

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

ALFONSO WILLIAMS, ANTONIO
GILTON, BARRY GILTON, LUPE
MERCADO, ADRIAN GORDON
REGINALD ELMORE, CHARLES
HEARD, ESAU FERDINAND, PAUL
ROBESON, AND MONZELL
HARDING, JR.

DEFENDANT(S).

SUPERSEDING INDICTMENT

Count One: (18 U.S.C. §1962(d) - Conspiracy to Conduct the Affairs of an Enterprise Through a Pattern of Racketeering Activity); Count Two: (18 U.S.C. §1959 (a)(1) - Murder in Aid of Racketeering of Calvin Sneed); Count Three: (18 U.S.C. §924(c)(1)(A) - Use/Possession/Brandishing/Discharge of Firearm in Furtherance

of a Crime of Violence); Count Four: (18 U.S.C. § 924 (j) - Use/Possession of a Firearm in Murder); Count Five: 18 U.S.C. § 3 - Accessory After the Fact); Count Six: (18 U.S.C. § 1959 (a)(1) - Murder in Aid of Racketeering of Andre Helton); Count Seven: (18 U.S.C. § 1959(a)(1) - Murder in Aid of Racketeering of Isaiah Turner)

Count Eight: (18 U.S.C. § 924(j) - Use/Possession of a Firearm in Murder); Count Nine: (18 U.S.C. § 1959 (a)(5) - Attempted Murder in Aid of Racketeering of Victim 3); Count Ten: (18 U.S.C. § 1959(a)(3) - Assault with a Dangerous Weapon in Aid of Racketeering on Victim 3); Count Eleven: (18 U.S.C. § 924(c)(1)(A) - Use/Possession/Brandishing/Discharge of Firearm in Furtherance of Crime of Violence)

Count Twelve: (18 U.S.C. § 1959(a)(5) - Attempted Murder in Aid of Racketeering of Victim 2); Count Thirteen: (18 U.S.C. § 1959(a)(3) - Assault with a Dangerous Weapon in Aid of Racketeering on Victim 2); Count Fourteen: (18 U.S.C. 18 § 1959 (a)(2) - Maiming in Aid of Racketeering on Victim 2); Count Fifteen: (18 U.S.C. §924(c)(1)(A) - Use/Possession/Brandishing/Discharge of a Firearm in Furtherance of a Crime of Violence)

A true bill.

Nancy J. Peterson
Foreman

Filed in open court this 9th day of

January 2014

Clerk

in bail warrants for Dr. Gordon, Heard, Ferdinand and Harding
Bail, \$(no process): Williams, Gilton, and

Stacy D. [Signature]

Count Sixteen:
(18 U.S.C. § 2422(a)
- Attempt to Entice
and Persuade an Individual to
Travel for Prostitution);
Count Seventeen:
(18 U.S.C. § 2422(b) - Attempt to Entice
and Persuade a minor to Engage in Prostitution)

Mercado + Robeson

WHO

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

See attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ ALFONSO WILLIAMS

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

- ☐ person is awaiting trial in another Federal or State Court, give name of court

- ☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

- ☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.

- ☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

- ☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DAMALI A. TAYLOR

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges ▶
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

Count One (RICO Conspiracy)

Not more than life imprisonment; not more than \$250,000 fine; not more than five years of supervised release; \$100 special assessment

Count Two (VICAR Murder of Calvin Sneed)

Not less than life imprisonment; not more than \$250,000 fine; not more than five years of supervised release; \$100 special assessment.

Counts Six and Seven (VICAR Murders of Andre Helton and Isaiah Turner)

Not less than life imprisonment or death; not more than \$250,000 fine; not more than five years of supervised release; \$100 special assessment.

Count Fourteen (VICAR Maiming of Victim 2)

Not more than 30 years imprisonment; not more than \$250,000 fine; not more than five years of supervised release; \$100 special assessment.

Counts Ten and Thirteen (VICAR Assaults with a Dangerous Weapon of Victim 2 and Victim 3)

Not more than 20 years imprisonment; not more than \$250,000 fine; not more than three years of supervised release; \$100 special assessment.

Counts Nine and Twelve (VICAR Attempt Murder of Victim 2 and Victim 3)

Not more than 10 years imprisonment; not more than \$250,000 fine; not more than three years of supervised release; \$100 special assessment.

Count Three, Eleven and Fifteen (Use/Brandish/Discharge Firearm)

Not less than 10 years imprisonment consecutive to any term of imprisonment for other offenses; not more than \$250,000 fine; not more than three years of supervised release; \$100 special assessment.

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Count Five (Accessory After the Fact)

Not more than 15 years imprisonment; not more than \$250,000 fine; not more than three years supervised release; \$100 special assessment.

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Not less than 10 years imprisonment and not more than life; not more than \$250,000 fine; not more than five years supervised release; \$100 special assessment

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Not more than 20 years imprisonment; not more than \$250,000 fine; not more than three years supervised release; \$100 special assessment

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See attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.▶ ANTONIO GILTON

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

- ☐ person is awaiting trial in another Federal or State Court, give name of court

- ☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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CASE NO.

- ☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DAMALI A. TAYLOR☐ This report amends AO 257 previously submitted**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges ▶

- 2) ☐ Is a Fugitive

- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge

- 5) ☐ On another conviction

☐ Federal ☐ State

- 6) ☐ Awaiting trial on other charges

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Has detainer ☐ Yes
been filed? ☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

PROCESS:☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

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☐ Arraignment ☐ Initial Appearance

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Date/Time: _____ Before Judge: _____

Comments:

ADDITIONAL INFORMATION OR COMMENTS

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Not less than life imprisonment or death; not more than \$250,000 fine; not more than five years of supervised release; \$100 special assessment.

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Count Seventeen (Attempt to Persuade a Minor to Engage in Prostitution)

Not more than 20 years imprisonment; not more than \$250,000 fine; not more than three years supervised release; \$100 special assessment

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

See attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

BARRY GILTON

DISTRICT COURT NUMBER

13-0764-WHO

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges _____
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IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution _____

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed _____

DATE OF ARREST

Month/Day/Year _____

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year _____

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI

- ☐
- person is awaiting trial in another Federal or State Court, give name of court _____

- ☐
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☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO. _____

- ☐
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO. _____

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under _____

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DAMALI A. TAYLOR

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

See attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ LUPE MERCADO

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
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Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DAMALI A. TAYLOR

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges ▶
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
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 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

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TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

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Date/Time: _____ Before Judge: _____

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ OFFENSE CHARGED ☒ SUPERSEDING

See attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Adrian Gordon

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

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Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) DAMALI A. TAYLOR

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.
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Month/Day/Year

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ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

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Bail Amount: No Bail

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☒ Felony

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ REGINALD ELMORE

DISTRICT COURT NUMBER

13-0764-WHO

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☒ U.S. Attorney ☐ Other U.S. Agency

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Attorney (if assigned)

DAMALI A. TAYLOR

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- 1) ☐ If not detained give date any prior summons was served on above charges ▶

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DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

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Date/Time: _____ Before Judge: _____

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

See attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Charles Heard

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

- ☐ person is awaiting trial in another Federal or State Court, give name of court

- ☐ this person/proceeding is transferred from another district per (circle one) FRCp 20, 21, or 40. Show District

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☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

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MAGISTRATE CASE NO.

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Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DAMALI A. TAYLOR

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

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- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
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DATE OF ARREST

Month/Day/Year

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DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

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See attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Esau Ferdinand

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

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Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

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 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ Paul Robeson

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

- ☐
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- ☐
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Attorney (if assigned)

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Month/Day/Year

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PENALTY: See attachment

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NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Monzell Harding, Jr.

DISTRICT COURT NUMBER

13-0764-WHO

PROCEEDING

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Name and Office of Person

Furnishing Information on this form Melinda Haag

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Name of Assistant U.S.

Attorney (if assigned)

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1 MELINDA HAAG (CABN 132612)
2 United States Attorney

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6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA

12 v.

13 ALFONZO WILLIAMS, a/k/a "Fonz," a/k/a
14 "Relly;"

15 ANTONIO GILTON, a/k/a "TG," a/k/a "Tone;"

16 BARRY GILTON, a/k/a "Prell;"

17 LUPE MERCADO;

18 ADRIAN GORDON, a/k/a "Tit;"

19 REGINALD ELMORE, a/k/a "Fat Reg;"

20 CHARLES HEARD, a/k/a "Cheese;"

21 ESAU FERDINAND, a/k/a "Sauce;"

22 PAUL ROBESON, a/k/a "P World;" and

23 MONZELL HARDING, JR.

24 Defendants.

CASE NO. CR 13-0764 WHO

SUPERSEDING INDICTMENT

VIOLATIONS – 18 U.S.C. § 1962(d) – RICO
Conspiracy; 18 U.S.C. § 1959(a)(1) – VICAR
Murder; 18 U.S.C. § 1959(a)(3) – VICAR Assault
With a Dangerous Weapon; 18 U.S.C. § 1959(a)(2) –
VICAR Maiming; 18 U.S.C. § 924(c) – Use of
Firearm During Crime of Violence; 18 U.S.C. §
924(j) – Murder With a Firearm; 18 U.S.C. § 3 –
Accessory After the Fact; 18 U.S.C. § 2422(b) –
Attempted Enticement of a Minor to Engage in
Prostitution; 18 U.S.C. § 2422(a) – Attempted
Enticement of Individual to Travel for Prostitution

SAN FRANCISCO VENUE

25 SUPERSEDING INDICTMENT

26 At all times relevant to the Superseding Indictment:

27 COUNT ONE: (18 U.S.C. § 1962(d) – Conspiracy to Conduct the Affairs of an Enterprise Through a
28 Pattern of Racketeering Activity)

The Racketeering Enterprise

1 1. Central Divisadero Players, also known as "Central Divisadero Playas," also known as "Central
2 Divis Playas," also known as the "CDP" gang (hereafter "CDP"), is a violent street gang with members
3 operating in the City and County of San Francisco, whose activities have affected other parts of the
4 United States. The members of CDP primarily conduct their activities in the Western Addition or
5 Fillmore neighborhoods of San Francisco, centered in the area of Central and Divisadero Streets. CDP
6 has been in existence since at least the mid-1990s.

7 2. Some members of CDP signify their membership by wearing tattoos reading "CDP," "237," "D
8 Block," "D Boys," "Banga," "Uptown," or similar words and symbols. Also, CDP members from time
9 to time have marked their territory or signified their presence through use of graffiti, clothing, social
10 media, and hand signs. Some CDP members have hidden tattoos in order to avoid detection by law
11 enforcement or opted not to utilize tattoos and symbols. CDP members frequently refer to one another
12 by their gang names or monikers. CDP members have displayed gang signs by, among other things,
13 forming the letters "c" and "d" with their hands or signifying "Uptown" by placing two fists together
14 with the thumbs up to form a "U." CDP members also used the numbers "237" to signify CDP, as those
15 are the numbers corresponding to spelling CDP on a telephone keypad.

16 3. Members of CDP have been expected to protect the name, reputation, and status of the gang and
17 its individual members from harm, insult, or disrespect by rival gang members and other persons. CDP
18 members required that all individuals show respect and deference to the gang, its membership and
19 associates, and the families associated with the gang. To protect the gang and to enhance its reputation,
20 CDP members have been expected to use any means necessary to force respect from those who showed
21 disrespect, including acts of intimidation and violence.

22 4. Members of CDP have engaged in criminal activity, including murder, attempted murder,
23 narcotics distribution, assault, robbery, extortion, interstate transportation in aid of racketeering,
24 pimping, pimping of minors, illegal firearms possession, and obstruction of justice by threatening and
25 intimidating witnesses whom they believed to be cooperating with law enforcement and by destroying
26 evidence and providing false information to law enforcement. CDP members have committed acts of
27 violence to maintain and enhance membership and discipline within the gang, including violence against
28 rival gang members, those perceived to be rival gang members, rivals in general, those who disrespected

1 or committed violence against CDP members, friends or family, as well as CDP members and associates
2 who violated the gang's rules.

3 5. CDP has worked cooperatively with other gangs in the Western Addition to engage in criminal
4 activity and to assist one another in avoiding detection by law enforcement. The groups that CDP aligns
5 with collectively call themselves "Uptown." Uptown includes CDP, Chopper City, a/k/a "223," Mac
6 Block, 800 Block, Page Street Mob, a/k/a "PST," and Knock Out Posse, a/k/a "KOP," a/k/a "KO." In or
7 around 2008, one of these groups, KOP, became a violent rival of CDP. The principal rivals to CDP are
8 gang members of a Western Addition gang called Eddy Rock, a/k/a "Outta Control," a/k/a "OC," who
9 also referred to themselves as the Downtown faction of the Western Addition.

10 6. There are leaders of CDP. While they have no official titles, there are individuals who are
11 feared, respected, and whose directions have been followed by other members. Below the leaders are
12 "shooters," those gang members who have been prepared and known to commit violence on behalf of
13 the gang and to protect each other. Below the shooters are gang members who have dealt narcotics,
14 pimped out women and/or minors, or who commit robberies, but who were either hesitant to commit
15 other violent acts on behalf of the gang, or who had not had an opportunity to commit other violent acts.

16 7. CDP members have communicated about gang activities with other CDP members using mobile
17 telephones, telephone text messages, and other modes of electronic and wire communications.

18 8. CDP, including its leadership, members, and associates constituted an "enterprise" as defined in
19 Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact that was
20 engaged in, and its activities affected interstate and foreign commerce. The enterprise constituted an
21 ongoing organization whose members functioned as a continuing unit that had a common purpose of
22 achieving the objectives of the enterprise.

23 Purposes of the Enterprise

24 9. The purposes of the CDP gang enterprise, including its members and associates, have included,
25 but is not limited to, the following:

26 a. Preserving and protecting the power, territory, reputation, and profits of the enterprise, its
27 members, and family members, through the use of intimidation, violence, threats of violence, assaults,
28 and murder;

1 b. Promoting and enhancing the enterprise and the activities of its members and associates,
2 including, but not limited to, murder, attempted murder, conspiracy to murder, narcotics trafficking,
3 robbery, pimping, and other criminal activities;

4 c. Keeping victims, potential victims, and community members in fear of the enterprise and
5 its members and associates through violence and threats of violence;

6 d. Providing financial support and information to CDP members, including those who were
7 incarcerated; and

8 e. Providing assistance to other CDP members who committed crimes for and on behalf of
9 the gang, to hinder, obstruct, and prevent law enforcement officers from identifying the offenders,
10 apprehending the offenders, and successfully prosecuting and punishing the offenders.

11 The Means and Methods of the Enterprise

12 10. The means and methods by which the defendants and other members and associates of CDP have
13 conducted and participated in the conduct of the affairs of CDP included, but were not limited to:

14 a. Members of CDP protected and expanded the enterprise's criminal operation by
15 committing, attempting, and threatening to commit violence, including murder, assaults, intimidation,
16 and threats of violence directed against rival gang members, rivals in general, those who disrespected
17 CDP, its members, associates, and families, and potential witnesses to the crimes of the enterprise;

18 b. Members of CDP promoted a climate of fear through intimidation, violence, and threats
19 of violence intended to promote the authority of the enterprise and its members and insulate its members
20 from prosecution for the criminal actions of the enterprise;

21 c. Members of CDP used the enterprise to murder, attempt to murder, assault, and threaten
22 those who posed a threat to the enterprise; and

23 d. The activities of the CDP enterprise affected interstate commerce. Members and
24 associates traveled in interstate and foreign commerce, and affected interstate and foreign commerce to
25 conduct the affairs of the enterprise.

26 11. It was part of the means and methods of the enterprise that the defendants and other members
27 and associates of CDP discussed with other members and associates of CDP, among other things, the
28 membership and rules of CDP; the status of CDP members and associates who were arrested or

1 incarcerated; the disciplining of CDP members; CDP members' encounters with law enforcement; the
2 identities of individuals suspected of cooperating with law enforcement and the proposed actions to be
3 taken against them; plans and agreements regarding the commission of future crimes, including murder,
4 robbery, extortion, narcotics distribution, illegal possession of firearms, and assault, as well as ways to
5 conceal these crimes; and the enforcement of the rules of CDP.

6 12. It was further part of the means and methods of the enterprise that the defendants and other
7 members and associates of CDP agreed to purchase, possess, maintain, use, and circulate a collection of
8 firearms for use in criminal activity by the members and associates of CDP.

9 13. It was further part of the means and methods of the enterprise that the defendants and other
10 members and associates of CDP agreed that acts of violence, including murder, attempted murder, and
11 assault, would be committed by members and associates of CDP against rival gang members and others
12 when it suited the enterprise's purposes.

13 14. It was further part of the means and methods of the enterprise that the defendants and other
14 members and associates of CDP agreed to distribute narcotics, to commit robbery, extortion, to engage
15 in pimping, including the pimping of minors, and other crimes, and to conceal their criminal activities
16 by obstructing justice, threatening and intimidating witnesses, and other means.

17 The Racketeering Conspiracy

18 15. Beginning on a date unknown to the Grand Jury but since at least the mid-1990s, and continuing
19 up through and including the present, in the Northern District of California and elsewhere, the
20 defendants,

21 ALFONZO WILLIAMS, a/k/a "Fonz," a/k/a "Relly,"

22 ANTONIO GILTON, JR., a/k/a "TG,"

23 BARRY GILTON, a/k/a "Prell,"

24 ADRIAN GORDON, a/k/a "Tit,"

25 REGINALD ELMORE, a/k/a "Fat Reg,"

26 CHARLES HEARD, a/k/a "Cheese,"

27 ESAU FERDINAND, a/k/a "Sauce,"

28 PAUL ROBESON, a/k/a "P World," and

MONZELL HARDING, JR.,

together with others known and unknown to the Grand Jury, each being a person employed by and associated with CDP, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, knowingly, and intentionally did conspire to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the CDP enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

a. multiple acts and threats involving murder, in violation of California Penal Code Sections 187, 188, 189, 182, 21a, 664, 653f, and 422; robbery, in violation of California Penal Code Sections 211, 212, 212.5, 213, 182, 21a, and 664; and extortion, in violation of California Penal Code Sections 518, 519, 520, 524, 664, and 182;

b. multiple acts involving dealing in controlled substances, in violation of 21 U.S.C. Sections 841(a)(1) and 846; and

c. multiple acts indictable under 18 U.S.C. Section 2422 (coercion and enticement of a person to engage in prostitution).

16. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Overt Acts

17. In furtherance of the conspiracy and in order to effectuate the object thereof, the defendants and their co-conspirators, and others both known and unknown to the Grand Jury, in various combinations, directly and indirectly, within the Northern District of California and elsewhere, committed overt acts, including, but not limited to, the following:

a. On or about April 6, 1997, ALFONZO WILLIAMS, a/k/a "Fonz," a/k/a "Relly," possessed approximately 13 ounces of cocaine base.

b. On or about January 13, 2003, CHARLES HEARD, PAUL ROBESON and another CDP member, now deceased, were together when HEARD and the other CDP member were found in possession of approximately 4.83 grams of cocaine base.

1 c. On or about April 3, 2003, CHARLES HEARD, accompanied by another CDP member,
2 now deceased, possessed a 9 mm firearm in a vehicle.

3 d. On or about March 18, 2004, PAUL ROBESON possessed 40 packaged rocks
4 (approximately 4.73 grams) of cocaine base.

5 e. On or about February 26, 2005, CHARLES HEARD possessed a firearm.

6 f. On or about May 23, 2005, ESAU FERDINAND possessed approximately 5.17 grams
7 gross of cocaine base.

8 g. On or about August 6, 2005, PAUL ROBESON harassed and attempted to recruit an
9 individual to work for ROBESON as his prostitute with ROBESON as her pimp.

10 h. On or about November 16, 2005, PAUL ROBESON enticed a minor to engage in
11 prostitution.

12 i. On or about February 4, 2007, CHARLES HEARD, in the company of another CDP
13 member, possessed a firearm and ammunition.

14 j. On or about March 10, 2007, PAUL ROBESON attempted to kidnap a woman by trying
15 to force her into a vehicle.

16 k. On or about April 6, 2007, ANTONIO GILTON carried a loaded, concealed firearm in
17 his vehicle.

18 l. On or about April 24, 2007, REGINALD ELMORE possessed a 9 mm Berretta firearm.

19 m. On or about May 1, 2008, ANTONIO GILTON possessed approximately 9.84 grams
20 gross of cocaine base.

21 n. On or about May 13, 2008, ESAU FERDINAND, accompanied by REGINALD
22 ELMORE, and others, was found in possession of a .40 caliber Taurus pistol and ammunition.

23 o. On or about June 30, 2008, ALFONZO WILLIAMS and a KOP gang member used
24 coded language to discuss a sale of a quarter kilogram of cocaine from WILLIAMS to the KOP gang
25 member.

26 p. On or about July 4, 2008, ADRIAN GORDON possessed a .45 caliber Llama firearm.
27
28

1 q. On or about July 16, 2008, HEARD gave a KOP gang member advice about how to rob
2 people of expensive pieces of jewelry and about where and how to pawn the jewelry. On the same date,
3 using coded language, they also discussed how much HEARD was charging for a kilogram of cocaine.

4 r. On or about August 14, 2008, REGINALD ELMORE and CHARLES HEARD killed
5 Andre Helton and Isaiah Turner.

6 s. On or about November 25, 2008, CHARLES HEARD killed Richard Barrett.

7 t. On or about January 8, 2009, REGINALD ELMORE brandished and discharged a 9 mm
8 assault style pistol during the funeral of a rival gang member.

9 u. On or about October 6, 2009, MONZELL HARDING, JR., ESAU FERDINAND, and
10 others known and unknown, attempted to intimidate a testifying witness during a court hearing
11 concerning the November 25, 2008 murder of Richard Barrett.

12 v. On or about January 15, 2010, MONZELL HARDING, JR., robbed an iPod from Victim
13 1.

14 w. On or about April 3, 2011, ESAU FERDINAND, a/k/a "Sauce," using a firearm, robbed
15 and shot Victim 2.

16 x. On or about May 20, 2011, ADRIAN GORDON, a/k/a "Tit," attempted to kill Victim 3.

17 y. On or about November 5, 2011, ADRIAN GORDON, a/k/a "Tit," robbed United States
18 currency and a cellular telephone from Victim 4.

19 z. On or about June 4, 2012, the defendants: ALFONZO WILLIAMS, ANTONIO
20 GILTON, BARRY GILTON, and LUPE MERCADO killed Calvin Sneed.

21 aa. From on or about October 1, 2012, up to and including on or about October 10, 2012,
22 defendant PAUL ROBESON attempted to persuade, induce, entice, and coerce an individual to travel in
23 interstate commerce to engage in prostitution.

24 bb. From on or about October 1, 2012, up to and including on or about October 10, 2012,
25 defendant PAUL ROBESON attempted to persuade, induce, entice, and coerce a minor to engage in
26 prostitution.

27 cc. On or about November 24, 2012, REGINALD ELMORE and an admitted CDP member
28 were found and arrested together in a car in possession of a 9 mm firearm and 11 rounds of ammunition.

1 dd. On or about December 17, 2013, ADRIAN GORDON, several other members of CDP,
2 and others, were together in a residence where four firearms were found.

3 All in violation of Title 18, United States Code, Section 1962(d).
4

5 COUNT TWO: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of Calvin Sneed)

6 18. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
7 reference as though fully set forth herein.

8 19. At all times relevant to this Superseding Indictment, CDP, including its leadership, membership
9 and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2),
10 that is a group of individuals associated in fact that was engaged in, and the activities of which affected,
11 interstate and foreign commerce. The enterprise constituted an ongoing organization whose members
12 functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

13 20. At all times relevant to this Superseding Indictment, the CDP enterprise, through its members
14 and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Section
15 1959(b)(1) and 1961(1), namely multiple acts and threats involving murder, in violation of California
16 Penal Code Sections 187, 188, 189, 182, 21a, 664, 653f and 422; robbery, in violation of California
17 Penal Code Sections 211, 212, 212.5, 213, 182, 21a and 664; and extortion, in violation of California
18 Penal Code Sections 518, 519, 520, 524, 664, and 182; dealing in controlled substances, in violation of
19 21 U.S.C. Sections 841(a)(1) and 846; and acts indictable under 18 U.S.C. Section 2422 (coercion and
20 enticement of a person to engage in prostitution).

21 21. On or about June 4, 2012, in the Northern District of California, as consideration for the receipt
22 of, and as consideration for a promise and agreement to pay, anything of pecuniary value from the CDP
23 enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in CDP,
24 an enterprise engaged in racketeering activity, the defendants,

25 ALFONZO WILLIAMS, a/k/a "Fonz," a/k/a "Relly,"

26 ANTONIO GILTON, a/k/a "TG,"

27 BARRY GILTON, a/k/a "Prell," and

28 LUPE MERCADO,

1 each aided and abetted by the other, unlawfully and knowingly did murder Calvin Sneed, in violation of
2 California Penal Code Sections 187, 188, 189, and 31-33.

3 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.
4

5 COUNT THREE: (18 U.S.C. § 924(c)(1)(A) – Use/Possession/Brandishing/Discharge of Firearm in
6 Furtherance of a Crime of Violence)

7 22. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
8 reference as though fully set forth herein.

9 23. On or about June 4, 2012, in the Northern District of California, the defendants,

10 ALFONZO WILLIAMS, a/k/a “Fonz,” a/k/a “Relly,”

11 ANTONIO GILTON, a/k/a “TG,”

12 BARRY GILTON, a/k/a “Prel,” and

13 LUPE MERCADO,

14 each aided and abetted by the other, unlawfully and knowingly did use, carry, brandish and discharge a
15 firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the
16 United States, namely, the murder in aid of racketeering of Calvin Sneed charged in Count Two of this
17 Superseding Indictment, and did possess, brandish and discharge a firearm in furtherance of the offense
18 charged in Count Two of this Indictment.

19 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.
20

21 COUNT FOUR: (18 U.S.C. § 924(j) – Use/Possession of a Firearm in Murder)

22 24. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
23 reference as though fully set forth herein.

24 25. On or about June 4, 2012, in the Northern District of California, the defendants,

25 ALFONZO WILLIAMS, a/k/a “Fonz,” a/k/a “Relly,”

26 ANTONIO GILTON, a/k/a “TG,”

27 BARRY GILTON, a/k/a “Prel,” and

28 LUPE MERCADO,

1 each aided and abetted by the other, unlawfully and knowingly, during and in relation to a crime of
2 violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of
3 racketeering of Calvin Sneed charged in Count Two of this Superseding Indictment, did use and carry a
4 firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause
5 the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United
6 States Code, Section 1111(a), namely, the defendants caused the death of Calvin Sneed by discharging a
7 firearm at Calvin Sneed.

8 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.
9

10 COUNT FIVE: (18 U.S.C. § 3 – Accessory After the Fact)

11 26. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
12 reference as though fully set forth herein.

13 27. From on or about June 4, 2012, up to June 9, 2012, in the Northern District of California, the
14 defendant,

15 LUPE MERCADO,

16 knowing that offenses against the United States had been committed, namely the murder and unlawful
17 use of firearms as charged in Counts Two, Three, and Four of the Superseding Indictment, unlawfully
18 and knowingly did receive, relieve, comfort and assist the offenders in order to hinder and prevent their
19 apprehension, trial, and punishment for those offenses.

20 All in violation of Title 18, United States Code, Section 3.
21

22 COUNT SIX: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of Andre Helton)

23 28. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
24 incorporated by reference as though fully set forth herein.

25 29. On or about August 14, 2008, in the Northern District of California, as consideration for the
26 receipt of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the
27 CDP enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in
28 CDP, an enterprise engaged in racketeering activity, the defendants,

1 REGINALD ELMORE, a/k/a "Fat Reg," and

2 CHARLES HEARD, a/k/a "Cheese,"

3 each aided and abetted by the other, unlawfully and knowingly did murder Andre Helton, in violation of
4 California Penal Code Sections 187, 188, 189, and 31-33.

5 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

6
7 COUNT SEVEN: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of Isaiah Turner)

8 30. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
9 incorporated by reference as though fully set forth herein.

10 31. On or about August 14, 2008, in the Northern District of California, as consideration for the
11 receipt of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the
12 CDP enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in
13 CDP, an enterprise engaged in racketeering activity, the defendants,

14 REGINALD ELMORE, a/k/a "Fat Reg," and

15 CHARLES HEARD, a/k/a "Cheese,"

16 each aided and abetted by the other, unlawfully and knowingly did murder Isaiah Turner, in violation of
17 California Penal Code Sections 187, 188, 189, and 31-33.

18 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

19
20 COUNT EIGHT: (18 U.S.C. § 924(j) – Use/Possession of a Firearm in Murder)

21 32. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
22 reference as though fully set forth herein.

23 33. On or about August 14, 2008, in the Northern District of California, the defendants,

24 REGINALD ELMORE, a/k/a "Fat Reg," and

25 CHARLES HEARD, a/k/a "Cheese,"

26 each aided and abetted by the other, unlawfully and knowingly, during and in relation to a crime of
27 violence for which they may be prosecuted in a court of the United States, namely, the murders in aid of
28 racketeering of Andre Helton and Isaiah Turner charged in Counts Six and Seven of this Superseding

1 Indictment, did use and carry a firearm, and in furtherance of those crimes, did possess a firearm, and in
2 the course of those crimes did cause the death of a person through the use of a firearm, which killing is
3 murder as defined in Title 18, United States Code, Section 1111(a), namely, the defendants caused the
4 deaths of Andre Helton and Isaiah Turner by discharging a firearm at Andre Helton and Isaiah Turner.

5 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.
6

7 COUNT NINE: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim 3)

8 34. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
9 incorporated by reference as though fully set forth herein.

10 35. On or about May 20, 2011, in the Northern District of California, as consideration for the receipt
11 of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the CDP
12 enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in CDP,
13 an enterprise engaged in racketeering activity, the defendant,

14 ADRIAN GORDON, a/k/a "Tit,"

15 together with others known and unknown, unlawfully and knowingly did attempt to murder Victim 3, in
16 violation of California Penal Code Sections 187, 188, 189, 21a, 31-33, and 664.

17 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.
18

19 COUNT TEN: (18 U.S.C. §1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering on
20 Victim 3)

21 36. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
22 incorporated by reference as though fully set forth herein.

23 37. On or about May 20, 2011, in the Northern District of California, as consideration for the receipt
24 of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the CDP
25 enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in CDP,
26 an enterprise engaged in racketeering activity, the defendant,

27 ADRIAN GORDON, a/k/a "Tit,"
28

1 together with others known and unknown, unlawfully and knowingly did assault with a dangerous
2 weapon, in violation of California Penal Code Section 245(a)(2) and 31-33, to wit, the defendant did
3 assault with a firearm Victim 3.

4
5 COUNT ELEVEN: (18 U.S.C. § 924(c)(1)(A) – Use/Possession/Brandishing/Discharge of Firearm in
6 Furtherance of Crime of Violence)

7 38. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
8 reference as though fully set forth herein

9 39. On or about May 20, 2011, in the Northern District of California, the defendant,

10 ADRIAN GORDON, a/k/a “Tit,”

11 together with others known and unknown, unlawfully and knowingly did use, carry, brandish and
12 discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a
13 court of the United States, namely, the attempted murder in aid of racketeering and assault with a
14 dangerous weapon in aid of racketeering of Victim 3 charged in Counts Nine and Ten of this
15 Superseding Indictment, and did possess, brandish and discharge a firearm in furtherance of the offenses
16 charged in Counts Nine and Ten of this Superseding Indictment.

17 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

18
19 COUNT TWELVE: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim 2)

20 40. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
21 incorporated by reference as though fully set forth herein.

22 41. On or about April 3, 2011, in the Northern District of California, as consideration for the receipt
23 of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the CDP
24 enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in CDP,
25 an enterprise engaged in racketeering activity, the defendant,

26 ESAU FERDINAND, a/k/a “Sauce,”

27 together with others known and unknown, unlawfully and knowingly did attempt to murder Victim 2, in
28 violation of California Penal Code Sections 187, 188, 189, 21a, 31-33, and 664.

1 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

2
3 COUNT THIRTEEN: (18 U.S.C. §1959(a)(3) – Assault with a Dangerous Weapon in Aid of
4 Racketeering on Victim 2)

5 42. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
6 incorporated by reference as though fully set forth herein.

7 43. On or about April 3, 2011, in the Northern District of California, as consideration for the receipt
8 of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the CDP
9 enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in CDP,
10 an enterprise engaged in racketeering activity, the defendant,

11 ESAU FERDINAND, a/k/a "Sauce,"
12 together with others known and unknown, unlawfully and knowingly did assault with a dangerous
13 weapon, in violation of California Penal Code Section 245(a)(2) and 31-33, to wit, the defendant did
14 assault with a firearm Victim 2.

15 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

16
17 COUNT FOURTEEN: (18 U.S.C. §1959(a)(2) – Maiming in Aid of Racketeering on Victim 2)

18 44. Paragraphs 1 through 14, 19 and 20 of this Superseding Indictment are realleged and
19 incorporated by reference as though fully set forth herein.

20 45. On or about April 3, 2011, in the Northern District of California, as consideration for the receipt
21 of, and as consideration for a promise or agreement to pay, anything of pecuniary value from the CDP
22 enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in CDP,
23 an enterprise engaged in racketeering activity, the defendant,

24 ESAU FERDINAND, a/k/a "Sauce,"
25 together with others known and unknown, unlawfully and knowingly did maim Victim 2, in violation of
26 California Penal Code Section 203 and 31-33.

27 All in violation of Title 18, United States Code, Sections 1959(a)(2) and 2.

1 COUNT FIFTEEN: (18 U.S.C. § 924(c)(1)(A) – Use/Possession/Brandishing/Discharge of Firearm in
2 Furtherance of Crime of Violence)

3 46. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
4 reference as though fully set forth herein.

5 47. On or about April 3, 2011, in the Northern District of California, the defendant,
6
7 ESAU FERDINAND, a/k/a "Sauce,"
8 together with others known and unknown, unlawfully and knowingly did use, carry, brandish and
9 discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a
10 court of the United States, namely, the attempted murder, assault with a dangerous weapon, and
11 maiming, in aid of racketeering of Victim 2 charged in Counts Eleven through Thirteen of this
12 Superseding Indictment, and did possess and brandish and discharge a firearm in furtherance of the
13 offenses charged in Counts Eleven through Thirteen of this Superseding Indictment.

14 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

15 COUNT SIXTEEN: (18 U.S.C. § 2422(a) – Attempt to Entice and Persuade an Individual to Travel for
16 Prostitution)

17 48. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
18 reference as though fully set forth herein.

19 49. From on or about October 1, 2012, up to and including on or about October 10, 2012, in the
20 Northern District of California, the defendant,

21
22 PAUL ROBESON,
23 unlawfully and knowingly did attempt to persuade, induce, entice, and coerce an individual to travel in
24 interstate commerce to engage in prostitution.

25 All violation of Title 18, United States Code, Section 2422(a).
26
27
28

1 COUNT SEVENTEEN: (18 U.S.C. § 2422(b) – Attempt to Entice and Persuade a Minor to Engage in
2 Prostitution)

3 50. Paragraphs 1 through 14 of this Superseding Indictment are realleged and incorporated by
4 reference as though fully set forth herein.

5 51. From on or about October 1, 2012, up to and including on or about October 10, 2012, in the
6 Northern District of California, the defendant,

7 PAUL ROBESON,

8 unlawfully and knowingly did attempt to persuade, induce, entice, and coerce a person he believed had
9 not attained the age of 18 years to engage in prostitution.

10 All in violation of Title 18, United States Code, Sections 2422(b).

11
12 NOTICE OF SPECIAL SENTENCING FACTORS

13 Number I: Conspiracy to Commit Murder

14 52. Beginning on a date unknown to the Grand Jury but since at least the mid-1990s, and continuing
15 up through and including the present, in the Northern District of California and elsewhere, the
16 defendants,

17 ALFONZO WILLIAMS, a/k/a "Fonz," a/k/a "Relly,"

18 ANTONIO GILTON, JR., a/k/a "TG,"

19 BARRY GILTON, a/k/a "Prell,"

20 ADRIAN GORDON, a/k/a "Tit,"

21 REGINALD ELMORE, a/k/a "Fat Reg,"

22 CHARLES HEARD, a/k/a "Cheese,"

23 ESAU FERDINAND, a/k/a "Sauce,"

24 PAUL ROBESON, a/k/a "P World," and

25 MONZELL HARDING, JR.,

26 together with others known and unknown to the Grand Jury, each being a person employed by and
27 associated with CDP, an enterprise engaged in, and the activities of which affected, interstate and
28 foreign commerce, unlawfully, knowingly, and intentionally did conspire to commit murder, in violation

1 of California Penal Code Sections 187, 188, 189, and 182, to wit, the defendants agreed together and
2 with each other to kill, with malice aforethought, actual and suspected members of rival gangs,
3 individuals suspected of cooperating with law enforcement, and individuals who defied the will of CDP.
4

5 Number 2: ALFONZO WILLIAMS, ANTONIO GILTON, JR., BARRY GILTON AND LUPE
6 MERCADO – First Degree Murder of Calvin Sneed

7 53. On or about June 4, 2012, in the Northern District of California, the defendants,

8 ALFONZO WILLIAMS, a/k/a "Fonz," a/k/a "Relly,"

9 ANTONIO GILTON, a/k/a "TG,"

10 BARRY GILTON, a/k/a "Prell," and

11 LUPE MERCADO,

12 unlawfully, wilfully and intentionally and with deliberation and premeditation, did kill, with malice
13 aforethought, Calvin Sneed, in violation of California Penal Code Sections 187, 188, and 189.
14

15 Number 3: REGINALD ELMORE AND CHARLES HEARD – First Degree Murder of Andre Helton

16 54. On or about August 14, 2008, in the Northern District of California, the defendants,

17 REGINALD ELMORE, a/k/a "Fat Reg," and

18 CHARLES HEARD, a/k/a "Cheese,"

19 unlawfully, wilfully and intentionally and with deliberation and premeditation, did kill, with malice
20 aforethought, Andre Helton, in violation of California Penal Code Sections 187, 188, and 189.
21

22 Number 4: REGINALD ELMORE AND CHARLES HEARD – First Degree Murder of Isaiah Turner

23 55. On or about August 14, 2008, in the Northern District of California, the defendants,

24 REGINALD ELMORE, a/k/a "Fat Reg," and

25 CHARLES HEARD, a/k/a "Cheese,"

26 unlawfully, wilfully and intentionally and with deliberation and premeditation, did kill, with malice
27 aforethought, Isaiah Turner, in violation of California Penal Code Sections 187, 188, and 189.
28

1 Number 5: ADRIAN GORDON – Attempted First Degree Murder of Victim 3

2 56. On or about May 20, 2011, in the Northern District of California, the defendant,
3 ADRIAN GORDON, a/k/a “Tit,”
4 unlawfully, wilfully and intentionally and with deliberation and premeditation, did attempt to kill, with
5 malice aforethought, Victim 3, in violation of California Penal Code Sections 187, 188, 189, 21a and
6 664.

7
8 Number 6: ESAU FERDINAND – Attempted First Degree Murder of Victim 2

9 57. On or about April 3, 2011, in the Northern District of California, the defendant,
10 ESAU FERDINAND, a/k/a “Sauce,”
11 unlawfully, wilfully and intentionally and with deliberation and premeditation, did attempt to kill, with
12 malice aforethought, Victim 2, in violation of California Penal Code Sections 187, 188, 189, 21a, and
13 664.

14
15 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT REGINALD ELMORE

16 58. The allegations set forth in Counts Six through Eight of this Indictment are hereby realleged as if
17 fully set forth herein and incorporated by reference.

18 59. As to Counts Six through Eight of this Superseding Indictment, the defendant, REGINALD
19 ELMORE:

20 (1) was 18 years of age or older at the time of the offense (Title 18, United States Code,
21 Section 3591(a));

22 (2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

23 (3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title
24 18, United States Code, Section 3591(a)(2)(B));

25 (4) intentionally participated in an act, contemplating that the life of a person would be taken
26 or intending that lethal force would be used in connection with a person, other than one of the
27 participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code,
28 Section 3591(a)(2)(C)); and

1 (5) intentionally and specifically engaged in an act of violence, knowing that the act created
2 a grave risk of death to a person, other than one of the participants in the offense, such that participation
3 in the act constituted reckless disregard for human life and the victim died as a direct result of the act
4 (Title 18, United States Code, Section 3591(a)(2)(D));

5 (6) in committing the offenses described in Counts Six through Eight of this Superseding
6 Indictment, the defendant committed the offenses as consideration for the receipt, and in the expectation
7 of the receipt, of anything of pecuniary value (Title 18, United States Code, Section 3592(c)(8));

8 (7) in committing the offenses described in Counts Six through Eight of this Superseding
9 Indictment, the defendant acted after substantial planning and premeditation to cause the death of a
10 person (Title 18, United States Code, Section 3592(c)(9)); and

11 (8) in committing the offenses described in Counts Six through Eight of this Superseding
12 Indictment, the defendant intentionally attempted to kill more than one person in a single criminal
13 episode (Title 18, United States Code, Section 3592(c)(16)).
14

15 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT CHARLES HEARD

16 60. The allegations set forth in Counts Six through Eight of this Indictment are hereby realleged as if
17 fully set forth herein and incorporated by reference.

18 61. As to Counts Six through Eight of this Superseding Indictment, the defendant, CHARLES
19 HEARD:

20 (1) was 18 years of age or older at the time of the offense (Title 18, United States Code,
21 Section 3591(a));

22 (2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

23 (3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title
24 18, United States Code, Section 3591(a)(2)(B));

25 (4) intentionally participated in an act, contemplating that the life of a person would be taken
26 or intending that lethal force would be used in connection with a person, other than one of the
27 participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code,
28 Section 3591(a)(2)(C)); and

1 (5) intentionally and specifically engaged in an act of violence, knowing that the act created
2 a grave risk of death to a person, other than one of the participants in the offense, such that participation
3 in the act constituted reckless disregard for human life and the victim died as a direct result of the act
4 (Title 18, United States Code, Section 3591(a)(2)(D));

5 (6) has previously been convicted of a State offense resulting in the death of a person, for
6 which a sentence of life imprisonment was authorized (Title 18, United States Code, Section
7 3592(c)(3));

8 (7) in committing the offenses described in Counts Six through Eight of this Superseding
9 Indictment, the defendant committed the offenses as consideration for the receipt, or in the expectation
10 of the receipt, of anything of pecuniary value (Title 18, United States Code, Section 3592(c)(8));

11 (8) in committing the offenses described in Counts Six through Eight of this Superseding
12 Indictment, the defendant acted after substantial planning and premeditation to cause the death of a
13 person (Title 18, United States Code, Section 3592(c)(9)); and

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1 (9) in committing the offenses described in Counts Six through Eight of this Superseding
2 Indictment, the defendant intentionally attempted to kill more than one person in a single criminal
3 episode (Title 18, United States Code, Section 3592(c)(16)).
4

5 DATED:

6 *January 9, 2014*

A TRUE BILL.

7 *Nancy J. Peterson*
FOREPERSON

8 MELINDA HAAG
9 United States Attorney

10 *J. Douglas Wilson*

11 J. DOUGLAS WILSON
12 Criminal Chief, Criminal Division

13 (Approved as to form: *[Signature]*)

14 *AUSA William Frentzen*
AUSA Damali A. Taylor
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United States District Court
Northern District of California

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name: ALFONSO WILLIAMS, ANTONIO GILTON, BARRY
GILTON, LUPE MERCADO, ADRIAN GORDON,
REGINALD ELMORE, CHARLES HEARD, ESAU
USA v. FERDINAND, PAUL ROBESON, AND MONZELL
HARDING, JR.

Case Number:
13-0764-WHO

Total Number of Defendants:

1 ☐ 2-7 ☐ 8 or more ☒

Is This Case Under Seal?

Yes ☒ No ☐

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes ☐ No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK ☐ SJ ☐ EUR ☐ MON ☐

Is any defendant charged with a death-penalty-eligible crime?

Yes ☐ No ☒

Assigned AUSA (Lead Attorney):
Damali A. Taylor

Is this a RICO Act gang case?

Yes ☐ No ☒

Date Submitted:
1/9/2014

Comments:

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