

★ DEC 07 2019 ★

SD:JPL

F. #2018R00178 / OCDETF #NY-NYE-846

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

YANKI MISAEL CRUZ-MATEO,
also known as "Yenki Misael Cruz
Mateo," "Yankee Mateo," "Doggy" and
"Wino,"

ISRAEL MENDIOLA FLORES,
also known as "Chapito" and "Sinaloa,"

SERGIO GERARDO HERRERA-HIDALGO,
also known as "Gerardo Herrera" and
"Street Boy,"

YONI ALEXANDER SIERRA,
also known as "Arca," "Arc Angel" and
"Wasson,"

JOSE JIMENEZ CHACON,
also known as "Little One,"

SAUDI LEVY RAMIREZ,
also known as "El Malo,"

CAROLINA CRUZ,
also known as "La Fiera,"

JOSE DOUGLAS CASTELLANO,
also known as "Chino,"

JUNIOR ZELAYA-CANALES,
also known as "Terco,"

JONATHAN ZELAYA-DIAZ,
also known as "Scooby," and

ERIC CHAVEZ,
also known as "Lunatico,"

Defendants.

----- X

SUPERSEDING
INDICTMENT

Cr. No. 18-139 (S-4) (LDH)
(T. 18, U.S.C., §§ 922(g)(5)(A),
924(a)(2), 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
924(d)(1), 924(j)(1), 1959(a)(1),
1959(a)(3), 1959(a)(5), 2 and 3551 et
seq.; T. 21, U.S.C., § 853(p); T. 28,
U.S.C., § 2461(c))

THE GRAND JURY CHARGES:

INTRODUCTION

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

The Enterprise

1. The 18th Street gang (“18th Street” or the “enterprise”) was a violent street gang with members located throughout Queens, New York, and elsewhere, divided into local chapters or “canchas.” Members and associates of 18th Street engaged in murder, attempted murder, assault, narcotics trafficking and extortion, as well as other crimes.

2. The 18th Street gang, including its leadership, membership and associates, constituted an “enterprise” as defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that 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.

3. The 18th Street gang, 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 that are chargeable under New York Penal Law and punishable by imprisonment for more than one year, and offenses involving narcotics trafficking, punishable under Title 21, United States Code, Sections 841 and 846.

Purposes of the Enterprise

4. The purposes of the enterprise included the following:

- (a) Enriching the members and associates of the enterprise through criminal activity, including narcotics trafficking and extortion;
- (b) Promoting and enhancing the prestige, reputation and position of the enterprise through the use of intimidation, threats of violence and acts of violence, including murder, attempted murder and assault;
- (c) 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 murder, attempted murder and assault;
- (d) Keeping victims and rivals in fear of the enterprise and its members and associates; and
- (e) Concealing the activities of the enterprise from law enforcement.

Means and Methods of the Enterprise

5. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

- (a) Members and associates of the enterprise used, attempted to use and conspired to use drug trafficking and extortion as means of obtaining money;
- (b) Members and associates of the enterprise committed, attempted to commit and threatened to commit acts of violence, including acts involving murder and assault, to enhance the enterprise's prestige and protect and expand the enterprise's criminal operations; and

(c) Members and associates of the enterprise used and threatened to use physical violence against various individuals, including witnesses, victims and informants, and members of rival criminal organizations.

The Defendants

6. At all times relevant to this Superseding Indictment, the defendants YANKI MISAEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” ISRAEL MENDIOLA FLORES, also known as “Chapito” and “Sinaloa,” SERGIO GERARDO HERRERA-HIDALGO, also known as “Gerardo Herrera” and “Street Boy,” YONI ALEXANDER SIERRA, also known as “Arca,” “Arc Angel” and “Wasson,” JOSE JIMENEZ CHACON, also known as “Little One,” SAUDI LEVY RAMIREZ, also known as “El Malo,” CAROLINA CRUZ, also known as “La Fiera,” JOSE DOUGLAS CASTELLANO, also known as “Chino,” JUNIOR ZELAYA-CANALES, also known as “Terco,” JONATHAN ZELAYA-DIAZ, also known as “Scooby,” and ERIC CHAVEZ, also known as “Lunatico,” were members and associates of the enterprise.

COUNT ONE

(Conspiracy to Commit Murder in Aid of Racketeering: Josue Guzman)

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

8. In or about September 2016, within the Eastern District of New York and elsewhere, the defendant JUNIOR ZELAYA-CANALES, also known as “Terco,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did

knowingly and intentionally conspire to murder Josue Guzman, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT TWO

(Murder in Aid of Racketeering: Josue Guzman)

9. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

10. On or about September 12, 2016, within the Eastern District of New York, the defendant JUNIOR ZELAYA-CANALES, also known as “Terco,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Josue Guzman, 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 THREE

(Conspiracy to Commit Murder in Aid of Racketeering: Rival Gang Members)

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

12. In or about July 2017, within the Eastern District of New York and elsewhere, the defendants JUNIOR ZELAYA-CANALES, also known as “Terco,” and JONATHAN ZELAYA-DIAZ, also known as “Scooby,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally

conspire to murder one or more individuals, to wit: rival gang members, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT FOUR

(Attempted Murder in Aid of Racketeering: Rival Gang Members)

13. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

14. On or about July 9, 2017, within the Eastern District of New York, the defendants JUNIOR ZELAYA-CANALES, also known as “Terco,” and JONATHAN ZELAYA-DIAZ, also known as “Scooby,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally attempt to murder rival gang members, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

(Title 18, United States Code, Sections 1959(a)(5), 2 and 3551 et seq.)

COUNT FIVE

(Unlawful Use and Possession of a Firearm During a Crime of Violence:
Attempted Murder of Rival Gang Members)

15. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

16. On or about July 9, 2017, within the Eastern District of New York, the defendant JUNIOR ZELAYA-CANALES, also known as “Terco,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the crime charged in Count Four, and did knowingly and

intentionally possess one or more firearms in furtherance of such crime of violence, one or more of which firearms was brandished and discharged.

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

COUNT SIX

(Attempted Murder in Aid of Racketeering: John Doe)

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

18. On or about September 20, 2017, within the Eastern District of New York, the defendant ERIC CHAVEZ, also known as “Lunatico,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally attempt to murder John Doe, an individual whose identity is known to the Grand Jury, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

(Title 18, United States Code, Sections 1959(a)(5), 2 and 3551 et seq.)

COUNT SEVEN

(Assault in Aid of Racketeering: John Doe)

19. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

20. On or about September 20, 2017, within the Eastern District of New York, the defendant ERIC CHAVEZ, also known as “Lunatico,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally assault

John Doe with a dangerous weapon, to wit: a firearm, in violation of New York Penal Law Sections 120.10 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3), 2 and 3551 et seq.)

COUNT EIGHT

(Unlawful Use and Possession of a Firearm During Crimes of Violence:
Attempted Murder and Assault of John Doe)

21. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

22. On or about September 20, 2017, within the Eastern District of New York, the defendant ERIC CHAVEZ, also known as “Lunatico,” 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 crimes charged in Counts Six and Seven, and did knowingly and intentionally possess one or more firearms in furtherance of such crimes of violence, one or more of which firearms was brandished and discharged.

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

COUNT NINE

(Conspiracy to Commit Murder in Aid of Racketeering: Jonathan Figueroa)

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

24. In or about October 2017, within the Eastern District of New York and elsewhere, the defendants YANKI MISAEEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” ISRAEL MENDIOLA FLORES, also known as “Chapito” and “Sinaloa,” SERGIO GERARDO HERRERA-HIDALGO, also

known as “Gerardo Herrera” and “Street Boy,” and JOSE DOUGLAS CASTELLANO, also known as “Chino,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally conspire to murder Jonathan Figueroa, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT TEN

(Murder in Aid of Racketeering: Jonathan Figueroa)

25. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

26. On or about October 25, 2017, within the Eastern District of New York and elsewhere, the defendants YANKI MISAEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” ISRAEL MENDIOLA FLORES, also known as “Chapito” and “Sinaloa,” SERGIO GERARDO HERRERA-HIDALGO, also known as “Gerardo Herrera” and “Street Boy,” and JOSE DOUGLAS CASTELLANO, also known as “Chino,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Jonathan Figueroa, 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 ELEVEN

(Conspiracy to Commit Murder in Aid of Racketeering: Oscar Antonio Blanco-Hernandez)

27. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

28. In or about February 2018, within the Eastern District of New York and elsewhere, the defendants YANKI MISAEEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” YONI ALEXANDER SIERRA, also known as “Arca,” “Arc Angel” and “Wasson,” JOSE JIMENEZ CHACON, also known as “Little One,” SAUDI LEVY RAMIREZ, also known as “El Malo,” and CAROLINA CRUZ, also known as “La Fiera,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in racketeering activity, did knowingly and intentionally conspire to murder Oscar Antonio Blanco-Hernandez, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT TWELVE

(Murder in Aid of Racketeering: Oscar Antonio Blanco-Hernandez)

29. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

30. On or about February 2, 2018, within the Eastern District of New York, the defendant YANKI MISAEEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” YONI ALEXANDER SIERRA, also known as “Arca,” “Arc Angel” and “Wasson,” JOSE JIMENEZ CHACON, also known as “Little One,” SAUDI LEVY RAMIREZ, also known as “El Malo,” and CAROLINA CRUZ, also known as “La Fiera,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 18th Street gang, an enterprise engaged in

racketeering activity, did knowingly and intentionally murder Oscar Antonio Blanco-Hernandez, 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 THIRTEEN

(Unlawful Use and Possession of a Firearm During a Crime of Violence:
Murder of Oscar Antonio Blanco-Hernandez)

31. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

32. On or about February 2, 2018, within the Eastern District of New York, the defendant YANKI MISAEEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the crime charged in Count Twelve, and did knowingly and intentionally possess one or more firearms in furtherance of such crime of violence, one or more of which firearms was brandished and discharged.

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

COUNT FOURTEEN

(Causing the Death of Oscar Antonio Blanco-Hernandez
Through the Use of a Firearm)

33. The allegations set forth in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

34. On or about February 2, 2018, within the Eastern District of New York, the defendant YANKI MISAEEL CRUZ-MATEO, also known as “Yenki Misael Cruz

Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” together with others, in the course of a violation of Title 18, United States Code, Section 924(c), to wit: the crime charged in Count Thirteen, did knowingly and intentionally cause the death of a person through the use of one or more firearms, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, together with others, with malice aforethought, did unlawfully kill, and cause the killing of, Oscar Antonio Blanco-Hernandez.

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

COUNT FIFTEEN
(Alien in Possession of a Firearm)

35. In or about and between October 2017 and February 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant YANKI MISAEEL CRUZ-MATEO, also known as “Yenki Misael Cruz Mateo,” “Yankee Mateo,” “Doggy” and “Wino,” then knowingly being an alien who was illegally and unlawfully in the United States, did knowingly and intentionally possess in and affecting interstate and foreign commerce a firearm, to wit: a .380 caliber semiautomatic pistol, and ammunition.

(Title 18, United States Code, Sections 922(g)(5)(A), 924(a)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATIONS
AS TO COUNTS ONE THROUGH EIGHT, ELEVEN THROUGH FIFTEEN

36. The United States hereby gives notice to the defendants charged in Counts One through Eight and Counts Eleven through Fifteen that, upon their conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which

require the forfeiture of any firearm or ammunition involved in or used in any knowing violations of Title 18, United States Code, Sections 922 or 924, or in any violation of any other criminal law of the United States, including but not limited to: one .380 caliber semiautomatic pistol and ammunition.

37. If any of the above-described forfeitable property, as a result of any act or omission of such 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 the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p),

to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

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

A TRUE BILL

FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

No. 18-CR-139 (S-2) (LDH)

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

YANKI MISAEAL CRUZ-MATEO ET AL.,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 922(g)(5)(A), 924(a)(2), 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(d)(1), 924(j)(1), 1959(a)(1),
1959(a)(3), 1959(a)(5), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p); T.
28, U.S.C., § 2461(c))

A true bill.

Filed in open court this _____ day, of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Soumya Dayananda, Jonathan P. Lax Assistant U.S. Attorneys (718) 254-7996/6139