

SEALED
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

2ND SUPERSEDING
INDICTMENT

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN XAVIER PORTILLO (1),

JEFFREY FAY PIKE (2),

JOHNNY ROMO (5)

aka "DOWNTOWN JOHNNY",

ROBERT ROMO (6),

JESSE JAMES BENAVIDEZ (7)

aka "KRONIC",

NORBERTO SERNA JR. (8)

aka "HAMMER"

Defendants,

SA-15-CR-820-DAE

1 COUNT 1: Vio: 18 U.S.C. §
1962(d): RICO Conspiracy;

2 COUNTS 2 & 3: Vio: 18 U.S.C.
§§ 1959(a)(1) & 2: Violent Crimes
in Aid of Racketeering – Murder

3 COUNTS 4 & 5: Vio: 18 U.S.C.
§§ 924(j) & 2 – Discharging a
Firearm during a Murder

4 COUNT 6: Vio: 18 U.S.C. §
1959(a)(6): Violent Crimes in Aid
of Racketeering – Conspiracy to
Commit Assault with a Dangerous
Weapon;

5 COUNTS 7-8: Vio: 18 U.S.C. §§
1959(a)(3) & 2: Aiding and
Abetting Violent Crimes in Aid of
Racketeering – Assault with a
Dangerous Weapon;

6 COUNT 9: Vio: 21 U.S.C. §§ 846,
841(a)(1) and 841(b)(1)(A) & (B):
Conspiracy to Possess with Intent
to Distribute 500 grams or more of
methamphetamine and cocaine;

7 COUNT 10: Vio: 21 U.S.C. §§
841(a)(1) and 841(b)(1)(C):
Possession with Intent to Distribute
cocaine;

8 COUNT 11: Vio: 18 U.S.C. §
1951: Interference with Commerce
by Extortion;

9 COUNT 12: Vio: 18 U.S.C. §
922(g): Felon in Possession]

THE GRAND JURY CHARGES:

PART I – THE RACKETEERING CONSPIRACY

COUNT ONE

18 U.S.C. § 1962(d) – *RICO Conspiracy*

Background

At all times relevant to the Indictment:

1. The Bandidos Outlaw Motorcycle Organization (hereinafter referred to as the “Bandidos OMO”) was an “outlaw” motorcycle organization comprised of individual chapters located in various cities in Texas and elsewhere. The Bandidos OMO identifies itself as an outlaw motorcycle organization through the public display of the “1%” symbol. The 1% symbol signifies that the membership of this organization has chosen to be part of the very small fraction of motorcycle-riders who defy legal conventionality and consider themselves “outlaws” or lawbreakers. The Bandidos OMO membership refers to themselves as a 1% club.

2. The Bandidos OMO is an international organization. The Bandidos OMO has approximately 175 or more chapters in fifteen countries on four continents, with approximately 107 chapters in the United States, including approximately 42 chapters in Texas. The Bandidos OMO membership is estimated at between 1,500 and 2,000 members. The National and International President, Jeffrey Fay Pike, resides in Conroe, Montgomery County, Texas. The National and International Vice President, John Xavier Portillo, resides in San Antonio, Bexar County, Texas.

3. The Bandidos OMO in the United States is a highly organized criminal organization which adheres to a hierarchical chain of command both nationally and locally. National officers are the most powerful and influential members of the enterprise. National officers comprise the National Chapter and include the President, Vice President, Secretary, Treasurer, Sergeant at Arms and other regional members. In addition to the National Chapter is a Nomad Chapter, which is located throughout the United States. The Nomad Chapter works for the National Chapter and is involved in gathering intelligence for the Bandidos OMO and meeting with the National officers to provide information that relates to the enterprise. Local chapters are divided up according to geographic location. Each local chapter must have at least five members to exist and has to be approved by the National Chapter to be established. The

enterprise is operated through a strict chain of command. Each Bandidos OMO Chapter has a President, a Vice-President, a Secretary and/or Treasurer, and a Sergeant at Arms, along with members. Each officer has specific obligations to the enterprise.

4. The local Chapter Presidents report directly to the National Sergeant at Arms for the region or to other National officers in the region. In San Antonio, local Chapter Presidents can report to the National Vice President, John Xavier Portillo. If the local Chapter President reports to a National officer, that officer reports to the National President or Vice President. The National Vice President reports to the National President.

5. The National Vice President serves as a point of contact for the other 1% motorcycle gangs to discuss territorial issues. The National Vice President also approves or disapproves the existence of each support club, along with the patches worn by support clubs. Each local Chapter President is responsible for support clubs that affiliate with the Bandidos OMO as well as the American Motorcycle Association clubs operating in the same geographical area. Most support clubs wear a designated reverse-color-scheme patch (yellow letters on a red background) to show their allegiance to the Bandidos OMO. These support clubs are also referred to as "farm clubs" because this is generally the recruiting pool for the Bandidos OMO to pick individuals to prospect and become members of the Bandidos OMO.

6. The President is the highest-ranking officer in each local chapter. Each President is responsible for holding regular chapter meetings, also known as "church." Chapter Presidents are required to attend regularly-held national Presidents' meetings and also the mandatory Bandidos OMO "runs" (i.e., when members wear their "colors" and travel in groups on their motorcycles to a meeting location). The Sergeant at Arms of each chapter is in charge of security and enforcement activities related to the chapter. The Secretary and/or Treasurer for the chapter is responsible for keeping current contact information for all their members as well as for all the other secretaries/treasurers so that information can be disseminated, maintaining the patches of retired Bandidos OMO members, maintaining records of bank accounts and organization funds, collecting fines, collecting dues, and collecting "donations" from support clubs and giving the monies to the National Chapter. Each Bandidos OMO member is required to attend meetings, runs, and pay chapter and national dues. Each member is also required to pay a fine of up to \$1,000 if a mandatory run is missed and is obligated to pledge their motorcycle and title to the enterprise.

7. The Bandidos OMO is a closed society. Allegiance to this organization and their fellow brothers is valued above all else. Witnesses to their criminal acts are typically the victims of acts of intimidation or harassment and are too afraid to approach law enforcement or testify in court proceedings. Bandidos OMO members do not fear authority and have a complete disdain for the rules of society. Similarly, Bandidos OMO members will not permit any perceived disrespect to any member by a non-member. Any person who disrespects or hurts a Bandidos OMO member will face retribution from the Bandidos OMO membership.

8. In 2001, Javier Negrete, a member of the Bandidos OMO, was killed outside a bar in San Antonio, Texas by Robert Lara. Members of the Bandidos OMO conducted their own investigation to determine the identity of the person who killed Negrete. Members of the Bandidos OMO then conspired to murder, and in 2002 did murder, Robert Lara in retaliation for the murder of Negrete.

9. In 2006, Anthony Benesh attempted to start a Texas Chapter of the Hell's Angels OMO in Austin, Texas. Members of the Bandidos OMO warned Benesh to cease his activities and recruitment, which Benesh ignored. Members of the Bandidos OMO then conspired to murder, and did murder, Benesh outside an Austin restaurant to protect the power, reputation and territory of the Bandidos enterprise.

10. The Bandidos OMO is very careful about admitting individuals into the enterprise. There is a lengthy process, often lasting more than five years, before one can become a "full patch" member, as defined below. This process is designed to guard against law enforcement infiltration into the enterprise. First, the prospective member is allowed to associate with enterprise members. After a period of time they are identified as an official "hangaround" and obligated to do menial tasks for full club members. The person then becomes a "prospect" which requires being sponsored by a full patch member. Ultimately, the enterprise members vote on whether the "prospect" can become a full patch member.

11. Full patch members are required to own a Harley Davidson motorcycle or facsimile and wear clothing with patches that symbolize the organization. These patches are commonly known as organization "colors." The color scheme for the Bandidos OMO patch utilizes red letters on a gold (yellow) background. The colors consist of an upper patch (top rocker patch) that identifies the Bandidos OMO name, a center patch which contains the emblem of the organization, and a bottom patch (bottom rocker patch) which is representative of the State

in which the members' chapter is located, or in the case of the National Officers, the United States patch or the title of their office. Full patch members also wear a diamond-shaped "1%" patch. The "1%" symbol is derived from an apocryphal statement that 99% of the country's motorcyclists are law-abiding individuals. The "1%" symbol has become the symbol of the outlaw biker. Members who wear their Bandidos OMO "colors" do so with the authority of the Bandidos OMO. Members are required to wear their "colors" when riding their motorcycles and when attending a National Run or Bandidos OMO events. When attending a National Run, and at other times, some Bandidos OMO members travel with Bandidos OMO merchandise to sell at the destination. Only Bandidos OMO members and close associates with permission can sell Bandidos OMO merchandise, and a portion of the sales is funneled back to the enterprise.

12. Bandidos OMO members are required to pay dues on a monthly basis. A portion of these dues are forwarded to the national leadership. Support club members pay "donations" to the Bandidos OMO. Taxes are assessed on individual members at various times, with the proceeds also being funneled up the Bandidos OMO chain to the national leadership. The dues and taxes help fund the continued operation of the enterprise and are used for a variety of purposes, including the payment of expenses to the national leadership, covering funeral expenses of members, contributing to a legal defense fund for members arrested for enterprise-related crimes, and paying costs associated with planned trips or "runs." The enterprise also raises funds for its activities and legal defense through unlawful gambling activities, namely raffles.

13. The Bandidos OMO claim Texas as their territory. In the state of Texas, the Bandidos OMO has ordered that no other motorcycle rider display on his clothing a "Texas" bottom rocker without permission. Any person who wears the "Texas" bottom rocker without permission is subject to assault or murder by the Bandidos OMO membership.

The Enterprise

14. At all times relevant and material to this Indictment, in the Western District of Texas and elsewhere, the "Bandidos Outlaw Motorcycle Organization," including its leadership, members and associates, constituted an enterprise, as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, which engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an

ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the enterprise.

Purpose of the Enterprise

15. The objectives and purposes of the Bandidos OMO enterprise included the following:

- a. Preserving, protecting and enhancing the power, territory, reputation and profits of the Bandidos enterprise through the use of intimidation, violence, threats of violence, assault, murder, attempted murder and robbery;
- b. Promoting and enhancing the Bandidos enterprise and its members' and associates' activities, including, but not limited to, robbery, including robbery of property of rival motorcycle organizations, and other criminal activities;
- c. Making money for the Bandidos enterprise through, among other things, extorting money from other motorcycle organizations through fear and threats of violence, drug trafficking, and illegal gambling activities;
- d. Maximizing profits for enterprise leaders and members from a variety of illegal activities;
- e. Keeping victims, potential victims, potential informants and witnesses, and the public-at-large in fear of the Bandidos enterprise, and in fear of its members and associates, through extortion, intimidation, violence and threats of violence.

Manner and Means of the Enterprise

16. The manner and means used by the enterprise to further the goals of the Bandidos enterprise and achieve its purposes, included, but was not limited to, the following:

- a. The leaders of the enterprise directed, sanctioned, approved and permitted other members of the enterprise to carry out acts in furtherance of the enterprise.
- b. Members of the Bandidos enterprise and their associates committed, conspired to commit, and threatened to commit acts of violence, including murder, attempted murder, assault, intimidation and extortion to protect the enterprise's power, territory and property.

- c. Members of the Bandidos enterprise and their associates promoted a climate of fear through intimidation, violence, and threats of violence.
- d. Members of the Bandidos enterprise and their associates used and threatened to use physical violence against various individuals, including rival motorcycle organization members.
- e. Members of the Bandidos enterprise and their associates committed, and conspired to commit, extortion and robbery, including robbery of property of rival motorcycle organizations and stealing items of value, the proceeds of which were used to benefit the enterprise and its members;
- f. Members of the Bandidos enterprise and their associates were financially enriched through extortion and illegal gambling activities, namely raffles.
- g. Members of the Bandidos enterprise and their associates were financially enriched through the distribution of controlled substances, namely methamphetamine and cocaine.
- h. Members of the Bandidos enterprise and their associates extorted other motorcycle organizations to pay money to the Bandidos OMO, upon fear and threat of violence;
- i. Members of the Bandidos enterprise and their associates traveled in interstate commerce, and used facilities in interstate commerce, to further the goals of the enterprise and achieve its purposes, including acts of violence and extortion.
- j. Members of the Bandidos enterprise talked in code when communicating over the telephone to avoid law enforcement detection, and communication in person was always preferred.
- k. Members of the Bandidos enterprise and their associates were forbidden from cooperating with law enforcement. Attorney's fees were paid for by the enterprise when members were arrested for club-related business and to ensure silence was maintained. Legal paperwork was reviewed for signs of cooperation.

Roles of Defendants

17. In addition to being members of the enterprise, the defendants served in various roles within the enterprise, including the following:

a. **JOHN XAVIER PORTILLO** was the National Vice President of the Bandidos OMO. During a period of the conspiracy, from approximately May 2015 until August 26, 2015, Portillo served as the acting National President of the Bandidos OMO while Jeffrey Pike recovered from surgery. When Pike was healthy enough to ride a motorcycle again, Pike reassumed the Presidency and Portillo returned to Vice President. In his role as the National Vice President of the Bandidos OMO, and during his tenure as the acting National President, Portillo had significant decision-making authority for the activities of the Bandidos OMO. While each individual chapter has a president, Portillo was apprised of and involved in significant decisions that affected the enterprise and its goals, particularly its criminal activities. These decisions included directing, sanctioning, approving, and permitting other members to negotiate with members of competing motorcycle organizations and non-motorcycle gangs to protect the interests of the Bandidos OMO, to discourage and prevent prospective witnesses from providing information to law enforcement about the Bandidos OMO, and directing, sanctioning, approving and permitting other members to engage in criminal activities including murder and assault related to the protection of the power and territory of the enterprise. Portillo was responsible for apprising National President Jeffrey Pike of the activities of the Bandidos OMO, but Portillo retained much of the day-to-day decision-making authority. Portillo became a Bandidos OMO member in 1997. He served as President of the Bandidos Southwest San Antonio Chapter from an unknown time until 2002. In approximately May 2002, Portillo was named National Sergeant at Arms. He served as National Sergeant at Arms until approximately 2013, when Jeffrey Pike named him National Vice President.

b. **JEFFREY FAY PIKE** was the National President of the Bandidos OMO. During a period of the conspiracy, from approximately May 2015 until August 26, 2015, John Portillo served as the acting National President of the Bandidos while Pike recovered from surgery. When Pike was healthy enough to ride a motorcycle again, Pike reassumed the Presidency. In his role as National President, Pike had ultimate decision-making authority for the activities of the Bandidos OMO. Pike was briefed directly by Portillo, who dealt with more day-to-day decisions. Pike was involved in significant decisions that affected the enterprise and its goals, particularly its criminal activities. These decisions included sanctioning, approving and permitting other members to engage in criminal activities including murder and assault related to the protection of the power and territory of the enterprise. Pike became a Bandidos OMO

member in approximately 1979. He served as President of the Bandidos North Houston Chapter from approximately 1988 to 1999. In 1999, Pike was named National Vice President. He served as National Vice President until he became National President in 2006.

c. **JOHNNY ROMO aka “DOWNTOWN JOHNNY,”** who is a defendant in this Indictment but not in Count One, was a National Sergeant at Arms of the Bandidos OMO. Romo became a Bandidos OMO member in approximately 2002 and was the founder and leader of the “Fat Mexican Crew,” a self-described enforcement arm within the Bandidos OMO.

d. **ROBERT ROMO,** who is a defendant in this Indictment but not in Count One, was a member of the Bandidos OMO San Antonio Centro Chapter. Romo was a Bandidos OMO prospect before the murder of Anthony Benesh in 2006; shortly after Benesh’s murder, Romo was patched into the Bandidos OMO and rewarded with an “Expect No Mercy” patch.

e. **JESSE JAMES BENAVIDEZ aka “KRONIC,”** who is a defendant in this Indictment but not in Count One, was Sergeant at Arms of the Bandidos OMO San Antonio Centro Chapter.

f. **NORBERTO SERNA JR. aka “HAMMER,”** who is a defendant in this Indictment but not in Count One, was a member of the Bandidos OMO San Antonio Centro Chapter.

The Racketeering Conspiracy

18. Beginning on a date unknown, but starting no later than the year 2000, and continuing to the date of this Indictment, in the Western District of Texas and elsewhere, defendants

JOHN XAVIER PORTILLO,

JEFFREY FAY PIKE,

and other persons not named in this Indictment, being persons employed by and associated with the Bandidos OMO, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree with one another to violate Title 18, United States Code, Section 1962(c); that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of said enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Section 1961(1) and (5), consisting of:

(1) Multiple acts involving:

- a. Murder, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 19.02;
- b. Robbery, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 29.02; and

(2) Multiple acts indictable under the following provisions of federal law:

- a. Title 18, United States Code, Section 1951 (relating to interference with commerce by extortion);
- b. Title 18, United States Code, Section 1952 (interstate travel in aid of racketeering enterprise); and

(3) Multiple offenses involving trafficking in controlled substances, in violation of Title 21, United States Code, Sections 841, 843(b) and 846.

Each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

Overt Acts

In furtherance of the conspiracy, and to affect the object and purposes thereof, the defendants, and others known and unknown to the grand jury, committed various overt acts, including but not limited to the following:

War with Cossacks Outlaw Motorcycle Organization

(1) On or about August 8, 2014, Bandidos OMO Nomad Chapter members were dispatched to the Fort Worth, Texas area to conduct surveillance on Cossacks Outlaw Motorcycle Organization (hereinafter “Cossacks OMO”) members in the area. Photos of Cossacks OMO members were taken to help Bandidos OMO members properly identify them.

(2) On a date unknown, but prior to December 12, 2014, John Portillo informed Dallas-area Bandidos OMO members that they were “at war” with the Cossacks OMO.

(3) On or about December 11, 2014, Bandidos OMO members entered Red’s Take 5 Sports Bar, a known Cossacks OMO hangout, in Wise County, Texas looking for Cossacks OMO members. When no Cossacks OMO members were present, Bandidos OMO members left the bar, posting a “Bandidos” sticker on the bar door.

(4) On or about December 12, 2014, Bandidos OMO members entered the Gators Jam Inn in Fort Worth, Texas, where members of the Cossacks OMO, Ghost Riders OMO and Winos OMO were conducting a meeting. Bandidos OMO members immediately began assaulting the OMO members present and Ghost Riders OMO member G.B. was shot and killed.

(5) On a date unknown, but prior to March 3, 2015, John Portillo asked Jeffrey Pike to “turn his back from what I’m gonna do” in an attempt to shield Pike from criminal responsibility when referencing his intended orders regarding the war with the Cossacks OMO.

(6) On March 3, 2015, John Portillo again declared that the Bandidos OMO was “at war” with the Cossacks OMO. Portillo indicated he wants “that [Texas rocker] back,” referencing the “Texas” bottom rocker worn by Cossacks OMO members without Bandidos OMO permission.

(7) On or about March 20-21, 2015, Bandidos OMO members from all over Texas, including John Portillo, Jeffrey Pike and members from San Angelo, Texas and Amarillo, Texas, traveled to the Tyler, Texas area for a “birthday run,” a celebration of an anniversary of a Bandidos OMO Chapter in Tyler, Texas.

(8) On or about March 21, 2015, John Portillo ordered four Bandidos OMO members to “shak[e] up shit” and “get a little aggressive” with some of the Cossacks OMO members in the West Texas area.

(9) On March 22, 2015, approximately 20 Bandidos OMO members and associates confronted Cossacks OMO member A.Y. at a gas station in West Texas, near Gordon in Palo Pinto County, in furtherance of John Portillo’s orders to stir things up. The Bandidos OMO members demanded A.Y. give them his Cossacks OMO vest displaying a “Texas” bottom rocker. After A.Y. refused, the Bandidos OMO members and associates assaulted A.Y., including striking A.Y. in the head multiple times with a claw hammer, causing serious injury. A.Y.’s vest was then forcibly removed from his body and taken, along with his telephone. The Bandidos OMO members and associates were returning from the Tyler, Texas “birthday run.”

(10) Between on or about March 3, 2015 and April 10, 2015, John Portillo ordered Bandidos OMO members and support club members to travel armed to Odessa, Texas to confront members of the Cossacks OMO.

(11) On or about April 11, 2015, Bandidos OMO members and support club members from around the State of Texas, New Mexico, and elsewhere, traveled to Odessa, Texas while armed to confront members of the Cossacks OMO, at the direction of John Portillo.

(12) On April 11, 2015, three Bandidos OMO New Mexico Chapter members were stopped in Odessa, Texas and found in possession of 10 firearms and assorted ammunition that they brought with them from New Mexico to confront members of the Cossacks OMO. The firearms included:

- a Glock 27, .40 caliber pistol, serial number GRB572;
- a Ruger LCP, 380 caliber pistol, serial number 377-05148;
- a Canik 55 TP9, 9mm pistol, serial number T6472-12 AI02991, found inside a holster displaying a “1%er” sticker containing red letters on a gold background in a diamond shape;
- a Hi-Point C9, 9mm pistol, serial number P1391745;
- a Taurus Millennium PT140, .40 caliber handgun, serial number SVI74732;
- a Jimenez Arms J.A. 22, .22 caliber handgun, serial number 1131128, found inside a pocket of a biker vest displaying “Bandidos”;
- a Cobra CB9, 9mm pistol, serial number CT124065, found inside a pocket of a second biker vest displaying “Bandidos”;
- a Ruger P95, 9mm pistol, serial number 316-50796, found inside a travel bag with “Bandidos” displayed on it;
- a Full Metal Jacket, 45/410 caliber handgun, serial number A0049822;
- a Mossberg 12 gauge shot gun with wood stock, serial number L241479;
- miscellaneous ammunition and 10 miscellaneous handgun magazines

(13) On or about May 23, 2015, John Portillo raised Bandidos OMO dues and support club “donations” to prepare to pay for bonds and legal expenses for Bandidos OMO members that would go to jail for “club business,” including criminal acts committed against members of the Cossacks OMO. Bandidos OMO members were required to pay \$100 per month rather than \$50, and support club members were required to pay \$50 per month.

(14) On or about June 18, 2015, John Portillo made the La Familia Outlaw Motorcycle Organization in Odessa, Texas an official Bandidos OMO support club because of the presence of Cossacks OMO members in that area.

(15) On July 22, 2015, John Portillo was informed by a Bandidos OMO member that Cossacks OMO member C.M. had moved into Bandidos OMO territory in Buda, Texas. Portillo responded by asking, “Are they that stupid?” and then stated, “They’ll know what will happen.”

(16) On July 28, 2015, John Portillo discussed taking action against Cossacks OMO member C.M. in Buda, Texas but cautioned it might not be possible. Portillo stated that he “need[s] it

done” when referencing harming the Cossacks OMO member, but cautioned, “Look, I don’t want that guy up here in Buda no more than anybody else does. I just don’t think we can pull it off without getting caught.”

(17) On August 22, 2015, a prospect for the Mestizoz OMO, a Bandidos OMO support club, reported the presence of Cossacks OMO members in Port Aransas, Texas so that local Bandidos OMO members could be informed.

(18) On August 22, 2015, Bandidos OMO members and associates assaulted Cossacks OMO members and associates in Port Aransas, Texas by kicking and hitting them. Cossacks OMO member R.K. was hit in the head with a beer bottle.

(19) On August 23, 2015, the Bandidos OMO Corpus Christi Chapter Sergeant at Arms called John Portillo to report the assault in Port Aransas. The assault was discussed in a coded conversation; alternate phone numbers were then exchanged so the conversation could continue without the necessity of full code. The assault was referred to as a “fishing trip,” according to the Corpus Christi Chapter Sergeant at Arms, “everyone got to catch a fish.” Portillo was happy with the assault and reported it to Jeffrey Pike.

(20) On or about August 23, 2015, the Mestizoz OMO prospect who reported the presence of Cossacks OMO members in the Port Aransas, Texas area was promoted to full “patched” member for his actions in reporting the presence of Cossacks OMO members in the area and assisting in assaulting the Cossacks OMO members.

(21) On or about August 24, 2015, John Portillo, Bandidos OMO National Sergeant at Arms Justin Forster, and other Bandidos OMO members met at Chuy’s Bar in Natalia, Texas, a bar owned by the Bandidos OMO Hill County Chapter President, to discuss the presence of Cossacks OMO members in Carrizo Springs and Crystal City, Texas and how to respond.

(22) On or about August 24, 2015, John Portillo ordered Bandidos OMO members to confront and assault members of the Cossacks OMO in Crystal City, Texas over Labor Day Weekend.

(23) On August 26, 2015, John Portillo traveled to Houston, Texas to meet with Bandidos OMO National President Jeffrey Pike to discuss, among other things, the upcoming plans to assault Cossacks OMO members.

(24) On August 26, 2015, John Portillo placed a telephone call to Justin Forster to inform him that Jeffrey Pike authorized and approved the plan to assault Cossacks OMO members in

Crystal City, Texas. John Portillo relayed that Pike said, "Play Ball!" and "Batter up motherfucker!" Forster responded that Forster "may not uh, have a full roster, but we'll be good, you know what I mean?"

(25) On or about August 27, 2015, Justin Forster recruited other Bandidos OMO members to accompany him to Crystal City, Texas to confront and assault Cossacks OMO members.

(26) On or about September 3, 2015, John Portillo possessed a firearm, namely a .357 snub nose revolver, when driving through Abilene, Texas in preparation for potentially encountering Cossacks OMO members.

(27) On or about September 4-5, 2015, Bandidos OMO members, including Justin Forster, traveled to Crystal City, Texas and the surrounding South Texas area to look for Cossacks OMO members, to satisfy John Portillo and Jeffrey Pike's orders to assault Cossacks OMO members.

(28) On September 17, 2015, Jeffrey Pike placed a telephone call to John Portillo and instructed Portillo to get a copy of the accident report related to when a Bandidos OMO member was assaulted by Cossacks OMO members on the side of the roadway in Lorena, Texas on March 22, 2015, so that Pike could attempt to identify the individuals involved in the assault.

(29) On September 17, 2015, John Portillo instructed the Bandidos OMO member who was assaulted on March 22, 2015 to follow-up on getting a copy of the police report from the incident, in furtherance of Jeffrey Pike's order.

Other Acts

(30) On or about January 31, 2002, John Portillo and Frederick Cortez, aided and abetted by other Bandidos OMO members and associates, murdered Robert Lara in Atascosa County, Texas, within the Western District of Texas.

(31) On or about March 17-18, 2006, Bandidos OMO members and associates conspired to confront, assault and murder individuals who were attempting to start a chapter of the Hell's Angels OMO in Texas.

(32) On or about March 18, 2006, Johnny Romo, Robert Romo, Jesse James Benavidez, and Norberto Serna Jr., aided and abetted by other Bandidos OMO members and associates, murdered Anthony Benesh in Austin, Texas, within the Western District of Texas.

(33) On May 4, 2009, Bandidos OMO members and associates approached R.R. in Hondo, Texas and told him not to display a "Texas" rocker on his leather motorcycle vest.

(34) On November 11, 2009, in San Antonio, Texas, Bandidos OMO members were involved in a fight with members of the Texas Syndicate during which shots were fired. At least one Bandidos OMO member was rewarded with an "Expect No Mercy" patch from John Portillo for shooting at the Texas Syndicate gang members.

(35) On February 6, 2010, in Bandera, Texas, Bandidos OMO members and associates approached R.R. and told him that he could not wear a "Texas" bottom rocker because it was a display of disrespect to the Bandidos OMO.

(36) On or about February 20, 2010, in D'Hanis, Texas, Bandidos OMO members and associates confronted R.R. and threatened him with physical violence if he did not remove the "Texas" patch from his leather vest.

(37) On or about March 2011, John Portillo, Jeffrey Pike and other Bandidos OMO members discussed removing the patches of New Mexico Bandidos OMO members who were challenging the authority of Jeffrey Pike.

(38) On or about March 26, 2011, Bandidos OMO members and associates confronted the dissident New Mexico Bandidos at the direction of John Portillo, Jeffrey Pike and the National Bandidos OMO leadership. The dissident New Mexico Bandidos OMO members were assaulted with dangerous weapons, including firearms, causing serious injuries.

(39) On or about July 27, 2011, Bandidos OMO members confronted members of the Iron Order Motorcycle Organization in Selma, Texas and ordered the Iron Order members to remove their vests displaying the "Texas" bottom rocker. After the Iron Order members refused, the Bandidos OMO members assaulted the Iron Order members and stole their firearms.

(40) Beginning on a date unknown, but starting no later than 2012, and continuing to January 2016, Bandidos OMO members were required to pay monthly dues or face violence or club expulsion. These monies were used to further the activities of the Bandidos OMO.

(41) Beginning on a date unknown, but starting no later than 2012, and continuing to January 2016, Bandidos OMO members collected monetary "donations" from support club members with implicit threats of force and expulsion. These monies were used to further the activities of the Bandidos OMO.

(42) Beginning on a date unknown, but no later than January 2000, and continuing until January 2016, the Bandidos OMO maintained an agreement with the Texas Mexican Mafia wherein Bandidos OMO members were not required to pay the 10-percent "dime" (an extortion

drug tax levied on drug dealers) to the Texas Mexican Mafia in exchange for permission to traffic narcotics.

(43) During 2014, Colorado Bandidos OMO members delivered shipments of crystal methamphetamine to San Antonio-area Bandidos OMO members.

(44) On or about November 2, 2014, in the District of Colorado, the Bandidos OMO Colorado Westside Denver Chapter President possessed approximately two pounds of crystal methamphetamine with the intent to deliver the methamphetamine to San Antonio-area Bandidos OMO members.

(45) On November 3, 2014, a Bandidos OMO National Sergeant at Arms attempted to mail four firearms from Colorado to himself in Las Vegas, Nevada.

(46) On or about November 6, 2014, Bandidos OMO members from the states of Texas, New Mexico and Colorado traveled to Las Vegas, Nevada to serve as protection for John Portillo, at the direction of John Portillo. Many of the Bandidos OMO members transported firearms with them.

(47) On January 16, 2015, in the Western District of Texas, a Bandidos OMO National Sergeant at Arms possessed methamphetamine and a firearm, to-wit: a Springfield Armory, 9mm pistol, serial number MG768423. The National Sergeant at Arms, who was in the company of other Bandidos OMO members, was fleeing Colorado, where he was wanted on an outstanding warrant, and attempting to get to Costa Rica.

(48) On or about June 1, 2015, John Portillo authorized Justin Forster and other Bandidos OMO members to use violence to collect \$3,500 from a San Antonio-area Bandidos OMO Chapter.

(49) On or about June 10, 2015, Justin Forster proposed to John Portillo that they fine a Bandidos OMO member \$500 for not traveling to Gulfport, Mississippi. Portillo authorized the \$500 fine.

(50) On or about July 10, 2015, New Mexico Bandidos OMO members stopped and confronted a member of the Henchman Outlaw Motorcycle Organization who was riding through New Mexico on his motorcycle without having called ahead and received permission from the Bandidos OMO to travel through Bandidos OMO-controlled territory. The Bandidos OMO members stopped the Henchman OMO member and took his vest. This encounter was then reported to John Portillo.

(51) On or about September 1, 2015, with the permission of John Portillo, a Bandidos OMO member seized \$300 and all the property that included Bandidos OMO identifying symbols from a Bandidos OMO retiring member, with implicit threats and the explicit threat of additional monies owed if the retiring member did not turn over everything and make payment. Portillo permitted the member who seized the items to keep the \$300 for his own personal benefit.

(52) On or about September 5-6, 2015, Bandidos OMO members were required to travel on their motorcycles to South Dakota as part of a mandatory "run." Those Bandidos OMO members who did not attend the "run" were fined \$1,000. Bandidos OMO members who showed up in a vehicle, rather than on motorcycles, were required by Jeffrey Pike to do guard duty from Friday night until Sunday rather than participate in Bandidos OMO activities.

(53) On or about September 18, 2015, a Bandidos OMO member seized a "Nomad" rocker off of a Bandoleros OMO member in Bandera, Texas, at the direction of John Portillo, with implicit threats of force.

(54) On or about October 22, 2015, at the direction of John Portillo, Bandidos OMO members traveled to California to conduct a sit-down meeting with members of the Hell's Angels OMO. Bandidos OMO funds paid for the flight and expenses.

(55) On or about October 22, 2015, John Portillo acted as a "referee" in a dispute Justin Forster and a Bandidos OMO prospect had with another individual over a drug debt.

(56) On or about October 26, 2015, John Portillo authorized the use of violence by the Infidels OMO, a Bandidos OMO support club, against the Sons of Silence OMO in Mississippi over a territory dispute and disrespect shown to the Bandidos OMO.

(57) On or about November 3-7, 2015, John Portillo traveled to Las Vegas, Nevada to conduct a sit-down meeting with the National President of the Vagos Outlaw Motorcycle Organization.

(58) On or about November 3-7, 2015, Bandidos OMO members from Texas and New Mexico traveled to Las Vegas, Nevada with John Portillo to serve as protection for John Portillo. Some of the Bandidos OMO members traveled with firearms.

(59) On January 6, 2016, John Portillo possessed three firearms and approximately one ounce of cocaine at his residence in San Antonio, Texas.

(60) On or about March 15, 2016, Bandidos OMO members confronted an Outcast Outlaw Motorcycle Organization member and two Outcast OMO prospects in Converse, Texas over a

patch worn without Bandidos OMO permission. After the Outcast OMO member refused to remove the patch, the Bandidos OMO members assaulted the Outcast OMO member and the prospects, including stabbing the two prospects multiple times with a knife, causing serious injury. The Outcast OMO member's vest was then forcibly removed from his body and taken, along with his firearm and phone. A firearm was also stolen from one of the prospects.

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

NOTICE OF SPECIAL SENTENCING FACTOR AS TO COUNT ONE

1. On or about January 31, 2002, in the Western District of Texas, the Defendant, **JOHN XAVIER PORTILLO**, and others, aided and abetted by each other, did commit an act involving murder, that is, did then and there intentionally and knowingly cause the death of an individual, namely, Robert Lara, by shooting him with a firearm, a deadly weapon, in violation of Texas Penal Code Sections 7.01, 7.02 and 19.02.

PART II – VIOLENT CRIMES IN AID OF RACKETEERING

COUNT TWO

18 U.S.C. §§ 1959(a)(1) and 2; Murder in Aid of Racketeering

1. At all times relevant to this Indictment, the “Bandidos Outlaw Motorcycle Organization,” as more fully described in Paragraphs 1 through 17 of Count One of this Indictment, which are realleged and incorporated by reference as though set forth fully herein, including its leadership, members and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

2. At all times relevant to this Indictment, the above-described enterprise, the Bandidos OMO, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely,

(1) Multiple acts involving:

- a. Robbery, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 29.02; and

(2) Acts indictable under the following provisions of federal law:

- a. Title 18, United States Code, Section 1951 (relating to interference with commerce by extortion);
- b. Title 18, United States Code, Section 1952 (interstate travel in aid of racketeering); and

(3) Offenses involving trafficking in controlled substances, in violation of Title 21, United States Code, Sections 841, 843(b) and 846.

3. On or about January 31, 2002, in the Western District of Texas, for the purpose of gaining entrance to and maintaining and increasing position in the Bandidos Outlaw Motorcycle Organization, an enterprise engaged in racketeering activity, the Defendant, **JOHN XAVIER PORTILLO**, and others, aided and abetted by each other, did unlawfully and knowingly murder Robert Lara in violation of Texas Penal Code Sections 7.01, 7.02 and 19.02.

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

COUNT THREE

18 U.S.C. §§ 1959(a)(1) and 2; Murder in Aid of Racketeering

1. At all times relevant to this Indictment, the “Bandidos Outlaw Motorcycle Organization,” as more fully described in Paragraphs 1 through 17 of Count One of this Indictment, which are realleged and incorporated by reference as though set forth fully herein, including its leadership, members and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

2. At all times relevant to this Indictment, the above-described enterprise, the Bandidos OMO, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely,

(1) Multiple acts involving:

- a. Murder, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 19.02;

- b. Robbery, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 29.02; and

(2) Acts indictable under the following provisions of federal law:

- a. Title 18, United States Code, Section 1951 (relating to interference with commerce by extortion);
- b. Title 18, United States Code, Section 1952 (interstate travel in aid of racketeering); and

(3) Offenses involving trafficking in controlled substances, in violation of Title 21, United States Code, Sections 841, 843(b) and 846.

3. On or about March 18, 2006, in the Western District of Texas, for the purpose of gaining entrance to and maintaining and increasing position in the Bandidos Outlaw Motorcycle Organization, an enterprise engaged in racketeering activity, the Defendants, **JOHNNY ROMO aka "DOWNTOWN JOHNNY," ROBERT ROMO**, and others, aided and abetted by each other, did unlawfully and knowingly murder Anthony Benesh in violation of Texas Penal Code Sections 7.01, 7.02 and 19.02.

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

PART III – FIREARMS

COUNT FOUR

18 U.S.C. §§ 924(j)(1) and 2; Using & Discharging a Firearm During and in Relation to A Crime of Violence, specifically, VCAR Murder

1. That on or about January 31, 2002, in the Western District of Texas, Defendant, **JOHN XAVIER PORTILLO**, and others, aided and abetted by each other, during and in relation to a crime of violence, namely Murder in Aid of Racketeering, in violation of Title 18, United States Code, Section 1959(a)(1), as more fully described in Count Two of this Indictment and fully incorporated herein by reference, did knowingly use and carry a firearm, and, in furtherance of such crime of violence, did possess said firearm.

2. It is further alleged that said firearm was discharged in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

3. It is further alleged that in the course of such use and possession, that they did cause the death of Robert Lara, said killing being murder as defined in Title 18, United States Code, Section 1111(a).

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

COUNT FIVE

18 U.S.C. §§ 924(j)(1) and 2; Using & Discharging a Firearm During and in Relation to A Crime of Violence, specifically, VCAR Murder

1. That on or about March 18, 2006, in the Western District of Texas, Defendants, **JOHNNY ROMO aka “DOWNTOWN JOHNNY,” ROBERT ROMO, JESSE JAMES BENAVIDEZ aka “KRONIC,” NORBERTO SERNA JR. aka “HAMMER,”** and others, aided and abetted by each other, during and in relation to a crime of violence, namely Murder in Aid of Racketeering, in violation of Title 18, United States Code, Section 1959(a)(1), as more fully described in Count Three of this Indictment and fully incorporated herein by reference, did knowingly use and carry a firearm, and, in furtherance of such crime of violence, did possess said firearm.

2. It is further alleged that said firearm was discharged in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

3. It is further alleged that in the course of such use and possession, that they did cause the death of Anthony Benesh, said killing being murder as defined in Title 18, United States Code, Section 1111(a).

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

COUNT SIX

18 U.S.C. § 1959(a)(6); Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

1. At all times relevant to this Indictment, the “Bandidos Outlaw Motorcycle Organization,” as more fully described in Paragraphs 1 through 17 of Count One of this Indictment, which are realleged and incorporated by reference as though set forth fully herein, including its leadership, members and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was

engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

2. At all times relevant to this Indictment, the above-described enterprise, the Bandidos OMO, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely,

(1) Acts involving:

- a. Murder, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 19.02;
- b. Robbery, in violation of Texas Penal Code Sections 7.01, 7.02, 15.01, 15.02 and 29.02; and

(2) Acts indictable under the following provisions of federal law:

- c. Title 18, United States Code, Section 1951 (relating to interference with commerce by extortion);
- d. Title 18, United States Code, Section 1952 (interstate travel in aid of racketeering); and

(3) Offenses involving trafficking in controlled substances, in violation of Title 21, United States Code, Sections 841, 843(b) and 846.

3. Beginning at a time unknown but during 2013 and continuing through the date of this Indictment, in the Western District of Texas, and elsewhere, defendants **JOHN XAVIER PORTILLO, JEFFREY FAY PIKE**, and others known and unknown to the Grand Jury, did, for the purpose of maintaining and increasing position in the Bandidos OMO, an enterprise engaged in racketeering activity, knowingly and unlawfully conspire to assault members and associates of the Cossacks OMO, and anyone who was with them, with a dangerous weapon, in violation of Texas Penal Code, Sections 15.02 and 22.02(a)(2).

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

COUNT SEVEN

18 U.S.C. §§ 1959(a)(3) and 2; Assault with a Dangerous Weapon in Aid of Racketeering
Palo Pinto County, Texas

1. Paragraphs One-Two of Count Six are re-alleged herein as if fully incorporated in this Count.

2. On or about March 22, 2015, in the Western District of Texas, and elsewhere, in or around Gordon, Palo Pinto County, Texas, defendant **JOHN XAVIER PORTILLO**, and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in the Bandidos OMO, an enterprise engaged in racketeering activity, did aid and abet each other in knowingly and unlawfully assaulting A.Y. with a dangerous weapon, in violation of Texas Penal Code, Sections 7.01, 7.02 and 22.02(a)(2).

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

COUNT EIGHT

18 U.S.C. §§ 1959(a)(3) and 2; Assault with a Dangerous Weapon in Aid of Racketeering
Port Aransas, Texas

1. Paragraphs One-Two of Count Six are re-alleged herein as if fully incorporated in this Count.

2. On or about August 22, 2015, in the Western District of Texas, and elsewhere, in or around Port Aransas, Texas, defendant **JOHN XAVIER PORTILLO**, and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in the Bandidos OMO, an enterprise engaged in racketeering activity, did aid and abet each other in knowingly and unlawfully assaulting R.K. with a dangerous weapon, in violation of Texas Penal Code, Sections 7.01, 7.02 and 22.02(a)(2).

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

PART IV – DRUG TRAFFICKING OFFENSES

COUNT NINE

21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A) & (B) – Conspiracy to Distribute and Possession with Intent to Distribute 500 grams or more of methamphetamine and cocaine

1. That beginning on or about January 1, 2000, the exact date unknown to the Grand Jury, and continuing until January 2016, in the Western District of Texas, Defendant, **JOHN XAVIER PORTILLO**, knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed with others known and unknown to the Grand Jury, to commit offenses against the United States in violation of Title 21, United States Code, Section 846, that is to say, he conspired to distribute, and to possess with intent to distribute, 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II Controlled Substance, and 500 grams or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, a Schedule II Controlled Substance, in violation of Title 21, United States Code Sections 846, 841(a)(1) and 841(b)(1)(A) & (B).

COUNT TEN

21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) – Possession with Intent to Distribute Cocaine

1. That on or about January 6, 2016, in the Western District of Texas, Defendant, **JOHN XAVIER PORTILLO**, did knowingly, intentionally and unlawfully possess with the intent to distribute a controlled substance, which offense involved a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, or salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

PART V – EXTORTION

COUNT ELEVEN

18 U.S.C. § 1951; Conspiracy to Interfere with Commerce by Extortion

1. Beginning in 2000, the exact date unknown to the Grand Jury, and continuing to the date of this Indictment, in the Western, Eastern, Northern and Southern Districts of Texas, and other parts of the United States, Defendants, **JOHN XAVIER PORTILLO, JEFFREY**

FAY PIKE, and others known and unknown, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together with others known and unknown, in any way or degree, to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), in violation of 18 U.S.C. Section 1951.

PART VI – FIREARMS POSSESSION

COUNT TWELVE

18 U.S.C. § 922(g)(1); Felon in Possession of a Firearm

1. That on or about January 6, 2016, in the Western District of Texas, Defendant, **JOHN XAVIER PORTILLO**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce, at least one firearm, to-wit: a Taurus International, Model 85, .38 caliber revolver, bearing serial number XC65936, a Ruger, Model SR45, .45 caliber pistol, bearing serial number 380-22927, and an American Derringer, Model 2, .25 caliber pen pistol, bearing serial number PP1117, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

PART VI - FORFEITURE

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

This Notice of Demand for Forfeiture includes but is not limited to the properties described below in Paragraphs V-VI.

I.

Forfeiture Statutes for RICO Conspiracy

[Title 18 U.S.C. § 1962(d), subject to forfeiture pursuant to Title 18 U.S.C. §§ 1963(a)(1)-(3) and Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the foregoing criminal violations set forth in Count One, the United States of America gives notice to Defendant(s) listed in said count, of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18

U.S.C. §§ 1963(a)(1)-(3), and Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461 which state:

Title 18 U.S.C. § 1963. Criminal Penalties

- (a) Whoever violates any provision of section 1962 of this chapter shall ...
forfeit to the United States, irrespective of any provision of State law-
- (1) any interest the person has acquired or maintained in violation of section 1962;
 - (2) any-
 - (A) interest in;
 - (B) security of;
 - (C) claim against; or
 - (D) property or contractual right of any kind affording a source of influence over;
- any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and
- (3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity in violation of section 1962.
- (b) Property subject to criminal forfeiture under this section includes-
- (1) real property, including things growing on, affixed to, and found in land; and
 - (2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

II.

Forfeiture Statutes for Drug Trafficking Offenses

**[Title 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A), (b)(1)(B), and (b)(1)(C)
subject to forfeiture pursuant to Title 21 U.S.C. §§ 853 (a)(1) and (2)]**

As a result of the foregoing criminal violations set forth in Counts Seven and Eight, the United States of America gives notice to Defendant(s) listed in said counts, of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 21 USC §§ 853(a)(1) and (2), which state:

Title 21 USC § 853. Criminal forfeitures

- (a) Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law –

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; . . .

III.

Forfeiture Statutes for Extortion

[Title 18 U.S.C. § 1951, subject to forfeiture pursuant to Title 18 U.S.C. §§ 981(a)(1)(C) and Title 18 U.S.C. § 924(d)(1), both made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the foregoing criminal violations set forth in Count Nine, the United States of America gives notice to Defendant(s) listed in said count, of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 981(a)(1)(c) and Title 18 U.S.C. § 924(d)(1), both made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which state:

Title 18 U.S.C. § 981.

(a)(1) The following property is subject to forfeiture to the United States:

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any . . . violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture . . . under the provisions of this chapter

(3) The offenses referred to in paragraphs (1) and 2(C), of this subsection are-
(A) any crime of violence, as that term is defined in section 924(c)(3) of this title; . . .

IV.

Forfeiture Statutes for Firearms Violation

**[Title 18 U.S.C. § 922(g)(1), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1),
made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]**

As a result of the foregoing criminal violation set forth in Count Ten, the United States of America gives notice to Defendants, of its intent to seek the forfeiture of the property described below upon conviction and pursuant Fed. R. Crim. P. Rule 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922. . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter

**V.
Property**

- 1) Real Property located and situated at 3003 Jupe Drive, San Antonio, Texas 78222, Bexar County, with all buildings, appurtenances, and improvements, thereon, more fully described as Lot 22, New City Block 10763, Heins Subdivision No. 4, In the City of San Antonio, Bexar County, Texas According to Plat thereof recorded in Volume 1625, Page 339, Deed and Plat Records of Bexar County, Texas;
- 2) Blue Harley Davidson Motorcycle, VIN: 1HD1KHM13CB691239; License Plate No. 4RW157;
- 3) Taurus International, Model 85, .38 caliber revolver, serial number XC65936;
- 4) Ruger, Model SR45, .45 caliber pistol, serial number 380-22927;
- 5) American Derringer, Model 2, .25 caliber pen pistol, serial number PP1117;
- 6) Assorted Ammunition and Accessories;
- 7) \$17,827.20, More or Less, in United States Currency seized on January 6, 2016 at 3003 Jupe Drive, San Antonio, Texas 78222; and
- 8) Money Judgment: A sum of money equal to One Hundred Thousand Dollars (\$100,000.00) which represents the value of any proceeds generated from the drug, RICO and extortion violations.

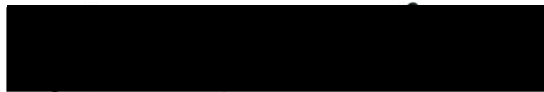
VI.
Substitute Assets

If any of the property described above as being subject to forfeiture for the violations set forth above, as a result of any act or omission of:

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

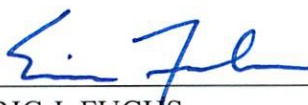
it is the intent of the United States of America to seek forfeiture of any other property, up to the value of said money judgment, as substitute assets pursuant to Title 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e)(1).

A TRUE BILL



FOREPERSON OF THE GRAND JURY

RICHARD L. DURBIN, JR.
UNITED STATES ATTORNEY

BY: 
ERIC J. FUCHS
Assistant United States Attorney


JOEY CONTRERAS
Assistant United States Attorney