

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GIBRAN GUERRERO,
a/k/a "Cojito," and
YORVIN GOMEZ,
a/k/a "Julbie,"

Defendant.

SEALED INDICTMENT

23 Cr.

23 CRIM 411

COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, GIBRAN GUERRERO, a/k/a "Cojito," and YORVIN GOMEZ, a/k/a "Julbie," the defendants, and others known and unknown, were members and associates of the Trinitarios gang (the "Enterprise"), a criminal organization whose members and associates engaged in, among other activities, financial frauds, narcotics trafficking, robberies, and acts involving murder. The Enterprise operated chapters, including a chapter known as "Sunset," in the vicinity of the Bronx, New York, among other places.

2. The Trinitarios, 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 Enterprise constituted an ongoing organization whose members 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 has engaged in, and its activities affected, interstate and foreign commerce.

3. GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, were members of the Trinitarios who participated in unlawful and other activity in furtherance of the conduct of the Enterprise’s affairs.

PURPOSES OF THE ENTERPRISE

4. The purposes of the Enterprise included the following:
- a. Enriching the members and associates of the Enterprise through, among other things, robberies, financial frauds, and the distribution of narcotics including marijuana.
 - b. Preserving and protecting the power, territory, and profits of the Enterprise and its members and associates through acts involving murder, assaults, and other acts of violence and threats of violence.
 - c. Promoting and enhancing the Enterprise and the activities of its members and associates.
 - d. Providing assistance to members and associates who committed crimes for and on behalf 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, attempted to commit, and threatened to commit acts of violence, including acts involving murder and assault, against individuals adverse to the Enterprise’s interests.
 - b. Members and associates of the Enterprise committed, and conspired and attempted to commit, robberies.
 - c. Members and associates of the Enterprise committed, and conspired and attempted to commit, bank fraud.

d. Members and associates of the Enterprise sold controlled substances including marijuana.

e. Members and associates of the Enterprise possessed, carried, used, brandished, and discharged firearms in furtherance of the Enterprise's interests.

THE RACKETEERING CONSPIRACY

6. From at least in or about 2021, up to and including in or about 2023, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a "Cojito," and YORVIN GOMEZ, a/k/a "Julbie," the defendants, and others known and unknown, being persons employed by and associated with the enterprise described in paragraphs one through five above, namely, the Trinitarios Enterprise, 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 Enterprise 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, in violation of New York Penal Law, Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (accessory liability);

b. multiple acts indictable under Title 18, United States Code, Sections 1344 (relating to financial institution fraud) and 2 (aiding and abetting);

c. 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, 105.10 (conspiracy), 110.00 (attempt), and 20.00 (accessory liability); and

d. multiple offenses involving the distribution of controlled substances including quantities of marijuana, in violation of the laws of the United States, specifically Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 2.

7. It was a part of the conspiracy that GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, each agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

Notice of Special Sentencing Factor: Murder of Johnny Gaston

8. On or about December 15, 2022, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, and others known and unknown, murdered Johnny Gaston, and aided and abetted the same, in the Bronx, New York, in that GUERRERO and GOMEZ, acted in concert with others known and unknown to commit robbery, and in the course of and in furtherance of that crime, caused the death of a person other than one of the participants in the crime, and aided and abetted the same, to wit, GUERRERO and GOMEZ robbed and aided and abetted the robbery of Gaston, and in the course of and in furtherance of that robbery, one of the participants in the robbery shot and killed Gaston, in violation of New York Penal Law Sections 125.25 and 20.00.

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

COUNT TWO
(Murder in Aid of Racketeering)

The Grand Jury further charges:

9. At all times relevant to this Indictment, the Trinitarios, as more fully described in paragraphs one through five of this Indictment, which are realleged and incorporated by reference as though fully set forth herein, including its leadership, its membership, and its 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 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.

10. At all times relevant to this Indictment, the Trinitarios, through its 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 New York Penal Law; acts involving robbery, in violation of New York Penal Law; acts indictable under Title 18, United States Code, Sections 1344 and 2; and offenses involving the distribution of controlled substances under Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 2.

11. On or about December 15, 2022, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the Trinitarios, and for the purpose of gaining entrance to and maintaining and increasing position in the Trinitarios, an enterprise engaged in racketeering activity, as described above, murdered Johnny Gaston, and aided and abetted the same, in the Bronx, New York, in that GUERRERO and GOMEZ, acted in concert with others known and unknown to commit robbery, and in the course of and in furtherance of that crime and immediate flight therefrom, caused the death of a person other than one of the participants in the crime, and aided and abetted the same, to wit, GUERRERO and GOMEZ robbed and aided and abetted the robbery of Gaston, and in the course of and in

furtherance of that robbery, one of the participants in the robbery shot and killed Gaston, in violation of New York Penal Law Sections 125.25 and 20.00.

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

COUNT THREE
(Murder Through the Use of a Firearm)

The Grand Jury further charges:

12. On or about December 15, 2022, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, 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 charged in Count Two of this Indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, and in the course of that crime caused the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111, and aided and abetted the same, to wit, GUERRERO and GOMEZ knowingly aided and abetted the gunpoint robbery of Gaston in the Bronx, New York, and in the course of and in furtherance of that robbery, one of the participants in the robbery shot and killed Gaston.

(Title 18, United States Code, Sections 924(j) and 2.)

COUNT FOUR
(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

13. Paragraphs one through five and paragraphs nine and ten of this Indictment are realleged and incorporated by reference as though fully set forth herein.

14. On or about July 30, 2022, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” the defendant, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the Trinitarios, and for the purpose of gaining entrance to and maintaining and increasing position in the Trinitarios, an enterprise engaged in racketeering activity, as described above, assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, GUERRERO and other members of the Trinitarios committed a gunpoint robbery of a victim in the Bronx, New York, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT FIVE
(Firearms Use, Carrying, and Possession)

The Grand Jury further charges:

15. On or about July 30, 2022, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the assault with a dangerous weapon in aid of racketeering charged in Count Four of this Indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii), and 2.)

COUNT SIX
(Assault with a Dangerous Weapon in Aid of Racketeering)

The Grand Jury further charges:

16. Paragraphs one through five and paragraphs nine through ten of this Indictment are realleged and incorporated by reference as though fully set forth herein.

17. On or about September 26, 2022, in the Southern District of New York and

elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” the defendant, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the Trinitarios, and for the purpose of gaining entrance to and maintaining and increasing position in the Trinitarios, an enterprise engaged in racketeering activity, as described above, assaulted an individual with a dangerous weapon, and aided and abetted the same, to wit, GUERRERO and other members of the Trinitarios committed a gunpoint robbery of a victim in the Bronx, New York, in violation of New York Penal Law, Sections 120.14 and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT SEVEN
(Firearms Use, Carrying, and Possession)

The Grand Jury further charges:

18. On or about September 26, 2022, in the Southern District of New York and elsewhere, GIBRAN GUERRERO, a/k/a “Cojito,” the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the assault with a dangerous weapon in aid of racketeering charged in Count Six of this Indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished..

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii), and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

19. As a result of committing the offense alleged in Count One of this Indictment, GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, (i) any interests acquired and maintained in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code,

Section 1963(a)(1); (ii) any interest in, security of, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise which the defendants have established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and (iii) any property constituting and derived from any proceeds which the defendants obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

FORFEITURE ALLEGATION AS TO COUNT EIGHT

20. As a result of committing the offense alleged in Count Eight of this Indictment, GIBRAN GUERRERO, a/k/a “Cojito,” and YORVIN GOMEZ, a/k/a “Julbie,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds the defendants obtained directly or indirectly, as a result of the commission of said offense, 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

21. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

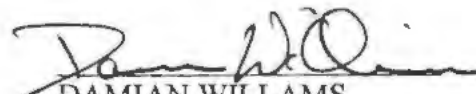
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

- 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), and Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 1963;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)




DAMIAN WILLAMS
United States Attorney

8/9/23-SEALED INDICTMENT FILED.
TWO ARREST WARRANTS ISSUED. CF
GABRIEL W. GORENSTEIN
USMJ