

Eastern District of Kentucky

FILED

SEP 03 2020

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
PIKEVILLE**

UNITED STATES OF AMERICA

v.

INDICTMENT NO. 7:20-CR-17-REW

**MITCHELL FARKAS,
aka LIFTER,
JONATHAN GOBER,
aka TUCKER,
JAMES POOLE,
aka REDWOOD, and
ANDREW TINLIN,
aka TIN**

UNDER SEAL

* * * * *

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

Indictment

1. At all times relevant to this Indictment, the defendants, **MITCHELL FARKAS, aka LIFTER, JONATHAN GOBER, aka TUCKER, JAMES POOLE, aka REDWOOD, ANDREW TINLIN, aka TIN,** and others, known and unknown, were members of the Aryan Circle (hereinafter the "AC"), a criminal organization whose members and associates engaged in narcotics distribution, firearms trafficking, and acts of violence including acts involving murder, assault, robbery, witness intimidation, and kidnapping. At all times relevant to this Indictment, the AC operated throughout Kentucky, Texas, Louisiana, Arkansas, Missouri, Oklahoma, Indiana, New Jersey, and Arizona,

including in the Eastern District of Kentucky, and elsewhere.

Structure and Operation of the Enterprise

2. The structure and operation of the AC included, but was not limited to, the following:

- a. The AC was a violent, race-based, “whites only” prison-based gang with hundreds of members operating inside and outside of state and federal penal institutions throughout Kentucky, Texas, Louisiana, Arkansas, Missouri, Oklahoma, Indiana, New Jersey, and Arizona. The AC offered protection to white inmates if they joined the gang.
- b. The AC was established in approximately 1985 within the Texas Department of Criminal Justice (TDCJ), where the traditional power centers of the AC and members of the gang’s leadership structure resided. In recent years, the AC’s structure and influence expanded to rural and suburban areas throughout Texas, Louisiana, Arkansas, Missouri, Oklahoma, Indiana, New Jersey, and Arizona. The AC emerged during a period of internal turmoil within the Aryan Brotherhood of Texas (ABT). Its original membership contained several ex-ABT members as well as others rejected for ABT membership. The AC was relatively small in comparison to other prison-based gangs but grew in stature and influence within TDCJ in the 1990s, largely through violent conflicts with other gangs, white and non-white alike, including the Mexican Mafia, the ABT, and others.

- c. The AC had a detailed and uniform organizational structure, which is outlined—along with various rules, procedures, and code of conduct—in a written “constitution” widely distributed to members throughout Texas, Louisiana, Arkansas and elsewhere.
- d. The AC had a defined militaristic structure. AC members referred to the gang as the “Family.” The AC had a complex organizational structure, which continued to evolve over time. The AC was overseen and directed by a five-member “Upper Board.” The Upper Board had ultimate authority in all gang matters. Subordinate ranking members served to support the Upper Board to enforce gang members’ discipline and adherence to established AC rules and laws. The Upper Board was comprised of the president, vice president, administrative chairman, and two other members. The AC had six branches: one for Texas prisons; one for the federal prison system; one for out of state prisons; one for international members; one known as a motorcycle biker branch; and one for the “free world” (non-incarcerated gang members), each of which had its own Middle Board. The out of state prisons were further divided into a handful of regions, each incorporating one or more states. The Middle Boards each included the Upper Board members, as well as the vice president and director of each branch. Rules and regulations for the various branches came from Center Rings, which included all Middle Board Members.
- e. The AC was also divided between prison and free world chains of command.

Each prison had its own hierarchy. In the free world, Texas was divided into districts, presided over by district captains, who reported to majors, who in turn controlled a number of districts. The AC's ranking structure remained constant; however, personnel changes (promotions, demotions, and terminations) occurred frequently.

- f. The AC also had certain members assigned to the "Task Force," which was comprised of a small group of members handpicked by the Upper Board to enforce the rules of the organization and perform specific tasks or responsibilities. The Task Force was led by a commander and such tasks could range from managing some aspect of the AC's organization to performing a "hit" or other specific criminal act of violence, including meting-out punishment against fellow gang members who violated the gang's rules or killing rival gang members.
- g. AC Upper Board leaders had the authority within the gang to issue "D.O.'s" (direct orders) and mete out punishment. A D.O. was an assignment given to a subordinate AC member that would serve a purpose for the AC. The D.O. from a leader ordering a "violation" could be classified as "minor, serious, or major." The order could be an "S.O.S." (smash on sight), meaning the assault of an AC member who had committed a violation of the AC rules, which usually resulted in the removal of that member's AC "patch" (gang tattoo) and membership. This D.O. could also be a "Green Light," meaning an attack up to and including the murder of a rival gang member or of an AC

member or associate who had committed an egregious violation of the gang's rules. Failure to perform a D.O. resulted in the assigned member being in violation of the rules. Punishment for failing to complete the D.O. could range anywhere from a fine, written violation, beating, or death.

- h. Members of the AC greeted each other and showed their membership in the gang using a handshake intended to represent the motto: "Silence is Golden; Silence is Deadly; Silence is Mandatory; My Honor is called Loyalty!" The AC employed a robust symbology as well, using depictions of Nazi-style inspired symbols and artwork to demonstrate their affiliation. Members often had tattoos incorporating one or more Nazi-style symbols including, but not limited to, the Iron Cross, eternal flame, "13" (for first and third letters of the alphabet – "AC"), swastika, and Schutzstaffel ("SS") lightning bolts, as well as State-specific symbols. The most coveted tattoo of AC membership was the AC patch, which could be worn only by fully made members who generally ascended to full membership by committing a "blood-in mission" (aggravated assault or murder) on behalf of the gang. The design and shape of the patch evolved over time. The diamond tattoo was the basic AC tattoo or "patch." It had many variations, including variations for different states, though common to each tattoo was a swastika tilted to resemble a diamond, "SS" bolts, and the letters "AC" in the center. An older version of the AC patch was a circle with "SS" bolts inside it. AC lexicon included "113%" (100% Aryan Circle), "1388" or Aryan Circle variation of white supremacist

code “14/88” (the 88 stood for Heil Hitler), “CFFC” (Circle Forever, Forever Circle), and “DFFD” (Diamond Forever, Forever Diamond), among others. The colors associated with the AC were blue and gray, and members of the AC often demonstrated their affiliation with the AC by wearing clothing containing the colors blue and gray or incorporating some of the gang’s other symbols or phrases.

- i. Once released from incarceration, AC members were required to remain loyal to the AC and were required to immediately report to outside leaders to further the goals of the AC through criminal activity. They were required to attend “church,” which were meetings held to discuss and conduct AC gang business. One of the goals of the AC was to recruit new members. AC members were recruited from both inside and outside state and federal penal institutions. In order to be considered for AC membership, a person had to be sponsored by another AC member. Once sponsored, a prospective member had to serve a “pre-prospect” term, usually of not less than six months, during which he was referred to as a prospect, and his conduct was observed by other gang members. During this period, the prospect was required to study and learn the AC constitution and by-laws. During the prospect period, the individual was considered part of the AC family and entitled to the full protection of the gang. The prospect was also subject to the rules and orders of the gang. If the prospect’s conduct during the probationary period was deemed satisfactory, his membership to the gang

was submitted to the gang members. The vote had to be unanimous to be admitted to the AC. The prospect could be “black-balled” by a single member of the gang, and refused admission to the AC. All AC members were required to attend monthly “church” meetings where criminal activity was discussed, financial proceeds from criminal activity were collected including, but not limited to, collection of drug proceeds from subordinate gang members for senior AC gang leaders, and disciplinary beatings of fellow AC gang members were administered. All incarcerated AC members were expected to “put in work” for the “family” in order to earn the right to wear the AC patch. This normally required committing an act of violence on behalf of the organization. This rule for AC members in the free world was more loosely applied. Membership in the AC was for life. There was no retirement from the AC.

- j. Unlike most major prison-based gangs, the AC admitted women as full members and had a significant female membership that belonged to the women’s branch of the AC. Some women had achieved positions of considerable importance and responsibility within the organization. In addition to members, the enterprise included those closely affiliated with the AC, who were called “associates.” Wives or girlfriends of AC members who were not themselves full patched members were often associates. They were allowed to associate with the AC so long as they complied with the gang’s rules and served to promote the goals of the “family.” Female associates

functioned as communications hubs, facilitating gang communications and criminal activities among imprisoned members throughout the penal system by using the telephone, the internet, the United States Mail, and common carriers. They also smuggled drugs, cellular telephones, and other items of contraband to imprisoned gang members.

The Racketeering Enterprise

3. The Aryan Circle, including its leaders, members, and associates, constituted an “enterprise,” as defined in Title 18, United States Code, Section 1959(b)(2) (hereinafter “the enterprise”), that is a group of individuals associated in fact, which was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

4. At all times relevant to this Indictment, the Aryan Circle, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, acts involving murder in violation of the laws of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, Pennsylvania, Texas, and Virginia, and kidnapping in violation of the laws of the state of Missouri; and offenses involving narcotics trafficking, in violation of Title 21, United States Code, Sections 841, 843, and 846.

Purposes of the Enterprise

5. The purposes of the enterprise included, but were not limited to, the following:

- a. Enriching the leaders, members, and associates of the enterprise through, among other things, illegal trafficking of controlled substances and firearms.
- b. Preserving, protecting, and enhancing the power, territory, reputation, and profits of the enterprise through the use of threats, intimidation, violence, and destruction, including, but not limited to, acts involving murder, assault, obstruction of justice, and other acts of violence.
- c. Promoting and enhancing the enterprise and the activities of its leaders, members, and associates.
- d. Keeping victims in fear of the enterprise and in fear of its leaders, members, and associates through threats of violence and actual violence.
- e. Providing financial support to enterprise members who were charged with or incarcerated for gang-related activities.

Means and Method of the Enterprise

6. The means and methods by which the leaders, members, and associates conducted and participated in the conduct of the affairs of the enterprise included the following:

- a. The leaders of the enterprise directed, sanctioned, approved, and permitted other members and associates to carry out acts in furtherance of the enterprise.
- b. Members and associates of the enterprise committed, conspired to commit, and threatened to commit acts of violence, including acts involving murder, kidnapping, robbery, assault, and witness intimidation to protect the

enterprise's power, territory, and property.

- c. To generate income, enterprise members and associates engaged in illegal activities under the protection of the enterprise, including narcotics trafficking, weapons trafficking, and other illegal activities.
- d. For protection, attacks, and armed combat, enterprise members and associates in the free world acquired, carried, and used firearms, and enterprise members in prisons acquired, carried, and used sharp, knife-like objects, or shanks.
- e. Members and associates of the enterprise employed and used gang-related terminology, symbols, phrases, and gestures to demonstrate affiliation with the gang.
- f. To perpetuate the enterprise and to maintain and extend their power, members and associates of the enterprise committed and conspired to commit acts involving murder, intimidation, and assault against individuals who posed a threat to the enterprise or jeopardized its operations, rival organizations, AC members, and witnesses to illegal activities of the enterprise.
- g. Members and associates of the enterprise talked in code when communicating over the telephone and/or in writing to avoid law enforcement detection, and communication in person was always preferable.
- h. Members and associates of the enterprise were forbidden from cooperating with law enforcement. Legal paperwork was reviewed for signs of

cooperation.

COUNT 1
18 U.S.C. § 1959(a)(5)

7. Paragraphs 1 through 6 of the General Allegations of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

8. Beginning on a date unknown to the Grand Jury and continuing to on or about November 14, 2018, in Martin County, in the Eastern District of Kentucky, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in the Aryan Circle, an enterprise engaged in racketeering activity, the defendants,

MITCHELL FARKAS,
aka LIFTER,
JONATHAN GOBER,
aka TUCKER,
JAMES POOLE,
aka REDWOOD, and
ANDREW TINLIN,
aka TIN,

together and with others known and unknown to the Grand Jury, did conspire to murder A.S., in violation of Kentucky Penal Code § 507.020 (Murder) and Kentucky Revised Statute § 506.040 (Conspiracy), all in violation of 18 U.S.C. § 1959(a)(5).

COUNT 2
18 U.S.C. § 1959(a)(3)

9. Paragraphs 1 through 6 of the General Allegations of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

10. On or about November 14, 2018, in Martin County, in the Eastern District of Kentucky, and elsewhere, for the purpose of gaining entrance to and maintaining and

increasing position in the Aryan Circle, an enterprise engaged in racketeering activity, the defendants,

**MITCHELL FARKAS,
aka LIFTER,
JONATHAN GOBER,
aka TUCKER,
JAMES POOLE,
aka REDWOOD, and
ANDREW TINLIN,
aka TIN,**

and others known and unknown to the grand jury, while aiding and abetting each other, did assault A.S., resulting in serious bodily injury in violation of Kentucky Revised Statute §§ 508.010 (First Degree Assault) and 502.020 (Aiding and Abetting), all in violation of 18 U.S.C. §§ 1959(a)(3) and 2.

A TRUE BILL

FOREPERSON



**ROBERT M. DUNCAN, JR.
UNITED STATES ATTORNEY**

PENALTIES

COUNT 1: Not more than 10 years imprisonment, a fine of not more than \$250,000, and not more than 5 years of supervised release.

COUNT 2: Not more than 20 years imprisonment, a fine of not more than \$250,000, and not more than 5 years of supervised release.

PLUS: Mandatory special assessment of \$100 per count.