

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

) Cr. No. 17 - 10284
)

v.

) VIOLATIONS:
)

EDWIN MANICA FLORES,
A/K/A "SUGAR,"
A/K/A "CHUGAR,"
A/K/A "SHUGAR,"
Defendant.

) 18 U.S.C. § 1962(d) --
) Conspiracy to Conduct
) Enterprise Affairs Through
) a Pattern of Racketeering
) Activity
)
) 18 U.S.C. § 1963 --
) RICO Forfeiture
) Allegations

INDICTMENT

COUNT ONE: (18 U.S.C. § 1962(d) -- Conspiracy to Conduct
Enterprise Affairs Through a Pattern of
Racketeering Activity)

The Grand Jury charges that:

Introduction

At all times relevant to this Indictment:

The Enterprise

1. La Mara Salvatrucha, also known as the MS-13 criminal organization (hereinafter "MS-13"), is composed primarily of immigrants or descendants of immigrants from Central America, with members operating throughout Massachusetts, including Boston, Everett, Chelsea, Somerville, and elsewhere. Members and associates of MS-13 have engaged in acts of violence, including murder, attempted murder, robbery, and assault, as well as other criminal activity, including narcotics

trafficking, firearm possession, robbery, extortion, witness tampering, and witness retaliation.

2. In 2012, MS-13 became the first, and remains the only, street gang to be designated by the United States government as a "transnational criminal organization." Today, MS-13 is one of the largest criminal organizations in the United States, and is a national and international criminal organization with approximately 10,000 members and associates in the United States, and approximately 40,000 members and associates internationally, mostly in Mexico, Honduras, Guatemala, and El Salvador. MS-13 actively recruits members -- often juveniles inside high schools -- from communities such as Chelsea and East Boston, Massachusetts, which have a large number of immigrants from El Salvador and other Central and Latin American countries.

3. MS-13 was organized in Massachusetts and elsewhere in the form of so-called "cliques" -- that is, smaller groups acting under the larger mantle of MS-13 and operating in a specific region, city, or part of a city. To organize and coordinate hundreds of cliques made up of tens of thousands of MS-13 members located in numerous disparate locations, MS-13's incarcerated leadership in El Salvador organized MS-13's various cliques into larger "Programs," for example, the East Coast Program, the Hollywood Program, the New York Program, and the L.A. Program.

4. The defendant, EDWIN MANICA FLORES, A/K/A "SUGAR," A/K/A "CHUGAR," A/K/A "SHUGAR," was a member of MS-13's Everett Loco Salvatrucha clique and one of the El Salvador-based leaders of MS-13's East Coast Program.

5. Membership in the East Coast Program has evolved over time, and has generally included MS-13 cliques in Boston, Massachusetts; Houston, Texas; Columbus, Ohio; New Jersey, Virginia, Maryland, and North Carolina. The East Coast Program, like the other MS-13 programs, is an organizational structure established by MS-13's incarcerated leadership in El Salvador to facilitate the communication of orders and information from MS-13 leadership to multiple MS-13 cliques operating throughout areas of the United States, and to facilitate the transfer of money from those cliques to MS-13 leadership in El Salvador. Grouping the various cliques into these programs created a hierarchy and structure that expedited the dissemination of orders and information from MS-13 leadership in El Salvador to members in the United States, and the remittance of money from members in the United States to MS-13 leadership in El Salvador.

6. Most of the MS-13 cliques in Massachusetts, including the Everett Loco Salvatrucha, Molinos Loco Salvatrucha, East Boston Loco Salvatrucha, Trece Loco Salvatrucha, and Enfermos Criminales Salvatrucha, belonged to the East Coast Program. These cliques worked both independently and cooperatively to

engage in criminal activity, such as drug distribution, robbery, and extortion, to obtain money for themselves and for MS-13 leadership in El Salvador, and to assist one another in avoiding detection by law enforcement. These cliques held meetings to collect dues from individual MS-13 members, a portion of which dues were then transmitted back to MS-13 leadership in El Salvador, usually by wire transfer.

7. MS-13 leadership in El Salvador used the money provided by MS-13 members in the United States to buy weapons, cell phones, and other supplies to facilitate criminal activity, as well as to purchase shoes, food, and legal services for incarcerated MS-13 members. Some of these items were used in El Salvador, while others, particularly cell phones, enabled MS-13 leadership to have a direct impact on the United States. MS-13 leadership in El Salvador used the money to obtain contraband cell phones, which they used to communicate with MS-13 leaders in the United States and order them to generate more money or to "green light" (i.e., authorize the killing of) members or associates believed to be cooperating with law enforcement, as well as rival gang members. The cliques themselves used a portion of the money to buy, among other things, clique guns and other weapons.

THE DECEMBER 13, 2015 EAST COAST PROGRAM LEADERSHIP MEETING

8. On December 13, 2015, the government secretly recorded a meeting of the East Coast Program leadership at the home of JOSE MARTINEZ CASTRO, A/K/A "CHUCKY," in Richmond, Virginia. At the time, MARTINEZ CASTRO was the United States-based leader of MS-13's East Coast Program (i.e., MANICA FLORES's counterpart in the United States). In attendance at the meeting, were leaders of East Coast Program cliques from Boston, Massachusetts; Maryland; Columbus, Ohio; Houston, Texas; and Virginia. During the meeting, MARTINEZ CASTRO put MANICA FLORES on conference call from El Salvador to address the group.

9. MANICA FLORES advised the leadership group that he was "SUGAR from the Everett Locos" and that he was the "runner" (i.e., the leader) "from El Salvador, from the Program." MANICA FLORES stressed that the group needed to be united and work together as MS-13:

We are here as representatives of the program. . . . One of the points that was discussed there I believe, was Unity and brotherhood that we all must share. Everyone together when the time comes to carry out some action. Because the result is that many of the cliques up there are very independent and stupidly insist that this is their side, others are somewhere else with their side, and in the meanwhile, the enemy are filling up the turfs around us, you know?

. . . .

So what we are asking is total cooperation. Let us work as Mara Salvatrucha MS-13 that we are, do you understand? Let us not (unintelligible), well yes, that we swore this, that it was that, that no one can do it that way, and so on. No. Let's carry out the work of Mara Salvatrucha, you know?

. . . .

Let's all work together, united, you know. Everyone relaxed, watching out for each other. If someone has an issue, or has a problem with another clique, you should approach the Program. (unintelligible) In order to carry out the Mara's work, you know. In the end, nowadays, we are losing the culture, you know. Dudes go around saying, "This is my turf," and the enemy is filling up our turfs, you know. So let us focus on the work we must do as MS-13, you know. Because here we all represent the Mara Salvatrucha. The only thing that divides us is our last name, each member of each clique, you know, those are last names, but we all always represent the two letters, you know.

10. MANICA FLORES next discussed the importance of being vigilant in recruiting trustworthy new members and rooting out cooperators in their midst.

. . . I think your cliques have chosen you guys as the runners, because you know what time it is with you guys. And at any time that you decide, you grab a kid. Remember that here in El Salvador it's different. Over there, there are some dudes that (unintelligible). In El Salvador it's different from up there. Up there the kids say, "I have done this and this and this." When the time comes to kill a son of a bitch that came your way or something, they'll do it, but days later, they are terrified, you know, it's different. Over here, we have to be intelligent. You guys, as the clique runners over there, have to analyze people, observe them, you know. And, if so, yes. Because here, there are three steps the chequeos must take. They make it first to paro, then to observation, then to chequeo until they make it to homeboy, you know. You have to (unintelligible)

properly and consider carefully whom you are going to take, so that later, you know, all of you won't have to suffer the consequences, you know.

. . . .

And those sons of a bitch that unfortunately don't understand that . . . because you guys know how hot things are, brother, you know. And be very careful, all of you that are there, brother, be very careful, you know, with the *culeros* that are ratting. . . . Because sooner or later, the son of a bitch (unintelligible), sooner or later he always falls into the claws of the Beast, brother. We wake him up, whether it's up there or down here, we are going to cry for him, because, you know. I'm going to speak very clearly: You must be very careful about who you bring in and talk to, you know, because the fucking pieces of shit up there, brother, have it worked out. They give them a car, they give them (unintelligible), and some days later they want to grab them for something, they say "FBI," and the sons of bitches are there, you know, because the FBI gives them a car, gives them money, gives them everything, and when they give them all that, they loosen their tongues, you know. It's the outcome of what they're bringing in. That they're going to kill and then they are two-faced. You have to know all the information, analyze to whom you're going to talk, and if yes, (unintelligible), be very careful, because in the end, a son of a bitch that has (unintelligible) up there, because in the end, we are going to put him on the black list, you know.

. . . .

I'm going to say it clearly over here: the Mara makes him, the Mara removes him.

. . . .

. . . So, be very careful with all the chequeos, and kid that you have and that might say something in their presence, you know, that's what I want to talk about to you guys. Be careful.

11. MANICA FLORES then warned the group not to wear the clothes and colors associated with MS-13 because it would attract law enforcement. For example, MANICA FLORES advised them not to wear "Nike Cortez" shoes and "the colors." He explained:

Dressed like that, the enemy can see you, the police can arrest you, and boom, to El Salvador. . . . We, as Everett Locos founded in Boston (unintelligible), we're already cutting out all that bullshit from the homeboys in my clique, you know, dressing like that because (unintelligible) a more intelligent was, you know. Because to live a great life there, one must be humble, you know, to avoid being detected.

12. MANICA FLORES also discussed with the group the financial benefit of participation in the East Coast Program.

(unintelligible) money that's coming from up there (unintelligible) either way. Create a benefit for all. (unintelligible). So that we can invest that money and multiply it and (unintelligible) with the other cliques.

. . . .

(unintelligible) to benefit your clique, for the East Coast Program, for the program down here.

. . . .

I'm going to tell you something (unintelligible), you know. (unintelligible) they are around there, and don't have a turf or anything like that. . . . But, if you guys work there with the Program, (unintelligible) you will contribute something to El Salvador and be well recognized over there. In the future, you will be able to come and pick up a piece. But the Program should run well, you know, and you guys need to fill up that whole zone with cliques. . . .

13. MS-13, including its leadership, membership 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. The enterprise constituted an ongoing organization whose members functioned as a continuing unit with a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

14. The purposes of the MS-13 enterprise included the following:

(a) Promoting and enhancing the prestige, reputation and position of the enterprise with respect to rival criminal organizations;

(b) Preserving and protecting the power, territory and criminal ventures of the enterprise through the use of intimidation, threats of violence, and acts of violence, including murder, attempted murder, and assault;

(c) Keeping victims and rivals in fear of the enterprise and its members and associates;

(d) Enriching the members and associates of the enterprise through criminal activity, including robbery, extortion, and narcotics trafficking; and

(e) Ensuring discipline within the enterprise and compliance with the enterprise's rules by members and associates through threats of violence and acts of violence.

Means and Methods of the Enterprise

15. Among the means and methods by which the defendant and his associates conducted and participated in the conduct of the affairs of the enterprise were the following:

(a) Members of MS-13 and their associates committed, attempted to commit and threatened to commit acts of violence, including murder, attempted murder, conspiracy to commit murder, and robbery and assault, to enhance the enterprise's prestige and protect and expand the enterprise's criminal operations;

(b) Members of MS-13 and their associates used and threatened to use physical violence against various individuals, including members of rival criminal organizations and MS-13 members who violated the enterprise's rules;

(c) Members of the enterprise and their associates used, attempted to use, and conspired to use robbery, narcotics trafficking, extortion, and firearm sales as a means of obtaining money.

The Racketeering Conspiracy

16. From a time unknown to the Grand Jury and continuing until in or about at least December 2015, at Boston, Everett, Chelsea, Somerville, and elsewhere in the District of Massachusetts, in Richmond, Virginia, and at other places presently known and unknown,

EDWIN MANICA FLORES, A/K/A "SUGAR," A/K/A "CHUGAR,"
A/K/A "SHUGAR,"

the defendant herein, and others known and unknown to the Grand Jury, being a person employed by and associated with MS-13, an enterprise which was engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly conspire 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 the MS-13 enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and (5), that is, multiple acts involving murder, in violation of Massachusetts General Laws, Chapter 265, Section 1 (murder), Section 15 (assault with intent to murder), Section 16 (attempt to murder), and Section 18 (armed assault with intent to murder), and Massachusetts General Laws, Chapter 274, Section 7 (conspiracy to commit murder); multiple acts involving trafficking in narcotics, in violation of Title 21, United

States Code, Sections 846 and 841(a)(1); multiple acts involving robbery, in violation of Massachusetts General Laws, Chapter 265, Section 17 (armed robbery), Massachusetts General Laws, Chapter 274, Section 6 (attempted robbery), and Section 7 (conspiracy to rob); and multiple acts involving extortion, in violation of Massachusetts General Laws, Chapter 265, Section 25, Massachusetts General Laws, Chapter 274, Section 6 (attempted extortion), and Section 7 (conspiracy to extort), and multiple acts indictable under Title 18, United States Code, Section 1951.

17. It was part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the MS-13 enterprise.

RICO FORFEITURE ALLEGATIONS
(18 U.S.C. § 1963)

The Grand Jury further charges that:

18. The allegations of Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 1963.

19. Upon conviction of the offense in violation of Title 18, United States Code, Section 1962, set forth in Count One of this Indictment,

EDWIN MANICA FLORES, A/K/A "SUGAR," A/K/A "CHUGAR,"
A/K/A "SHUGAR,"

the defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

(a) all interests the defendant has acquired or maintained in violation of Title 18, United States Code, Section 1962, wherever located, and in whatever names held;

(b) all interests in, securities of, claims against, or properties or contractual rights of any kind affording a source of influence over, any enterprise which the defendant has established, operated, controlled, conducted, or participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and

(c) all property constituting, and derived from, any proceeds which the defendant obtained, directly and indirectly,

from racketeering activity in violation of Title 18, United States Code, Section 1962.

20. If any of the property described in paragraph 19 hereof as being forfeitable pursuant to Title 18, United States Code, Section 1963, as a result of any act and omission of the defendant --


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of this 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 intention of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 19 above.

All pursuant to Title 18, United States Code, Section 1963.

A TRUE BILL,


FOREPERSON OF THE GRAND JURY


PETER K. LEVITT
CHRISTOPHER POHL
GLENN A. MACKINLAY
KUNAL PASRICHA
Assistant U.S. Attorneys

DISTRICT OF MASSACHUSETTS

September 20, 2017

Returned into the District Court by the Grand Jurors and
filed.


Deputy Clerk

8:29 PM 9/20/17