

**FILED**

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SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

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

11 UNITED STATES OF AMERICA, ) CASE NO. 3:21-cr-00153 VC  
12 Plaintiff, )  
13 v. ) VIOLATIONS:  
14 JONATHAN ESCOBAR, ) 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm in  
a/k/a “Wicked,” a/k/a “Rico,” and ) Furtherance of a Crime of Violence Resulting in  
15 JOSE AGUILAR, ) Death;  
a/k/a “Slim” ) 18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Carrying of a  
16 Defendants. ) Firearm During and in Relation to a Crime of  
Violence;  
17 ) 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) –  
Forfeiture Allegation  
18 ) SAN FRANCISCO VENUE  
19 ) UNDER SEAL

20 INDICTMENT

21 The Grand Jury charges, with all dates being approximate and all date ranges being both  
22 approximate and inclusive, and at all times relevant to this Indictment:

23 Introductory Allegations

24 1. The 19th Street Sureños gang was a predominantly Hispanic street gang that claimed the  
25 area centered around 19th Street and Mission Street, in the Mission District of San Francisco, as its  
26 territory or “turf.” The claimed territory included the area bounded by 19th Street to the South, 16th  
27 Street to the North, Folsom Street to the East, and Dolores Street to the West. The claimed territory also  
28 included Dolores Park and Franklin Square Park (also known as Bryant Park). The gang sought to

INDICTMENT

1 maintain control of drug distribution in its territory. Among other things, gang members engaged in  
2 narcotics sales, robberies, and other violent crimes, including acts involving murder. In the commission  
3 of these crimes, and for defense against rivals, 19th Street Sureños gang members used guns and knives.

4         2.         Members of the 19th Street Sureños gang were closely affiliated with members of the  
5 16th Street Sureños gang, whose members claimed the area centered around 16th Street and Mission  
6 Street, in the Mission District of San Francisco, as their territory. Thus, the gangs claimed adjoining  
7 territory, and members of one gang could generally operate freely in the territory of the other. Like  
8 members of the 19th Street Sureños gang, members of the 16th Street Sureños gang used guns and  
9 knives to commit crimes and for defense against rivals. In general terms, the 16th Street Sureños gang  
10 was a younger version of the 19th Street Sureños gang. Members of the two gangs committed crimes  
11 together, coordinated activities, and engaged in violence together to defend their collective territory  
12 against rival gangs. Some members of one gang had close relatives in the other. The two gangs  
13 essentially functioned as a single, unified association-in-fact, referred to hereafter as “the 19th  
14 Street/16th Street Sureños” enterprise.

15         3.         As the name implies, the 19th Street/16th Street Sureños was a Sureño street gang.  
16 Although most of the 19th Street/16th Street Sureño members were born in San Francisco, Sureño gang  
17 members generally have roots in Southern California or Latin America, and they recognize the primacy  
18 of the Mexican Mafia prison gang. They also claim the color blue and number 13. “Thirteen” is a  
19 reference to the thirteenth letter of the alphabet (“M”), which is a symbol of the Mexican Mafia. Sureño  
20 gang members use phrases such as “Southside” and “Sur” in their graffiti and tattoos to express their  
21 gang affiliation.

22         4.         In San Francisco, the principal rivals to the 19th Street/16th Street Sureños were various  
23 Norteño gangs. Norteños generally have roots in Northern California, tend to be more racially and  
24 ethnically diverse than Sureños, and recognize the primacy of the *Nuestra Familia* prison gang. They  
25 claim the color red and the number fourteen. “Fourteen” refers to the fourteenth letter of the alphabet  
26 (“N”), which is a symbol of *Nuestra Familia*. Norteño gang members also use phrases such as  
27 “Northside” and “Norte” and the image of the Huelga Bird in their graffiti and tattoos to express their  
28 gang affiliation.

1           5.       The 19th Street/16th Street Sureños engaged in violence against Norteños; similarly,  
2 Norteños engaged in violence against Sureños. One rule common to both Sureño and Norteño gangs  
3 was that members of each gang must attack members of the other side. In most instances, the more  
4 brazen the attack, the greater the respect that was given to the attacker by fellow gang members. As a  
5 result, innocent bystanders have been injured and even killed simply for being in the wrong place at the  
6 wrong time during a gang attack, for being in the physical presence of a gang member, or for being  
7 mistaken for a rival gang member (based, for instance, on the color of their apparel).

8           6.       In addition to warring with Norteños, the 19th Street/16th Street Sureños also used  
9 violence against its members to enforce the gang’s rules. These rules included a prohibition against  
10 cooperating with law enforcement in the investigation and prosecution of any criminal case, especially  
11 one involving fellow gang members. Depending on the severity of the violation, the punishment could  
12 be death.

13           7.       Almost all members of the 19th Street/16th Street Sureños had one or more tattoos that  
14 reflect gang affiliation. Nineteenth Street Sureño gang members’ tattoos included words and symbols  
15 that referred to the 19th Street Sureños gang, such as “19th Streeter,” “X9,” “XIX,” or “CONS”  
16 (meaning “Crazy One Nine Solider/Sureño). Sixteenth Street Sureños gang members’ tattoos included  
17 words and phrases such as “16,” XVI,” and “VL” (meaning “Vatos Locos”). Members of both gangs  
18 may also have had tattoos that refer to Sureños more generally, such as “13,” “SUR,” “X3,” or the  
19 Mayan symbol for thirteen, which is two horizontal and parallel black bars with three horizontal black  
20 dots above the bars.

21           8.       Prospective members of the 19th Street/16th Street Sureños typically underwent an  
22 initiation process, often referred to as being “jumped in” to the gang. During this initiation, members of  
23 the gang would beat the new member, usually until a gang member finished counting to thirteen (or,  
24 sometimes, nineteen or sixteen, in reference to the gang that the prospective member seeks to join).

25           9.       Members of the 19th Street/16th Street Sureños were expected to protect the name,  
26 reputation, and status of the gang from rivals and other persons. Members of the gang required that  
27 outsiders show respect and deference to the gang and its membership. To protect the gang and its  
28 reputation, 19th Street/16th Street Sureños gang members were expected to use any means necessary,

1 including acts of intimidation and violence, to force respect from those who show disrespect.

2 10. Members of the 19th Street/16th Street Sureños engaged in criminal activity, including  
3 acts involving murder, narcotics distribution, assault, robbery, and obstructing justice by threatening and  
4 intimidating fellow gang members and others whom they believed to be cooperating with law  
5 enforcement. To maintain membership and discipline within the gang, members of the 19th Street/16th  
6 Street Sureños could be required to commit acts of violence, including against rivals, those perceived to  
7 be rivals, and 19th Street/16th Street Sureños members and associates who violate the gang’s rules. This  
8 use of violence sometimes resulted in innocent persons being injured or killed. Participation in criminal  
9 activity by a member of the 19th Street/16th Street Sureños, particularly violent acts directed at rival  
10 gang members or as ordered by the gang’s leadership, increased the level of respect accorded that  
11 member, usually resulting in that member maintaining or increasing his position in the gang, and  
12 possibly resulting in recognition as a leader.

13 11. The leaders of the 19th Street/16th Street Sureños were called “shot callers” or “La  
14 Palabra” (literally, the “the Word”). Above “shot callers” were higher ranking leaders, often referred to  
15 as “big homies,” some of whom were incarcerated. Incarcerated “big homies” conveyed their orders  
16 through, among other means, the use of telephones that were brought into prisons. The leaders of the  
17 19th Street/16th Street Sureños resolved disputes between gang members, addressed organizational  
18 issues, and participated in significant gang decisions, such as whether to authorize disciplining 19th  
19 Street/16th Street Sureños gang members for violations of gang rules.

20 12. Members of the 19th Street/16th Street Sureños communicated about gang activities with  
21 other members of the 19th Street/16th Street Sureños in San Francisco and elsewhere using mobile  
22 telephones, text messages, notes (also known as “kites”) and other modes of communication.

23 The Racketeering Enterprise: The 19th Street/16th Street Sureños

24 13. At all times relevant to this indictment, the 19th Street/16th Street Sureños, including its  
25 leaders, members, and associates, in the Northern District of California and elsewhere, constituted an  
26 “enterprise” as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of  
27 individuals associated in fact, which was engaged in, and the activities of which affected, interstate and  
28 foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a

1 continuing unit for a common purpose of achieving the objectives of the enterprise.

2 14. At all times relevant to this indictment, the 19th Street/16th Street Sureños, through its  
3 leaders, members, and associates, engaged in racketeering activity as defined in Title 18, United States  
4 Code, Sections 1961(1) and 1959(b)(1), namely, acts involving murder and robbery in violation of the  
5 laws of California, and offenses involving narcotics trafficking, in violation of Title 21, United States  
6 Code, Sections 841 and 846.

7 Purposes of the Enterprise

8 15. The purposes of the 19th Street/16th Street Sureños included the following:

9 a. Preserving and protecting the power, territory, reputation, and profits of the  
10 enterprise through the use of intimidation, violence, threats of violence, assaults, and murder;

11 b. Promoting and enhancing the enterprise and the activities of its members and  
12 associates through criminal acts, including, but not limited to, acts involving murder and robbery, and  
13 narcotics trafficking;

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

16 d. Providing financial support and information to 19th Street/16th Street Sureños  
17 members and associates, including those members and associates who were incarcerated; and

18 e. Providing assistance to other 19th Street/16th Street Sureños members and  
19 associates who have committed crimes for and on behalf of the gang, in order to hinder, obstruct, and  
20 prevent law enforcement officers from identifying, apprehending, and successfully prosecuting and  
21 punishing the offenders.

22 The Defendants

23 16. JONATHAN ESCOBAR, a/k/a “Wicked” a/k/a “Rico” was a member of the 19th  
24 Street/16th Street Sureños.

25 17. JOSE AGUILAR, a/k/a “Slim” was a member of the 19th Street/16th Street Sureños.

26 COUNT ONE: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm in Furtherance of a Crime of  
27 Violence Resulting in Death)

28 18. The allegations contained in paragraphs 1 through 17 of this Indictment are re-alleged

1 and incorporated by references as if set forth fully herein.

2 19. On or about August 11, 2018, in San Francisco, California, within the Northern District  
3 of California, the defendants,

4 JONATHAN ESCOBAR, a/k/a “Wicked,” a/k/a “Rico,” and

5 JOSE AGUILAR, a/k/a “Slim,”

6 together with others known and unknown, each aided and abetted by the other, for the purpose of  
7 maintaining and increasing position in the 19th Street/16th Street Sureños, an enterprise engaged in  
8 racketeering activity, did unlawfully, knowingly, willfully, with deliberation and premeditation, and  
9 with malice aforethought, murder Victim-1, that murder being of the first degree, in violation of  
10 California Penal Code Sections 187, 188, 189(a), and 31, all in violation of Title 18, United States Code,  
11 Sections 1959(a)(1) and 2.

12 20. On or about August 11, 2018, in San Francisco, California, within the Northern District  
13 of California, the defendants,

14 JONATHAN ESCOBAR, a/k/a “Wicked,” a/k/a “Rico,” and

15 JOSE AGUILAR, a/k/a “Slim,”

16 together with others known and unknown, each aided and abetted by the other, committed a violation of  
17 Title 18, United States Code, Section 924(c), that is, unlawfully and knowingly, used and carried a  
18 firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the  
19 United States, namely, the Murder in Aid of Racketeering (Title 18, United States Code, Sections  
20 1959(a)(1) and 2, as set forth above) of Victim-1, and unlawfully and knowingly possessed a firearm in  
21 furtherance of such crime, and in the course of such violation, caused the death of Victim-1 through the  
22 use of a firearm, which killing was first degree murder as defined in Title 18, United States Code,  
23 Section 1111(a).

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

25 COUNT TWO: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Use/Carrying of a Firearm During and in  
26 Relation to a Crime of Violence)

27 21. The allegations contained in paragraphs 1 through 17 of this Indictment are re-alleged  
28 and incorporated by references as if set forth fully herein.

1           22.     On or about August 11, 2018, in San Francisco, California, within the Northern District  
2 of California, the defendants,

3                                 JONATHAN ESCOBAR, a/k/a “Wicked,” a/k/a “Rico,” and

4   JOSE AGUILAR, a/k/a “Slim,”

5 together with others known and unknown, each aided and abetted by the other, for the purpose of  
6 maintaining and increasing position in the 19th Street/16th Street Sureños, an enterprise engaged in  
7 racketeering activity, did unlawfully, knowingly, willfully, with deliberation and premeditation, and  
8 with malice aforethought, attempt to murder Victim-2, Victim-3, Victim-4, Victim-5, and Victim-6,  
9 each of those attempted murders being of the first degree, in violation of California Penal Code Sections  
10 187, 188, 189(a), 31, 21a, and 664, all in violation of Title 18, United States Code, Sections 1959(a)(5)  
11 and 2.

12           23.     On or about August 11, 2018, in San Francisco, California, within the Northern District  
13 of California, the defendants,

14                                 JONATHAN ESCOBAR, a/k/a “Wicked,” a/k/a “Rico,” and

15   JOSE AGUILAR, a/k/a “Slim,”

16 with others known and unknown, each aided and abetted by the other, unlawfully and knowingly used  
17 and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a  
18 court of the United States, namely, the Attempted Murder in Aid of Racketeering (Title 18, United  
19 States Code, Sections 1959(a)(5) and 2, as set forth above) of Victim-2, Victim-3, Victim-4, Victim-5,  
20 and Victim-6, and unlawfully and knowingly possessed a firearm in furtherance of such crime, and in  
21 the course of such violation, brandished and discharged the firearm.

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

23 FORFEITURE ALLEGATION:     (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

24           The allegations contained in this Indictment are re-alleged and incorporated by reference for the  
25 purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28,  
26 United States Code, Section 2461(c).

27           Upon conviction of the offense set forth in Counts One and Two, the defendants,  
28

1 JONATHAN ESCOBAR, a/k/a "Wicked," a/k/a "Rico," and

2 JOSE AGUILAR, a/k/a "Slim,"

3 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,  
4 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the  
5 offense, including, but not limited to, the following property:

- 6 a. One 9mm Smith and Wesson pistol, model SD9VE, serial number HFK8540; and
- 7 b. Any ammunition and magazine(s) found in or with the above firearm, including but  
8 not limited to one magazine and eleven 9mm Luger caliber Federal cartridges.

9 If any of the property described above, as a result of any act or omission of the defendant:

- 10 a. cannot be located upon exercise of due diligence;
- 11 b. has been transferred or sold to, or deposited with, a third party;
- 12 c. has been placed beyond the jurisdiction of the court;
- 13 d. has been substantially diminished in value; or
- 14 e. has been commingled with other property which cannot be divided without  
15 difficulty,

16 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,  
17 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

18 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,  
19 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

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DATED: April 15, 2021

A TRUE BILL.

/s/  
\_\_\_\_\_  
FOREPERSON

STEPHANIE M. HINDS  
Acting United States Attorney

/s/ Richard Ewenstein  
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