

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - -X

UNITED STATES OF AMERICA :

-v.- :

INDICTMENT
UNDER SEAL

JOSE PEÑA, :

a/k/a "Chelo," :

HECTOR RAYMOND PEÑA, :

a/k/a "Frank Rodriguez," :

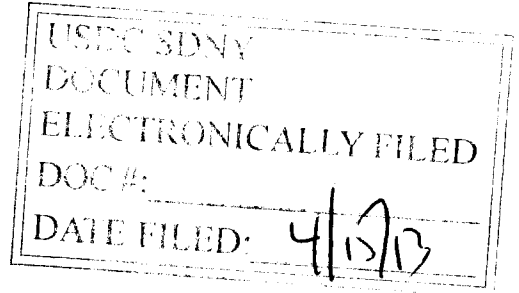
a/k/a "Montana," and :

VLADIMIR DELACRUZ, :

a/k/a "Vladi," :

Defendants. :

4/15/13
S 09 Cr. 341 (VM)



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COUNT ONE

The Grand Jury charges:

1. From in or about April 1997 up to and including on or about May 9, 1997, in the Southern District of New York and elsewhere, HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, co-conspirators not named herein agreed to pay HECTOR RAYMOND PEÑA, and others known

and unknown, to kill Pedro Medina in exchange for currency and other things of pecuniary value, and in the course thereof did communicate through a facility of interstate commerce, which resulted in the death of Pedro Medina.

(Title 18, United States Code, Section 1958.)

COUNT TWO

The Grand Jury further charges:

2. From in or about April 1997 up to and including on or about May 9, 1997, in the Southern District of New York and elsewhere, HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendant, and others known and unknown, willfully and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and did aid and abet the same, to wit, HECTOR RAYMOND PEÑA, aided and abetted by co-conspirators not named herein, and following communications through a facility of interstate commerce, used a .38 caliber firearm to kill Pedro Medina in the vicinity of East 156th Street and Southern

Boulevard, Bronx, New York, in exchange for United States currency.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about May 9, 1997, in the Southern District of New York, HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendant, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the conspiracy to commit murder-for-hire charged in Count One of this Indictment, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, a conspiracy to distribute cocaine in Manhattan, New York, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined by Title 18, United States Code, Section 1111(a), to wit, a co-conspirator not named herein provided a .38 caliber revolver to HECTOR RAYMOND PEÑA and others known and unknown which PEÑA used to shoot and

kill Pedro Medina in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York.

(Title 18, United States Code,
Sections 924(j) and 2.)

COUNT FOUR

The Grand Jury further charges:

4. In or about June 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, JOSE PEÑA and HECTOR RAYMOND PEÑA agreed with others to kill Jose Suarez in exchange for currency and other things of pecuniary value, and in the course thereof did communicate through a facility of interstate commerce, which resulted in the deaths of Jose Suarez and Juan Carmona.

(Title 18, United States Code, Section 1958.)

COUNT FIVE

The Grand Jury further charges:

5. In or about June 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," and VLADIMIR DELACRUZ, a/k/a "Vladi," the defendants, and others known and unknown, willfully and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and did aid and abet the same, to wit, JOSE PEÑA, HECTOR RAYMOND PEÑA, and others known and unknown, aided and abetted by DELACRUZ, killed Jose Suarez on or about June 25, 1997, in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York, in exchange for currency and other things of pecuniary value, after having communicated through a facility of interstate commerce.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT SIX

The Grand Jury further charges:

6. In or about June 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," HECTOR RAYMOND PEÑA, a/k/a

"Frank Rodriguez," a/k/a "Montana," and VLADIMIR DELACRUZ, the defendants, and others known and unknown, willfully and knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and did aid and abet the same, to wit, JOSE PEÑA, HECTOR RAYMOND PEÑA, and others known and unknown, aided and abetted by DELACRUZ, killed Juan Carmona on or about June 25, 1997, in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York, in exchange for currency and other things of pecuniary value, after having communicated through a facility of interstate commerce.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT SEVEN

The Grand Jury further charges:

7. On or about June 25, 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States,

namely, the conspiracy to commit murder-for-hire charged in Count Four of this Indictment, and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, a conspiracy to distribute and possess with intent to distribute cocaine in Manhattan and the Bronx, New York, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, JOSE PEÑA, aided and abetted by HECTOR RAYMOND PEÑA, and others known and unknown, used a .38 caliber revolver to shoot and kill Jose Suarez in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York.

(Title 18, United States Code,
Sections 924(j) and 2.)

COUNT EIGHT


The Grand Jury further charges:

8. On or about June 25, 1997, in the Southern District of New York, JOSE PEÑA, a/k/a "Chelo," and HECTOR RAYMOND PEÑA, a/k/a "Frank Rodriguez," a/k/a "Montana," the defendants, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States,

namely, the conspiracy to commit murder-for-hire charged in Count Four of this Indictment, and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, a conspiracy to distribute and possess with intent to distribute cocaine in Manhattan and the Bronx, New York, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, JOSE PEÑA, aided and abetted by HECTOR RAYMOND PEÑA, and others known and unknown, used a .38 caliber revolver to shoot and kill Juan Carmona in the vicinity of East 156th Street and Southern Boulevard, Bronx, New York.

(Title 18, United States Code,
Sections 924(j) and 2.)

FOREPERSON



PREET BHARARA *by*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendants.

SEALED INDICTMENT

^{4/11}
~~SX~~ 09 Cr. 341 (VM)

Title 18, United States Code, Sections
924(j); 1958; and 2

PREET BHARARA
United States Attorney.

FOREPERSON

4/15/13 - Filed sealed Super sealing Indictment.
cc X/W issued.
Judge Francis
USMDJ.