

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA**

STATE OF FLORIDA

CASE NO.: 2007-CF-000093

Plaintiff,

OSWP CASE NO.: 2007-0005-TPA

vs.

**FRANK AVALOS, JR., (A)
FERNANDO CHAVEZ, (B)
PETE GARCIA, (C)
PEDRO GARCIA, (D)
JOSE A. LOPEZ, (E)
JOSE LUIS RODRIGUEZ, (F)
JUSTINO SANTANA, JR., (G)
ERIC SANTIAGO, (H)
ALBERTO GUTIERREZ, (I)**

Defendants.

**FOURTH AMENDED INFORMATION
FOR:**

COUNT 1: RACKETEERING

F.S. 895.03 (3)

First Degree Felony, Level 8

(Defendants A, B, D, E, F, G, and H)

**COUNT 2: CONSPIRACY TO
COMMIT RACKETEERING**

F.S. 895.03 (4)

First Degree Felony, Level 7

(All defendants)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA

COUNT 1

EARL MORELAND, State Attorney for the Twelfth Judicial Circuit of Florida, by and through the undersigned Special Appointed Assistant State Attorney, under oath, charges that beginning on or about October 3, 1999, and continuing through and including March 2, 2007, in the Twelfth Judicial Circuit of Florida, that is, Manatee County and Sarasota County, **FRANK AVALOS, JR., FERNANDO CHAVEZ, PEDRO GARCIA, JOSE A. LOPEZ, JOSE LUIS RODRIGUEZ, JUSTINO SANTANA, JR., and ERIC SANTIAGO**, while employed by or associated with an enterprise as defined in Section 895.02(3), to-wit: a group of individuals associated in fact although not a legal entity consisting of the above-named defendants and others, known and unknown, all members or associates of Brown Pride and East Side Crips, documented criminal street gangs per Florida Statute 874.03, acting together and in concert did conduct or participate in such enterprise, directly or indirectly, through a continuous pattern of racketeering activity, as defined in Section 895.02(1), Florida Statutes, by engaging in at least two incidents of racketeering activity which had similar intents, results, accomplices, victims, or methods of commission, or were otherwise related by distinguishing characteristics and were not isolated incidents, including at least two of the following predicate incidents, in violation of Section 895.03(3), Florida Statutes.

Predicate Incident 1
Aggravated Battery

On or about June 7, 2001, in Manatee County, **FRANK AVALOS, JR.** did actually strike Clarence Bacon against the will of Clarence Bacon, and in so doing intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to Clarence Bacon, contrary to Florida Statute 784.045.

Predicate Incident 2.a.
Resisting Arrest Without Violence

On or about December 11, 2004, in Manatee County, **FRANK AVALOS, JR.** did knowingly and willfully resist, obstruct or oppose Chris Thames, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering violence to the person of such officer, contrary to Florida Statute 843.02.

AND

Predicate Incident 2.b.
Battery on a Law Enforcement Officer

On or about December 11, 2004, in Manatee County, **FRANK AVALOS, JR.** did knowingly and willfully commit a battery upon a law enforcement officer, to-wit: Deputy Chris Thames of the Manatee County Sheriff's Office, while the officer was engaged in the lawful performance of his duties, contrary to Florida Statute 784.07(2).

Predicate Incident 3
Possession of Marijuana

On or about February 9, 2005, in Manatee County, **FRANK AVALOS, JR.** was unlawfully and knowingly in actual or constructive possession of marijuana or cannabis, including any stereoisomer, salt, compound, derivative or preparation of marijuana, a controlled substance, contrary to Florida Statute 893.13(2)(a)2.

Predicate Incident 4
Resisting Arrest Without Violence

On or about January 11, 2007, in Manatee County, **FRANK AVALOS, JR.,** did resist, obstruct or oppose Tom Frank and/or Bill Freel, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 5.a.
Grand Theft Auto

On or about October 3, 1999, in Manatee County **JUSTINO SANTANA, JR.**, did knowingly obtain or use, or endeavor to obtain or use an automobile which was the property of Patricia Shierling, with the intent to permanently or temporarily deprive Patricia Shierling of the property or a benefit therefrom or to appropriate the property to the use of **JUSTINO SANTANA, JR.**, or to use of any person not entitled thereto, contrary to Florida Statute 812.014.

AND

Predicate Incident 5.b.
Grand Theft Auto

On or about October 3, 1999, in Manatee County **JUSTINO SANTANA, JR.**, did knowingly obtain or use, or endeavor to obtain or use an automobile which was the property of Mary and/or Emil Fontana, with the intent to permanently or temporarily deprive Mary and/or Emil Fontana of the property or a benefit therefrom or to appropriate the property to the use of **JUSTINO SANTANA, JR.**, or to use of any person not entitled thereto, contrary to Florida Statute 812.014.

AND

Predicate Incident 5.c.
Grand Theft Auto

On or about October 3, 1999, in Manatee County **JUSTINO SANTANA, JR.**, did knowingly obtain or use, or endeavor to obtain or use an automobile which was the property of Paul Beaver, with the intent to permanently or temporarily deprive Paul Beaver of the property or a benefit therefrom or to appropriate the property to the use of **JUSTINO SANTANA, JR.**, or to use of any person not entitled thereto, contrary to Florida Statute 812.014.

Predicate Incident 6.
Grand Theft

On or about May 8, 2006, in Manatee County, **JUSTINO SANTANA, JR.** did knowingly obtain or use, or endeavor to obtain or use, the property of Samuel Smith, to-wit: cameras and/or jewelry and/or stereos and/or computer equipment and/or television, valued at \$300.00 or more, with the intent to either temporary or permanently deprive Samuel Smith of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to

be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

Predicate Incident 7.a.
Dealing in Stolen Property

On or about May 10, 2006, in Manatee County, **JUSTINO SANTANA, JR.** did traffic in, or endeavor to traffic in, property, to-wit: cameras and/or jewelry, that he knew or should have known was stolen property, contrary to Florida Statute 812.019(1).

AND

Predicate Incident 7.b.
Obstruction of Justice

On or about May 10, 2006, in Manatee County, **JUSTINO SANTANA, JR.,** did resist, obstruct or oppose Deputy Daniel Kane Parhan, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer, contrary to Florida Statute 843.02.

Predicate Incident 8
Grand Theft Auto

On or about February 1, 2002, in Manatee County, **FERNANDO CHAVEZ** did knowingly obtain or use, or endeavor to obtain or use a 1994 Plymouth, VIN# 1P4GH2430RX235201, which was the property of Michael Huffman, with the intent to permanently or temporarily deprive Michael Huffman of the property or a benefit therefrom or to appropriate the property to the use of **FERNANDO CHAVEZ** or to the use of any person not entitled thereto, contrary to Florida Statute 812.014.

Predicate Incident 9
Resisting Arrest Without Violence

On or about September 9, 2003, in Manatee County, **FERNANDO CHAVEZ** did resist, obstruct or oppose John Perez and/or Patrick Johnson, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 10.a.
Possession of a Firearm by a Convicted Felon

On or about August 21, 2005, in Manatee County, **FERNANDO CHAVEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

AND

Predicate Incident 10.b.
Carrying a Concealed Firearm

On or about August 21, 2005, in Manatee County, **FERNANDO CHAVEZ** did knowingly carry a concealed firearm, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 10.c.
Convicted Felon in Possession of Ammunition

On or about August 21, 2005, in Manatee County, **FERNANDO CHAVEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of ammunition, contrary to Florida Statute 790.23.

Predicate Incident 11
Aggravated Assault

On or about November 18, 2006, in Manatee County **FERNANDO CHAVEZ**, while in the possession of a firearm, did intentionally and unlawfully threaten by word or act to do violence to the person of Elegio Sanchez , coupled with an apparent ability to do so, and pointed a firearm at Elegio Sanchez which created a well-founded fear, in Elegio Sanchez that such violence was imminent, and further did commit the assault with a firearm and deadly weapon, contrary to Florida Statutes 784.021 and 775.087(2).

Predicate Incident 12.a.
Strong Arm Robbery

On or about June 7, 2001, in Manatee County, **PEDRO GARCIA**, by force, violence, assault, or putting in fear, did knowingly take away a wallet with \$245.00 dollars in United States currency from the person or custody of Clarence Bacon, with the intent to permanently or temporarily deprive Clarence Bacon of the property contrary to Florida Statute 812.13 (1)&(2)(c).

AND

Predicate Incident 12.b.

Aggravated Battery

On or about June 7, 2001, in Manatee County, **PEDRO GARCIA**, did actually strike Clarence Bacon against the will of Clarence Bacon, and in so doing intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to Clarence Bacon, contrary to Florida Statute 784.045.

AND

Predicate Incident 12.c.
Resisting Arrest Without Violence

On or about June 7, 2001, in Manatee County, **PEDRO GARCIA**, did resist, obstruct or oppose **Michael Skoumal and/or Dennis French**, officers of the **Manatee County Sheriff's Office**, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 13.a.
Grand Theft

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** did knowingly obtain or use, or endeavor to obtain or use, the property of Christopher Williams, to-wit: an automobile stereo and/or wallet and/or two pistols, and/or CD player, valued at \$300.00 or more with the intent to either temporary or permanently deprive Christopher Williams of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

AND

Predicate Incident 13.b.
Grand Theft

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** did knowingly obtain or use, or endeavor to obtain or use, the property of Melissa Turner, to-wit: a purse, and/or wallet and/or US currency and/or radio and/or a stereo and/or her identification, valued at \$300.00 or more with the intent to, either temporary or permanently, deprive Melissa Turner of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

AND

Predicate Incident 13.c.

Grand Theft

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** did knowingly obtain or use, or endeavor to obtain or use, the property of Guadalupe Nunez, to-wit: CD player and/or radio valued at \$300.00 or more, with the intent to, either temporary or permanently, deprive Guadalupe Nunez of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

AND

Predicate Incident 13.d.

Possession of Cocaine

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(1)(a)1.

Predicate Incident 14.a.

Possession of a Firearm by a Convicted Felon

On or about October 19, 2006, in Manatee County, **PEDRO GARCIA** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

AND

Predicate Incident 14.b.

Carrying a Concealed Firearm

On or about October 19, 2006, in Manatee County, **PEDRO GARCIA** did knowingly carry a concealed firearm, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 14.c.

Felon in Possession of Ammunition

On or about October 19, 2006, in Manatee County, **PEDRO GARCIA** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of ammunition, contrary to Florida Statute 790.23.

Predicate Incident 15
Resisting Arrest Without Violence

On or about July 22, 2005, in Manatee County, **PEDRO GARCIA** did resist, obstruct or oppose Garrick Plonczynski and/or Tom Frank, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 16
Resisting Arrest Without Violence

On or about March 2, 2007, in Manatee County, **PEDRO GARCIA** did resist, obstruct or oppose Robert Pereyra, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 17.a.
Possession of Marijuana

On or about January 18, 2002, in Manatee County, **JOSE A. LOPEZ** was unlawfully and knowingly in actual or constructive possession of marijuana or cannabis, including any stereoisomer, salt, compound, derivative or preparation of marijuana, a controlled substance, contrary to Florida Statute 893.13(2)(a)2.

AND

Predicate Incident 17.b.
Carrying of a Firearm on School Grounds

On or about January 18, 2002, in Manatee County, **JOSE A. LOPEZ** did unlawfully, willfully and knowingly possess a .380 caliber handgun on the property of Sugg Middle School, contrary to Florida Statute 790.115.

AND

Predicate Incident 17.c.
Possession of Drug Paraphernalia

On or about January 18, 2002, in Manatee County, **JOSE A. LOPEZ** did unlawfully use, or possess with intent to use, drug paraphernalia, to-wit: rolling papers and clear plastic baggies, contrary to Florida Statute 893.147.

Predicate Incident 18
Resisting Arrest Without Violence

On or about December 11, 2004, in Manatee County, **JOSE A. LOPEZ** did knowingly and willfully resist, obstruct or oppose Chris Thames and/or D. Christopher and/or C. Holmes and/or Jeffrey Bliss, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 19.a.
Possession of a Firearm by a Convicted Felon

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

AND

Predicate Incident 19.b.
Carrying a Concealed Firearm

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did knowingly carry a concealed firearm, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 19.c.
Felon in Possession of Ammunition

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of ammunition, contrary to Florida Statute 790.23.

Predicate Incident 19.d.
Resisting Arrest Without Violence

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did resist, obstruct or oppose **Charles McCrea** and/or **Jay Titen** and/or **Michael Page**, officers of the Bradenton Police Department, in the execution of a legal process or in the

lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 20.a.
Possession of Cocaine

On or about May 25, 2006, in Manatee County, **JOSE A. LOPEZ** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(6)a.

AND

Predicate Incident 20.b.
Resisting Arrest Without Violence

On or about May 25, 2006, in Manatee County, **JOSE A. LOPEZ** did resist, obstruct or oppose **Thomas Frank** and/or **Robert Pereyra** and/or William Waldron and/or Kevin Pease, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

AND

Predicate Incident 20.c.
Possession of Drug Paraphernalia

On or about May 25, 2006, in Manatee County, **JOSE A. LOPEZ** did unlawfully use, or possess with intent to use, drug paraphernalia, to-wit: a scale with cocaine residue, contrary to Florida Statute 893.147.

Predicate Incident 21.a.
Trafficking in Cocaine

On or about February 7, 2006, in Manatee County, **JOSE LUIS RODRIGUEZ** did unlawfully and knowingly sell, manufacture, deliver, purchase, or bring into the State of Florida, or was knowingly in actual or constructive possession of 400 grams or more of cocaine or a mixture containing cocaine, a controlled substance, contrary to Florida Statute 893.135.

AND

Predicate Incident 21.b.
Possession of Cocaine

On or about February 7, 2006, in Manatee County, **JOSE LUIS RODRIGUEZ** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(6)a.

Predicate Incident 22
Possession of Cocaine

On or about December 20, 2006, in Manatee County, **JOSE LUIS RODRIGUEZ** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(6)a.

Predicate Incident 23
Resisting Arrest Without Violence

On or about May 13, 2003, in Manatee County, **ERIC J. SANTIAGO** did resist, obstruct or oppose Greg Price, an officer of the Bradenton Police Department, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer, contrary to Florida Statute 843.02.

Predicate Incident 24
Grand Theft

On or about January 24, 2003, in Sarasota County, **ERIC J. SANTIAGO** did knowingly obtain or use, or endeavor to obtain or use, the property of Sheryl Halder, to-wit: a laptop computer and/or a portable DVD player and/or jewelry, valued at \$300.00 or more, with the intent to, either temporary or permanently, deprive Sheryl Halder of a right to the property or a benefit from the property, contrary to Florida Statute 812.014.

Predicate Incident 25
Resisting Arrest Without Violence

On or about August 31, 2005, in Manatee County, **ERIC J. SANTIAGO** did resist, obstruct or oppose Thomas Franklin, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer, contrary to Florida Statute 843.02.

Predicate Incident 26.a.
Trafficking in Illegal Drugs

On or about February 16, 2006, in Manatee County, **ERIC J. SANTIAGO** did unlawfully and knowingly sell, manufacture, deliver or bring into the State of Florida, or was in actual or constructive possession of, 4 grams or more of heroin, or any salt, isomer, or salt of an isomer thereof, or 4 grams or more of any mixture containing any such substance, contrary to Florida Statute 893.135(1)(c)(1a).

AND

Predicate Incident 26.b.
Possession of a Controlled Substance

On or about February 16, 2006, in Manatee County, **ERIC J. SANTIAGO** was unlawfully and knowingly in actual or constructive possession of 4 grams or more of Hydrocodone, opium, or any salt, compound, derivative, isomer, or salt of an isomer thereof, including Hydrocodone, or 4 grams or more of any mixture containing any such substance, contrary to Florida Statute 893.13(6)(a).

Predicate Incident 27.a.
Possession of a Firearm by a Convicted Felon

On or about January 12, 2007, in Manatee County, **ERIC J. SANTIAGO** did, while less than 24 years of age, and after having been found to have committed a delinquent act that would be a felony if committed by an adult, in the courts of this state pursuant to Florida Statute 790.23, unlawfully own or have in his care, custody, possession, or control a firearm, contrary to Florida Statute 790.23 (1)(b).

AND

Predicate Incident 27.b.
Carrying a Concealed Weapon

On or about January 12, 2007, in Manatee County, **ERIC J. SANTIAGO** did knowingly carry a concealed weapon, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 27.c.
Felon in Possession of Ammunition

On or about January 12, 2007, in Manatee County, **ERIC J. SANTIAGO** did, while less than 24 years of age, and after having been found to have committed a delinquent act that would be a felony if committed by an adult, in the courts of this state pursuant to Florida Statute 790.23, unlawfully own or have in his care, custody, possession, or control ammunition, contrary to Florida Statute 790.23 (1)(b).

COUNT 2

EARL MORELAND, State Attorney for the Twelfth Judicial Circuit of Florida, by and through the undersigned Special Appointed Assistant State Attorney, under oath, charges that beginning on or about October 3, 1999, and continuing through and including March 2, 2007, in the Twelfth Judicial Circuit of Florida, that is, Manatee County and Sarasota County, **FRANK AVALOS, JR., FERNANDO CHAVEZ, PETE GARCIA, PEDRO GARCIA, JOSE A. LOPEZ, JOSE LUIS RODRIGUEZ, JUSTINO SANTANA, JR., ERIC SANTIAGO, and ALBERTO GUTIERREZ** did unlawfully and knowingly conspire, endeavor, confederate or agree, with each other and with others, known and unknown, to violate the laws of the State of Florida, to-wit: the laws which prohibit any persons employed by or associated with an enterprise as defined in Section 895.02(3), to-wit: a group of individuals associated in fact although not a legal entity consisting of the above-named defendants and others known and unknown, all members or associates of Brown Pride and East Side Crips, documented criminal street gangs per Florida Statute 874.03, acting together and in concert, from conducting or participating either directly or indirectly in the affairs of said enterprise through a continuous pattern of racketeering activity, either by intending to engage in at least two of the following incidents of racketeering activity as defined by Section 895.03(4), Florida Statutes, which had similar intents, results, accomplices, victims or methods of commission or which were otherwise interrelated by distinguishing characteristics and were not isolated incidents; or by otherwise intending to participate in the affairs of said enterprise with the knowledge and intent that other members or associates of the enterprise would engage in at least two such incidents of racketeering activity, and in furtherance of said conspiracy the defendants did the following acts in violation of Florida Statute 895.03(4).

Predicate Incident 1
Aggravated Battery

On or about June 7, 2001, in Manatee County, **FRANK AVALOS, JR.** did actually strike Clarence Bacon against the will of Clarence Bacon, and in so doing intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to Clarence Bacon, contrary to Florida Statute 784.045.

Predicate Incident 2.a.
Resisting Arrest Without Violence

On or about December 11, 2004, in Manatee County, **FRANK AVALOS, JR.** did knowingly and willfully resist, obstruct or oppose Chris Thames, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering violence to the person of such officer, contrary to Florida Statute 843.02.

AND

Predicate Incident 2.b.
Battery on a Law Enforcement Officer

On or about December 11, 2004, in Manatee County, **FRANK AVALOS, JR.** did knowingly and willfully commit a battery upon a law enforcement officer, to-wit: Deputy Chris Thames of the Manatee County Sheriff's Office, while the officer was engaged in the lawful performance of his duties, contrary to Florida Statute 784.07(2).

Predicate Incident 3
Possession of Marijuana

On or about February 9, 2005, in Manatee County, **FRANK AVALOS, JR.** was unlawfully and knowingly in actual or constructive possession of marijuana or cannabis, including any stereoisomer, salt, compound, derivative or preparation of marijuana, a controlled substance, contrary to Florida Statute 893.13(2)(a)2.

Predicate Incident 4
Resisting Arrest Without Violence

On or about January 11, 2007, in Manatee County, **FRANK AVALOS, JR.,** did resist, obstruct or oppose Tom Frank and/or Bill Freel, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 5.a.
Grand Theft Auto

On or about October 3, 1999, in Manatee County **JUSTINO SANTANA, JR.**, did knowingly obtain or use, or endeavor to obtain or use an automobile which was the property of Patricia Shierling, with the intent to permanently or temporarily deprive Patricia Shierling of the property or a benefit therefrom or to appropriate the property to the use of **JUSTINO SANTANA, JR.**, or to use of any person not entitled thereto, contrary to Florida Statute 812.014.

AND

Predicate Incident 5.b.
Grand Theft Auto

On or about October 3, 1999, in Manatee County **JUSTINO SANTANA, JR.**, did knowingly obtain or use, or endeavor to obtain or use an automobile which was the property of Mary and/or Emil Fontana, with the intent to permanently or temporarily deprive Mary and/or Emil Fontana of the property or a benefit therefrom or to appropriate the property to the use of **JUSTINO SANTANA, JR.**, or to use of any person not entitled thereto, contrary to Florida Statute 812.014.

AND

Predicate Incident 5.c.
Grand Theft Auto

On or about October 3, 1999, in Manatee County **JUSTINO SANTANA, JR.**, did knowingly obtain or use, or endeavor to obtain or use an automobile which was the property of Paul Beaver, with the intent to permanently or temporarily deprive Paul Beaver of the property or a benefit therefrom or to appropriate the property to the use of **JUSTINO SANTANA, JR.**, or to use of any person not entitled thereto, contrary to Florida Statute 812.014.

Predicate Incident 6
Grand Theft

On or about May 8, 2006, in Manatee County, **JUSTINO SANTANA, JR.** did knowingly obtain or use, or endeavor to obtain or use, the property of Samuel Smith, to-wit: cameras and/or jewelry and/or stereos and/or computer equipment and/or television, valued at \$300.00 or more, with the intent to either temporary or permanently deprive Samuel Smith of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to

be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

Predicate Incident 7.a.
Dealing in Stolen Property

On or about May 10, 2006, in Manatee County, **JUSTINO SANTANA, JR.** did traffic in, or endeavor to traffic in, property, to-wit: cameras and/or jewelry, that he knew or should have known was stolen property, contrary to Florida Statute 812.019(1).

AND

Predicate Incident 7.b.
Obstruction of Justice

On or about May 10, 2006, in Manatee County, **JUSTINO SANTANA, JR.,** did resist, obstruct or oppose Deputy Daniel Kane Parhan, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer, contrary to Florida Statute 843.02.

Predicate Incident 8
Grand Theft Auto

On or about February 1, 2002, in Manatee County, **FERNANDO CHAVEZ** did knowingly obtain or use, or endeavor to obtain or use a 1994 Plymouth, VIN# 1P4GH2430RX235201, which was the property of Michael Huffman, with the intent to permanently or temporarily deprive Michael Huffman of the property or a benefit therefrom or to appropriate the property to the use of **FERNANDO CHAVEZ** or to the use of any person not entitled thereto, contrary to Florida Statute 812.014.

Predicate Incident 9
Resisting Arrest Without Violence

On or about September 9, 2003, in Manatee County, **FERNANDO CHAVEZ** did resist, obstruct or oppose John Perez and/or Patrick Johnson, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 10.a.
Possession of a Firearm by a Convicted Felon

On or about August 21, 2005, in Manatee County, **FERNANDO CHAVEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

AND

Predicate Incident 10.b.
Carrying a Concealed Firearm

On or about August 21, 2005, in Manatee County, **FERNANDO CHAVEZ** did knowingly carry a concealed firearm, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 10.c.
Convicted Felon in Possession of Ammunition

On or about August 21, 2005, in Manatee County, **FERNANDO CHAVEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of ammunition, contrary to Florida Statute 790.23.

Predicate Incident 11
Aggravated Assault

On or about November 18, 2006, in Manatee County **FERNANDO CHAVEZ**, while in the possession of a firearm, did intentionally and unlawfully threaten by word or act to do violence to the person of Elegio Sanchez, coupled with an apparent ability to do so, and pointed a firearm at Elegio Sanchez which created a well-founded fear, in Elegio Sanchez that such violence was imminent, and further did commit the assault with a firearm and deadly weapon, contrary to Florida Statutes 784.021 and 775.087(2).

Predicate Incident 12.a.
Strong Arm Robbery

On or about June 7, 2001, in Manatee County, **PEDRO GARCIA**, by force, violence, assault, or putting in fear, did knowingly take away a wallet with \$245.00 dollars in United States currency from the person or custody of Clarence Bacon, with the intent to permanently or temporarily deprive Clarence Bacon of the property contrary to Florida Statute 812.13 (1)&(2)(c).

AND

Predicate Incident 12.b.

Aggravated Battery

On or about June 7, 2001, in Manatee County, **PEDRO GARCIA**, did actually strike Clarence Bacon against the will of Clarence Bacon, and in so doing intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to Clarence Bacon, contrary to Florida Statute 784.045.

AND

Predicate Incident 12.c.
Resisting Arrest Without Violence

On or about June 7, 2001, in Manatee County, **PEDRO GARCIA**, did resist, obstruct or oppose **Michael Skoumal and/or Dennis French, officers of the Manatee County Sheriff's Office**, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 13.a.
Grand Theft

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** did knowingly obtain or use, or endeavor to obtain or use, the property of Christopher Williams, to-wit: an automobile stereo and/or wallet and/or two pistols, and/or CD player, valued at \$300.00 or more with the intent to either temporary or permanently deprive Christopher Williams of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

AND

Predicate Incident 13.b.
Grand Theft

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** did knowingly obtain or use, or endeavor to obtain or use, the property of Melissa Turner, to-wit: a purse, and/or wallet and/or US currency and/or radio and/or a stereo and/or her identification, valued at \$300.00 or more with the intent to, either temporary or permanently, deprive Melissa Turner of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

AND

Predicate Incident 13.c.

Grand Theft

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** did knowingly obtain or use, or endeavor to obtain or use, the property of Guadalupe Nunez, to-wit: CD player and/or radio valued at \$300.00 or more, with the intent to, either temporary or permanently, deprive Guadalupe Nunez of a right to the property or a benefit from the property, or aided, abetted, counseled, hired or otherwise procured such offense to be committed or attempted to be committed contrary to Florida Statutes 812.014 and 777.011.

AND

Predicate Incident 13.d.

Possession of Cocaine

On or about December 24, 2002, in Manatee County, **PEDRO GARCIA** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(1)(a)1.

Predicate Incident 14.a.

Possession of a Firearm by a Convicted Felon

On or about October 19, 2006, in Manatee County, **PEDRO GARCIA** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

AND

Predicate Incident 14.b.

Carrying a Concealed Firearm

On or about October 19, 2006, in Manatee County, **PEDRO GARCIA** did knowingly carry a concealed firearm, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 14.c.

Felon in Possession of Ammunition

On or about October 19, 2006, in Manatee County, **PEDRO GARCIA** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of ammunition, contrary to Florida Statute 790.23.

Predicate Incident 15
Resisting Arrest Without Violence

On or about July 22, 2005, in Manatee County, **PEDRO GARCIA** did resist, obstruct or oppose Garrick Plonczynski and/or Tom Frank, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 16
Resisting Arrest Without Violence

On or about March 2, 2007, in Manatee County, **PEDRO GARCIA** did resist, obstruct or oppose Robert Pereyra, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 17.a.
Possession of Marijuana

On or about January 18, 2002, in Manatee County, **JOSE A. LOPEZ** was unlawfully and knowingly in actual or constructive possession of marijuana or cannabis, including any stereoisomer, salt, compound, derivative or preparation of marijuana, a controlled substance, contrary to Florida Statute 893.13(2)(a)2.

AND

Predicate Incident 17.b.
Carrying of a Firearm on School Grounds

On or about January 18, 2002, in Manatee County, **JOSE A. LOPEZ** did unlawfully, willfully and knowingly possess a .380 caliber handgun on the property of Sugg Middle School, contrary to Florida Statute 790.115.

AND

Predicate Incident 17.c.
Possession of Drug Paraphernalia

On or about January 18, 2002, in Manatee County, **JOSE A. LOPEZ** did unlawfully use, or possess with intent to use, drug paraphernalia, to-wit: rolling papers and clear plastic baggies, contrary to Florida Statute 893.147.

Predicate Incident 18
Resisting Arrest Without Violence

On or about December 11, 2004, in Manatee County, **JOSE A. LOPEZ** did knowingly and willfully resist, obstruct or oppose Chris Thames and/or D. Christopher and/or C. Holmes and/or Jeffrey Bliss, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 19.a.
Possession of a Firearm by a Convicted Felon

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

AND

Predicate Incident 19.b.
Carrying a Concealed Firearm

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did knowingly carry a concealed firearm, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 19.c.
Felon in Possession of Ammunition

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of ammunition, contrary to Florida Statute 790.23.

AND

Predicate Incident 19.d.
Resisting Arrest Without Violence

On or about December 4, 2006, in Manatee County, **JOSE A. LOPEZ** did resist, obstruct or oppose **Charles McCrea and/or Jay Titen and/or Michael Page**, officers

of the Bradenton Police Department, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

Predicate Incident 20.a.
Possession of Cocaine

On or about May 25, 2006, in Manatee County, **JOSE A. LOPEZ** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(6)a.

AND

Predicate Incident 20.b.
Resisting Arrest Without Violence

On or about May 25, 2006, in Manatee County, **JOSE A. LOPEZ** did resist, obstruct or oppose **Thomas Frank** and/or **Robert Pereyra** and/or **William Waldron** and/or **Kevin Pease**, officers of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer(s), contrary to Florida Statute 843.02.

AND

Predicate Incident 20.c.
Possession of Drug Paraphernalia

On or about May 25, 2006, in Manatee County, **JOSE A. LOPEZ** did unlawfully use, or possess with intent to use, drug paraphernalia, to-wit: a scale with cocaine residue, contrary to Florida Statute 893.147.

Predicate Incident 21.a.
Trafficking in Cocaine

On or about February 7, 2006, in Manatee County, **JOSE LUIS RODRIGUEZ** did unlawfully and knowingly sell, manufacture, deliver, purchase, or bring into the State of Florida, or was knowingly in actual or constructive possession of 400 grams or more of cocaine or a mixture containing cocaine, a controlled substance, contrary to Florida Statute 893.135.

AND

Predicate Incident 21.b.

Possession of Cocaine

On or about February 7, 2006, in Manatee County, **JOSE LUIS RODRIGUEZ** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(6)a.

Predicate Incident 22
Possession of Cocaine

On or about December 20, 2006, in Manatee County, **JOSE LUIS RODRIGUEZ** was unlawfully and knowingly in actual or constructive possession of cocaine or ecgonine, including any stereoisomer, salt, compound, derivative or preparation of cocaine or ecgonine, a controlled substance, contrary to Florida Statute 893.13(6)a.

Predicate Incident 23
Resisting Arrest Without Violence

On or about May 13, 2003, in Manatee County, **ERIC J. SANTIAGO** did resist, obstruct or oppose Greg Price, an officer of the Bradenton Police Department, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer, contrary to Florida Statute 843.02.

Predicate Incident 24
Grand Theft

On or about January 24, 2003, in Sarasota County, **ERIC J. SANTIAGO** did knowingly obtain or use, or endeavor to obtain or use, the property of Sheryl Haler, to-wit: a laptop computer and/or a portable DVD player and/or jewelry, valued at \$300.00 or more, with the intent to, either temporary or permanently, deprive Sheryl Haler of a right to the property or a benefit from the property, contrary to Florida Statute 812.014.

Predicate Incident 25
Resisting Arrest Without Violence

On or about August 31, 2005, in Manatee County, **ERIC J. SANTIAGO** did resist, obstruct or oppose Thomas Franklin, an officer of the Manatee County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, without offering or doing violence to the person of such officer, contrary to Florida Statute 843.02.

Predicate Incident 26.a.
Trafficking in Illegal Drugs

On or about February 16, 2006, in Manatee County, **ERIC J. SANTIAGO** did unlawfully and knowingly sell, manufacture, deliver or bring into the State of Florida, or was in actual or constructive possession of, 4 grams or more of heroin, or any salt, isomer, or salt of an isomer thereof, or 4 grams or more of any mixture containing any such substance, contrary to Florida Statute 893.135(1)(c)(1a).

AND

Predicate Incident 26.b.
Possession of a Controlled Substance

On or about February 16, 2006, in Manatee County, **ERIC J. SANTIAGO** was unlawfully and knowingly in actual or constructive possession of 4 grams or more of Hydrocodone, opium, or any salt, compound, derivative, isomer, or salt of an isomer thereof, including Hydrocodone, or 4 grams or more of any mixture containing any such substance, contrary to Florida Statute 893.13(6)(a).

Predicate Incident 27.a.
Possession of a Firearm by a Convicted Felon

On or about January 12, 2007, in Manatee County, **ERIC J. SANTIAGO** did, while less than 24 years of age, and after having been found to have committed a delinquent act that would be a felony if committed by an adult, in the courts of this state pursuant to Florida Statute 790.23, unlawfully own or have in his care, custody, possession, or control a firearm, contrary to Florida Statute 790.23 (1)(b).

AND

Predicate Incident 27.b.
Carrying a Concealed Weapon

On or about January 12, 2007, in Manatee County, **ERIC J. SANTIAGO** did knowingly carry a concealed weapon, contrary to Florida Statute 790.01(2).

AND

Predicate Incident 27.c.
Felon in Possession of Ammunition

On or about January 12, 2007, in Manatee County, **ERIC J. SANTIAGO** did, while less than 24 years of age, and after having been found to have committed a delinquent act that would be a felony if committed by an adult, in the courts of this state pursuant to Florida Statute 790.23, unlawfully own or have in his care, custody, possession, or control ammunition, contrary to Florida Statute 790.23 (1)(b).

Predicate Incident 28
Trafficking in Cocaine

On or about February 7, 2006, in Manatee County, **PETE GARCIA** did unlawfully and knowingly sell, manufacture, deliver, purchase, or bring into the State of Florida, or was knowingly in actual or constructive possession of 400 grams or more of cocaine or a mixture containing cocaine, contrary to Florida Statute 893.135.

Predicate Incident 29
Possession of a Firearm by a Convicted Felon

On or about October 27, 2006, in Manatee County, **ALBERTO GUTIERREZ** did, after having been convicted of a felony, knowingly have care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23.

Dated this _____ day of _____, 2007.

EARL MORELAND
STATE ATTORNEY
TWELFTH JUDICIAL CIRCUIT
STATE OF FLORIDA

THOMAS DALE SMITH
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STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared THOMAS DALE SMITH, Special Appointed Assistant State Attorney, who, first being duly sworn, says that the allegations as set forth in the foregoing Information is based upon facts that have been sworn to as true, and which, if true, would constitute the offenses therein charged, that the prosecution is instituted in good faith, and certifies that he has received testimony under oath from the material witness or witnesses for the offenses.

Sworn to and subscribed before me this _____ day of _____, 2007.

Notary Public - signature
Personally known to Notary.

Notary Public - printed name

DEFENDANTS' BIOGRAPHICAL DATA:

FRANK AVALOS, JR. (A)

Hispanic / Male

DOB: 09/04/1985

LKA: 2005 - 20th Street Court West, Bradenton, Florida 34205

AKA: Magoo

FERNANDO CHAVEZ (B)

Hispanic / Male

DOB: 05/05/1985

LKA: 238 - 8th Avenue Drive West, Bradenton, Florida 34205

AKA: Freddy

PETE GARCIA (C)

Hispanic / Male

DOB: 06/11/1983

LKA: 4405 - 19th Street Circle West, Bradenton, Florida 34205

AKA: Pistol Pete

PEDRO GARCIA (D)

Hispanic / Male

DOB: 07/21/1982

LKA: 4606 - 30th Street West, Bradenton, Florida 34205

AKA: Perico

JOSE A. LOPEZ (E)

Hispanic / Male

DOB: 11/23/1987

LKA: 3106 - 14th Avenue West, Bradenton, Florida 34205

AKA: Charlie Brown

JOSE LUIS RODRIGUEZ (F)

Hispanic / Male

DOB: 10/03/1986

LKA: 4405 - 19th Street Circle West, Bradenton, Florida 34205

AKA: Payaso

JUSTINO SANTANA, JR. (G)

Hispanic / Male

DOB: 10/07/1982

LKA: 915 - 34th Avenue Drive West, Apt. #B, Bradenton, Florida 34205

AKA: Loco, Crazy

ERIC SANTIAGO

(H)

Hispanic / Male

DOB: 02/13/1986

LKA: 4606 - 39th Street West, Bradenton, Florida 34205

AKA: "E"

ALBERTO GUTIERREZ

(I)

Hispanic / Male

DOB: 03/25/1957

LKA: 5210 - 14th Street West, #32, Bradenton, Florida

AKA: N/A