

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

-FILED-

FEB 23 2018

At _____
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA)	CAUSE NO. 2:17-CR-138
)	
v.)	18 U.S.C. § 1962(d)
)	18 U.S.C. § 924(c)
MANUEL DIAZ,)	18 U.S.C. § 1959(a)(1)
a/k/a "Smiley;)	
EDUARDO DIAZ-CORRAL)	
a/k/a "Lalo;")	
RALPH MENDEZ, Jr,)	
a/k/a "Lil Devious;" and)	
JOSEPH ROGGENKAMP)	
a/k/a "Dro,")	
Defendants.)	

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Participate in Racketeering Activity)

Introduction

1. At various times relevant to this Superseding Indictment (hereinafter "indictment"), the defendants, and others known and unknown, were members of the LATIN DRAGON NATION, a criminal organization whose members engaged in acts of violence and other criminal activities including,

murder, attempted murder, aggravated assault, and narcotics distribution. At all relevant times, the LATIN DRAGON NATION operated in the Northern District of Indiana and elsewhere, including: **MANUEL DIAZ, a/k/a “Smiley,” EDUARDO DIAZ-CORRAL, a/k/a “Lalo,” RALPH MENDEZ, Jr, a/k/a “Lil Devious,” and JOSEPH ROGGENKAMP, a/k/a “Dro.”**

General Background and Structure of the Enterprise

2. The LATIN DRAGON NATION, including its leadership, membership, and associates, constituted an enterprise as defined in 18 U.S.C. § 1961(4), that was, a group of individuals associated in fact, which were engaged in and the activities of which affect, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members, prospects and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

3. The structure of the LATIN DRAGON NATION included, but was not limited to, the following:

a. The LATIN DRAGON NATION were a Chicago-based criminal street gang who currently have sets in Northwest Indiana, Southeast Chicago, and Chicago’s Southeast Suburbs.

b. The LATIN DRAGON NATION had a detailed and uniform

organizational structure, which is outlined—along with various prayers, codes of behavior, and rituals—in a written “Bible” distributed to certain members throughout the region.

c. The LATIN DRAGON NATION colors were black and white. The symbols of the LATIN DRAGON NATION include a diamond and a dragon.

d. The LATIN DRAGON NATION’s hierarchy and structure consist of an Overall Chief. The ranks within the Neighborhood Sets consist of Chief, Lieutenant, Sergeant of Arms, Chief of Security, Soldiers and Shorties.

4. The LATIN DRAGON NATION were affiliated with the “Folk” nation of gangs, whose alliance is primarily applicable to incarcerated members and associates. Rival street gangs of the LATIN DRAGON NATION have included, but are not limited to, the Latin Kings, Ambrose, Spanish Gangster Disciple, Black P Stone, and Spanish Vice Lords.

Membership

5. In order to join the LATIN DRAGON NATION prospective members or “shorties” are required to prove themselves by committing various criminal acts such as drug sales and shooting at rival gang members in support of the gang. If selected for membership, a prospective member is given a “violation” of a certain number of minutes, which entails the prospective member getting beaten

by multiple members of the LATIN DRAGON NATION. While a “shorty” is attempting to join the gang his conduct is observed by the members of the LATIN DRAGON NATION. While a “shorty” is attempting to join the gang, he is considered a part of the LATIN DRAGON NATION family and entitled to the full protection of the enterprise. The “shorty” is also subject to the rules and orders of the enterprise.

Purposes of the Enterprise

6. The purposes of the enterprise included, but were not limited to, the following:

a. Enriching the leaders, member, and associates of the enterprise through, among other things, the illegal trafficking of controlled substances.

b. Preserving and protecting the power, territory, operations, and proceeds of the enterprise through the use of threats, intimidation, violence and destruction including, but not limited to, acts of murder, attempted murder, assault with a dangerous weapon and other acts of violence.

c. Promoting and enhancing the enterprise and its members’ and associates’ activities.

d. Keeping victims in fear of the enterprise and in fear of its leaders, members, and associates through threats of violence and violence. The leaders,

members, and associates of the enterprise undertook all steps necessary to prevent the detection of their criminal activities, and sought to prevent and resolve the imposition of any criminal liabilities upon their leaders, members, and associates, by the use of murder, violence, and intimidation directed against witnesses, victims, and others. As part of this practice, the enterprise enforced what it referred to as a “SOS” or shoot on sight order, or also known as “KOS” or, kill on sight, against LATIN DRAGON NATION members who were suspected of having cooperated with law enforcement.

e. Providing support to gang members who were charged with, or incarcerated for, gang-related activities.

The Racketeering Conspiracy

7. Beginning on a date unknown to the Grand Jury, but at least as of in or about March 2010, and continuing through on or about the date of this Indictment, in the Northern District of Indiana and elsewhere, the defendants,

**MANUEL DIAZ, a/k/a “Smiley,”
EDUARDO DIAZ-CORRAL; a/k/a “Lalo,”
RALPH MENDEZ, Jr., and
JOSEPH ROGGENKAMP, a/k/a “Dro;”**

each being a person employed by and associated with the LATIN DRAGON NATION, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, together with others known and unknown to

the Grand Jury, did knowingly and intentionally conspire to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as defined in Sections 1961(1) and (5) of Title 18, United States Code, consisting of multiple acts involving murder in violation of Indiana Code 35-42-1-1, 35-41-5-1, 35-41-5-2(a)(1) and Illinois Compiled Statutes, Chapter 720 Section 5/9-1, 5/9-4, multiple acts indictable under 18 United States Code Section 1512 (relating to tampering with witness, victim or informant), multiple acts indictable under 18 United States Code Section 1952 (interstate travel in aid of racketeering), and multiple acts involving narcotics trafficking in violation of 21 United States Code Section 841(a)(1) (distribution and possession with the intent to distribute a controlled substance) and Section 846 (conspiracy to distribute and possess with the intent to distribute a controlled substance). It was part of this conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

Means and Methods of the Enterprise

8. Each member of the enterprise agreed to facilitate a scheme that included the operation and management of the enterprise by a conspirator. Members of the enterprise and their associates operated and conducted their

affairs through a series of laws and policies.

9. The members of the enterprise and their associates attended regular meetings at which they discussed, planned, and otherwise engaged in criminal activity, including murder, attempted murder, narcotics distribution, and obstruction of justice.

10. Members of the enterprise and their associates initiated new members through the practice of causing them to endure physical assaults conducted by members of the enterprise at various gang-related gatherings.

11. To enforce discipline and the rules of the enterprise, members of the enterprise and their associates engaged in a system of “violations,” in which members of the enterprise attempted to murder, conspired to murder, and physically beat and threatened those members of the enterprise who violated rules, questioned authority, or posed a threat to the leaders or purposes of the enterprise.

12. Members of the enterprise and their associates employed and used gang-related terminology, symbols, gestures, and color schemes.

13. To perpetuate the enterprise and maintain and extend their power, members of the enterprise and their associates committed illegal acts, including murder, attempted murder, aggravated battery, intimidation, and assault

against individuals who posed a threat to the enterprise or jeopardized its operations, including rival gang members and witnesses to the illegal activities of the enterprise. Pursuant to gang policy, members of the enterprise and their associates were required to participate in such acts, received standing orders to shoot rival gang members, and were instructed to retaliate for gang-related attacks upon the members and associates of the enterprise.

14. Members of the enterprise and their associates managed the procurement, transfer, use, concealment, and disposal of firearms and dangerous weapons within the enterprise to protect gang-related territory, personnel, and operations, and to deter, eliminate, and retaliate against competitors and other rival criminal organizations and persons.

15. Members of the enterprise and their associates earned money for their members and regularly financed their activities through funds obtained in the illegal trafficking of controlled substances, including the distribution and possession with intent to distribute marijuana and cocaine.

16. Members of the enterprise and their associates operated and conducted their affairs, in part, through a financial system in which the leadership of the LATIN DRAGON NATION and others possessed, controlled, and otherwise maintained a monetary stash on behalf of the enterprise. As part

of this practice, members of the enterprise and their associates paid requisite weekly or bi-weekly dues into the pot, which, in turn, the enterprise used to bail gang members out of jail, to help pay for the defense attorneys of gang members who had been charged with crimes, to send to commissary accounts of incarcerated gang members, and to purchase and sell firearms and controlled substances. At times, the members of the enterprise and their associates paid money into the pot by selling narcotics supplied by members of the gang.

17. Members of the enterprise and their associates hid, misrepresented, concealed and caused to be misrepresented, concealed, and hidden, the objectives of acts done in furtherance of the conspiracy, and used coded language and other means to avoid detection and apprehension by law enforcement authorities.

18. Members of the enterprise recruited and used juveniles to commit acts for the benefit of the enterprise.

Overt Acts

19. In furtherance of the conspiracy and to achieve the object thereof, the defendants and others performed or caused to be performed the following overt acts, among others, in the Northern District of Indiana and elsewhere:

a. On or about March 25, 2010, **MANUEL DIAZ** possessed a firearm while in a **LATIN DRAGON NATION** neighborhood in Chicago, Illinois.

b. On or about July 21, 2012, **MANUEL DIAZ** met with six other LATIN DRAGON NATION members in Calumet City, Illinois.

c. On or about October 7, 2012, **MANUEL DIAZ** was a passenger in a vehicle occupied by other LATIN DRAGON NATION members, one of whom possessed a firearm. The vehicle was leaving an area in Calumet City, Illinois commonly used for LATIN DRAGON NATION meetings.

d. On or about December 7, 2012, **MANUEL DIAZ** possessed a firearm in a rival gang neighborhood in Chicago, Illinois.

e. On or about August 13, 2014, **RALPH MENDEZ, JR.** and two other LATIN DRAGON NATION members assaulted Victims #1 and #2, who they believed were rival gang members.

f. On or about October 25, 2014, **RALPH MENDEZ, JR.** shot Victim #3 who **MENDEZ JR.** believed was a rival gang member.

g. On or about October 27, 2014, **RALPH MENDEZ, JR.** possessed a firearm and quantity of marijuana.

h. On or about November 11, 2014, **RALPH MENDEZ, JR.**, while with two other LATIN DRAGON NATION members shot Victim #4, a person **MENDEZ, JR.** believed to be a rival gang member.

i. On multiple occasions in 2016, **JOSEPH ROGGENKAMP**

distributed marijuana to another individual.

j. On or about November 20, 2016, **EDUARDO DIAZ-CORRAL** shot and killed Paul Cruz, a person **DIAZ-CORRAL** believed to be a rival gang member.

k. On April 1, 2017, **JOSEPH ROGGENKAMP** possessed a firearm in a rival gang neighborhood in Chicago, Illinois that was used in a shooting in East Chicago, Indiana that occurred on or about March 27, 2017.

l. On or about May 2, 2017, **RALPH MENDEZ, JR.** shot at Victims #6 and #7, striking Victim #6 in the head.

m. On or about September 2, 2017, **MANUEL DIAZ** attended a meeting with other LATIN DRAGON NATION members in Calumet City, Illinois. At the meeting, DIAZ or another LATIN DRAGON NATION member possessed a firearm.

n. On or about September 8, 2017, **EDUARDO DIAZ-CORRAL** threatened female Victims #9 and # 10 with a firearm, who **DIAZ-CORRAL** believed were acquaintances of members of a rival gang.

o. On or about September 30, 2017, **MANUEL DIAZ**, while accompanied by two other LATIN DRAGON NATION members, shot and killed Charles Berrios, a person **DIAZ** believed was associated with a rival gang

member.

p. In about November of 2017, **EDUARDO DIAZ-CORRAL** asked another LATIN DRAGON NATION member to kill Victim # 12 who **DIAZ-CORRAL** believed was providing law enforcement with information on the Paul Cruz murder.

q. On or about November 22, 2017, while in a vehicle with five other LATIN DRAGON NATION members and associates, **RALPH MENDEZ, JR.** possessed a firearm, this firearm had been used in a drive-by shooting in a rival gang neighborhood in Chicago, Illinois.

r. On or about November 2, 2017, **JOSEPH ROGGENKAMP** threatened Victim #13, who **ROGGENKAMP** believed was providing law enforcement with information on the Charles Berrios murder.

s. On or about November 27, 2017, **JOSEPH ROGGENKAMP** threatened Victim #13 who **ROGGENKAMP** believed was providing law enforcement with information on the Charles Berrios murder.

t. On or about November 28, 2017, **JOSEPH ROGGENKAMP** threatened Victim #13, who **ROGGENKAMP** believed was providing law enforcement with information on the Charles Berrios murder.

u. On about February 6, 2018, **EDUARDO DIAZ-CORRAL** communicated a series of threatening messages, via a common acquaintance, to Victim #14, another LATIN DRAGON NATION member, who **DIAZ-CORRAL** believed was providing law enforcement information on the Paul Cruz murder.

Notice of Enhanced Sentencing

20. On November 20, 2016, in the Northern District of Indiana and elsewhere, **EDUARDO DIAZ-CORRAL** killed Paul Cruz without legal justification in performing acts which caused the death of the victim: (a) intending to kill and do great bodily harm to the named victim, and knowing that such acts would cause death to the named victim; and (b) knowing that such acts created a strong probability of death and great bodily harm to the victim, in violation of Illinois Compiled Statutes, Title 720 Section 5/9-1(a)(1) & (2); and that the defendant intentionally discharged a firearm from a motor vehicle and the victim was not present within the motor vehicle, in violation of Illinois Compiled Statutes, Title 720 Section 5/9-1(b)(15).

21. On or about September 30, 2017, in the Northern District of Indiana and elsewhere, **MANUEL DIAZ** knowingly and intentionally killed Charles Berrios, in violation of Indiana Code Sections 35-42-1-1.

All in violation of 18 U.S.C 1962(d).

THE GRAND JURY FURTHER CHARGES:

COUNT TWO
(Murder in Aid of Racketeering Activity)

22. At all times relevant to this Indictment, LATIN DRAGON NATION, as more fully described in paragraphs 1 through 6 of Count One of this Indictment, which are re-alleged and incorporated by reference as though set forth fully herein, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), namely LATIN DRAGON NATION, 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.

23. 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), consisting of multiple acts involving murder in violation of Indiana Code 35-42-1-1, 35-41-5-1, 35-41-5-2(a)(1) and Illinois Compiled Statutes, Chapter 720 Section 5/9-1; 5/9-4 multiple acts indictable under 18 United States Code Section 1512 (Obstruction of Justice), multiple acts of interstate travel in aid of racketeering in violation of 1952, and multiple acts involving narcotics trafficking in violation

of 21 United States Code Sections 841(a)(1) (distribution and possession with the intent to distribute a controlled substance) and Section 846 (conspiracy to distribute and possess with the intent to distribute a controlled substance).

24. On or about November 20, 2016, in the Northern District of Indiana, and elsewhere,

**EDUARDO DIAZ-CORRAL,
a/k/a "Lalo,"**

defendant herein, for the purpose of gaining entrance to and maintaining and increasing position in the LATIN DRAGON NATION, an enterprise engaged in racketeering activity, did intentionally and knowingly murder Paul Cruz, in violation of Illinois Statute Chapter 720 Section 5/9-1(b)(5).

All in violation of 18 U.S.C. § 1959(a)(1).

THE GRAND JURY FURTHER CHARGES:

COUNT THREE

**(Murder Resulting From the Use and Carrying of
Firearm During and in Relation to a Crime of Violence)**

THE GRAND JURY FURTHER CHARGES:

25. Paragraphs 1 through 6 of Count One of this Indictment, which are re-alleged and incorporated by reference as though set forth fully herein.

26. On or about November 20, 2016, in the Northern District of Indiana, and elsewhere,

**EDUARDO DIAZ-CORRAL,
a/k/a "Lalo,"**

defendant herein, did knowingly carry, use, and discharge a firearm during and in relation to a crime of violence, that is, to Murder in Aid of Racketeering activity, as set forth in Count Two of this Indictment, Conspiracy to Commit Racketeering Activity, as set forth in Count One of this Indictment all of which are incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, that is Paul Cruz, willfully, deliberately, and maliciously.

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

NOTICE OF SPECIAL FINDINGS

27. The allegations of Counts Two and Three of this Indictment are hereby re-alleged as if fully set forth herein and incorporated by reference. With regards to Counts Two and Three of the Indictment, the Grand Jury makes the following Special Findings. The defendant:

**EDUARDO DIAZ-CORRAL,
a/k/a “Lalo”**

- a. was 18 years of age or older at the time of the offenses. [Title 18, United States Code, Section 3591(a)].
- b. intentionally killed the victim, Paul Cruz. [Title 18, United States Code, Section 3591(a)(2)(A)].
- c. intentionally inflicted serious bodily injury that resulted in the death of the victim, Paul Cruz [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 offense, and the victim, Paul Cruz, died as a direct result of the acts. [Title 18, United States Code, Section 3591(a)(2)(C)].
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a great risk of death to a person, other than one of the

participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, Paul Cruz, died as a direct result of the act. [Title 18, United States Code, Section 3591(a)(2)(D)].

f. knowingly created a grave risk of death to one or more persons in the commission of the offense, in addition to Paul Cruz. [Title 18, United States Code, Section 3592(c)(5)].

THE GRAND JURY FURTHER CHARGES:

COUNT FOUR
(Murder in Aid of Racketeering Activity)

28. Paragraphs 22 and 23 of this Indictment are re-alleged and incorporated by reference as though set forth fully herein.

29. On or about September 30, 2017, in the Northern District of Indiana, and elsewhere,

MANUEL DIAZ,
a/k/a “Smiley”

defendant herein, for the purpose of gaining entrance to and maintaining and increasing position in the LATIN DRAGON NATION, an enterprise engaged in racketeering activity, did intentionally and knowingly murder Charles Berrios, in violation of Indiana Penal Code, Section 35-42-1-1.

All in violation of 18 U.S.C. § 1959(a)(1).

THE GRAND JURY FURTHER CHARGES:

COUNT FIVE

**(Murder Resulting From the Use and Carrying of
Firearm During and in Relation to a Crime of Violence)**

30. Paragraphs 1 through 7 of Count One of this Indictment, which are re-alleged and incorporated by reference as though set forth fully herein.

31. On or about September 30, 2017, in the Northern District of Indiana, and elsewhere,

**MANUEL DIAZ,
a/k/a “Smiley”**

defendant herein, did knowingly carry, use, and discharge a firearm during and in relation to a crime of violence, that is, to Murder in Aid of Racketeering Activity, as set forth in Count Four of this Indictment, Conspiracy to Commit Racketeering Activity, as set forth in Count One of this Indictment all of which are incorporated here, did cause the death of a person through the use of a firearm, which killing is a murder defined in 18 U.S.C. § 1111, in that the defendant, with malice aforethought, unlawfully killed a human being, that is Charles Berrios, willfully, deliberately, and maliciously.

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

NOTICE OF SPECIAL FINDINGS

32. The allegations of Counts Four and Five of this Indictment are hereby re-alleged as if fully set forth herein and incorporated by reference. With regards to Counts Four and Five of the Indictment, the Grand Jury makes the following Special Findings. The defendant:

**MANUEL DIAZ,
a/k/a “Smiley”**

- a. was 18 years of age or older at the time of the offenses. [Title 18, United States Code, Section 3591(a)].
- b. intentionally killed the victim, Charles Berrios. [Title 18, United States Code, Section 3591(a)(2)(A)].
- c. intentionally inflicted serious bodily injury that resulted in the death of the victim, Charles Berrios [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 offense, and the victim, Charles Berrios, died as a direct result of the acts. [Title 18, United States Code, Section 3591(a)(2)(C)].

e. intentionally and specifically engaged in an act of violence, knowing that the act created a great risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, Charles Berrios, died as a direct result of the act. [Title 18, United States Code, Section 3591(a)(2)(D)].

f. knowingly created a grave risk of death to one or more persons in the commission of the offense, in addition to Charles Berrios. [Title 18, United States Code, Section 3592(c)(5)].

A TRUE BILL:

/s/ FOREPERSON
FOREPERSON

THOMAS L. KIRSCH II
UNITED STATES ATTORNEY

DAVID JAFFE, ACTING CHIEF
ORGANIZED CRIME & GANG SECTION
U.S. DEPARTMENT OF JUSTICE

By: /s/ David J. Nozick
David J. Nozick
Assistant United States Attorney

By: /s/ Joseph A. Cooley
Joseph A. Cooley
Trial Attorney, Organized Crime &
Gang Section