

associates functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise was engaged in, and its activities affected, interstate and foreign commerce. ELIJAH BERMUDEZ, a/k/a "Quiet," the defendant, participated in the Enterprise and participated in unlawful and other activity in furtherance of the conduct of the Enterprise's affairs.

3. Members and associates of Bully Hard engaged in a series of violent disputes with rivals of Bully Hard, as well as those within Bully Hard who they deemed disloyal to the Enterprise. During these disputes, members and associates of Bully Hard committed murder, shootings, and assaults against their rivals and against fellow members of Bully Hard.

4. Members and associates of Bully Hard distributed heroin and marijuana in and around New York City and Upstate New York.

5. Members and associates of Bully Hard committed and agreed, attempted, and threatened to commit acts of violence to protect and expand their narcotics business, to protect fellow members and associates of the Enterprise, to otherwise promote the standing and reputation of Bully Hard amongst rival gangs, and to promote the standing and reputation of members of Bully Hard. These acts of violence included acts involving murder, robbery, and assault.

Purposes of the Enterprise

6. The purposes of the Enterprise included the following:

a. Preserving and protecting the power, territory, and profits of the Enterprise through acts involving murder, other acts of violence, and threats of violence.

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

c. Keeping victims and potential victims in fear of the 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 Enterprise through, among other things, robbery, wire fraud, and the distribution and sale of narcotics, including heroin and marijuana.

f. Protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities through acts of intimidation and violence against potential witnesses to crimes committed by members of the Enterprise.

Means and Methods of the Enterprise

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

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

b. Members and associates of the Enterprise used threats of violence and physical violence against other members and associates of the Enterprise to enforce and maintain discipline within the Enterprise.

c. Members and associates of the Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including acts involving murder and robbery against rival gang members and other individuals.

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

e. Members and associates of the Enterprise distributed controlled substances, including heroin and marijuana.

The Racketeering Conspiracy

8. From at least in or about early 2020 to April 2022, in the Southern District of New York and elsewhere, ELIJAH BERMUDEZ, a/k/a "Quiet," the defendant, and others known and unknown, being

persons employed by and associated with the Enterprise described in paragraphs 1 through 7 of this Indictment, namely, Bully Hard, which enterprise 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, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of Bully Hard 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, chargeable under the following provisions of state law: New York Penal Law Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (aiding and abetting);

b. multiple acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

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

d. multiple acts indictable under Title 18, United States Code, Section 1343 (wire fraud);

e. multiple acts indictable under Title 18, United States Code, Section 1028 (fraud and related activity in connection with identification documents, authentication features, and information); and.

f. multiple offenses involving the distribution of controlled substances, including, heroin and marijuana, in violation of laws of the United States, namely Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B), 841(b)(1)(C), 841(b)(1)(D), and 846, and Title 18, United States Code, Section 2.

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

Notice of Special Sentencing Factors

10. On or about June 20, 2020, in the Southern District of New York and elsewhere, ELIJAH BERMUDEZ, a/k/a "Quiet," the defendant, knowingly murdered and aided and abetted the murder of a victim who was a minor ("Minor Victim-1") in the vicinity of Charles Street in Poughkeepsie, New York, in violation of New York Penal Law, Sections 125.25, and 20.00, in that, with intent to cause the death of another person, BERMUDEZ caused the death of Minor Victim-1, and aided and abetted the same.

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

COUNT TWO
(Murder in Aid of Racketeering)

The Grand Jury further charges:

11. At all times relevant to this Indictment, Bully Hard, as described in paragraphs 1 through 7, including its leaders, members and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

12. 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:

a. multiple acts involving murder, chargeable under the following provisions of state law: New York Penal Law Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (aiding and abetting);

b. multiple acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

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

d. multiple acts indictable under Title 18, United States Code, Section 1343 (wire fraud);

e. multiple acts indictable under Title 18, United States Code, Section 1028 (fraud and related activity in connection with identification documents, authentication features, and information); and

f. multiple offenses involving the distribution of controlled substances, including, heroin and marijuana, in violation of laws of the United States, namely Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B), 841(b)(1)(C), 841(b)(1)(D), and 846, and Title 18, United States Code, Section 2.

13. On or about June 20, 2020, in the Southern District of New York, and elsewhere, ELIJAH BERMUDEZ, a/k/a "Quiet," the defendant, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from Bully Hard, and for the purpose of gaining entrance to and maintaining and increasing position in Bully Hard, an enterprise engaged in racketeering activity, as described above, knowingly and intentionally murdered and aided and abetted the murder of Minor Victim-1 in the vicinity of Charles Street in

Poughkeepsie, New York, in violation of New York Penal Law, Sections 125.25, and 20.00, in that, with intent to cause the death of another person, BERMUDEZ caused the death of Minor Victim-1, and aided and abetted the same.

(Title 18, United States Code, Section 1959(a)(1) and 2)

COUNT THREE
(Use of a Firearm Resulting in Death)

The Grand Jury further charges:

14. On or about June 20, 2020, in the Southern District of New York, ELIJAH BERMUDEZ, a/k/a "Quiet," the defendant, 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 crime, did cause the death of a person through the use of the 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, BERMUDEZ knowingly and intentionally used a firearm to shoot and kill Minor Victim-1 in the vicinity of Charles Street in Poughkeepsie, New York.

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

COUNT FOUR
(Felon in Possession)

The Grand Jury further charges:

15. On or about June 20, 2020, in the Southern District of New York and elsewhere, ELIJAH BERMUDEZ, a/k/a "Quiet, the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly and intentionally did possess, in and affecting commerce, ammunition, to wit, four .380 Caliber casings, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

16. As a result of committing the offense alleged in Count One of this Superseding Indictment, ELIJAH BERMUDEZ, a/k/a "Quiet," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, any and all interests the defendant 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 Superseding 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.

Substitute Assets Provision

17. If any of the property described above as subject to forfeiture, as a result of any act or omission of the above-named 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 defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 1963;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



Damian Williams

DAMIAN WILLIAMS
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ELIJAH BERMUDEZ, a/k/a "Quiet,"

Defendant.

**SUPERSEDING
INDICTMENT**

S1 22 Cr. 335 (NSR)

(18 U.S.C. §§ 922(g), 924(j),
1959(a)(1), 1962(d), and 2;)

DAMIAN WILLIAMS

