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SEAL BY COURT ORDER

FILED

OCT 10 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JONATHAN JOSEPH NELSON, a/k/a "Jon  
Jon,"  
16 RAYMOND MICHAEL FOAKES, a/k/a "Ray  
Ray,"  
17 RUSSELL ALLEN LYLES, JR., a/k/a "J.R.,"  
18 JEREMY DANIEL GREER,  
BRIAN WAYNE WENDT,  
19 RUSSELL TAYLOR OTT, a/k/a "Rusty,"  
20 CHRISTOPHER RANIERI, a/k/a "Rain Man,"  
DAMIEN DAVID CESENA,  
21 BRIAN ALLEN BURKE, a/k/a "Bucky,"  
JASON RANDALL CLIFF, a/k/a "Agro," and  
22 DAVID SALVATORE DIAZ, III,

23  
24 Defendants.  
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Case No. CR

CR 17 533 EMC

VIOLATIONS – 18 U.S.C. § 1962(d) – RICO  
Conspiracy, 18 U.S.C. § 1959(a)(5) – Conspiracy to  
Commit VICAR Murder, 18 U.S.C. § 1959(a)(2) –  
VICAR Maiming, 18 U.S.C. § 1959(a)(3) – VICAR  
Assault With a Dangerous Weapon, 18 U.S.C. §  
924(c)(1)(A) – Use/Possession of a Firearm During a  
Crime of Violence, 18 U.S.C. § 1951(a)(1) – Hobbs  
Act Robbery, 18 U.S.C. § 1512(b) – Witness  
Intimidation; 18 U.S.C. § 1963(a), 18 U.S.C. §  
924(d), 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. §  
2461(c) – Criminal Forfeiture

SAN FRANCISCO VENUE

1 INDICTMENT

2 The Grand Jury charges:

3 Introduction

4 At all times relevant to this Indictment, and with all dates being approximate and all date ranges  
5 being approximate and inclusive:

6 1. The Hells Angels are a transnational violent outlaw motorcycle gang, and the Hells  
7 Angels Sonoma County chapter (HASC) is a subset of that organization whose members primarily  
8 operate in Sonoma County, California and surrounding counties, and whose activities have affected  
9 other parts of the United States. HASC has been in operation since the early 1970s. Associates of  
10 HASC include Hells Angels who have a close relationship with HASC, particularly members of the  
11 Fresno and Salem/Boston chapters of the Hells Angels.

12 2. Members and associates of HASC signify their membership by wearing clothing, such as  
13 vests, with the words "Hells Angels" and the "death's head" logo. These words and logo are displayed  
14 on the back of vests in the form of patches, coupled with a patch that indicates the geographical area  
15 claimed by the chapter—"California" in the case of HASC, as depicted below:



1 Members of HASC and associates who are Hells Angels also wear tattoos bearing the words “Hells  
2 Angels” and various iterations of the death’s head symbol. Members claim the colors red and white, and  
3 they wear patches in these colors that signify their affiliation with HASC, such as smaller rectangular  
4 patches on the front of their vests that state “Sonoma Co.”

5 3. Other red and white patches can indicate a member’s role as an officer within HASC,  
6 such as “President,” or can indicate a close affiliation with a sister Hells Angels chapter. For instance,  
7 an HASC member wearing a “Boston” patch on his vest would indicate that he is held in esteem by the  
8 Salem/Boston chapter, and a member of the Fresno chapter wearing a “Sonoma County” patch on his  
9 vest would indicate that he is held in esteem by HASC. Still other red and white patches are designed to  
10 highlight aspects about HASC in general. For instance, some HASC members wear rectangular red and  
11 white patches that state “Young Guns.” This is a patch that HASC has adopted for itself which  
12 commemorates the fact that at one point, HASC inducted the youngest member of the Hells Angels—  
13 defendant RUSSELL LYLES—when he was 19 years old. It also indicates that HASC was a vibrant  
14 chapter, with several young members.

15 4. HASC members and associates also display patches that celebrate deeds performed on  
16 behalf of HASC or the Hells Angels in general. A common one is the “Filthy Few” patch. This patch,  
17 in black and white, traditionally indicated that a member committed a murder on behalf of the Hells  
18 Angels, but it can also indicate that the member has committed an HASC-related violent act. Some  
19 HASC members also have a “Sturgis Wrecking Crew” patch, which indicates that the member  
20 performed some act of violence on behalf of HASC or the Hells Angels in general at the annual  
21 motorcycle rally held in Sturgis, South Dakota.

22 5. Members and associates of HASC are expected to protect the name, reputation, and status  
23 of the gang and its individual members from harm, insult, or disrespect by rival gang members and other  
24 persons. HASC members require that all individuals show respect and deference to the gang, its  
25 members and associates, and their families. To protect the gang and to enhance its reputation, HASC  
26 members are expected to use any means necessary, including acts of intimidation and violence, to obtain  
27 respect from those who show its members disrespect.

28 6. Members and associates of HASC engage in criminal activity, including murder,

1 narcotics distribution, assault, robbery, extortion, illegal firearms possession, and obstruction of justice  
2 by threatening, intimidating, and retaliating against witnesses whom they believed to be cooperating  
3 with law enforcement and by destroying evidence and providing false information to law enforcement.  
4 HASC members and associates commit acts of violence to maintain and enhance membership and  
5 discipline within the gang, including violence against rival gang members, those perceived to be rival  
6 gang members, rivals in general, those who disrespect or commit violence against HASC members or  
7 other Hells Angels, friends or family, as well as HASC members and associates who violate the gang's  
8 rules.

9         7. HASC works cooperatively with other Hells Angels chapters to engage in criminal  
10 activity. HASC has particularly close relationships with chapters in Fresno, California and  
11 Salem/Boston, Massachusetts.

12         8. HASC has a formal leadership and membership structure that includes the following  
13 officers: President, Vice-President, Secretary, Treasurer, and Sergeant at Arms. While HASC members  
14 have voting rights on issues concerning the gang, HASC members ultimately answer to the officers, and  
15 the Sergeant at Arms is responsible for enforcing discipline within the gang, often using violence even  
16 against HASC members. Becoming a member of HASC involves a formalized process. A person  
17 interested in membership is first invited to become a "hangaround," someone who performs menial tasks  
18 on behalf of HASC and attempts to gain the respect of HASC members. The next stage of membership  
19 is that of a "prospect." A prospect is allowed to wear a vest with a bottom patch that says "California"  
20 and front patches that identify his status as a prospect and his local club, such as "Sonoma Co." for  
21 HASC. Prospects can attend part of the weekly HASC meetings, referred to as "church," but they are  
22 not allowed to vote, and they must leave the meetings when important club business is discussed among  
23 members. Prospects are expected to do whatever members ask. At church, they guard the clubhouse.  
24 On motorcycle trips by the chapter, or "runs," they are expected to hold firearms. A person generally is  
25 a prospect for a year before being considered for full membership.

26         9. If a prospect successfully completes the one-year probationary period, the chapter can  
27 vote to make him a full member. If accepted for membership, the person can then wear a vest with all  
28 the patches—the "Hells Angels" top patch on the back of the vest, the death's head patch in the middle,

1 and the "California" patch on the bottom. For this reason, actual HASC members are often referred to  
2 as "full patch" members. The member can also wear clothing, jewelry, and tattoos that explicitly use the  
3 Hells Angels name and the death's head logo.

4 10. HASC members and associates communicate about gang activities with other HASC  
5 members using mobile telephones, telephone text messages, and other modes of electronic and wire  
6 communications.

#### 7 The Racketeering Enterprise

8 11. HASC, including its leadership, members, and associates constitutes an "enterprise" as  
9 defined in Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals  
10 associated in fact that is engaged in, and the activities of which affect, interstate and foreign commerce.  
11 The enterprise constitutes an ongoing organization whose members function as a continuing unit that has  
12 a common purpose of achieving the objectives of the enterprise.

#### 13 Purposes of the Enterprise

14 12. The purposes of the HASC enterprise, including its members and associates, include, but  
15 are not limited to, the following:

16 a. Preserving and protecting the power, territory, reputation, and profits of the  
17 enterprise, its members, and family members, through the use of intimidation, violence, threats of  
18 violence, assaults, and murder;

19 b. Promoting and enhancing the enterprise and the activities of its members and  
20 associates, including, but not limited to, murder, conspiracy to murder, narcotics trafficking, robbery,  
21 extortion, witness intimidation, and other criminal activities;

22 c. Keeping victims, potential victims, and community members in fear of the  
23 enterprise and its members and associates through violence and threats of violence;

24 d. Providing financial support and information to HASC members, including those  
25 who are incarcerated; and

26 e. Providing assistance to other HASC members who commit crimes for and on  
27 behalf of the gang, to hinder, obstruct, and prevent law enforcement officers from identifying the  
28 offenders, apprehending the offenders, and successfully prosecuting and punishing the offenders.

The Means and Methods of the Enterprise

1  
2           13.    The means and methods by which the defendants and other members and associates of  
3 HASC conduct and participate in the conduct of the affairs of HASC include, but are not limited to:

4               a.    Members of HASC protect and expand the enterprise's criminal operation by  
5 committing, attempting, and threatening to commit violence, including murder, assaults, intimidation,  
6 and threats of violence directed against rival gang members, rivals in general, those who disrespect  
7 HASC, its members, associates, and families, and potential witnesses to the crimes of the enterprise;

8               b.    Members of HASC promote a climate of fear through intimidation, violence, and  
9 threats of violence intended to promote the authority of the enterprise and its members and to insulate its  
10 members from prosecution for the criminal actions of the enterprise; and

11              c.    Members of HASC use the enterprise to murder, assault, and threaten those who  
12 pose a threat to the enterprise.

13           14.    It is part of the means and methods of the enterprise that the defendants and other  
14 members and associates of HASC discuss with other members and associates of HASC, among other  
15 things, the membership and rules of HASC; the status of HASC members and associates who were  
16 arrested or incarcerated; the disciplining of HASC members; HASC members' encounters with law  
17 enforcement; the identities of individuals suspected of cooperating with law enforcement and the  
18 proposed actions to be taken against them; plans and agreements regarding the commission of future  
19 crimes, including murder, robbery, extortion, narcotics distribution, illegal possession of firearms, and  
20 assault, as well as ways to conceal these crimes; and the enforcement of the rules of HASC.

21           15.    It is further part of the means and methods of the enterprise that the defendants and other  
22 members and associates of HASC agreed to purchase, possess, maintain, use, and circulate a collection  
23 of firearms for use in criminal activity by the members and associates of HASC.

24           16.    It is further part of the means and methods of the enterprise that the defendants and other  
25 members and associates of HASC agreed that acts of violence, including murder, attempted murder, and  
26 assault, would be committed by members and associates of HASC against rival gang members and  
27 others when it suited the enterprise's purposes.

1 17. It is further part of the means and methods of the enterprise that the defendants and other  
2 members and associates of HASC agreed to distribute narcotics, to commit robbery, extortion, and other  
3 crimes, and to conceal their criminal activities by obstructing justice, threatening and intimidating  
4 witnesses, and other means.

5 The Defendants

6 18. Defendant JONATHAN JOSEPH NELSON, a/k/a "Jon Jon," is the President of HASC.  
7 Defendant RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray," is a member of HASC and the former  
8 President of HASC. Defendant RUSSELL ALLEN LYLES, JR., a/k/a "J.R.," is a member of HASC  
9 and the former Sergeant at Arms of HASC. Defendant JEREMY DANIEL GREER is a former member  
10 of HASC. Defendant BRIAN WAYNE WENDT is the President of the Fresno chapter of the Hells  
11 Angels. Defendant RUSSELL TAYLOR OTT, a/k/a "Rusty," is a member of HASC and the former  
12 President of HASC. CHRISTOPHER RANIERI, a/k/a "Rain Man," is the President of the  
13 Salem/Boston chapter of the Hells Angels. Defendant DAMIEN DAVID CESENA is a member of  
14 HASC. Defendant BRIAN ALLEN BURKE, a/k/a "Bucky," is a member of HASC. Defendant JASON  
15 RANDALL CLIFF, a/k/a "Agro," is a member of HASC. Defendant DAVID SALVATORE DIAZ, III  
16 is the Secretary of HASC.

17  
18 COUNT ONE: (18 U.S.C. § 1962(d) — Racketeering Conspiracy)

19 The Racketeering Conspiracy

20 19. Paragraphs 1 through 18 of this Indictment are realleged and incorporated by reference as  
21 though fully set forth herein.

22 20. Beginning on a date unknown to the Grand Jury but since at least 2007, and continuing  
23 up through and including the present, in the Northern District of California and elsewhere, the  
24 defendants,

25 JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"  
26 RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray,"  
27 RUSSELL ALLEN LYLES, JR., a/k/a "J.R.,"  
28 JEREMY DANIEL GREER,  
BRIAN WAYNE WENDT,  
RUSSELL TAYLOR OTT, a/k/a "Rusty,"

1 CHRISTOPHER RANIERI, a/k/a "Rain Man,"  
2 DAMIEN DAVID CESENA, and  
3 DAVID SALVATORE DIAZ, III,

4 together with others known and unknown to the Grand Jury, each being a person employed by and  
5 associated with HASC, an enterprise engaged in, and the activities of which affected, interstate and  
6 foreign commerce, unlawfully, knowingly, and intentionally conspired to violate Title 18, United States  
7 Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the  
8 affairs of the HASC enterprise through a pattern of racketeering activity, as defined in Title 18, United  
9 States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of multiple acts  
10 and threats involving offenses chargeable under the following provisions of California law:

- 11 a. murder, in violation of California Penal Code Sections 187, 188, 189, 182, 422,  
12 and 664;  
13 b. robbery, in violation of California Penal Code Sections 21a, 211, 212, 212.5, 213,  
14 182, and 664;  
15 c. extortion, in violation of California Penal Code Sections 21a, 182, 518, 519, 520,  
16 524, and 664;

17 multiple acts indictable under the following provisions of federal law:

- 18 d. robbery and extortion, in violation of Title 18, United States Code, Section 1951;  
19 and  
20 e. witness intimidation, in violation of Title 18, United States Code, Section 1512;  
21 and offenses involving the manufacture, importation, receiving, concealment, buying, selling, or  
22 otherwise dealing in a controlled substance, in violation of Title 21, United States Code, Sections  
23 841(a)(1) and 846.

24 21. It was part of the conspiracy that each defendant agreed that a conspirator would commit  
25 at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

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Overt Acts

1  
2           22.    In furtherance of the conspiracy and in order to effectuate the object thereof, the  
3 defendants and their co-conspirators, in various combinations, directly and indirectly, within the  
4 Northern District of California and elsewhere, committed overt acts, including, but not limited to, the  
5 following:

6           a.       In July and August 2007, RAYMOND FOAKES committed acts of bank fraud  
7 and money laundering in connection with a mortgage fraud scheme. The purpose of the mortgage fraud  
8 was to obtain a residence in which to establish an indoor marijuana cultivation operation.

9           b.       On or about February 10, 2008, JONATHAN NELSON and a San Francisco  
10 Hells Angel assaulted an individual at a bar.

11           c.       On or about June 12, 2008, RUSSELL LYLES possessed three shotguns, a loaded  
12 pistol, two rifles, a homemade mace-type weapon, two sets of brass knuckles, a drum-style large  
13 capacity magazine for an AR-15 rifle, several knives, and eight Kevlar bulletproof vests. LYLES was  
14 also in possession of 84 growing marijuana plants at the same time.

15           d.       On or about June 4, 2011, HASC members assaulted a member of the rival Vagos  
16 motorcycle gang.

17           e.       On or about July 15, 2014, BRIAN WENDT, aided and abetted by JONATHAN  
18 NELSON and RUSSELL OTT, killed Victim 1 at the Fresno Hells Angels clubhouse. The murder  
19 began when JONATHAN NELSON directed Victim 1 to travel to the Fresno Hells Angels clubhouse to  
20 meet with BRIAN WENDT, and on or about July 15, 2014, RUSSELL OTT travelled with Victim 1  
21 from the Northern District of California to Fresno, California.

22           f.       On or about January 15, 2015, DAMIEN CESENA and JEREMY GREER  
23 conducted a home invasion robbery of Victim 2, during which they took marijuana.

24           g.       On or about August 25, 2015, DAMIEN CESENA possessed an illegal weapon—  
25 a ball peen hammer—located in his motorcycle and a loaded magazine for a pistol located in his office.

26           h.       On or about September 2, 2015, JONATHAN NELSON and RUSSELL LYLES  
27 stole a motorcycle from Victim 3.

28           i.       On or about May 18, 2016, JEREMY GREER robbed Victim 4 of marijuana.

1 j. On or about November 26, 2016, JONATHAN NELSON, RAYMOND  
2 FOAKES, RUSSELL LYLES, JEREMY GREER, and JASON CLIFF maimed and assaulted Victim 5.

3 k. On or about November 26, 2016, RUSSELL LYLES, DAVID DIAZ, DAMIEN  
4 CESENA, and other HASC members stole property, including a motorcycle, from Victim 5.

5 l. On or about November 26, 2016, RAYMOND FOAKES sexually assaulted  
6 Victim 6. During the assault, RAYMOND FOAKES threatened to harm Victim 6 and Victim 6's family  
7 if Victim 6 reported the assault.

8 m. On or about December 19, 2016, JEREMY GREER robbed Victim 4 of marijuana  
9 and United States currency.

10 n. On or about December 23, 2016, JEREMY GREER and a third person followed  
11 Victim 4 in a vehicle that contained two loaded pistols, zip ties pre-formed for ready handcuffs, latex  
12 gloves and other gloves, clown masks, blank keys, lockpicks for automobiles, camouflage outfits, a  
13 home-made club with nails embedded into it, bolt cutters, a fencepost driver that could be used as a door  
14 battering ram, and a large quantity of HASC paraphernalia, including two sweatshirts and a hat from the  
15 Hells Angels Salem/Boston chapter.

16 o. On or about February 8, 2017, BRIAN BURKE threatened and intimidated  
17 Victim 6, who was a potential witness against RAYMOND FOAKES.

18 p. On or about February 25, 2017, BRIAN WENDT and another member of the  
19 Fresno Hells Angels chapter possessed multiple Glock pistols, a Desert Eagle .44 magnum pistol, a  
20 Springfield Armory .45 caliber pistol, a .44 magnum revolver, a .357 magnum revolver, two rifles, a  
21 loaded high-capacity drum magazine for an assault rifle, various loaded magazines, loose ammunition,  
22 and several knives.

23 q. On or about February 26, 2017, DAVID DIAZ illegally possessed a 13 inch knife.  
24 All in violation of Title 18, United States Code, Section 1962(d).

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1 COUNT TWO: (18 U.S.C. § 1959(a)(5) — Conspiracy to Commit Murder in Aid of  
2 Racketeering)

3 23. Paragraphs 1 through 18 of this Indictment are realleged and incorporated by reference as  
4 though fully set forth herein.

5 24. The HASC enterprise, through its members and associates, engaged in racketeering  
6 activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely multiple  
7 acts and threats in violation of California Penal Code Sections 187, 188, 189, 182, 422 and 664  
8 (involving murder); multiple acts and threats in violation of California Penal Code Sections 21a, 211,  
9 212, 212.5, 213, 182, 21a, and 664 (involving robbery); multiple acts in violation of California Penal  
10 Code Sections 21a, 182, 518, 519, 520, 524, and 664 (involving extortion); multiple acts indictable  
11 under Title 18, United States Code, Sections 1951 (relating to interference with commerce, robbery, or  
12 extortion) and 1512 (relating to tampering with a witness, victim, or informant); and offenses involving  
13 the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a  
14 controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

15 25. Beginning on a date unknown to the Grand Jury, but continuing to on or about July 15,  
16 2014, in the Northern District of California and elsewhere, for the purpose of gaining entrance to and  
17 maintaining and increasing position in HASC, an enterprise engaged in racketeering activity, defendants

18 JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"  
19 BRIAN WAYNE WENDT,  
20 RUSSELL TAYLOR OTT, a/k/a "Rusty," and  
21 CHRISTOPHER RANIERI, a/k/a "Rain Man,"

22 conspired together and with others known and unknown to murder Victim 1, in violation of California  
23 Penal Code Sections 182, 187, 188, and 189.

24 All in violation of Title 18, United States Code, Section 1959(a)(5).

25 COUNT THREE: (18 U.S.C. § 1951(a) — Hobbs Act Robbery)

26 26. On or about January 15, 2015, in the Northern District of California, defendants

27 JEREMY DANIEL GREER and  
28 DAMIEN DAVID CESENA,

1 each aided and abetted by the other, knowingly obstructed, delayed, and affected commerce and the  
2 movement of articles and commodities in commerce by robbery, as that term is defined in Title 18,  
3 United States Code, Section 1951(b)(1); that is, defendants robbed Victim 2 of marijuana.

4 All in violation of Title 18, United States Code, Sections 1951(a) and 2.

5  
6 COUNT FOUR: (18 U.S.C. § 1951(a) — Hobbs Act Robbery)

7 27. On or about May 18, 2016, in the Northern District of California, defendant

8 JEREMY DANIEL GREER

9 knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities  
10 in commerce by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1); that  
11 is, defendant robbed Victim 4 of marijuana.

12 All in violation of Title 18, United States Code, Section 1951(a).

13  
14 COUNT FIVE: (18 U.S.C. § 1959(a)(2) — Maiming in Aid of Racketeering)

15 28. Paragraphs 1 through 18 and 24 of this Indictment are realleged and incorporated by  
16 reference as though fully set forth herein.

17 29. On or about November 26, 2016, in the Northern District of California, for the purpose of  
18 gaining entrance to and maintaining and increasing position in HASC, an enterprise engaged in  
19 racketeering activity, defendants

20 JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”  
21 RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”  
22 RUSSELL ALLEN LYLES, JR., a/k/a “J.R.,”  
23 JEREMY DANIEL GREER, and  
24 JASON RANDALL CLIFF,

25 each aided and abetted by the others, unlawfully and knowingly maimed Victim 5, in violation of  
26 California Penal Code Section 203.

27 All in violation of Title 18, United States Code, Sections 1959(a)(2) and 2.  
28

1 COUNT SIX: (18 U.S.C. § 1959(a)(3) — Assault with a Dangerous Weapon in Aid of  
2 Racketeering)

3 30. Paragraphs 1 through 18 and 24 of this Indictment are realleged and incorporated by  
4 reference as though fully set forth herein.

5 31. On or about November 26, 2016, in the Northern District of California, for the purpose of  
6 gaining entrance to and maintaining and increasing position in HASC, an enterprise engaged in  
7 racketeering activity, defendants

8 JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”  
9 RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”  
10 RUSSELL ALLEN LYLES, JR., a/k/a “J.R.,”  
11 JEREMY DANIEL GREER, and  
12 JASON RANDALL CLIFF,

13 each aided and abetted by the others, unlawfully and knowingly assaulted Victim 5 with a dangerous  
14 weapon, specifically, a firearm, in violation of California Penal Code Section 245(a)(2).

15 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

16 COUNT SEVEN: (18 U.S.C. § 924(c)(1)(A) — Use/Possession of a Firearm During a Crime of  
17 Violence)

18 32. On or about November 26, 2016, in the Northern District of California, defendant

19 JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”

20 together with others known and unknown, unlawfully and knowingly used, carried, and brandished a  
21 firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the  
22 United States, namely, the maiming in aid of racketeering of Victim 5 charged in Count Five of this  
23 Indictment and the assault with a dangerous weapon in aid of racketeering of Victim 5 charged in Count  
24 Six of this Indictment, and possessed and brandished a firearm in furtherance of the offenses charged in  
25 Counts Five and Six of this Indictment.

26 All in violation of Title 18, United States Code, Section 924(c)(1)(A).  
27  
28

1 COUNT EIGHT: (18 U.S.C. § 1512(b) — Witness Intimidation)

2 33. On or about November 26, 2016, in the Northern District of California, defendant  
3 RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”  
4 knowingly attempted to intimidate and threaten and corruptly persuade Victim 6 by threatening to harm  
5 Victim 6 and Victim 6’s family with the intent to influence and delay and prevent the testimony of  
6 Victim 6 in an official proceeding, to wit, any adjudication of RAYMOND FOAKES’ violation of the  
7 conditions of his supervised release in Case No. CR 11-0624 WHA (N.D. Cal.).

8 All in violation of Title 18, United States Code, Section 1512(b)(1).  
9

10 COUNT NINE: (18 U.S.C. § 1951(a) — Hobbs Act Robbery)

11 34. On or about December 19, 2016, in the Northern District of California, defendant  
12 JEREMY DANIEL GREER  
13 knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities  
14 in commerce by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1); that  
15 is, defendant robbed Victim 4 of marijuana and United States currency.

16 All in violation of Title 18, United States Code, Section 1951(a).  
17

18 COUNT TEN: (18 U.S.C. § 924(c)(1)(A) — Use/Possession of a Firearm During a Crime of  
19 Violence)

20 35. On or about December 19, 2016, in the Northern District of California, defendant  
21 JEREMY DANIEL GREER  
22 unlawfully and knowingly used, carried, and brandished a firearm during and in relation to a crime of  
23 violence for which he may be prosecuted in a court of the United States, namely, the robbery of Victim  
24 4 charged in Count Nine of this Indictment, and possessed a firearm in furtherance of the offense  
25 charged in Count Nine of this Indictment.

26 All in violation of Title 18, United States Code, Section 924(c)(1)(A)  
27  
28

1 COUNT ELEVEN: (18 U.S.C. § 1512(b) — Witness Intimidation)

2 36. On or about February 8, 2017, in the Northern District of California, defendant  
3 BRIAN ALLEN BURKE, a/k/a “Bucky,”  
4 knowingly attempted to intimidate and threaten and corruptly persuade Victim 6 by threatening to shoot  
5 Victim 6 with a firearm with the intent to influence and delay and prevent the testimony of Victim 6 in  
6 an official proceeding, to wit, the adjudication of RAYMOND FOAKES’ violation of the conditions of  
7 his supervised release in Case No. CR 11-0624 WHA (N.D. Cal.).

8 All in violation of Title 18, United States Code, Section 1512(b)(1).

9  
10 FORFEITURE ALLEGATION: (18 U.S.C. § 1963(a); 18 U.S.C. § 924(d); 18 U.S.C. §  
11 981(a)(1)(C); 28 U.S.C. § 2461(c))

12 37. The factual allegations contained in Count One this Indictment are realleged and by this  
13 reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18  
14 U.S.C. § 1963(a). Upon conviction of the offense alleged in Count One, the defendants,

15 JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”  
16 RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”  
17 RUSSELL ALLEN LYLES, JR., a/k/a “J.R.,”  
18 JEREMY DANIEL GREER,  
19 BRIAN WAYNE WENDT,  
20 RUSSELL TAYLOR OTT, a/k/a “Rusty,”  
21 CHRISTOPHER RANIERI, a/k/a “Rain Man,”  
22 DAMIEN DAVID CESENA, and  
23 DAVID SALVATORE DIAZ, III,

24 shall forfeit to the United States, pursuant to 18 U.S.C. § 1963(a), (1) any interest the person has  
25 acquired or maintained in violation of 18 U.S.C. § 1962; (2) any interest in, security of, claim against, or  
26 property or contractual right of any kind affording a source of influence over, any enterprise which the  
27 person has established, operated, controlled, conducted or participated in the conduct of, in violation of  
28 18 U.S.C. § 1962; and (3) any property (including real property and things growing thereon, affixed  
thereto and found in land, and any tangible and intangible personal property including rights, privileges,  
interests, claims, and securities), constituting or derived from any proceeds which the person obtained

1 directly or indirectly from racketeering activity in violation of 18 U.S.C. § 1962.

2 38. The factual allegations contained in Counts Three through Seven, Nine, and Ten of this  
3 Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging  
4 forfeiture pursuant to the provisions of 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c). Upon conviction of  
5 the offenses alleged in Counts Three through Seven, Nine, and Ten, defendants

6 JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"  
7 JEREMY DANIEL GREER, and  
8 DAMIEN DAVID CESENA

9 shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm or  
10 ammunition involved in a violation of the offenses.

11 39. The factual allegations contained in Counts Eight and Eleven of this Indictment are re-  
12 alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to  
13 the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c). Upon conviction of the offenses  
14 alleged in Counts Eight and Eleven, defendants

15 RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray," and  
16 BRIAN ALLEN BURKE, a/k/a "Bucky,"

17 shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any  
18 property, real or personal, which constitutes or is derived from proceeds traceable to the offense, or any  
19 property traceable to such property.

20 40. If any of the property described above, as a result of any act or omission of the  
21 defendants:

- 22 a. cannot be located upon the exercise of due diligence;
- 23 b. has been transferred or sold to or deposited with, a third person;
- 24 c. has been placed beyond the jurisdiction of the Court;
- 25 d. has been substantially diminished in value; or
- 26 e. has been commingled with other property which cannot be divided without  
27 difficulty;
- 28



1 any and all interest the defendant has in any other property (not to exceed the value of the above  
2 forfeitable property) shall be forfeited to the United States, pursuant to 18 U.S.C. § 1963(m) and 21  
3 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

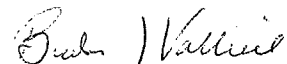
4 All in violation of 18 U.S.C. § 1963(a); 18 U.S.C. § 1963(m); 18 U.S.C. § 924(a); 18 U.S.C. §  
5 981(a)(1)(C); 28 U.S.C. § 2461(c) and pursuant to Rule 32.2 of the Federal Rules of Criminal  
6 Procedure.

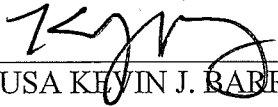
7  
8 DATED: 10/10/17

A TRUE BILL.

  
FOREPERSON

9  
10  
11 BRIAN J. STRETCH  
United States Attorney

12  
13   
14 BARBARA VALLIERE  
Chief, Criminal Division

15  
16 (Approved as to form: )

AUSA KEVIN J. BARRY