

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Claire C. Cecchi
	:	
v.	:	Crim. No. 16-453
	:	
JUAN ESCALANTE-MELGAR,	:	18 U.S.C. § 2
a/k/a "Humilde,"	:	18 U.S.C. § 924(c)(1)(A)(iii)
ELMER CRUZ-DIAZ,	:	18 U.S.C. § 924(j)
a/k/a "Locote,"	:	18 U.S.C. § 1959(a)(1)
OSCAR SANCHEZ-AGUILAR,	:	18 U.S.C. § 1959(a)(5)
a/k/a "Snappy,"	:	18 U.S.C. § 1962(d)
JOSE RIVERA-ROBLES,	:	
a/k/a "Layo,"	:	
JUAN GARCIA-GOMEZ,	:	
a/k/a "Scooby," and	:	
CHRISTIAN LINARES-RODRIGUEZ,	:	
a/k/a "Burro,"	:	
a/k/a "Donkey"	:	

S U P E R S E D I N G I N D I C T M E N T

The Grand Jury in and for the District of New Jersey, sitting at
Newark, charges:

COUNT ONE
(Racketeering Conspiracy)

Introduction

1. At all times relevant to this Superseding Indictment, Mara Salvatrucha, also known as "MS-13," was a violent international street gang operating in the District of New Jersey and elsewhere. MS-13's membership was composed largely of individuals of Central American descent, many of whom were from El Salvador.

2. MS-13 originated in Los Angeles, California in the 1980s. Over time, MS-13 members expanded the gang's presence to El Salvador, where the gang flourished, and across Central America and Mexico. MS-13 also spread throughout the United States, particularly in areas with sizeable Central American populations, including parts of North Carolina, Virginia, Maryland, New Jersey, New York, and Massachusetts.

3. MS-13's leadership was concentrated primarily in El Salvador, among other locations. Some of these high-ranking Salvadoran MS-13 members were incarcerated, and participated in the gang's affairs by using contraband cellular telephones.

4. MS-13 was organized into a series of sub-units, or "cliques," that operated in specific geographic locations. Although each clique had its own internal traditions, all MS-13 cliques adhered to the same basic structure, customs, protocols, and objectives. According to MS-13 rules, any act committed in furtherance of a clique was, by definition, committed in furtherance of MS-13 as a whole.

5. Each clique was typically controlled by a single leader, sometimes known as the "First Word." The First Word was responsible for, among other things, supervising a clique's activities, convening and leading gang meetings, authorizing and assigning gang members to perform illegal activity, and disciplining gang members. The First Word was also responsible for communicating with other cliques and with gang leaders in El Salvador or other locations. A clique's leadership often included a deputy, sometimes

known as the “Second Word,” who consulted with the First Word and assisted with some of the duties listed above.

6. Sometimes, MS-13 cliques within a particular geographical area were grouped together into a regional organization known as a “program.” In or around the dates set forth in this Superseding Indictment, numerous MS-13 cliques located on the East Coast of the United States were part of the “East Coast Program.”

7. Individuals typically gained admission to MS-13 through an initiation process known as “jumping in,” wherein members of a clique beat the individual seeking membership, often for thirteen seconds. In some cliques, individuals were required to commit an act of violence before being jumped-in. New recruits to MS-13 were sometimes referred to as “chequeos,” and were often teenagers or younger.

8. Once part of a clique, MS-13 members were known as “homies” or “homeboys.” MS-13 members often demonstrated their affiliation with the gang in various ways, including: wearing blue and white clothing and accessories; displaying tattoos signifying their membership in a particular clique, or in MS-13, generally; and using a system of verbal codes and hand signals to communicate with each other.

9. MS-13 members were required to follow various rules. In most cases, gang members who violated the rules were punished with a beating, a practice commonly referred to as “corte.”

10. One of MS-13's core rules strictly prohibited assisting the authorities. It was well understood within the gang that anyone who cooperated with law enforcement would be punished with death.

11. When a disloyal and/or disobedient gang member was ordered to be killed, they were said to be "green lighted." Obtaining a "green light" typically required the authorization of a clique leader and, in some cases, approval from gang leaders in El Salvador or other locations. A "green light" order was enforceable nationwide and internationally by all members of MS-13; in other words, a "green light" issued by a particular clique had to be recognized and enforced by MS-13 cliques in other locations, and vice versa.

12. When preparing to kill individuals, MS-13 cliques often assigned gang members or recruits to surveil, or "watch," the intended victims to learn their patterns and movements, enabling the gang to determine the most opportune times and locations to carry out the executions, and reducing the likelihood that the participants would be identified or captured by the authorities.

13. Sometimes, MS-13 cliques would use females associated with the gang to identify potential victims and/or to lure the victims to locations where MS-13 members or recruits could kill them.

14. MS-13 cliques often financed their activities in part through a practice known as collecting "rent." Under this scheme, MS-13 members were required to make regular tribute payments to their respective cliques. A portion of this money was typically delivered to gang leaders in El Salvador or

other locations. The remainder of the money was typically used to purchase weapons, controlled substances for distribution, to support incarcerated gang members, or to finance other gang-related activity. Failure to make timely rent payments was considered a violation of gang rules, generally punishable by a beating.

15. Sometimes, MS-13 cliques extorted legitimate and illegitimate businesses operating on the gang's turf, threatening the business owners, employees, and/or their family members with violence if they did not make payments to MS-13.

16. MS-13 cliques met regularly to discuss gang activity. At these gang meetings, sometimes referred to as "misas," MS-13 members often discussed recent criminal conduct, planned or proposed illegal activity, and disciplinary issues, including individuals who had been green lighted or who were under investigation. The First Word and/or a deputy generally presided over the meetings, leading discussions and issuing orders.

17. One of MS-13's primary goals was to destroy its rival gangs, which varied depending on location, but generally included the 18th Street gang and the Latin Kings. MS-13 rules required MS-13 members to kill rival gang members when possible. MS-13 members sometimes referred to rival gang members using derogatory names, including "chavalas" (for any rival gang member) and "panoyas" (for 18th Street gang members).

18. MS-13 retaliated quickly and viciously against anyone who disrespected or threatened the gang's power, reputation, or control of a

neighborhood. Within MS-13, participation in criminal activity by a member or associate, particularly violent acts directed at rival gangs or as directed by gang leadership, increased the respect accorded to that member or associate, resulted in that member or associate maintaining or increasing their position in the gang, and could result in a promotion to a leadership position.

The Hudson County Cliques

19. Numerous MS-13 cliques operated in the District of New Jersey. Some of these MS-13 cliques were located in the Hudson County, New Jersey area, and included the following: (i) Pinos Locos Salvatrucha (the “Pinos clique”); (ii) Hudson Locotes Salvatrucha (the “Hudson Locotes clique”); (iii) Juveniles Locotes Salvatrucha (the “Juveniles clique”); and (iv) Slayer Locotes Salvatrucha (the “Slayer clique”) (collectively, the “Hudson County cliques”).

20. Like other MS-13 cliques, the Hudson County cliques adhered to the general structure, customs, protocols, and objectives described above.

21. The Hudson County cliques were closely-related. Often, leaders, members, and associates of the various cliques would socialize with one another, attend joint-gang meetings, and participate in illegal activity together.

The Racketeering Enterprise

22. MS-13, including its leaders, members, and associates, constituted an “enterprise” as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit that had a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

23. The purposes of MS-13 included the following:

- a. Preserving and expanding the power, reputation, territory, and profits of the enterprise through the use of violence, threats of violence, and intimidation;
- b. Facilitating and promoting illegal activity by leaders, members, and associates of the enterprise, including murders, murder conspiracies, assaults, drug trafficking, and extortion, among other criminal offenses;
- c. Keeping leaders, members, and associates of the enterprise informed of the enterprise’s historical criminal conduct, as well as planned or proposed illegal activity;
- d. Keeping victims, potential victims, witnesses, and community members in fear of the enterprise through the use of violence, threats of violence, and intimidation;

e. Providing financial and other support to leaders, members, and associates of the enterprise, including individuals who were incarcerated; and

f. Hindering, obstructing, and preventing law enforcement from identifying, locating, and apprehending participants in illegal activity on behalf of the enterprise.

Members of the Enterprise

24. Defendant JUAN ESCALANTE-MELGAR was a member of the Pinos clique. During the racketeering conspiracy, defendant JUAN ESCALANTE-MELGAR ascended to the position of First Word of the Pinos clique, and served as the de-facto leader of the Hudson County cliques.

25. Defendant ELMER CRUZ-DIAZ was a member of the Hudson Locotes clique. During the racketeering conspiracy, defendant ELMER CRUZ-DIAZ ascended to the position of First Word of the Hudson Locotes clique, establishing him as another high-ranking member of the Hudson County cliques.

26. Defendant OSCAR SANCHEZ-AGUILAR was a member of the Pinos clique.

27. Defendant JOSE RIVERA-ROBLES was a member of the Hudson Locotes clique.

28. Defendant JUAN GARCIA-GOMEZ was an MS-13 recruit who later became eligible for full-membership in MS-13 by committing a murder on or about July 1, 2015.

29. Defendant CHRISTIAN LINARES-RODRIGUEZ was a high-ranking member of MS-13 who, at all times relevant to this Superseding Indictment, was incarcerated in El Salvador. Defendant CHRISTIAN LINARES-RODRIGUEZ, in conjunction with several other Salvadoran MS-13 leaders, regularly communicated with, and exercised control over, the Hudson County cliques.

The Racketeering Conspiracy

30. Beginning on a date unknown to the Grand Jury but since at least in or around September 2014 and continuing through in or around October 2015, in the District of New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde,"
ELMER CRUZ-DIAZ,
a/k/a "Locote,"
OSCAR SANCHEZ-AGUILAR,
a/k/a "Snappy,"
JOSE RIVERA-ROBLES,
a/k/a "Layo,"
JUAN GARCIA-GOMEZ,
a/k/a "Scooby," and
CHRISTIAN LINARES-RODRIGUEZ,
a/k/a "Burro,"
a/k/a "Donkey,"

together with others known and unknown, each being a person employed by and associated with MS-13, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired and agreed with each other and others 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 MS-13 enterprise through a

pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), which pattern of racketeering activity consisted of:

- a. Multiple acts involving offenses chargeable under the following provisions of New Jersey law:
 - i. Murder, in violation of N.J.S.A. 2C:11-3, 2C:5-1, 2C:5-2, and 2C:2-6; and
 - ii. Extortion, in violation of N.J.S.A. 2C:20-5, 2C:5-1, 2C:5-2, and 2C:2-6;
- b. Multiple acts indictable under:
 - i. Title 18, United States Code, Sections 1512 and 1513 (relating to tampering or retaliation against a witness, victim, or informant); and
 - ii. Title 18, United States Code, Section 1951 (relating to interference with commerce, robbery or extortion); and
- c. Multiple offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in a controlled substance punishable under the laws of the United States, that is, 21 U.S.C. § 841 (distribution and possession with intent to distribute controlled substances) and 21 U.S.C. § 846 (conspiracy to distribute and to possess with intent to distribute controlled substances).

31. 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.

Manner and Means of the Conspiracy

32. It was part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise attended and participated in gang meetings, during which they discussed, among other things, recent criminal conduct, planned or proposed illegal activity, and disciplinary issues, including individuals who had been green lighted or who were under investigation.

33. It was further part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise acquired and maintained weapons, including firearms, to use during violent criminal acts on behalf of the enterprise.

34. It was further part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise committed and agreed to commit violent criminal acts, including murder, conspiracy to commit murder, and assaults.

35. It was further part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise used violence and threats of violence to impose discipline within the gang, including against disloyal and/or disobedient gang members.

36. It was further part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise distributed controlled substances, and agreed to distribute controlled substances, on behalf of the enterprise.

37. It was further part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise financed the enterprise's activities in part through the collection of "rent" money from gang members and extorted money from legitimate and illegitimate businesses operating on the gang's turf.

38. It was further part of the manner and means of the conspiracy that the defendants and other leaders, members, and associates of the MS-13 enterprise directed payments to high-ranking MS-13 members in El Salvador, among other locations.

Overt Acts

39. In furtherance of the conspiracy and to achieve the objectives thereof, the defendants performed or caused to be performed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On a date prior to in or around September 2014, defendant CHRISTIAN LINARES-RODRIGUEZ ascended to a high-ranking position within MS-13 and, with several other Salvadoran MS-13 leaders, generally exercised control over the Hudson County cliques.

b. In or around mid-to-late-2014, defendant CHRISTIAN LINARES-RODRIGUEZ directed Co-Conspirator-2, a member of the Pinos

clique, to collect extortion payments from Restaurant-1, a restaurant located in North Bergen, New Jersey.

c. In or around September 2014, defendant CHRISTIAN LINARES-RODRIGUEZ ordered Co-Conspirator-1 and Victim-1, both members of the Hudson Locotes clique, to kill a member of the rival 18th Street gang. When Co-Conspirator-1 and Victim-1 refused to carry out the mission, defendant CHRISTIAN LINARES-RODRIGUEZ issued a green light to kill the disobedient MS-13 members.

d. In or around early-2015, defendant JUAN ESCALANTE-MELGAR ascended to the position of First Word of the Pinos clique. As First Word of the Pinos clique, defendant JUAN ESCALANTE-MELGAR served as the de-facto leader of the Hudson County cliques, which, among other things, required him to communicate regularly with defendant CHRISTIAN LINARES-RODRIGUEZ.

e. In or around early-2015, defendant ELMER CRUZ-DIAZ ascended to the position of First Word of the Hudson Locotes clique, likewise becoming a high-ranking member of the Hudson County cliques.

f. On numerous occasions in or around 2015, including during multiple gang meetings, defendant JUAN ESCALANTE-MELGAR and defendant ELMER CRUZ-DIAZ ordered members of the Hudson County cliques to contribute rent money. Defendant JUAN ESCALANTE-MELGAR and defendant ELMER CRUZ-DIAZ made clear that gang members who failed to make rent payments would receive beatings. A portion of the collected rent

money was sent to defendant CHRISTIAN LINARES-RODRIGUEZ and other Salvadoran MS-13 leaders. On multiple occasions, defendant JUAN ESCALANTE-MELGAR and defendant ELMER CRUZ-DIAZ ordered beatings of MS-13 members who failed to pay rent.

g. In or around early-2015, defendant CHRISTIAN LINARES-RODRIGUEZ issued another green light on Victim-1— this time, because the gang suspected Victim-1 had assisted the authorities. Thereafter, defendant JUAN ESCALANTE-MELGAR and defendant ELMER CRUZ-DIAZ, during gang meetings and conversations with members of the Hudson County cliques, discussed plans to kill Victim-1. These plans included assigning gang members and/or recruits to surveil Victim-1 ahead of the planned murder.

h. In or around May 2015, members of the Hudson County cliques plotted to kill Victim-2, a member of the rival 18th Street gang from the Maryland/Virginia area. To facilitate the murder plot, members of the Hudson County cliques enlisted Co-Conspirator-3, a young female associated with MS-13, to befriend Victim-2 and lure Victim-2 to New Jersey so that MS-13 members could kill Victim-2. At some point, defendant CHRISTIAN LINARES-RODRIGUEZ was informed of, and approved, the murder plot.

i. On or about May 25, 2015, defendant JUAN ESCALANTE-MELGAR ordered Co-Conspirator-1, Co-Conspirator-2, and Co-Conspirator-4, a member of the Pinos clique, to kill Victim-2, who had traveled to the Hudson County, New Jersey area to visit Co-Conspirator-3. After consulting with defendant JUAN ESCALANTE-MELGAR, Co-Conspirator-1, Co-

Conspirator-2, and Co-Conspirator-4 made plans to kill Victim-2 the following day by stabbing Victim-2 to death during a road trip to the Maryland/Virginia area.

j. On or about May 26, 2015, Co-Conspirator-1, Co-Conspirator-2, and Co-Conspirator-4, posing as Co-Conspirator-3's family members, picked up Victim-2 from a motel in North Bergen, New Jersey, and began driving to the Maryland/Virginia area. Sensing the MS-13 members planned to harm Victim-2, Victim-2 jumped from the backseat of the vehicle, and escaped.

k. In or around mid-2015, members and/or associates of the Hudson County cliques, at the direction of defendant CHRISTIAN LINARES-RODRIGUEZ, distributed quantities of cocaine on behalf of MS-13. Defendant JUAN ESCALANTE-MELGAR and defendant ELMER CRUZ-DIAZ oversaw the cocaine trafficking operation, and supplied members and/or associates of the Hudson County cliques with bags of cocaine to sell. Defendant OSCAR SANCHEZ-AGUILAR, defendant JOSE RIVERA-ROBLES, defendant JUAN GARCIA-GOMEZ, and other members and/or associates of the Hudson County cliques distributed the cocaine to customers in various locations in Hudson County, New Jersey, including at local bars.

l. In or around June 2015 or in or around July 2015, members of the Hudson County cliques discussed plans to kill Victim-3, a suspected rival gang member. After receiving defendant CHRISTIAN LINARES-RODRIGUEZ's authorization to carry out the murder, defendant JUAN

ESCALANTE-MELGAR selected defendant JUAN GARCIA-GOMEZ, an MS-13 recruit, to shoot and kill Victim-3 so that defendant JUAN GARCIA-GOMEZ could become a full-member of MS-13. Defendant ELMER CRUZ-DIAZ selected defendant JOSE RIVERA-ROBLES to participate in the murder, as well. Defendant JUAN ESCALANTE-MELGAR subsequently instructed defendant OSCAR SANCHEZ-AGUILAR and defendant JOSE RIVERA-ROBLES to accompany defendant JUAN GARCIA-GOMEZ and serve as lookouts.

m. Prior to on or about July 1, 2015, defendant JUAN ESCALANTE-MELGAR purchased a revolver handgun so that he and other members and/or associates of the Hudson County cliques could use it to commit violent criminal acts.

n. Prior to on or about July 1, 2015, defendant JUAN ESCALANTE-MELGAR, defendant ELMER CRUZ-DIAZ, and defendant JOSE RIVERA-ROBLES test-fired the handgun referenced in subparagraph m, above, in Hudson County, New Jersey in preparation to kill Victim-3.

o. Prior to on or about July 1, 2015, defendant OSCAR SANCHEZ-AGUILAR surveilled Victim-3 in preparation to kill Victim-3.

p. On or about July 1, 2015, defendant JUAN ESCALANTE-MELGAR supplied the handgun referenced in subparagraphs m and n, above, to defendant JOSE RIVERA-ROBLES. Defendant JOSE RIVERA-ROBLES then traveled to West New York, New Jersey with defendant OSCAR SANCHEZ-AGUILAR and defendant JUAN GARCIA-GOMEZ. When they approached Victim-3's residence, defendant OSCAR SANCHEZ-AGUILAR

identified Victim-3 to defendant JUAN GARCIA-GOMEZ. Defendant JUAN GARCIA-GOMEZ then shot and killed Victim-3 using the handgun as the other two individuals watched nearby.

q. On or about August 6, 2015, defendant JUAN ESCALANTE-MELGAR and defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone regarding the murder referenced in subparagraph p, above.

r. On or about August 11, 2015, defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone with defendant JUAN ESCALANTE-MELGAR and Co-Conspirator-5, a member of the Pinos clique. During the call, defendant CHRISTIAN LINARES-RODRIGUEZ ordered defendant JUAN ESCALANTE-MELGAR and Co-Conspirator-5 to kill Victim-1 and three other members of the Hudson County cliques.

s. On or about August 12, 2015, defendant JUAN ESCALANTE-MELGAR informed defendant CHRISTIAN LINARES-RODRIGUEZ by telephone that defendant JUAN ESCALANTE-MELGAR planned to sell the handgun referenced in subparagraphs m, n, and p, above, because the gun was "hot" and the police were looking for it. Defendant JUAN ESCALANTE-MELGAR and defendant CHRISTIAN LINARES-RODRIGUEZ agreed that the Hudson County cliques would use the gun to kill another person before defendant JUAN ESCALANTE-MELGAR disposed of it, and discussed whom the gang might seek to kill.

t. On or about August 16, 2015, defendant ELMER CRUZ-DIAZ spoke by telephone with Co-Conspirator-1. Defendant ELMER

CRUZ-DIAZ informed Co-Conspirator-1 that Salvadoran gang leaders had green lighted Victim-1, and that the gang planned to surveil Victim-1 in preparation to kill Victim-1.

u. On or about August 16, 2015, defendant JUAN ESCALANTE-MELGAR spoke by telephone with Co-Conspirator-1. Defendant JUAN ESCALANTE-MELGAR informed Co-Conspirator-1 that Victim-1 and three other members of the Hudson County cliques had been green lighted. Defendant JUAN ESCALANTE-MELGAR further informed Co-Conspirator-1 that the gang was investigating Co-Conspirator-2.

v. On or about August 18, 2015, defendant JUAN ESCALANTE-MELGAR spoke by telephone with Co-Conspirator-1 regarding Conspirator-1's punishment for failing to kill Victim-2, as referenced in subparagraph j, above.

w. On or about August 22, 2015, defendant JUAN ESCALANTE-MELGAR and defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone and discussed plans to assault and/or kill an MS-13 member who had raised a gun against another MS-13 member.

x. On or about August 26, 2015, defendant ELMER CRUZ-DIAZ spoke by telephone with Co-Conspirator-1 and asked Co-Conspirator-1 to sell marijuana in lieu of contributing rent payments.

y. On or about August 28, 2015, defendant JUAN GARCIA-GOMEZ – who by then had been arrested and charged by New Jersey state authorities – wrote a letter to defendant JUAN ESCALANTE-MELGAR

from the Hudson County Jail in Kearny, New Jersey. In the letter, defendant JUAN GARCIA-GOMEZ stated that Co-Conspirator-2 was a police informant, and warned MS-13 members to watch out for Co-Conspirator-2.

z. On or about August 30, 2015, defendant JUAN ESCALANTE-MELGAR and defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone and discussed distributing cocaine in the Hudson County, New Jersey area.

aa. On or about August 31, 2015, Co-Conspirator-1 informed defendant ELMER CRUZ-DIAZ by telephone that Co-Conspirator-1 had recently seen Victim-1, the subject of a green light, in Hudson County, New Jersey. Defendant ELMER CRUZ-DIAZ instructed Co-Conspirator-1 to surveil Victim-1 to determine what time Victim-1 leaves, and returns to, Victim-1's residence.

bb. On or about August 31, 2015, Co-Conspirator-1 likewise informed defendant JUAN ESCALANTE-MELGAR by telephone that Co-Conspirator-1 had recently seen Victim-1. Defendant JUAN ESCALANTE-MELGAR instructed Co-Conspirator-1 to call him back later.

cc. On or about September 1, 2015, defendant ELMER CRUZ-DIAZ spoke by telephone with defendant JUAN ESCALANTE-MELGAR. Defendant ELMER CRUZ-DIAZ informed defendant JUAN ESCALANTE-MELGAR that Salvadoran MS-13 leaders had given the Hudson County cliques authority to kill whomever they wanted. Defendant ELMER CRUZ-DIAZ further

stated that Associate-1, an associate of the Hudson County cliques, was eager to kill someone on behalf of the gang.

dd. On or about September 1, 2015, defendant JUAN ESCALANTE-MELGAR and defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone. During the call, the two MS-13 members discussed a plan to kill an unidentified individual using a female associated with MS-13, who would lure the victim. Defendant JUAN ESCALANTE-MELGAR and defendant CHRISTIAN LINARES-RODRIGUEZ agreed that Associate-1, Associate-2 – another MS-13 associate who wanted to kill someone for the gang – and Co-Conspirator-1 would participate in the murder.

ee. On or about September 1, 2015, defendant ELMER CRUZ-DIAZ spoke by telephone with Co-Conspirator-1 and discussed looking for someone to kill.

ff. On or about September 2, 2015, defendant ELMER CRUZ-DIAZ spoke by telephone with Co-Conspirator-1 about purchasing a firearm.

gg. On or about September 2, 2015, defendant JUAN ESCALANTE-MELGAR spoke by telephone with defendant ELMER CRUZ-DIAZ regarding the letter referenced in subparagraph y, above, identifying Co-Conspirator-2 as a police informant.

hh. On or about September 2, 2015, defendant JUAN ESCALANTE-MELGAR spoke by telephone with defendant CHRISTIAN

LINARES-RODRIGUEZ about sending MS-13 members from one location to commit an act of violence in another location.

ii. On or about September 2, 2015, defendant JUAN ESCALANTE-MELGAR spoke by telephone with defendant CHRISTIAN LINARES-RODRIGUEZ regarding the letter referenced in subparagraphs y and gg, above. Defendant JUAN ESCALANTE-MELGAR later sent photographs of the letter to defendant CHRISTIAN LINARES-RODRIGUEZ. The two MS-13 members subsequently discussed plans to investigate Co-Conspirator-2 to determine whether Co-Conspirator-2 was, in fact, assisting the authorities.

jj. On or about September 9, 2015 and on or about September 10, 2015, defendant CHRISTIAN LINARES-RODRIGUEZ spoke with Salvadoran MS-13 members regarding the murder referenced in subparagraph p, above, and regarding whether Co-Conspirator-2 had assisted the authorities in apprehending defendant JUAN GARCIA-GOMEZ.

kk. On or about September 10, 2015, defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone with an MS-13 member in El Salvador and discussed cocaine trafficking by members of the Hudson County cliques.

ll. On or about September 11, 2015, defendant CHRISTIAN LINARES-RODRIGUEZ spoke by telephone with Co-Conspirator-6, a member of an MS-13 clique operating in Plainfield, New Jersey. During the call, defendant CHRISTIAN LINARES-RODRIGUEZ and Co-Conspirator-6 agreed that Co-Conspirator-6 would kill Co-Conspirator-2 if and when

defendant CHRISTIAN LINARES-RODRIGUEZ confirmed that Co-Conspirator-2 was a police informant.

mm. On or about September 14, 2015 and on or about September 15, 2015, defendant CHRISTIAN LINARES-RODRIGUEZ spoke with Associate-3, an associate of MS-13 in New Jersey, and instructed Associate-3 to threaten the owner of Restaurant-1 with violence if the owner failed to pay money to MS-13.

nn. On or about September 16, 2015, Co-Conspirator-7, a member of the Juveniles clique, spoke by telephone with a Salvadoran MS-13 member regarding the plot to kill Victim-2.

oo. On or about October 31, 2015, law enforcement officers arrested Associate-4, an associate of the Hudson County cliques, in the vicinity of Restaurant-1 with a loaded handgun.

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

NOTICE OF SPECIAL SENTENCING FACTORS REGARDING COUNT ONE

1. The allegations contained in Count One of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about July 1, 2015, in Hudson County, New Jersey, defendant JUAN ESCALANTE-MELGAR, defendant ELMER CRUZ-DIAZ, defendant OSCAR SANCHEZ-AGUILAR, defendant JOSE RIVERA-ROBLES, defendant JUAN GARCIA-GOMEZ, and defendant CHRISTIAN LINARES-RODRIGUEZ knowingly and purposely caused the death of Victim-3, in violation of N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:2-6.

COUNT TWO

(Conspiracy to Commit Murder in Aid of Racketeering)

1. The allegations contained in Paragraphs 1 through 29 and 32 through 39 of Count One of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. At all times relevant to this Superseding Indictment, MS-13, including its leaders, members, and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), 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.

3. At all times relevant to this Superseding Indictment, MS-13, through its leaders, members, and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), consisting of:

a. Multiple acts involving offenses chargeable under the following provisions of New Jersey law:

- i. Murder, in violation of N.J.S.A. 2C:11-3, 2C:5-1, 2C:5-2, and 2C:2-6; and
- ii. Extortion, in violation of N.J.S.A. 2C:20-5, 2C:5-1, 2C:5-2, and 2C:2-6;

b. Multiple acts indictable under:

- i. Title 18, United States Code, Sections 1512 and 1513 (relating to tampering or retaliation against a witness, victim, or informant); and
- ii. Title 18, United States Code, Section 1951 (relating to interference with commerce, robbery or extortion); and
- c. Multiple offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in a controlled substance punishable under the laws of the United States, that is, 21 U.S.C. § 841 (distribution and possession with intent to distribute controlled substances) and 21 U.S.C. § 846 (conspiracy to distribute and to possess with intent to distribute controlled substances).

4. In or around May 2015, in Hudson County, in the District of New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde," and
CHRISTIAN LINARES-RODRIGUEZ,
a/k/a "Burro",
a/k/a "Donkey,"

for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, together with others known and unknown, did knowingly and intentionally conspire and agree with each other and others to murder Victim-2, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:5-2.

In violation of Title 18, United States Code, Section 1959(a)(5).

COUNT THREE
(Murder in Aid of Racketeering)

1. The allegations contained in Paragraphs 1 through 3 of Count Two of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about July 1, 2015, in Hudson County, in the District of New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde,"
ELMER CRUZ-DIAZ,
a/k/a "Locote,"
OSCAR SANCHEZ-AGUILAR,
a/k/a "Snappy,"
JOSE RIVERA-ROBLES,
a/k/a "Layo," and
JUAN GARCIA-GOMEZ,
a/k/a "Scooby,"

for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Victim-3, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:2-6.

In violation of Title 18, United States Code, Section 1959(a)(1) and Section 2.

COUNT FOUR

(Conspiracy to Commit Murder in Aid of Racketeering)

1. The allegations contained in Paragraphs 1 through 3 of Count Two of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about July 1, 2015, in Hudson County, in the District of New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde,"
ELMER CRUZ-DIAZ,
a/k/a "Locote,"
OSCAR SANCHEZ-AGUILAR,
a/k/a "Snappy,"
JOSE RIVERA-ROBLES,
a/k/a "Layo,"
JUAN GARCIA-GOMEZ,
a/k/a "Scooby," and
CHRISTIAN LINARES-RODRIGUEZ,
a/k/a "Burro,"
a/k/a "Donkey,"

for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, together with others known and unknown, did knowingly and intentionally conspire and agree with each other and others to murder Victim-3, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:5-2.

In violation of Title 18, United States Code, Section 1959(a)(5).

COUNT FIVE

(Discharging a Firearm During a Crime of Violence)

On or about July 1, 2015, in Hudson County, in the District of New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde,"
ELMER CRUZ-DIAZ,
a/k/a "Locote,"
OSCAR SANCHEZ-AGUILAR,
a/k/a "Snappy,"
JOSE RIVERA-ROBLES,
a/k/a "Layo,"
JUAN GARCIA-GOMEZ,
a/k/a "Scooby," and
CHRISTIAN LINARES-RODRIGUEZ,
a/k/a "Burro,"
a/k/a "Donkey,"

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the Murder in Aid of Racketeering alleged in Count Three of this Superseding Indictment, did knowingly use and carry a firearm, and in furtherance of that crime, did possess a firearm, which was discharged.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii) and Section 2.

COUNT SIX
(Causing Death Through Use of a Firearm)

On or about July 1, 2015, in Hudson County, in the District of
New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde,"
ELMER CRUZ-DIAZ,
a/k/a "Locote,"
OSCAR SANCHEZ-AGUILAR,
a/k/a "Snappy,"
JOSE RIVERA-ROBLES,
a/k/a "Layo," and
JUAN GARCIA-GOMEZ,
a/k/a "Scooby,"

in the course of a violation of Title 18, United States Code, Section 924(c), as
alleged in Count Five of this Superseding Indictment, did knowingly and
purposely cause the death of Victim-3 through the use of a firearm.

In violation of Title 18, United States Code, Section 924(j) and
Section 2.

COUNT SEVEN

(Conspiracy to Commit Murder in Aid of Racketeering)

1. The allegations contained in Paragraphs 1 through 3 of Count Two of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From at least in or around July 2015 through in or around September 2015, in Hudson County, in the District of New Jersey, and elsewhere, defendants

JUAN ESCALANTE-MELGAR,
a/k/a "Humilde,"
ELMER CRUZ-DIAZ,
a/k/a "Locote," and
CHRISTIAN LINARES-RODRIGUEZ,
a/k/a "Burro,"
a/k/a "Donkey,"

for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, together with others known and unknown, did knowingly and intentionally conspire and agree with each other and others to murder Victim-1, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:5-2.

In violation of Title 18, United States Code, Section 1959(a)(5).

A TRUE BILL

FOREPERSON


CRAIG CARPENITO
United States Attorney

CASE NUMBER: 16-453 (CCC)

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

JUAN ESCALANTE-MELGAR, et al.

SUPERSEDING INDICTMENT FOR

18 U.S.C. § 2
18 U.S.C. § 924(c)(1)(A)(iii)
18 U.S.C. § 924(j)
18 U.S.C. § 1959(a)(1)
18 U.S.C. § 1959(a)(5)
18 U.S.C. § 1962(d)

A True Bill,


Foreperson

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NEWARK, NEW JERSEY

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ASSISTANT U.S. ATTORNEY
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