

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2016 MAR 23 PM 1:30

UNITED STATES

UNITED STATES OF AMERICA,

SA-14-CR-1018 (DAE) *af*

Plaintiff,

S U P E R S E D I N G
I N D I C T M E N T

v.

RUBEN REYES,
aka "Menace",

Defendant.

[Vio: 18 USC §§ 2,
924(c)(1)(A)(iii) &
924(j)(1): Aiding and
Abetting & Using and
Discharging a Firearm,
During and in Relation to
a Crime of Violence,
specifically, Violent
Crimes in Aid of
Racketeering Activity, in
violation of 18 USC §
1959(a)(1); 18 USC §
1959(a)(1): VICAR Murder]

THE GRAND JURY CHARGES:

COUNT ONE

[18 USC §§ 2, 924(c)(1)(A)(iii) & 924(j)(1)]
[Aiding & Abetting and Using & Discharging a Firearm During and
in Relation to A Crime of Violence, Specifically, VICAR Murder]

1. That on or about January 13, 2014, in the Western District
of Texas, Defendant, RUBEN REYES, aided and abetted by
others, used and discharged a firearm, during and in
relation to a crime of violence for which he may be
prosecuted in a Court of the United States, specifically,
Violent Crimes in Aid of Racketeering Activity, in
violation of Title 18, United States Code, Section

1959(a)(1), causing the death of and killing Texas Mexican Mafia member Carlos Chapa, aka "Worm", in a manner which would constitute murder as defined in Title 18, United States Code, Section 1111; in violation of Title 18, United States Code, Sections 2, 924(c)(1)(A)(iii) & 924(j)(1).

COUNT TWO

[18 USC §§ 2, 924(c)(1)(A)(iii) & 924(j)(1)]
[Aiding & Abetting and Using & Discharging a Firearm During and in Relation to A Crime of Violence, Specifically, VICAR Murder]

2. That on or about January 13, 2014, in the Western District of Texas, Defendant, RUBEN REYES, aided and abetted by others, used and discharged a firearm, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, specifically, Violent Crimes in Aid of Racketeering Activity, in violation of Title 18, United States Code, Section 1959(a)(1), causing the death of and killing Texas Mexican Mafia member Mark Anthony Bernal, aka "Lefty", in a manner which would constitute murder as defined in Title 18, United States Code, Section 1111; in violation of Title 18, United States Code, Sections 2, 924(c)(1)(A)(iii) & 924(j)(1).

COUNT THREE

[18 USC §§ 2, 924(c)(1)(A)(iii) & 924(j)(1)]

[Aiding & Abetting and Using & Discharging a Firearm During and in Relation to A Crime of Violence, Specifically, VICAR Murder]

3. That on or about January 13, 2014, in the Western District of Texas, Defendant, RUBEN REYES, aided and abetted by others, used and discharged a firearm, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, specifically, Violent Crimes in Aid of Racketeering Activity, in violation of Title 18, United States Code, Section 1959(a)(1), causing the death of and killing Texas Mexican Mafia member Johnny Solis, aka "Smiley", in a manner which would constitute murder as defined in Title 18, United States Code, Section 1111; in violation of Title 18, United States Code, Sections 2, 924(c)(1)(A)(iii) & 924(j)(1).

COUNT FOUR

[18 USC §§ 2 & 1959(a)(1)]

[Violent Crime in Aid of Racketeering: Murder of Carlos "Worm" Chapa]

4. At all times relevant to this Indictment, there existed in the Western District of Texas and elsewhere, an organization which called itself "Mexikanemi", also known as the Texas Mexican Mafia, and the abbreviated Spanish name "La Eme" (which translates literally to "The M"). The

Texas Mexican Mafia was an organization which was self-dedicated to organized criminal conduct in the principal forms of extortion, drug trafficking, robbery, assault, and murder. The Texas Mexican Mafia, including its leadership, membership, and associates, constituted an "enterprise" as that term is defined in 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 for a common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce.

5. The Texas Mexican Mafia was formed in the early 1980s by inmates incarcerated in the Texas Department of Criminal Justice (TDCJ), the Texas state prison system. Its original members banded together behind bars to protect one another from violence from incarcerated non-members and to engage more effectively in organized criminal activity. This criminal activity included drug trafficking in the prison system, assaults on fellow inmates and extortion. The original members were largely from San Antonio, Texas. The Texas Mexican Mafia drafted a "constitution" and declared San Antonio its "capital." As its membership grew, and after individual members were released from

prison, most of them settled in San Antonio, where they retained their alliance with one another and resumed their criminal conduct.

6. The members of the Texas Mexican Mafia were governed by a strict code of conduct that was enforceable by death or serious injury. The code absolutely prohibited cooperation with law enforcement officials by any member. The Texas Mexican Mafia's constitution expressly stated that the enterprise is a group dedicated to crime and violence. One could only become a member of the enterprise after being asked to join by a "sponsor" or "padrino." One could not become a member of the Texas Mexican Mafia unless and until he carried out a "contract" or "cameo" for the organization, which could include any criminal act, including the murder of an enemy.

7. The Texas Mexican Mafia was organized in hierarchical form that included a president, a vice president, generals, captains, lieutenants, sergeants, and soldiers (also known by the Spanish term for soldiers: "soldados"). The members (referred to one another by the informal Spanish term for brothers: "carnales"). Those who held positions above that of a soldier were recognized by the membership of the Texas Mexican Mafia as the "rank", or leadership, of the organization. This racketeering enterprise was directed by

its leadership, also known as the "mesa." The leadership directed the activities of the soldiers, who carried out the orders of the leadership.

8. The Texas Mexican Mafia maintained chapters in most of the large cities in Texas, but San Antonio was by far the largest and most active chapter, and its members who held rank were accorded special status.
9. One of the organization's principal activities and sources of income was trafficking in illegal drugs. Its members obtained large quantities of narcotics and distributed them among its membership and non-members for sale, that is, conventional street drug distribution. The Texas Mexican Mafia also required non-members who distributed narcotics to pay a ten-percent "tax" for the privilege of selling narcotics in areas controlled by the Texas Mexican Mafia. This extortion payment or tax was known as "the dime" or "the ten percent" or by the informal Spanish term for "the dime": "el daime." Failure to pay the tax could result in serious bodily injury, robbery, or death. In exchange for paying the ten-percent drug tax, the Texas Mexican Mafia provided the taxpayer protection from robbery, assistance in collecting drug debts, and a degree of protection from competing drug dealers. The illegal drugs distributed by the enterprise, which included heroin, cocaine and

methamphetamine, were purchased, sold, and distributed in interstate and foreign commerce.

A. THE PURPOSE OF THE RICO ENTREPRISE

10. The purpose of the enterprise known as the Texas Mexican Mafia included the following:

- a. To enrich its members through, among other things, drug trafficking, extortion, robbery, and murder;
- b. To preserve and protect the power and profits of the Texas Mexican Mafia through the use of intimidation, violence, threats of violence, assault, and murder;
- c. To promote and enhance the Texas Mexican Mafia and its member's activities;
- d. To keep its victims in fear of the Texas Mexican Mafia and in fear of its members through violence and threats of violence.

B. THE METHODS, MANNER, AND MEANS OF THE ENTERPRISE

11. Among the means and methods by which the Defendants and their associates conducted and participated in the conduct of the affairs of the enterprise are the following:

- a. Members of the enterprise and their associates obtained money through the direct distribution of illegal drugs,

including heroin, cocaine and methamphetamine, and through imposing and collecting from drug distributors extortion payments ("the dime") in exchange for authorization from the Texas Mexican Mafia to sell illegal drugs;

- b. Members of the enterprise and their associates obtained money by engaging in illegal acts, including the threatened and actual use of force, violence, and intimidation, including murder, robbery, assault, extortion, kidnapping, arson and other acts of violence, all of which were conducted as part of the operation and management of the enterprise;
- c. Members of the enterprise and their associates protected the activities and affairs of the enterprise from rival competing individuals, gangs, and others, through the use of illegal means, including the possession of firearms and engaging in acts of violence and threats of violence including murder, assault, and kidnapping;
- d. Members of the enterprise and their associates expanded the activities and affairs of the enterprise by recruiting and initiating additional members and associates into the enterprise and soliciting and procuring additional sources of illegal drugs for the

enterprise which were distributed for profit for the enterprise.

C. THE ROLE OF THE DEFENDANT

12. Defendant, RUBEN REYES, was a leader in the enterprise who directed other members of the enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise's affairs.
13. At all times relevant to this Indictment, the Texas Mexican Mafia, as more fully described in Paragraphs 4 through 12 of this Indictment, which are re-alleged and incorporated by reference as though set forth fully herein, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), namely the Texas Mexican Mafia, that is, a group of individuals associated in fact which was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.
14. At all times relevant to this Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1),

namely, multiple acts involving the distribution of controlled substances including heroin, cocaine, and methamphetamine, in violation of the laws of the United States, Sections 846, 841(a)(1) and (b)(1)(B) of Title 21, United States Code, and multiple acts indictable under Section 1951 of Title 18, United States Code (extortion), and multiple acts involving the following state offense of Murder, chargeable under Texas Penal Code, Sections 19.02, 15.01, 15.02, 7.01 and 7.02.

15. On or about January 13, 2014, in the Western District of Texas, for the purpose of gaining entrance to and maintaining and increasing position in the Texas Mexican Mafia, an enterprise engaged in racketeering activity, the Defendant, RUBEN REYES, and others, aided and abetted by each other, did unlawfully and knowingly murder Carlos "Worm" Chapa in violation of Texas Penal Code Sections 7.01, 7.02 and 19.02, all in violation of Title 18, United States Code, Sections 2 and 1959(a)(1).

COUNT FIVE

[18 USC §§ 2 & 1959(a)(1)]

[Violent Crime in Aid of Racketeering: Murder of Mark Anthony "Lefty" Bernal]

16. The allegations of Paragraphs 4-14 are hereby re-alleged and incorporated as if fully set forth herein.

17. On or about January 13, 2014, in the Western District of Texas, for the purpose of gaining entrance to and maintaining and increasing position in the Texas Mexican Mafia, an enterprise engaged in racketeering activity, the Defendant, RUBEN REYES, and others, aided and abetted by each other, did unlawfully and knowingly murder Mark Anthony "Lefty" Bernal in violation of Texas Penal Code Sections 7.01, 7.02 and 19.02, all in violation of Title 18, United States Code, Sections 2 and 1959(a)(1).

COUNT SIX

[18 USC §§ 2 & 1959(a)(1)]

[Violent Crime in Aid of Racketeering: Murder of
Johnny "Smiley" Solis]

18. The allegations of Paragraphs 4-14 are hereby re-alleged and incorporated as if fully set forth herein.

19. On or about January 13, 2014, in the Western District of Texas, for the purpose of gaining entrance to and maintaining and increasing position in the Texas Mexican Mafia, an enterprise engaged in racketeering activity, the Defendant, RUBEN REYES, and others, aided and abetted by each other, did unlawfully and knowingly murder Johnny "Smiley" Solis in violation of Texas penal Code Sections 7.01, 7.02 and 19.02, all in violation of Title 18, United States Code, Sections 2 and 1959(a)(1).

COUNT SEVEN

[18 USC §§ 2, 924(c)(1)(A)(iii) & 924(j)(1)]
[Aiding & Abetting and Using & Discharging a Firearm During and
in Relation to A Crime of Violence, Specifically, VICAR Murder]

20. That on or about May 4, 2014, in the Western District of Texas, Defendant, RUBEN REYES, aided and abetted by others, used and discharged a firearm, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, specifically, Violent Crimes in Aid of Racketeering Activity, in violation of Title 18, United States Code, Section 1959(a)(1), causing the death of and killing Balcones Heights Police Officer Julian Pesina, in a manner constituting murder as defined in Title 18, United States Code, Section 1111; in violation of Title 18, United States Code, Sections 2, 924(c)(1)(A)(iii) & 924(j)(1).

COUNT EIGHT

[18 USC §§ 2 & 1959(a)(1)]
[Violent Crime in Aid of Racketeering: Murder of
Julian Pesina]

21. The allegations of Paragraphs 4-14 are hereby re-alleged and incorporated as if fully set forth herein.

22. On or about May 4, 2014, in the Western District of Texas, for the purpose of gaining entrance to and maintaining and increasing position in the Texas Mexican

Mafia, an enterprise engaged in racketeering activity, the Defendant, RUBEN REYES, and others, aided and abetted by each other, did unlawfully and knowingly murder Julian Pesina in violation of Texas Penal Code Sections 7.01, 7.02 and 19.02, all in violation of Title 18, United States Code, Sections 2 and 1959(a)(1).

COUNT NINE

[18 USC §§ 2, 924(c)(1)(A)(iii) & 924(j)(1)]
[Aiding & Abetting and Using & Discharging a Firearm During and in Relation to A Crime of Violence, Specifically, VICAR Murder]

23. That on or about October 12, 2013, in the Western District of Texas, Defendant, RUBEN REYES, aided and abetted by others, used and discharged a firearm, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, specifically, Violent Crimes in Aid of Racketeering Activity, in violation of Title 18, United States Code, Section 1959(a)(1), causing the death of and killing Texas Mexican Mafia member Ulysses Farias, in a manner constituting murder as defined in Title 18, United States Code, Section 1111; in violation of Title 18, United States Code, Sections 2, 924(c)(1)(A)(iii) & 924(j)(1).

COUNT TEN


[18 USC §§ 2 & 1959(a)(1)]

[Violent Crime in Aid of Racketeering: Murder of
Ulysses Farias]

24. The allegations of Paragraphs 4-14 are hereby re-
alleged and incorporated as if fully set forth herein.

25. On or about October 12, 2013, in the Western District
of Texas, for the purpose of gaining entrance to and
maintaining and increasing position in the Texas Mexican
Mafia, an enterprise engaged in racketeering activity, the
Defendant, RUBEN REYES, and others, aided and abetted by
each other, did unlawfully and knowingly murder Ulysses
Farias in violation of Texas Penal Code Sections 7.01, 7.02
and 19.02, all in violation of Title 18, United States
Code, Sections 2 and 1959(a)(1).

A TRUE BILL,


FOREPERSON

RICHARD L. DURBIN, Jr.
United States Attorney



DAVID M. SHEARER & ERIC J. FUCHS
Assistant United States Attorneys