

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
STEVEN BROWN, :
a/k/a "BI," :
RAFAEL REYES, :
a/k/a "Ralfy," :
LUIS ORTIZ, :
a/k/a "Gecko," :
HECTOR MARRERO, :
a/k/a "Buddha," :
PETER GONZALEZ, :
a/k/a "Petey," :
a/k/a "Rockstar," :
:
Defendants. :
:
- - - - - x

SUPERSEDING INDICTMENT
S12 15 Cr. 608 (KPF)

COUNT ONE
(Murder in Aid of Racketeering)

The Grand Jury charges:

The Taylor Avenue Crew Enterprise

1. At all times relevant to this Indictment, STEVEN BROWN, a/k/a "BI," the defendant, and others known and unknown, were members and associates of a street gang located in and around Taylor Avenue in the Bronx, New York (the "Taylor Avenue Crew"), a criminal organization whose members and associates engaged in, among other activities, narcotics trafficking, attempted murder, and murder. The Taylor Avenue Crew operated principally in and around the Bronx, New York.

2. The Taylor Avenue Crew, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1959(b)(2), 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.

3. From at least in or about 2007 up to and including in or about September 2015, members and associates of the Taylor Avenue Crew were engaged in a series of violent disputes with a rival street gang operating in and around Leland Avenue in the Bronx (the "Leland Avenue Crew"). During these disputes, members and associates of the Taylor Avenue Crew committed multiple shootings and assaults against members and associates of the Leland Avenue Crew. Some of the members of the Taylor Avenue Crew are also members of the Bloods, a nationwide gang, whereas some of the members of the Leland Avenue Crew are also members of the Crips, a nationwide gang that has a long-standing rivalry with the Bloods.

4. Members and associates of the Taylor Avenue Crew sold cocaine base, commonly known as "crack cocaine," primarily in and around Taylor Avenue in the Bronx, New York. The Taylor Avenue Crew controlled crack cocaine sales within this area by

prohibiting and preventing non-members, outsiders, and rival narcotics dealers from distributing crack cocaine in the area controlled by the Taylor Avenue Crew.

5. Members and associates of the Taylor Avenue Crew assisted allied crews from nearby areas in the Bronx, New York. One such allied crew was the Creston Avenue Crew, which operated primarily in and around Creston Avenue in the Bronx, New York. As described below, the Creston Avenue Crew controlled cocaine and marijuana sales within this area by prohibiting and preventing non-members, outsiders, and rival narcotics dealers from distributing cocaine and marijuana in that area. Members of the Taylor and Creston Avenue Crews associated with each other and assisted each other by, among other things, carrying out acts of violence on each other's behalf upon request by the leaders of the respective crews.

6. From at least in or about 2007, up to and including in or about 2011, the Taylor Avenue Crew was led by STEVEN BROWN, a/k/a "BI," the defendant. Among other things, BROWN formed alliances with other nearby crews, including the Creston Avenue Crew, requested favors from the leadership of the Creston Avenue Crew, and directed other members of the Taylor Avenue Crew to carry out acts of violence to assist both the Creston Avenue Crew and the Taylor Avenue Crew.

7. Certain members and associates of the Taylor Avenue Crew committed and agreed, attempted, and threatened to commit acts of violence to protect and expand their drug trafficking operation and to protect fellow members and associates of the Taylor Avenue Crew. These acts of violence included assaults, attempted murder, and murder intended either to protect the Taylor Avenue Crew's drug territory, retaliate against members of rival gangs who had encroached on the territory controlled by the Taylor Avenue Crew, or to otherwise promote the standing and reputation of the Taylor Avenue Crew amongst rival gangs.

Purposes of the Taylor Avenue Crew Enterprise

8. The purposes of the Taylor Avenue Crew Enterprise included the following:

a. Preserving and protecting the power, territory, and profits of the Taylor Avenue Crew Enterprise through murder, attempted murder, and other acts of violence, and threats of violence.

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

c. Keeping victims and potential victims in fear of the Taylor Avenue Crew Enterprise and its members and associates through acts and threats of violence.

d. Providing assistance to members and associates, including associates who were members of allied crews, who

committed crimes for and on behalf of the Taylor Avenue Crew Enterprise.

e. Enriching the members and associates of the Taylor Avenue Crew Enterprise through, among other things, the distribution and sale of narcotics, including crack cocaine.

f. Protecting the Taylor Avenue Crew 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 Taylor Avenue Crew Enterprise.

Means and Methods of the Taylor Avenue Crew Enterprise

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

a. Members and associates of the Taylor Avenue Crew Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, to protect and expand the Taylor Avenue Crew Enterprise's criminal operations, and in connection with the rivalries with members of other street gangs, including the Leland Avenue Crew.

b. Members and associates of the Taylor Avenue Crew Enterprise assisted allied drug crews in committing acts of

violence, including murder, to protect and expand the allied crews' criminal operations.

c. Members and associates of the Taylor Avenue Crew Enterprise used threats of violence and physical violence against other members and associates to enforce and maintain discipline within the Enterprise.

d. Members and associates of the Taylor Avenue Crew Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder and attempted murder, against rival gang members and other individuals adverse to the Taylor Avenue Crew Enterprise.

e. Members and associates of the Taylor Avenue Crew Enterprise promoted and celebrated the criminal conduct of the enterprise, namely the narcotics distribution, acts involving violence, and firearm usage, in rap music lyrics and on social media websites such as YouTube and Facebook.

f. Members and associates of the Taylor Avenue Crew Enterprise obtained, possessed, and used firearms.

g. Members and associates of the Taylor Avenue Crew Enterprise distributed controlled substances, including crack cocaine.

h. Members and associates of the Taylor Avenue Crew Enterprise committed acts of intimidation and made threats as a means of deterring and punishing any potential witnesses to its

crimes and in connection with protecting the Taylor Avenue Crew Enterprise and its members and associates from detection and prosecution by law enforcement authorities.

The Murder of Derrick Moore

10. At all times relevant to this Indictment, the above-described Taylor Avenue Crew 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), namely, acts involving murder in violation of the laws of New York State, and acts involving drug trafficking in violation of 21 U.S.C. §§ 812, 841, and 846.

11. On or about August 2, 2009, in the Southern District of New York, STEVEN BROWN, a/k/a "BI," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay a thing of pecuniary value from the Taylor Avenue Crew, and for the purpose of gaining entrance to and maintaining and increasing position in the Taylor Avenue Crew, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered, and aided and abetted the murder of Derrick Moore, a/k/a "Gotti," an associate of the Leland Avenue Crew, that is, with the intent to cause the death of Moore, did cause the death of Moore, and under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct

which created a grave risk of death to another person and thereby caused the death of Moore, in the vicinity of 1512 Leland Avenue, Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00.

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

COUNT TWO
(Murder in Aid of Racketeering)

The Grand Jury further charges:

The Creston Avenue Crew Enterprise

12. At all times relevant to this Indictment, RAFAEL REYES, a/k/a "Ralfy," and LUIS ORTIZ, a/k/a "Gecko," the defendants, and others known and unknown, were members and associates of a street gang located in and around Creston Avenue in the Bronx, New York (the "Creston Avenue Crew"), a criminal organization whose members and associates engaged in, among other activities, narcotics trafficking, attempted murder, and murder. The Creston Avenue Crew operated principally in and around the Bronx, New York.

13. The Creston Avenue Crew, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1959(b)(2), 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.

14. Members and associates of the Creston Avenue Crew distributed cocaine and marijuana primarily in and around Creston Avenue in the Bronx, New York. The Creston Avenue Crew controlled cocaine and marijuana sales within this area by prohibiting and preventing non-members, outsiders, and rival narcotics dealers from distributing cocaine and marijuana in the area controlled by the Creston Avenue Crew.

15. Members and associates of the Creston Avenue Crew assisted allied crews from nearby areas in the Bronx, New York. One such allied crew was the Taylor Avenue Crew. Members of the Taylor and Creston Avenue Crews associated with each other and assisted each other by, among other things, carrying out acts of violence on each other's behalf upon request by the leaders of the respective crews.

16. Certain members and associates of the Creston Avenue Crew committed and agreed, attempted, and threatened to commit acts of violence to protect and expand their drug trafficking operation and to protect fellow members and associates of the Creston Avenue Crew. These acts of violence included assaults, attempted murder, and murder intended either to protect the Creston Avenue Crew's drug territory, retaliate against members of rival gangs who had encroached on the territory controlled by

the Creston Avenue Crew, or to otherwise promote the standing and reputation of the Creston Avenue Crew amongst rival gangs.

Purposes of the Creston Avenue Crew Enterprise

17. The purposes of the Creston Avenue Crew Enterprise included the following:

a. Preserving and protecting the power, territory, and profits of the Creston Avenue Crew Enterprise through murder, attempted murder, and other acts of violence, and threats of violence.

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

c. Keeping victims and potential victims in fear of the Creston Avenue Crew Enterprise and its members and associates through acts and threats of violence.

d. Providing assistance to members and associates, including associates who were members of allied crews, who committed crimes for and on behalf of the Creston Avenue Crew Enterprise.

e. Enriching the members and associates of the Creston Avenue Crew Enterprise through, among other things, the distribution and sale of narcotics, including cocaine and marijuana.

f. Protecting the Creston Avenue Crew 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 Creston Avenue Crew Enterprise

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

a. Members and associates of the Creston Avenue Crew Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, to protect and expand the Creston Avenue Crew Enterprise's criminal operations, and in connection with the rivalries with members of other street gangs.

b. Members and associates of the Creston Avenue Crew Enterprise assisted allied drug crews in committing acts of violence, including murder, to protect and expand the allied crews' criminal operations.

c. Members and associates of the Creston Avenue Crew Enterprise used threats of violence and physical violence against other members and associates to enforce and maintain discipline within the Creston Avenue Crew Enterprise.

d. Members and associates of the Creston Avenue Crew Enterprise committed, conspired, attempted, and threatened to

commit acts of violence, including murder and attempted murder, against rival gang members and other individuals adverse to the Creston Avenue Crew Enterprise.

e. Members and associates of the Creston Avenue Crew Enterprise obtained, possessed, and used firearms.

f. Members and associates of the Creston Avenue Crew Enterprise distributed controlled substances, including cocaine and marijuana.

g. Members and associates of the Creston Avenue Crew Enterprise committed acts of intimidation and made threats as a means of deterring and punishing any potential witnesses to their crimes and in connection with protecting the Creston Avenue Crew Enterprise and its members and associates from detection and prosecution by law enforcement authorities.

The Murder of Derrick Moore

19. At all times relevant to this Indictment, the above-described Creston Avenue Crew 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), namely, acts involving murder in violation of the laws of New York State, and acts involving drug trafficking in violation of 21 U.S.C. §§ 812, 841, and 846.

20. On or about August 2, 2009, in the Southern District of New York, RAFAEL REYES, a/k/a "Ralfy," and LUIS ORTIZ, a/k/a

"Gecko," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay a thing of pecuniary value from the Creston Avenue Crew, and for the purpose of gaining entrance to and maintaining and increasing position in the Creston Avenue Crew, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered, and aided and abetted the murder of Derrick Moore, a/k/a "Gotti," an associate of the Leland Avenue Crew, in an effort to assist members of the Taylor Avenue Crew, that is, with the intent to cause the death of Moore, did cause the death of Moore, and under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person and thereby caused the death of Moore, in the vicinity of 1512 Leland Avenue, Bronx, New York, in violation of New York Penal Law, Sections 125.25 and 20.00.

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

COUNT THREE

(Murder in Connection with a Drug Crime)

The Grand Jury further charges:

21. On or about August 2, 2009, 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, namely a conspiracy to distribute 280 grams and more of cocaine base, in

a form commonly known as "crack cocaine," 5 kilograms and more of cocaine, and 1,000 kilograms and more of marijuana, STEVEN BROWN, a/k/a "BI," RAFAEL REYES, a/k/a "Ralfy," and LUIS ORTIZ, a/k/a "Gecko," the defendants, and others known and unknown, intentionally and knowingly killed and counseled, commanded, induced, procured, and caused the intentional killing of Derrick Moore, a/k/a "Gotti," and such killing resulted.

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

COUNT FOUR
(Murder Through the Use of a Firearm)

The Grand Jury further charges:

22. On or about August 2, 2009, in the Southern District of New York, STEVEN BROWN, a/k/a "BI," RAFAEL REYES, a/k/a "Ralfy," and LUIS ORTIZ, a/k/a "Gecko," the defendants, 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 murder in aid of, racketeering charged in Count One of this Indictment, and a conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846, did use and carry a firearm, and, in furtherance of such crime, 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, BROWN, REYES,

and ORTIZ caused the death of Derrick Moore, a/k/a "Gotti," by shooting Moore, and aiding and abetting the same, in the vicinity of 1512 Leland Avenue, Bronx, New York.

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

COUNT FIVE
(Narcotics Conspiracy)

The Grand Jury further charges:

23. From at least in or about 2009, up to and including in or about May 2018, in the Southern District of New York and elsewhere, HECTOR MARRERO, a/k/a "Buddha," PETER GONZALEZ, a/k/a "Petey," a/k/a "Rockstar," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

24. It was a part and an object of the conspiracy that HECTOR MARRERO, a/k/a "Buddha," PETER GONZALEZ, a/k/a "Petey," a/k/a "Rockstar," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

25. The controlled substance that HECTOR MARRERO, a/k/a "Buddha," PETER GONZALEZ, a/k/a "Petey," a/k/a "Rockstar," the defendants, conspired to distribute and possess with the intent to distribute was 280 grams and more of mixtures and substances

containing a detectable amount of cocaine base, commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNT FIVE

26. As a result of committing the controlled substance offense charged in Count Five of this Indictment, HECTOR MARRERO, a/k/a "Buddha," PETER GONZALEZ, a/k/a "Petey," a/k/a "Rockstar," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count Five of this Indictment.

Substitute Assets Provision

27. If any of the above-described forfeitable property, as a result of any act or omission of HECTOR MARRERO, a/k/a "Buddha," PETER GONZALEZ, a/k/a "Petey," a/k/a "Rockstar," the defendants:

- 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 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



Foreperson

July 26, 2018


GEOFFREY S. BERMAN
United States Attorney

