

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

EDIBERTO SANTANA, :  
a/k/a "Flaco Veneno" :

MIGUEL GENAO, :  
a/k/a "Sombra" :

CARLOS RAMIREZ, :  
a/k/a "Guerra" :

DARINSO MARTE REYES, :  
a/k/a "Cibao" :

ANGEL CRISPIN, :  
a/k/a "Secreto" :

JOSE MARICHAL, :  
a/k/a "Menor," :

a/k/a "El Menol" and :  
ENIEL VASQUEZ, :

a/k/a "Dominican Flow," :

Defendants. :

- - - - - X

SEALED INDICTMENT

20 Cr.

**20 CRIM 022**

COUNT ONE  
(Racketeering Conspiracy)

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, EDIBERTO SANTANA, a/k/a "Flaco Veneno," MIGUEL GENAO, a/k/a "Sombra," CARLOS RAMIREZ, a/k/a "Guerra," DARINSO MARTE REYES, a/k/a "Cibao," ANGEL CRISPIN, a/k/a "Secreto," JOSE MARICHAL, a/k/a "Menor," a/k/a "El Menol," and ENIEL VASQUEZ, a/k/a "Dominican Flow," the defendants, and others known and unknown, were

members and associates of the Sunset Trinitarios ("Sunset" or "the Enterprise"), a criminal organization whose members and associates engaged in, among other activities, acts involving murder, robbery, kidnapping, wire fraud, bank fraud, identity theft, and narcotics trafficking.

2. Sunset is a set of the national Trinitarios street gang. Sunset operated, among other locations, in and around Sunset Park in Brooklyn, New York and St. James Park in the Bronx, New York.

3. Sunset, including its leadership, membership, and associates, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members 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 has engaged in, and its activities affected, interstate and foreign commerce. The defendants participated in the operation and management of the Enterprise and participated in unlawful and other activity in furtherance of the conduct of the Enterprise's affairs.

4. From at least in or about 2010 up to and including in or about 2019, members and associates of Sunset were engaged in

a series of disputes with rival gangs and crews, including members and associates of rival Trinitarios sets (generally, the "Opposing Crews"). During these disputes, members and associates of Sunset committed multiple shootings and assaults against members and associates of the Opposing Crews.

5. Certain members and associates of Sunset committed and agreed, attempted, and threatened to commit acts of violence to protect and expand the territory of the Enterprise and to protect fellow members and associates of the Enterprise. These acts of violence included murder, attempted murder, robberies, and assaults intended either to protect the Enterprise's territory, retaliate against members of Opposing Crews who had encroached on the territory controlled by the Enterprise, or to otherwise promote the standing and reputation of Sunset amongst rival gangs and with other Trinitarios sets.

6. Certain members and associates of Sunset also participated in robberies, distribution and sale of controlled substances, wire fraud, bank fraud, and identity theft in order to enrich themselves and the gang.

Purposes of the Enterprise

7. The purposes of the Enterprise included the following:
- a. Preserving and protecting the power, territory, and profits of the Enterprise through acts involving murder, assaults, and 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 Enterprise.
  - e. Enriching the members and associates of the Enterprise through, among other things, acts involving robbery, identity theft, mail fraud, and wire fraud, as well as the distribution and sale of controlled substances, including heroin, cocaine, marijuana, and oxycodone.
  - 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

8. 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 and assaults, to protect and expand the Enterprise's criminal operations, and in connection with the rivalries with members of the Opposing Crews.

b. Members and associates of the Enterprise used threats of violence and physical violence against other members and associates 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 assaults, against members of the Opposing Crews and other individuals adverse to the Enterprise.

d. Members and associates of the Enterprise promoted and celebrated the criminal conduct of the Enterprise, namely narcotics distribution, acts involving violence, and firearms usage, on social media websites such as YouTube and Facebook.

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

f. Members and associates of the Enterprise distributed controlled substances, including cocaine, marijuana, and oxycodone.

g. Members and associates of the Enterprise engaged in criminal acts to fund the Enterprise and enrich its members, including robbery, distribution of controlled substances, wire fraud, bank fraud, and identity theft.

#### The Racketeering Conspiracy

9. From at least in or about 2010, up to and including at least in or about 2019, in the Southern District of New York and elsewhere, EDIBERTO SANTANA, a/k/a "Flaco Veneno," MIGUEL GENAO, a/k/a "Sombra," CARLOS RAMIREZ, a/k/a "Guerra," DARINSO MARTE REYES, a/k/a "Cibao," ANGEL CRISPIN, a/k/a "Secreto," JOSE MARICHAL, a/k/a "Menor," a/k/a "El Menol," and ENIEL VASQUEZ, a/k/a "Dominican Flow," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs One through Eight above, namely, Sunset, an 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 18 U.S.C. § 1962(c), to wit, to conduct and participate, directly and indirectly, in the conduct

of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Sections 1961(1) and 1961(5) of Title 18, United States Code, consisting of:

Multiple acts involving:

- a. Murder, in violation of New York Penal Law Sections 20.00, 105.15, 110.00, and 125.25;
- b. Robbery, in violation of New York Penal Law, Sections 20.00, 105.10, 110.00, 160.05, 160.10, and 160.15;

Multiple acts indictable under the following provisions of federal law:

- c. Title 18, United States Code, Section 1028 (identity theft);
- d. Title 18, United States Code, Sections 1341 (mail fraud);
- e. Title 18, United States Code, Section 1343 (wire fraud);
- f. Title 18, United States Code, Section 1951 (Hobbs Act robbery); and

Multiple offenses involving:

- g. distribution of controlled substances, including cocaine, heroin, marijuana and oxycodone, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

10. It was a part of the conspiracy that each 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

11. From at least in or about 2010, up to and including at least in or about 2019, in the Southern District of New York and elsewhere, EDIBERTO SANTANA, a/k/a "Flaco Veneno," MIGUEL GENAO, a/k/a "Sombra," and CARLOS RAMIREZ, a/k/a "Guerra," the defendants, as part of their agreement to conduct and participate in the conduct of the affairs of the Enterprise through a pattern of racketeering activity, agreed that murder would be committed, in violation of New York Penal Law, Section 125.25, to wit, with intent to cause the death of another person, the killing of such person or of a third person.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO

**(Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

12. At all times relevant to this Indictment, Sunset, as more fully described in Paragraphs One through Eight of this Indictment, which are realleged and incorporated by reference as though set forth fully herein, including its leadership, its membership, and its 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 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.

13. 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), namely, acts involving murder and robbery, chargeable under the laws of the State of New York and punishable by imprisonment for more than one year; offenses involving narcotics distribution in violation of Title 21, United States Code, Sections 841 and 846; and acts indictable under Title 18, United States Code, Section 1028 (identity theft); Title 18, United States Code, Sections 1341 and 1343 (mail and wire fraud); and Title 18, United States Code, Section 1951 (Hobbs Act robbery).

14. On or about October 23, 2013, in the Southern District of New York, EDIBERTO SANTANA, a/k/a "Flaco Veneno," and CARLOS RAMIREZ, a/k/a "Guerra," 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 Sunset, and for the purpose of gaining entrance to and maintaining and increasing position in Sunset,

an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered Michael Beltre, a/k/a "Sofoke," 1) with the intent to cause the death of Beltre, caused the death of Beltre; and, 2) 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 Beltre, and aided and abetted the same, to wit, SANTANA and RAMIREZ shot Beltre, and aided and abetted the same, in the vicinity of Jerome Avenue and 193<sup>rd</sup> Street in the 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**  
**(Use of Firearms Resulting in Death)**

The Grand Jury further charges:

15. On or about October 23, 2013, in the Southern District of New York, EDIBERTO SANTANA, a/k/a "Flaco Veneno," and CARLOS RAMIREZ, a/k/a "Guerra," the defendants, willfully and knowingly, 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 charged in Count Three of this Indictment, did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which firearm was discharged, 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), to wit, SANTANA and RAMIREZ caused the death of Michael Beltre, a/k/a "Sofoke," by shooting Beltre, and aiding and abetting the same, in the vicinity of Jerome Avenue and 193<sup>rd</sup> Street in the Bronx, New York.

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

**COUNT FOUR**  
**(Murder in Aid of Racketeering Activity)**

The Grand Jury further charges:

16. Paragraphs Twelve and Thirteen of this Indictment are realleged and incorporated by reference as though fully set forth herein.

17. On or about November 17, 2013, in the Southern District of New York, EDIBERTO SANTANA, a/k/a "Flaco Veneno," the defendant, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from Sunset, and for the purpose of gaining entrance to and maintaining and increasing position in Sunset, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered Rafael Alam 1) with the intent to cause the death of Alam, caused the death of Alam; and, 2) 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 Alam, and aided and abetted the same, to wit, SANTANA directed the shooting of Alam in the vicinity of Jerome Avenue and 174<sup>th</sup> Street in the 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 FIVE**  
**(Use of Firearms Resulting in Death)**

The Grand Jury further charges:

18. On or about November 17, 2013, in the Southern District of New York, EDIBERTO SANTANA, a/k/a "Flaco Veneno," the defendant, willfully and knowingly, 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 charged in Count Four of this Indictment, did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which firearms was discharged, 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), to wit, SANTANA caused the death of Rafael Alam by directing the shooting of Alam, and aiding and abetting the same, in the vicinity of Jerome Avenue and 174<sup>rd</sup> Street in the

Bronx, New York.

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

FORFEITURE ALLEGATION

19. As a result of committing the offense alleged in Count One of this Indictment; EDIBERTO SANTANA, a/k/a "Flaco Veneno," MIGUEL GENAO, a/k/a "Sombra," CARLOS RAMIREZ, a/k/a "Guerra," DARINSO MARTE REYES, a/k/a "Cibao," ANGEL CRISPIN, a/k/a "Secreto," JOSE MARICHAL, a/k/a "Menor," a/k/a "El Menol," And ENIEL VASQUEZ, a/k/a "Dominican Flow," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, any and all interests the defendants 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 defendants 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 racketeering activity in violation of Title 18, United States Code, Section 1962, the offense alleged in Count One of this Indictment, including but not limited to a sum of money in United States currency

representing the amount of proceeds traceable to the commission of the offense alleged in Count One.

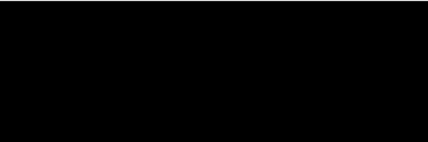
Substitute Asset Provision

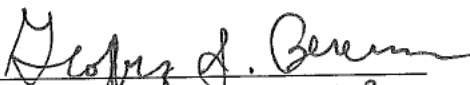
20. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third 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 18 U.S.C. § 1963(m), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461, to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1963, and Title 21, United States Code, Section 853.)

  
FOREPERSON

  
GEOFFREY S. BERMAN *LS*  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

EDIBERTO SANTANA, a/k/a "Flaco Veneno," MIGUEL GENAO, a/k/a  
"Sombra," CARLOS RAMIREZ, a/k/a "Guerra," DARINSO MARTE REYES,  
a/k/a "Cibao," ANGEL CRISPIN, a/k/a "Secreto," JOSE MARICHAL,  
a/k/a "Menor," a/k/a "El Menol," and ENIEL VASQUEZ, a/k/a  
"Dominican Flow,"

Defendants.

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SEALED  
INDICTMENT

20 Cr.

(18 U.S.C. §§ 924, 1959, 1962, and 2.)

GEOFFREY S. BERMAN

United States Attorney

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Foreperson