

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

CR 18-0506 BLF

SIAKI TAVALE, aka "Shocky," aka "Gunner,"
ANDREW ALVARADO, aka "Oso," aka "Banger,"
JOHN MAGAT, aka "Romeo,"
ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda,"
MARK ANTHONY GARCIA, aka "Tony from Santa Rita," and
ANELU TAVALE, aka "Angel,"

DEFENDANT(S).
SECOND SUPERSEDING

INDICTMENT

VIOLATIONS:

- 18 U.S.C. § 1962(d) – Racketeering Conspiracy;
- 18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering;
- 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering;
- 18 U.S.C. § 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence;
- 18 U.S.C. § 924(j)(1) – Use of Firearm Causing Murder;
- 18 U.S.C. § 2 – Aiding and Abetting;
- 18 U.S.C. §§ 924, 1963, and 28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 15th day of

October 2020



Clerk

No Arrest Warrants
Bail, \$ _____

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

3 **SEALED BY ORDER OF THE COURT**

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Oct 15 2020
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 5:18-CR-00506-BLF
12)
13 v.) VIOLATIONS:
14) 18 U.S.C. § 1962(d) – Racketeering Conspiracy;
15) 18 U.S.C. § 1959(a)(1) – Murder in Aid of
16) Racketeering;
17) 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in
18) Aid of Racketeering;
19) 18 U.S.C. § 924(c) – Use/Possession of Firearm
20) During and in Relation to/in Furtherance of Crime of
21) Violence;
22) 18 U.S.C. § 924(j)(1) – Use of Firearm Causing
23) Murder;
24) 18 U.S.C. § 2 – Aiding and Abetting;
25) 18 U.S.C. §§ 924, 1963, and 28 U.S.C. § 2461(c) –
26) Criminal Forfeiture
27)
28) SAN JOSE VENUE
29)
30) UNDER SEAL
31)
32)

33 SECOND SUPERSEDING INDICTMENT

34 The Grand Jury charges, with all dates being approximate and all date ranges both approximate
35 and inclusive, that at all times relevant to this Second Superseding Indictment:

36 Introductory Allegations

37 1. La Nuestra Familia – Spanish for “Our Family” and also known as the “NF” – was and
38 remains a prison gang that was formed in the late 1960s in the California state prison system. The

1 emergence of the NF began with a segment of Mexican-American prisoners who were members of, and
2 eventually became disgruntled with, the Mexican Mafia prison gang. This group of disgruntled inmates
3 formed the NF as a rival prison gang to the Mexican Mafia. To this day, the NF and the Mexican Mafia
4 remain enemies and fierce competitors, which has led to violence both on the streets and within custodial
5 facilities.

6 2. The NF is generally organized into a formal hierarchy of members. Its membership is
7 composed of a relatively small number of made members, known as “carnales.” There are various levels
8 of status possessed by these carnales, and each is afforded varying authority and responsibility over the
9 organization and its subordinates. These carnales control and direct many of the activities of the NF’s
10 subordinate Norteno street gangs. Norteno street gangs are composed of members who refer to themselves
11 generally as “Nortenos,” and who subscribe to the NF ideology and recognize the NF as the supreme
12 Norteno authority. The NF is able to assert control and influence over Norteno gang members for various
13 reasons, including because: (1) the Norteno gang members fear the NF’s vast reach and ability to
14 commit/order murders and assaults against persons inside and outside of custody; (2) the Norteno gang
15 members want the protection provided by the NF if they ever become incarcerated; (3) the Norteno gang
16 members’ belief in the NF ideology; and (4) the benefits afforded to Norteno gang members as
17 subordinates of the NF.

18 3. Outside of custodial settings, the NF has organized its subordinate Norteno street gangs
19 into established geographic territories called “street regiments.” For example, the city of Salinas and the
20 encompassing Monterey County are controlled by one regiment known as the “Monterey County
21 Regiment.” A regiment is led by a “regiment commander,” normally an NF member or associate, who
22 has been given that authority by the NF. The NF’s purpose for having established street regiments is to
23 generate money that is then appropriately distributed within the NF and its subordinate organizations.
24 These financial contributions may take the form of monthly “dues” paid by individual Norteno street gang
25 members and/or the street gangs taxing their own members’ and others’ profits from illicit activities, such
26 as drug dealing.

27 4. Under each street regiment, Norteno street gangs are typically divided based on the local
28 neighborhoods or “hoods” where their members reside or are actively engaged in gang activity. Each

1 Norteno street gang or hood has a name, and its members and associates meet and work together to carry
2 out their illegal activities for their own individual benefit, the benefit of the particular Norteno hood, the
3 benefit of Nortenos generally, and the benefit of the NF. These Norteno hoods fight with other street
4 gangs, including their primary rivals, the Sureno¹ street gangs, to control lucrative illegal activities, to
5 claim or maintain established territory, and to retaliate against a rival gang or perceived rival gang
6 member. Norteno street gangs also engage in violence to gain notoriety and respect, to recruit and
7 influence non-gang members, to dissuade potential witnesses from reporting crime or cooperating with
8 law enforcement, to discipline fellow gang members, to assert their gang identities, to challenge or respond
9 to a challenge, and to send a message to others that they are strong, powerful, and not to be provoked.

10 5. Norteno hoods want and need to have a reputation for being strong and powerful. They
11 also need to increase their membership to survive and continue functioning as an organization on the
12 streets. If a Norteno hood has a reputation for being weak, other gangs will challenge and assault its
13 members, and will also attempt to take over its territory. This will cause the particular hood to lose
14 membership and eventually dissolve. If a Norteno hood has a large membership and a reputation for being
15 strong, powerful and dominant, rival groups will think twice before they challenge it and victims/witnesses
16 will think twice about assisting authorities with prosecutions attempts against its members. This will
17 allow the hood (and Nortenos as a whole), to grow in strength, thrive in its criminal activity, and rule its
18 territory.

19 6. Within the ranks of Nortenos, gang members earn promotion and prestige by proving
20 themselves through the commission of criminal activities benefitting the gang and/or by spending time in
21 jail or prison. Nortenos commit crimes such as robbery, extortion, and narcotics trafficking to enrich
22 themselves and the NF. Nortenos also engage in acts of violence, including acts of murder, which is often
23 the quickest way to earn prestige for the individual gang member, his hood, Nortenos in general, and the
24 NF. A member or associate of a Norteno hood is expected to “hunt”—that is, seek out and beat, stab, or
25 shoot—any rivals. Similarly, a member or associate of a Norteno gang is expected to confront and attack
26 any suspected rival that he encounters. If a Norteno gang member fails to do so, such member would be
27

28 ¹ Similar to the relationship between the NF and Norteno street gangs, Surenos are subordinate and pledge
allegiance to the Mexican Mafia prison gang.

1 subject to reprisal from his own gang. Because of this ongoing conflict between Nortenos and their rival
2 street gangs—most notably, Surenos—many innocent individuals have been hurt or killed as a result of
3 mistaken identity or for being in the wrong place at the wrong time.

4 7. Nortenos identify themselves with the color red and the number “14” in various forms.
5 The number “14” corresponds with the letter “N,” which is the fourteenth letter of the alphabet; the letter
6 “N,” in turn, is a reference to Nortenos or the NF. These and related symbols are often displayed by
7 Norteno criminal street gang members in tattoos, graffiti, drawings, hand signs, and on clothing as a way
8 of displaying their affiliation, loyalty, and commitment to the gang.

9 The Racketeering Enterprise: the Monterey County Regiment Enterprise

10 8. Norteno street gangs under the umbrella of the Monterey County Regiment include the
11 Boronda Boys (BOR), Santa Rita Bahamas (SRB), East Las Casitas (ELC), Salinas East Market (SEM),
12 and others operating in and around Monterey County. At times relevant to this Second Superseding
13 Indictment, the Sons of Samoa (SOS) Crip gang members associated with members of the Regiment
14 operating in and around Monterey County to commit criminal activity, including acts of murder. Members
15 and associates of the Norteno street gangs, along with their leadership consisting of NF members and
16 associates, joined forces to operate as a single, unified association-in-fact enterprise, herein referred to as
17 the “Monterey County Regiment Enterprise” (or simply, “the Enterprise”).

18 9. The Monterey County Regiment Enterprise, including its leadership, members, and
19 associates, in the Northern District of California, the State of California, and elsewhere, constituted an
20 “enterprise” as defined in Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group
21 of individuals associated in fact that was engaged in and the activities of which affected interstate and
22 foreign commerce. The Enterprise constituted an ongoing organization whose members and associates
23 functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

24 Purposes of the Enterprise

25 10. The purposes of the Monterey County Regiment Enterprise included the following:

26 a. Preserving and protecting the power, territory, reputation, and profits of the
27 Enterprise through the use of intimidation, violence, and threats of violence;

28 b. Promoting and enhancing the Enterprise and the activities of its members and

1 associates through, among other acts, acts of murder, narcotics trafficking, extortion, and other criminal
2 activities;

3 c. Keeping rival gang members, potential informants and witnesses against the
4 Enterprise, other victims and potential victims, community members, and fellow gang members in fear of
5 the Enterprise and its members and associates through violence and threats of violence;

6 d. Providing financial support to its members and associates; and

7 e. Protecting the Enterprise's members and associates who committed crimes by
8 hindering, obstructing, and preventing law enforcement officers from identifying the offenders,
9 apprehending the offenders, and successfully prosecuting and punishing the offenders.

10 The Defendants

11 11. At all times relevant to this Second Superseding Indictment, SIAKI TAVALE, aka
12 "Shocky," aka "Gunner," ANDREW ALVARADO, aka "Oso," aka "Banger," JOHN MAGAT, aka
13 "Romeo," ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda," MARK ANTHONY GARCIA, aka
14 "Tony from Santa Rita," and ANELU TAVALE, aka "Angel," were members and associates of the
15 Monterey County Regiment Enterprise. Each defendant, as a member or associate of the Enterprise, acted
16 individually, and also with other members and associates of the Monterey County Regiment Enterprise in
17 the commission of racketeering activities and other criminal conduct. Among other activities taken in
18 furtherance of the Enterprise, the defendants, along with other Enterprise members and associates, formed
19 a group or crew, at times referred to as the "murder squad" that hunted and killed rival gang members (or
20 those perceived to be rival gang members) and other persons when it suited the purposes of the Enterprise.

21 COUNT ONE: (18 U.S.C. § 1962(d) – Racketeering Conspiracy)

22 12. Paragraphs 1 through 11 of this Second Superseding Indictment are realleged and
23 incorporated by reference as though fully set forth herein.

24 13. Beginning on a date unknown to the Grand Jury, but since at least January 16, 2016, and
25 continuing through the date of this Second Superseding Indictment, in the Northern District of California
26 and elsewhere, defendants

27 SIAKI TAVALE, aka "Shocky," aka "Gunner,"

28 ANDREW ALVARADO, aka "Oso," aka "Banger,"

1 JOHN MAGAT, aka "Romeo,"

2 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda,"

3 MARK ANTHONY GARCIA, aka "Tony from Santa Rita," and

4 ANELU TAVALE, aka "Angel,"

5 together with others known and unknown, each being a person employed by and associated with the
6 Monterey County Regiment Enterprise, an enterprise engaged in, and the activities of which affected,
7 interstate and foreign commerce, unlawfully, knowingly, and willfully conspired to violate Title 18,
8 United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the
9 conduct of the affairs of the Monterey County Regiment Enterprise through a pattern of racketeering
10 activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering
11 activity consisted of:

- 12 a. multiple acts involving murder, chargeable under California Penal Code Sections
13 187, 188, 189, 182, 21a, 31, and 664; and
14 b. multiple offenses involving the distribution of controlled substances, in violation
15 of Title 21, United States Code, Sections 841(a)(1) and 846.

16 14. It was a part of the conspiracy that each defendant agreed that a conspirator would commit
17 at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

18 Means and Methods of the Conspiracy

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

21 a. Members and associates of the Monterey County Regiment Enterprise engaged in
22 illicit activities designed to financially benefit the Enterprise and its members, including distributing
23 controlled substances, as well as controlling the trafficking of narcotics in certain areas of Monterey
24 County, including the area known as Chinatown, in Salinas, California. To that end, members and
25 associates of the Monterey County Regiment Enterprise controlled the supply and distribution channels
26 for narcotics in the areas they controlled and required drug traffickers in those areas to share a portion of
27 their profits with the Enterprise. The Enterprise used violence, including acts of murder, to ensure
28 compliance with its rules and regulations with respect to its control of the narcotics trafficking in these

1 areas.

2 b. Members and associates of the Monterey County Regiment Enterprise committed
3 acts of violence, including acts of murder, against perceived rival gang members and others to enhance
4 the Enterprise’s prestige, maintain the authority and vitality of the Enterprise, increase the status of the
5 Enterprise’s members and associates, protect and expand the Enterprise’s criminal operations, maintain
6 discipline within its ranks, intimidate and influence members of the community, and prevent cooperation
7 with law enforcement.

8 c. More specifically, SIAKI TAVALE, aka “Shocky,” aka “Gunner,” ANDREW
9 ALVARADO, aka “Oso,” aka “Banger,” JOHN MAGAT, aka “Romeo,” ANTHONY VALDEZ, aka
10 “Hitter,” aka “Tony Boronda,” MARK ANTHONY GARCIA, aka “Tony from Santa Rita,” ANELU
11 TAVALE, aka “Angel,” and other Enterprise members were part of a hit crew—later referred to as the
12 “murder squad”—that drove around Salinas on missions to hunt and kill rival gang members. This crew
13 often utilized a multi-vehicle caravan that usually included a vehicle with designated shooters, and at least
14 one spotter or security vehicle. The security vehicle would help spot potential persons to kill, as well as
15 help avoid law enforcement detection. The participants in the shootings typically kept in contact via a
16 two- or three-way call between people in each vehicle. Once a target victim was identified—often because
17 the victim had characteristics the defendants associated with rival Surenos (*e.g.*, was a Hispanic male, had
18 a shaved head, and/or was wearing blue)—the shooters would shoot at the victim, typically until their
19 firearms’ magazines were empty. As the leader of this hit crew, S. TAVALE provided instruction on how
20 to carry out the shootings, including preferred neighborhoods in Salinas, California, where he believed
21 rival Sureno gang members resided. At times, S. TAVALE also required prospective members of the
22 group kill someone to join or be “certified.” In fact, the more “bodies” (*i.e.*, people murdered)
23 accumulated by a member, the higher status that member acquired. Such status was generally conferred
24 regardless of whether a victim was actually a rival gang member. Some Enterprise members “hit up” their
25 victims, or confirmed the victim’s gang status before shooting them, but members of the hit crew did not
26 always do this, and did not always wait for a response before shooting. This practice led to the shooting
27 and killing of victims who were not, in fact, gang members.

Overt Acts

1
2 16. In furtherance of the conspiracy and to achieve the objectives of the conspiracy, the
3 defendants and other members and associates of the Monterey County Regiment, and others known and
4 unknown, performed or caused to be performed the following overt acts, among others, in the Northern
5 District of California and elsewhere:

6 17. On or about January 12, 2017, SIAKI TAVALE, aka “Shocky,” aka “Gunner,” ANDREW
7 ALVARADO, aka “Oso,” aka “Banger,” MARK ANTHONY GARCIA, aka “Tony from Santa Rita,”
8 and others went on a mission to hunt for rival Sureno gang members to kill. S. TAVALE orchestrated
9 this hunt to get a fellow Norteno gang member “certified” as a killer. As the leader of this group,
10 S. TAVALE organized the participants and provided instruction. S. TAVALE and ALVARADO were in
11 separate security/spotter vehicles, each looking out for police and scouting for targets for the shooters,
12 who were in a third vehicle. When they arrived on Sunrise Street, ALVARADO and S. TAVALE spotted
13 a group of Hispanic men outside a house party, and alerted the shooters to these targets. The three shooters
14 within the shooter vehicle exited the vehicle, approached the victims, and opened fire at the group. The
15 shooters fired at least 24 shots into the group of victims, striking four victims and killing two of them.
16 The surviving victims suffered gunshot wounds, and were taken to the hospital for treatment. After the
17 shooting, the shooters led police officers on a high speed chase, eventually crashing and abandoning their
18 vehicle, and fleeing on foot. Although the defendants were hunting for rival Sureno gang members, there
19 was no evidence that any of the victims who were shot were actually gang members.

20 18. On or about February 11, 2017, SIAKI TAVALE, aka “Shocky,” aka “Gunner,” ANDREW
21 ALVARADO, aka “Oso,” aka “Banger,” and others went hunting for rival Sureno gang members to kill.
22 S. TAVALE orchestrated this hunt to get another fellow Norteno gang member certified as a killer. As
23 the leader of this group, S. TAVALE organized the group of gang members who participated in the hunt
24 and provided instruction. S. TAVALE and ALVARADO were in separate security/spotter cars looking
25 for police and scouting for targets for the shooters, who were in a third vehicle. This third vehicle was a
26 stolen SUV that had been doused in gasoline earlier that day in case it needed to be set on fire. This was
27 a precaution taken after the group needed to abandon the shooter vehicle used during the January 12, 2017
28 shooting on Sunrise Street. ALVARADO spotted a small group of Hispanic men outside the Hebron

1 Heights Community Center on Fremont Street and alerted the shooters to the targets. The two shooters
2 within the shooter car fired at least 18 shots at the victims, striking one of the victims in the head and
3 killing him. The deceased victim admitted to being a gang member in previous contacts with police.

4 19. On or about February 12, 2017, SIAKI TAVALE, aka "Shocky," aka "Gunner," ANDREW
5 ALVARADO, aka "Oso," aka "Banger," ANELU TAVALE, aka "Angel," and other Norteno and SOS
6 Crip gang members went hunting for rival Sureno gang members to kill. As the leader of this group, S.
7 TAVALE organized the group of gang members who participated in the hunt and provided instruction.
8 S. TAVALE and ALVARADO were in separate security/spotter cars looking for police and scouting for
9 targets for the shooters, who were in a third vehicle. This shooter vehicle was the same stolen SUV used
10 for the shooting on Fremont Street the day before. During the hunt, the group spotted a vehicle with two
11 Hispanic men who the defendants perceived to be rival Sureno gang members. The group followed the
12 vehicle to a residence on Orchard Avenue. When the victims pulled their car into the driveway,
13 A.TAVALE and three other shooters exited the shooter vehicle, which they parked in the street in front
14 of the victims' driveway. The shooters fired at least 20 shots at the victims. The shooter vehicle was then
15 disabled in a collision with the victim vehicle, so the shooters fled on foot and were picked up by
16 S. TAVALE. The victims survived, but suffered gunshots, including to the neck, torso, and upper back.

17 20. On or about March 25, 2017, ANDREW ALVARADO, aka "Oso," aka "Banger," JOHN
18 MAGAT, aka "Romeo," MARK ANTHONY GARCIA, aka "Tony from Santa Rita," and others went
19 hunting for rival Sureno gang members to kill in order to retaliate for the recent killing of an SRB gang
20 member. While driving on Dennis Avenue, the group spotted two Hispanic men hanging out in the
21 driveway of a residence. The shooters, including ALVARADO and MAGAT, fired at least 32 shots at
22 the victims, killing them. One of the victims was killed in the driveway, while the other was chased to
23 the backyard area. Although the defendants were hunting for rival Sureno gang members, there was no
24 evidence that either of the victims who were killed were actually gang members.

25 21. On or about May 13, 2017, ANDREW ALVARADO, aka "Oso," aka "Banger," JOHN
26 MAGAT, aka "Romeo," and others went hunting for rival Sureno gang members to kill. While driving
27 on Paloma Avenue, the group spotted a young Hispanic man standing on the front porch of a residence.
28 The shooters, including ALVARADO and MAGAT, fired at least 15 shots at the victim. They shot the

1 victim in the head, killing him. Although the defendants were hunting for rival Sureno gang members,
2 there was no evidence that the victim was actually a gang member.

3 22. On or about June 11, 2018, JOHN MAGAT, aka "Romeo," ANTHONY VALDEZ, aka
4 "Hitter," aka "Tony Boronda," and ANELU TAVALE, aka "Angel," and others went hunting for rival
5 gang members to kill. The shooters, including MAGAT and VALDEZ, fired at least 19 shots at the victim,
6 who was walking down Center Street, killing him. Although the defendants were hunting for rival Sureno
7 gang members, there was no evidence that the victim was actually a gang member.

8 23. On or about November 3, 2018, ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda,"
9 ANELU TAVALE, aka "Angel," and others went hunting for rival Sureno gang members to kill, in order
10 to commemorate the birthday of a deceased BOR gang member. The shooters, including VALDEZ and
11 A.TAVALE, fired at least 35 shots at the victim, who was walking on North Hebbbron Avenue. The victim
12 was shot in the head and died as a result of his gunshot wounds. Although the group was hunting for rival
13 Sureno gang members, there was no evidence that the victim was actually a gang member.

14 Special Sentencing Factors

15 *Number 1: Conspiracy to Commit Murder*

16 24. Beginning on a date unknown to the Grand Jury, but since at least January 16, 2016, and
17 continuing through the date of this Second Superseding Indictment, in the Northern District of California
18 and elsewhere, defendants

19 SIAKI TAVALE, aka "Shocky," aka "Gunner,"

20 ANDREW ALVARADO, aka "Oso," aka "Banger,"

21 JOHN MAGAT, aka "Romeo,"

22 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda,"

23 MARK ANTHONY GARCIA, aka "Tony from Santa Rita," and

24 ANELU TAVALE, aka "Angel,"

25 together with others, unlawfully, knowingly and willfully conspired to commit murder, in violation of
26 California Penal Code Sections 187, 188, 189, and 182, specifically, the defendants agreed together and
27 with each other to kill, with malice aforethought, actual and suspected members of rival gangs and others.

28 *Number 2: First Degree Murder of Victim-1*

1 25. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
2 District of California and elsewhere, defendants

3 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”

4 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

5 MARK ANTHONY GARCIA, aka “Tony from Santa Rita,”

6 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
7 aforethought, Victim-1, in violation of California Penal Code Sections 187, 188, 189, and 31.

8 *Number 3: First Degree Murder of Victim-2*

9 26. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
10 District of California and elsewhere, defendants

11 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”

12 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

13 MARK ANTHONY GARCIA, aka “Tony from Santa Rita,”

14 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
15 aforethought, Victim-2, in violation of California Penal Code Sections 187, 188, 189, and 31.

16 *Number 4: Attempted First Degree Murder of Victim-3 and Victim 4*

17 27. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
18 District of California and elsewhere, defendants

19 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”

20 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

21 MARK ANTHONY GARCIA, aka “Tony from Santa Rita,”

22 unlawfully, knowingly, and willfully, and with deliberation and premeditation, and with malice
23 aforethought, attempted to kill Victim-3 and Victim-4, in violation of California Penal Code Sections 187,
24 188, 189, 21a, 31, and 664.

25 *Number 5: First Degree Murder of Victim-5*

26 28. On or about February 11, 2017, on Fremont Street in Salinas, California, within the
27 Northern District of California, defendants

28 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and

1 ANDREW ALVARADO, aka “Oso,” aka “Banger,”
2 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
3 aforethought, Victim-5, in violation of California Penal Code Sections 187, 188, 189, and 31.

4 *Number 6: First Degree Attempted Murder of Victim-6*

5 29. On or about February 11, 2017, on Fremont Street in Salinas, California, within the
6 Northern District of California, defendants

7 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and
8 ANDREW ALVARADO, aka “Oso,” aka “Banger,”
9 unlawfully, knowingly, and willfully, and with deliberation and premeditation, and with malice
10 aforethought, attempted to kill Victim-6, in violation of California Penal Code Sections 187, 188, 189,
11 21a, 31, and 664.

12 *Number 7: First Degree Attempted Murder of Victim-7 and Victim-8*

13 30. On or about February 12, 2017, on Orchard Avenue in Salinas, California, within the
14 Northern District of California, defendants

15 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”
16 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and
17 ANELU TAVALE, aka “Angel,”
18 unlawfully, knowingly, and willfully, and with deliberation and premeditation, and with malice
19 aforethought, attempted to kill, Victim-7 and Victim-8, in violation of California Penal Code Sections
20 187, 188, 189, 21a, 31, and 664.

21 *Number 8: First Degree Murder of Victim-9*

22 31. On or about March 25, 2017, on Dennis Avenue in Salinas, California, within the Northern
23 District of California, defendants

24 ANDREW ALVARADO, aka “Oso,” aka “Banger,”
25 JOHN MAGAT, aka “Romeo,” and
26 MARK ANTHONY GARCIA, aka “Tony from Santa Rita,”
27 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
28 aforethought, Victim-9, in violation of California Penal Code Sections 187, 188, 189, and 31.

1 *Number 9: First Degree Murder of Victim-10*

2 32. On or about March 25, 2017, on Dennis Avenue in Salinas, California, within the Northern
3 District of California, defendants

4 ANDREW ALVARADO, aka "Oso," aka "Banger,"

5 JOHN MAGAT, aka "Romeo," and

6 MARK ANTHONY GARCIA, aka "Tony from Santa Rita,"

7 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
8 aforethought, Victim-10, in violation of California Penal Code Sections 187, 188, 189, and 31.

9 *Number 10: First Degree Murder of Victim-11*

10 33. On or about May 13, 2017, on Paloma Avenue in Salinas, California, within the Northern
11 District of California, defendants

12 ANDREW ALVARADO, aka "Oso," aka "Banger," and

13 JOHN MAGAT, aka "Romeo,"

14 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
15 aforethought, Victim-11, in violation of California Penal Code Sections 187, 188, 189, and 31.

16 *Number 11: First Degree Murder of Victim-12*

17 34. On or about June 11, 2018, on Center Street in Salinas, California, within the Northern
18 District of California, defendants

19 JOHN MAGAT, aka "Romeo,"

20 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda," and

21 ANELU TAVALE, aka "Angel,"

22 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
23 aforethought, Victim-12, in violation of California Penal Code Sections 187, 188, 189, and 31.

24 *Number 12: First Degree Murder of Victim-13*

25 35. On or about November 3, 2018, on North Hebbro Avenue in Salinas, California, within
26 the Northern District of California, defendants

27 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda," and

28 ANELU TAVALE, aka "Angel,"

1 unlawfully, knowingly, and willfully, and with deliberation and premeditation, killed, with malice
2 aforethought, Victim-13, in violation of California Penal Code Sections 187, 188, 189, and 31.

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

4 COUNT TWO: (18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering)

5 36. Paragraphs 1 through 11 of this Second Superseding Indictment are realleged and
6 incorporated by reference as though fully set forth herein.

7 37. At all times relevant to this Second Superseding Indictment, the Monterey County
8 Regiment Enterprise, through its members and associates, engaged in racketeering activity, as defined in
9 Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, multiple acts involving murder,
10 chargeable under California Penal Code Sections 187, 188, 189, 182, 21a, 31, and 664; and multiple
11 offenses involving the distribution of controlled substances, in violation of Title 21, United States Code,
12 Sections 841(a)(1) and 846.

13 38. Beginning on a date unknown to the Grand Jury, but since at least January 16, 2016, and
14 continuing through the date of this Second Superseding Indictment, in the Northern District of California
15 and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the
16 Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

17 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”

18 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

19 JOHN MAGAT, aka “Romeo,”

20 ANTHONY VALDEZ, aka “Hitter,” aka “Tony Boronda,”

21 MARK ANTHONY GARCIA, aka “Tony from Santa Rita,” and

22 ANELU TAVALE, aka “Angel,”

23 together with others known and unknown, unlawfully, knowingly, and willfully combined, conspired,
24 confederated, and agreed together and with each other to commit murder, in violation of California Penal
25 Code Sections 187, 188, 189, and 182, to wit, the defendants agreed with other members of the Monterey
26 County Regiment Enterprise to kill actual and suspected members of rival gangs and other persons when
27 it furthered the status and goals of the Monterey County Regiment Enterprise.

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

1 COUNT THREE: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder of Victim-1)

2 39. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
3 incorporated by reference as though fully set forth herein.

4 40. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
5 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
6 the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

7 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and

8 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

9 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
10 premeditation, deliberation, and malice aforethought, murder Victim-1, in violation of California Penal
11 Code Sections 187, 188, 189, and 31, in violation of Title 18, United States Code, Sections 1959(a)(1) and
12 2.

13 41. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
14 District of California, defendants

15 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and

16 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

17 with others known and unknown, each aided and abetted by the others, committed a violation of Title 18,
18 United States Code, Section 924(c), that is, unlawfully and knowingly used and carried a firearm during
19 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
20 namely, Murder in Aid of Racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and unlawfully and
21 knowingly possessed a firearm in furtherance of such crime, and in the course of such violation, caused
22 the death of a person, Victim-1, through the use of a firearm, which killing was first degree murder as
23 defined in Title 18, United States Code, Section 1111(a).

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

25 COUNT FOUR: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder of Victim-2)

26 42. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
27 incorporated by reference as though fully set forth herein.

1 43. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
2 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
3 the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

4 SIAKI TAVALE, aka "Shocky," aka "Gunner," and

5 ANDREW ALVARADO, aka "Oso," aka "Banger,"

6 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
7 premeditation, deliberation, and malice aforethought, murder Victim-2, in violation of California Penal
8 Code Sections 187, 188, 189, and 31, in violation of Title 18, United States Code, Sections 1959(a)(1) and
9 2.

10 44. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
11 District of California, defendants

12 SIAKI TAVALE, aka "Shocky," aka "Gunner," and

13 ANDREW ALVARADO, aka "Oso," aka "Banger,"

14 with others known and unknown, each aided and abetted by the others, committed a violation of Title 18,
15 United States Code, Section 924(c), that is, unlawfully and knowingly used and carried a firearm during
16 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
17 namely, Murder in Aid of Racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and unlawfully and
18 knowingly possessed a firearm in furtherance of such crime, and in the course of such violation, caused
19 the death of a person, Victim-2, through the use of a firearm, which killing was first degree murder as
20 defined in Title 18, United States Code, Section 1111(a).

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

22 COUNT FIVE: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Possession/Use of a Firearm in Furtherance of
23 and During and in Relation to Crime of Violence)

24 45. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
25 incorporated by reference as though fully set forth herein.

26 46. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
27 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
28 the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

1 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and
2 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

3 with others known and unknown, each aided and abetted by the others, unlawfully, knowingly, and
4 intentionally attempted to murder Victim-3 and Victim-4, in violation of California Penal Code Sections
5 187, 188, 189, 31, 21a, and 664, in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

6 47. On or about January 12, 2017, on Sunrise Street in Salinas, California, within the Northern
7 District of California, defendants

8 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and
9 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

10 with others known and unknown, each aided and abetted by the others, unlawfully and knowingly used
11 and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a
12 court of the United States, namely, the Attempted Murder in Aid of Racketeering of Victim-3 and Victim-
13 4 in violation of 18 U.S.C. §§ 1959(a)(5) and 2, and unlawfully and knowingly possessed a firearm in
14 furtherance of such crime, and unlawfully and knowingly brandished and discharged such firearm during
15 and in relation to, and in furtherance of, such crime of violence.

16 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

17 COUNT SIX: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder of Victim-5)

18 48. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
19 incorporated by reference as though fully set forth herein.

20 49. On or about February 11, 2017, on Fremont Street in Salinas, California, within the
21 Northern District of California, for the purpose of gaining entrance to and maintaining and increasing
22 position in the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity,
23 defendants

24 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and
25 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

26 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
27 premeditation, deliberation, and malice aforethought, murder Victim-5, in violation of California Penal
28

1 Code Sections 187, 188, 189, and 31, in violation of Title 18, United States Code, Sections 1959(a)(1) and
2 2.

3 50. On or about February 11, 2017, on Fremont Street in Salinas, California, within the
4 Northern District of California, defendants

5 SIAKI TAVALE, aka "Shocky," aka "Gunner," and

6 ANDREW ALVARADO, aka "Oso," aka "Banger,"

7 with others known and unknown, each aided and abetted by the others, committed a violation of Title 18,
8 United States Code, Section 924(c), that is, unlawfully and knowingly used and carried a firearm during
9 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
10 namely, Murder in Aid of Racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and unlawfully and
11 knowingly possessed a firearm in furtherance of such crime, and in the course of such violation, caused
12 the death of a person, Victim-5, through the use of a firearm, which killing was first degree murder as
13 defined in Title 18, United States Code, Section 1111(a).

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

15 COUNT SEVEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Possession/Use of a Firearm in Furtherance of
16 and During and in Relation to Crime of Violence)

17 51. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
18 incorporated by reference as though fully set forth herein.

19 52. On or about February 11, 2017, on Fremont Street in Salinas, California, within the
20 Northern District of California, for the purpose of gaining entrance to and maintaining and increasing
21 position in the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity,
22 defendants

23 SIAKI TAVALE, aka "Shocky," aka "Gunner," and

24 ANDREW ALVARADO, aka "Oso," aka "Banger,"

25 with others known and unknown, each aided and abetted by the others, unlawfully, knowingly, and
26 intentionally attempted to murder Victim-6, in violation of California Penal Code Sections 187, 188, 189,
27 31, 21a, and 664, in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

1 53. On or about February 11, 2017, on Fremont Street in Salinas, California, within the
2 Northern District of California, defendants

3 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” and

4 ANDREW ALVARADO, aka “Oso,” aka “Banger,”

5 with others known and unknown, each aided and abetted by the others, unlawfully and knowingly used
6 and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a
7 court of the United States, namely, the Attempted Murder in Aid of Racketeering of Victim-6 in violation
8 of 18 U.S.C. §§ 1959(a)(5) and 2, and unlawfully and knowingly possessed a firearm in furtherance of
9 such crime, and unlawfully and knowingly brandished and discharged such firearm during and in relation
10 to, and in furtherance of, such crime of violence.

11 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

12 COUNT EIGHT: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Possession/Use of a Firearm in Furtherance of
13 or During and in Relation to Crime of Violence)

14 54. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
15 incorporated by reference as though fully set forth herein.

16 55. On or about February 12, 2017, on Orchard Avenue in Salinas, California, within the
17 Northern District of California, for the purpose of gaining entrance to and maintaining and increasing
18 position in the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity,
19 defendants

20 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”

21 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

22 ANELU TAVALE, aka “Angel,”

23 with others known and unknown, each aided and abetted by the others, unlawfully, knowingly, and
24 intentionally attempted to murder Victim-7 and Victim-8, in violation of California Penal Code Sections
25 187, 188, 189, 31, 21a, and 664, in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

26 56. On or about February 12, 2017, on Orchard Avenue in Salinas, California, within the
27 Northern District of California, defendants

28 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”

1 ANDREW ALVARADO, aka "Oso," aka "Banger," and
2 ANELU TAVALE, aka "Angel,"

3 with others known and unknown, each aided and abetted by the others, unlawfully and knowingly used
4 and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a
5 court of the United States, namely, the Attempted Murder in Aid of Racketeering of Victim-7 and Victim-
6 8 in violation of 18 U.S.C. §§ 1959(a)(5) and 2, and unlawfully and knowingly possessed a firearm in
7 furtherance of such crime, and unlawfully and knowingly brandished and discharged such firearm during
8 and in relation to, and in furtherance of, such crime of violence.

9 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

10 COUNT NINE: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder of Victim-9)

11 57. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
12 incorporated by reference as though fully set forth herein.

13 58. On or about March 25, 2017, on Dennis Avenue in Salinas, California, within the Northern
14 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
15 the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

16 ANDREW ALVARADO, aka "Oso," aka "Banger," and
17 JOHN MAGAT, aka "Romeo,"

18 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
19 premeditation, deliberation, and malice aforethought, murder Victim-9, in violation of California Penal
20 Code Sections 187, 188, 189, and 31, in violation of Title 18, United States Code, Sections 1959(a)(1) and
21 2.

22 59. On or about March 25, 2017, on Dennis Avenue in Salinas, California, within the Northern
23 District of California, defendants

24 ANDREW ALVARADO, aka "Oso," aka "Banger," and
25 JOHN MAGAT, aka "Romeo,"

26 with others known and unknown, each aided and abetted by the others, committed a violation of Title 18,
27 United States Code, Section 924(c), that is, unlawfully and knowingly used and carried a firearm during
28 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,

1 namely, Murder in Aid of Racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and unlawfully and
2 knowingly possessed a firearm in furtherance of such crime, and in the course of such violation, caused
3 the death of a person, Victim-9, through the use of a firearm, which killing was first degree murder as
4 defined in Title 18, United States Code, Section 1111(a).

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

6 COUNT TEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder of Victim-10)

7 60. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
8 incorporated by reference as though fully set forth herein.

9 61. On or about March 25, 2017, on Dennis Avenue in Salinas, California, within the Northern
10 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
11 the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

12 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

13 JOHN MAGAT, aka “Romeo,”

14 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
15 premeditation, deliberation, and malice aforethought, murder Victim-10, in violation of California Penal
16 Code Sections 187, 188, 189, and 31, in violation of Title 18, United States Code, Sections 1959(a)(1) and
17 2.

18 62. On or about March 25, 2017, on Dennis Avenue in Salinas, California, within the Northern
19 District of California, defendants

20 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

21 JOHN MAGAT, aka “Romeo,”

22 with others known and unknown, each aided and abetted by the others, committed a violation of Title 18,
23 United States Code, Section 924(c), that is, unlawfully and knowingly used and carried a firearm during
24 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
25 namely, Murder in Aid of Racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and unlawfully and
26 knowingly possessed a firearm in furtherance of such crime, and in the course of such violation, caused
27 the death of a person, Victim-10, through the use of a firearm, which killing was first degree murder as
28 defined in Title 18, United States Code, Section 1111(a).

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

2 COUNT ELEVEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder of Victim-11)

3 63. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
4 incorporated by reference as though fully set forth herein

5 64. On or about May 13, 2017, on Paloma Avenue in Salinas, California, within the Northern
6 District of California, for the purpose of gaining entrance to and maintaining and increasing position in
7 the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity, defendants

8 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

9 JOHN MAGAT, aka “Romeo,”

10 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
11 premeditation, deliberation, and malice aforethought, murder Victim-11, in violation of California Penal
12 Code Sections 187, 188, 189, and 31, in violation of Title 18, United States Code, Sections 1959(a)(1) and
13 2.

14 65. On or about May 13, 2017, on Paloma Avenue in Salinas, California, within the Northern
15 District of California, defendants

16 ANDREW ALVARADO, aka “Oso,” aka “Banger,” and

17 JOHN MAGAT, aka “Romeo,”

18 with others known and unknown, each aided and abetted by the others, committed a violation of Title 18,
19 United States Code, Section 924(c), that is, unlawfully and knowingly used and carried a firearm during
20 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
21 namely, Murder in Aid of Racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and unlawfully and
22 knowingly possessed a firearm in furtherance of such crime, and in the course of such violation, caused
23 the death of a person, Victim-11, through the use of a firearm, which killing was first degree murder as
24 defined in Title 18, United States Code, Section 1111(a).

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

26 COUNT TWELVE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-13)

27 66. Paragraphs 1 through 11 and 37 of this Second Superseding Indictment are realleged and
28 incorporated by reference as though fully set forth herein.

1 67. On or about November 3, 2018, on North Hebbbron Avenue in Salinas, California, within
2 the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing
3 position in the Monterey County Regiment Enterprise, an enterprise engaged in racketeering activity,
4 defendant

5 ANTHONY VALDEZ, aka “Hitter,” aka “Tony Boronda,”
6 with others known and unknown, each aided and abetted by the others, did knowingly, willfully, and with
7 premeditation, deliberation, and malice aforethought, murder Victim-13, in violation of California Penal
8 Code Sections 187, 188, 189, and 31.

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

10 COUNT THIRTEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 — Possession/Use of a Firearm in Furtherance
11 of and During and in Relation to Crime of Violence)

12 68. On or about November 3, 2018, on North Hebbbron Avenue in Salinas, California, within
13 the Northern District of California, the defendant,

14 ANTHONY VALDEZ, aka “Hitter,” aka “Tony Boronda,”
15 unlawfully and knowingly used and carried a firearm during and in relation to, and unlawfully and
16 knowingly possessed a firearm in furtherance of, a crime of violence for which he may be prosecuted in a
17 court of the United States, namely, the Murder in Aid of Racketeering charged in Count Twelve of this
18 Second Superseding Indictment, and unlawfully and knowingly brandished and discharged such firearm
19 during and in relation to, and in furtherance of, the offense charged in Count Twelve of this Second
20 Superseding Indictment.

21 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

22 COUNT FOURTEEN: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder)

23 69. On or about November 3, 2018, on North Hebbbron Avenue in Salinas, California, within
24 the Northern District of California, defendant

25 ANTHONY VALDEZ, aka “Hitter,” aka “Tony Boronda,”
26 unlawfully and knowingly used and carried a firearm during and in relation to, and unlawfully and
27 knowingly possessed a firearm in furtherance of, a crime of violence for which he may be prosecuted in a
28 court of the United States, namely, the Murder in Aid of Racketeering charged in Count Twelve of this

1 Second Superseding Indictment, and in the course of that crime caused the death of a person, Victim-13,
2 through the use of a firearm, which killing was first degree murder as defined in Title 18, United States
3 Code, Section 1111(a).

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

5 NOTICE OF SPECIAL FINDINGS FOR DEFENDANT SIAKI TAVALE

6 70. The allegations set forth in Counts Three, Four, and Six of this Second Superseding
7 Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

8 71. As to Counts Three, Four, and Six of this Second Superseding Indictment, defendant
9 SIAKI TAVALE, aka “Shocky,” aka “Gunner,”:

- 10 a. was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a));
- 11 b. intentionally killed Victim-1, Victim-2, and Victim-5 (18 U.S.C. § 3591(a)(2)(A));
- 12 c. intentionally inflicted serious bodily injury that resulted in the death of Victim-1,
13 Victim-2, and Victim-5 (18 U.S.C. § 3591(a)(2)(B));
- 14 d. intentionally participated in an act, contemplating that the life of a person would be
15 taken or intending that lethal force would be used in connection with a person, other than one of the
16 participants in the offense, and Victim-1, Victim-2, and Victim-5 died as a direct result of the act (18
17 U.S.C. § 3591(a)(2)(C)); and
- 18 e. intentionally and specifically engaged in an act of violence, knowing that the act
19 created a grave risk of death to a person, other than one of the participants in the offense, such that
20 participation in the act constituted a reckless disregard for human life and Victim-1, Victim-2, and Victim-
21 5 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

22 72. As to Counts Three, Four, and Six of this Second Superseding Indictment, defendant
23 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” in the commission of the offense, knowingly created a
24 grave risk of death to one or more persons in addition to Victim-1, Victim-2, and Victim-5 (18 U.S.C. §
25 3592(c)(5)).

26 73. As to Counts Three, Four, and Six of this Second Superseding Indictment, defendant
27 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” committed the offense after substantial planning and
28 premeditation to cause the death of Victim-1, Victim-2, and Victim-5 (18 U.S.C. § 3592(c)(9)).

1 74. As to Counts Three, Four, and Six of this Second Superseding Indictment, defendant
2 SIAKI TAVALE, aka “Shocky,” aka “Gunner,” intentionally killed or attempted to kill more than one
3 person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

4 NOTICE OF SPECIAL FINDINGS FOR DEFENDANT ANDREW ALVARADO

5 75. The allegations set forth in Counts Three, Four, Six, Nine, Ten, and Eleven of this Second
6 Superseding Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

7 76. As to Counts Three, Four, Six, Nine, Ten, and Eleven of this Second Superseding
8 Indictment, defendant ANDREW ALVARADO, aka “Oso,” aka “Banger”:

9 a. was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a));

10 b. intentionally killed Victim-1, Victim-2, Victim-5, Victim-9, Victim-10, and
11 Victim-11 (18 U.S.C. § 3591(a)(2)(A));

12 c. intentionally inflicted serious bodily injury that resulted in the death of Victim-1,
13 Victim-2, Victim-5, Victim-9, Victim-10, and Victim-11 (18 U.S.C. § 3591(a)(2)(B));

14 d. intentionally participated in an act, contemplating that the life of a person would be
15 taken or intending that lethal force would be used in connection with a person, other than one of the
16 participants in the offense, and Victim-1, Victim-2, Victim-5, Victim-9, Victim-10, and Victim-11 died
17 as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and

18 e. intentionally and specifically engaged in an act of violence, knowing that the act
19 created a grave risk of death to a person, other than one of the participants in the offense, such that
20 participation in the act constituted a reckless disregard for human life and Victim-1, Victim-2, Victim-5,
21 Victim-9, Victim-10, and Victim-11 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

22 77. As to Counts Three, Four, Six, Nine, Ten, and Eleven of this Second Superseding
23 Indictment, defendant ANDREW ALVARADO, aka “Oso,” aka “Banger,” in the commission of the
24 offense, knowingly created a grave risk of death to one or more persons in addition to Victim-1, Victim-
25 2, Victim-5, Victim-9, Victim-10, and Victim-11 (18 U.S.C. § 3592(c)(5)).

26 78. As to Counts Three, Four, Six, Nine, Ten, and Eleven of this Second Superseding
27 Indictment, defendant ANDREW ALVARADO, aka “Oso,” aka “Banger,” committed the offense after
28

1 substantial planning and premeditation to cause the death of Victim-1, Victim-2, Victim-5, Victim-9,
2 Victim-10, and Victim-11 (18 U.S.C. § 3592(c)(9)).

3 79. As to Counts Three, Four, Six, Nine, and Ten of this Second Superseding Indictment,
4 defendant ANDREW ALVARADO, aka “Oso,” aka “Banger,” intentionally killed or attempted to kill
5 more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

6 NOTICE OF SPECIAL FINDINGS FOR DEFENDANT JOHN MAGAT

7 80. The allegations set forth in Counts Nine, Ten, and Eleven of this Second Superseding
8 Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

9 81. As to Counts Nine, Ten, and Eleven of this Second Superseding Indictment, defendant
10 JOHN MAGAT, aka “Romeo”:

- 11 a. was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a));
- 12 b. intentionally killed Victim-9, Victim-10, and Victim-11 (18 U.S.C. §
13 3591(a)(2)(A));
- 14 c. intentionally inflicted serious bodily injury that resulted in the death of Victim-9,
15 Victim-10, and Victim-11 (18 U.S.C. § 3591(a)(2)(B));
- 16 d. intentionally participated in an act, contemplating that the life of a person would be
17 taken or intending that lethal force would be used in connection with a person, other than one of the
18 participants in the offense, and Victim-9, Victim-10, and Victim-11 died as a direct result of the act (18
19 U.S.C. § 3591(a)(2)(C)); and
- 20 e. intentionally and specifically engaged in an act of violence, knowing that the act
21 created a grave risk of death to a person, other than one of the participants in the offense, such that
22 participation in the act constituted a reckless disregard for human life and Victim-9, Victim-10, and
23 Victim-11 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

24 82. As to Counts Nine, Ten, and Eleven of this Second Superseding Indictment, defendant
25 JOHN MAGAT, aka “Romeo,” in the commission of the offense, knowingly created a grave risk of death
26 to one or more persons in addition to Victim-9, Victim-10, and Victim-11 (18 U.S.C. § 3592(c)(5)).

1 83. As to Counts Nine, Ten, and Eleven of this Second Superseding Indictment, defendant
2 JOHN MAGAT, aka “Romeo,” committed the offense after substantial planning and premeditation to
3 cause the death of Victim-9, Victim-10, and Victim-11 (18 U.S.C. § 3592(c)(9)).

4 84. As to Counts Nine and Ten of this Second Superseding Indictment, defendant JOHN
5 MAGAT, aka “Romeo,” intentionally killed or attempted to kill more than one person in a single criminal
6 episode (18 U.S.C. § 3592(c)(16)).

7 NOTICE OF SPECIAL FINDINGS FOR DEFENDANT ANTHONY VALDEZ

8 85. The allegations set forth in Counts Twelve and Fourteen of this Second Superseding
9 Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

10 86. As to Counts Twelve and Fourteen of this Second Superseding Indictment, defendant
11 ANTHONY VALDEZ, aka “Hitter,” aka “Tony Boronda”:

- 12 a. was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a));
- 13 b. intentionally killed Victim-13 (18 U.S.C. § 3591(a)(2)(A));
- 14 c. intentionally inflicted serious bodily injury that resulted in the death of Victim-13
15 (18 U.S.C. § 3591(a)(2)(B));
- 16 d. intentionally participated in an act, contemplating that the life of a person would be
17 taken or intending that lethal force would be used in connection with a person, other than one of the
18 participants in the offense, and Victim-13 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));
19 and
- 20 e. intentionally and specifically engaged in an act of violence, knowing that the act
21 created a grave risk of death to a person, other than one of the participants in the offense, such that
22 participation in the act constituted a reckless disregard for human life and Victim-13 died as a direct result
23 of the act (18 U.S.C. § 3591(a)(2)(D)).

24 87. As to Counts Twelve and Fourteen of this Second Superseding Indictment, defendant
25 ANTHONY VALDEZ, aka “Hitter,” aka “Tony Boronda,” in the commission of the offense, knowingly
26 created a grave risk of death to one or more persons in addition to Victim-13 (18 U.S.C. § 3592(c)(5)).

1 88. As to Counts Twelve and Fourteen of this Second Superseding Indictment, defendant
2 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda," committed the offense after substantial
3 planning and premeditation to cause the death of Victim-13 (18 U.S.C. § 3592(c)(9)).

4 FORFEITURE ALLEGATION: (18 U.S.C. §§ 924(d)(1), 1963, and 28 U.S.C. § 2461(c))

5 89. The factual allegations contained in the Introductory Allegations and Counts One through
6 Fourteen of this Second Superseding Indictment are hereby re-alleged and by this reference fully
7 incorporated herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections
8 924(d)(1) and 1963, and Title 28, United States Code, Section 2461(c).

9 90. Upon conviction of the offense alleged in Count One of this Second Superseding
10 Indictment, defendants

11 SIAKI TAVALE, aka "Shocky," aka "Gunner,"

12 JOHN MAGAT, aka "Romeo,"

13 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda,"

14 ANDREW ALVARADO, aka "Oso," aka "Banger,"

15 MARK ANTHONY GARCIA, aka "Tony from Santa Rita," and

16 ANELU TAVALE, aka "Angel,"

17 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 1963(a),
18 (1) any interest he has acquired or maintained in violation of Section 1962 of Title 18 of the United States
19 Code; (2) any interest in, security of, claim against, or property or contractual right of any kind affording
20 a source of influence over, any enterprise which he has established, operated, controlled, conducted, or
21 participated in the conduct of, in violation of Section 1962 of Title 18 of the United States Code; and (3)
22 any property constituting or derived from any proceeds which he obtained directly or indirectly from
23 racketeering activity, in violation of Title 18, United States Code, Section 1962.

24 91. Upon conviction of the offense alleged in Counts Three through Eleven, Thirteen, and
25 Fourteen of this Second Superseding Indictment, defendants

26 SIAKI TAVALE, aka "Shocky," aka "Gunner,"

27 JOHN MAGAT, aka "Romeo,"

28 ANTHONY VALDEZ, aka "Hitter," aka "Tony Boronda,"

1 ANDREW ALVARADO, aka "Oso," aka "Banger,"
2 MARK ANTHONY GARCIA, aka "Tony from Santa Rita," and
3 ANELU TAVALE, aka "Angel,"

4 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1)
5 and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in any
6 knowing violation of said offense, or a conspiracy to commit said offense.

7 92. If, as a result of any act or omission of the defendant, any of the property subject to
8 forfeiture

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

15 any and all interest the defendant has in any other property, shall be forfeited to the United States pursuant
16 to 21 U.S.C. § 853(p) and 18 U.S.C. § 1963(m).

17 All pursuant to 18 U.S.C. §§ 924(d)(1), 1963, 28 U.S.C. § 2461(c), and Rule 32.2 of the Federal
18 Rules of Criminal Procedure.

19 DATED: October 15, 2020

A TRUE BILL

21
22 /s/

FOREPERSON

23
24 DAVID L. ANDERSON
25 United States Attorney

26 /s/ Andrew Liao

27 _____
KATHERINE GRIFFIN
28 ANDREW LIAO
Assistant United States Attorneys

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1962(d) Petty
18 U.S.C. § 1959(a)(5) Minor
18 U.S.C. § 924(j)(1) and 2 Misdemeanor
18 U.S.C. § 924(c) and 2 Felony

PENALTY: See attached. Additional consequences include forfeiture and possible immigration consequences.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

▶ Siaki Tavale

DISTRICT COURT NUMBER
18-CR-506-BLF

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (HSI)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSAs Griffin, Liao, Meyer

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges ▶
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction } Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET
SIAKI TAVALE aka “SHOCKY” aka “GUNNER”

Count 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering

Maximum term of 10 years’ imprisonment
Maximum term of 3 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Counts 3, 4, 6: 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder

Death or maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 5, 7, 8: 18 U.S.C. §§ 924(c)(1)(A) and 2 — Possession/Use of a Firearm in Furtherance of and During and in Relation to Crime of Violence

Maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1962(d) Petty
 18 U.S.C. § 1959(a)(5) Minor
 18 U.S.C. § 924(j)(1) and 2 Misdemeanor
 18 U.S.C. § 924(c) and 2 Felony

PENALTY: See attached. Additional consequences include forfeiture and possible immigration consequences.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DEFENDANT - U.S.

▶ Andrew Alvarado

DISTRICT COURT NUMBER
 18-CR-506-BLF

FILED

Oct 15 2020

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (HSI)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSAs Griffin, Liao, Meyer

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution
Monterey County Superior Court

Has detainer been filed? Yes No

} If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET
ANDREW ALVARADO aka “OSO” aka “BANGER”

Count 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering

Maximum term of 10 years’ imprisonment
Maximum term of 3 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Counts 3, 4, 6, 9, 10, 11: 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder

Death or maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Counts 5, 7, 8: 18 U.S.C. §§ 924(c)(1)(A) and 2 — Possession/Use of a Firearm in Furtherance of and During and in Relation to Crime of Violence

Maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1962(d) Petty
18 U.S.C. § 1959(a)(5) Minor
18 U.S.C. § 924(j)(1) and 2 Misdemeanor
 Felony

PENALTY: See attached. Additional consequences include forfeiture and possible immigration consequences.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

John Magat

DISTRICT COURT NUMBER
18-CR-506-BLF

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (HSI)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE } SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

Name and Office of Person Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSAs Griffin, Liao, Meyer

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction } Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution
USDC Northern California, 18-cr-612-EJD

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year
12/11/2018

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year
12/11/2018

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET
JOHN MAGAT aka "ROMEO"

Count 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment
Maximum term of 3 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Counts 9, 10, 11: 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder

Death or maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- 18 U.S.C. § 1962(d) Petty
- 18 U.S.C. § 1959(a)(5) Minor
- 18 U.S.C. § 1959(a)(1) and 2 Misdemeanor
- 18 U.S.C. § 924(c) and 2 Felony
- 18 U.S.C. § 924(j)(1) and 2

PENALTY: See attached. Additional consequences include forfeiture and possible immigration consequences.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

▶ Anthony Valdez

DISTRICT COURT NUMBER
18-CR-506-BLF

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (HSI)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSAs Griffin, Liao, Meyer

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

} If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET
ANTHONY VALDEZ aka "HITTER" aka "TONY BORONDA"

Count 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment
Maximum term of 3 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 12: 18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of Victim-13

Death or maximum term of life imprisonment
Mandatory minimum of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 13: 18 U.S.C. §§ 924(c)(1)(A) and 2 — Possession/Use of a Firearm in Furtherance of and During and in Relation to Crime of Violence

Maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 14: 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm Causing Murder

Death or maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1962(d)
18 U.S.C. § 1959(a)(5)

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See attached. Additional consequences include forfeiture and possible immigration consequences.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

▶ Mark Anthony Garcia

DISTRICT COURT NUMBER
18-CR-506-BLF

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (HSI)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSAs Griffin, Liao, Meyer

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET
MARK ANTHONY GARCIA aka “TONY FROM SANTA RITA”

Count 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering

Maximum term of 10 years’ imprisonment
Maximum term of 3 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1962(d)
18 U.S.C. § 1959(a)(5)
18 U.S.C. § 924(c) and 2

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See attached. Additional consequences include forfeiture and possible immigration consequences.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

▶ Anelu Tavale

DISTRICT COURT NUMBER
18-CR-506-BLF

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (HSI)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSAs Griffin, Liao, Meyer

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes } If "Yes" give date filed No

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET
ANELU TAVALE aka “ANGEL”

Count 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Murder in Aid of Racketeering

Maximum term of 10 years’ imprisonment
Maximum term of 3 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

Count 8: 18 U.S.C. §§ 924(c)(1)(A) and 2 — Possession/Use of a Firearm in Furtherance of and During and in Relation to Crime of Violence

Maximum term of life imprisonment
Mandatory consecutive term of imprisonment of not less than 10 years
Maximum term of 5 years of supervised release
Maximum fine of \$250,000
Mandatory special assessment of \$100

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

Oct 15 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. Tavale, et al.

CASE NUMBER:

CR 18-cr-506-BLF

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

Assigned AUSA
(Lead Attorney): Katie Griffin

Date Submitted: 10/15/20

Comments:

This is a Second Superseding Indictment in Case No. 18-CR-506-BLF. Although Case No. 18-CR-506-BLF is unsealed, the Second Superseding Indictment should remain sealed for the reasons stated in the United States' sealing motion.