

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO.

v.

ROLAN IVAN HERNANDEZ-FUENTES (1)

a.k.a. Ivan Fuentes

a.k.a. Tasmania

a.k.a. Ronal Ivan Fuentes Hernandez

JERSON GUTIERREZ-RAMOS (2)

a.k.a. Gerson Gutierrez

a.k.a. Sparky

318 - CR - 333 - M
TO BE FILED UNDER SEAL

KEVIN CRUZ (4)

a.k.a. Street Danger

MANUEL AMAYA-ALVAREZ (5)

a.k.a. Manuel Amaya

a.k.a. Chocolate

JOSE ARMANDO SARA VIA-ROMERO (6)

a.k.a. Jose Saravia

a.k.a. Mandy

a.k.a. Pinky

JONATHAN ALEXANDER BAIRES (7)

a.k.a. Splinter

CRISTIAN WILFREDO CABRERA-CRUZ

(8)

a.k.a. Cristin Benjamin Vigil

a.k.a. Mama

INDICTMENT

The Grand Jury charges:

Count One
Racketeer Influenced and Corrupt Organizations (RICO) Conspiracy
(Violation of 18 U.S.C. § 1962(d))

At all times relevant to this Indictment:

The Enterprise

1. *La Mara Salvatrucha*, also known as MS-13 ("MS-13"), was a gang composed primarily of immigrants or descendants of immigrants from El Salvador, with members operating in the State of Texas, including in the Dallas metropolitan area, and throughout the United States.

2. The name "Mara Salvatrucha" was a combination of several slang terms. The word "Mara" was the term used in El Salvador for "gang." The phrase "Salvatrucha" was a combination of the words "Salva," which was an abbreviation for "Salvadoran," and "trucha," which was a slang term for "fear us," "look out," or "heads up."

3. In the United States, MS-13 has been functioning since at least the 1980's. MS-13 originated in Los Angeles, California, where MS-13 members banded together for protection against the larger Mexican groups. MS-13 evolved into a gang that engaged in turf wars for the control of drug distribution locations. MS-13 quickly spread to states across the country, including Texas.

4. MS-13 was a national and international criminal organization and was one of the largest street gangs in the United States. Gang members actively recruited members, including juveniles, from communities with a large number of Salvadoran immigrants.

5. Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; [REDACTED]; [REDACTED]; and Kevin Cruz, a.k.a. Street Danger; the defendants, and others known and unknown to the Grand Jury, were members and associates of MS-13.

6. Members of MS-13 from time to time signified their membership by wearing tattoos reading "MARA SALVATRUCHA," "MS," "MS-13," or similar tattoos, often written in gothic lettering. Members also signified their membership through tattoos of devil horns in various places on their bodies. The gang colors of MS-13 were blue, black, and white, and members often wore clothing, particularly sports jerseys, with the number "13." MS-13 members referred to one another by their gang names, or monikers, and often did not know fellow gang members except by their gang names.

7. Members of MS-13 were expected to protect the name, reputation, and status of the gang from rival gang members and other persons. MS-13 members required that all individuals show respect and deference to the gang and its membership. To protect the gang and to enhance its reputation, MS-13 members were expected to use any means necessary to force respect from those who showed disrespect, including acts of intimidation and violence. MS-13's creed was based on one of its mottos, "*Mata, roba, viola, controlla*," which translated in sum and substance to, "Kill, steal, rape, control."

8. Members and associates of MS-13 frequently engaged in criminal activity, including, but not limited to, murder, assault, drug trafficking, robbery, and extortion, as well as attempts and conspiracies to commit such offenses. MS-13 members were

required to commit acts of violence to maintain membership and discipline within the gang, as well as against rival gang members. Participation in criminal activity by a member, particularly in violent acts directed at rival gangs or as directed by gang leadership, increased the respect accorded to that member, resulted in that member maintaining or increasing his position in the gang, and opened the door to a promotion to a leadership position. One of the principal rules of MS-13 was that its members must attack and kill rivals whenever possible. Rivals were often referred to as "chavalas." MS-13, in the Dallas metropolitan area, maintained rivalries with the 18th Street Gang, among others.

9. Prospective members who sought to join MS-13 were required to complete an initiation process. Individuals who associated and committed crimes with the gang were called "paros." Individuals who were attempting to join the gang were called "chequeos." Chequeos underwent a probationary period during which they were required to commit crimes on behalf of MS-13 to achieve trust and prove their loyalty to the gang. To join MS-13 and become full members or "homeboys," prospective members were required to complete an initiation process, often referred to as being "jumped in" or "beat in" to the gang. During that initiation, other members of MS-13 would beat the new member, usually until a gang member finished counting aloud to the number thirteen, representing the "13" in MS-13.

10. MS-13 was an international criminal organization, and was organized in Texas and elsewhere into "cliques," that is, smaller groups operating in a specific city or region. Cliques operated under the umbrella rules of MS-13. MS-13 cliques often

worked together cooperatively to engage in criminal activity and to assist one another in avoiding detection by law enforcement. In Texas, these cliques included, among others, the Irving Loco Salvatruchas clique ("ILS").

11. Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; [REDACTED]; and Kevin Cruz, a.k.a. Street Danger; the defendants, were members and associates of the ILS clique of MS-13.

12. MS-13 members met on a regular basis to, among other things, discuss gang affairs and report on acts of violence committed by their members, with the goal of inciting and encouraging further violence. Each clique held clique meetings where business specific to that clique was discussed. Any perceived indiscretions or violations of MS-13 rules by members were talked about at clique meetings and punishments or "violations" were issued. Violations often took the form of beatings by fellow MS-13 members. More serious violations resulted in the issuance of a "greenlight," an order and/or approval to kill.

13. MS-13 received money and income from various sources, including member dues and the extortion or "taxing" of illegitimate businesses, as well as narcotics trafficking and the commission of robberies. Such funds were used for gang purposes, including obtaining weapons and providing support for MS-13 gang members who were imprisoned in the United States and in El Salvador.

14. MS-13 members communicated about gang activities with other MS-13 members in Texas, and elsewhere, using mobile telephones, telephone text messages, social media such as Facebook and e-mail accounts, and other modes of communication. Additionally, MS-13 members used international money wire transfers to conduct and promote gang activities.

15. MS-13, including its leadership, membership, and associates, constituted an "enterprise," as defined by 18 U.S.C. § 1961(4), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

16. The purposes of the MS-13 Enterprise included:
- a. Preserving and protecting the power, territory, reputation, and profits of the enterprise through the use of intimidation, threats of violence, and violence, including assaults and murder;
 - b. Promoting and enhancing the enterprise and its leaders', members', and associates' activities, including, but not limited to, murder, extortion, drug trafficking, robbery, and other criminal activities;
 - c. Keeping victims, potential victims, and community members in fear of the enterprise through violence and threats of violence;

- d. Providing financial support and information to gang leaders, members, and associates, including individuals incarcerated in the United States and in El Salvador;
- e. Providing assistance to gang leaders, members, and associates who committed crimes on behalf of the enterprise; and
- f. Hindering, obstructing, and preventing law enforcement officers from: identifying participants in the enterprise's criminal activity; apprehending the perpetrators of those crimes; and successfully prosecuting and punishing the offenders.

Means and Methods of the Enterprise

17. Among the means and methods by which the members and associates of MS-13 conducted and participated in the conduct of the affairs of the enterprise were the following:

- a. The members and associates of MS-13 used intimidation, threats of violence, and violence, including assaults and murder, to preserve, expand, and protect MS-13's territory and activities; to promote and enhance its prestige, reputation, and position in the community; and to discipline gang members who had been disloyal or had violated gang rules;

- b. The members and associates of MS-13 attended regular gang meetings and communicated with other MS-13 members to discuss, among other things: the structure and organization of the gang; past criminal acts committed against rival gang members and others; MS-13 leaders, members, and associates who had been arrested or incarcerated; disciplining MS-13 leaders, members, and associates who had violated gang rules; police interactions with MS-13 leaders, members, and associates; the identities of

individuals suspected of cooperating with law enforcement, and proposed actions to be taken against them; and plans and agreements regarding the commission of future crimes, as well as ways to conceal these crimes;

c. The members and associates of MS-13 also communicated with other MS-13 members in Texas and elsewhere, and represented their gang allegiance, through social media such as Facebook, including by posting photographs of themselves with other gang members, throwing gang hand signs, wearing colors or clothing associated with MS-13, and posing with weapons or gang-related graffiti, and by sending and/or posting messages referencing their affiliation with MS-13;

d. The members and associates of MS-13 financed the enterprise through a variety of activities, including the extortion of money—sometimes referred to as “paying rent”—from gang members and from legitimate and illegitimate businesses operating in the gang’s turf, as well as through the commission of robberies;

e. The members and associates of MS-13 distributed and agreed to distribute controlled substances on behalf of the gang;

f. The funds raised by the gang were used for gang purposes, including obtaining weapons and providing support for MS-13 gang members, including those imprisoned in the United States, inside and outside of Texas, and in El Salvador;

g. The members and associates of MS-13 hindered and obstructed the efforts of law enforcement to identify, apprehend, and successfully prosecute and punish gang members;

h. The members and associates of MS-13 would investigate rival gang members or other persons targeted for violence; would obtain information about such targets, including locations frequented by them; and would use such information in their plans to attack such targets; and

i. The members and associates of MS-13 would and did agree that acts of murder, including conspiracy and attempts to commit murder, and other acts of violence, would be committed by members and associates of MS-13 against rival gang members and persons deemed as threats to MS-13 and for the purpose of imposing discipline within the gang, and on other occasions as deemed necessary.

The Racketeering Conspiracy

18. Beginning in or about July 2016, and continuing through on or about the date of this Indictment, both dates being approximate and inclusive, within the Northern District of Texas, and elsewhere, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; [REDACTED]**; and **Kevin Cruz, a.k.a. Street Danger**; the defendants, together with each other and other persons known and unknown to the Grand Jury, being persons employed by and associated with the enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired to violate 18 U.S.C. § 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity consisting of multiple acts indictable under:

a. 18 U.S.C. § 1951 (relating to interference with commerce by robbery or extortion);

and multiple acts involving:

b. Murder, in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 12.33, 15.01, 15.02, 15.03, and 19.02;

c. Robbery, in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 12.33, 15.01, 15.02, 15.03, 29.01, 29.02, and 29.03.

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

Overt Acts

20. In furtherance of the conspiracy, and to affect the object and purposes thereof, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; [REDACTED]; and Kevin Cruz, a.k.a. Street Danger;** the defendants, and others known and unknown to the Grand Jury, committed various overt acts, in the Northern District of Texas, and elsewhere, including, but not limited to, the following:

21. On or about July 11, 2016, members and associates of the ILS clique of MS-13 spray-painted MS-13 graffiti in Rosemeadow Park, in Irving, Texas.

22. On multiple occasions from on or about July 11, 2016, through on or about September 25, 2017, members and associates of the ILS clique of MS-13 held clique meetings in multiple locations in the vicinity of Irving, Texas, including several public parks and a tunnel under Irving, Texas.

23. From in or about June 2017, through on or about July 2017, members and associates of the ILS clique of MS-13 conducted surveillance of rivals of MS-13, including by using Facebook, as part of a conspiracy to murder rivals of MS-13.

July 14, 2017: Dallas, Texas

24. On or about July 14, 2017, in Dallas, Texas, **Hernandez-Fuentes**, [REDACTED], **Gutierrez-Ramos**, and other members and associates of MS-13, conspired to kill Victim-1, a member or associate of the rival 18th Street Gang, by striking and stabbing Victim-1.

25. On or about July 14, 2017, in the 5600 block of Spring Valley Road, in Dallas, Texas, **Hernandez-Fuentes**, [REDACTED], **Gutierrez-Ramos**, and other members and associates of MS-13, using a machete and other weapons, attempted to kill Victim-1 by striking and stabbing Victim-1.

26. On or about July 14, 2017, in the 5600 block of Spring Valley Road, in Dallas, Texas, **Hernandez-Fuentes**, [REDACTED], **Gutierrez-Ramos**, and other members and associates of MS-13, using a machete and other weapons, attempted to kill Victim-2 by striking and stabbing Victim-2.

July 15, 2017: Irving, Texas

27. On or about July 15, 2017, in the 200 block of West Rochelle Road, in Irving, Texas, **Hernandez-Fuentes**, [REDACTED], **Gutierrez-Ramos**, and other members and associates of MS-13, using a machete, robbed heroin from a drug dealer, Victim-3.

28. On or about July 15, 2017, in the 200 block of West Rochelle Road, in Irving, Texas, **Hernandez-Fuentes**, [REDACTED], **Gutierrez-Ramos**, and other members and associates of MS-13, using a machete, demanded a future percentage of the drug business of Victim-3, in the form of drugs and money.

29. On or about July 15, 2017, in the 200 block of West Rochelle Road, in Irving, Texas, **Hernandez-Fuentes**, [REDACTED], **Gutierrez-Ramos**, and other members and associates of MS-13, using a machete, assaulted Victim-3.

August 9, 2017: Dallas, Texas

30. On or about August 9, 2017, in the 3000 block of Webb Chapel Extension, in Dallas, Texas, **Hernandez-Fuentes**, **Gutierrez-Ramos**, **Cruz**, and other members and associates of MS-13, using a knife, sledgehammer, and other weapons, assaulted Victim-4, a member or associate of the rival 18th Street Gang, by striking and stabbing Victim-4.

31. On or about August 9, 2017, in the 3000 block of Webb Chapel Extension, in Dallas, Texas, **Hernandez-Fuentes**, **Gutierrez-Ramos**, **Cruz**, and other members and associates of MS-13, using a knife, sledgehammer, and other weapons, attempted to kill Victim-4, by striking and stabbing Victim-4.

August 19, 2017: Irving, Texas

32. On or about August 19, 2017, in the 1900 block of East Grauwylar Road, in Irving, Texas, **Hernandez-Fuentes**, **Gutierrez-Ramos**, **Cruz**, and other members and associates of MS-13, using a metal bat, robbed money from a member or associate of the rival 18th Street Gang, Victim-5.

33. On or about August 19, 2017, in the 1900 block of East Grauwlyer Road, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a metal bat, assaulted Victim-5.

August 2017: Dallas, Texas

34. In or about the middle of August 2017, through on or about August 20, 2017, in Dallas, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, conspired to kill Victim-6, a member or associate of the rival 18th Street Gang.

35. In or about the middle of August 2017, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a female member and associate of MS-13, lured Victim-6 to a park in Dallas, Texas, as part of a plan to kill Victim-6.

36. On or about August 20, 2017, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a female member and associate of MS-13, lured Victim-6 to a second park in Dallas, Texas, as part of a plan to kill Victim-6.

37. On or about August 20, 2017, at an apartment complex, in Dallas, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, attempted to kill Victim-6 by attempting to fire a shotgun at Victim-6.

September 25, 2017: Irving, Texas

38. From in or about the beginning of September 2017, through on or about September 25, 2017, at various locations in the Dallas, Texas area, and at Running Bear Park, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, conspired to kill Victim-7, a member or associate of the rival 18th Street Gang.

39. On or about September 25, 2017, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, lured Victim-7 to Running Bear Park, in Irving, Texas, using the ruse of purchasing a tattoo machine from Victim-7 as part of a plan to kill Victim-7.

40. On or about September 25, 2017, at Running Bear Park, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a shotgun, machetes, and other weapons, attempted to kill Victim-7 by striking and stabbing Victim-7 and firing a shotgun at Victim-7.

41. On or about September 25, 2017, at Running Bear Park, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a shotgun, machetes, and other weapons, attempted to kill Victim-8 by striking and stabbing Victim-8.

42. On or about September 25, 2017, at Running Bear Park, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a shotgun, machetes, and other weapons, attempted to kill Victim-9 by striking and stabbing Victim-9.

43. On or about September 25, 2017, at Running Bear Park, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a shotgun, machetes, and other weapons, attempted to kill Victim-10 by striking and stabbing Victim-10.

44. On or about September 25, 2017, at Running Bear Park, in Irving, Texas, **Hernandez-Fuentes, Gutierrez-Ramos, Cruz**, and other members and associates of MS-13, using a shotgun, machetes, and other weapons, robbed Victim-7, Victim-8, Victim-9, and Victim-10 of cellular telephones and other valuables.

Special Sentencing Factors Regarding Count One

45. On or about July 15, 2017, in the Northern District of Texas, **Hernandez-Fuentes, Gutierrez-Ramos**, and [REDACTED], aided and abetted by each other and others known and unknown to the Grand Jury, did commit an act involving robbery, that is, aggravated robbery, as **Hernandez-Fuentes, Gutierrez-Ramos**, and [REDACTED], aided and abetted by each other and others, in the course of committing theft and with intent to obtain and maintain control of the property, intentionally, knowingly, and recklessly caused bodily injury to another and used and exhibited a deadly weapon, that is, a machete, and intentionally, knowingly, and recklessly threatened and placed another in fear of imminent bodily injury and death and used and exhibited a deadly weapon, that is, a machete, all in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 29.01, 29.02, and 29.03.

46. On or about August 19, 2017, in the Northern District of Texas, **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and

others known and unknown to the Grand Jury, did commit an act involving robbery, that is, aggravated robbery, as **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and others, in the course of committing theft and with intent to obtain and maintain control of the property, intentionally, knowingly, and recklessly caused bodily injury to another and used and exhibited a deadly weapon, that is, a metal bat, and intentionally, knowingly, and recklessly threatened and placed another in fear of imminent bodily injury and death and used and exhibited a deadly weapon, that is, a metal bat, all in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 29.01, 29.02, and 29.03.

47. On or about September 25, 2017, in the Northern District of Texas, **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and others known and unknown to the Grand Jury, did commit an act involving robbery, that is, aggravated robbery, as **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and others, in the course of committing theft and with intent to obtain and maintain control of the property, intentionally, knowingly, and recklessly caused bodily injury to another and used and exhibited deadly weapons, to wit, a shotgun and machetes, and intentionally, knowingly, and recklessly threatened and placed another in fear of imminent bodily injury and death and used and exhibited deadly weapons, to wit, a shotgun and machetes, all in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 29.01, 29.02, and 29.03.

48. On or about September 25, 2017, in the Northern District of Texas, **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and

others known and unknown to the Grand Jury, did commit an act involving robbery, that is, aggravated robbery, as **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by others, in the course of committing theft and with intent to obtain and maintain control of the property, intentionally, knowingly, and recklessly caused bodily injury to another and used and exhibited deadly weapons, to wit, a shotgun and machetes, and intentionally, knowingly, and recklessly threatened and placed another in fear of imminent bodily injury and death and used and exhibited deadly weapons, to wit, a shotgun and machetes, all in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 29.01, 29.02, and 29.03.

49. On or about September 25, 2017, in the Northern District of Texas, **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and others known and unknown to the Grand Jury, did commit an act involving robbery, that is, aggravated robbery, as **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted each other and others, in the course of committing theft and with intent to obtain and maintain control of the property, intentionally, knowingly, and recklessly caused bodily injury to another and used and exhibited deadly weapons, to wit, a shotgun and machetes, and intentionally, knowingly, and recklessly threatened and placed another in fear of imminent bodily injury and death and used and exhibited deadly weapons, to wit, a shotgun and machetes, all in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 29.01, 29.02, and 29.03.

50. On or about September 25, 2017, in the Northern District of Texas, **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and

others known and unknown to the Grand Jury, did commit an act involving robbery, that is, aggravated robbery, as **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz**, aided and abetted by each other and others, in the course of committing theft and with intent to obtain and maintain control of the property, intentionally, knowingly, and recklessly caused bodily injury to another and used and exhibited deadly weapons, to wit, a shotgun and machetes, and intentionally, knowingly, and recklessly threatened and placed another in fear of imminent bodily injury and death and used and exhibited deadly weapons, to wit, a shotgun and machetes, all in violation of Texas Penal Code §§ 7.01, 7.02, 12.32, 29.01, 29.02, and 29.03.

In violation of 18 U.S.C. § 1962(d), the penalty for which is found at 18 U.S.C. § 1963(a).

Count Two

**Conspiracy to Commit Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5))**

51. Paragraphs 1 through 17 of Count One of this Indictment are incorporated here.

52. MS-13, including its leadership, membership, and associates, constituted an enterprise as defined in 18 U.S.C. § 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which affected interstate and foreign commerce ("the Enterprise"). The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

53. The Enterprise, through its members, leaders, and associates, engaged in racketeering activity, as defined in 18 U.S.C. §§ 1959(b)(1), and 1961(1), that is acts involving murder, in violation of Texas Law.

54. On or about July 14, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky;**
[REDACTED]; and Cristian Wilfredo Cabrera-Cruz, a.k.a. Cristin Benjamin Vigil, a.k.a. Mama; the defendants, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, did knowingly and willfully combine,

conspire, confederate, and agree with each other, and others known and unknown to the Grand Jury, to murder Victim-1, in violation of Texas Penal Code §§ 15.02 and 19.02.

In violation of 18 U.S.C. § 1959(a)(5).

Count Three

**Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)**

55. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

56. On or about July 14, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and [REDACTED]**; the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-1, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Four

**Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)**

57. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

58. On or about July 14, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and**

[REDACTED]; the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-2, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Five

**Assault with a Dangerous Weapon in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(3) and 2)**

59. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

60. On or about July 15, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and**

[REDACTED]; the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did assault Victim-3 with a dangerous weapon, that is, a machete, in violation of Texas Penal Code §§ 1.07(a)(17), 7.01, 7.02, 22.01, and 22.02.

In violation of 18 U.S.C. §§ 1959(a)(3) and 2.

Count Six

Assault with a Dangerous Weapon in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(3) and 2)

61. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

62. On or about August 9, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and Kevin Cruz, a.k.a. Street Danger;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did assault Victim-4 with a dangerous weapon, that is, a knife, in violation of Texas Penal Code §§ 1.07(a)(17), 7.01, 7.02, 22.01, and 22.02.

In violation of 18 U.S.C. §§ 1959(a)(3) and 2.

Count Seven

Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)

63. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

64. On or about August 9, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and Kevin Cruz, a.k.a. Street Danger;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-4, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Eight

Assault with a Dangerous Weapon in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(3) and 2)

65. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

66. On or about August 19, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; and Jose Armando Saravia-Romero, a.k.a. Jose Saravia, a.k.a. Mandy, a.k.a. Pinky;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did assault Victim-5 with a dangerous weapon, that is, a metal bat, in violation of Texas Penal Code §§ 1.07(a)(17), 7.01, 7.02, 22.01, and 22.02.

In violation of 18 U.S.C. §§ 1959(a)(3) and 2.

Count Nine

Conspiracy to Commit Murder in Aid of Racketeering
(Violation of 18 U.S.C. § 1959(a)(5))

67. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

68. From in or about the middle of August 2017, through on or about August 20, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; and Jose Armando Saravia-Romero, a.k.a. Jose Saravia, a.k.a. Mandy, a.k.a. Pinky;** the defendants, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, did knowingly and willfully combine, conspire, confederate, and agree with each other, and others known and unknown to the Grand Jury, to murder Victim-6, in violation of Texas Penal Code §§ 15.02 and 19.02.

In violation of 18 U.S.C. § 1959(a)(5).

Count Ten
Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)

69. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

70. On or about August 20, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and Kevin Cruz, a.k.a. Street Danger;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-6, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Eleven

Possessing and Brandishing a Firearm in Furtherance of a Crime of Violence
(Violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2)

71. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

72. On or about August 20, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; and Kevin Cruz, a.k.a. Street Danger;** the defendants, together with others known and unknown to the Grand Jury, aiding and abetting each other, did knowingly possess and brandish a firearm in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: Attempted Murder in Aid of Racketeering, as charged in Count Ten of this Indictment, in violation of 18 U.S.C. §§ 1959(a)(5) and 2.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2.

Count Twelve

**Conspiracy to Commit Murder in Aid of Racketeering
(Violation of 18 U.S.C. § 1959(a)(5))**

73. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

74. From in or about the beginning of September 2017, through on or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, did knowingly and willfully combine, conspire, confederate, and agree with each other, and others known and unknown to the Grand Jury, to murder Victim-7, in violation of Texas Penal Code §§ 15.02 and 19.02.

In violation of 18 U.S.C. § 1959(a)(5).

Count Thirteen

Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)

75. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

76. On or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-7, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Fourteen

Possessing, Brandishing, and Discharging
a Firearm in Furtherance of a Crime of Violence
(Violation of 18 U.S.C. §§ 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(C)(i), and 2)

77. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

78. On or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, together with others known and unknown to the Grand Jury, aiding and abetting each other, did knowingly possess, brandish, and discharge a firearm in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, to wit: Attempted Murder in Aid of Racketeering, as charged in Count Thirteen of this Indictment, in violation of 18 U.S.C. §§ 1959(a)(5) and 2.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), and 2, as applied to **Amaya-Alvarez and Baires.**

In violation of 18 U.S.C. §§ 924(c)(1)(C)(i), and 2, as applied to **Hernandez-Fuentes, Gutierrez-Ramos, and Cruz.**

Count Fifteen

**Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)**

79. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

80. On or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-8, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Sixteen

Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)

81. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

82. On or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-9, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Seventeen
Attempted Murder in Aid of Racketeering
(Violation of 18 U.S.C. §§ 1959(a)(5) and 2)

83. Paragraphs 51 through 53 of Count Two of this Indictment are incorporated here.

84. On or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, together with others known and unknown to the Grand Jury, for the purpose of gaining entrance to, and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, aiding and abetting one another, did attempt to murder Victim-10, in violation of Texas Penal Code §§ 7.01, 7.02, 15.01, and 19.02.

In violation of 18 U.S.C. §§ 1959(a)(5) and 2.

Count Eighteen

Illegal Alien in Possession of a Firearm
(Violation of 18 U.S.C. §§ 922(g)(5) and 2)

85. On or about September 25, 2017, in the Northern District of Texas, **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez; Jerson Gutierrez-Ramos, a.k.a. Gerson Gutierrez, a.k.a. Sparky; Kevin Cruz, a.k.a. Street Danger; Manuel Amaya-Alvarez, a.k.a. Manuel Amaya, a.k.a. Chocolate; and Jonathan Alexander Baires, a.k.a. Splinter;** the defendants, together with others known and unknown to the Grand Jury, aiding abetting one another, then each being an alien illegally and unlawfully in the United States, did knowingly possess in and affecting interstate commerce a firearm, that is, a Yimeng, model YL12-IJ2B, 12 gauge pump shotgun, bearing serial number 9522812.

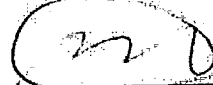
In violation of 18 U.S.C. §§ 922(g)(5) and 2.

Forfeiture Notice
(18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

86. Upon conviction for the offenses alleged in Counts Eleven, Fourteen, and Eighteen of this Indictment and pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), **Rolan Ivan Hernandez-Fuentes, a.k.a. Ivan Fuentes, a.k.a. Tasmania, a.k.a. Ronal Ivan Fuentes Hernandez**, the defendant, shall forfeit to the United States of America any firearm involved in the commission of the offense, including, but not limited to, the following:

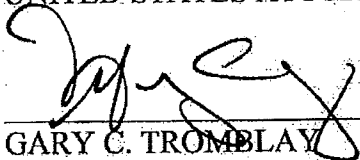
- a. a Yimeng, model YL12-IJ2B, 12 gauge pump shotgun, bearing serial number 9522812; and
- b. any ammunition recovered with this firearm.

A TRUE BILL

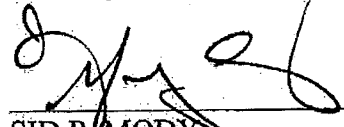


FOREPERSON

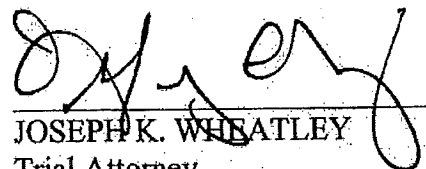
ERIN NEALY COX
UNITED STATES ATTORNEY



GARY C. TROMBLAY
Assistant United States Attorney
Louisiana Bar Roll No. 22665
1100 Commerce Street, 3rd Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8600
Facsimile: 214-659-8805
Email: gary.tromblay@usdoj.gov



for SID P. MODY
Assistant United States Attorney
Texas State Bar No. 24072791
Email: siddharth.mody@usdoj.gov



for JOSEPH K. WHEATLEY
Trial Attorney
Pennsylvania State Bar No. 200210
Organized Crime and Gang Section
U.S. Department of Justice
Washington, DC 20530
Telephone: 202-514-3517
Email: joe.wheatley@usdoj.gov