

GANG PROSECUTORS USE RICO 6 CHARGED UNDER RACKETEERING STATUTE

Detroit Free Press (MI) - Wednesday, July 23, 1997

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Federal prosecutors are aiming racketeering charges at six suspected members of a southwest Detroit gang believed to have killed five people and to have ties to other area communities.

The indictment against the six "leaders and enforcers" of the **Cash Flow Posse** marks the first time a grand jury has charged an organized street gang in eastern Michigan with violating the Racketeer Influenced and Corrupt Organizations Act, or RICO. The act was created largely to prosecute the Mafia and other organized crime.

"This should help make life safer for young people who could be either victimized or recruited by gangs," Detroit Police Chief Isaiah McKinnon said Tuesday.

The RICO act allows prosecutors to attempt to connect several crimes to show the members acted as an enterprise. It also means stiffer penalties.

U.S. Attorney Saul Green said his office used the law to charge a loosely knit group with breaking into Detroit homes and robbing and raping the residents in 1994, but that this was the first time he had used it against a "pure street gang."

The six charged could receive life in prison or the death penalty, although Green has not decided whether to seek death sentences.

He hopes the case will send a message to other gang members and the community.

The RICO law was created with organized crime in mind, and it was used against nine alleged members of the Detroit Mafia in March 1996.

Defense lawyers say it gives the government too much power and just the word racketeering can prejudice potential jurors. Those charged through RICO can be connected to an "enterprise" they did not know existed, the lawyers say.

"It's a super conspiracy statute," said Robert Fogelnest, a New York attorney and past president of the National Association of Criminal Defense Lawyers.

In the indictment unsealed Monday, a grand jury charged the six suspected gang members with five murders and several assaults.

Most of the **posse** 's violence was directed at rival gang members, the indictment said, but innocent people and possible witnesses also came under fire. In one of the attacks, a gunman shot and killed a 15-year-old girl, Annie Johnson, as she opened the door of her west side home in July 1994. The gunman also killed her cousin, James Goings and wounded her mother, Shirley Johnson.

The indictment said the **Cash Flow Posse** was formed when two national street gangs came to southwest Detroit seeking recruits. A group of 12 Detroit men banded together to protect turf, the indictment said.

The **posse** adopted colors and designed a gang logo, the indictment said. It collected dues, held meetings and had rituals for initiation and discipline, the indictment said, and specific members served as officers.

Although centered in Detroit, the gang operated chapters in Port Huron and Belleville, the indictment said.

Belleville Police Chief Hal Berriman said he knew of no **Cash Flow Posse** activity in his community, but said some had been reported in Sumpter Township.

News of the indictments was met with mixed reactions Tuesday evening in southwest Detroit.

Some residents said the charges are good if the government gets convictions and makes the defendants serve time.

David Gray, 32, a lifelong resident of the area said: "We have the laws. The problem is enforcing them."

Gray said his sister and her children were at a gas station in **Cash Flow** territory -- Vernor-Springwells -- last week when a gun was fired after a fistfight. No one was shot.

Sergio Hernandez, 38, who moved to Detroit two years ago from Jalisco, Mexico, was leaving Clark Park at dusk after a round of volleyball with his wife, Livrava, 34, and four children, ages 7 to 17.

"There's a lot of bad people who come through this park," Hernandez said. "We leave before dark because of the drug dealers and people who drink here."

Named in the indictment are: Jerry Waucaush, 24; his brother, Robert Waucaush, 23; Efraim Garcia, 35; Gregory Ballesterro, 22; Marty Rodriguez, 24; Kenny Roland, 20, and Johnathon Stevens, 21. All are from Detroit. Stevens is not charged with racketeering but in a separate count is charged with conspiracy to commit violent crimes to aid racketeering.

Roland appeared Tuesday before U.S. Magistrate Steven Pepe, who ordered him held without bond pending a detention hearing today. Roland's family declined comment, and he does not yet have an attorney.

Jerry Waucaush is awaiting sentencing after pleading guilty to a federal drug-trafficking charge. His brother Robert is in jail awaiting trial next month in Recorder's Court on murder and assault charges.

Garcia is in state prison serving two consecutive 2-to-4-year sentences in a Port Huron shooting and Rodriguez is serving an 8-year-and-3-month federal sentence for drug trafficking.

Ballestero appeared in federal court in Los Angeles on Monday and is on his way back to Detroit. Stevens has not been arrested.

McKinnon said the gang has wreaked havoc on southwest Detroit. "They committed random acts of violence which were mostly territorial."

Free Press staff writers Suzanne Siegel, John Castine and Jennifer Juarez Robles contributed to this report.

RICO

The Racketeer Influenced and Corrupt Organizations (RICO) Act allows prosecutors to attempt to connect many crimes to show that criminals belonged to an "enterprise."

It also allows the government to seek stiff sentences, including the death penalty or life in prison.

Memo: SIDEBAR ATTACHED

Edition: METRO FINAL CHASER

Section: NWS

Page: 1B

Index Terms: DEFINITION ; GANG ; RICO ; CASH FLOW POSSE; DETROIT ; ARREST

Record Number: 9707230018

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