OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, participated in unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

PURPOSES OF THE ENTERPRISE

4. The purposes of the Enterprise included, but were not limited to, the following:

a. Enriching the members and associates of the Enterprise through, among other things, the distribution and sale of narcotics, including 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.

d. Investing the proceeds of the Enterprise in, among other things, real estate in New York, Florida, and the Dominican Republic.

e. Laundering and illegally transmitting narcotics proceeds.

f. Committing bank fraud.

g. Tampering with witnesses and obstructing justice.

MEANS AND METHODS OF THE ENTERPRISE

5. Among the means and methods employed by the members and associates of the Rodriguez Organization 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 wholesale and retail distribution of marijuana.

b. Members and associates of the Enterprise used threats of violence and physical violence, including murder and attempted murder, against various people involved in the illegal

narcotics business, including in particular rival narcotics traffickers, competitors, and individuals who stole narcotics proceeds from the Enterprise, in order to further the Enterprise's narcotics trafficking activities.

c. Members and associates of the Enterprise operated a narcotics business that distributed large quantities of marijuana.

d. Members and associates of the Enterprise transported and transmitted narcotics proceeds from, among other places, New York to, among other places, Florida and the Dominican Republic.

e. Members and associates of the Enterprise invested narcotics proceeds in real estate in New York, Florida, and the Dominican Republic.

f. Members and associates of the Enterprise made misrepresentations on applications for loans and mortgages for real estate and other property in New York and in Florida.

g. Members and associates of the Enterprise tampered with witnesses and obstructed justice, and conspired and attempted to do the same.

THE RACKETEERING CONSPIRACY VIOLATION

6. From at least in or about 1996, up to and including in or about 2012, in the Southern District of New York and elsewhere,

OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, and others known and unknown, being a person employed by and associated with the Enterprise described above, to wit, the Rodriguez Organization, 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, acts involving narcotics trafficking, which is chargeable under New York Penal Law Sections 20.00, 105.15, 110.00, 220.06, 220.31, and 220.39, and in violation of Title 21, United States Code, Sections 812, 841, 843, and 846; murder, which is chargeable under New York Penal Law Sections 20.00, 105.15, 110.00, and 125.25, and New Jersey Statutes 2C:11-3, 2C:2-6(b)(4), and 2C:2-6(c); money laundering and money laundering conspiracy, in violation of Title 18, United States Code, Sections 1956 and 1957; travel in interstate and foreign commerce in aid of racketeering, in violation of Title 18, United States Code, Section 1952; and obstruction of justice, in violation of Title 18, United States Code,

Section 1512. It was a part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the Enterprise.

Notice of Special Sentencing Factors

7. From at least in or about 1996, up to and including in or about 2010, in the Southern District of New York and elsewhere, OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States, in violation of Title 21, United States Code, Section 846. It was a part and an object of the conspiracy that RODRIGUEZ and others known and unknown, would and did distribute and possess with the intent to distribute 1,000 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

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

COUNT TWO
(Narcotics Conspiracy)

The Grand Jury further charges:

8. From at least in or about 1996, up to and including in or about 2010, in the Southern District of New York and elsewhere,

OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

9. It was a part and an object of the conspiracy that OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

10. The controlled substance that OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, conspired to distribute and possess with the intent to distribute was 1,000 kilograms and more of 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)(A).

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

FORFEITURE ALLEGATION
(Count One: Racketeering Conspiracy)

11. The allegations contained in Count One 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 the provisions of Title 18, United States Code, Section 1963. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given to the defendant that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 1963 in the event of conviction under Counts One and/or Two of this Indictment.

12. OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant:

a. has acquired and maintained interests in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. has an interest in, security of, claim against, and property and contractual rights which afford a source of influence over the enterprise named and described herein which each defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and/or

c. has property constituting and derived from proceeds obtained, directly and indirectly, from the aforesaid racketeering activity, in violation of Title 18, United States Code,

Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

13. The interests of the defendant subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a) include, but are not limited to, at least \$10 million, which constitutes the approximate amount of gross proceeds received by the defendant derived from racketeering activities as alleged in Count One of this Indictment.

Substitute Assets Provision

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1963.)

FORFEITURE ALLEGATION
(Count Two: Narcotics Conspiracy)

15. As a result of committing the controlled substance offense alleged in Count Two of this Indictment, OSCAR RODRIGUEZ, a/k/a "Elias Rodriguez," a/k/a "Chang," a/k/a "Chan," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, all property constituting and derived from any proceeds the defendant obtained, directly and indirectly, as the result of the offense, and any property used and intended to be used in any manner and part to commit and to facilitate the commission of the offense alleged in Count Two, 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 offense alleged in Count Two of the Indictment.

Substitute Assets Provision


16. If any of the property described in Paragraph 15 above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third 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 Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

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


FOREPERSON


PREET BHARARA *by*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

OSCAR RODRIGUEZ,
a/k/a "Chang," a/k/a "Chan,"

Defendant.

SUPERSEDING INDICTMENT

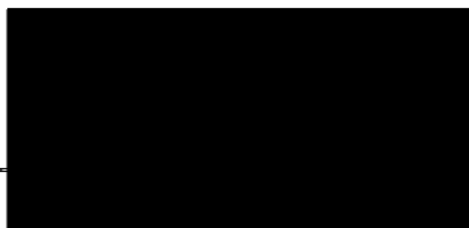
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(18 U.S.C. §§ 1961 & 1962,
and 21 U.S.C. § 846).

PREET BHARARA

United States Attorney.

A TRUE BILL

 Foreperson.

*2/19/14 - Filed superseding indictment
we
Judge Fox
USMJ*