

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

FILED
IN OPEN COURT
OCT 12 2017
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)

Criminal No. [REDACTED]

v.)

Count 1: Conspiracy to Commit
Kidnapping and Murder in Aid of
Racketeering
(18 U.S.C. § 1959(a)(5))

[REDACTED]

Count 2: Murder in Aid of Racketeering
(18 U.S.C. §§ 1959(a)(1) & 2)

[REDACTED]

Count 3: Kidnapping Resulting in Death
(18 U.S.C. §§ 1201(a)(1) & 2)

[REDACTED]

[REDACTED]

[REDACTED]

Defendants.)

INDICTMENT

October [REDACTED] Term – at Alexandria

THE GRAND JURY CHARGES THAT:

Introduction

At all times material to this Indictment:

1. The defendants, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] were members and associates of La Mara Salvatrucha, also known as "MS-13." MS-13 is a violent international street gang involved in a variety of criminal activities, including aggravated assault, extortion, abduction, kidnapping, murder, and obstruction of justice, in the Eastern District of Virginia and elsewhere.

2. MS-13 members and associates are located throughout the United States, including Virginia, Maryland, Ohio, Texas, New York, and California. MS-13 also has a large international presence in El Salvador, Guatemala, Honduras, and Mexico. MS-13 recruits members and associates predominantly from the Hispanic community.

3. In order to protect the power, reputation, and territory of MS-13, members and associates are required to use violence, threats of violence, and intimidation. These acts of violence include murder and assault with deadly weapons, including firearms, machetes, and knives. MS-13 members and associates maintain and enhance their status in the gang, and the overall reputation of the gang, by participating in such violent acts.

4. MS-13 recruits are indoctrinated into MS-13 rules, which are ruthlessly enforced. One prominent rule encourages MS-13 members and associates to confront, fight, and kill rival gang members, known as "chavalas." Another prominent rule requires MS-13 members and associates to identify individuals falsely representing themselves as MS-13 members, commonly known as "false flagging." When such individuals are identified, MS-13 members and associates are required to notify senior gang members, who typically order (*i.e.*, "green light") the killing of the offending individual.

5. MS-13 is organized into local groups known as "cliques" that hold regular meetings to coordinate gang activities. Each clique is run by the senior leader, who is designated the "First

[REDACTED]

Word,” and the second-in-command, who is designated the “Second Word.” The other members and associates of the clique take their orders from the “First Word” or “Second Word.” The leaders of the respective cliques attend larger general meetings to manage gang operations on a regional and international level.

6. MS-13 members must attend clique meetings. At each clique meeting, members are required to pay dues to clique leaders. At times, MS-13 members are also expected to obtain money through illegal means, including, but not limited to, extortion, which is provided to clique leaders. The money is used to finance clique activities, to provide support for clique members who are in jail, and to send money to MS-13 leadership in El Salvador.

7. To promote their gang identity, MS-13 members and associates often wear blue or white clothing, as well as clothing displaying the number “13” or numbers that total 13, such as “76.” MS-13 members and associates also often have tattoos reading “Mara Salvatrucha,” “MS,” or “MS-13,” and mark their territory with graffiti displaying those names and symbols associated with the gang. One such symbol is the MS-13 hand sign, meant to resemble both an inverted “M” and the face of the devil, with outstretched fingers representing devil’s horns. More recently, some MS-13 members have more discreetly and less publicly signified their membership by hiding and avoiding such clothing and tattoos in order to avoid detection by law enforcement. MS-13 members refer to one another by their gang names or other nicknames and may not know fellow gang members except by these gang names.

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Racketeering Enterprise

10. MS-13, including its leaders, members, and associates, constitutes an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engages in, and the activities of which affect, interstate and foreign commerce. MS-13 is an ongoing organization whose members and associates function as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

11. The purposes of the MS-13 enterprise include the following:
- (a) Preserving, expanding, and protecting the power, territory, and reputation of MS-13 through the use of violence, threats of violence, and intimidation;
 - (b) Promoting and enhancing MS-13 and the activities of its members and associates by committing crimes, including but not limited to, murder;
 - (c) Keeping victims, potential victims, and community members in fear of MS-13 and its members and associates through violence, threats of violence, and intimidation;
 - (d) Confronting and retaliating against rival gangs through the use of violence, threats of violence, and intimidation;
 - (e) Hindering and obstructing efforts of law enforcement to identify, apprehend, and successfully prosecute offending gang members; and

- (f) Providing financial support and information to MS-13 members, including those incarcerated in the United States and El Salvador.

Means and Methods of the Enterprise

12. Among the means and methods by which MS-13 members and associates conduct and participate in the affairs of the enterprise are the following:

- (a) MS-13 members and associates use violence, threats of violence, and intimidation to preserve, protect, and expand the enterprise's territory and activities and to enhance its prestige, reputation, and position in the community;
- (b) MS-13 members and associates promote a climate of fear through violence, threats of violence, and intimidation;
- (c) MS-13 members and associates use violence, threats of violence, and intimidation to discipline and punish members and associates who violate enterprise rules;
- (d) MS-13 members and associates use telephones to discuss gang-related business and to obtain approval for the use of violence to further the purposes of MS-13; and
- (e) MS-13 members and associates collect dues to send to MS-13 members incarcerated in the United States and El Salvador and to MS-13 leadership in El Salvador, in an effort to provide financial support to the enterprise.

13. MS-13, through its members and associates, engages in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder and extortion, in violation of the laws of the Commonwealth of Virginia; acts indictable under Title 18, United States Code, Sections 1503 (obstruction of justice), 1512 (witness tampering) and 2421 and 2422 (sex trafficking); and acts involving drug trafficking, in violation of Title 21, United States Code, Sections 841 and 846.

[REDACTED]

COUNT ONE

(Conspiracy to Commit Kidnapping and Murder in Aid of Racketeering)

THE GRAND JURY CHARGES THAT:

Paragraphs 1 through 13 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

From in and around [REDACTED], in Prince William County, within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, [REDACTED]

[REDACTED] did knowingly and intentionally combine, conspire, confederate, and agree with each other and others, known and unknown to the grand jury, to kidnap and murder [REDACTED] [REDACTED], in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code Ann. §§ 18.2-22, 18.2-32, and 18.2-47.

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

[REDACTED]

COUNT TWO

(Murder in Aid of Racketeering)

Paragraphs 1 through 13 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

On or about [REDACTED], within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, defendants [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] did

knowingly and intentionally murder [REDACTED], in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code Ann. §§ 18.2-32 and 18.2-18, and did aid, abet, counsel, command, induce, and cause another to commit said offense.

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

[REDACTED]

COUNT THREE

(Kidnapping Resulting in Death)

THE GRAND JURY FURTHER CHARGES THAT:

On or about [REDACTED] the defendants, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and others known and unknown to the grand jury, did unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold [REDACTED] for ransom and reward and otherwise, namely for the purpose of killing him because he was believed to be falsely representing himself as an MS-13 gang member, and because he was believed to be a member of a rival gang, and, in committing and in furtherance of the commission of the offense, did travel in interstate commerce, and did use facilities and instrumentalities of interstate commerce, and did aid, abet, counsel, command, induce, and cause another to commit said offense, and [REDACTED] died as a result of the offense.

(In violation of Title 18, United States Code, Sections 1201(a)(1) and 2.)

Pursuant to the E-Government Act,
A TRUE BILL
The original of this page has been filed
under seal in the Clerk's Office

Dana J. Boente
United States Attorney

By: [Signature]
[REDACTED]

FOREPERSON