



# Department of Justice

United States Attorney Melinda Haag  
Northern District of California

FOR IMMEDIATE  
RELEASE  
November 29, 2011  
6599

[WWW.USDOJ.GOV/USAO/CAN](http://WWW.USDOJ.GOV/USAO/CAN)  
[@usdoj.gov](mailto:@usdoj.gov)

CONTACT: JACK GILLUND  
(415) 436-

[Jack.Gillund](mailto:Jack.Gillund)

**MS-13 GANG LEADER IN SAN FRANCISCO CONVICTED OF RACKETEERING CHARGES**  
***Co-Defendant Pleaded Guilty to Racketeering Charges During Trial***

SAN FRANCISCO – A federal jury today convicted Danilo Velasquez, aka “Triste,” a local leader of *La Mara Salvatrucha*, or MS-13, in federal court in San Francisco of racketeering conspiracy and related charges, announced U.S. Attorney Melinda Haag; Assistant Attorney General Lanny A. Breuer of the Justice Department’s Criminal Division; and Clark Settles, Special Agent in Charge for U.S. Immigration and Custom Enforcement’s (ICE) Homeland Security Investigations (HSI) in San Francisco. His co-defendant and fellow MS-13 member, Luis Herrera, aka “Killer,” pleaded guilty to related charges, including using a firearm that caused the murder of an individual.

After a four-week trial, the federal jury convicted Velasquez of all charges, including conspiracy to participate in a racketeering enterprise, conspiracy to commit murder in aid of racketeering, conspiracy to commit assault with a dangerous weapon in aid of racketeering, and using and discharging a firearm in connection with a crime of violence. The evidence presented during trial showed that the defendants were part of the violent, transnational gang known as MS-13, which claimed part of the Mission District of San Francisco as its territory and operated in the Bay Area since the 1990s. Since its inception, MS-13 members have warred with rival gang members and sought to extort payments from other criminals in the gang’s territory. After the federal government indicted a large number of local MS-13 members on Oct. 22, 2008, Velasquez assumed leadership on the streets and encouraged the remaining members of the

gang to engage in violence in order to demonstrate their continued presence in San Francisco despite its loss in numbers due to the federal indictment.

“This conviction marks the beginning of the end for one San Francisco gang leader who thought he was above the law,” said U.S. Attorney Haag. “Today, the jury has sent a strong message that senseless acts of violence like those committed by Mr. Velasquez in the name of MS-13 will not be tolerate. Life is too valuable to let someone steal it from another. Those who try will be prosecuted to the fullest extent of the law.”

“In a hail of gunfire, Mr. Velasquez and his co-conspirators killed and wounded four unarmed individuals – all in the name of MS-13,” said Assistant Attorney General Breuer. “Senseless acts of violence like those committed by Mr. Velasquez and his fellow gang members are too common across the United States. Through sustained enforcement, we have taken leaders of MS-13 in San Francisco and elsewhere off the streets, and we will continue our efforts to make all our communities safe from violent gangs.”

“The gang members targeted in this Homeland Security Investigations-led probe were the worst of the worst, blithely using violence, intimidation and fear to maintain control over their turf,” said Special Agent in Charge Settles for ICE HSI in San Francisco. “As this jury’s verdict makes clear, we will not allow ruthless thugs to rule our streets. We are joining forces with local law enforcement to bring these criminals to justice and take back our Bay Area neighborhoods.”

The evidence presented at trial also showed how the defendants, with others, conspired to commit a variety of crimes to further the goals of the gang, including attacking and killing rival gang members and others who defied or challenged MS-13, including four murders that occurred in 2008. The prosecution also presented evidence of three separate shootings committed by Herrera, Velasquez and other MS-13 gang members that took place within just two months, after the October 2008 indictment. One of the shootings resulted in the death of Moises Frias, a college student, in February 2009.

Evidence at trial established that on Feb. 19, 2009, Velasquez and Herrera, accompanied by MS-13 member Jaime Balam, a fugitive, went out looking to kill rival gang members in the San Francisco Bay area. Herrera drove Velasquez and Balam in a stolen vehicle, and Velasquez and Balam both carried semi-automatic guns. The evidence at trial showed that in the Excelsior District of San Francisco, Herrera and Velasquez spotted a car of young Latino professionals, including three college students, a student and a business professional. None of the individuals were gang members themselves.

Witnesses testified that Herrera, Velasquez and Balam followed the victims’ car into Daly City, boxed the car in at a red light, whereby Velasquez and Balam flanked the victims’ car carrying semi-automatic handguns. Velasquez then fired multiple shots at close range at three of the passengers, who survived largely because Velasquez’s semi-automatic gun jammed multiple times. Balam allegedly fired his weapon at the remaining passenger until he ran out of

bullets. The victim suffered nine gunshot wounds, including to the head, and was killed. The survivors of the shooting testified at trial that the victim begged for the shooting to stop immediately before he died.

A few days before the shooting, Velasquez and Herrera shot and wounded two individuals in rival gang territory on Feb. 13, 2009. After the Feb. 19, 2009, murder, the evidence showed Velasquez ordered another shooting in which Herrera took part, resulting in the wounding of several victims in rival territory on March 2, 2009. The victims of all the two non-fatal shootings who testified during the trial stated that they were not gang members, but were approached by individuals who exclaimed "La Mara" before shooting them.

Herrera pleaded guilty to seven racketeering related counts, including use of a firearm causing the death of Frias. As part of his plea, Herrera admitted that he was part of the MS-13 hunting party that followed the victims' car on Feb. 19, 2009, and murdered Frias. The evidence presented at trial before Herrera pleaded guilty showed that he was a member of MS-13 for only two to three months before being arrested. He became a member after his brother, Guillermo Herrera, aka "Sparky," another MS-13 member, was indicted. Guillermo Herrera was recently convicted of all charges, including murder in aid of racketeering, after a five-month trial that included six other co-defendants. He faces a mandatory life sentence and will be sentenced on Dec. 7, 2011. As part of his guilty plea, Luis Herrera will receive a 35-year prison sentence when he is sentenced on Jan. 24, 2012.

Velasquez faces a maximum sentence of life in prison, with a mandatory minimum sentence of 10 years. Sentencing for Velasquez is scheduled for Feb. 14, 2012, before U.S. District Court Judge William H. Alsup.

The case is being prosecuted by Assistant U.S. Attorneys Andrew Scoble and David Hall of the Organized Crime Strike Force of the U.S. Attorney's Office for the Northern District of California, and Trial Attorney Theryn G. Gibbons of the Criminal Division's Organized Crime and Gang Section, with the assistance of Legal Assistants Ponly Tu and Marina Ponomarchuk, Paralegal Kevin Costello, and Linguist Brenda Rodriguez. The case was investigated by Daly City Police Department, led by Detective Gregg Oglesby, and ICE Homeland Security Investigations, led by Special Agents Alicia MacDonald and Brick Eubank.

**Further Information:**

Case #: CR 08-0730 WHA

A copy of this press release may be found on the U.S. Attorney's Office's website at [www.usdoj.gov/usao/can](http://www.usdoj.gov/usao/can).

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at [Jack.Gillund@usdoj.gov](mailto:Jack.Gillund@usdoj.gov).

###