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United States Attorney

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3
4 **SEALED**
5 **BY COURT ORDER**

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 v.

12
13 MIGUEL MIRANDA, a/k/a "Payaso,"
14 GILBERTO VILLELA, a/k/a "Snowman,"

15 JESSE AGUILAR, a/k/a "Munchies,"
16 FRANCISCO FONSECA, a/k/a "Griffo,"
17 JORGE CISNEROS, a/k/a "Sleepy,"
DANIEL CORTEZ, a/k/a "Little Temper,"
JOSE DAVID SANCHEZ, a/k/a "Joker,"
MIGUEL VASQUEZ, a/k/a "Tweety."

18 JUAN CHAVEZ, a/k/a/ "Dukester."

19 MARCOS SALVADOR LOMELI, a/k/a
"Cookie,"

20 JESSE PARRA, a/k/a "Little Looney,"

21 ANDY LAMB LOPEZ, a/k/a "Solo,"

JOSE ANGEL MORENO, a/k/a "Lil
Chocolate,"

22 FERNANDO CRUZ, a/k/a "Nano,"

23 ALFREDO MALDONADO, a/k/a "Junior,"

JESUS MANUEL ARMENDARIZ, a/k/a
"Chumel,"

24 FELIX HERNANDEZ CRISTOBAL, a/k/a
"Pato,"

25 JORGE LUIS OLIVERA, a/k/a "Chivo,"

MARIO GUERRERO, a/k/a "Lil Junior,"

26 BENITO CANALES, a/k/a "Dopey,"

27 RAFAEL MARISCAL CAMBEROS, a/k/a
"Bad Boy,"

ROBERTO MARTINEZ, a/k/a "Espantos,"

28 JORGE RODRIGUEZ, a/k/a/ "Brownie,"

OSCAR MARTINEZ DELACRUZ, a/k/a

) No. CR 11-0355 DLJ

)
) **VIOLATIONS:** Title 18, United States Code, Section
) 1962(d) - Racketeering Conspiracy; Title 18, United
) States Code, Section 1959(a)(5) - Conspiracy to
) Commit Murder in Aid of Racketeering; Title 18,
) United States Code, Section 1959(a)(6) - Conspiracy
) to Commit Assault with a Deadly Weapon in Aid of
) Racketeering; Title 18, United States Code, Section
) 924(c)(1)(A) and 2 - Use/Possession of Firearm in
) Furtherance of Crime of Violence; Title 18, United
) States Code, Section 1959(a)(1) and 2 - Murder in
) Aid of Racketeering; Title 18, United States Code,
) Section 1959(a)(5) and 2 - Attempted Murder in Aid
) of Racketeering; Title 18, United States Code, Section
) 1959(a)(3) and 2 - Assault with a Dangerous Weapon
) in Aid of Racketeering; Title 21, United States Code,
) Sections 846, 841(a)(1), and 841(b)(1)(A)(viii) -
) Conspiracy to Distribute Methamphetamine; Title 21,
) United States Code, Sections 841(a)(1) and
) 841(b)(1)(A)(viii) - Possession with Intent to
) Distribute and Distribution of 50 Grams or More of
) Methamphetamine; Title 21, United States Code,
) Sections 841(a)(1) and 841(b)(1)(B)(viii) -
) Possession with Intent to Distribute and Distribution
) of 5 Grams or More Methamphetamine; Title 18,
) United States Code, Section 924(c)(1)(A) and 2 -
) Use/Possession of Firearm in Furtherance of a Drug
) Trafficking Crime; Title 18, United States Code,
) Section 922(g)(1) - Felon in Possession of a Firearm
) and Ammunition; Title 18, United States Code,
) Section 922(k) - Possession of a Firearm with Serial
) Number Removed; Title 18, United States Code,
) Section 924(d) - Firearms Related Forfeiture; Title
) 21, United States Code, Section 853 - Drug Related
) Forfeiture

1 "Cuete,")
 RICARDO MONTOYA, a/k/a "Necio,")
 2 MARIO CARDENAS, a/k/a "Trusty,")
 DENIS SANDOVAL, a/k/a "Criminal,") SAN JOSE VENUE
 3)
 4)
 Defendants.)
 5)

6 SECOND SUPERSEDING INDICTMENT

7
 8 The Grand Jury charges:

9 COUNT ONE: (18 U.S.C. § 1962(d) - Racketeering Conspiracy)

10 Introduction

11 1. Sur Santos Pride, also known as SSP (hereinafter "SSP"), is a San Jose based gang whose
 12 members regard themselves as "Sureños," which is Spanish for "Southerner." SSP is also known as
 13 "Santos Pride" and its members are known as "Santeros." Sureños operate under the authority and
 14 control of the Mexican Mafia hierarchy. Although Sureños are dominant in Southern California,
 15 criminal street gangs in Northern California that have adopted the characteristics of the "Mexican
 16 Mafia" also consider themselves Sureños. SSP has been in existence in San Jose since the early 1990's.
 17 SSP is primarily active in San Jose in the area south of highway 280 between South 1st Street and Locust
 18 Street, but is not confined to these borders. SSP gang members have been found in other areas of San
 19 Jose where other Sureño gangs congregate as well.

20 2. The Mexican Mafia is the dominant Hispanic prison gang in Southern California. The
 21 Mexican Mafia is a powerful gang that controls drug distribution and other illegal activities within
 22 portions of both the California and Federal penal systems, and which has increasingly worked to expand
 23 its influence over illegal activities outside of those prison systems. When Mexican Mafia members or
 24 associates complete their sentences and rejoin their communities, they remain loyal to the Mexican
 25 Mafia and work to further the goals of the Mexican Mafia outside the prison environment. One of the
 26 significant goals of the Mexican Mafia is to control and profit from narcotics trafficking. A member of
 27 the Mexican Mafia is referred to as "brother," "carnal," or "big homie."
 28

1 3. SSP often worked together with other San Jose based Sureño gangs to engage in criminal
2 activity and to assist one another in avoiding detection by law enforcement. In San Jose, some of the
3 other Sureño gangs that worked closely with SSP include Varrio Sur Town (VST), East Side Clanton
4 (ESC), Vario Paisanos Locos (VPL), and Sureños Por Vida (SPV). Members of SSP and these other
5 San Jose based Sureño gangs identify themselves as “Sureños,” a term that generally encompasses gang
6 members who were born outside the United States, who claim Southern California as their base, and
7 who acknowledge the primacy of the Mexican Mafia prison gang.

8 4. Sureños identify themselves with the color blue, the number “13” and/or Roman numeral
9 “XIII,” “X3” and “trece,” which is Spanish for thirteen. The number “13” corresponds with the letter
10 “M” in the word Mexican Mafia, which is the thirteenth letter of the alphabet. As in the number “13”
11 and the Spanish word Sureño, “Sur” is commonly, but not exclusively, displayed by Sureño criminal
12 street gang members in tattoos, graffiti, drawings, hand signs, and on clothing, as a way of displaying
13 their affiliation, loyalty, and commitment to the gang.

14 5. The leaders of individual Sureño gangs are often called “shot callers.” Above the “shot
15 callers” are Sureño leaders and Mexican Mafia members or associates, often referred to as the “big
16 homies,” some of whom are incarcerated, who convey their orders through, among other means, the use
17 of telephones that are brought into prisons. The leaders of SSP (shot callers) and “Big Homies” resolve
18 disputes between gang members, address organizational issues, and participate in significant gang
19 decisions, such as whether to authorize the killing of other Sureño or SSP gang members, associates, and
20 other individuals suspected of cooperating with law enforcement or otherwise breaking SSP rules.

21 6. At all times relevant to this Second Superseding Indictment, SSP members
22 communicated about gang activities with other SSP members and “Big Homies” in San Jose and
23 elsewhere using mobile telephones; telephone text messages; letters, notes or “kites” from or to jail or
24 prison; and other modes of communication.

25 7. At all times relevant to this Second Superseding Indictment, the principal, although not
26 the only, rivals to SSP in San Jose are gang members who identify themselves as “Nortefños,” a term that
27 generally encompasses gang members who were born in the United States, who claim Northern
28 California as their base, and who acknowledge the primacy of the Nuestra Familia prison gang.

1 Norteño-affiliated gang members often refer to themselves as “Northerners” and express their allegiance
2 to the “Nuestra Familia.” Whereas SSP and other Sureño-affiliated gangs claim blue as their gang color,
3 Norteños claim the color red. One of the principal rules of SSP is that its members must attack and kill
4 Norteños and other rivals whenever possible.

5 8. At all times relevant to this Second Superseding Indictment, members of SSP engaged in
6 criminal activity, including murder, attempted murder, narcotics distribution, assault, robbery, extortion,
7 and obstruction of justice by threatening and intimidating witnesses that they believed to be cooperating
8 with law enforcement. To maintain membership and discipline within the gang, SSP members were
9 required to commit acts of violence, including violence against rival gang members or those they
10 perceived to be rival gang members, as well as violence against SSP members and associates who
11 violated the gang’s rules. Participation in criminal activity by SSP members, particularly violent acts
12 directed at rival gang members or as ordered by the gang leadership, increased the level of respect
13 accorded that member, resulting in that member maintaining or increasing his position in the gang, and
14 possibly resulting in recognition as a leader.

15 9. At all times relevant to this Second Superseding Indictment, members of SSP were
16 expected to enhance and protect the reputation and status of the gang by any means necessary, including
17 acts of intimidation and violence against those who show disrespect for the gang.

18 10. At all times relevant to this Second Superseding Indictment, in order to join SSP,
19 members were required to undergo an initiation process, often referred to as being “jumped in” to the
20 gang. During this initiation, members of SSP beat the new member, usually for thirteen seconds.

21 11. At all times relevant to this Second Superseding Indictment, SSP members attended gang
22 meetings on a regular basis. SSP members met to discuss, plan, and report on, among other things: gang
23 organizational issues; illegal activity conducted on behalf of SSP; acts of violence committed by SSP
24 members against rival gang members and others; law enforcement activity against SSP members;
25 purging the gang of those suspected of cooperating with law enforcement; obtaining methamphetamine
26 for sales and distribution; collecting money for “homies” in prison or in exile in Mexico; collecting
27 money for firearms for the “hood” to be used to attack rivals and to conduct the affairs of SSP; taxing
28

1 pimps who utilize their territory for prostitution; collecting “taxes” from SSP members to pay to the “big
2 homies.” Only members of SSP were permitted to attend these meetings.

3 12. At all times relevant to this Second Superseding Indictment, SSP gang members have
4 adopted the “fleur de lis” and colors of the New Orleans Saints NFL football team. As with other
5 Sureño gang members, SSP gang members will often wear clothing that is blue in color to identify
6 themselves as Sureño gang members. SSP members also often wear New Orleans Saints football team
7 attire. SSP members often identify themselves to others by yelling “Sur,” “Puro Sur” (Spanish for Pure
8 South), or “trece” (Spanish for thirteen).

9 13. Many members of SSP signified their membership by wearing tattoos with the “fleur de
10 lis” symbol, or reading “SSP,” “Santero,” “X3,” “XIII,” three dots or other similar words and symbols
11 associated with SSP. Many SSP members also wear clothing with the color blue, including, blue shirts,
12 blue pants, blue shoe laces, blue belts and bandanas, thus signifying that they are Sureño. SSP members
13 often also carry accessories including, but are not limited to, necklaces, rings, and belt buckles that have
14 the letters “SSP” or the letter “S” for Sur/Sureño, or the number “13.” Additionally, SSP members often
15 mark their territory or signify their presence through the use of graffiti with the words SSP or other
16 identifying slogans. SSP members refer to one another by their gang names or other nicknames and may
17 not know fellow gang members except by these gang names.

18 The Racketeering Enterprise

19 14. At all times relevant to this Second Superseding Indictment, SSP, including its
20 leadership, members, and associates, in the Northern District of California, constituted an “enterprise” as
21 defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in
22 fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit
23 that had a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in,
24 and its activities affected, interstate and foreign commerce.

25 Purposes of the Enterprise

26 15. The purposes of the SSP enterprise included the following:

27 a. Preserving and protecting the power, territory, reputation, and profits of the enterprise
28 through the use of intimidation, violence, threats of violence, assaults, and murder;

1 b. Promoting and enhancing the enterprise and the activities of its members and associates,
2 including, but not limited to, murder, attempted murder, narcotics trafficking, theft of vehicles,
3 robberies, extortion, and other criminal activities;

4 c. Keeping victims, potential victims, and community members in fear of the enterprise and
5 its members and associates through violence and threats of violence;

6 d. Providing financial support and information to SSP members, including those
7 incarcerated in the United States; and

8 e. Providing assistance to other SSP members who committed crimes for and on behalf of
9 the gang, to hinder, obstruct, and prevent law enforcement officers from identifying the offenders,
10 apprehending the offenders, and successfully prosecuting and punishing the offenders.

11 The Racketeering Conspiracy

12 16. Beginning on a date unknown to the Grand Jury but since at least 2009, and continuing
13 up through and including the present, in the Northern District of California and elsewhere, the
14 defendants

- 15 (1)
- 16 (2) GILBERTO VILLELA, a/k/a "Snowman,"
- 17 (3)
- 18 (4) JESSE AGUILAR, a/k/a "Munchies,"
- 19 (5) FRANCISCO FONSECA, a/k/a "Griffo,"
- 20 (6) JORGE CISNEROS, a/k/a "Sleepy,"
- 21 (7) DANIEL CORTEZ, a/k/a "Little Temper,"
- 22 (8) MIGUEL VASQUEZ, a/k/a "Tweety,"
- 23 (9) MARCOS SALVADOR LOMELI, a/k/a "Cookie,"
- 24 (10) JESSE PARRA, a/k/a "Little Looney,"
- 25 (11) JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"
- 26 (12) FERNANDO CRUZ, a/k/a "Nano,"
- 27 (13) ALFREDO MALDONADO, a/k/a "Junior,"
- 28 (14) JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
- (15) FELIX HERNADEZ CRISTOBAL, a/k/a "Pato,"
- (16) JORGE LUIS OLIVERA, a/k/a "Chivo,"
- (17) BENITO CANALES, a/k/a "Dopey,"
- (18) RAFAEL MARISCAL CAMBEROS, a/k/a "Bad Boy,"
- (19) ROBERTO MARTINEZ, a/k/a "Espantos,"
- (20) JORGE RODRIGUEZ, a/k/a "Brownie,"
- (21) OSCAR MARTINEZ DELACRUZ, a/k/a "Cuete,"
- (22) RICARDO MONTOYA, a/k/a "Necio,"
- (23) MARIO CARDENAS, a/k/a "Trustv."
- (24)
- (25)

1 together with others known and unknown, each being a person employed by and associated with SSP, an
2 enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully,
3 knowingly, and intentionally did conspire to violate Title 18, United States Code, Section 1962(c), that
4 is to conduct and participate, directly and indirectly, in the conduct of the affairs of the SSP enterprise
5 through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1)
6 and (5), which pattern of racketeering activity consisted of multiple acts involving offenses chargeable
7 under the following provisions of California law:

- 8 a. Murder in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, and 653f;
- 9 b. Robbery in violation of California Penal Code §§ 211, 212.5, 213, 182, 21a, and 664;
- 10 c. Extortion in violation of California Penal Code §§ 518, 519, 520, 524, and 182;
11 and multiple acts involving the following provisions of federal narcotics law:
- 12 d. 21 U.S.C. § 846 (Conspiracy to Distribute and Possess with Intent to Distribute
13 Controlled Substances);
- 14 e. 21 U.S.C. § 841(a)(1) (Distribution and Possession with Intent to Distribute
15 Methamphetamine); and
- 16 f. 21 U.S.C. § 843(b) (Use of Communication Facility to Facilitate Distribution of
17 Controlled Substances).

18 17. It was part of the conspiracy that each defendant agreed that a conspirator would commit
19 at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

20 Manner and Means of the Conspiracy

21 18. The defendants and other unindicted members of SSP, were required to conduct and did
22 conduct regular meetings with other SSP members to discuss, among other things: the structure and
23 organization of the gang; rules and rule enforcement; past criminal acts committed against rival gang
24 members and others; SSP members who were arrested or incarcerated; the disciplining of SSP members;
25 police interactions with SSP members; the identities of individuals suspected of cooperating with law
26 enforcement and the proposed actions to be taken against them; plans and agreements regarding the
27 commission of future crimes, including murder, extortion, narcotics distribution, robbery, illegal
28 possession of firearms, and assault, as well as ways to conceal these crimes.

1 19. The defendants and other members and associates of SSP agreed to purchase, possess,
2 maintain, use, and circulate a collection of firearms for use in criminal activity by SSP members and
3 associates. Many of these firearms were held by certain SSP members, so that the defendants and other
4 members and associates of SSP could have ready access to the firearms if and when they needed the
5 weapons without running the risk of possessing the firearms should they encounter law enforcement
6 officers.

7 20. The defendants and other members and associates of SSP agreed that acts of violence,
8 including murder, attempted murder, and assault with a deadly weapon, would be committed by
9 members and associates of SSP against rival gang members and others when it suited the enterprise's
10 purposes. SSP members also used violence to impose discipline within the gang.

11 21. The defendants and other members and associates of SSP agreed to distribute narcotics,
12 to use the telephone to facilitate narcotics distribution, to commit robbery, extortion, and other crimes,
13 and to conceal their criminal activities by obstructing justice, threatening or intimidating witnesses, and
14 other means.

15 Overt Acts

16 22. In furtherance of the conspiracy and in order to effectuate the object thereof, the
17 defendants and their co-conspirators, and others both known and unknown to the Grand Jury, in various
18 combinations, directly and indirectly, within the Northern District of California and elsewhere,
19 committed overt acts, including, but not limited to, the following:

20 a. On or about April 9, 2009, RICARDO MONTOYA and others stabbed and
21 attempted to kill a victim who was perceived to be a Norteño.

22 b. On or about December 4, 2009, OSCAR MARTINEZ DELACRUZ possessed
23 with intent to distribute approximately 17.5 grams gross weight of a mixture or substance containing a
24 detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

25 c. On or about December 19, 2009, JORGE RODRIGUEZ, a/k/a "Brownie,"
26 OSCAR MARTINEZ DELACRUZ, a/k/a "Cuete," RICARDO MONTOYA, a/k/a "Necio," and others
27 known and unknown attempted to kill Victim 1, an SSP member, while at Elmwood Correctional
28 Facility.

1 d. On or about April 1, 2010, JESSE PARRA, JORGE CISNEROS,
2 and others known and unknown attempted to kill Victim 2, an SSP member.

3 e. On or about July 22, 2010, SSP conducted a meeting in which JESSE PARRA,
4 BENITO CANALES, MARCOS SALVADOR LOMELI, GILBERTO VILLELA, FERNANDO CRUZ,
5 RAFAEL MARISCAL CAMBEROS, and other SSP
6 members participated, and in which they discussed gang activities, including guns, and jumping in other
7 members.

8 f. On or about August 4, 2010, possessed with intent to
9 distribute and distributed approximately 108 grams of actual methamphetamine.

10 g. On or about September 9, 2010, GILBERTO VILLELA possessed with intent to
11 distribute and distributed approximately 108.1 grams of actual methamphetamine.

12 h. On or about September 21, 2010, MARCOS SALVADOR LOMELI possessed a
13 .357 Magnum with an obliterated serial number.

14 i. On or about November 9, 2010, possessed with intent to distribute
15 and distributed approximately 54.9 grams of actual methamphetamine.

16 j. On or about December 4, 2010, MARCOS SALVADOR LOMELI held Victim 3
17 at knifepoint and threatened to kill him, stole tire rims from him, and told him it was a donation to the
18 "varrio."

19 k. On or about December 22, 2010, JESSE AGUILAR possessed with intent to
20 distribute and distributed approximately 100.2 grams of actual methamphetamine.

21 l. On or about December 26, 2010, possessed a .32
22 caliber revolver, H &R, model 732, loaded with 6 rounds.

23 m. On or about February 4, 2011, possessed with intent to
24 distribute and distributed approximately 40 grams of actual methamphetamine

25 n. On or about May 28, 2011, SSP conducted a meeting in which JESSE PARRA,
26 RAFAEL MARISCAL CAMBEROS, and other SSP
27 members participated, and in which they discussed gang activities, including collection of money for
28

1 SSP, which SSP members are “no good,” acquiring firearms for SSP, and the need for SSP members to
2 put in work. The gang also jumped in new SSP members.

3 o. On or about July 6, 2011, JORGE CISNEROS possessed with intent to distribute
4 and distributed approximately 6.6 grams of actual methamphetamine.

5 p. On or about July 10, 2011, RAFAEL MARISCAL
6 CAMBEROS, and BENITO CANALES robbed Victim 4.

7 q. On or about July 18, 2011, JESSE PARRA and an SSP associate possessed a
8 firearm and two ammunition magazines loaded with seventeen rounds of ammunition.

9 r. On or about September 2, 2011, a number of SSP members and associates,
10 including GILBERTO VILLELA, DENIS SANDOVAL, and JESSE PARRA, beat and stabbed Norteño
11 Victims 5 and 6.

12 s. On or about October 10, 2011, DANIEL CORTES possessed with intent to
13 distribute and distributed 5.7 grams of actual methamphetamine.

14 t. On or about October 19, 2011, FERNANDO CRUZ possessed with intent to
15 distribute and distributed approximately 23.3 grams of actual methamphetamine.

16 u. On or about October 23, 2011, a number of SSP members, including ROBERTO
17 MARTINEZ and , attacked, stabbed, and killed Victim 7, a perceived Norteño.

18 v. On or about November 4, 2011, a number of SSP members, including ROBERTO
19 MARTINEZ and FERNANDO CRUZ attacked Victim 8, a perceived Norteño, with deadly weapons
20 and also attacked with deadly weapons Victim 9.

21 w. On or about December 12, 2011, pursuant to a search warrant for 84 Union Street,
22 San Jose, California, which was a known SSP hangout, a number of knives, hammers, and a loaded
23 shotgun were found and seized by law enforcement.

24 x. On or about February 28, 2012, DANIEL CORTES and an SSP associate
25 possessed with intent to distribute and distributed approximately 6.8 grams of actual methamphetamine.

26 y. On or about April 17, 2012, MIGUEL VASQUEZ possessed with intent to
27 distribute and distributed approximately 10.4 grams of actual methamphetamine.

1 z. On or about October 7, 2012, SSP conducted a meeting, in which JESSE PARRA,
2 , FERNANDO CRUZ, GILBERTO VILLELA, JORGE
3 CISNEROS, MARIO CARDENAS, MIGUEL VASQUEZ, and DANIEL CORTEZ, and other SSP
4 member participated, and in which they discussed a current “green light” on a fellow San Jose Sureño, a
5 prior “green light” and attempted homicide of an SSP member (Victim 1), supplies of drugs through the
6 Mexican Mafia from “La Familia Michoacana,” taxing pimps in the neighborhood and using
7 intimidation to collect those taxes, the SSP members who were holding firearms for the “hood,”
8 collecting money from SSP members to buy more firearms for the “hood,” and collecting money for
9 Sureños in jail.

10 aa. On or about January 26, 2013, MARIO CARDENAS was in possession of and
11 brandished a firearm.

12 bb. On or about March 7, 2013, JORGE LUIS OLIVERA was in possession of a .22
13 caliber firearm, and was also holding a .38 caliber firearm for MARIO CARDENAS.

14 cc. On or about March 10, 2013, JORGE LUIS OLIVERA was in the possession of
15 and brandished a firearm.

16 dd. On April 18, 2013, JOSE ANGEL MORENO possessed with intent to distribute
17 and distributed approximately 13.5 grams of actual methamphetamine.

18 ee. On or about June 2, 2013, SSP conducted a meeting, in which JESSE PARRA,
19 JOSE ANGEL MORENO, GILBERTO VILLELA, and other SSP members participated and in which
20 they discussed the imminent release of a Mexican Mafia member who would unite the Sureño gangs in
21 San Jose and make SSP headquarters. They also discussed that SSP members would be on a “green
22 light” list if there were problems for this Mexican Mafia member.

23 ff. On or about September 15, 2013, SSP conducted a meeting, in which
24 FERNANDO CRUZ, JORGE CISNEROS, FELIZ HERNANDEZ CRISTOBAL, JESSE PARRA,
25 ALFREDO MALDONADO, MARIO CARDENAS, and other SSP members participated, and in which
26 they discussed that “homies” were collecting taxes from each San Jose based Sureño gang and each was
27 responsible for \$200, that it was a mandatory contribution and in exchange they would be supplied with
28 methamphetamine and firearms, and that if they did not pay the tax, the gang would be placed on a

1 "green light" list. JESSE PARRA stated that SSP had already paid for September and October. JESSE
2 PARRA collected additional funds from the SSP members to be used to purchase new firearms for the
3 "hood." They discussed that more Nortefios were walking or driving through SSP territory and it was
4 important for SSP members to regularly "post up." SSP members "jumped in" a new member in an
5 alley near El Grullo restaurant.

6 gg. On or about October 27, 2013, SSP conducted a meeting, in which JORGE
7 CISNEROS, ALFREDO MALDONADO, FELIX HERNANDEZ CRISTOBAL, JORGE LUIS
8 OLIVERA, FERNANDO CRUZ, JOSE ANGEL MORENO, and other SSP members participated, and
9 in which they read aloud a letter from the "Big Homies" directing Sureños to tax neighborhood
10 businesses, sell narcotics, collect taxes from pimps in the neighborhood, and to know their Nortefio
11 enemies. The SSP members agreed to organize sales of narcotics, they collected money for their
12 monthly taxes, and they "jumped in" a new member.

13 hh. On or about November 24, 2013, SSP conducted a meeting, in which JORGE
14 CISNEROS, ALFREDO MALDONADO, FELIX HERNANDEZ CRISTOBAL, MARIO CARDENAS,
15 and other SSP members participated, and in which they collected money for the monthly taxes and
16 "jumped in" a new member.

17 ii. On November 26, 2013, ALFREDO MALDONADO possessed with intent to
18 distribute and distributed approximately 26.6 grams of actual methamphetamine.

19 jj. On or about December 1, 2013, SSP had a meeting in which a number of SSP
20 members attended, including FELIX HERNANDEZ CRISTOBAL, FERNANDO CRUZ, GILBERTO
21 VILLELA, and MARIO CARDENAS, in which they discussed a recent incident where a Nortefio shot
22 at an SSP member. The SSP members also collected money for monthly taxes.

23 kk. On or about December 2, 2013, an SSP member met with JESUS MANUEL
24 ARMENDARIZ at his tattoo shop and discussed the requirement that San Jose based Sureño gangs were
25 required to pay monthly taxes that ARMENDARIZ was collecting and paying to the "Big Homies."
26 During the meeting, the SSP member paid taxes to ARMENDARIZ. ARMENDARIZ stated that he was
27 obtaining firearms and methamphetamine through the "Big Homies" for distribution to the San Jose
28 based Sureño gangs.

1 ll. On December 30, 2013, JESUS MANUEL ARMENDARIZ possessed with intent
2 to distribute and distributed approximately 27.7 grams of actual methamphetamine.

3 mm. On or about January 12, 2014, SSP conducted a meeting in which GILBERTO
4 VILLELA, MARIO GUERRERO, JORGE LUIS OLIVERA, RAFAEL MARISCAL CAMBEROS, and
5 other SSP members attended, and in which they discussed paying gang "taxes." They jumped in three
6 new members. One SSP member was "regulated" for stealing from one of the SSP members.

7 nn. On or about January 22, 2014, JORGE LUIS OLIVERA and MARIO
8 GUERRERO possessed with intent to distribute and distributed 13.7 grams of actual methamphetamine.

9 oo. On or about January 30, 2014, JESUS MANUEL ARMENDARIZ possessed with
10 intent to distribute approximately 954 grams gross weight with packaging of a mixture or substance
11 containing a detectable amount of methamphetamine, its slats, isomers, or salts of its isomers.

12 pp. On or about January 30, 2014, JESUS MANUEL ARMENDARIZ possessed a
13 Springfield XD handgun, loaded with 13 rounds of ammunition, a Smith and Wesson MNP handgun, a
14 Smith and Wesson .45 caliber magazine, a .40 caliber Taurus PT24-7 handgun with no visible serial
15 number, a Taurus PT24-7 magazine inside the handgun, an AR-15 semi-automatic rifle with no visible
16 serial number, and a Springfield Armory .45 ACP magazine.

17 qq. On or about January 30, 2014, pursuant to a search of 890 S. Almaden Avenue in
18 San Jose, law enforcement discovered and seized a loaded .25 caliber Taurus firearm in the dresser
19 drawer in the room in which JORGE LUIS OLIVERA was staying.

20 All in violation of Title 18, United States Code, Section 1962(d).

21 COUNT TWO: (18 U.S.C. § 1959(a)(5) - Conspiracy to Commit Murder in Aid of Racketeering)

22 23. Paragraphs 1 through 15 and 18 through 22 of this Second Superseding Indictment are re-
23 alleged and incorporated by reference as though fully set forth herein.

24 24. At all times relevant to this Second Superseding Indictment, SSP constituted an
25 enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals
26 associated in fact that was engaged in, and the activities of which affected, interstate and foreign
27 commerce. The enterprise constituted an ongoing organization whose members functioned as a
28 continuing unit for a common purpose of achieving the objectives of the enterprise.

1 25. At all times relevant to this Second Superseding Indictment, SSP, the above-described
2 enterprise, through its members and associates, engaged in racketeering activity, as defined in Title 18,
3 United States Code, Sections 1959(b)(1) and 1961(1), namely multiple acts involving: murder in
4 violation of California Penal Code, Sections 187, 188, 189, 182, 21a, 664, and 653f; robbery in violation
5 of California Penal Code, Sections 211, 212.5, 213, 182, 21a, and 664; extortion in violation of
6 California Penal Code, Sections 518, 519, 520, 524, and 182; conspiracy to distribute and to possess
7 with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 846;
8 and distribution and possession with intent to distribute methamphetamine and cocaine, in violation of
9 Title 21, United States Code, Section 841(a)(1).

10 26. Beginning on a date unknown to the Grand Jury but since at least 2009, and continuing
11 up through and including the present, in the Northern District of California and elsewhere, as
12 consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of
13 pecuniary value from SSP, and for the purpose of gaining entrance to and maintaining and increasing
14 position in SSP, an enterprise engaged in racketeering activity, the defendants,

- 15 (1)
- 16 (2) GILBERTO VILLELA, a/k/a "Snowman,"
- 17 (3)
- 18 (4) FRANCISCO FONSECA, a/k/a "Griffo,"
- 19 (5) JORGE CISNEROS, a/k/a "Sleepy,"
- 20 (6) DANIEL CORTEZ, a/k/a "Little Temper,"
- 21 (7) MIGUEL VASQUEZ, a/k/a "Tweety,"
- 22 (8) MARCOS SALVADOR LOMELI, a/k/a "Cookie,"
- 23 (9) JESSE PARRA, a/k/a "Little Looney,"
- 24 (10) JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"
- 25 (11) FERNANDO CRUZ, a/k/a "Nano,"
- 26 (12) ALFREDO MALDONADO, a/k/a "Junior,"
- (13) JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
- (14) FELIX HERNADEZ CRISTOBAL, a/k/a "Pato,"
- (15) JORGE LUIS OLIVERA, a/k/a "Chivo,"
- (16) ROBERTO MARTINEZ, a/k/a "Espantos,"
- (17) JORGE RODRIGUEZ, a/k/a "Brownie,"
- (18) OSCAR MARTINEZ DELACRUZ, a/k/a "Cuete,"
- (19) RICARDO MONTOYA, a/k/a "Necio,"
- (20) MARIO CARDENAS, a/k/a "Trusty,"
- (21)
- (22)
- (23) DENIS SANDOVAL, a/k/a "Criminal,"

27 together with others known and unknown, unlawfully, knowingly, and intentionally did combine,
28 conspire, confederate, and agree together and with each other to commit murder, in violation of

1 California Penal Code Sections 187, 188, and 189, to wit, the defendants agreed together and with each
2 other to kill actual and suspected Norteños, actual and suspected members of other gangs, and
3 individuals within SSP suspected of cooperating with law enforcement and/or violating SSP "rules," in
4 order to maintain and increase their standing within the racketeering enterprise known as SSP.

5 All in violation of Title 18, United States Code, Section 1959(a)(5).

6 COUNT THREE: (18 U.S.C. § 1959(a)(6) - Conspiracy to Commit Assault with a Dangerous
7 Weapon in Aid of Racketeering)

8 27. Paragraphs 1 through 16, and 19 through 23 of this Second Superseding Indictment are
9 realleged and incorporated by reference as though fully set forth herein.

10 28. Beginning on a date unknown to the Grand Jury but since at least 2009, and continuing
11 up through and including the present, in the Northern District of California and elsewhere, as
12 consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of
13 pecuniary value from SSP, and for the purpose of gaining entrance to and maintaining and increasing
14 position in SSP, an enterprise engaged in racketeering activity, the defendants,

- 15 (1)
- 16 (2) GILBERTO VILLELA, a/k/a "Snowman,"
- 17 (3)
- 18 (4) FRANCISCO FONSECA, a/k/a "Griffo,"
- 19 (5) JORGE CISNEROS, a/k/a "Sleepy,"
- 20 (6) DANIEL CORTEZ, a/k/a "Little Temper,"
- 21 (7) MIGUEL VASQUEZ, a/k/a "Tweety,"
- 22 (8) MARCOS SALVADOR LOMELI, a/k/a "Cookie,"
- 23 (9) JESSE PARRA, a/k/a "Little Looney,"
- 24 (10) JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"
- 25 (11) FERNANDO CRUZ, a/k/a "Nano,"
- 26 (12) ALFREDO MALDONADO, a/k/a "Junior,"
- 27 (13) JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
- 28 (14) FELIX HERNADEZ CRISTOBAL, a/k/a "Pato,"
- (15) JORGE LUIS OLIVERA, a/k/a "Chivo,"
- (16) ROBERTO MARTINEZ, a/k/a "Espantos,"
- (17) JORGE RODRIGUEZ, a/k/a "Brownie,"
- (18) OSCAR MARTINEZ DELACRUZ, a/k/a "Cuete,"
- (19) RICARDO MONTOYA, a/k/a "Necio,"
- (20) MARIO CARDENAS, a/k/a "Trusty,"
- (21)
- (22)
- (23) DENIS SANDOVAL, a/k/a "Criminal,"

27 together with others known and unknown, unlawfully, knowingly, and intentionally did combine,
28 conspire, confederate, and agree together and with each other to commit assault with a dangerous

1 weapon, in violation of California Penal Code Section 245(a)(1), to wit, the defendants agreed together
2 and with each other to attack with firearms, knives, and other dangerous weapons actual and suspected
3 Norteños, actual and suspected members of other gangs, and individuals within SSP suspected of
4 cooperating with law enforcement and/or violating SSP "rules," in order to maintain and increase their
5 standing within the racketeering enterprise known as SSP.

6 All in violation of Title 18, United States Code, Section 1959(a)(6).

7 COUNT FOUR: (18 U.S.C. § 924(c)(1)(A) and 2 - Use/Possession of Firearm in Furtherance of
8 Crime of Violence)

9 29. Beginning on a date unknown to the Grand Jury but since at least 2009, and continuing
10 up through and including the present, in the Northern District of California and elsewhere, the
11 defendants,

- 12 (1)
- 13 (2) GILBERTO VILLELA, a/k/a "Snowman,"
- 14 (3)
- 15 (4) FRANCISCO FONSECA, a/k/a "Griffo,"
- 16 (5) JORGE CISNEROS, a/k/a "Sleepy,"
- 17 (6) DANIEL CORTEZ, a/k/a "Little Temper,"
- 18 (7) MIGUEL VASQUEZ, a/k/a "Tweety,"
- 19 (8) MARCOS SALVADOR LOMELI, a/k/a "Cookie,"
- 20 (9) JESSE PARRA, a/k/a "Little Looney,"
- 21 (10) JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"
- (11) FERNANDO CRUZ, a/k/a "Nano,"
- (12) ALFREDO MALDONADO, a/k/a "Junior,"
- (13) JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
- (14) FELIX HERNADEZ CRISTOBAL, a/k/a "Pato,"
- (15) JORGE LUIS OLIVERA, a/k/a "Chivo,"
- (16) BENITO CANALES, a/k/a "Dopey,"
- (17) RAFAEL MARISCAL CAMBEROS, a/k/a "Bad Boy,"
- (18) MARIO CARDENAS, a/k/a "Trusty,"
- (19)

22 each aided and abetted by each other, together with others known and unknown, unlawfully, willfully,
23 and knowingly did use and carry a firearm during and in relation to a crime of violence for which they
24 may be prosecuted in a court of the United States, namely, the SSP racketeering conspiracy charged in
25 Count One of this Second Superseding Indictment, the conspiracy to commit murder in aid of
26 racketeering charged in Count Two of this Second Superseding Indictment, and the conspiracy to
27 commit assault with a dangerous weapon in aid of racketeering charged in Count Three of this Second
28 Superseding Indictment, and did possess a firearm in furtherance of the offenses charged in Count One,

1 Count Two, and Count Three of this Second Superseding Indictment, and did brandish a firearm in
2 relation to and in furtherance of the offenses charged in Count One, Count Two, and Count Three of this
3 Second Superseding Indictment, and did discharge a firearm in relation to and in furtherance of the
4 offenses charged in Count One, Count Two, and Count Three of this Second Superseding Indictment, to
5 wit, the defendants possessed, used, brandished, discharged and had available for their use a variety of
6 firearms to further the goals and activities of SSP.

7 All in violation of Title 18, United States Code, Section 924(c)(1)(A) and 2.

8 COUNT FIVE: (18 U.S.C. § 1959(a)(1) and 2 - Murder in Aid of Racketeering of Victim 7)

9 30. Paragraphs 1 through 15, 18 through 22, and 24 through 25, of this Second Superseding
10 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

11 31. On or about October 23, 2011, in the Northern District of California, as consideration for
12 the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
13 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
14 enterprise engaged in racketeering activity, the defendants,

15 ROBERTO MARTINEZ, a/k/a "Espantos." and

16
17 together with others known and unknown, unlawfully, knowingly, and intentionally did deliberately and
18 with premeditation murder Victim 7, in violation of California Penal Code Sections 187, 188, and 189.

19 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

20 COUNT SIX: (18 U.S.C. § 1959(a)(5) and 2 - Attempted Murder in Aid of Racketeering of
21 Victim 1)

22 33. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
23 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

24 34. On or about December 19, 2009, in the Northern District of California, as consideration
25 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
26 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
27 enterprise engaged in racketeering activity, the defendants,

28 JORGE RODRIGUEZ, a/k/a "Brownie,"
OSCAR MARTINEZ, a/k/a "Cuete,"

1 RICARDO MONTOYA, a/k/a "Necio,"

2 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
3 murder Victim 1, in violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

4 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

5 COUNT SEVEN: (18 U.S.C. § 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of
6 Racketeering of Victim 1)

7 35. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
8 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

9 36. On or about December 19, 2009, in the Northern District of California, as consideration
10 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
11 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
12 enterprise engaged in racketeering activity, the defendants,

13 JORGE RODRIGUEZ, a/k/a "Brownie,"
14 OSCAR MARTINEZ, a/k/a "Cuete,"
RICARDO MONTOYA, a/k/a "Necio,"

15 together with others known and unknown, unlawfully, knowingly, and intentionally did assault Victim 2
16 with a dangerous weapon, in violation of California Penal Code Section 245(a)(1).

17 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

18 COUNT EIGHT: (18 U.S.C. § 1959(a)(5) and 2 - Attempted Murder in Aid of Racketeering of
19 Victim 2)

20 37. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
21 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

22 38. On or about April 1, 2010, in the Northern District of California, as consideration for the
23 receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from
24 SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
25 enterprise engaged in racketeering activity, the defendants,

26 JESSE PARRA, a/k/a "Lil Looney,"
27 JORGE CISNEROS, a/k/a "Sleepy,"
28

1 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
2 murder Victim 2, in violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

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

4 COUNT NINE: (18 U.S.C. § 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of
5 Racketeering of Victim 2)

6 39. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
7 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

8 40. On or about April 1, 2010, in the Northern District of California, as consideration for the
9 receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from
10 SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
11 enterprise engaged in racketeering activity, the defendants,

12 JESSE PARRA, a/k/a "Lil Looney,"
13 JORGE CISNEROS, a/k/a "Sleepy,"

14 together with others known and unknown, unlawfully, knowingly, and intentionally did assault Victim 2
15 with a dangerous weapon, in violation of California Penal Code Section 245(a)(1).

16 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

17 COUNT TEN: (18 U.S.C. § 924(c)(1)(A) and 2 - Use/Possession of Firearm in Furtherance of
18 Crime of Violence)

19 41. On or about April 1, 2010, in the Northern District of California, the defendant,
20
21 together with others known and unknown, unlawfully, willfully, and knowingly did use and carry a
22 firearm during and in relation to a crime of violence or possess in furtherance of a crime of violence for
23 which he may be prosecuted in a court of the United States, namely, the SSP racketeering conspiracy
24 charged in Count One of this Second Superseding Indictment, the conspiracy to commit murder in aid of
25 racketeering charged in Count Two of this Second Superseding Indictment, and the conspiracy to
26 commit assault with a dangerous weapon in aid of racketeering charged in Count Three of this Second
27 Superseding Indictment, the attempted murder in aid of racketeering of Victim 3 charged in Count Eight
28 of this Second Superseding Indictment, and the assault with a deadly weapon in aid of racketeering of

1 Victim 3 charged in Count Nine of this Second Superseding Indictment, and did brandish a firearm
2 during and in relation to and in furtherance of the offenses charged in Counts One through Three and
3 Eight and Nine of this Second Superseding Indictment, and did discharge a firearm during and in
4 relation to and in furtherance of the offenses charged in Counts One through Three and Eight and Nine
5 of this Second Superseding Indictment.

6 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

7 COUNT ELEVEN: (18 U.S.C. § 1959(a)(5) and 2 - Attempted Murder in Aid of Racketeering of
8 Victim 5)

9 42. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
10 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

11 43. On or about September 2, 2011, in the Northern District of California, as consideration
12 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
13 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
14 enterprise engaged in racketeering activity, the defendants,

15 GILBERTO VILLELA, a/k/a "Snowman,"
16 DENIS SANDOVAL, a/k/a "Criminal,"
17 JESSE PARRA, a/k/a "Lil Looney,"

18 together with others known and unknown, unlawfully, knowingly, and intentionally did attempt to
19 murder Victim 5, in violation of California Penal Code Sections 187, 188, 189, 21a, and 664.

20 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

21 COUNT TWELVE: (18 U.S.C. § 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of
22 Racketeering of Victim 5)

23 44. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
24 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

25 45. On or about September 2, 2011, in the Northern District of California, as consideration
26 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
27 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
28 enterprise engaged in racketeering activity, the defendants,

GILBERTO VILLELA, a/k/a "Snowman,"
DENIS SANDOVAL, a/k/a "Criminal,"
JESSE PARRA, a/k/a "Lil Looney,"

1 together with others known and unknown, unlawfully, knowingly, and intentionally did assault Victim 5
2 with a dangerous weapon, in violation of California Penal Code Section 245(a)(1).

3 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

4 COUNT THIRTEEN: (18 U.S.C. § 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid of
5 Racketeering of Victim 6)

6 46. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
7 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

8 47. On or about September 2, 2011, in the Northern District of California, as consideration
9 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
10 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
11 enterprise engaged in racketeering activity, the defendants,

12 GILBERTO VILLELA, a/k/a "Snowman,"
13 DENIS SANDOVAL, a/k/a "Criminal,"
14 JESSE PARRA, a/k/a "Lil Looney,"

15 together with others known and unknown, unlawfully, knowingly, and intentionally did assault Victim 6
16 with a dangerous weapon, in violation of California Penal Code Section 245(a)(1).

17 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

18 COUNT FOURTEEN: (18 U.S.C. § 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid
19 of Racketeering of Victim 8)

20 48. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
21 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

22 49. On or about November 4, 2011, in the Northern District of California, as consideration
23 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
24 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
25 enterprise engaged in racketeering activity, the defendants,

26 FERNANDO CRUZ, a/k/a "Nano,"
27 ROBERTO MARTINEZ, a/k/a "Espantos,"
28

1 together with others known and unknown, unlawfully, knowingly, and intentionally did assault Victim 8
2 with a dangerous weapon, in violation of California Penal Code Section 245(a)(1).

3 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

4 COUNT FIFTEEN: (18 U.S.C. § 1959(a)(3) and 2 - Assault with a Dangerous Weapon in Aid
5 of Racketeering of Victim 9)

6 50. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
7 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

8 51. On or about November 4, 2011, in the Northern District of California, as consideration
9 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
10 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
11 enterprise engaged in racketeering activity, the defendants,

12 FERNANDO CRUZ, a/k/a "Nano,"
13 ROBERTO MARTINEZ, a/k/a "Espantos,"

14 together with others known and unknown, unlawfully, knowingly, and intentionally did assault Victim 9
15 with a dangerous weapon, in violation of California Penal Code Section 245(a)(1).

16 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

17 COUNT SIXTEEN: (18 U.S.C. § 1959(a)(4) – Threatening to Commit a Crime of Violence in
18 Aid of Racketeering of Victim 8)

19 52. Paragraphs 1 through 15, 18 through 22, and 24 through 25 of this Second Superseding
20 Indictment are re-alleged and incorporated by reference as though fully set forth herein.

21 53. On or about November 4, 2011, in the Northern District of California, as consideration
22 for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value
23 from SSP, and for the purpose of gaining entrance to and maintaining and increasing position in SSP, an
24 enterprise engaged in racketeering activity, the defendant,

25 FERNANDO CRUZ, a/k/a "NANO,"

26 together with others known and unknown, unlawfully, knowingly, and intentionally threaten to commit a
27 crime of violence against Victim 8, in violation of California Penal Code Section 422.

28 All in violation of Title 18, United States Code, Sections 1959(a)(4).

1 COUNT SEVENTEEN: (21 U.S.C. §§ 846, 841((a)(1), and 841(b)(1)(A)(viii) – Conspiracy to
2 Distribute Methamphetamine)

3 54. Beginning on a date unknown to the Grand Jury, but since at least August, 2010, and
4 continuing up through and including January 30, 2014, both dates being approximate and inclusive, in
5 the Northern District of California, and elsewhere, the defendants,

- 6 (1)
- 7 (2) MIGUEL MIRANDA, a/k/a "Payaso,"
- 8 (3) GILBERTO VILLELA, a/k/a "Snowman"
- 9 (4)
- 10 (5) JESSE AGUILAR, a/k/a "Munchies,"
- 11 (6) FRANCISCO FONSECA, a/k/a "Griffo,"
- 12 (7) JORGE CISNEROS, a/k/a "Sleepy,"
- 13 (8) DANIEL CORTES, A/K/A "Little Temper,"
- 14 (9) JOSE DAVID SANCHEZ, a/k/a "Joker,"
- 15 (10) MIGUEL VASQUEZ, a/k/a "Tweety,"
- 16 (11) JUAN CHAVEZ. a/k/a/ "Dukester."
- 17 (12)
- 18 (13) JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"
- 19 (14) FERNANDO CRUZ, a/k/a "Nano,"
- 20 (15) JESSE PARRA, a/k/a "Lil Looney,"
- 21 (16) ALFREDO MALDONADO, a/k/a "Junior,"
- 22 (17) JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
- 23 (18) FELIX HERNANDEZ CRISTOBAL, a/k/a "Pato"
- 24 (19) JORGE LUIS OLIVERA, a/k/a "Chivo"
- 25 (20) MARIO GUERRERO, A/K/A "Lil Junior,"

26 and others, unlawfully and knowingly did conspire with each other and with others unknown to the
27 Grand Jury to distribute and possess with intent to distribute a controlled substance, to wit: 50 grams or
28 more of methamphetamine, its salt, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A)(viii).

1 COUNT EIGHTEEN: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) – Possession with Intent to
2 Distribute and Distribution of 50 Grams or More of Methamphetamine)

3 55. On or about August 4, 2010, in the Northern District of California, the defendants,
4
5 and
6 MIGUEL MIRANDA, a/k/a "Payaso,"
7
8 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
9 substance, to wit: 50 grams or more of actual methamphetamine, its salts, isomers, and salts of isomers.
10
11
12

1 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

2 COUNT NINETEEN: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) – Possession with Intent to
3 Distribute and Distribution of 50 Grams or More of Methamphetamine)

4 56. On or about September 9, 2010, in the Northern District of California, the defendant,
5 GILBERTO VILLELA, a/k/a “Snowman,”

6 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
7 substance, to wit: 50 grams and more of actual methamphetamine, its salts, isomers, and salts of
8 isomers.

9 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

10 COUNT TWENTY: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) – Possession with Intent to
11 Distribute and Distribution of 50 Grams or More of Methamphetamine)

12 57. On or about November 9, 2010, in the Northern District of California, the defendant,

13
14 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
15 substance, to wit: 50 grams and more of actual methamphetamine, its salts, isomers, and salts of
16 isomers.

17 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

18 COUNT TWENTY-ONE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) – Possession with Intent to
19 Distribute and Distribution of 50 Grams or More of Methamphetamine)

20 58. On or about December 22, 2010, in the Northern District of California, the defendant,
21 JESSE AGUILAR, a/k/a “Munchies,”

22 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
23 substance, to wit: 50 grams and more of actual methamphetamine, its salts, isomers, and salts of
24 isomers.

25 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

26 COUNT TWENTY-TWO: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
27 Distribute and Distribution of 5 Grams or More of Methamphetamine)

28 59. On or about February 4, 2011, in the Northern District of California, the defendant,

1 FRANCISCO FONSECA, a/k/a "Griffo,"

2 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
3 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

4 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

5 COUNT TWENTY-THREE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
6 Distribute and Distribution of 5 Grams or More of Methamphetamine)

7 60. On or about April 13, 2011, in the Northern District of California, the defendant,

8
9 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
10 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

11 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

12 COUNT TWENTY-FOUR: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
13 Distribute and Distribution of 5 Grams or More of Methamphetamine)

14 61. On or about April 14, 2011, in the Northern District of California, the defendant,

15
16 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
17 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

18 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

19 COUNT TWENTY-FIVE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
20 Distribute and Distribution of 5 Grams or More of Methamphetamine)

21 62. On or about July 6, 2011, in the Northern District of California, the defendant,

22 JORGE CISNEROS, a/k/a "Sleepy,"

23 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
24 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

25 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

26 COUNT TWENTY-SIX: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
27 Distribute and Distribution of 5 Grams or More of Methamphetamine)

28 63. On or about October 10, 2011, in the Northern District of California, the defendant,

1 DANIEL CORTEZ, a/k/a "Lil Temper,"

2 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
3 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

4 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

5 COUNT TWENTY-SEVEN: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
6 Distribute and Distribution of 5 Grams or More of Methamphetamine)

7 64. On or about October 19, 2011, in the Northern District of California, the defendant,

8 FERNANDO CRUZ, a/k/a "Nano,"

9 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
10 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

11 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

12 COUNT TWENTY-EIGHT: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
13 Distribute and Distribution of 5 Grams or More of Methamphetamine)

14 65. On or about October 20, 2011, in the Northern District of California, the defendants,

15 JUAN CHAVEZ, a/k/a "Dukester,"

16
17 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
18 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

19 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

20 COUNT TWENTY-NINE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
21 Distribute and Distribution of 5 Grams or More of Methamphetamine)

22 66. On or about October 26, 2011, in the Northern District of California, the defendants,

23 JUAN CHAVEZ, a/k/a "Dukester,"

24
25 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
26 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

27 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

28 COUNT THIRTY: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
Distribute and Distribution of 5 Grams or More of Methamphetamine)

1 67. On or about February 28, 2012, in the Northern District of California, the defendants,

2 DANIEL CORTEZ, a/k/a "Lil Temper," and
3 JOSE DAVID SANCHEZ, a/k/a "Joker,"

4 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
5 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

6 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

7 COUNT THIRTY-ONE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
8 Distribute and Distribution of 5 Grams or More of Methamphetamine)

9 68. On or about April 17, 2012, in the Northern District of California, the defendant,

10 MIGUEL VASQUEZ, a/k/a "Tweety,"

11 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
12 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

13 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

14 COUNT THIRTY-TWO: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
15 Distribute and Distribution of 5 Grams or More of Methamphetamine)

16 69. On or about April 18, 2013, in the Northern District of California, the defendant,

17 JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"

18 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
19 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

20 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

21 COUNT THIRTY-THREE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
22 Distribute and Distribution of 5 Grams or More of Methamphetamine)

23 70. On or about November 26, 2013, in the Northern District of California, the defendant,

24 ALFREDO MALDONADO, a/k/a "Junior,"

25 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
26 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

27 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

28 COUNT THIRTY-FOUR: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to
 Distribute and Distribution of 5 Grams or More of Methamphetamine)

1
2 71. On or about December 30, 2013, in the Northern District of California, the defendant,
3 JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
4 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
5 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

6 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

7 COUNT THIRTY-FIVE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) - Possession with Intent to
8 Distribute and Distribution of 5 Grams or More of Methamphetamine)

9 72. On or about January 22, 2014, in the Northern District of California, the defendants,

10 JORGE LUIS OLIVERA, a/k/a "Chivo," and
11 MARIO GUERRERO, a/k/a "Lil Junior,"

12 unlawfully and knowingly did distribute and possess with intent to distribute a controlled
13 substance, to wit: 5 grams and more of actual methamphetamine, its salts, isomers, and salts of isomers.

14 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

15 COUNT THIRTY-SIX: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) - Possession with Intent to
16 Distribute 50 Grams or More of Methamphetamine)

17 73. On or about January 30, 2014, in the Northern District of California, the defendant,

18 JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"

19 unlawfully and knowingly did possess with intent to distribute a controlled substance, to wit: 50 grams
20 and more of actual methamphetamine, its salts, isomers, and salts of isomers.

21 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

22 COUNT THIRTY-SEVEN: (18 U.S.C. §§ 924(c)(1)(A)(i) and (2) - Possession of a Firearm in
23 Furtherance of a Drug Trafficking Crime)

24 74. On or about January 30, 2014, in the Northern District of California, the defendant,

25 JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"

26 unlawfully and knowingly possessed a firearm in furtherance of the offense charged in Count Thirty-
27 Seven of this Second Superseding Indictment.

28 All in violation of Title 18, United States Code, Section 924(c)(1)(A).

1 COUNT THIRTY-EIGHT: (18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm)

2 75. On or about September 21, 2010, in the Northern District of California, the defendant,
3 MARCOS SALVADOR LOMELI, a/k/a "Cookie,"
4 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,
5 unlawfully and knowingly possessed a firearm, to wit: a Ruger, model Police Service Six, .357 magnum,
6 serial number removed, in and affecting interstate commerce.

7 All in violation of Title 18, United States Code, Section 922(g)(1).

8 COUNT THIRTY-NINE: (18 U.S.C. § 922(k) - Possession of a Firearm with Serial Number
9 Removed)

10 76. On or about September 21, 2010, in the Northern District of California, the defendant,
11 MARCOS SALVADOR LOMELI, a/k/a "Cookie,"
12 unlawfully and knowingly possessed a firearm, to wit: a Ruger, model Police Service Six, .357 magnum,
13 serial number removed, in and affecting interstate commerce.

14 All in violation of Title 18, United States Code, Section 922(k).

15 COUNT FORTY: (18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and
16 Ammunition)

17 77. On or about December 26, 2010, in the Northern District of California, the defendant,
18 FRANCISCO FONSECA, a/k/a "Griffo,"
19 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,
20 unlawfully and knowingly possessed a firearm and ammunition, to wit: a Harrington and Richardson .32
21 caliber revolver, serial number AX042430, and six rounds of .32 caliber Remington Peters ammunition,
22 in and affecting interstate commerce.

23 All in violation of Title 18, United States Code, Section 922(g)(1).

24 COUNT FORTY-ONE: (18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and
25 Ammunition)

26 78. On or about July 18, 2011, in the Northern District of California, the defendant,
27 JESSE PARRA, a/k/a "Lil Looney," and
28 ANDY LAMB LOPEZ, a/k/a "Solo,"

1 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,
2 unlawfully and knowingly possessed a firearm and ammunition, to wit: a .22 caliber Ruger, serial
3 number 13-89661, and seventeen rounds of Cascade Cartridge Inc. ammunition, in and affecting
4 interstate commerce.

5 All in violation of Title 18, United States Code, Section 922(g)(1).

6 FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) - Forfeiture of Firearms)

7 79. The factual allegations contained in Counts Thirty-Seven through Forty-One of this
8 Second Superseding Indictment are re-alleged and by this reference fully incorporated herein for the
9 purpose of alleging forfeiture pursuant to the provisions 18 U.S.C. § 924(d)(1).

10 80. Upon a conviction for the offense alleged in Count Thirty-Seven, the defendant,

11 JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"

12 shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any
13 knowing violation of said offenses, including, but not limited to, the following property:

14 a. a Springfield XD firearm, with 13 rounds of ammunition.

15 Pursuant to Title 18, United States Code, Section 924(d)(1).

16 81. Upon a conviction for the offense alleged in Count Thirty-Eight or Thirty-Nine, the
17 defendant,

18 MARCOS SALVADOR LOMELI, a/k/a "Cookie,"

19 shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any
20 knowing violation of said offenses, including, but not limited to, the following property:

21 a. a Ruger, model Police Service Six, .357 magnum, serial number removed.

22 Pursuant to Title 18, United States Code, Section 924(d)(1).

23 82. Upon a conviction for the offense alleged in Count Forty, the defendant,

24 FRANCISCO FONSECA, a/k/a "Griffo,"

25 shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any
26 knowing violation of said offenses, including, but not limited to, the following property:

27 a. Harrington and Richardson .32 caliber revolver, serial number AX042430, and

28 b. six rounds of .32 caliber Remington Peters ammunition.

1 Pursuant to Title 18, United States Code, Section 924(d)(1).

2 83. Upon a conviction for the offense alleged in Count Forty-One, the defendant,

3 JESSE PARRA, a/k/a "Lil Looney,"

4 shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any
5 knowing violation of said offenses, including, but not limited to, the following property:

6 a. a .22 caliber Ruger, serial number 13-89661; and

7 b. seventeen rounds of Cascade Cartridge Inc. ammunition.

8 Pursuant to Title 18, United States Code, Section 924(d)(1).

9 84. Upon a conviction for the offense alleged in Count Forty-One, the defendant,

10 ANDY LAMB LOPEZ, a/k/a "Solo,"

11 shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any
12 knowing violation of said offenses, including, but not limited to, the following property:

13 a. a .22 caliber Ruger, serial number 13-89661; and

14 b. seventeen rounds of Cascade Cartridge Inc. ammunition.

15 Pursuant to Title 18, United States Code, Section 924(d)(1).

16 SECOND FORFEITURE ALLEGATION: (21 U.S.C. § 853) (Property Forfeiture)

17 85. The factual allegations contained in Counts Seventeen through Thirty-Six of this Second
18 Superseding Indictment are re-alleged and by this reference fully incorporated herein for the purpose of
19 alleging forfeiture pursuant to the provisions of 21 U.S.C. §§ 853(a)(1) and (2).

20 86. Upon a conviction of the offenses alleged in Counts Seventeen through Thirty-Six, the
21 defendants,

22 (1)

23 (2) MIGUEL MIRANDA, a/k/a "Payaso,"

(3) GILBERTO VILLELA, a/k/a "Snowman"

24 (4)

(5) JESSE AGUILAR, a/k/a "Munchies,"

25 (6) FRANCISCO FONSECA, a/k/a "Griffo,"

(7) JORGE CISNEROS, a/k/a "Sleepy,"

26 (8) DANIEL CORTES, A/K/A "Little Temper,"

(9) JOSE DAVID SANCHEZ, a/k/a "Joker,"

27 (10) MIGUEL VASQUEZ, a/k/a "Tweety,"

(11) JUAN CHAVEZ, a/k/a/ "Dukester."

28 (12)

(13) JOSE ANGEL MORENO, a/k/a "Lil Chocolate,"

- 1 (14) FERNANDO CRUZ, a/k/a "Nano,"
2 (15) JESSE PARRA, a/k/a "Lil Looney,"
3 (16)
4 (17) ALFREDO MALDONADO, a/k/a "Junior,"
5 (18) JESUS MANUEL ARMENDARIZ, a/k/a "Chumel,"
6 (19) FELIX HERNANDEZ CRISTOBAL, a/k/a "Pato"
7 (20) JORGE LUIS OLIVERA, a/k/a "Chivo"
8 (21) MARIO GUERRERO, A/K/A "Lil Junior,"

9 shall forfeit to the United States, all right, title, and interest in property constituting and derived from
10 any proceeds defendants obtained, directly or indirectly, as a result of said violations, and any property
11 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the said
12 violations.

13 87. If, as a result of any act or omission of the defendants, any of said property:

- 14 a. cannot be located upon the exercise of due diligence;
15 b. has been transferred or sold to or deposited with, a third person;
16 c. has been placed beyond the jurisdiction of the Court;
17 d. has been substantially diminished in value; or
18 e. has been commingled with other property which cannot be divided without
19 difficulty;

20 any and all interest defendant has in any other property (not to exceed the value of the above forfeitable
21 property) shall be forfeited to the United States.

22 Pursuant to 21 U.S.C. § 853(a)(1) and (2), (p), and Rule 32.2 of the Federal Rules of Criminal
23 Procedure.

24 NOTICE OF SPECIAL SENTENCING FACTORS

25 Number 1: Conspiracy to Commit Murder

26 88. Beginning on a date unknown to the Grand Jury but since at least 2009, and continuing
27 up through and including the present, in the Northern District of California and elsewhere, the
28 defendants,

- 29 (1)
30 (2) GILBERTO VILLELA, a/k/a "Snowman,"
31 (3)
32 (4) JESSE AGUILAR, a/k/a "Munchies,"
33 (5) FRANCISCO FONSECA, a/k/a "Griffo,"
34 (6) JORGE CISNEROS, a/k/a "Sleepy,"

1 unlawfully, wilfully and intentionally and with deliberation and premeditation, did kill, with malice
2 aforethought, Victim 7, in violation of California Penal Code Sections 187, 188, and 189.
3

4 DATED: 3-18-14

A TRUE BILL

5
6 
7 _____
FOREPERSON

8 MELINDA HAAG
9 United States Attorney

10 
11 J. DOUGLAS WILSON
Chief, Criminal Division

12
13 (Approved as to form: 
14 CYNTHIA M. FREY
Assistant United States Attorney