

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler  
: :  
v. : Crim. No. 19-  
: :  
WALTER YOVANY-GOMEZ, :  
a/k/a "Cholo" : 18 U.S.C. § 1962(d)

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE  
(Racketeering Conspiracy)

The Racketeering Enterprise

1. At all times relevant to this Information:

a. Mara Salvatrucha, also known as "MS-13," was a violent international street gang operating in the District of New Jersey and elsewhere whose membership was composed largely of individuals of Central American descent, many of whom were from El Salvador.

b. Defendant WALTER YOVANY-GOMEZ, a/k/a "Cholo," was a member and associate of MS-13.

2. MS-13 originated in Los Angeles, California in the 1980s. Over time, MS-13 members expanded the gang's presence to El Salvador, where the gang flourished, and across Central America and Mexico. MS-13 also spread throughout the United States, particularly in areas with sizeable

Central American populations, including parts of North Carolina, Virginia, Maryland, New Jersey, New York, and Massachusetts.

3. MS-13 was organized into a series of sub-units, or “cliques,” that operated in specific geographic locations. Although each clique had its own internal traditions, all MS-13 cliques adhered to the same basic structure, customs, protocols, and objectives. According to MS-13 rules, any act committed in furtherance of a clique was, by definition, committed in furtherance of MS-13 as a whole.

4. Each clique was typically controlled by a single leader, sometimes known as the “First Word.” A clique’s leadership often included a deputy, sometimes known as the “Second Word,” who consulted with the First Word and assisted in running the clique.

5. Individuals typically gained admission to MS-13 through an initiation process known as “jumping in,” wherein members of a clique beat the individual seeking membership, often for thirteen seconds. In some cliques, individuals were required to commit an act of violence before being jumped-in. New recruits to MS-13 were sometimes referred to as “chequeos” and were often teenagers or younger.

6. Once part of a clique, MS-13 members were known as “homies” or “homeboys.” MS-13 members often demonstrated their affiliation with the gang in various ways, including: wearing blue and white clothing and accessories; displaying tattoos signifying their membership in a particular

clique, or in MS-13, generally; and using a system of verbal codes and hand signals to communicate with each other.

7. MS-13 members were required to follow various rules. In most cases, gang members who violated the rules were punished with a beating, a practice commonly referred to as “corte.”

8. One of MS-13’s core rules strictly prohibited assisting the authorities. It was well understood within the gang that anyone who cooperated with law enforcement would be punished with death.

9. When a disloyal and/or disobedient gang member was ordered to be killed, they were said to be “green lighted.” Obtaining a “green light” typically required the authorization of a clique leader and, in some cases, approval from higher-ranking gang leaders in El Salvador or other locations. A “green light” order was enforceable nationwide and internationally by all members of MS-13; in other words, a “green light” issued by a particular clique had to be recognized and enforced by MS-13 cliques in other locations, and vice versa.

10. MS-13 cliques often financed their activities in part through a practice known as collecting “rent.” Under this scheme, MS-13 members were required to make regular tribute payments to their respective cliques. A portion of this money was sometimes remitted to gang leaders in El Salvador or other locations. The remainder of the money was typically used to further the clique’s activities. This included purchasing weapons and controlled substances for distribution, providing financial support to incarcerated gang

members and assisting MS-13 members seeking to avoid being apprehended and prosecuted, and/or financing other gang-related activity. Failure to make timely rent payments was considered a violation of gang rules, generally punishable by a beating.

11. Sometimes, MS-13 cliques also financed their activities by extorting legitimate and illegitimate businesses operating on the gang's turf, threatening the business owners, employees, and/or their family members with violence if they did not make payments to MS-13.

12. MS-13 cliques met regularly to discuss gang activity. At these gang meetings, MS-13 members often discussed recent criminal conduct, planned or proposed illegal activity, and disciplinary issues, including individuals who had been green lighted or who were under investigation. The First Word and/or a deputy generally presided over the meetings, leading discussions and issuing orders.

13. One of MS-13's primary goals was to destroy its rival gangs, which varied depending on location, but generally included the 18th Street gang and the Latin Kings. MS-13 rules required MS-13 members to kill rival gang members whenever possible. MS-13 members sometimes referred to rival gang members using derogatory names, including "chavalas" (for any rival gang member) and "panoyas" (for 18th Street gang members). Associating with rival gang members violated MS-13 rules and was punishable by a beating or, in some cases, death.

14. MS-13 retaliated quickly and viciously against anyone who disrespected or threatened the gang's power, reputation, or control of a neighborhood. Within MS-13, participation in criminal activity by a member or associate, particularly violent acts directed at rival gangs or as directed by gang leadership, increased the respect accorded to that member or associate, resulted in that member or associate maintaining or increasing their position in the gang, and could result in a promotion to a leadership position.

15. Numerous MS-13 cliques operated in the District of New Jersey. One such clique was Plainfield Locos Salvatrucha (the "PLS clique"), which was located in and around Plainfield, New Jersey. Like other MS-13 cliques, the PLS clique functioned within the larger MS-13 umbrella and adhered to the general structure, customs, protocols, and objectives described above.

16. Defendant WALTER YOVANY-GOMEZ was a member and associate of the PLS clique.

17. MS-13, including its leaders, members, and associates, constituted an "enterprise" as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit that had a common purpose of achieving the objective of the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign commerce.

### Purposes of the MS-13 Enterprise

18. The purposes of MS-13 included the following:

a. Promoting and enhancing the enterprise and the activities of its leaders, members, and associates, both in and out of prison, which activities included, but were not limited to, murder, assault, robbery, drug trafficking, extortion, and other criminal activities;

b. Preserving and expanding the power, reputation, territory, and profits of the enterprise and of its leaders, members, and associates through the use of violence, threats of violence, and intimidation;

c. Keeping leaders, members, and associates of the enterprise informed of the enterprise's historical criminal conduct, as well as planned or proposed illegal activity;

d. Keeping victims, witnesses, and community members in fear of the enterprise through the use of violence, threats of violence, and intimidation;

e. Providing financial and other support to leaders, members, and associates of the enterprise, including individuals who were incarcerated; and

f. Hindering, obstructing, and preventing law enforcement from identifying, locating, and apprehending participants in illegal activity on behalf of the enterprise.

The Racketeering Conspiracy

19. Beginning on a date unknown but since at least in or around December 2008 and continuing through in or around August 2017, in the District of New Jersey, and elsewhere, defendant

WALTER YOVANY-GOMEZ,  
a/k/a "Cholo,"

together with others known and unknown, each being a person employed by and associated with MS-13, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired and agreed with others to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the MS-13 enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of:

- a. Multiple acts involving murder, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), 2C:5-1, and 2C:5-2.
- b. Multiple acts involving robbery, contrary to N.J.S.A. 2C:15-1, 2C:5-1, and 2C:5-2.
- c. Multiple acts involving extortion, contrary to N.J.S.A. 2C:20-5, 2C:5-1, and 2C:5-2;
- d. Multiple acts indictable under 18 U.S.C. § 1958(a) (use of interstate commerce facilities in the commission of murder-for-hire); and
- e. Multiple offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in a

controlled substance punishable under the laws of the United States, in violation of Title 21, United States Code, Section 841 (distribution and possession with intent to distribute controlled substances) and Section 846 (conspiracy to distribute and to possess with intent to distribute controlled substances).

20. It was part of the conspiracy that defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Manner and Means of the Racketeering Conspiracy

21. Among the manners and means used by defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” and his conspirators to achieve the objective of the racketeering conspiracy were the following:

a. MS-13 leaders, members, and associates attended and participated in gang meetings, during which they discussed, among other things, recent criminal conduct, planned or proposed illegal activity, and disciplinary issues, including individuals who had been “green lighted” or who were under investigation;

b. MS-13 leaders, members, and associates acquired and maintained weapons to use during violent criminal acts on behalf of the enterprise;



c. MS-13 leaders, members, and associates committed and agreed to commit criminal acts on behalf of the enterprise, including murder, assault, robbery, drug trafficking, and extortion;

d. MS-13 leaders, members, and associates used violence and threats of violence to impose discipline within the gang, including against disloyal and/or disobedient gang members and associates;

e. MS-13 leaders, members, and associates financed the enterprise's activities in part through the collection of "rent" money from gang members and through extorting money from legitimate and illegitimate businesses operating on the gang's turf;

f. MS-13 leaders, members, and associates distributed and agreed to distribute controlled substances on behalf of the enterprise;

g. MS-13 leaders, members, and associates used violence, threats of violence, and intimidation to make victims, witnesses, and community members fear the gang; and

h. MS-13 leaders, members, and associates provided financial and other support to incarcerated individuals and helped individuals who had participated in illegal activity on behalf of the enterprise avoid apprehension and prosecution.

### Overt Acts

22. In or around May 2011, defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” and other leaders, members, and associates of the PLS clique, including co-conspirator Cruz Flores, a/k/a “Bruja” (“Flores”), conspired and planned to murder Victim-1, a potential PLS recruit, because the PLS clique believed that Victim-1 had been associating with rival gang members.

23. On or about the evening of May 8, 2011, defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” and Flores, in furtherance of the plan to murder Victim-1, traveled to Victim-1’s residence in Plainfield, New Jersey, where they met with Victim-1 and another individual (“Individual-1”). During the course of the evening, defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” Flores, Victim-1, and Individual-1 consumed alcohol and controlled substances inside the residence before Victim-1 retired to Victim-1’s bedroom to sleep.

24. Victim-1 emerged from Victim-1’s bedroom several hours later to leave for work. When Victim-1 attempted to exit the residence, defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” and Flores assaulted and killed Victim-1. During the attack, defendant WALTER YOVANY-GOMEZ, a/k/a “Cholo,” and Flores struck Victim-1’s head with an aluminum baseball bat, slashed Victim-1’s throat with a knife, and stabbed Victim-1’s back multiple times with a screwdriver, causing Victim-1’s death.

25. Before leaving Victim-1's residence, defendant WALTER YOVANY-GOMEZ, a/k/a "Cholo," and Flores threatened to harm Individual-1 if Individual-1 spoke with law enforcement about the murder.

26. In or around June 2011, defendant WALTER YOVANY-GOMEZ, a/k/a "Cholo," with the assistance of the PLS clique and others, fled New Jersey to the Maryland/Virginia area to avoid being apprehended and prosecuted in connection with Victim-1's murder.

27. Between in or around June 2011 and in or around August 2017, when he was arrested by law enforcement officers in Virginia, defendant WALTER YOVANY-GOMEZ, a/k/a "Cholo," took additional steps to evade apprehension and prosecution, including adopting an alias and residing in the Maryland/Virginia area.

NOTICE OF SPECIAL SENTENCING FACTOR REGARDING COUNT ONE

1. On or about May 8, 2011, in Union County, in the District of New Jersey, defendant WALTER YOVANY-GOMEZ, a/k/a "Cholo," knowingly and purposely caused the death of Victim-1, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:2-6.

All in violation of Title 18, United States Code, Section 1962(d).

  
CRAIG CARPENITO  
United States Attorney

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**INFORMATION FOR**

18 U.S.C. § 1962(d)

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CRAIG CARPENITO  
UNITED STATES ATTORNEY  
FOR THE DISTRICT OF NEW JERSEY

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J. Jamari Buxton

ASSISTANT U.S. ATTORNEY  
NEWARK, NEW JERSEY

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