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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

CR '11 17 28 PHX FJM ECV

REDACTED FOR
PUBLIC DISCLOSURE

United States of America,

Plaintiff,

v.

INDICTMENT

- 1. Martinez Francisco, Jr.,
aka "Boych", "B-Dog",
(Counts 1-10)
- 2. Denean Medina,
(Counts 3 and 5)
- 3. Amorette Hough,
aka "Ammy",
(Counts 3 and 5)
- 4. Timothy Reyes,
aka "Booma",
(Counts 1-5)
- 5. Delola Graycene Medina,
aka "Lola Bug",
(Counts 3 and 5)

Defendants.

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

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

18 U.S.C. § 1959(a)(3)
(Assault Resulting in Serious
Bodily Injury in Aid of
Racketeering Activity)
Count 3

18 U.S.C. §§ 1153 and 1111
(CIR - Conspiracy to Commit
Murder)
Count 4

18 U.S.C. §§ 1153 and 113(a)(6)
(CIR - Assault Resulting in
Serious Bodily Injury)
Count 5

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18 U.S.C. § 371
(Conspiracy To Make False
Statement in Acquisition of
a Firearm)
Count 6

18 U.S.C. § 924(a)(1)(A)
(False Statement in Acquisition of
a Firearm)
Counts 7-10

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

18 U.S.C. § 2
(Aiding and Abetting)
Counts 2, 3, 5 and 7-10

THE GRAND JURY CHARGES:

COUNT 1

Violent Crime in Aid of Racketeering Activity

Conspiracy to Murder M.B.

The Enterprise

At all times relevant to this Indictment:

1. The defendants, MARTINEZ FRANCISCO, Jr., DENEAN MEDINA, AMORETTE HOUGH, TIMOTHY REYES, and DELOLA GRAYCENE MEDINA, together with other persons, known and unknown, were members and/or associates of EAST SIDE LOS GUADA BLOOD GANG, a criminal organization founded in the early 1990s whose members and associates engaged in acts of violence, including murder, attempted murder, aggravated assault, threatening and intimidating witnesses, and firearms trafficking, and which principally operated in the State of Arizona and within the territorial boundaries of the Salt River Pima-Maricopa Indian Reservation.

2. This criminal organization, including its leadership, membership, 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 engaged in and the activities of which affected interstate commerce. The enterprise constituted an ongoing organization whose members

1 functioned as a continuing unit for a common purpose of achieving the objectives of the
2 enterprise.

3 **Purposes of the Enterprise**

4 3. The purposes of the enterprise included the following:

5 a. Enriching the members of the enterprise through, among other things, murder, robbery,
6 aggravated assault with serious bodily injury, and distribution of cocaine..

7 b. Preserving and protecting the power and territory of the enterprise through the use of
8 intimidation, violence, threats of violence, assaults and murder.

9 c. Promoting and enhancing the enterprise and its members' and associates' activities.

10 d. Keeping victims in fear of the enterprise and in fear of its members and associates
11 through threats of violence and violence.

12 **Means and Methods of the Enterprise**

13 4. Among the means and methods used by the defendants, members, and associates of the
14 East Side Los Guada Bloods Gang, in conducting and participating in the conduct of the affairs
15 of the enterprise were the following:

16 a. Members and associates of the enterprise committed, conspired, attempted and
17 threatened to commit acts of violence, including murder and robbery, to protect and expand the
18 enterprise's criminal operations.

19 b. Members and associates of the enterprise promoted a climate of fear through violence
20 and threats of violence to maintain the status of the enterprise among other criminal street gangs.

21 c. Members and associates of the enterprise used and threatened to use physical violence
22 against various individuals to enforce discipline within the enterprise, to effect retaliation against
23 members of other criminal street gangs, and to maintain the status of the enterprise among other
24 criminal street gangs.

25 d. Members of the enterprise and their associates distributed crack cocaine.

26 5. At all times relevant to this Indictment, the above-described enterprise, through its
27 members and associates, engaged in racketeering activity as defined in Title 18, United States
28 Code, Sections 1959(b)(1) and 1961(1), namely, acts involving murder and robbery in violation

1 of Arizona Revised Statute Sections 13-1104 and 13-1904, acts indictable under Title 18, United
2 States Code, Section 1951, and acts involving narcotics distribution under Title 21, United States
3 Code, Sections 841 and 846.

4 6. On or about July 26, 2009, in the District of Arizona, on the Salt River Pima-Maricopa
5 Indian Reservation, a place within Indian Country, as consideration for the receipt of, and as
6 consideration for a promise and an agreement to pay, anything of pecuniary value from the
7 EAST SIDE LOS GUADA BLOOD GANG, and for the purpose of gaining entrance to and
8 maintaining and increasing position in the EAST SIDE LOS GUADA BLOOD GANG, an
9 enterprise engaged in racketeering activity as described above, MARTINEZ FRANCISCO, Jr.,
10 and TIMOTHY REYES, each of whom were enrolled members of the Salt River Pima-
11 Maricopa Indian Community, the defendants, and others known and unknown, unlawfully
12 conspired to commit murder, i.e., with malice aforethought did conspire to kill M.B., an enrolled
13 member of the Salt River Pima-Maricopa Indian Community, in violation of Title 18, United
14 States Code, Sections 1153 and 1111.

15 7. Among the means by which the defendants, and others known and unknown, carried out
16 the object of the conspiracy were:

17 a. Physically striking the victim, M.B., about her head, face, and torso until she reached
18 the point of unconsciousness; and

19 b. Physically kicking the victim, M.B., about her head, face, and torso until she reached
20 the point of unconsciousness.

21 8. In furtherance of such agreement and conspiracy and to effect the objects thereof, the
22 defendants, and others known and unknown, committed the following overt act, among others:

23 a. Physically placed the body of the victim, M.B., in a prone position on the North Alma
24 School Road, within the territorial boundaries of the Salt River Pima-Maricopa Indian
25 Reservation, for the express purpose and intent that a vehicle would run over said victim,
26 resulting in her death.

27 All in violation of Title 18, United States Code, Section 1959(a)(5).
28

1 **COUNT 2**

2 **Violent Crime in Aid of Racketeering Activity**

3 **Attempted Murder**

4 9. Paragraphs One through Five of Count One of this Indictment are realleged and
5 incorporated by reference as though fully set forth herein.

6 10. On or about July 26, 2009, in the District of Arizona, on the Salt River Pima-Maricopa
7 Indian Reservation, a place within Indian Country, as consideration for the receipt of, and as
8 consideration for a promise and an agreement to pay, anything of pecuniary value from the
9 EAST SIDE LOS GUADA BLOOD GANG, and for the purpose of gaining entrance to and
10 maintaining and increasing position in the EAST SIDE LOS GUADA BLOOD GANG, an
11 enterprise engaged in racketeering activity, the defendants, MARTINEZ FRANCISCO, Jr. and
12 TIMOTHY REYES, each of whom were enrolled members of the Salt River Pima - Maricopa
13 Indian Community, unlawfully attempted to commit murder, i.e. with malice aforethought, and
14 aided and abetted by each other, attempted to kill victim, M.B., an enrolled member of the Salt
15 River Pima - Maricopa Indian Community by physically beating her to a point of
16 unconsciousness and placing her body prone on North Alma School Road for the express
17 purpose and intent that she be run over by a vehicle, in violation of Title 18, United States Code,
18 Sections 1153, 1111 and 2.

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

20 **COUNT 3**

21 **Violent Crime in Aid of Racketeering Activity**

22 **Assault Resulting in Serious Bodily Injury upon M.B.**

23 11. Paragraphs One through Five of Count One of this Indictment are realleged and
24 incorporated by reference as though fully set forth herein.

25 12. On or about July 26, 2009, in the District of Arizona, on the Salt River Pima-Maricopa
26 Indian Reservation, a place within Indian Country, as consideration for the receipt of, and as
27 consideration for a promise and an agreement to pay, anything of pecuniary value from the
28 EAST SIDE LOS GUADA BLOOD GANG, and for the purpose of gaining entrance to and

1 maintaining and increasing position in the EAST SIDE LOS GUADA BLOOD GANG, an
2 enterprise engaged in racketeering activity, MARTINEZ FRANCISCO, Jr., DENEAN
3 MEDINA, AMORETTE HOUGH, TIMOTHY REYES, and DELOLA GRAYCENE
4 MEDINA, each of whom were enrolled members of the Salt River Pima-Maricopa Indian
5 Community, the defendants, knowingly and recklessly assaulted, and aided and abetted an
6 assault, resulting in serious bodily injury upon M.B., an enrolled member of the Salt River Pima-
7 Maricopa Indian Community, in violation of Title 18, United States Code, Sections 1153,
8 113(a)(6) and 2.

9 All in violation of Title 18, United States Code, Section 1959(a)(3).

10 **COUNT 4**

11 **Conspiracy to Commit Murder**

12 13. On or about July 26, 2009, in the District of Arizona, on the Salt River Pima-Maricopa
13 Indian Reservation, a place within Indian Country, the defendants, MARTINEZ FRANCISCO,
14 and TIMOTHY REYES, each of whom were enrolled members of the Salt River Pima -
15 Maricopa Indian Community, and others known and unknown, unlawfully conspired to commit
16 murder, i.e., with malice aforethought did conspire to kill M.B., an enrolled member of the Salt
17 River Pima - Maricopa Indian Community, in violation of Title 18, United States Code, Sections
18 1153, 1111 and 1117.

19 14. Among the means by which the defendants and co-conspirators carried out the object
20 of the conspiracy were:

21 a. Physically strike the victim, M.B., about her head, face, and torso until she reached the
22 point of unconsciousness; and

23 b. Physically kick the victim, M.B., about her head, face, and torso until she reached the
24 point of unconsciousness.

25 15. In furtherance of such agreement and conspiracy and to effect the objects thereof, the
26 defendants committed the following overt act among others:

27 a. Physically placed the body of the victim, M.B., in a prone position on North Alma
28 School Road, within the territorial boundaries of the Salt River Pima-Maricopa Indian

1 Reservation, for the express purpose and intent that a vehicle would run over said victim,
2 resulting in her death.

3 All in violation of Title 18, United States Code, Sections 1153, 1111 and 1117.

4 **COUNT 5**

5 **Assault Resulting in Serious Bodily Injury**

6 16. On or about July 26, 2009, in the District of Arizona, on the Salt River Pima-Maricopa
7 Indian Reservation, a place within Indian Country, MARTINEZ FRANCISCO, Jr., DENEAN
8 MEDINA, AMORETTE HOUGH, TIMOTHY REYES, and DELOLA GRAYCENE
9 MEDINA, each of whom were enrolled members of the Salt River Pima-Maricopa Indian
10 Community, the defendants, knowingly and recklessly assaulted, and aided and abetted an
11 assault, resulting in serious bodily injury upon M.B., an enrolled member of the Salt River Pima-
12 Maricopa Indian Community, in violation of Title 18, United States Code, Sections 1153,
13 113(a)(6) and 2.

14 **COUNT 6**

15 **Conspiracy To Make False Statement in Acquisition of a Firearm**

16 Beginning on or about May 18, 1998, and continuing until at least September 1, 2009, in the
17 District of Arizona and elsewhere, the defendant, MARTINEZ FRANCISCO, Jr., and others
18 known and unknown to the Grand Jury, did willfully, knowingly, and unlawfully combine,
19 confederate, and agree together to make false statements in connection with the acquisition of
20 firearms from federally licensed firearms dealers, in violation of Title 18, United States Code,
21 Section 924(a)(1)(A).

22 **OVERT ACTS**

23 As part, and in furtherance of the conspiracy, at least one of the conspirators performed or
24 caused to be performed at least one of the following overt acts, among others, in the District of
25 Arizona and elsewhere, including but not limited to:

- 26 1. On or about May 18, 1998, MARTINEZ FRANCISCO, Jr., gave instructions and United
27 States Currency to coconspirator(s) to purchase a Mossberg, model Persuader, 12 gauge
28 shotgun.

- 1 2. On or about May 18, 1998, coconspirator(s) of MARTINEZ FRANCISCO, Jr., purchased
2 a Mossberg, model Persuader, 12 gauge shotgun, serial number P219253, from the Sports
3 Authority, a federally licensed firearms dealer in Scottsdale, the District of Arizona, and
4 during the course of the purchase falsely represented on the ATF Form 4473 that they were
5 the actual purchaser of said firearm.
- 6 3. On or about August 18, 2004, MARTINEZ FRANCISCO, Jr., gave instructions and United
7 States Currency to coconspirator(s) to purchase an Intratec, model Tec 22, .22 caliber semi-
8 automatic handgun.
- 9 4. On or about August 18, 2004, coconspirator(s) of MARTINEZ FRANCISCO, Jr., purchased
10 an Intratec, model Tec 22, .22 caliber semi-automatic handgun, serial number 035141, from
11 Windy City Pawn, a federally licensed firearms dealer in Phoenix, the District of Arizona,
12 and during the course of the purchase falsely represented on the ATF Form 4473 that they
13 were the actual purchaser of said firearm.
- 14 5. On or about August 19, 2004, MARTINEZ FRANCISCO, Jr., gave instructions and United
15 States Currency to coconspirator(s) to purchase a Hi-Point, model CF, .380 caliber semi-
16 automatic handgun.
- 17 6. On or about August 19, 2004, coconspirator(s) of MARTINEZ FRANCISCO, Jr., purchased
18 a Hi-Point, model CF, .380 caliber semi-automatic handgun, serial number P909601 from
19 Liberty Pawn, a federally licensed firearms dealer in Mesa, the District of Arizona, and
20 during the course of the purchase falsely represented on the ATF Form 4473 that they were
21 the actual purchaser of said firearm.
- 22 7. On or about August 20, 2004, MARTINEZ FRANCISCO, Jr., gave instructions and United
23 States Currency to coconspirator(s) to purchase a Hi-Point, model C9, 9mm semi-automatic
24 handgun.
- 25 8. On or about August 20, 2004, coconspirator(s) of MARTINEZ FRANCISCO, Jr., purchased
26 a Hi-Point, model C9, 9mm semi-automatic handgun, serial number P1215721, from Liberty
27 Pawn, a federally licensed firearms dealer in Mesa, the District of Arizona, and during the
28 course of the purchase falsely represented on the ATF Form 4473 that they were the actual

1 purchaser of said firearm.

2 9. On or about May 27, 2005, MARTINEZ FRANCISCO, Jr., gave instructions and United
3 States Currency to coconspirator(s) to purchase a Romarm/Cugir, model WASR-10, 7.62
4 x 39mm semi-automatic rifle.

5 10. On or about May 27, 2005, coconspirator(s) of MARTINEZ FRANCISCO, Jr., purchased
6 a Romarm/Cugir, model WASR-10, 7.62 x 39mm semi-automatic rifle, serial number 1-
7 65300-04, from EAU Sales, a federally licensed firearms dealer in Apache Junction, the
8 District of Arizona, and during the course of such purchase falsely represented on the ATF
9 Form 4473 that they were the actual purchaser of said firearm.

10 11. On or about February 13, 2007, MARTINEZ FRANCISCO, Jr., gave instructions and
11 United States Currency to coconspirator(s) to purchase a Smith & Wesson, model Sigma
12 SW9VE, 9 mm semi-automatic handgun.

13 12. On or about February 13, 2007, coconspirator(s) of MARTINEZ FRANCISCO, Jr.,
14 purchased a Smith & Wesson, model Sigma SW9VE, 9 mm semi-automatic handgun, serial
15 number PDY2538, from Guns Etc., a federally licensed firearms dealer in Chandler, the
16 District of Arizona, and during the course of the purchase falsely represented on the ATF
17 Form 4473 that they were the actual purchaser of said firearm.

18 13. On or about February 14, 2007, MARTINEZ FRANCISCO, Jr., gave instructions and
19 United States Currency to coconspirator(s) to purchase a Cobra, model C32, .32 caliber
20 handgun.

21 14. On or about February 14, 2007, coconspirator(s) of MARTINEZ FRANCISCO, Jr.,
22 purchased a Cobra, model C32, .32 caliber handgun, serial number 032194, from Mesa Gun
23 Shop, a federally licensed firearms dealer in Mesa, the District of Arizona, and during the
24 course of the purchase falsely represented on the ATF Form 4473 that they were the actual
25 purchaser of said firearm.

26 15. On or about August 13, 2007, MARTINEZ FRANCISCO, Jr., gave instructions and United
27 States Currency to coconspirator(s) to purchase a Taurus model PT58, .380 caliber semi-
28 automatic handgun.

1 16. On or about August 13, 2007, coconspirator(s) of MARTINEZ FRANCISCO, Jr., purchased
2 a Taurus, model PT58, .380 caliber semi-automatic handgun, serial number KAN24217,
3 from Bear Arms, a federally licensed firearms dealer in Scottsdale, the District of Arizona,
4 and during the course of the purchase falsely represented on the ATF Form 4473 that they
5 were the actual purchaser of said firearm.

6 17. On or about September 1, 2009, MARTINEZ FRANCISCO, Jr., gave instructions and
7 United States Currency to coconspirator(s) to purchase a Ruger, model P89, 9mm semi-
8 automatic handgun.

9 18. On or about September 1, 2009, coconspirator(s) of MARTINEZ FRANCISCO, Jr.,
10 purchased a Ruger, model P89, 9mm semi-automatic handgun, serial number 304-74114,
11 from Bear Arms, a federally licensed firearms dealer in Scottsdale, the District of Arizona,
12 and during the course of the purchase falsely represented on the ATF Form 4473 that they
13 were the actual purchaser of said firearm.

14 All in violation of Title 18, United States Code, Section 371.

15 **COUNT 7**

16 **False Statement in Acquisition of a Firearm**

17 On or about February 13, 2007, in the District of Arizona, MARTINEZ FRANCISCO,
18 Jr. did aid, abet, counsel, and induce another person to acquire a firearm by knowingly making
19 a false statement and representation with respect to information required by the provisions of
20 Chapter 44 of Title 18, United States Code, to be kept in the records of Guns Etc, located in
21 Chandler, District of Arizona, a business licensed under the provisions of Chapter 44 of Title
22 18, United States Code, by causing to be executed a Bureau of Alcohol, Tobacco, Firearms, and
23 Explosives form 4473, Firearms Transaction Record, stating that the other person was the actual
24 buyer of a Smith & Wesson, model Sigma SW9VE, 9 mm semi-automatic handgun, serial
25 number PDY2538, when both the other person and MARTINEZ FRANCISCO, Jr. knew the
26 other person was not the actual buyer of the firearm.

27 All in violation of Title 18, United States Code, Section 924(a)(1)(A) and 2.
28

COUNT 10

False Statement in Acquisition of a Firearm

On or about September 1, 2009, in the District of Arizona, MARTINEZ FRANCISCO, Jr. did aid, abet, counsel, and induce another person to acquire a firearm by knowingly making a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Bear Arms, located in Scottsdale, District of Arizona, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, by causing to be executed a Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, stating that the other person was the actual buyer of a Ruger, model P89, 9mm semi-automatic handgun, serial number 304-74114, when both the other person and MARTINEZ FRANCISCO, Jr. knew the other person was not the actual buyer of the firearm.

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

FORFEITURE ALLEGATIONS

The Grand Jury re-alleges and incorporates the allegations of Counts 6, 7, 8, 9 and 10 of this Indictment, which is incorporated by reference herein.

Pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853, and 28 U.S.C. § 2461 and as a result of the offense(s) charged in Counts 6, 7, 8, 9 and 10 of this Indictment, the defendant(s) shall forfeit to the United States of America all right, title, and interest in the firearms listed in Counts 1 through 5, that is: a Mossberg, model Persuader, 12 gauge shotgun, serial number P219253; an Intratec, model Tec 22, .22 caliber semi-automatic handgun, serial number 035141; a Hi-Point, model CF, .380 caliber semi-automatic handgun, serial number P909601; a Hi-Point, model C9, 9mm semi-automatic handgun, serial number P1215721; a Romarm/Cugir, model WASR-10, 7.62 x 39mm semi-automatic rifle, serial number 1-65300-04; a Smith & Wesson, model Sigma SW9VE, 9 mm semi-automatic handgun, serial number PDY2538; a Cobra, model C32, .32 caliber handgun, serial number 032194; a Taurus, model PT58, .380 caliber semi-automatic handgun, serial number KAN24217; a Ruger, model P89, 9mm semi-automatic handgun, serial number 304-74114, and (1) any property constituting, or derived from, any proceeds the person

1 obtained, directly or indirectly, as the result of said offense and (2) any of the defendants'
2 property used, or intended to be used, in any manner or part, to commit, to facilitate the
3 commission of said offense, as to which property the defendant is jointly and severally liable,
4 including but not limited to: a money judgement should be issued in an amount commensurate
5 with each defendants' involvement with the listed violation(s).

6 If any of the above-described forfeitable property, as a result of any act or omission of the
7 defendant:

8 (1) cannot be located upon the exercise of due diligence;

9 (2) has been transferred or sold to, or deposited with, a third party;

10 (3) has been placed beyond the jurisdiction of the court;

11 (4) has been substantially diminished in value; or

12 (5) has been commingled with other property which cannot be divided without difficulty;

13 it is the intent of the United States to seek forfeiture of any other property of said defendant up
14 to the value of the above-described forfeitable property, pursuant to 21 U.S.C. Section 853(p).

15 Pursuant to Title 21, United States Code, Section 853; Title 18, United States Code, Sections
16 924(d) and 982, and Title 28, United States Code, Section 2461, and Rule 32.2.(a), Federal Rules
17 of Criminal Procedure.

18 A TRUE BILL

19 /S
20 FOREPERSON OF THE GRAND JURY
Date: September 1, 2011

21 LANNY A. BREUER
22 Assistant Attorney General
23 Criminal Division
United States Department of Justice

24 /S
LESHIA M. LEE-DIXON
25 Trial Attorney

26 ANN BIRMINGHAM SCHEEL
27 Acting United States Attorney
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28 /S
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