

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA  
                                  -v.-  
ISRAEL GARCIA,  
  a/k/a "Shorty Rock,"  
                                  Defendant.  
-----X

**SUPERSEDING INDICTMENT**

S2 21 Cr. 412 (JSR)

**COUNT ONE**  
**(Murder in Aid of Racketeering)**

The Grand Jury charges:

**THE ENTERPRISE**

1. At all times relevant to this Indictment, ISRAEL GARCIA, a/k/a "Shorty Rock," the defendant, and others known and unknown, were members and associates of the "Get Money Gunnaz" or "GMG" set of the New York City-wide "Young Gunnaz" or "YGz" street gang (the "GMG YGz" or "the Enterprise"), a criminal organization whose members and associates engaged in, among other activities, narcotics trafficking, and acts involving murder, assault, and witness tampering. The GMG YGz operated in and around, among other locations, the Bronx, New York.

2. The GMG YGz, 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, a group of individuals associated in fact, although not a legal entity, that 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. At all times relevant to this Indictment, the Enterprise has engaged in, and its activities affected, interstate and foreign commerce.

3. The GMG YGz, 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 narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

#### PURPOSES OF THE ENTERPRISE

4. The purposes of the Enterprise included the following:
- a. Enriching the members and associates of the Enterprise through, among other things, the distribution of controlled substances including cocaine base, heroin, and fentanyl.
  - b. Preserving and protecting the power, territory, and profits of the Enterprise through murder and other acts and threats of violence.
  - c. Promoting and enhancing the Enterprise and the activities of its members and associates.

#### MEANS AND METHODS OF THE ENTERPRISE

5. 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 to commit, and attempted to commit acts of violence, including acts involving murder, to protect and expand the Enterprise's criminal operations, and in connection with rivalries with members of other street gangs.

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

d. Members and associates of the Enterprise distributed controlled substances, including cocaine base, heroin, and fentanyl.

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

f. Members and associates of the Enterprise publicly promoted and celebrated the criminal conduct of the Enterprise, namely narcotics distribution, acts involving violence, and firearms usage, including on social media and in music videos.

#### STATUTORY ALLEGATIONS

6. On or about October 11, 2010, in the Southern District of New York and elsewhere, ISRAEL GARCIA, a/k/a “Shorty Rock,” 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 GMG YGz, and for the purpose of gaining entrance to and maintaining and increasing position in the GMG YGz, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Alfonso McClinton, a/k/a “Joey,” that is, with the intent to cause the death of another individual, GARCIA did cause the death of McClinton, and did aid and abet another in causing the death of McClinton, 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, thereby causing the death of McClinton, and did aid and abet the same, in the vicinity of East 182nd Street and Morris 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**  
**(Narcotics Conspiracy)**

The Grand Jury further charges:

7. From at least in or about 2010, up to and including June 2021, in the Southern District of New York and elsewhere, ISRAEL GARCIA, a/k/a “Shorty Rock,” the defendant, 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.

8. It was a part and an object of the conspiracy that ISRAEL GARCIA, a/k/a “Shorty Rock,” the defendant, 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).

9. The controlled substances that ISRAEL GARCIA, a/k/a “Shorty Rock,” the defendant, conspired to distribute and possess with intent to distribute were: (i) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base in a form commonly known as “crack cocaine,” in violation of Title 21, United States Code, Section 841(b)(1)(A); (ii) mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (iii) mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

**COUNT THREE**  
**(Murder While Engaged in a Narcotics Conspiracy)**

The Grand Jury further charges:

10. On or about October 11, 2010, in the Southern District of New York, ISRAEL GARCIA, a/k/a “Shorty Rock,” the defendant, while engaging in an offense punishable under Title

21, United States Code, Section 841(b)(1)(A), namely, the conspiracy to distribute 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as “crack,” charged in Count Two, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Alfonso McClinton, a/k/a “Joey,” in the vicinity of East 182<sup>nd</sup> Street and Morris Avenue, Bronx, New York, and aided and abetted the same.

(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:

11. On or about October 11, 2010, in the Southern District of New York, ISRAEL GARCIA, a/k/a “Shorty Rock,” 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 violent crime in aid of racketeering charged in Count One of this Indictment, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the conspiracy to distribute mixtures and substances containing a detectable amount of crack cocaine, heroin, and fentanyl charged in Count Two, willfully and knowingly did use and carry firearms, and in the course of those offenses 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, in the vicinity of East 182<sup>nd</sup> Street and Morris Avenue, Bronx, New York, GARCIA shot and killed Alfonso McClinton, a/k/a “Joey,” and aided and abetted the same.

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

**COUNT FIVE**

**(Firearms Use, Carrying, and Possession in Connection with a Drug Trafficking Crime)**

The Grand Jury further charges:

12. Between in or about 2010 and June 2021, in the Southern District of New York and elsewhere – except in connection with the murder on or about October 11, 2010, as charged in Count Four of this Indictment – ISRAEL GARCIA, a/k/a “Shorty Rock,” the defendant, during and in relation to a drug trafficking offense for which he may be prosecuted in a court of the United States, namely, the conspiracy to distribute and possess with intent to distribute controlled substances as charged in Count Two of this Indictment, knowingly did use and carry a firearm, and in furtherance of such drug trafficking offense, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

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

**COUNT SIX**

**(Attempted Witness Tampering)**

The Grand Jury further charges:

13. In or about March and April 2022, in the Southern District of New York and elsewhere, ISRAEL GARCIA, a/k/a “Shorty Rock,” the defendant, did knowingly attempt to intimidate, threaten, and corruptly persuade another person, and engaged in misleading conduct toward another person, with the intent to influence, delay, and prevent the testimony of that person in an official proceeding, and did aid and abet the same, to wit, GARCIA attempted to intimidate, threaten, and corruptly persuade Individual-1, and engaged in misleading conduct toward Individual-1, in order to influence, delay, and prevent Individual-1 from testifying against

GARCIA regarding GARCIA's participation in the murder of Alfonso McClinton, a/k/a "Joey," as charged in Counts One, Three, and Four, above.

(Title 18, United States Code, Sections 1512(b)(1) and 2.)

### **SPECIAL FINDINGS**

14. Counts One, Three, and Four of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Count One, alleging murder in aid of racketeering, Count Three, alleging a murder while engaged in a narcotics conspiracy, and Count Four, alleging the use, carrying, possession, brandishing, and discharge of firearms causing death, all stemming from the October 11, 2010 murder of Alfonso McClinton, a/k/a "Joey," ISRAEL GARCIA, the defendant:

- a. was 18 years of age or older at the time of the offenses;
- b. intentionally killed Alfonso McClinton, a/k/a "Joey" (Title 18, United States Code, Section 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of Alfonso McClinton, a/k/a "Joey" (Title 18, United States Code, Section 3591(a)(2)(B));
- d. 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 offense, and Alfonso McClinton, a/k/a "Joey," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));
- e. 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 Alfonso

McClinton, a/k/a "Joey," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

f. knowingly created a grave risk of death to one or more persons in addition to the victims of the offense (Title 18, United States Code, Section 3592(c)(5));

g. committed the offenses in Counts One, Three, and Four, in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. § 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (12 U.S.C. § 859) (Title 18, United States Code, Section 3592(c)(13)); and

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

#### **FORFEITURE ALLEGATIONS**

15. As a result of committing the offense charged in Count Two of this Superseding Indictment, ISRAEL GARCIA, a/k/a "Shorty Rock," the defendant, 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 obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, 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**

16. If any of the property described above as subject to forfeiture, as a result of any act or omission of the 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 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 21, United States Code, Section 853.)



*Damian Williams*  
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DAMIAN WILLIAMS  
United States Attorney