

NS:NEM/PAS
F. #2020R00098/OCDETF#NY-NYE-882

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

20-MJ-347

JUAN AMAYA-RAMIREZ,
also known as “Cadaver,”

COMPLAINT

(18 U.S.C. §§ 1959(a)(1) and 2)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

LUZ MONTANEZ, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about April 23, 2018, within the Eastern District of New York, the defendant JUAN AMAYA-RAMIREZ, also known as “Cadaver,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in La Mara Salvatrucha, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Andy Peralta, in violation of New York Penal Law Sections 125.25(1) and 20.00.

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

The source of your deponent’s information and the grounds for her belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been since 2009. I am currently assigned to Squad C-13 in the New York Field Office, Brooklyn/Queens Resident Agency, where I investigate gangs, narcotics trafficking, firearms trafficking, fraud, violent crime and other offenses. I have participated in numerous investigations during the course of which I have (a) conducted physical and wire surveillance; (b) executed search warrants at locations where contraband has been found; (c) reviewed and analyzed numerous taped conversations discussing criminal activity; (d) debriefed cooperating defendants and other witnesses; (e) monitored wiretapped conversations and reviewed line sheets prepared by wiretap monitors; and (f) searched electronic evidence. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation.

The Enterprise

2. Based on information provided through the debriefing of cooperating witnesses and confidential informants, as well as speaking with other law enforcement agents, among others, I am aware of the following facts, among others, regarding La Mara Salvatrucha (hereinafter the “MS-13” or the “enterprise”). At all times relevant to this Complaint:

3. La Mara Salvatrucha, also known as the “MS-13,” was a transnational criminal organization comprised primarily of immigrants from Central America, with members located throughout Queens, New York, Long Island, New York, and elsewhere, divided into local chapters, or “cliques.”

necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

4. The MS-13 routinely held meetings to plan criminal activity, and members paid dues into a treasury. The treasury funds were used to purchase firearms, ammunition and other weapons for use in criminal activity. Additionally, treasury funds were sent to MS-13 members in Central America. Members of the MS-13 sometimes signified their membership with the colors of blue and white, and with graffiti and tattoos reading, among other things, “13,” “MS” and “MARA SALVATRUCHA,” frequently written in gothic lettering.

5. Members of the MS-13 engaged in acts of violence, including acts involving murder, assault, witness tampering and witness retaliation, as well as other criminal activity, including narcotics trafficking. Participation in criminal activity by a member, especially violence directed at rival gang members or at MS-13 members or associates believed to have violated the enterprise’s rules, increased the respect accorded to the member and could result in 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.

6. The MS-13, including its leadership, members and associates, constituted an “enterprise” as defined by Title 18, United States Code, Section 1961(4), 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.

Purposes of the Enterprise

7. The purposes of the enterprise included the following:

(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 narcotics trafficking.

(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.

Means and Methods of the Enterprise

8. Among the means and methods by which members of the MS-13 and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

(a) Members of the MS-13 and their associates 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.

(b) Members of the MS-13 and their associates used and threatened to use physical violence against various individuals, including members of rival criminal organizations and against MS-13 members or associates believed to have violated the enterprise's rules.

(c) Members of the MS-13 and their associates used, attempted to use and conspired to use narcotics trafficking as means of obtaining money.

The Defendant

9. The defendant JUAN AMAYA-RAMIREZ, also known as "Cadaver," was an associate of the MS-13.

April 2018 Murder of Andy Peralta

10. On the evening of April 23, 2018, at approximately 10:36 p.m. and 10:38 p.m., two calls were placed to 911 reporting screaming in the woods near Kissena Park in Queens, New York.

11. The following morning, after receiving a 911 call regarding the existence of a dead body in the area, members of the New York City Police Department ("NYPD") responded to a wooded area adjacent to Kissena Park and found the body of seventeen year old Andy Peralta. Peralta was shirtless and facedown in a large puddle. An autopsy was conducted, and the autopsy report indicates that Peralta's cause of death was strangulation and the manner of death was homicide. The autopsy report also indicates that Peralta had significant blunt-force injuries covering his body, three stab wounds on his back, and multiple incisions on his chest, which partially obscured a crown tattoo on his chest.

12. A cooperating witness (“CW-1”)² has informed law enforcement, in substance and in part, that in or about the summer of 2019, an individual named “Juan,” who is also known to CW-1 as “Cadaver,” informed CW-1 that he (“Cadaver”), along with an individual known as “Cannabis” and a third individual who is a member of MS-13 (the “Third Man”), killed a man in Kissena Park by hitting and stabbing their victim to death. CW-1 has identified a photograph of the defendant JUAN AMAYA-RAMIREZ as “Juan” and “Cadaver.”

13. According to CW-1, AMAYA-RAMIREZ told CW-1, in substance and in part, that the victim was killed because the Third Man believed that the victim was a member of the 18th Street gang and was selling drugs in MS-13 territory. Once AMAYA-RAMIREZ, “Cannabis” and the Third Man lured the victim into Kissena Park, they removed his shirt and saw a crown tattoo, which led them to believe that the victim was a Latin King.³ The men then killed the victim.

14. According to CW-1, AMAYA-RAMIREZ further told CW-1, in substance and in part, the following. After killing the victim, the Third Man threw up gang signs and threw dirt on the victim’s body. AMAYA-RAMIREZ then took a photograph of

² CW-1 has committed crimes including marijuana distribution and murder conspiracy and is currently cooperating with the government in hopes of receiving an immigration benefit and leniency at sentencing. CW-1 has provided reliable information in this investigation, which has been corroborated by independent evidence, such as witness statements, other sources of information, Apple iCloud records and surveillance footage.

³ Based upon my training and experience, and participation in this investigation, I am familiar with the fact that members of the MS-13 will often check for tattoos on the bodies of rival gang members, including but not limited to, the 18th Street gang and the Latin Kings, to confirm that the individuals are rival gang members.

the Third Man kneeling next to the victim's shirtless body. AMAYA-RAMIREZ showed CW-1 this photograph on AMAYA-RAMIREZ's cellular telephone. AMAYA-RAMIREZ further told CW-1, in substance and in part, that AMAYA-RAMIREZ then dragged the victim's body and threw him facedown into a puddle; and that AMAYA-RAMIREZ, "Cannabis" and the Third Man took the victim's cellular telephone.

15. A second cooperating witness ("CW-2")⁴ has informed law enforcement of the following, in substance and in part. In or about the summer of 2019, a member of MS-13 told CW-2 that "Cadaver" and "Cannabis" attacked a Trinitario gang member in Kissena Park in Queens, New York, whom they strangled and buried in the park after killing. CW-2 has identified a photograph of the defendant JUAN AMAYA-RAMIREZ as "Cadaver."

16. On October 28, 2019, the defendant JUAN AMAYA-RAMIREZ was arrested by the NYPD for criminal possession of marijuana. Thereafter, he was detained in immigration custody at a detention facility. On November 5, 2019, AMAYA-RAMIREZ spoke with his girlfriend on the telephone from the detention facility. The following is a draft translation from Spanish to English of a portion of this telephone call, which was recorded:

GIRLFRIEND: I was going to ask if you made another Facebook?

AMAYA-RAMIREZ: That if I got another Facebook?

GIRLFRIEND: Uh-huh.

AMAYA-RAMIREZ: Yes.

⁴ CW-2 has committed crimes including marijuana distribution and attempted murder and is cooperating with the government in hopes of receiving leniency at sentencing. CW-2 has provided reliable information in this investigation, which has been corroborated by independent evidence, such as witness statements, other sources of information, phone records and surveillance footage.

GIRLFRIEND: Oh. It came up. [laughs]

AMAYA-RAMIREZ: Yes, fuck! I had done another Facebook. Fuck, let's see, I got arrested on Monday, I made that Facebook on Sunday, because my phone got fucked up on Saturday, my iPhone that I had.

GIRLFRIEND: Uh-huh.

AMAYA-RAMIREZ: And in that phone, damn! I had everything in there, in that iPhone. Imagine if they had gotten that phone.


Based on my training, experience and participation in this investigation, I believe that in this conversation, AMAYA-RAMIREZ told his girlfriend that he had incriminating items on his Apple iPhone that he would not have wanted the police to find when he was arrested (“I had everything in there, in that iPhone. Imagine if they had gotten that phone”).

17. On January 14, 2020, the Honorable Ramon E. Reyes, Jr. authorized a search warrant for an Apple iCloud account with username “juanamaya97@icloud.com,” which belongs to the defendant JUAN AMAYA-RAMIREZ. A search of this account revealed a photograph of what appears to be Peralta’s dead body. In the photograph, a man, who appears to be Hispanic, is leaning over Peralta’s body, and the hands of two other individuals are visible. The hands are wearing black gloves and are displaying MS-13 gang signs. One of the hands is holding a knife. Records associated with this photograph indicate that it was modified on April 23, 2018 at 11:15 p.m., which is 39 minutes after the first 911 call was placed reporting screams near Kissena Park.

WHEREFORE, your deponent respectfully requests that the defendant JUAN AMAYA-RAMIREZ, be dealt with according to law.

I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest


warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant's criminal associates who are separately charged by sealed complaint an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.



LUZ MONTANEZ
Special Agent, Federal Bureau of Investigation

Sworn to before me this





UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Sworn telephonically before me, 5/5/20 at 1:35 pm, Brooklyn, NY