

EXHIBIT -E-

**PAGE 2 OF INDICTMENT, THIRD COUNT FILED
JUNE 13, 2002.**

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