

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:   
UNITED STATES OF AMERICA : SEALED SUPERSEDING  
: INDICTMENT  
- v. - :   
: S1 17 Cr. 438 ( )  
EDWIN CORTORREAL, :   
a/k/a "Crazy Ed," :   
:   
Defendant. :   
:   
- - - - - x

COUNT ONE  
(Racketeering Conspiracy)

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, and others known and unknown, were members and associates of the Hot Boys, (the "Hot Boys" or the "Enterprise"), a criminal organization whose members engaged in crimes including murder, assault, robbery, distribution of controlled substances, interstate transportation of stolen property, witness intimidation, and other offenses.

2. The Hot Boys, including its leadership, its membership, and its 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. The defendants participated in the operation and management of the Enterprise and participated in unlawful and other activity in furtherance of the conduct of the Enterprise's affairs.

3. From at least in or about 2006 up to and including in or about 2017, members and associates of the Hot Boys were engaged in a series of criminal acts for the profit of the Enterprise and its members.

4. Members and associates of the Hot Boys committed multiple robberies of locations believed to contain valuable items such as narcotics or the proceeds of illegal gambling businesses. During these robberies, members and associates of the Hot Boys were armed with firearms and used sophisticated tools such as hydraulic pumps to gain access to premises. During one such robbery committed by the Enterprise on October 27, 2006, a member of the Enterprise shot and killed a victim of the robbery.

5. Members and associates of the Hot Boys committed multiple burglaries of pharmacies and other locations throughout the New York City area in order to obtain controlled substances,

cash, and other valuable items stored therein.

6. Members and associates of the Hot Boys distributed narcotics by stealing, through robbery, burglary, and other means, controlled substances from drug dealers, pharmacies, and other locations. In preparation for the distribution of these controlled substances, members and associates of the Hot Boys would transport the stolen items to so-called "stash houses," at least one of which was located outside the state of New York.

7. Members and associates of the Hot Boys sold marijuana, primarily in and around the Washington Heights area in Manhattan, New York. The Hot Boys controlled marijuana sales at various so-called "weed spots," and prevented non-members or outsiders from distributing marijuana in the area controlled by the members and associates of the Enterprise. In order to fund their acquisition of marijuana for resale, among other purposes, members and associates of the Enterprise committed burglaries of establishments other than pharmacies.

8. Members and associates of the Hot Boys sought to prevent the victims and witnesses of their crimes from providing information to law enforcement through fear, intimidation, and threats. On one such occasion, members of the Enterprise confronted and assaulted a former associate of the Enterprise who the Hot Boys believed was cooperating with law enforcement.

### Purposes of the Enterprise

9. The purposes of the Enterprise included the following:
- a. Enriching the leaders, members, and associates of the Enterprise through, among other things, distribution of controlled substances, robbery, burglary, and other offenses.
  - b. Preserving and augmenting the power, reputation, and financial profits of the Enterprise through intimidation, threats, and acts of violence, including murder.
  - 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.
  - e. Protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities through acts of intimidation and violence against potential witnesses to crimes committed by members of the Enterprise.

### Means and Methods of the Enterprise

10. 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, attempted, and threatened to commit acts of violence, including murder, assault, robbery, and burglary

against other individuals adverse to the Enterprise.

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

c. Members and associates of the Enterprise distributed controlled substances, including cocaine, heroin, marijuana, oxycodone, amphetamine, morphine, hydromorphone, methadone, and oxymorphone.

#### The Racketeering Conspiracy

11. From at least in or about 2006, up to and including in or about 2017, in the Southern District of New York and elsewhere, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, and others known and unknown, being persons employed by and associated with the Enterprise described in Paragraphs One through Ten of this Indictment, 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 Hot Boys, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of multiple acts involving:

a. Murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25, 125.27

(murder); 105.15 (conspiracy to commit murder), 110.00 (attempted murder), and 20.00 (aiding and abetting murder);

b. 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 to commit robbery), 110.00 (attempted robbery), and 20.00 (aiding and abetting robbery);

c. Multiple acts indictable under Title 18, United States Code, Sections 1951 and 2 (robbery affecting interstate commerce), Title 18, United States Code, Sections 1512, 1513, and 2 (witness tampering and witness retaliation), Title 18, United States Code, Sections 2314 and 2 (interstate transportation of stolen property); and

d. Multiple offenses involving the distribution of controlled substances, including cocaine, heroin, marijuana, oxycodone, amphetamine, morphine, hydromorphone, methadone, and oxymorphone, chargeable under Title 21, United States Code, Sections 812, 841(a)(1), and 846, and Title 18, United States Code, Section 2.

12. It was part and object 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.

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

Notice of Special Sentencing Factors

A. Narcotics Distribution

13. From at least in or about 2006, up to and including in or about 2017, in the Southern District of New York and elsewhere, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States. It was a part and an object of the conspiracy that CORTORREAL, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute (a) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); (b) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A); and (c) 1,000 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(A).

B. Murder of Kelly Diaz

14. On or about October 27, 2006, in the Southern District of New York, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, and others known and unknown, intentionally and knowingly murdered, and aided and abetted the murder of, Kelly Diaz, in

the vicinity of Wadsworth Avenue and West 191st Street, New York, New York, in that CORTORREAL, acting in concert with others known and unknown, committed robbery in furtherance of the Enterprise, 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, CORTORREAL robbed and aided and abetted the robbery of Diaz, and in the course of and in furtherance of that robbery Diaz was killed, 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:

15. At all times relevant to this Indictment, the Hot Boys, as more fully described in Paragraphs One through Ten of this Indictment, which are re-alleged and incorporated by reference as though set forth fully herein, including its leadership, its membership, and its 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 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.

16. At all times relevant to this Indictment, the above-described Enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), including multiple acts involving robbery in violation of the laws of New York State; multiple acts indictable under 18 U.S.C. §§ 1951 and 2 (robbery affecting interstate commerce); and multiple offenses involving drug trafficking chargeable under 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A) and 846.

17. On or about October 27, 2006, in the Southern District of New York, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, 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 Hot Boys, and for the purpose of maintaining and increasing position in the Hot Boys, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered and aided and abetted the murder of Kelly Diaz in the vicinity of Wadsworth Avenue and West 191st Street, New York, New York, in that CORTORREAL, acting in concert with others known and unknown, committed 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, CORTORREAL robbed and aided and abetted the robbery of Kelly Diaz in New York, New York, and in the course of and in furtherance of that robbery Diaz was killed, 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**  
**(Narcotics Conspiracy)**

The Grand Jury further charges:

18. From at least in or about 2006, up to and including in or about 2017, in the Southern District of New York and elsewhere, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

19. It was a part and an object of the conspiracy that EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

20. The controlled substances that EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, conspired to distribute and possess with the intent to distribute were (a) one kilogram and more of mixtures and substances containing a detectable amount

of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); (b) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A); and (c) 1,000 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT FOUR

(Use of Firearms Resulting in Death)

The Grand Jury further charges:

21. On or about October 27, 2006, in the Southern District of New York, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, knowingly and willfully, during and in relation to a crime of violence and a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the racketeering conspiracy charged in Count One of this Indictment, the murder in aid of racketeering charged in Count Two of this Indictment, and the narcotics conspiracy charged in Count Three of this Indictment, did use and carry firearms, and, in furtherance of such crimes, did possess firearms, and did aid and abet the use, carrying and possession of firearms, and in the course of those crimes did cause 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(a), to wit, CORTORREAL caused the death of Kelly Diaz by shooting Diaz, and aiding and abetting the same, in the vicinity of Wadsworth Avenue and West 191st Street, New York, New York.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

COUNT FIVE  
(Firearms Offense)

The Grand Jury further charges:

22. From at least in or about 2006, up to and including in or about 2017, and on occasions other than the murder of Kelly Diaz on or about October 27, 2006, as charged in Count Four of this Indictment, in the Southern District of New York and elsewhere, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, knowingly, during and in relation to a crime of violence and a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the racketeering conspiracy charged in Count One of this Indictment and the narcotics conspiracy charged in Count Three of this Indictment, did use and carry firearms, and, in furtherance of such crimes, did possess firearms, and did aid and abet the use, carrying and possession of firearms, some of which firearms were brandished.

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

FORFEITURE ALLEGATION

23. As a result of committing the offense alleged in Count One of this Indictment, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, (i) any interest the defendant acquired or maintained as a result of the commission of the offense alleged in Count One of the Indictment; (ii) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which the defendant has established, operated, controlled, conducted, or participated in the conduct of, in committing the offense alleged in Count One of the Indictment; and (iii) any property, constituting or derived from, any proceeds which the defendant obtained, directly and indirectly, from the racketeering activity alleged in Count One of this Indictment.

24. As a result of committing the offense alleged in Count Three of this Indictment, EDWIN CORTORREAL, a/k/a "Crazy Ed," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part

to commit and to facilitate the commission of the offense alleged in Count One of this Indictment.

Substitute Assets Provision

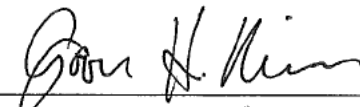
25. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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, Sections 981 and 1963(m), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

  
FOREPERSON

  
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JOON H. KIM *mb*  
Acting United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

EDWIN CORTORREAL,  
a/k/a "Crazy Ed,"

Defendant.

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SEALED SUPERSEDING INDICTMENT

S1 17 Cr. ( )

(18 U.S.C. §§ 924, 1959, 1962, and 2;  
21 U.S.C. § 846.)

JOON H. KIM

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Acting United States Attorney

A TRUE BILL

[REDACTED]

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Foreperson

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