



Daniel Barrera-Barrera, Javier Fernandez-Barrero, and Orlando Fernandez-Barrero Indicted in a Superseding Indictment on Federal Drugs Charges

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 5:38 AM September 14, 2011

The Federal Bureau of Investigation (FBI) on September 12, 2011 released the following:

“Three High-Level Colombian Narcotics Traffickers Indicted

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida; Mark R. Trouville, Special Agent in Charge, U.S. Drug Enforcement Administration (DEA), Miami Field Division; John V. Gillies, Special Agent in Charge, Federal Bureau of Investigation (FBI), Miami Field Office; and Michael Shea, Acting Special Agent in Charge, U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (ICE-HSI), announced the unsealing of a superseding indictment against Daniel Barrera-Barrera, 42, a/k/a “Loco Barrera,” Javier Fernandez-Barrero, 43, and Orlando Fernandez-Barrero, 45, both collectively known as “Los Gorditos.” Two of the three were arrested; Barrera-Barrera remains at large. Colombian officials recently announced a \$2.7 million reward for the capture of Daniel Barrera-Barrera, whom Colombian authorities describe as one the “most wanted” individuals in Colombia.

The superseding indictment alleges that the three defendants conspired to manufacture and distribute more than five kilograms of cocaine knowing that the cocaine would be unlawfully imported into the United States. The superseding indictment also charges that Daniel Barrera-Barrera conspired to import cocaine into the United States. If convicted, the defendants each face a possible maximum sentence of life imprisonment.

On February 11, 2011, U.S. Attorney Wifredo Ferrer announced the creation of the BACRIM prosecution unit within the Narcotics Section of the U.S. Attorney’s Office, specifically dedicated to dismantling emerging *Bandas Criminales* in Colombia. This is the first such unit in the United States specifically designed to target the emerging BACRIMs. The

prosecution announced today is part of the BACRIM initiative. Including the defendants announced today, more than 100 BACRIM leaders and associates have been indicted by the Southern District of Florida. In addition, just last week, at a joint press conference in Colombia with Colombian President Juan Manuel Santos and Attorney General Viviane Morales, Ferrer announced two additional BACRIM prosecutions: Operation Under the Sea and Operation Seven Trumpets, resulting in charges against 56 defendants in six separate federal cases.

“This indictment marks another success in our efforts to dismantle the emerging BACRIMs. It is the culmination of a significant long-term law enforcement investigation,” said United States Attorney Wifredo A. Ferrer. “We will work tirelessly and commit our efforts to dismantling these narcotics trafficking organizations.”

“The arrests announced today exemplify coordinated, multi-national law enforcement efforts reaching into the highest levels of a drug trafficking organization’s leadership,” said Mark R. Trouville, Special Agent in Charge for DEA Miami Field Division. “The DEA will continue these joint efforts and maintain our sights on those who most damage our communities, whether from within or outside the geographic boundaries of the United States.”

“Drug kingpin Daniel Barrera-Barrera remains one of Colombia’s most wanted criminals,” said John V. Gillies, Special Agent in Charge of FBI Miami. “His indictment, along with Javier and Orlando Fernandez-Barrero, has significantly disrupted their criminal enterprise which is responsible for distributing tons of cocaine into the U.S. and other countries.” “Transnational Criminal Organizations are a direct threat to the national security of the United States,” said Michael Shea, Acting Special Agent in Charge of ICE HSI in Miami. “The combined efforts of ICE Homeland Security Investigations and our law enforcement partners are designed to disrupt and dismantle these illicit organizations.”

On March 2, 2010, the United States Treasury Department’s Office of Foreign Assets Control (“OFAC”) designated Barrera-Barrera as a Specially Designated Narcotics Trafficker (SDNT) due to his significant role in international narcotics trafficking. According to OFAC, Barrera-Barrera operates primarily in the eastern plains of Colombia, between Bogota and the Venezuelan border, and maintains a partnership with the FARC (Fuerzas Armadas Revolucionarias de Colombia), a narco-terrorist organization identified by the President as a kingpin pursuant to the Kingpin Act in 2003.

The charges announced today are part of “Operation Splinter Cell,” an ongoing Organized Crime Drug Enforcement Task Force (OCDETF) investigation led by DEA. The principal mission of the OCDETF program is to identify, disrupt and dismantle the most serious drug trafficking, weapons trafficking and money laundering organizations, and those primarily responsible for the nation’s illegal drug supply.

Mr. Ferrer commends the outstanding investigative efforts of the DEA, FBI and ICE-HSI, as well as the Colombian Fiscalia General and the Colombian National Police. The case is being prosecuted by Assistant U.S. Attorney Adam Fels.

An indictment is only an accusation and a defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

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U.S. Attorney for the Southern District of New York Charges 20 Members and Associates of Newburgh-Based Bloods Gang with Racketeering, Murder, Assault, Robbery, and Narcotics Trafficking

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 7:17 AM September 14, 2011

The Federal Bureau of Investigation (FBI) on September 13, 2011 released the following:

“Third Coordinated Multi-Agency Law Enforcement Strike in 16 Months Further Weakens Newburgh Gangs

PREET BHARARA, the United States Attorney for the Southern District of New York; JANICE K. FEDARCYK, the Assistant Director in Charge of the New York Office of the Federal Bureau of Investigation (“FBI”); MAJ. EDWARD RASO, Troop “F” Commander for the New York State Police (“NYSP”); MICHAEL FERRARA, the Chief of Police for the City of Newburgh Police Department; FRANK PHILLIPS, the District Attorney for the Orange County District Attorney’s Office; and CARL E. DuBOIS, the Sheriff for the Orange County Sheriff’s Office, announced today the unsealing of a 32-count superseding indictment charging 20 members and associates of the Bloods gang in Newburgh, New York, (the “Newburgh Bloods”), including members of a related crack-cocaine dealing conspiracy, with racketeering, narcotics, robbery, and firearms offenses. The superseding indictment charges members and associates of the gang with, among other crimes, two murders; six armed assaults and/or attempted murders; and the use, carrying, and possession of firearms.

Manhattan U.S. Attorney PREET BHARARA stated: “The elimination of the Bloods, Latin Kings, and other violent gangs is an absolute precondition to the sustainable prosperity and sustainable justice that residents of every American city deserve. Our work is not finished, but our work to date has been significant. We are holding people accountable; we are gutting the gangs that once roamed free; and we are bringing back the rule of law in Newburgh. Wherever you live in America, you have a right to live in peace and in safety.”

FBI Assistant Director in Charge JANICE K. FEDARCYK stated: “The FBI’s Hudson Valley Safe Streets Task Force made a commitment several years ago to address the problem of gang violence in Newburgh. Today’s charges and arrests are a significant step, but in no way do they mark the end of our commitment. They should be taken as a sign of our continuing commitment to the law-abiding people of Newburgh.”
New York State Police Troop “F”

Commander MAJ. EDWARD RASO stated: “This operation is another example of the outstanding work being conducted by the Hudson Valley Safe Streets Task Force. It is law enforcement at its finest; working as a team to take violent criminals off our streets.”

City of Newburgh Police Chief MICHAEL FERRARA stated: “I want to thank the supporting law enforcement agencies for their tremendous assistance in this comprehensive, criminal investigation, led by the United States Attorneys Office for the Southern District of New York and the FBI Safe Streets Task Force. These arrests have focused on the street violence that is associated with the narcotics trafficking that stifles every day life and is a major driving force in the abnormal crime rate of the City of Newburgh. Unless gang related criminal activity is confronted with a relentless, persistent and effective enforcement such as this, a heightened crime rate in every category will continue in Newburgh. Because the City of Newburgh Police Department’s sworn officer count was stretched very thin in 2011, this investigation and its resulting charges are imperative to the public safety of the neighborhoods in the City of Newburgh.”

Orange County District Attorney’s FRANK PHILLIPS stated: “I want to thank the U.S. Attorney for his continued commitment to fighting crime in Orange County. Today’s arrests and indictments have solved at least two more homicides. These cases could not be prosecuted under New York law. I also want to thank the many members of local, state, and federal law enforcement for their work in making our community a safer place.”

Orange County Sheriff CARL E. DuBOIS stated: “This office remains committed to partnering with the Hudson Valley Safe Streets Task Force, with an emphasis on the Sheriff’s Office Gang Intelligence Unit, which is one of the largest repositories of gang intelligence files in the region. Compiling and sharing this information with other law enforcement agencies, especially the FBI, is a critical component in past, present, and future enforcement efforts.”

According to the original and superseding indictments filed in Manhattan federal court:

The original indictment, *United States v. Anthony Boykin, et al.*, 10 Cr. 391 (CM), unsealed on May 13, 2010, charged 60 defendants with drug distribution offenses, many of whom were part of the Newburgh Bloods. The superseding

indictment includes charges against 20 individuals—11 new defendants and nine defendants from the original indictment. All of these defendants were either members of the Newburgh Bloods or associated with the gang through their participation in a crack cocaine trafficking conspiracy. The superseding indictment is the latest result of a long-term investigation, dubbed “Operation Blood Drive,” conducted by federal and local law enforcement officers working with the United States Attorney’s Office. The operation used confidential informants, undercover officers, and surreptitious surveillance to infiltrate the Newburgh Bloods’ violent and drug trafficking activities in Newburgh, New York.

The Superseding Indictment

Specifically, at all times relevant to the indictment, a criminal organization known as the “Bloods” was operating in Newburgh, New York. The Bloods is a nationwide criminal organization that is organized into sub-groups known as “sets.” Among the sets operating in Newburgh, New York, were the “Bounty Hunter Bloods,” “G-Shine,” “5-9 Brim,” “Stone,” and the “9 Trey Bloods.” Members often further identified themselves by the street on which they grew up or lived. Although members of the Newburgh Bloods belonged to different sets, these individuals and sets often coordinated, collaborated, and worked together and with each other as a single organization.

Within sets of the Newburgh Bloods, certain individuals had “rank,” which meant that they were among the leaders of their sets. For example, ANTHONY BOYKIN had rank in the Bounty Hunter Bloods set. Any member of the Newburgh Bloods with rank had certain authority over any other member of the gang, irrespective of set. For example, Newburgh Bloods with rank could call meetings of all the Newburgh Bloods for which attendance was mandatory. At these meetings, members discussed, among other things, their criminal activities. Members of the Newburgh Bloods with rank could also direct punishments against other members or against non-members. Some of these punishments required individuals to be assaulted or killed.

The superseding indictment charges that the Newburgh Bloods Gang was a racketeering enterprise, pursuant to the Racketeer Influenced and Corrupt Organizations (“RICO”) Act, the purposes



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of which included the distribution and sale of crack cocaine, and preserving and protecting the power, territory, and profits of the Newburgh Bloods through murder, attempted murder, other acts of violence, and threats of violence. Fifteen defendants are charged with participating in the racketeering enterprise. The Indictment alleges that members of the Newburgh Bloods committed and attempted to commit violent acts in aid of the enterprise, including:

- ANTHONY BOYKIN, CHARLES BYRD, and MAURICE HAGAN are charged with conspiracy to murder and attempted murder of a victim in the vicinity of 25 Lutheran Street in Newburgh, New York, on August 24, 2008.
- ANTHONY BOYKIN, CHARLES CORBIN, TAYLOR FIELDS, MAURICE HAGAN, ROBERT HERRING, and RAHSAAN MELVIN are charged with conspiracy to murder and attempted murder of a second victim in the vicinity of 191 Chambers Street in Newburgh, New York, on September 20, 2008.
- MARCO BOYKIN, CHARLES BYRD, CHARLES CORBIN, ROBERT HERRING, and DAVID JACKLYN are charged with conspiracy to murder and attempted murder of a third victim in the vicinity of 52 Benkard Avenue in Newburgh, New York, on October 5, 2008.
- JOHN NELSON and DANIELLE WILLIAMS are charged with conspiracy to murder and attempted murder of a fourth victim in Newburgh, New York, on January 31, 2009.
- ANTHONY BOYKIN, MARCO BOYKIN, and ANTWAN ROBINSON are charged with conspiracy to murder and murder of Lamont Young in the vicinity of Lander Street and First Street in Newburgh, New York, on March 4, 2009.
- ANTHONY BOYKIN, MARCO BOYKIN, JOHN CANADAY, CHARLES CORBIN, TAYLOR FIELDS, MAURICE HAGAN, ROBERT

HERRING, JOSEPH McLEAN, and JUSTIN SIMMONS are charged with conspiracy to murder and murder of Tyrik Legette in the vicinity of 156 Lander Street in Newburgh, New York, on April 30, 2009.

- JOHN CANADAY, TAYLOR FIELDS, and ANTWAN ROBINSON are charged with conspiracy to rob and robbery of a suspected narcotics dealer in the vicinity of Chambers Street and First Street, Newburgh, New York, on June 2, 2009.
- JUSTIN SIMMONS is charged with committing an assault in aid of racketeering by shooting a victim in the vicinity of 146 Lander Street in Newburgh, New York, on July 17, 2009.
- JOSEPH McLEAN and RAHSAAN MELVIN are charged with committing an assault in aid of racketeering by shooting a victim in the vicinity of Lander Street between Farrington and South Streets in Newburgh, New York, on March 10, 2010.

All 20 defendants are also charged with conspiring to distribute narcotics, and 17 are charged with using, carrying, and possessing firearms during and in relation to the narcotics conspiracy.

The Newburgh Bloods operated drug markets at certain locations in Newburgh, from which they distributed cocaine base, commonly known as "crack," among other drugs. In particular, the gang controlled drug markets in the vicinity of the following locations, among others, in Newburgh: South Miller Street, Lander Street (a portion of which is known as "Blood Alley"), Farrington Street, Lutheran Street, and Van Ness Street. All of these locations were within approximately ten blocks of one another. During and in relation to the drug distribution conspiracy, members of the Newburgh Bloods used, carried, and possessed firearms.

* * *

In a coordinated strike earlier today, officers and agents from the Hudson Valley Safe Streets Task Force arrested 12

defendants. Eight additional defendants were previously arrested. The defendants who were taken into custody today are expected to be presented in Manhattan federal court later this afternoon. The case is assigned to U.S. District Judge COLLEEN McMAHON.

Mr. BHARARA praised the outstanding investigative work of the FBI, the New York State Police, Newburgh Police Department, the Orange County District Attorney's Office, and the Orange County Sheriff's Office. He also thanked the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI), the New York State Department of Corrections and Community Supervision, the Police Department for the Town of Newburgh, and the Port Jervis Police Department for their assistance with this case. Mr. BHARARA added that the investigation is continuing.

The case is being handled by the Office's Violent Crimes Unit Assistant United States Attorneys MICHAEL D. MAIMIN, AMIE N. ELY, and HARRIS FISCHMAN are in charge of the prosecution.

The charges contained in the indictments are merely accusations, and the defendants are presumed innocent unless and until proven guilty."

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