

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:18-cr-234-T-35MAP

CHRISTOPHER BRIAN COSIMANO,
a/k/a "Durty,"
MICHAEL DOMINICK MENCHER,
a/k/a "Pumpkin,"
ALLAN BURT GUINTO,
a/k/a "Big Beefy,"
ERICK RICHARD ROBINSON,
a/k/a "Big E," and
CODY JAMES WESLING,
a/k/a "Little Savage"

18 U.S.C. § 1959(a)(1)
18 U.S.C. § 1959(a)(3)
18 U.S.C. § 1959(a)(5)
18 U.S.C. § 924(c)(1)(A)(iii)
18 U.S.C. § 924(j)(1)
18 U.S.C. § 3
21 U.S.C. § 846

INDICTMENT

SEALED

The Grand Jury charges:

COUNT ONE

(Conspiracy to Commit Murder in Aid of Racketeering Activity)

A. The Enterprise

1. At various times relevant to this Indictment, the defendants, CHRISTOPHER BRIAN COSIMANO, a/k/a "Durty," MICHAEL DOMINICK MENCHER, a/k/a "Pumpkin," ALLAN BURT GUINTO, a/k/a "Big Beefy," ERICK RICHARD ROBINSON, a/k/a "Big E," CODY JAMES WESLING, a/k/a "Little Savage," and others known and unknown,

SEALED

were members and associates of the 69'ers Motorcycle Club, a criminal organization whose members and associates engaged in narcotics distribution and acts of violence including acts involving murder and which operated principally in the Middle District of Florida and elsewhere.

2. The 69'ers Motorcycle Club, including its leadership, membership, and associates, constituted an enterprise as defined in 18 U.S.C. § 1959(b)(2), hereinafter, "the Enterprise," that is, a group of individuals associated in fact that 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.

B. Purposes of the Enterprise

3. The purposes of the Enterprise included the following:
- a. Enriching the members and associates of the Enterprise through, among other things, murder and distribution of narcotics.
 - b. Preserving and protecting the power, territory and profits of the Enterprise through the use of intimidation, violence, threats of violence, assaults and murder.
 - c. Promoting and enhancing the Enterprise and its members' and associates' activities.

d. Keeping victims in fear of the Enterprise and in fear of its members and associates through threats of violence and violence.

C. Means and Methods of the Enterprise

4. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the Enterprise were the following:

a. Members of the Enterprise and their associates committed, attempted, and threatened to commit acts of violence, including murder, to protect and expand the Enterprise's criminal operations;

b. Members of the Enterprise and their associates promoted a climate of fear through violence and threats of violence;

c. Members of the Enterprise and their associates used and threatened to use physical violence against various individuals; and

d. Members of the Enterprise and their associates trafficked in controlled substances, including heroin, cocaine, methamphetamine, and marijuana.

5. The above-described Enterprise, through its members and associates, engaged in racketeering activity as defined in 18 U.S.C. §§ 1959(b)(1) and 1961(1), namely, acts involving narcotics trafficking, in violation of 21 U.S.C. §§ 841(b)(1)(C), (b)(1)(D) and 846.

6. On or about December 21, 2017, in the Middle District of Florida, the defendants,

CHRISTOPHER BRIAN COSIMANO,
a/k/a "Durty,"
MICHAEL DOMINICK MENCHER,
a/k/a "Pumpkin,"
ALLAN BURT GUINTO,
a/k/a "Big Beefy," and
CODY WESLING,
a/k/a "Little Savage,"

for the purpose of gaining entrance to and maintaining and increasing position in the 69'ers Motorcycle Club, an enterprise engaged in racketeering activity, unlawfully and knowingly conspired to murder Paul Anderson, in violation of Fla. Stat. §§ 782.04, 777.04, and 777.011.

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

COUNT TWO

(Murder in Aid of Racketeering Activity)

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

2. On or about December 21, 2017, in the Middle District of Florida, the defendants,

CHRISTOPHER BRIAN COSIMANO,
a/k/a "Durty,"
MICHAEL DOMINICK MENCHER,
a/k/a "Pumpkin,"
ALLAN BURT GUINTO,

a/k/a “Big Beefy,” and
CODY WESLING,
a/k/a “Little Savage,”

for the purpose of gaining entrance to and maintaining and increasing position in the 69’ers Motorcycle Club, an enterprise engaged in racketeering activity, unlawfully and knowingly murdered Paul Anderson in violation of Fla. Stat. §§ 782.04 and 777.011.

In violation of 18 U.S.C. §§ 1959(a)(1) and 2.

COUNT THREE

(Use of a Firearm During and in Relation to a Crime of Violence)

On or about December 21, 2017, in the Middle District of Florida, the defendants,

CHRISTOPHER BRIAN COSIMANO,
a/k/a “Durty,”
MICHAEL DOMINICK MENCHER,
a/k/a “Pumpkin,”
ALLAN BURT GUINTO,
a/k/a “Big Beefy,” and
CODY WESLING,
a/k/a “Little Savage,”

did knowingly use, carry, brandish, and discharge a firearm, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, Murder in Aid of Racketeering Activity, as charged in Count Two of this Indictment, which Count is realleged and incorporated by reference as though fully set forth herein.

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

COUNT FOUR

**(Use of a Firearm During and in Relation to a Crime of Violence
Causing Death)**

On or about December 21, 2017, in the Middle District of Florida, the
defendants,

CHRISTOPHER BRIAN COSIMANO,
a/k/a “Durdy,”
MICHAEL DOMINICK MENCHER,
a/k/a “Pumpkin,”
ALLAN BURT GUINTO,
a/k/a “Big Beefy,” and
CODY WESLING,
a/k/a “Little Savage,”

did knowingly use, carry, brandish, and discharge a firearm, during and in
relation to a crime of violence for which they may be prosecuted in a court of
the United States, that is, Murder in Aid of Racketeering Activity, as charged
in Count Two of this Indictment, which Count is realleged and incorporated
by reference as though fully set forth herein, and in the course of those crimes,
did cause the death of a person, Paul Anderson, through the use of the
firearm, the killing of whom was murder as defined in 18 U.S.C. § 1111.

In violation of 18 U.S.C. §§ 924(j)(1) and 2.

COUNT FIVE

(Accessory After the Fact)

On or about December 21, 2017, in the Middle District of Florida, the defendant,

ERICK RICHARD ROBINSON,
a/k/a "Big E,"

knowing that an offense against the United States had been committed by CHRISTOPHER BRIAN COSIMANO, a/k/a "Durty," MICHAEL DOMINICK MENCHER, a/k/a "Pumpkin," ALLAN BURT GUINTO, a/k/a "Big Beefy," and CODY JAMES WESLING, a/k/a "Little Savage," that is, Conspiracy to Commit Murder in Aid of Racketeering Activity, as charged in Count One of this Indictment, and Murder in Aid of Racketeering Activity, as charged in Count Two of this Indictment, which Counts are realleged and incorporated by reference as though fully set forth herein, did receive, relieve, comfort, and assist the offenders, CHRISTOPHER BRIAN COSIMANO, MICHAEL DOMINICK MENCHER, ALLAN BURT GUINTO, and CODY WESLING, in order to hinder and prevent the offenders' apprehension, trial, and punishment.

In violation of 18 U.S.C. § 3.

COUNT SIX

(Assault with a Dangerous Weapon in Aid of Racketeering Activity)

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

2. On or about July 25, 2017, in the Middle District of Florida, the defendant,

CHRISTOPHER BRIAN COSIMANO,
a/k/a “Durty,”

for the purpose of gaining entrance to and maintaining and increasing position in the 69’ers Motorcycle Club, an enterprise engaged in racketeering activity, unlawfully and knowingly committed an assault with a dangerous weapon of James Costa, in violation of Fla. Stat. § 784.011 and 784.021.

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

COUNT SEVEN

(Use of a Firearm During and in Relation to a Crime of Violence)

On or about July 25, 2017, in the Middle District of Florida, the defendant,

CHRISTOPHER BRIAN COSIMANO,
a/k/a “Durty,”

did knowingly use, carry, brandish, and discharge a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of

the United States, that is, Assault with a Dangerous Weapon in Aid of Racketeering Activity, as charged in Count Six of this Indictment, which Count is realleged and incorporated by reference as though fully set forth herein.

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

COUNT EIGHT

(Accessory After the Fact)

On or about July 25, 2017, in the Middle District of Florida, the defendant,

ALLAN BURT GUINTO,
a/k/a "Big Beefy,"

knowing that an offense against the United States had been committed by CHRISTOPHER BRIAN COSIMANO, a/k/a "Durty," that is, Assault with a Dangerous Weapon in Aid of Racketeering Activity, as charged in Count Six of this Indictment, which Count is realleged and incorporated by reference as though fully set forth herein, did receive, relieve, comfort, and assist the offender, CHRISTOPHER BRIAN COSIMANO, in order to hinder and prevent the offender's apprehension, trial, and punishment.

In violation of 18 U.S.C. § 3.

COUNT NINE

(Narcotics Conspiracy)

Beginning on an unknown date, but not later than on or about January 1, 2016, and continuing through on or about December 21, 2017, in the Middle District of Florida, and elsewhere, the defendants,

MICHAEL DOMINICK MENCHER,
a/k/a "Pumpkin," and
ERICK RICHARD ROBINSON,
a/k/a "Big E,"

did knowingly, willfully, and intentionally conspire with each other and other persons, both known and unknown to the Grand Jury, to possess with intent to distribute controlled substances.

The violation involved a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, each of which are punishable under 21 U.S.C. § 841(b)(1)(C), and involved a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, which is punishable under 21 U.S.C. § 841(b)(1)(D).

In violation of 21 U.S.C. § 846.

FORFEITURE

1. The allegations contained in Counts One through Nine of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeitures pursuant to the provisions of 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c).

2. Upon conviction of the violations charged in Counts Three, Four, and Seven, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the defendants shall forfeit any firearms and/or ammunition involved in the offense of conviction to the United States of America.

3. Upon conviction of the violation charged in Count Nine, pursuant to 21 U.S.C. § 853(a)(1) and (2), the defendants shall forfeit to the United States any property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such violations, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

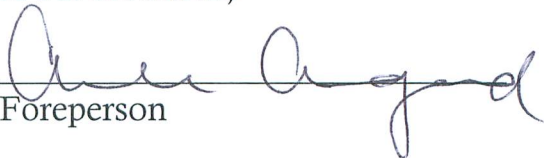
4. If any of the property described above, as a result of any acts or omissions of the defendants:

- 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,

the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

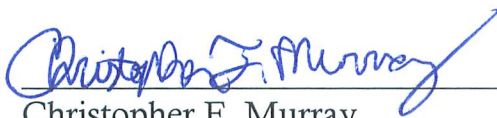
A TRUE BILL,


Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: 
Carlton C. Gammons
Assistant United States Attorney

By: 
Natalie Hirt Adams
Assistant United States Attorney

By: 
Christopher F. Murray
Assistant United States Attorney
Chief, Violent Crimes and Narcotics Section

No.

UNITED STATES DISTRICT COURT

Middle District of Florida

Tampa Division

THE UNITED STATES OF AMERICA

vs.

CHRISTOPHER BRIAN COSIMANO,
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INDICTMENT

Violations: 18 U.S.C. § 1959(a)(1)
18 U.S.C. § 1959(a)(3)
18 U.S.C. § 1959(a)(5)
18 U.S.C. § 924(c)(1)(A)(iii)
18 U.S.C. § 924(j)(1)
18 U.S.C. § 3
21 U.S.C. § 846

A true bill,


Foreperson

Filed in open court this 22nd day
of May 2018.

Clerk

Bail \$ _____
