

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA : SEALED  
:  
- v. - : SUPERSEDING  
:  
JONATHAN GARCIA, : INDICTMENT  
:  
a/k/a "Jayo," : S6 19 Cr. 862 (VEC)  
:  
Defendant. :  
- - - - - X

COUNT ONE  
(Racketeering Conspiracy)

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, were members and associates of the Latin Kings, including the Black Mob tribe, a criminal organization whose members and associates engaged in, among other things, acts involving murder, assault, narcotics trafficking, fraud, and robberies. The Latin Kings operated principally in the Bronx, New York, Queens, New York, and Brooklyn, New York.

2. The Latin Kings, including the Black Mob tribe, and including its leadership, membership, and associates, constituted an "enterprise" (hereinafter "Latin Kings 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 Latin Kings Enterprise

constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Latin Kings Enterprise. At all times relevant to this Indictment, the Latin Kings Enterprise was engaged in, and its activities affected, interstate and foreign commerce. JONATHAN GARCIA, a/k/a "Jayo," the defendant, participated in the operation and management of the Latin Kings Enterprise and participated in unlawful and other activity in furtherance of the conduct of the Latin Kings Enterprise's affairs.

#### PURPOSES OF THE ENTERPRISE

3. The purposes of the Latin Kings Enterprise included the following:

a. Preserving and protecting the power of the Latin Kings Enterprise and its members and associates through acts involving murder, other acts of violence, and threats of violence.

b. Promoting and enhancing the Latin Kings Enterprise and the activities of its members and associates.

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

d. Providing assistance to members and associates who committed crimes for and on behalf of the gang.

e. Enriching the members and associates of the Latin Kings Enterprise through, among other things, fraud, robbery, and the distribution and sale of narcotics, including heroin, fentanyl, cocaine base, cocaine, oxycodone, alprazolam, and marijuana.

MEANS AND METHODS OF THE ENTERPRISE

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

a. Members and associates of the Latin Kings Enterprise committed, conspired to commit, threatened to commit, and attempted to commit acts of violence, including acts involving murder, to protect and expand the Latin Kings Enterprise's criminal operations, and against rival gang members.

b. Members and associates of the Latin Kings Enterprise used physical violence and threats of violence, including acts involving murder, robbery, and assault, against others, including in particular rival gang members and rival narcotics traffickers.

c. Members and associates of the Latin Kings Enterprise promoted and celebrated, in music and on social

media, the criminal conduct of the Latin Kings, namely narcotics distribution, acts involving violence, and the use of firearms.

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

e. Members and associates of the Latin Kings Enterprise sold narcotics, including heroin, fentanyl, cocaine base, cocaine, oxycodone, alprazolam, and marijuana.

f. Members and associates of the Latin Kings Enterprise committed robberies.

g. Members and associates of the Latin Kings Enterprise committed frauds.

h. Members and associates of the Latin Kings Enterprise committed arsons.

#### The Racketeering Conspiracy

5. From at least in or about 2012, up to and including the present, in the Southern District of New York and elsewhere, JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs One through Four of this Indictment, namely, the Latin Kings, including the Black Mob tribe, an enterprise which 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, 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 Latin Kings 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 in the second degree), 110.00 (attempt to commit a crime), 105.15 (conspiracy in the second degree), and 20.00 (accessory liability);

b. multiple acts involving robbery, in violation of New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy in the fourth degree), 110.00 (attempt to commit a crime), and 20.00 (accessory liability);

c. multiple acts indictable under Title 18, United States Code, Section 1951 (relating to the interference with commerce, robbery, or extortion);

d. multiple acts indictable under Title 18, United States Code, Section 1029 (relating to fraud and related activity in connection with access devices), 1343 (relating to wire fraud), and 1344 (relating to financial institution fraud);

e. multiple offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling,

and otherwise dealing in controlled substances, including heroin, fentanyl, crack cocaine, cocaine, oxycodone, alprazolam, and marijuana, in violation of the law of the United States, namely, Title 21, United States Code, Sections 812, 841, and 846, and Title 18, United States Code, Section 2.

6. It was a part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the Latin Kings Enterprise.

NOTICE OF SPECIAL SENTENCING FACTOR  
(Murder)

7. On or about May 18, 2017, in the Southern District of New York and elsewhere, JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, knowingly murdered and aided and abetted the murder of Joshua Flores, a/k/a "Monster," in the vicinity of 94-28 88th Street in Queens, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, GARCIA caused the death of Flores, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, GARCIA recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Flores, and aided and abetted the same.

NOTICE OF SPECIAL SENTENCING FACTOR  
(Narcotics Conspiracy)

8. From at least in or about 2012, up to and including the present, in the Southern District of New York and elsewhere, JONATHAN GARCIA, a/k/a "Jayo," 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.

9. It was a part and an object of the conspiracy, that JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute: (i) one kilogram and more of mixtures and substances containing a detectable amount of heroin; (ii) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl; (iii) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack"; and (iv) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846.

(Title 18, United States Code, Sections 1962(d) and 1963.)

**COUNT TWO**  
**(Murder in Aid of Racketeering)**

The Grand Jury further charges:

10. At all times relevant to this Indictment, the Latin Kings, including the Black Mob tribe, as described in paragraphs 1 through 4 of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

11. At all times relevant to this Indictment, the Latin Kings, including the Black Mob tribe, 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 and robbery, in violation of New York Penal Law, acts indictable under Title 18, United States Code, Sections 1951, 1029, 1343, and 1344, and offenses involving the distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841,



and 846.

12. On or about May 18, 2017, in the Southern District of New York and elsewhere, JONATHAN GARCIA, a/k/a "Jayo," 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 Latin Kings, including the Black Mob, and for the purpose of gaining entrance to and maintaining and increasing position in the Latin Kings, including the Black Mob, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Joshua Flores, a/k/a "Monster," in the vicinity of 94-28 88th Street in Queens, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, in that, (i) with intent to cause the death of another person, GARCIA caused the death of Flores, and aided and abetted the same, and (ii) under circumstances evincing a depraved indifference to human life, GARCIA recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Flores, and aided and abetted the same.

(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:

13. On or about May 18, 2017, in the Southern District of New York and elsewhere, JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Two of this Indictment, willfully and knowingly did use and carry a firearm, and in furtherance of such crime of violence, did possess a firearm, and in the course of that offense 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), and did aid and abet the same, to wit, GARCIA shot and killed Joshua Flores, a/k/a "Monster," and aided and abetted the shooting and killing of Flores in the vicinity of 94-28 88th Street in Queens, New York.

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

**COUNT FOUR**  
**(Narcotics Conspiracy)**

The Grand Jury further charges:

14. From at least in or about 2012 up to and including the present, in the Southern District of New York and elsewhere,

JONATHAN GARCIA, a/k/a "Jayo," 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.

15. It was a part and an object of the conspiracy that JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

16. The controlled substances that JONATHAN GARCIA, a/k/a "Jayo," the defendant, conspired to distribute and possess with 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) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A); (c) 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); (d) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A); (e) a quantity of mixtures

and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C); (f) a quantity of alprazolam, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (g) a quantity of marijuana for remuneration, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

**COUNT FIVE**  
**(Firearms Offense)**

The Grand Jury further charges:

17. From at least in or about 2012, up to and including the present, in the Southern District of New York and elsewhere, JONATHAN GARCIA, a/k/a "Jayo," the defendant, and others known and unknown, during and in relation to a drug trafficking offense for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count Four of this Indictment, knowingly did use and carry firearms, and, in furtherance of such drug trafficking offense, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which were brandished and discharged.

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

### SPECIAL FINDINGS

18. Counts Two and Three of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts Two and Three of the Indictment, alleging the murder of Joshua Flores, a/k/a "Monster," JONATHAN GARCIA, a/k/a "Jayo," the defendant:

a. was 18 years of age or older at the time of the offenses;

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));

d. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and Flores died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

e. in the commission of the offenses, knowingly created a grave risk of death to one and more persons in addition to the victim of the offenses (Title 18, United States Code, Section 3592(c)(5)).

### FORFEITURE ALLEGATIONS

19. As a result of committing the offense alleged in Count One of this Indictment, JONATHAN GARCIA, a/k/a "Jayo," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, any and all interests the defendants acquired or maintained in violation of Title 18, United States Code, Section 1962; any and all interests in, securities of, claims against, and property or 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 any and all property constituting and derived from proceeds obtained, directly and indirectly, from the racketeering activity alleged in Count One of this Indictment, 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 that the defendant personally obtained.

20. As a result of committing the offense alleged in Count Four of this Indictment, JONATHAN GARCIA, a/k/a "Jayo," 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 obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate 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 that the defendant personally obtained.

Substitute Assets Provision

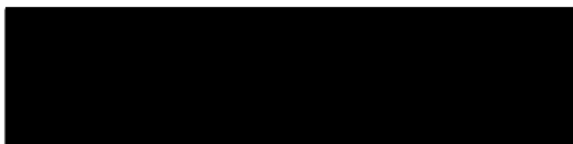
21. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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, Section 1963(m); 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, 1963; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



FOREPERSON

*Audrey Strauss* /OSR

AUDREY STRAUSS  
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. -

JONATHAN GARCIA,  
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SEALED  
SUPERSEDING  
INDICTMENT

S6 19 Cr. 862 (VEC)

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

AUDREY STRAUSS  
United States Attorney

A TRUE BILL

