

UNITED STATES DISTRICT COURT

FILED

for the

Eastern District of California

JAN 11 2018

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

United States of America)

v.)

Case No.

Yaniv Gohar and Orel Gohar)

218 - MJ - 0008

KJN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 3 and 8, 2018 in the county of Sacramento in the Eastern District of California, the defendant(s) violated:

Code Section	Offense Description
18 U.S.C. § 3146(a)(1)	Failure to Appear

This criminal complaint is based on these facts:

(see attachment)

Continued on the attached sheet.

[Signature]

Complainant's signature

Nasson Walker, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: JAN 11, 2018

[Signature]

Judge's signature

City and state: SACRAMENTO, CA

Kendall J. Newman, U.S. Magistrate Judge

Printed name and title

United States v. Yaniv Gohar and Orel Gohar
Penalties for Second Criminal Complaint

Defendants

YANIV GOHAR and OREL GOHAR

COUNT 1: ALL DEFENDANTS

VIOLATION: 18 U.S.C. § 3146(a)(1) – Failure to Appear

PENALTIES: Not more than 5 years of imprisonment,
Up to \$250,000 fine, or both fine and imprisonment;
Not more than 3 years supervised release.

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Nasson Walker, being duly sworn, depose and state as follows.

BACKGROUND AND EXPERTISE OF THE AFFIANT

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for thirteen years. I am currently assigned to the Sacramento Field Office where I investigate fraud and organized crime. My training and experience includes a seventeen-week basic training course at the FBI Academy and supplemental training in terrorism, healthcare fraud, and the development and operation of confidential sources. Prior to my current assignment, I spent four years investigating domestic terrorism at the Sacramento Field Office and two years investigating healthcare fraud at the Miami Field Office. I have participated in the several investigations, including the current one, that involved illegal gambling and money laundering. I also recently conducted an investigation to locate and arrest a fugitive who failed to appear for trial.

2. The facts in this affidavit are based on my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

NATURE OF THE APPLICATION

3. This affidavit is submitted in support of a criminal complaint against Yaniv Gohar (hereinafter "Yaniv") and Orel Gohar (hereinafter "Orel") for violations of 18 U.S.C. § 3146 (Failure to Appear). As set forth below, there is probable cause to believe that the above individuals failed to appear for mandated court appearances in U.S. District Court in the Eastern District of California.

APPLICABLE LAW

4. Title 18 United States Code, Section 3146 states that "whoever, having been released under this chapter knowingly 1) fails to appear before a court as required by the

conditions of release; or 2) fails to surrender for service of sentence pursuant to a court order; shall be punished as provided in subsection (b) of this section.” In turn, where, as here, “the person was released in connection with a charge of . . . an offense punishable by imprisonment for a term of five years or more,” then the person failing to appear faces a maximum punishment of “a fine under this title or imprisonment for not more than five years, or both,” under subsection (b) of § 3146.

STATEMENT OF PROBABLE CAUSE

A. Background of the Investigation

5. The California Department of Justice – Bureau of Gambling Control (BGC) and the FBI are investigating an organization involved in illegal gambling, hereinafter referred to as the “Gohar Organization” or the “Organization.” This Organization controlled a large number of illegal video slot machines placed in small Northern California retail stores such as markets, gas stations, liquor stores, and smoke shops. These stores are located in both the Northern and Eastern Districts of California. The machines operate much the same as a traditional slot machine that you would see in a legal and regulated tribal casino or in Nevada. They have a bill acceptor and games of chance such as Poker, Keno, Cherry Master and Lucky-8 Lines. Winners are paid out by the store, which is in turn reimbursed by the Gohar Organization. Within the Organization, there is a division of labor that includes salespeople, collectors, and managers. Salespeople attempt to find new locations to place machines and assist with their installation; collectors visit the stores on a regular basis to collect money from the machines and maintain the relationship with the store; and managers oversee operations within a geographic area and resolve disputes.

6. Among the individuals involved in this investigation are: Yaniv, his brother, Orel Gohar (hereinafter “Orel”), May Levy, and Eran Buhbut. All four are from Israel, and all reside in the San Francisco Bay area. Based on the investigation to date, they appear to be part of a larger enterprise that operates approximately 500 machines throughout California. It is not

uncommon for a machine to generate \$1,000 per week. Some generate much more, as stated by participants in the Organization in recorded conversations.

7. Yaniv Gohar, a.k.a. "Tony," was the suspected leader of the Organization. During the investigation, he resided in Berkeley, California. He utilized his brother, Orel Gohar, a.k.a. "Adam," May Levy, a.k.a. "Mike," and Eran Buhbut to facilitate the operation. Yaniv Gohar represented himself as a businessman in the construction and home improvement business. He owned three properties in Oakland, California, and a business called United Home SF, Inc., all of which were funded to a significant degree by businesses controlled by one of Yaniv's associates. Orel Gohar of San Francisco, California, was a line manager and money collector in the Organization. He directly oversaw May Levy, of Walnut Creek, California, who acted as a money collector and salesman for the Organization.

B. Court Proceedings to Date and Failures to Appear

8. On December 8, 2017, FBI and BGC agents arrested Yaniv Gohar and Orel Gohar pursuant to a criminal complaint. Later that day, the Honorable Carolyn K. Delaney, United States Magistrate Judge in the Eastern District of California, ordered Yaniv detained. Orel was released on bond. Among the conditions of his release were: 1) that he appear on time at all proceedings as required, 2) that he participate in a location monitoring program, and 3) that he remain inside his residence every day from 9:00 p.m to 7:00 a.m.

9. On December 21, 2017, a grand jury in the Eastern District of California returned an indictment against Yaniv Gohar, Orel Gohar, May Levy, and Eran Buhbut for a violation of 18 U.S.C. § 1955 (Illegal Gambling).

10. On December 21, 2017, a hearing on Yaniv's motion for bail review was held. On this date, over the government's objection, the Honorable Deborah L. Barnes, United States Magistrate Judge in the Eastern District of California, ordered Yaniv released on bond. Among the conditions of his release were: 1) that he appear on time at all proceedings as required, and 2) that he not commit any offense in violation of federal, state or local law while on release in this

case.

11. On December 25, 2017, an officer of the Berkeley Police Department cited Yaniv for reckless driving. The officer observed Yaniv's 2017 Porsche Panamera following closely behind another car while repeatedly engaging the horn. After following for approximately $\frac{3}{4}$ of a block, the Porsche crossed a double yellow line without signaling into oncoming traffic on the wrong side of the road. Before completing the pass, the Porsche lost control and crashed into a parked car. The crash caused one of the Porsche's wheels to come off and strike another parked car. The officer's report states that Yaniv did not immediately stop after the accident, but rather continued southbound before turning westbound onto another street and stopping the vehicle immediately prior to the officer attempting a vehicle stop. Based on this incident, Pretrial Services scheduled a detention hearing for Yaniv on January 3, 2018.

12. On January 3, 2018, I learned that Yaniv fired his attorney via text message that same morning. Later in the day, Yaniv failed to appear for his detention hearing, and Judge Delaney issued a bench warrant for his arrest.

13. Also on January 3, 2018, I was informed that Orel had not returned to his residence by 9:00 p.m. the prior evening, in violation of the conditions of his release, and was unreachable by Pretrial Services. Pretrial Services reported the violation, and Judge Delaney issued a bench warrant for his arrest.

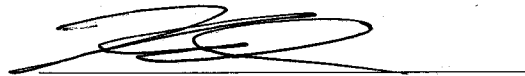
14. On January 8, 2018, Orel failed to appear for a scheduled court appearance in violation of a condition of his pretrial release. He had been ordered to appear for the January 8, 2018, court appearance at his previous court appearance on December 22, 2017. The Honorable Kendall J. Newman, United States Magistrate Judge in the Eastern District of California, issued a second bench warrant for his arrest based on his failure to appear.

15. Given the coordinated criminal activity by Orel and Yaniv Gohar to date in the gambling operation, their familial relationship, and their disappearance at the same time, it is reasonable to conclude that the brothers may be harboring or concealing each other so as to

prevent discovery and arrest, even though it is likely that each individual knows that they are being sought by law enforcement for arrest.

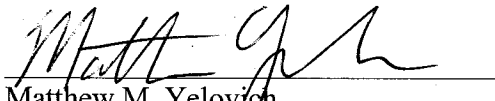
CONCLUSION

16. Based on the foregoing, I believe there is probable cause to believe that Yaniv Gohar and Orel Gohar violated 18 U.S.C. § 3146(a)(1) by failing to appear for mandated court appearances on January 3, 2018 and January 8, 2018, respectively.

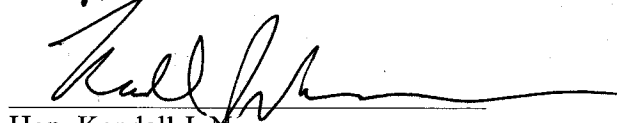


Nasson Walker
Special Agent
Federal Bureau of Investigation

Read and approved as to form.


Matthew M. Yelovich
Assistant United States Attorney

Subscribed and sworn to before me
this 11th day of January 2018


Hon. Kendall J. Newman
United States Magistrate Judge