

EXHIBIT C
ACCUSATORY INSTRUMENT

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CITY OF NEW YORK
COUNTY OF NEW YORK
CRIMINAL TERM: SPECIAL NARCOTICS PARTS
THE PEOPLE OF THE STATE OF NEW YORK

-against-

[REDACTED]
a/k/a CACHIE,
RAFAEL DE LOS SANTOS,
JUAN PIINE a/k/a PUNALADA,
and
ELTERMAN VALVERDE,

Defendants.

THE GRAND JURY OF THE SPECIAL NARCOTICS COURTS OF THE CITY

[REDACTED] OF NEW YORK, by this indictment, accuses the defendants

[REDACTED], RAFAEL DE LOS SANTOS,

JUAN PIINE a/k/a PUNALADA and ELTERMAN VALVERDE of the crime of

MURDER IN THE SECOND DEGREE, P.L. §125.25(3), committed as

follows:

The defendants, in the County of New York, City of New

York, on or about October 8, 1999, engaged in the attempted

commission and commission of the crime of burglary, and, in the

course of such crime, and in furtherance thereof, and of the

immediate flight therefrom, a participant in the crime caused

the death of Manuel Gonzalez, not a participant in the crime.

SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses

[REDACTED] the defendants

VALVERDE of the crime of MURDER IN THE SECOND DEGREE, P.L. §125.25(3), committed as follows:

The defendants, in the County of New York, City of New York, on or about October 8, 1999, engaged in the attempted commission and commission of the crime of kidnapping, and, in the course of such crime, and in furtherance thereof, and of the immediate flight therefrom, a participant in the crime caused the death of Manuel Gonzalez, not a participant in the crime.

THIRD COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants ~~_____~~

RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of KIDNAPPING IN THE FIRST DEGREE, P.L. §135.25(1) in that:

The defendants, in the County of New York, City of New York, on or about October 8, 1999, abducted Manuel Gonzalez with the intent to compel a third person to engage in particular conduct.

FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants ~~_____~~

~~_____~~ RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and

FIRST DEGREE, P.L. §135.10, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, restrained Angelly Ortiz under circumstances which exposed the latter to a risk of serious physical injury.

FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants [REDACTED]

[REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE, P.L. §135.10, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, restrained Carlos Ortiz under circumstances which exposed the latter to a risk of serious physical injury.

SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants [REDACTED]

[REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of BURGLARY IN THE FIRST DEGREE, P.L. §140.30(1), an armed felony, committed as follows:

Said defendants, in the County of New York, City of New York, on or about October 8, 1999, knowingly entered or remained

unlawfully
145
Street, New York, New York, with intent to commit a crime therein, and when effecting entry and while in the dwelling and in immediate flight therefrom, while in the building, a participant in the crime was armed with a deadly weapon, to wit, a pistol.

SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant [REDACTED]

[REDACTED] of the crime of CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, P.L. §220.43(1), committed as follows:

Said defendant, in the City of New York, on or about September 20, 1999, knowingly and unlawfully sold to Wilson Gonzalez and J.D. Rafael, one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit, cocaine, and the preparations, compounds, mixtures or substances were of an aggregate weight of two ounces or more.

EIGHTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants [REDACTED],

RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of CONSPIRACY IN THE SECOND DEGREE, P.L. §105.15, committed as follows:

The defendants, in the Counties of New York, Queens, Kings,

1999 to on or about October 8, 1999, with intent that conduct constituting the crimes of CRIMINAL SALE and POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE, said crimes being class A felonies, be performed, did knowingly and intentionally agree with each other and others, including J.D. Chacal, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felonies.

PREAMBLE

It was part of the conspiracy for [REDACTED] to direct the activities of a narcotics-trafficking organization operating in the New York City metropolitan area (the "DE LOS SANTOS Organization").

It was also part of the conspiracy for the DE LOS SANTOS Organization to receive and distribute kilograms of cocaine, and to collect, store, transmit, deliver and transport proceeds generated from such distribution or narcotics.

It was also part of the conspiracy for [REDACTED] to obtain kilograms of cocaine and give them to RAFAEL DE LOS SANTOS, who in turn would remit the proceeds of the sale of the kilograms of cocaine to MIGUEL DE LOS SANTOS.

It was also part of the conspiracy for RAFAEL DE LOS SANTOS to give amounts of cocaine to ELLERMAN VALVERDE, JUAN PILNE a/k/a PUNALADA, and others, including J.D. Chacal, to sell to customers.

----- DE LOS

SANTOS, ELLERMAN VALVERDE, and JUAN PILNE a/k/a PUNALADA to assist [REDACTED] in the collection of narcotics debts.

OVERT ACTS

In furtherance of said conspiracy, and to achieve the objects thereof, the following overt acts, among others, were committed:

1. On or about September 20, 1999, [REDACTED] [REDACTED], drove to a grocery in Kings County to meet Wilson Gonzalez and J.D. Rafael.
2. On or about September 20, 1999, [REDACTED] [REDACTED] negotiated the sale of five kilograms of cocaine to Wilson Gonzalez and J.D. Rafael.
3. On or about September 20, 1999, in the City of New York, [REDACTED] [REDACTED] delivered five kilograms of cocaine to Wilson Gonzalez.
4. On or about October 1, 1999, [REDACTED] [REDACTED] telephoned Wilson Gonzalez's brother in order to locate Wilson Gonzalez.
5. On or about October 5, 1999, [REDACTED] [REDACTED] asked RAFAEL DE LOS SANTOS to assist him in finding Wilson Gonzalez in order to collect payment for five

6. On or about October 6, 1999, [REDACTED] [REDACTED] went to 478 W. 145th Street, New York, New York, to meet Manuel Gonzalez.

7. On or about October 6, 1999, [REDACTED] [REDACTED] asked Manuel Gonzalez if he knew the whereabouts of Wilson Gonzalez.

8. On or about October 7, 1999, [REDACTED] [REDACTED] DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal met at an apartment at 514 West 135th Street, basement apartment.

9. On or about October 7, 1999, [REDACTED] [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal agreed to abduct Manuel Gonzalez.

10. On or about October 7, 1999, [REDACTED] [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal went to 478 W. 145th Street.

NINTH COUNT

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA and ELLERMAN VALVERDE of the crime of CONSPIRACY IN THE SECOND DEGREE, P.L. §105.15, committed as follows:

from on or about October 7, 1999 to on or about October 8, 1999, with intent that conduct constituting the crimes of KIDNAPPING IN THE FIRST DEGREE, said crime being a class A felony, be performed, did knowingly and intentionally agree with each other and others, including J.D. Chacal, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felony.

OVERT ACTS

In furtherance of said conspiracy, and to achieve the objects thereof, the following overt acts, among others, were committed:

1. On or about October 7, 1999, [REDACTED] a [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal discussed the logistics surrounding the abduction of Manuel Gonzalez.

2. On or about October 7, 1999, [REDACTED] a [REDACTED] RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal went to 478 W. 145th Street.

3. On or about October 7, 1999, [REDACTED] a [REDACTED], entered apartment 33 inside 478 W. 145th Street, New York County.

4. On or about October 7, 1999, RAFAEL DE LOS SANTOS, entered apartment 33 inside 478 W. 145th Street.

5. On or about October 7, 1999, JUAN PILNE a/k/a PUNALADA

6. On or about October 7, 1999, ELLERMAN VALVERDE entered apartment 33 inside 478 W. 145th Street.
7. On or about October 7, 1999, J.D. Chacal entered apartment 33 inside 478 W. 145th Street.
8. On or about October 8, 1999, [REDACTED] a [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal directed Manuel Gonzalez to make telephone calls to locate Wilson Gonzalez.
9. On or about October 8, 1999, [REDACTED] a [REDACTED], RAFAEL DE LOS SANTOS, JUAN PILNE a/k/a PUNALADA, ELLERMAN VALVERDE, and J.D. Chacal directed Manuel Gonzalez to dress in order to leave the apartment with them.
10. On or about October 8, 1999, J.D. Chacal struck Manuel Gonzalez in the face.

BRIDGET G. BRENNAN
Special Assistant District Attorney

3444-02

Counsel FEDERAL NARCOTICS GRAND JURY
DATE SIGNED - FILED JUN 13 2002
PART 70

PM-1 #10
No. N/A

Filed day of , 2002

Pleas

Adjourn Date
THE PEOPLE OF THE STATE OF NEW YORK

-against-

Bail

[REDACTED],² RAFAEL DE LOS SANTOS, ³ JUAN PILNE
a/k/a PUNALADA and ⁴ ELLERMAN VALVERDE,

Defendants.

INDICTMENT

MURDER IN THE SECOND DEGREE (2 counts)
KIDNAPPING IN THE FIRST DEGREE
UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE
(2 counts)
BURGLARY IN THE FIRST DEGREE (armed
felony)
CONSPIRACY IN THE SECOND DEGREE (2 counts)
CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
THE FIRST DEGREE (1 COUNT
MIGUEL DE LOS SANTOS)

ADA SCHELLHAMMER/PART SIB
15/02

P.L. \$125.25(3), P.L. \$135.25(1), P.L.
\$135.10, P.L. \$140.30(1), P.L. \$105.15,
P.L. \$220.43(1)

BRIDGET G. BRENNAN
Special Assistant District Attorney

A TRUE BILL