

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
UNITED STATES OF AMERICA :
 :
 - v. - :
 :
MARVIN GAMONEDA, : 20 Cr.
 a/k/a "June," and :
LUILLY FERNANDEZ, :
 a/k/a "Luigi," :
 :
 Defendants. :
 :
- - - - - x

SEALED
INDICTMENT

COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

1. From at least in or about 2009, up to and including in or about June 2018, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, and others known and unknown, were members and associates of the "Woodycrime" gang ("Woodycrime" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other things, narcotics trafficking, and acts involving murder and assault. Woodycrime operated principally in the Highbridge neighborhood of the Bronx, New York.

2. Woodycrime, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity.

Woodycrime constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of Woodycrime. At all times relevant to this Indictment, Woodycrime has engaged in, and its activities affected, interstate and foreign commerce. MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, participated in the operation of Woodycrime, and participated in unlawful and other activities in furtherance of the conduct of Woodycrime's affairs.

3. MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, were members of Woodycrime who carried out unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

Purposes of Woodycrime

4. The purposes of Woodycrime included the following:

a. Enriching the members and associates of Woodycrime through, among other things, the distribution of narcotics, including cocaine base in a form commonly known as "crack," marijuana, oxycodone in the form of Percocet tablets and oxycontin pills, and methylenedioxymethamphetamine (MDMA) in a form commonly referred to as "ecstasy."

b. Preserving and protecting the power of Woodycrime and its members and associates through acts involving murder, assault, other acts of violence, and threats of violence.

c. Promoting and enhancing Woodycrime and the reputation and activities of its members and associates.

Means and Methods of Woodycrime

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

a. Members and associates of Woodycrime committed, conspired to commit, attempted and threatened to commit acts of violence, including acts involving murder and assault, to protect and expand Woodycrime's criminal operations.

b. Members and associates of Woodycrime used violence and threats of violence, including acts involving murder and assault, against others, including in particular rival gang members.

c. Members and associates of Woodycrime sold narcotics, including cocaine base in a form commonly known as "crack," marijuana, oxycodone in the form of Percocet tablets and oxycontin pills, and methylenedioxymethamphetamine (MDMA) in a form commonly referred to as "ecstasy."

d. Members and associates of Woodycrime possessed, stored, and used firearms and ammunition.

The Racketeering Conspiracy

6. From at least in or about 2009, up to and including in or about June 2018, in the Southern District of New York and

elsewhere, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, and others known and unknown, being persons employed by and associated with the Woodycrime Enterprise described in Paragraphs One through Five of this Indictment, 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 the Woodycrime Enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of:

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

b. Multiple offenses involving the distribution of controlled substances, including cocaine base in a form commonly known as "crack," marijuana, oxycodone in the form of Percocet tablets and oxycontin pills, and methylenedioxymethamphetamine (MDMA) in a form commonly referred to as "ecstasy", chargeable under Title 21, United States Code, Sections 812, 841(a)(1), and 846, and Title 18, United States Code, Section 2.

7. 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 Woodycrime.

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

COUNT TWO
(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury further charges:

8. At all times relevant to this Indictment, Woodycrime, as described in paragraphs 1 through 5 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, membership, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals which engaged in, and the activities of which affected, interstate and foreign commerce. Woodycrime constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of Woodycrime.

9. At all times relevant to this Indictment, Woodycrime, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, and offenses involving the distribution of controlled substances, including

cocaine base, marijuana, oxycodone, and methylenedioxymethamphetamine (MDMA), chargeable under Title 21, United States Code, Sections 812, 841(a)(1), and 846, and Title 18, United States Code, Section 2.

10. On or about June 7, 2018, in the Southern District of New York and elsewhere, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," 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 Woodycrime, and for the purpose of gaining entrance to and maintaining and increasing position in Woodycrime, an enterprise engaged in racketeering activity, as described above, conspired to murder a rival gang member, in violation of New York Penal Law, Sections 125.25 and 105.15, to wit, GAMONEDA and FERNANDEZ agreed with others to shoot and kill a rival gang member in the vicinity of Nelson Playground in the Bronx, New York.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT THREE
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

11. At all times relevant to this Indictment, Woodycrime, as described in paragraphs 1 through 5 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership,

membership, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals which engaged in, and the activities of which affected, interstate and foreign commerce. Woodycrime constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of Woodycrime.

12. At all times relevant to this Indictment, Woodycrime, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, and offenses involving the distribution of controlled substances, including cocaine base, marijuana, oxycodone, and methylenedioxymethamphetamine (MDMA), chargeable under Title 21, United States Code, Sections 812, 841(a)(1), and 846, and Title 18, United States Code, Section 2.

13. On or about June 7, 2018, in the Southern District of New York and elsewhere, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," 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 Woodycrime, and for the purpose of gaining entrance to and maintaining and increasing position in Woodycrime,

an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon and attempted to murder an individual, and aided and abetted the same, to wit, GAMONEDA and FERNANDEZ shot at a rival gang member in the vicinity of Nelson Playground in the Bronx, New York, and aided and abetted the same, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00, during which two victims, including a 13-year old, were injured.

(Title 18, United States Code, Sections 1959(a)(3),
1959(a)(5), and 2.)

COUNT FOUR
(Firearms Offense)

The Grand Jury further charges:

14. On or about June 7, 2018, in the Southern District of New York, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely the violent crime in aid of racketeering charged in Count Three of this Indictment, knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, which were brandished and discharged, and did aid and abet the same, to wit, GAMONEDA and FERNANDEZ shot at a rival gang

member in the vicinity of Nelson Playground in the Bronx, New York, and aided and abetted the same, during which two victims, including a 13-year old, were injured.

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

COUNT FIVE
(Narcotics Conspiracy)

The Grand Jury further charges:

15. From at least in or about 2017, up to and including in or about June 2018, in the Southern District of New York and elsewhere, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," 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.

16. It was a part and an object of the conspiracy that MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

17. The controlled substance that MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, conspired to distribute and possess with intent to distribute was

marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

COUNT SIX
(Firearms Offense)

The Grand Jury further charges:

18. From at least in or about 2017, up to and including June 2018, in the Southern District of New York and elsewhere - except in connection with the attempted murder and assault with a deadly weapon in the vicinity of Nelson Playground in the Bronx, New York charged in Count Three - MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics offense charged in Count Five of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT SEVEN
(Felon in Possession)

The Grand Jury further charges:

19. On or about June 7, 2018, in the Southern District of New York, MARVIN GAMONEDA, a/k/a "June," the defendant, knowing he had previously been convicted of a crime punishable by

imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce ammunition, to wit, six .40 caliber Federal S&W shell casings, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

FORFEITURE ALLEGATIONS

20. As a result of committing the racketeering offense alleged in Count One of this Indictment, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

a. any interest acquired and maintained in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. any interest in, security of, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise which the defendants have established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); or

c. any property constituting and derived from any proceeds which the defendants obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

21. As a result of committing the narcotics offense alleged in Count Five of this Indictment, MARVIN GAMONEDA, a/k/a "June," and LUILLY FERNANDEZ, a/k/a "Luigi," 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 alleged in Count Five of this Indictment.

Substitute Assets Provision

22. 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 Title 18, United States Code, Section 1963(m) and Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the 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(p).)



FOREPERSON

Geoffrey S. Berman
GEOFFREY S. BERMAN LSP
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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MARVIN GAMONEDA, a/k/a "June," and
LUILLY FERNANDEZ, a/k/a "Luigi,"
Defendants.

SEALED INDICTMENT

20 Cr. _____

(18 U.S.C. §§ 1959(a), 1962(d), 924(c),
922(g); 21 U.S.C. § 846.)

GEOFFREY S. BERMAN

United States Attorney.



Foreperson.
