

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

- v. - :

SEALED INDICTMENT

PARIS SOTO, :

17 Cr.

17 CRIM

314

a/k/a "P," and :

JOSEPH DENFIELD, :

a/k/a "Denfield Joseph," :

a/k/a "Denny," :

Defendants. :

- - - - -x

COUNT ONE

(Murder in Aid of Racketeering Activity)

The Grand Jury charges:

BACKGROUND

1. At all times relevant to this Indictment, PARIS SOTO, a/k/a "P," and JOSEPH DENFIELD, a/k/a "Denfield Joseph," a/k/a "Denny," the defendants, and others known and unknown, were members and associates of the a street gang called, at various times, "Brim Stone Mafia" and "Blood Stone Mafia" ("BSM," or the "Enterprise"), a criminal organization whose members and associates engaged in, among other activities, murder, robbery, narcotics trafficking, and credit card fraud. BSM operated principally in the Bronx, New York, including in the vicinity of East 173rd Street and Topping Avenue.

2. BSM, 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, which was engaged in, and the activities of which affected, interstate and foreign commerce. BSM was an organized criminal group based in New York City that operated in the Southern District of New York and elsewhere and constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

3. BSM, through its leaders, members, and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Section 1959(b)(1) and 1961(1), namely, acts involving murder, robbery, and narcotics trafficking, chargeable under the laws of New York State and punishable by imprisonment for more than one year, and acts indictable under 18 U.S.C. § 1029 (access device fraud).

PURPOSES OF THE ENTERPRISE

4. The purposes of the Enterprise included the following:
- a. Preserving and protecting the power, territory, and profits of the Enterprise through murder and other acts 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 of violence.

d. Enriching the members and associates of the enterprise through, among other things, the distribution and sale of narcotics, including cocaine base and marijuana, robberies, and credit card fraud.

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 distributed narcotics.

b. Members and associates of the enterprise committed, conspired, and attempted to commit robberies.

c. Members and associates of the enterprise committed, conspired, and attempted to commit acts of violence, including murder, against individuals adverse to the enterprise.

d. Members and associates of the enterprise used coded language and hand signs to communicate with each other in a way that hid the nature of their communication from law enforcement and rival gangs, and reinforced group membership and solidarity.

STATUTORY ALLEGATIONS

6. The allegations contained in paragraphs One through Five of the Indictment are realleged and incorporated as though fully set forth herein.

7. On or about August 31, 2010, in the Southern District of New York and elsewhere, PARIS SOTO, a/k/a "P," and JOSEPH DENFIELD, a/k/a "Denfield Joseph," a/k/a "Denny," the defendants, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in BSM, an enterprise engaged in racketeering activity, as described above, knowingly murdered, and aided and abetted, the murder of Donnell Harris, in violation of New York Penal Law, Sections 125.25 and 20.00, that is, with the intent to cause the death of Harris, SOTO and DENFIELD caused the death of Harris.

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

SPECIAL FINDINGS AS TO PARIS SOTO

8. Count One of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count One of the Indictment, alleging the murder of Donnell Harris, PARIS SOTO, a/k/a "P," the defendant:

a. Was 18 years of age or older at the time of the offense;

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 offense, and the victim died as a result of the act (Title 18, United States Code, Section

3591(a)(2)(C)); and

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 died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO JOSEPH DENFIELD

9. Count One of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count One of the Indictment, alleging the murder of Donnell Harris, JOSEPH DENFIELD, a/k/a "Denfield Joseph," a/k/a "Denny," the defendant:

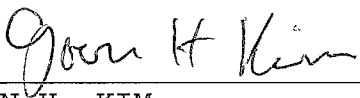
a. Was 18 years of age or older at the time of the offense;

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 offense, and the victim died as a result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

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 died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).


FOR THE PERSON



JOON H. KIM
Acting United States Attorney

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a/k/a "P," and
JOSEPH DENFIELD,
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Defendants.

INDICTMENT

17 Cr. ____ ()

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

JOON H. KIM

Acting United States Attorney.

