

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
-v.- : SEALED INDICTMENT
:
ROBERT ACOSTA, :
a/k/a "Robert Acevedo-Acosta," : 18 Cr. ____
a/k/a "Ruberto Mojico," :
a/k/a "Robert Mojica isaacs," and :
JOSE DIAZ, :
a/k/a "Cano," :
:
Defendants. :
:
- - - - - X

COUNT ONE

The Grand Jury charges:

1. On or about December 22, 1997, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute five kilograms and more of mixtures and substances containing a detectable amount of cocaine, ROBERT ACOSTA, a/k/a "Robert Acevedo-Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs," and JOSE DIAZ, a/k/a "Cano," the defendants, and others known and unknown, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Alex

Ventura in the vicinity of 2769 University Avenue, Bronx, New York, and aided and abetted the same.

(Title 21, United States Code, Section 848(e)(1)(A);
and Title 18, United States Code, Section 2.)

COUNT TWO

The Grand Jury further charges:

2. On or about December 22, 1997, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute five kilograms and more of mixtures and substances containing a detectable amount of cocaine, ROBERT ACOSTA, a/k/a "Robert Acevedo-Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs," and JOSE DIAZ, a/k/a "Cano," the defendants, and others known and unknown, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Aneudis Almonte in the vicinity of 2769 University Avenue, Bronx, New York, and aided and abetted the same.

(Title 21, United States Code, Section 848(e)(1)(A);
and Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

3. From in or about the summer of 1997, up to and including in or about December 1997, in the Southern District of

New York and elsewhere, ROBERT ACOSTA, a/k/a "Robert Acevedo Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs," and JOSE DIAZ, a/k/a "Cano," the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, ACOSTA agreed with DIAZ and others to pay DIAZ and others to kill persons who were believed to have stolen drug money from ACOSTA, which resulted in the deaths of Alex Ventura and Aneudis Almonte.

(Title 18, United States Code, Section 1958.)

COUNT FOUR

The Grand Jury further charges:

4. On or about December 22, 1997, in the Southern District of New York, ROBERT ACOSTA, a/k/a "Robert Acevedo-Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs," and JOSE DIAZ, a/k/a "Cano," the defendants, and others known and unknown, knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause

another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and did aid and abet the same, to wit, ACOSTA and others paid DIAZ and others to kill persons who were believed to have stolen drug money from ACOSTA, which resulted in the death of Alex Ventura.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT FIVE

The Grand Jury further charges:

5. On or about December 22, 1997, in the Southern District of New York, ROBERT ACOSTA, a/k/a "Robert Acevedo-Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs," and JOSE DIAZ, a/k/a "Cano," the defendants, and others known and unknown, knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and did aid and abet the same, to wit, ACOSTA paid DIAZ and others to kill persons who

had stolen drug money from ACOSTA, payment which resulted in the death of Aneudis Almonte.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT SIX

The Grand Jury further charges:

6. On or about December 22, 1997, in the Southern District of New York and elsewhere, ROBERT ACOSTA, a/k/a "Robert Acevedo-Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs," and JOSE DIAZ, a/k/a "Cano," the defendants, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murders-for-hire charged in Counts Four and Five of this Indictment, did possess a firearm, and in the course of that crime 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, ACOSTA hired DIAZ and others to kill persons who had stolen drug money from ACOSTA, and DIAZ thereafter shot to death Alex Ventura in the vicinity of 2769 University Avenue in the Bronx, New York.

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

SPECIAL FINDINGS AS TO ROBERT ACOSTA

7. Counts One, Two, Three, Four, Five and Six of the Indictment are realleged and incorporated by reference as though

fully set forth herein. As to Counts One, Two Three, Four, Five and Six of the Indictment, alleging the murders of Alex Ventura and Aneudis Acosta, the defendant ROBERT ACOSTA, a/k/a "Robert Acevedo-Acosta," a/k/a "Ruberto Mojico," a/k/a "Robert Mojica isaacs":

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

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

c. procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value (Title 18, United States Code, Section 3592 (c)(8));

d. committed the offense after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)); and

e. intentionally killed or attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

SPECIAL FINDINGS AS TO JOSE DIAZ

8. Counts One, Two, Three, Four, Five and Six of the

Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts One, Two, Three, Four, Five and Six of the Indictment, alleging the murders of Alex Ventura and Aneudis Acosta, the defendant JOSE DIAZ, a/k/a "Cano":

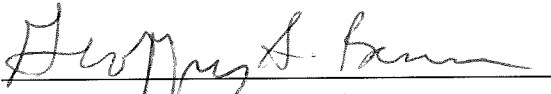

- a. was 18 years of age or older at the time of the offenses;
- b. intentionally killed the victim Alex Ventura (Title 18, United States Code, Section 848(n)(1)(A));
- c. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim Aneudis Almonte died as a direct result of the act (Title 18, United States Code, Section 3591(a)(1)(D));
- d. has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance (Title 18, United States Code, Section 3592(c)(10));
- e. committed the offense as consideration, for the receipt, or in the expectation of the receipt, of anything of pecuniary value (Title 18, United States Code, Section 3592

(c) (8);

f. committed the offense after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)); and

g. intentionally killed, or attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

FOREPERSON


GEOFFREY S. BERMAN 
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

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a/k/a "Robert Acevedo-Acosta,"
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Defendants.

SEALED INDICTMENT

18 Cr. ____

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL

Foreperson.