

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

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

UNITED STATES OF AMERICA

**TO BE FILED UNDER SEAL**

- against -

20-MJ-348

JAIRO MARTINEZ-GARCIA,  
also known as "Colmillo," and  
DOUGLAS MELGAR-SURIANO,  
also known as "Clemencia,"

COMPLAINT

(18 U.S.C. §§ 1959(a)(1), 924(c)(1)(A)(iii)  
and 2)

Defendants.

----- X

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 November 4, 2018, within the Eastern District of New York, the defendants JAIRO MARTINEZ-GARCIA, also known as "Colmillo," and DOUGLAS MELGAR-SURIANO, also known as "Clemencia," 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 Victor Alvarenga, in violation of New York Penal Law Sections 125.25(1) and 20.00.

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

On or about November 4, 2018, within the Eastern District of New York, the defendants JAIRO MARTINEZ-GARCIA, also known as "Colmillo," and DOUGLAS

MELGAR-SURIANO, also known as “Clemencia,” did knowingly and intentionally discharge a firearm during and in relation to a crime of violence, to wit the murder in-aid-of racketeering of Victor Alvarenga set forth above.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2)

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

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 defendants’ criminal history records; and from reports of other law enforcement officers involved in the investigation.

---

<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

## 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 (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.”

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 Defendants

9. The defendants JAIRO MARTINEZ-GARCIA, also known as "Colmillo," and DOUGLAS MELGAR-SURIANO, also known as "Clemencia," were associates of the MS-13.

November 2018 Murder of Victor Alvarenga

10. In the early morning hours of November 4, 2018, after receiving a 911 call regarding a shooting, members of the New York City Police Department ("NYPD")

responded to the vicinity of 163rd Street and 45th Avenue in Queens, New York and found Victor Alvarenga, who had sustained multiple gunshot wounds. A cellular telephone was not recovered from Alvarenga. Alvarenga was pronounced dead that same morning at New York Presbyterian Hospital in Queens. An autopsy was performed and determined that Alvarenga's cause of death was multiple gunshot wounds and the manner of death was homicide.

11. On November 4, 2018 at approximately 3:47 a.m., a surveillance camera captured an individual entering a driveway on 164th Street. A few minutes later, another individual can be seen entering the driveway.

12. At approximately 4:26 a.m., a surveillance camera captured Victor Alvarenga walking east on 45th Avenue, crossing from the north side of the street to the south side of the street near the intersection with 163rd Street. Shortly thereafter, an additional surveillance camera captured Alvarenga entering the driveway on 164th Street discussed in paragraph 11. At approximately 4:27 a.m., Alvarenga and two individuals can then be seen exiting the driveway and walking northbound on 164th Street. Alvarenga is walking with one of these individuals and the other individual is trailing them. After Alvarenga and the individuals turn west on 45th Avenue, a third individual can be seen walking west on 45th Avenue behind Alvarenga and two other individuals. Shortly thereafter, at approximately 4:28 a.m., additional surveillance footage captured Alvarenga walking westbound on 45th Avenue. Alvarenga is then approached from behind by an individual who shoots him at close range in the head before shooting multiple additional times. A second individual then approaches and appears to attempt to grab an illuminated cellphone from Alvarenga. After

Alvarenga continues to struggle, a third individual approaches and shoots Alvarenga multiple times.

13. A cooperating witness (“CW-1”)<sup>2</sup> has informed law enforcement, in substance and in part, that he was present for a conversation in which “Colmillo” and “Clemencia” and other MS-13 associates discussed a murder that they had committed. CW-1 has identified a photograph of the defendant JAIRO MARTINEZ-GARCIA as “Colmillo” and a photograph of the defendant DOUGLAS MELGAR-SURIANO as “Clemencia.” During the conversation, the men explained to CW-1 that the murder took place near 162nd Street and 45th Avenue in Queens.

14. Specifically, MARTINEZ-GARCIA and MELGAR-SURIANO waited for the victim near 162nd Street. The victim understood that they were going to go smoke. MELGAR-SURIANO put the gun to the victim’s face, pulled the trigger and emptied the gun into the victim. The victim, however, did not die immediately. MARTINEZ-GARCIA then fired the final shot. The men explained that they then took the victim’s telephone.

15. A second cooperating witness (“CW-2”)<sup>3</sup> has informed law enforcement, in substance and in part, that a member of MS-13 (the “MS-13 Member”) told

---

<sup>2</sup> 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, New York State Department of Motor Vehicle records, Apple iCloud records and surveillance footage.

<sup>3</sup> 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

CW-2 that “Colmillo” and “Clemencia” killed an MS-13 member who had fled from El Salvador. CW-2 has identified a photograph of defendant JAIRO MARTINEZ-GARCIA as “Colmillo” and a photograph of defendant DOUGLAS MELGAR-SURIANO as “Clemencia.” CW-2 understood that the victim was a member of the Normandie clique and that according to the MS-13 Member, MARTINEZ-GARCIA and MELGAR-SURIANO befriended the victim and lured him away by saying that they were going to buy cigarettes at a bodega, after which MARTINEZ-GARCIA and MELGAR-SURIANO shot the victim. CW-2 further learned from the MS-13 Member that the order to commit the murder came from El Salvador and MARTINEZ-GARCIA and MELGAR-SURIANO became “chequeos,” or low-level MS-13 members, for carrying out this murder.

16. A third cooperating witness (“CW-3”)<sup>4</sup> has informed law enforcement, in sum and substance, that “Clemencia” explained to CW-3 that the victim had been killed because he was falsely claiming to have a leadership position in MS-13 and falsely claimed to be a member of the Hollywood clique. CW-3 has identified a photograph of the defendant DOUGLAS MELGAR-SURIANO as “Clemencia.” According to CW-3, MELGAR-SURIANO explained that he (MELGAR-SURIANO) and “Colmillo” waited for the victim and when they saw him, they asked him for a cigarette. CW-3 has identified a photograph of defendant JAIRO MARTINEZ-GARCIA as “Colmillo.” Then, when the victim was walking

---

information, phone records and surveillance footage.

<sup>4</sup> CW-3 has committed crimes including marijuana distribution and is cooperating with the government pursuant to a non-prosecution agreement. CW-3 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.



away, they shot him. MELGAR-SURIANO explained to CW-3 that both he (MELGAR-SURIANO) and MARTINEZ-GARCIA shot the victim.

WHEREFORE, your deponent respectfully requests that the defendants JAIRO MARTINEZ-GARCIA and DOUGLAS MELGAR-SURIANO, 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 defendants 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  
day of May, 2020

  
ON  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

Sworn telephonically before me 050520 at 1:40 pm, Brooklyn, NY, VMS