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OCT 18 2018

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

At _____ M
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) & (j)
MANUEL DIAZ,)	18 U.S.C. § 1959(a)(1)
a/k/a "Smiley;)	18 U.S.C. § 922(g)(1)
EDUARDO DIAZ-CORRAL)	
a/k/a "Lalo;")	
RALPH MENDEZ, Jr,)	
a/k/a "Lil Devious;")	
JOSEPH ROGGENKAMP)	
a/k/a "Dro,")	
GUSTAVO COLUNGA)	
a/k/a "Barkley,")	
JOSHUA HARRIS-WHITE)	
a/k/a "BJ,")	
MARIO COLUNGA, and)	
LUIS COLUNGA,)	
a/k/a "Panson,")	
Defendants.)	

SECOND 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," JOSEPH ROGGENKAMP, a/k/a "Dro," GUSTAVO COLUNGA, a/k/a "Barkley," JOSHUA HARRIS-WHITE, a/k/a "BJ," MARIO COLUNGA, and LUIS COLUNGA, a/k/a "Panson."**

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.,
JOSEPH ROGGENKAMP, a/k/a "Dro,"
GUSTAVO COLUNGA, a/k/a "Barkley,"
JOSHUA HARRIS-WHITE, a/k/a "BJ,"
MARIO COLUNGA, and
LUIS COLUNGA, a/k/a "Panson,"

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 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), multiple acts indictable under 18 United States Code Section 1952

(interstate travel in aid of racketeering), and multiple offenses 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 June 24, 2014, **MARIO COLUNGA**, another LATIN DRAGON NATION member and a third unknown person threatened with a handgun Victim #1, a person Colunga believed to be a rival gang member.

f. On or about August 13, 2014, **RALPH MENDEZ, JR.** and two other LATIN DRAGON NATION members assaulted Victims #2 and #3, who they believed were rival gang members.

g. On or about October 25, 2014, **RALPH MENDEZ, JR.** shot Victim #4 who **MENDEZ JR.** believed was a rival gang member, causing Victim #4 permanent paralysis.

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

i. On or about November 11, 2014, **RALPH MENDEZ, JR.**, while accompanied by **GUSTAVO COLUNGA** and **JOSHUA HARRIS-WHITE**, shot Victim #5, a person **MENDEZ, JR.** believed to be a rival gang member. Shortly after the shooting, all three fled from Chicago to Hammond, Indiana.

j. In or about January 2015, Victim #4 receives a video, via Face Book, depicting **RALPH MENDEZ, JR.**, **GUSTAVO COLUNGA**, **JOSHUA HARRIS-WHITE** and another **LATIN DRAGON NATION** member. In the video while holding a handgun, **COLUNGA** stated "we put you in a wheel chair."

k. On or about July 27, 2015, **GUSTAVO COLUNGA** and **JOSHUA HARRIS-WHITE** approached Victim #6, a juvenile, whom **COLUNGA** and **HARRIS-WHITE** believed was a rival gang member. **HARRIS-WHITE** held Victim #6 down, while **COLUNGA** stabbed Victim #6 in the throat. Both **COLUNGA** and **HARRIS-WHITE** fled in a vehicle driven by a third **LATIN DRAGON NATION** member.

l. On multiple occasions in 2016, **JOSEPH ROGGENKAMP** distributed marijuana to another individual.

m. On or about November 20, 2016, **EDUARDO DIAZ-CORRAL** shot and killed Paul Cruz, Victim #7, a person **DIAZ-CORRAL** believed to be a rival gang member.

n. On or about December 12, 2016, **MARIO COLUNGA** discussed distributing a quantity of marijuana.

o. 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.

p. On or about May 8, 2017, **RALPH MENDEZ, JR.** shot at Victims #8 and #9, striking Victim #8 in the head.

q. On or about May 25, 2017, **LUIS COLUNGA** offered to distribute a

quantity of Xanax to another LATIN DRAGON NATION member.

r. On or about July 4, 2017, **RALPH MENDEZ, JR.** asked **LUIS COLUNGA** for a quantity of Xanax.

s. On or about July 25, 2017, **LUIS COLUNGA**, while driving in Chicago, Illinois a vehicle stolen from Hammond, Indiana, threatened with a handgun Victims #10 and #11, after COLUNGA flashed gangs signs at Victims #10 and #11.

t. On or about August 14, 2017, a LATIN DRAGON NATION member delivered a Colt .38 caliber revolver and a quantity of cocaine base, commonly known as “crack,” to a special agent, in an undercover capacity, from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

u. On or about August 28, 2017, a LATIN DRAGON NATION member delivered a Colt .38 caliber revolver and a quantity of cocaine base, commonly known as “crack,” to a special agent, in an undercover capacity, from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

v. 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.

w. On or about September 8, 2017, **EDUARDO DIAZ-CORRAL** threatened female Victims #12 and #13 with a firearm, who **DIAZ-CORRAL** believed were acquaintances of members of a rival gang.

x. On or about September 30, 2017, **MANUEL DIAZ**, while accompanied by two other LATIN DRAGON NATION members, shot and killed Charles Berrios, Victim #14, a person **DIAZ** believed was associated with a rival gang member.

y. On or about November 2, 2017, **JOSEPH ROGGENKAMP** threatened Victim #15, who **ROGGENKAMP** believed was providing law enforcement with information on the Charles Berrios murder.

z. On or about November 22, 2017, while **MARIO COLUNGA** was driving a vehicle occupied by **RALPH MENDEZ, JR.**, another LATIN DRAGON NATION member and three female associates, **MENDEZ, JR.** did a drive-by shooting in a rival gang neighborhood in Chicago, Illinois.

aa. On or about November 27, 2017, **JOSEPH ROGGENKAMP** threatened Victim #15, who **ROGGENKAMP** believed was providing law enforcement with information on the Charles Berrios murder.

bb. On or about November 28, 2017, **JOSEPH ROGGENKAMP** threatened Victim #15, who **ROGGENKAMP** believed was providing law

enforcement with information on the Charles Berrios murder.

cc. In about December of 2017, **EDUARDO DIAZ-CORRAL** asked another LATIN DRAGON NATION member to kill Victim #16, who **DIAZ-CORRAL** believed was providing law enforcement with information on the Paul Cruz murder.

dd. On or about February 6, 2018, **EDUARDO DIAZ-CORRAL** communicated a series of threatening messages, via a common acquaintance, to Victim #17, another LATIN DRAGON NATION member, who **DIAZ-CORRAL** believed was providing law enforcement information on the Paul Cruz murder.

ee. On or about May 3, 2018, after being referred by another LATIN DRAGON NATION member, **LUIS COLUNGA** delivered an H&R .38 caliber revolver to a special agent, in an undercover capacity, from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

ff. On or about May 19, 2018, **GUSTAVO COLUNGA** delivered a Smith & Wesson .45 caliber semi-automatic pistol and a quantity of cocaine to a special agent, in an undercover capacity, from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

gg. On or about May 21, 2018, **GUSTAVO COLUNGA** delivered an Inter Ordnance .380 caliber semi-automatic pistol and a quantity of cocaine to

special agent, in an undercover capacity, from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

hh. On or about June 8, 2018, **EDUARDO DIAZ-CORRAL** told an associate that **DIAZ-CORRAL** will send him documents identifying witnesses cooperating with law enforcement in **DIAZ-CORRAL's** case.

ii. On or about July 6, 2018, **EDUARDO DIAZ-CORRAL** told an associate to contact witnesses in **DIAZ-CORRAL's** criminal case and tell them not to cooperate with law enforcement.

jj. On or about August 13, 2018, **GUSTAVO COLUNGA** and **JOSHUA HARRIS-WHITE** sold a Ruger .44 magnum revolver and a quantity of marijuana to a special agent, in an undercover capacity, from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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 7 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 7 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.

THE GRAND JURY FURTHER CHARGES:

COUNT FOUR
(Murder in Aid of Racketeering Activity)

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

28. 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)**

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

30. 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.

THE GRAND JURY FURTHER CHARGES:

COUNT SIX
(Convicted Felon in Possession of Firearm)

31. On or about May 3, 2018, in the Northern District of Indiana,

LUIS COLUNGA
a/k/a "Panson,"

defendant herein, having previously been convicted of Receipt/Possession of Stolen Motor Vehicle in 2017 in the Court of Cook County, Illinois, said crime being punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce a firearm, which was a H&R .38 caliber revolver;

In violation of Title 18, United States Code, Section 922(g)(1).

THE GRAND JURY FURTHER CHARGES:

COUNT SEVEN
(Convicted Felon in Possession of Firearm)

32. On or about May 19, 2018, in the Northern District of Indiana,

GUSTAVO COLUNGA
a/k/a "Barkley,"

defendant herein, having previously been convicted of Aggravated Battery in 2017 in the Court of Cook County, Illinois, said crime being punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce a firearm, which was a Smith & Wesson .45 caliber semi-automatic pistol;

In violation of Title 18, United States Code, Section 922(g)(1).

THE GRAND JURY FURTHER CHARGES:

COUNT EIGHT
(Convicted Felon in Possession of Firearm)

33. On or about May 21, 2018, in the Northern District of Indiana,

GUSTAVO COLUNGA
a/k/a "Barkley,"

defendant herein, having previously been convicted of Aggravated Battery in 2017 in the Court of Cook County, Illinois, said crime being punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce a firearm, which was a Inter Ordnance .380 caliber semi-automatic pistol;

In violation of Title 18, United States Code, Section 922(g)(1).

THE GRAND JURY FURTHER CHARGES:

COUNT NINE
(Convicted Felon in Possession of Firearm)

34. On or about August 13, 2018, in the Northern District of Indiana,

JOSHUA HARRIS-WHITE
a/k/a "BJ,"

defendant herein, having previously been convicted of Aggravated Battery in 2017 in the Court of Cook County, Illinois, said crime being punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce a firearm, which was a Ruger .44 magnum revolver;

In violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATIONS

RICO FORFEITURE

1. The allegations contained in Count One of this Second Superseding Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963 and Title 28, United States Code, Section 2461(c). Pursuant to Rule 32.2, Fed. R. Crim. P., notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 1963 in the event of any defendant's conviction under Count One of this Fifth Superseding Indictment.

2. The defendants,

**MANUEL DIAZ a/k/a "Smiley,"
EDUARDO DIAZ-CORRAL a/k/a "Lalo,"
RALPH MENDEZ, JR. a/k/a "Little Devious,"
JOSEPH ROGGENKAMP a/k/a "Dro,"
GUSTAVO COLUNGA a/k/a "Barkley,"
JOSHUA HARRIS-WHITE a/k/a "BJ,"
MARIO COLUNGA
and
LUIS COLUNGA a/k/a "Panson,"**

a. have acquired and maintained interests 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);

b. have an interest in, security of, claims against, and property

and contractual rights which afford a source of influence over, the enterprise named and described herein which the defendants 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);

c. have property constituting and derived from proceeds 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).

3. The interest of the defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1), (a)(2), and (a)(3), include but are not limited to:

- a. One H&R .38 caliber revolver;
- b. One Smith & Wesson .45 caliber semi-automatic pistol;
- c. One Inter Ordnance .380 caliber semi-automatic pistol;
- d. One Ruger .44 magnum revolver;

4. The above-named defendants, and each of them, are jointly and severally liable for the forfeiture obligations as alleged above.

All pursuant to Title 18, United States Code, Section 1963.

FELON POSSESSING FIREARM FORFEITURE

1. The allegations of Count Six through Nine of the Second Superseding Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18 United States Code, Section 924(d), and Title 28 United States Code, Section 2461(c).

2. Upon conviction of the offense alleged in Count Six of the Second Superseding Indictment, **LUIS COLUNGA a/k/a "Panson,"** defendant herein, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in the commission of such offenses, including but not limited to:

a. one (1) firearm, which was a H&R .38 caliber revolver.

3. Upon conviction of either the offense alleged in Count Seven or Count Eight of the Second Superseding Indictment, **GUSTAVO COLUNGA a/k/a "Barkley,"** defendant herein, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in

the commission of such offenses, including but not limited to:

- a. One Smith & Wesson .45 caliber semi-automatic pistol; and
- b. One Inter Ordnance .380 caliber semi-automatic pistol;

4. Upon conviction of the offense alleged in Count Nine of the Second Superseding Indictment, **JOSHUA HARRIS-WHITE a/k/a "BJ,"** defendant herein, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in the commission of such offenses, including but not limited to:

- a. One Ruger .44 magnum revolver.

A TRUE BILL:

s/Foreperson
FOREPERSON

THOMAS L. KIRSCH II
UNITED STATES ATTORNEY

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

By: s/Joseph A. Cooley
Joseph A. Cooley
Assistant United States Attorney

By: s/Robert S. Tully
Robert S. Tully
Trial Attorney, Organized Crime &
Gang Section

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