

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GINA MESTRE,

Defendant.

SEALED INDICTMENT

23 Cr.

23 CRIM 418

COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

The Shooting Boys Enterprise

1. At all times relevant to this Indictment, GINA MESTRE, the defendant, and others known and unknown, were members and associates of the Shooting Boys Gang (the "Shooting Boys" or the "Enterprise"), a criminal organization whose leaders, members and associates engaged in, among other things, acts involving murder, assault, robbery, narcotics trafficking, wire fraud, and obstruction of justice. The Enterprise operated principally in and around the Bronx and Manhattan, New York.

2. The Shooting Boys, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Shooting Boys constituted an ongoing organization whose leaders, members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise was engaged in, and its activities affected, interstate and foreign commerce.

3. At all times relevant to this Indictment, GINA MESTRE, the defendant, was a police officer employed by the New York City Police Department. MESTRE, with others known and unknown, participated in the unlawful and other activities in furtherance of the conduct of the affairs of the Enterprise, including providing its members with confidential nonpublic information, which allowed the Enterprise to evade law enforcement detection.

Purposes of the Enterprise

4. The purposes of the Enterprise included the following:

a. Enriching the members and associates of the Shooting Boys through, among other things, (1) the distribution of narcotics, including heroin, cocaine, cocaine base in a form commonly known as “crack,” fentanyl, oxycodone, and marijuana; (2) robberies; and (3) wire fraud.

b. Preserving and protecting the power, territory, and profits of the Enterprise and its members and associates through acts involving murder, robberies, assaults, other acts of violence, and threats of violence.

c. Promoting and enhancing the Enterprise and the reputation and activities of its members and associates.

d. Keeping victims and potential victims in fear of the Enterprise and its members and associates through acts of violence and threats of violence.

e. Protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities through obstruction and acts of intimidation and violence against potential witnesses to crimes committed by members of the Enterprise.

Means and Methods of the Enterprise

5. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired to commit, and attempted and threatened to commit acts of violence, including acts involving murder, robbery, and assault, to protect and expand the Enterprise's criminal operations, resolve disputes within the gang, and against rival gang members and disfavored members of the Enterprise.

b. Members and associates of the Enterprise used violence and threats of violence, including acts involving murder, robbery, and assault, against others, including rival gang members and to maintain discipline within the Enterprise.

c. Members and associates of the Enterprise sold narcotics, including heroin, cocaine, cocaine base in a form commonly known as "crack," fentanyl, oxycodone, and marijuana.

d. Members and associates of the Enterprise obtained, possessed, and used firearms.

e. Members and associates of the Enterprise committed wire fraud, including by filing fraudulent applications for unemployment insurance, and credit card fraud.

f. Members and associates of the Enterprise promoted and celebrated the criminal conduct of the Enterprise on social media websites such as Instagram and Facebook.

g. Members and associates of the Enterprise committed acts of intimidation and made threats as a means of deterring and punishing any potential witnesses to their crimes and in connection with protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities.

The Racketeering Conspiracy

6. From at least in or around 2019 through at least in or around March 2023, in the Southern District of New York and elsewhere, GINA MESTRE, the defendant, and others known and unknown, being persons employed by and associated with the Enterprise described in paragraphs one through five above, namely, the Shooting Boys, which Enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Shooting Boys through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of:

a. Multiple acts involving murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (aiding and abetting);

b. Multiple acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.05 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

c. Multiple acts indictable under Title 18, United States Code, Sections 1951 (relating to interference with commerce by robbery and extortion) and 2 (aiding and abetting);

d. Multiple acts indictable under Title 18, United States Code, Sections 1343 (relating to wire fraud), and 2 (aiding and abetting);

c. Multiple offenses involving the distribution of controlled substances, including heroin, cocaine, cocaine base in a form commonly known as "crack," fentanyl,

oxycodone, and marijuana, chargeable under Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A), (B), (C), and (D) (distribution and possession with intent to distribute), and 846 (conspiracy);

f. Multiple acts indictable under Title 18, United States Code, Sections 1503 (relating to obstruction of justice), and 2 (aiding and abetting); and

g. Multiple acts indictable under Title 18, United States Code, Sections 1512 (relating to tampering with a witness, victim, or informant), and 2 (aiding and abetting).

7. It was a part of the conspiracy that GINA MESTRE, the defendant, and others known and unknown, agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO
(Conspiracy to Obstruct Justice)

The Grand Jury further charges:

8. From in or about June 2020 through at least in or about April 2022, in the Southern District of New York and elsewhere, GINA MESTRE, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, obstruction of justice, in violation of Title 18, United States Code, Section 1503.

9. It was a part and object of the conspiracy that GINA MESTRE, the defendant, and others known and unknown, would and did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede the due administration of justice, to wit, MESTRE provided confidential nonpublic information to members of the Shooting Boys Enterprise with the

intent to obstruct and impede a federal grand jury proceeding, in violation of Title 18, United States Code, Section 1503(a).

Overt Acts

10. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about July 2020, GINA MESTRE, the defendant, provided confidential nonpublic information about the federal grand jury investigation into the Shooting Boys to a member of the gang (“Gang Member-1”). Specifically, MESTRE told Gang Member-1 about the existence of the federal investigation and an impending federal indictment naming the Shooting Boys, and the gang’s leader (“Gang Leader-1”). MESTRE instructed Gang Member-1 to relay the information to Gang Leader-1 and to tell Gang Leader-1 to be careful because things were “hot” and that Gang Leader-1 needed to “slow down.”

b. In or about September 2020, MESTRE, the defendant, disclosed to Gang Leader-1, the identity of a witness (“Witness-1”) who provided information to law enforcement about the Shooting Boys in general and about acts of violence committed by specific members of the Shooting Boys in particular, which allowed Gang Leader-1 to assault and intimidate Witness-1 in an effort to prevent Witness-1 from cooperating further, thereby enabling the Enterprise to continue operating.

c. On or about November 5, 2020, MESTRE provided Gang Leader-1 with confidential nonpublic information about the federal grand jury investigation into the murder of another individual (“Victim-1”) earlier that day. Specifically, MESTRE provided Gang Leader-1 with security camera video obtained by, and only available to, law enforcement personnel, which captured Gang Leader-1’s participation in the murder of Victim-1, in an effort to assist Gang

Leader-1 evade capture by law enforcement. At or about the same time, MESTRE alerted Gang Leader-1 of law enforcement's efforts to apprehend him for the murder of Victim-1 and warned Gang Leader-1 not to stay in one place too long, after which Gang Leader-1 fled to the Dominican Republic.

d. From at least in or about June 2020 through at least in or about October 2020, MESTRE warned Gang Leader-1 on multiple occasions about law enforcement operations directed at Gang Leader-1 and the Shooting Boys, thereby allowing Gang Leader-1 and other gang members to hide firearms and other contraband before being intercepted by law enforcement, which enabled the Enterprise to continue operating.

(Title 18, United States Code, Section 371.)

COUNT THREE
(Conspiracy to Obstruct an Official Proceeding)

The Grand Jury further charges:

11. From at least in or about June 2020 through at least in or about April 2022, in the Southern District of New York and elsewhere, GINA MESTRE, the defendant, and others known and unknown, knowingly and intentionally conspired to corruptly obstruct, influence, and impede an official proceeding, to wit, a federal grand jury investigation in the Southern District of New York, in violation of Title 18, United States Code, Section 1512(c)(2).

(Title 18, United States Code, Section 1512(k).)

COUNT FOUR
(Accessory After the Fact)

The Grand Jury further charges:

12. At all times relevant to this Indictment, the Shooting Boys, as described in paragraphs one through five of Count One of this Indictment, which are repeated and incorporated

by reference as though fully set forth herein, including its leadership, membership, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact which engaged in, and the activities of which affected, interstate and foreign commerce. The Shooting Boys constituted an ongoing organization whose leaders, members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

13. At all times relevant to this Indictment, the Enterprise, through its leaders, members, and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of the laws of the State of New York and punishable by more than one year of imprisonment; acts involving robbery, in violation of the laws of the State of New York and punishable by more than one year of imprisonment; acts indictable under Title 18, United States Code, Section 1951 (interference with commerce by robbery and extortion) and 2 (aiding and abetting), acts indictable under Title 18, United States Code, Section 1343 (wire fraud) and 2 (aiding and abetting), acts indictable under Title 18, United States Code, Sections 1503 (relating to obstruction of justice), and 2 (aiding and abetting), acts indictable under Title 18, United States Code, Sections 1512 (relating to tampering with a witness, victim, or informant), and 2 (aiding and abetting), and offenses involving the distribution of controlled substances, including heroin, cocaine, cocaine base in a form commonly known as "crack," fentanyl, oxycodone, and marijuana, chargeable under Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(A), (B), (C), and (D), and 846.

14. On or about November 5, 2020, in the Southern District of New York for the purpose of gaining entrance to and maintaining and increasing position in the Shooting Boys, an enterprise engaged in racketeering activity, Gang Leader-1 intentionally and knowingly murdered

Victim-1, in violation of New York Penal Law, Sections 125.25 and 20.00, all in violation of Title 18, United States Code, Section 1959(a)(1).

15. From at least in or about November 2020 through at least in or about April 2022, in the Southern District of New York and elsewhere, GINA MESTRE, the defendant, knowing that an offense against the United States had been committed, namely, the murder of Victim-1 on November 5, 2020 in the Bronx, New York, received, relieved, comforted, and assisted an offender in order to hinder and prevent Enterprise member's apprehension, trial, and punishment, to wit, MESTRE provided confidential non-public information about law enforcement efforts to identify and apprehend the Enterprise member, namely, security camera video capturing the murder of Victim-1.

(Title 18, United States Code, Section 3.)

FORFEITURE ALLEGATION AS TO COUNT ONE

16. As a result of committing the racketeering offense alleged in Count One of this Indictment, GINA MESTRE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

a. any and all interests the defendant acquired and maintained in violation of Title 18, United States Code, Section 1962;

b. any and all interests in, securities of, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise named and described herein which the defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and

c. any and all property constituting and derived from any proceeds which the defendant obtained, directly and indirectly, from the racketeering activity alleged in Count One of this Indictment;

d. including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

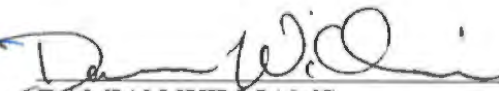
17. If any of the above-described forfeitable property, as a result of any act or omission of GINA MESTRE, the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1963.)




DAMIAN WILLIAMS
United States Attorney