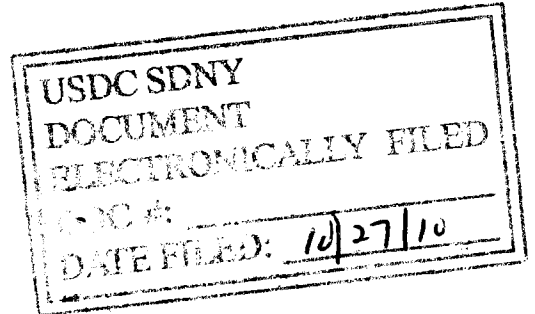


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
UNITED STATES OF AMERICA, :
:
- v. - :
:
KEVIN VENTURA and :
JOSE LAFONTAINE, :
:
Defendants. :
-----X

SEALED INDICTMENT
S3 09 Cr. 1015 (JGK)



COUNT ONE

The Grand Jury charges:

1. On or about April 11, 1995, in the Southern District of New York, KEVIN VENTURA, the defendant, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, a conspiracy to distribute marijuana, and during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the destruction by fire and explosives of a store engaged in interstate commerce, 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, and in the course thereof 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, a co-conspirator not named as a defendant herein shot and killed Noel Montanez, a

rival marijuana dealer, inside a store in the vicinity of 3856 10th Avenue in New York, New York, while VENTURA set fire to the store.

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

COUNT TWO

The Grand Jury further charges:

2. In or about August 1996, in the Southern District of New York and elsewhere, KEVIN VENTURA and JOSE LAFONTAINE, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and any facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, to wit, KEVIN VENTURA agreed to pay JOSE LAFONTAINE and a co-conspirator not named as a defendant herein to kill Eugene Garrido in exchange for currency and other things of pecuniary value, and in the course thereof did communicate through a facility of interstate commerce, which resulted in the shooting deaths of Eugene Garrido and Carlos Penzo in the vicinity of 34 Bogardus Place, New York, New York.

(Title 18, United States Code, Section 1958.)

COUNT THREE

The Grand Jury further charges:

3. In or about August 1996, in the Southern District of New York and elsewhere, KEVIN VENTURA and JOSE LAFONTAINE, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and any facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, and did aid and abet the same, to wit, KEVIN VENTURA hired JOSE LAFONTAINE and a co-conspirator not named as a defendant herein to kill Eugene Garrido, in exchange for United States currency, which resulted in the shooting deaths of Eugene Garrido and Carlos Penzo on or about August 19, 1996, in the vicinity of 34 Bogardus Place, New York, New York.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about August 19, 1996, in the Southern District of New York, KEVIN VENTURA and JOSE LAFONTAINE, 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, a conspiracy to distribute marijuana in New York, New York, 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 thereof 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, JOSE LAFONTAINE shot and killed Eugene Garrido inside the lobby of an apartment building in the vicinity of 34 Bogardus Place, New York, New York, after KEVIN VENTURA hired LAFONTAINE to kill Garrido and provided the firearm used in the shooting.

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

COUNT FIVE

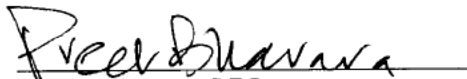
The Grand Jury further charges:

5. On or about August 19, 1996, in the Southern District of New York, KEVIN VENTURA and JOSE LAFONTAINE, 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, a conspiracy to distribute marijuana in New York, New York, 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 thereof 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,

JOSE LAFONTAINE shot and killed Carlos Penzo inside the lobby of an apartment building in the vicinity of 34 Bogardus Place, New York, New York, after KEVIN VENTURA hired LAFONTAINE to kill Eugene Garrido and provided the firearm used in the shooting of both Garrido and Penzo.

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




PREET BHARARA
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 -

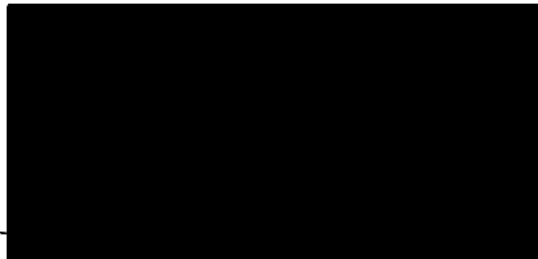
**KEVIN VENTURA and
JOSE LAFONTAINE,**

Defendants.

SEALED INDICTMENT

S3 09 Cr. 1015 (JGK)

18 U.S.C. § 924(j), 1958



Oct. 27, 2010
Filed Superseded Indictment in S3 09 CR 1015 (JGK)
New Orderd.
Orderd filed under seal.
Freeman, USMJ