United States District Court

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

CR25-00062 JSC

UNITED STATES OF AMERICA,

٧.

JOSE BADILLO, a/k/a Jose Vicente Badillo,

FILED

Mar 11 2025

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

DEFENDANT(S).

INDICTMENT

18 U.S.C. §§ 844(i) and 844(n) – Conspiracy to Commit Arson;

18 U.S.C. §§ 844, 981, 982 and 28 U.S.C. § 2461 – Forfeiture Allegation

A true bill.
/S/ Foreperson of the Grand Jury
Foreman
Filed in open court this11th day of
March, 2025
French Lapez
Brenda Lopez, Deputy Clerk
Astli Kuri Bail, \$ Summons

Hon. Sallie Kim, U.S. Magistrate Judge

FILED PATRICK D. ROBBINS (CABN 152288) Mar 11 2025 Acting United States Attorney 2 Mark B. Busby CLERK, U.S. DISTRICT COURT 3 NORTHERN DISTRICT OF CALIFORNIA 4 SAN FRANCISCO 5 6 7 8 9 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 10 11 SAN FRANCISCO DIVISION 12 CASE NO. CR25-00062 JSC 13 UNITED STATES OF AMERICA, 14 Plaintiff, **VIOLATIONS:** 18 U.S.C. §§ 844(i) and 844(n) – Conspiracy to 15 v. Commit Arson; 18 U.S.C. §§ 844, 981, 982 and 28 U.S.C. § 2461 16 JOSE BADILLO, - Forfeiture Allegation a/k/a JOSE VICENTE BADILLO, 17 SAN FRANCISCO VENUE Defendant. 18 19 20 INDICTMENT 21 The Grand Jury charges: 22 Introductory Allegations 23 At all times relevant to this Indictment: 24 1. Defendant JOSE BADILLO, a/k/a JOSE VICENTE BADILLO, resided in the Northern 25 District of California and was associated with one or more commercial towing companies, including 26 Auto Towing and Specialty Towing 27 2. Auto Towing provided towing services throughout the San Francisco Bay Area and 28 operated out of a tow yard located at 1229 Underwood Avenue in San Francisco, California. INDICTMENT

- 3. Specialty Towing provided towing services throughout—and operated out of multiple locations in—the San Francisco Bay Area, including a tow yard located on Oakdale Avenue in San Francisco, California.
- 4. CO-CONSPIRATOR 1, CO-CONSPIRATOR 2, and CO-CONSPIRATOR 3 resided in the Northern District of California.
- CO-CONSPIRATOR 4 resided in the Northern District of California, was a business associate of BADILLO, and was affiliated with one or more commercial towing companies, including Specialty Towing.

Manner and Means of the Conspiracy

- 6. The defendant, CO-CONSPIRATOR 1, CO-CONSPIRATOR 2, CO-CONSPIRATOR 3, and CO-CONSPIRATOR 4, and others known and unknown to the Grand Jury, conspired to and in fact did damage and destroy at least six competitor tow trucks by means of fire and explosives.
- 7. The conspiracy encompassed damage to and destruction of at least six competitor tow trucks by means of fire and explosives on or about at least the following four dates:
 - a. April 4, 2023: two tow trucks in San Francisco, California;
 - b. April 29, 2023: one tow truck in San Francisco, California;
 - c. July 25, 2023: one tow truck in East Palo Alto, California; and
 - d. October 3, 2023: two tow trucks in San Francisco, California.
- 8. The purpose of the conspiracy was, among other things, to retaliate against competitor towing companies for perceived wrongs and to drive more business to Auto Towing and Specialty Towing by impeding their competitors' business prospects. The defendant, CO-CONSPIRATOR 1, CO-CONSPIRATOR 2, CO-CONSPIRATOR 3, and CO-CONSPIRATOR 4, and others known and unknown to the Grand Jury, communicated with one another by phone, video call, text message, and in person, often using coded language, to coordinate, confirm, and boast about their arson campaign.
- 9. The defendant devised and orchestrated the conspiracy. The defendant then directed others, including CO-CONSPIRATOR 1, CO-CONSPIRATOR 2, and CO-CONSPIRATOR 3, to execute the scheme for him—that is, to damage and destroy the tow trucks described herein by means of fire and explosives.

COUNT ONE: (18 U.S.C. §§ 844(i) and 844(n) – Conspiracy to Commit Arson)

- 10. The allegations above are re-alleged and incorporated as if fully set forth here.
- 11. Beginning on a date unknown to the Grand Jury but no later than on or about April 4, 2023, and continuing through a date unknown to the Grand Jury but no earlier than on or about October 3, 2023, in the Northern District of California, the defendant,

JOSE BADILLO,

along with CO-CONSPIRATOR 1, CO-CONSPIRATOR 2, CO-CONSPIRATOR 3, and CO-CONSPIRATOR 4, and others known and unknown to the Grand Jury, did knowingly conspire to maliciously damage and destroy, and attempt to do so, by means of fire and an explosive, any building, vehicle, and other real and personal property used in interstate and foreign commerce, and used in any activity affecting interstate and foreign commerce, namely tow trucks operated by commercial towing companies located in the Northern District of California.

- 12. The conspiracy encompassed damage to and destruction of at least the following six tow trucks by means of fire and explosives:
 - On or about April 4, 2023, one (1) 2008 white Sterling Bullet 45 tow truck and one (1) 2012 white Dodge Ram 4500 tow truck operated by a commercial towing company located in the Northern District of California and doing business in interstate and foreign commerce and in activity affecting interstate and foreign commerce;
 - On or about April 29, 2023: one (1) 2018 Peterbilt 579 "heavy wrecker" tow truck operated by a commercial towing company located in the Northern District of California and doing business in interstate and foreign commerce and in activity affecting interstate and foreign commerce;
 - On or about July 25, 2023, one (1) 2009 Ford F-550 tow truck operated by a commercial towing company located in the Northern District of California and doing business in interstate and foreign commerce and in activity affecting interstate and foreign commerce; and
 - On or about October 3, 2023, one (1) 2022 Dodge Ram 550 flatbed tow truck and one (1) 2007 Ford F-550 tow truck operated by a commercial towing company located in the Northern District of California and doing business in interstate and foreign commerce and in activity affecting interstate and foreign commerce,

1 in violation of Title 18, United States Code, Section 844(i). 2 All in violation of Title 18, United States Code, Section 844(n). 3 FORFEITURE ALLEGATION: (18 U.S.C. §§ 844, 981, 982; 28 U.S.C. § 2461) 4 The allegations contained in this Indictment are re-alleged and incorporated by reference for the 5 purpose of alleging forfeiture under Title 18, United States Code, Sections 844, 981, and 982, as well as 6 Title 28, United States Code, Section 2461 and Title 49, United States Code, Section 80303. 7 Upon conviction for the offense set forth in this Indictment, the defendant, 8 JOSE BADILLO, 9 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), (G), 982(a)(2)(B), and Title 28, United States Code, Section 2461(c), any property, real or personal, 10 11 constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations, and 12 pursuant to Title 18, United States Code, Section 844(c) and Title 28, United States Code, Section 13 2461(c), any explosive materials and firearms involved, or used or intended to be used, in the violations, 14 and a forfeiture money judgment. 15 If any of the property described above, as a result of any act or omission of the defendant: 16 cannot be located upon exercise of due diligence; a. 17 has been transferred or sold to, or deposited with, a third party; b. 18 has been placed beyond the jurisdiction of the court; c. 19 d. has been substantially diminished in value; or 20 has been commingled with other property which cannot be divided without e. 21 difficulty, 22 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, 23 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c). 24 25 26 27 28

All pursuant to Title 18, United States Code, Sections 844, 981, and 982, as well as Title United States Code, Section 2461 and Title 49, United States Code, Section 80303, and Federal Ru	
2 United States Code Section 2461 and Title 49 United States Code Section 80303, and Federal Ru	ıle of
2 Officed States Code, Section 2401 and Title 47, Officed States Code, Section 80303, and Tederal Re	01
3 Criminal Procedure 32.2.	
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5 DATED: March 11, 2025 A TRUE BILL.	
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7 <u>/s/ Foreperson</u> FOREPERSON	
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9 PATRICK D. ROBBINS Acting United States Attorney	
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11 /s/ Nicholas Parker	
NICHOLAS M. PARKER Assistant United States Attorney	
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INDICTMENT