

SLT:MEL
F. #2014R01920 /OCDETF # NYNYE-764

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

DAIRO ANTONIO USUGA-DAVID,
also known as "Otoniel," "Mao,"
"Gallo" and "Mauricio-Gallo,"
DANIEL RENDON-HERRERA,
also known as "Don Mario,"
JAIRO DE JESUS DURANGO RESTREPO,
also known as "Gua Gua,"
ROBERTO VARGAS GUTIERREZ,
also known as "Gavilan,"
CARLOS ALBERTO MORENO TURBERQUIA,
also known as "Nicolas,"
ARISTIDES MANUEL MESA PAEZ,
also known as "El Indio,"
LUIS ORLANDO PADIERNA PENA,
also known as "Inglaterra,"
JOBANIS DE JESUS AVILA VILLADIEGO,
also known as "Chiquito" and "Chiquito
Malo,"
CESAR DANIEL ANAYA MARTINEZ,
also known as "Tierra,"
YONY ALBERTO GRAJALES ALVAREZ,
also known as "Guajiro" and "Paisa,"
RAMIRO CARO PINEDA,
also known as "Nolasco" and "Hugo,"

Defendants.

----- X

THE GRAND JURY CHARGES:

FILED
CLERK
2015 AUG 12 AM 11:48
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

SUPERSEDING
INDICTMENT

Cr. No. 14-0625 (S-3) (DLI)
(T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
924(c)(1)(B)(ii), 924(d)(1), 3238, 2 and
3551 et seq.; T. 21, U.S.C., §§ 848(a),
848(c), 853(a) and 853(p); T. 28, U.S.C.,
§ 2461(c))

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

1. The LOS URABEÑOS Drug Trafficking Organization (the “URABEÑOS”) was a cocaine trafficking and paramilitary organization based in Urubá, Colombia.
2. The URABEÑOS was involved in multi-ton shipments of cocaine from Colombia to Mexico and Central America for ultimate importation into the United States. The URABEÑOS coordinated the production, purchase and transfer of shipments of cocaine, as well as the receipt of shipments of cocaine in Mexico and Central America. The URABEÑOS also controlled territory in various areas in Colombia and imposed a “tax” on any drug traffickers operating in regions under the URABEÑOS’ control. Specifically, the URABEÑOS charged a set fee for every kilogram of cocaine that was manufactured, stored or transported through areas controlled by the URABEÑOS.
3. The URABEÑOS also employed “sicarios,” or hitmen, who carried out various acts of violence, including murders, assaults, kidnappings and assassinations. The URABEÑOS utilized these acts of violence to collect drug debts, maintain discipline, control and expand drug territory and to promote and enhance the prestige, reputation and position of the organization.
4. The defendants DAIRO ANTONIO USUGA-DAVID, also known as “Otoniel,” “Mao,” “Gallo” and “Mauricio-Gallo,” and DANIEL RENDON-HERRERA, also known as “Don Mario,” were principal leaders of the URABEÑOS.

5. The defendants JAIRO DE JESUS DURANGO RESTREPO, also known as “Gua Gua,” ROBERTO VARGAS GUTIERREZ, also known as “Gavilan,” CARLOS ALBERTO MORENO TURBERQUIA, also known as “Nicolas,” ARISTIDES MANUEL MESA PAEZ, also known as “El Indio,” LUIS ORLANDO PADIERNA PENA, also known as “Inglaterra,” JOBANIS DE JESUS AVILA VILLADIEGO, also known as “Chiquito” and “Chiquito Malo,” and CESAR DANIEL ANAYA MARTINEZ, also known as “Tierra,” were commanders of the URABEÑOS in charge of collecting drug taxes, managing armed combatants and maintaining control over specific territorial areas within Colombia.

6. The defendant YONY ALBERTO GRAJALES ALVAREZ, also known as “Guajiro” and “Paisa,” was the head of a drug collection office based in Cali, Colombia that was responsible for collecting drug debts owed to the URABEÑOS through the use of violence and threats of violence.

7. The defendant RAMIRO CARO PINEDA, also known as “Nolasco” and “Hugo,” was an organizer of the URABEÑOS in charge of collecting drug taxes, coordinating drug shipments and maintaining control over airstrips and ports on the Atlantic coast of Colombia.

COUNT ONE
(Continuing Criminal Enterprise)

8. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

9. In or about and between June 2003 and December 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the

defendants DAIRO ANTONIO USUGA-DAVID, also known as “Otoniel,” “Mao,” “Gallo” and “Mauricio-Gallo,” DANIEL RENDON-HERRERA, also known as “Don Mario,” JAIRO DE JESUS DURANGO RESTREPO, also known as “Gua Gua,” ROBERTO VARGAS GUTIERREZ, also known as “Gavilan,” CARLOS ALBERTO MORENO TURBERQUIA, also known as “Nicolas,” ARISTIDES MANUEL MESA PAEZ, also known as “El Indio,” LUIS ORLANDO PADIERNA PENA, also known as “Inglaterra,” JOBANIS DE JESUS AVILA VILLADIEGO, also known as “Chiquito” and “Chiquito Malo,” CESAR DANIEL ANAYA MARTINEZ, also known as “Tierra,” YONY ALBERTO GRAJALES ALVAREZ, also known as “Guajiro” and “Paisa,” and RAMIRO CARO PINEDA, also known as “Nolasco” and “Hugo,” together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that the defendants DAIRO ANTONIO USUGA-DAVID, DANIEL RENDON-HERRERA, JAIRO DE JESUS DURANGO RESTREPO, ROBERTO VARGAS GUTIERREZ, CARLOS ALBERTO MORENO TURBERQUIA, ARISTIDES MANUEL MESA PAEZ, LUIS ORLANDO PADIERNA PENA, JOBANIS DE JESUS AVILA VILLADIEGO, CESAR DANIEL ANAYA MARTINEZ, YONY ALBERTO GRAJALES ALVAREZ and RAMIRO CARO PINEDA committed violations of Title 21, United States Code, Sections 846, 848(e), 952(a), 959(a), 960 and 963, including Violations One through Thirty-Three set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendants DAIRO ANTONIO USUGA-DAVID, DANIEL RENDON-HERRERA, JAIRO DE JESUS DURANGO RESTREPO, ROBERTO VARGAS GUTIERREZ, CARLOS ALBERTO MORENO TURBERQUIA, ARISTIDES MANUEL MESA PAEZ, LUIS ORLANDO PADIERNA

PENA, JOBANIS DE JESUS AVILA VILLADIEGO, CESAR DANIEL ANAYA MARTINEZ, YONY ALBERTO GRAJALES ALVAREZ and RAMIRO CARO PINEDA, in concert with five or more other persons with respect to whom the defendants DAIRO ANTONIO USUGA-DAVID, DANIEL RENDON-HERRERA, JAIRO DE JESUS DURANGO RESTREPO, ROBERTO VARGAS GUTIERREZ, CARLOS ALBERTO MORENO TURBERQUIA, ARISTIDES MANUEL MESA PAEZ, LUIS ORLANDO PADIERNA PENA, JOBANIS DE JESUS AVILA VILLADIEGO, CESAR DANIEL ANAYA MARTINEZ, YONY ALBERTO GRAJALES ALVAREZ and RAMIRO CARO PINEDA occupied a supervisory and management position, and from which continuing series of violations the defendants DAIRO ANTONIO USUGA-DAVID, DANIEL RENDON-HERRERA, JAIRO DE JESUS DURANGO RESTREPO, ROBERTO VARGAS GUTIERREZ, CARLOS ALBERTO MORENO TURBERQUIA, ARISTIDES MANUEL MESA PAEZ, LUIS ORLANDO PADIERNA PENA, JOBANIS DE JESUS AVILA VILLADIEGO, CESAR DANIEL ANAYA MARTINEZ, YONY ALBERTO GRAJALES ALVAREZ and RAMIRO CARO PINEDA obtained substantial income and resources. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), included Violations One through Thirty-Three set forth below:

Violation One

(International Cocaine Manufacturing and Distribution Conspiracy)

10. In or about and between June 2003 and December 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants DAIRO ANTONIO USUGA-DAVID, also known as “Otoniel,” “Mao,” “Gallo”

and “Mauricio-Gallo,” DANIEL RENDON-HERRERA, also known as “Don Mario,” JAIRO DE JESUS DURANGO RESTREPO, also known as “Gua Gua,” ROBERTO VARGAS GUTIERREZ, also known as “Gavilan,” CARLOS ALBERTO MORENO TURBERQUIA, also known as “Nicolas,” ARISTIDES MANUEL MESA PAEZ, also known as “El Indio,” LUIS ORLANDO PADIERNA PENA, also known as “Inglaterra,” JOBANIS DE JESUS AVILA VILLADIEGO, also known as “Chiquito” and “Chiquito Malo,” CESAR DANIEL ANAYA MARTINEZ, also known as “Tierra,” YONY ALBERTO GRAJALES ALVAREZ, also known as “Guajiro” and “Paisa,” and RAMIRO CARO PINEDA, also known as “Nolasco” and “Hugo,” together with others, did knowingly and intentionally conspire to manufacture and distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3), 960(b)(1)(B)(ii) and 963.

Violations Two Through Thirty-Two
(International Cocaine Distribution)

11. On or about the dates listed below, all dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants DAIRO ANTONIO USUGA-DAVID, also known as “Otoniel,” “Mao,” “Gallo” and “Mauricio-Gallo,” DANIEL RENDON-HERRERA, also known as “Don Mario,” JAIRO DE JESUS DURANGO RESTREPO, also known as “Gua Gua,” ROBERTO VARGAS GUTIERREZ, also known as “Gavilan,” CARLOS ALBERTO MORENO TURBERQUIA, also known as “Nicolas,” ARISTIDES MANUEL MESA PAEZ, also known as “El Indio,”

LUIS ORLANDO PADIERNA PENA, also known as "Inglaterra," JOBANIS DE JESUS AVILA VILLADIEGO, also known as "Chiquito" and "Chiquito Malo," CESAR DANIEL ANAYA MARTINEZ, also known as "Tierra," YONY ALBERTO GRAJALES ALVAREZ, also known as "Guajiro" and "Paisa," and RAMIRO CARO PINEDA, also known as "Nolasco" and "Hugo," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offenses involved a substance containing cocaine, a Schedule II controlled substance, in the amounts listed below, contrary to Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2:

VIOLATION	APPROXIMATE AMOUNT	APPROXIMATE DATE
2	1,600 kilograms of cocaine	June 18, 2003
3	2,040 kilograms of cocaine	August 3, 2003
4	1,800 kilograms of cocaine	August 15, 2003
5	1,650 kilograms of cocaine	August 28, 2003
6	1,200 kilograms of cocaine	September 28, 2003
7	1,400 kilograms of cocaine	September 3, 2004
8	1,796 kilograms of cocaine	September 19, 2004
9	2,000 kilograms of cocaine	October 22, 2004
10	1,670 kilograms of cocaine	November 16, 2004
11	1,868 kilograms of cocaine	November 19, 2004
12	2,090 kilograms of cocaine	November 25, 2004
13	2,060 kilograms of cocaine	January 27, 2005
14	1,811 kilograms of cocaine	June 2, 2005
15	2,000 kilograms of cocaine	August 26, 2005
16	1,700 kilograms of cocaine	January 10, 2006
17	1,940 kilograms of cocaine	May 20, 2006
18	2,100 kilograms of cocaine	November 10, 2006
19	1,870 kilograms of cocaine	January 3, 2007
20	2,100 kilograms of cocaine	April 19, 2007
21	2,000 kilograms of cocaine	May 25, 2007
22	2,000 kilograms of cocaine	July 3, 2007

23	2,000 kilograms of cocaine	July 23, 2007
24	2,000 kilograms of cocaine	November 6, 2007
25	1,950 kilograms of cocaine	November 20, 2007
26	1,000 kilograms of cocaine	December 2009
27	12,000 kilograms of cocaine	Jan. 2010 to Jan. 2011
28	2,000 kilograms of cocaine	September 2011
29	2,500 kilograms of cocaine	October 2011
30	2,000 kilograms of cocaine	November 10, 2011
31	7,000 kilograms of cocaine	February 2012
32	2,500 kilograms of cocaine	March 2012

Violation Thirty-Three
(Murder Conspiracy – Rival Drug Traffickers)

12. In or about and between June 2003 and December 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants DAIRO ANTONIO USUGA-DAVID, also known as “Otoniel,” “Mao,” “Gallo” and “Mauricio-Gallo,” DANIEL RENDON-HERRERA, also known as “Don Mario,” JAIRO DE JESUS DURANGO RESTREPO, also known as “Gua Gua,” ROBERTO VARGAS GUTIERREZ, also known as “Gavilan,” CARLOS ALBERTO MORENO TURBERQUIA, also known as “Nicolas,” ARISTIDES MANUEL MESA PAEZ, also known as “El Indio,” LUIS ORLANDO PADIERNA PENA, also known as “Inglaterra,” JOBANIS DE JESUS AVILA VILLADIEGO, also known as “Chiquito” and “Chiquito Malo,” CESAR DANIEL ANAYA MARTINEZ, also known as “Tierra,” and YONY ALBERTO GRAJALES ALVAREZ, also known as “Guajiro” and “Paisa,” together with others, while engaged in one or more offenses punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crimes charged in Violations One Through Thirty-Two, did knowingly and intentionally conspire to kill and cause the intentional killing of one or more persons, to wit:

leaders, members and associates of rival drug trafficking organizations, and such killings did result, in violation of Title 21, United States Code, Sections 848(e)(1)(A) and 846.

(Title 21, United States Code, Sections 848(a) and 848(c); Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT TWO

(Use of Firearms in Furtherance of Drug Trafficking)

13. The allegations contained in paragraphs one through seven are realleged and incorporated as if fully set forth in this paragraph.

14. In or about and between June 2003 and December 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants DAIRO ANTONIO USUGA-DAVID, also known as “Otoniel,” “Mao,” “Gallo” and “Mauricio-Gallo,” DANIEL RENDON-HERRERA, also known as “Don Mario,” JAIRO DE JESUS DURANGO RESTREPO, also known as “Gua Gua,” ROBERTO VARGAS GUTIERREZ, also known as “Gavilan,” CARLOS ALBERTO MORENO TURBERQUIA, also known as “Nicolas,” ARISTIDES MANUEL MESA PAEZ, also known as “El Indio,” LUIS ORLANDO PADIERNA PENA, also known as “Inglaterra,” JOBANIS DE JESUS AVILA VILLADIEGO, also known as “Chiquito” and “Chiquito Malo,” CESAR DANIEL ANAYA MARTINEZ, also known as “Tierra,” and YONY ALBERTO GRAJALES ALVAREZ, also known as “Guajiro” and “Paisa,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a drug trafficking crime, to wit: the crime charged in Count One, and did knowingly and intentionally possess

such firearms in furtherance of said drug trafficking crime, one or more of which firearms was brandished and discharged and one or more of which firearms was a machinegun.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

15. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count One, the government will seek a forfeiture money judgment in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit (1) any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of such offense, (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, and (3) any of his interest in, claims against and property or contractual rights affording a source of control over, the continuing criminal enterprise.

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

17. The United States hereby gives notice to the defendants charged in Count Two that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of such offense, or willful violation of any other criminal law of the United States.

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON



KELSY T. CURRIE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2014R01920/OCDEF #NYNYE-764
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

DAIRO ANTONIO USUGA-DAVID, also known as "Otoniel," "Mao," "Gallo" and "Mauricio-Gallo," DANIEL RENDON-HERRERA, also known as "Don Mario," JAIRO DE JESUS DURANGO RESTREPO, also known as "Gua Gua," ROBERTO VARGAS GUTIERREZ, also known as "Gavilan," CARLOS ALBERTO MORENO TURBERQUIA, also known as "Nicolas," ARISTIDES MANUEL MESA PAEZ, also known as "El Indio," LUIS ORLANDO PADIERNA PENA, also known as "Inglaterra," JOBANIS DE JESUS AVILA VILLADIEGO, also known as "Chiquito" and "Chiquito Malo," CESAR DANIEL ANAYA MARTINEZ, also known as "Tierra," YONY ALBERTO GRAJALES ALVAREZ, also known as "Guajiro" and "Paisa," and RAMIRO CARO PINEDA, also known as "Nolasco" and "Hugo,"
Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 924(d)(1), 3238, 2 and 3551 et seq.; T. 21, U.S.C., §§ 848(a), 848(c), 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

A true bill.



Foreperson

Filed in open court this _____ day of _____ A.D. 20____

Clerk

Bail, \$

Steven L. Tiscione, Assistant U.S. Attorney (718) 254-6317