

Three Massachusetts MS-13 Members Charged with Racketeering and Illegal Possession of Firearms

Three MS-13 members have been indicted on charges of racketeering and illegal possession of firearms and ammunition.

Nelson Cruz Rodriguez Cartagena, a/k/a "Inquieto," 24, a Salvadoran national illegally residing in Everett, was indicted on one count of conspiracy to conduct enterprise affairs through a pattern of racketeering activity, commonly referred to as RICO conspiracy. Cartagena, who was previously deported, was arrested yesterday in Everett after law enforcement determined that he had reentered the United States. Cartagena was detained following an initial appearance in federal court in Boston. In a separate indictment, Nery Rodriguez Diaz, 18, and Elmer Alfaro Hercules, 19, both Salvadoran nationals, were each charged with one count of being illegal aliens in possession of firearms and ammunition.

As alleged in court documents, MS-13 is a violent, transnational criminal organization whose branches, or "cliques," operate throughout the United States, including Massachusetts. MS-13 members are required to commit acts of violence to maintain membership and discipline within the group. Most of the MS-13 cliques in Massachusetts, including the Everett Loco Salvatrucha (ELS) clique, belonged to MS-13's East Coast Program, and that these cliques worked both independently and cooperatively to engage in criminal activity and to assist one another in avoiding detection by law enforcement.

Cartagena is alleged to be a full member, or “homeboy,” in MS-13’s Everett Loco Salvatrucha (ELS) clique. On recorded prison calls with a detained ELS clique leader, Cartagena discussed buying guns for the Everett clique, maintaining and supervising the clique’s marijuana trafficking business, the need to collect dues from clique members, the need to send money to MS-13 leaders in El Salvador due on the 13th of each month, and reporting on the clique’s day-to-day racketeering activities.

When the clique leader began to suspect that a member of the ELS clique had cooperated with law enforcement leading to his arrest, he allegedly enlisted Cartagena’s help to ferret out the informant. Cartagena provided the true names of two young Everett clique members, and the leader concluded that one of them, Jose Aguilar Villanueva, a/k/a “Fantasma,” was the clique member responsible for his arrest. Once ELS (incorrectly) identified Villanueva as an informant, members of the Everett clique, including Cartagena, allegedly met at the clique’s “destroyer house” – a residence where clique members stored knives, machetes, marijuana, and money – and met to discuss gang business and plan the murder of Villanueva. Ultimately, on the night of July 5, 2015, two young ELS probationary members, or “chequeos,” lured Villanueva into a park in Lawrence and stabbed him to death. Villanueva was 16-years-old.

Diaz and Hercules were charged in a separate indictment in connection with being illegal aliens in possession of firearms and ammunition. Specifically, on May 22, 2018, Diaz and Hercules were arrested in possession of loaded firearms in Bremen Street Park in East Boston, a location where numerous MS-13 gang members have been observed and where gang-on-gang violence frequently occurs. As Diaz was escorted to a waiting police cruiser to be transported for booking, Diaz allegedly shouted “La Mara! La Mara!” to a person in the park.

Diaz and Hercules each separately and unlawfully entered the

United States in 2014 as unaccompanied minors. In April 2015, an immigration judge ordered Hercules deported in absentia. On May 11, 2017, Diaz was charged as a juvenile youthful offender with armed assault with intent to murder and assault and battery with a dangerous weapon. According to incident reports, Diaz and two other men allegedly held a juvenile victim down in a wooded area in Everett and stabbed him twenty-two times. On March 18, 2018, the case against Diaz was dismissed when the victim did not appear in court.

The charge of RICO conspiracy provides for a sentence of no greater than 20 years in prison, three years of supervised release and a fine of \$250,000. The charge of being an alien in possession of a firearm and ammunition provides for a sentence of no greater than 10 years in prison, three years of supervised release and a fine of \$250,000. The defendants also face deportation proceedings upon completion of any sentence imposed. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and other statutory factors.

United States Attorney Andrew E. Lelling; Harold H. Shaw; Special Agent in Charge of the Federal Bureau of Investigation, Boston Field Division; Peter C. Fitzhugh, Special Agent in Charge of Homeland Security Investigations in Boston; Colonel Kerry A. Gilpin, Superintendent of the Massachusetts State Police; Commissioner Thomas Turco of the Massachusetts Department of Corrections; Essex County Sheriff Kevin F. Coppinger; Suffolk County Sheriff Steven W. Thompkins; Suffolk County District Attorney Daniel F. Conley; Middlesex County District Attorney Marian T. Ryan; Essex County District Attorney Jonathan Blodgett; Boston Police Commissioner William Evans; Chelsea Police Chief Brian A. Kyes; Everett Police Chief Steven A. Mazzie; Lynn Police Chief Michael Mageary; Revere Police Chief James Guido; and Somerville Police Chief David Fallon made the announcement.

The details contained in the charging documents are

allegations. The defendants are presumed to be innocent unless and until proven guilty beyond a reasonable doubt in a court of law.