

18.2 Illegal Gambling Business (18 U.S.C. § 1955)

The defendant is charged in [Count _____ of] the indictment with [conducting] [financing] [managing] [supervising] [directing] [owning] an illegal gambling business in violation of Section 1955 of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant [conducted] [financed] [managed] [supervised] [directed] [owned] a business consisting of [specify illegal gambling business];

Second, [specify illegal gambling business] is illegal gambling in [specify state or political subdivision];

Third, the business involved five or more persons who [conducted] [financed] [managed] [supervised] [directed] [owned] all or part of the business; and

Fourth, the business [had been in substantially continuous operation by five or more persons for more than thirty days] [had a gross revenue of \$2,000 in any single day].

Comment

Where jurors could find from the evidence two separate thirty-day periods, the jury must be instructed that they must unanimously agree on the same period. *United States v. Gilley*, 836 F.2d 1206, 1211-12 (9th Cir. 1988).

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