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★ NOV 03 2022 ★

JJD:JLG/PGS/MEF
F. #2022R00056

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

ROBERTO ANTONIO
ABREGO-REYES,
also known as "Splinter" and
"Impaciente,"
MIGUEL ANGEL ALFARO-SANTOS,
also known as "El Asesino," and
JOSE BENEDICTO BAIRE-NOVOA,
also known as "Macabro,"

Defendants.

----- X

THE GRAND JURY CHARGES:

INTRODUCTION

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

The Enterprise

1. La Mara Salvatrucha, also known as the MS-13 (hereinafter the "MS-13" or the "Enterprise"), was a transnational criminal organization with members located throughout Long Island, New York, Queens, New York and elsewhere. Members and associates of the MS-13 have engaged in acts of violence, including murder, attempted murder, robbery and assault, as well as other criminal activity, including narcotics trafficking, extortion, witness tampering and witness retaliation.

INDICTMENT

Cr. No. **CR 22 499**
(T. 18, U.S.C., §§ 924(c)(1)(A)(iii),
924(j)(1), 1959(a)(1), 2 and 3551 **AZRACK, J.**
et seq.) **WICKS, M.J.**

2. The defendants ROBERTO ANTONIO ABREGO-REYES, also known as “Splinter” and “Impaciente,” MIGUEL ANGEL ALFARO-SANTOS, also known as “Asesino,” and JOSE BENEDICTO BAIREZ-NOVOA, also known as “Macabro,” were members and associates of the MS-13.

3. Members and associates of the MS-13 have engaged in acts of violence, including murder, attempted murder, assault, robbery and narcotics trafficking, as well as other criminal activity, including extortion, witness tampering and witness retaliation. Participation in criminal activity by a member, especially violence directed at rival gangs or MS-13 members or associates believed to have violated the gang’s rules, increased the respect accorded to that member and could result in a promotion to a leadership position. Members of the MS-13 purchased, maintained and circulated a collection of firearms and other weapons for use in criminal activity.

4. The MS-13, including its leadership, membership and associates, constituted an “enterprise” as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise including, among other things: (a) promoting and enhancing the prestige, reputation and position of the Enterprise with respect to rival criminal organizations; (b) preserving and protecting the power, territory and criminal ventures of the Enterprise through the use of intimidation, threats of violence and acts of violence, including assault and murder; (c) keeping victims and rivals in fear of the Enterprise and its members and associates; (d) enriching the members and associates of the Enterprise through criminal activity, including robbery,

extortion and narcotics trafficking; and (e) ensuring discipline within the Enterprise and compliance with the Enterprise's rules by members and associates through threats of violence and acts of violence.

5. The MS-13, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder, extortion and robbery that are chargeable under New York Penal Law and punishable by imprisonment for more than one year, acts indictable under Title 18, United States Code, Sections 1512 (relating to tampering with a witness, victim or informant) and 1513 (relating to retaliating against a witness, victim or informant), and offenses involving narcotics trafficking, punishable under Title 21, United States Code, Sections 841 and 846.

COUNT ONE
(Murder of Kenneth Evans, Jr.)

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

7. On or about November 28, 2015, within the Eastern District of New York and elsewhere, the defendants ROBERTO ANTONIO ABREGO-REYES, also known as "Splinter" and "Impaciente," MIGUEL ANGEL ALFARO-SANTOS, also known as "Asesino," and JOSE BENEDICTO BAIRES-NOVOA, also known as "Macabro," together with others, for the purpose of gaining entrance to and maintaining and increasing position in the MS-13, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Kenneth Evans, Jr., in violation of New York Penal Law Sections 125.25(1) and 20.00.

(Title 18, United States Code, Sections 1959(a)(1), 2 and 3551 et seq.)

COUNT TWO

(Causing the Death of Kenneth Evans, Jr. Through the Use of a Firearm)

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

9. On or about November 28, 2015, within the Eastern District of New York and elsewhere, the defendants ROBERTO ANTIONIO ABREGO-REYES, also known as “Splinter” and “Impaciente,” MIGUEL ANGEL ALFARO-SANTOS, also known as “Asesino,” and JOSE BENEDICTO BAIRES-NOVOA, also known as “Macabro,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more crimes of violence, to wit: the murder in aid of racketeering charged in Count One, and did knowingly and intentionally possess such firearms in furtherance of said crime of violence, one or more of which firearms was brandished and discharged, in violation of Title 18, United States Code, Section 924(c), and during the course of that violation did knowingly and intentionally cause the death of a person through the use of said firearms, which killing was murder, as defined in Title 18, United States Code, Section 1111(a), in that the defendants, together with

others, with malice aforethought, did unlawfully kill Kenneth Evans, Jr. willfully, deliberately, maliciously and with premeditation.

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

[Handwritten signature] A TRUE BILL

[Handwritten signature]
FOREPERSON

By Carolyn Pokorny, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2022R00056
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ROBERTO ANTONIO ABREGO-REYES, ET AL.,

Defendants.

INFORMATION

(T. 18, U.S.C., §§ 924(c)(1)(A)(iii), 924(j)(1), 1959(a)(1), 2 and
3551 et seq.)

A true bill.

In *18*

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

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