

1 IN THE UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 FORT LAUDERDALE DIVISION

4 CASE NO.: 13-CR-20690-RSR

5 UNITED STATES OF AMERICA, )  
6 Plaintiff, ) Fort Lauderdale, Florida  
7 v. ) March 10, 2014  
8 MARIO FABRICIO ORMACHEA ALIAGA, )  
9 Defendant. ) Pages 1 - 113  
\_\_\_\_\_)

10  
11 JURY TRIAL BEFORE  
12 THE HONORABLE JOSE A. GONZALEZ  
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

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1 (Thereupon, the following proceedings were held:)

2 THE COURT: Please be seated.

3 Calling Case Number 13-20690, criminal, of the United  
4 States District Court for the Southern District of Florida, United  
5 States of America versus Mario Fabricio Ormachea Aliaga, Defendant.

6 Could I have the appearances of the parties, please.

7 MR. BYRNE: Good morning, Your Honor.

8 John Byrne appearing on behalf of the United States. I am  
9 assistant United States attorney based out of Miami. And with me at  
10 counsel table is Jon Juenger another assistant United States  
11 attorney. And also with us is Jason May who is the case agent on  
12 the case.

13 MS. DOAKES: Chantel Doakes of behalf of Mario Fabricio  
14 Ormachea Aliaga.

15 THE COURT: Is the Government ready?

16 MR. BYRNE: It is, Your Honor.

17 THE COURT: Is the Defendant ready --

18 MS. DOAKES: We are, Your Honor.

19 THE COURT: All right. I am going to bring in the venire  
20 and we are going to put 12 prospective jurors in the box.

21 (Jury sworn.)

22 THE COURT: Ladies and gentlemen, at this time, I would  
23 like to give you a few preliminary instructions concerning your  
24 duties and your responsibilities while you are serving as members of  
25 this jury and tell you what our schedule is going to be in

1 connection with the trial of this case

2           Having been sworn as the jury in this case you will, by  
3 your verdict in this case, decide the issues of fact that exists  
4 between these parties. The Court will decide the issues of law that  
5 will arise during the trial.

6           At the conclusion of the trial, the Court will instruct you  
7 on the rules of law that you must follow in applying and reaching  
8 your verdict.

9           You should give careful attention to the evidence and the  
10 testimony as it is offered for your consideration, but you should  
11 not form or express any opinion about the merits of the case  
12 favoring either side until you have heard all the evidence in the  
13 case, the closing arguments of the lawyers, the Court's instruction  
14 as to the law and you have retired to deliberate your verdict.

15           From time to time during the trial, the Court will be  
16 called upon to make rulings of law on motions or objections by the  
17 lawyers. You should not infer from any ruling that the Court may  
18 make that the Court has any opinion about the merits of the case.  
19 The Court is entirely neutral and the issues of fact in this case  
20 will be for you to decide.

21           Also, if the Court sustains an objection to a question  
22 asked and does not permit that question to be answered, you should  
23 not speculate on what answer might have been given, nor should you  
24 draw any inference from the question itself.

25           Also, you will find that occasionally during the trial, it

1 will be necessary for the Court to confer with the lawyers out of  
2 your presence with respect to scheduling matters and other legal  
3 matters and other matters that require consideration by the Court  
4 alone. In most cases those conferences will be held here at the end  
5 of the bench. In a few cases it may be necessary to excuse you into  
6 the jury room.

7           It is not possible to predict when the conferences may be  
8 required or how long they will last. When they do occur, they will  
9 be conducted so as to consume as little of your time as is  
10 consistent with a normal and fair disposition of this case.

11           You will find during the trial of this case that the order  
12 of proof will be as follows. You will first hear the evidence of  
13 the testimony on behalf of the Government. And the Defense may then  
14 offer whatever it wishes by way of evidence, or otherwise, but you  
15 are reminded that the Defendant is under no obligation whatsoever to  
16 testify and no inference whatsoever can be drawn, or should be  
17 drawn, from the fact that he does not testify.

18           The Government will have the burden of proving him guilty  
19 beyond a reasonable doubt. And if it fails to do so, as I have said  
20 before, it will be your duty to find the Defendant not guilty.

21           Our schedule in connection with the trial of the case will  
22 be as follows. We have two sessions; a morning session and an  
23 afternoon session. The morning session will normally run from 9:00  
24 to 12:30. The afternoon session will normally run from 1:30 to  
25 5:00. I will do everything that I can to see to it that you leave

1 here by no later than 5:00 every evening.

2           Now, observe that I said normally. These times are not  
3 rigid and they are not fixed. Normally, it will run from 9:00 to  
4 12:30 and from 1:30 to 5:00. However, tomorrow we will recess at  
5 4:00 because court business takes me to Miami and I have to be there  
6 by 5:00, 5:30.

7           On Wednesday we will start at 1:00 in the afternoon. So I  
8 will remind you of that before we leave here tonight. Today we will  
9 be here until 5:00 and tomorrow we will be here from 9:00 until  
10 4:00. On Wednesday we will be here from 1:00 to 5:00 and see what  
11 develops.

12           And I know that you have to go to West Palm Beach so we  
13 will accommodate that.

14           We should be able to conclude the trial of this case this  
15 week. And at this time, you are going to hear from the lawyers in  
16 what are called opening statements. In the course of those opening  
17 statements, the lawyers will outline to you what they believe the  
18 evidence in the case will prove or fail to prove.

19           At the end of the trial, the lawyers will again address you  
20 with what are called closing arguments. You should understand that  
21 what the lawyers say to you now, or what they say to you later in  
22 the closing argument, is not the evidence in the case.

23           The evidence upon which your verdict will be based will  
24 consist of the testimony of witnesses who you will hear from this  
25 witness stand. And it will also consist of whatever items of

1 physical evidence or documentary evidence that the Court marks as  
2 exhibits and makes it a part of the record of this trial.

3           So although, what they say to you now is not evidence,  
4 nevertheless, it is an important part of the case because it gives  
5 you an overall view, or a synopsis, of what they expect the evidence  
6 to prove to you.

7           Also, you heard earlier, in the course of the voir dire  
8 examination, that you should refrain from seeking any outside  
9 information concerning this litigation. By that, we mean, you  
10 should refrain from researching any aspect of this case on the  
11 Internet, or otherwise, or seeking any information concerning the  
12 lawyers, the parties, the witnesses, or otherwise.

13           The reason, of course, is obvious. The Defendant is  
14 entitled to receive a fair trial. And in order to guarantee that he  
15 receives a fair trial, he has a constitutional right to be present  
16 with anything that is said that might affect your decision in this  
17 case. That means simply that your verdict must be consistent solely  
18 on what is said in the course of this trial and in the presence of  
19 the Defendant.

20           So for that reason, it is important that your verdict in  
21 this case be based solely on what happens here in the courtroom and  
22 not with respect to anything that might be available concerning the  
23 trial on either the media, television, Internet, Google, whatsoever.

24           So having said all of that, we will proceed to hear the  
25 opening statements on behalf of the respective parties.

1           And Mr. Byrne, if you are ready, sir, you may proceed with  
2 your opening statement.

3           MR. BYRNE: Thank you, Your Honor.

4           Good morning, once again, ladies and gentlemen. This is a  
5 case about extortion. This is a case about a man, about the  
6 Defendant, that used the position of power to intimidate another man  
7 into paying him money.

8           The evidence, in this case, will show that the Defendant  
9 was a Major with the Bolivian National Police Force. He was in  
10 charge, in Bolivia, of investigating criminal charges against a man  
11 by the name of Humberto Rocca.

12           The evidence will show that the Defendant came to the  
13 United States, that he met with Mr. Rocca and that he told Mr. Rocca  
14 that he believed him to be innocent of the criminal charges against  
15 him. And then, the evidence will show that the Defendant asked for  
16 \$30,000 to charge, or investigate, the guilty parties in the case.

17           Now, how am I going to prove -- how is the Government going  
18 to prove -- all the things I just told you? Well, in a number of  
19 different ways, but I'm going to mention the most obvious one right  
20 now.

21           You are going to see and you are going to hear the  
22 Defendant do all of those things and say all those things that I  
23 just mentioned to you because when the Defendant came here to the  
24 United States and met with Mr. Rocca, unbeknownst to the Defendant,  
25 his meetings were recorded by the FBI. And during this trial we are



1 going to play, for you, those recordings.

2           Now, the Judge will tell you that the Defendant -- as he  
3 has told you already -- that the Defendant has been charged with two  
4 crimes. The first crime is attempted extortion. And the Judge will  
5 instruct you about the element of that crime at the end of the  
6 trial.

7           The second crime is travelling from outside the United  
8 States to the United States with the specific intent to extort a  
9 victim, Humberto Rocca.

10           Now, to put these charges into context, we need to know how  
11 we got here. And to do that, I would like to start with the victim  
12 in this case, the alleged victim, Mr. Humberto Rocca.

13           Now, Mr. Rocca will testify during this trial. Mr. Rocca  
14 grew up in the country of Bolivia. He became a successful  
15 businessman in Bolivia. He ended up, at one point, as the president  
16 of a private company called Aerosur, which is basically an airline  
17 and a part owner of that company.

18           Aerosur, as I mentioned, was a private company and its  
19 number one competitor in Bolivia was a state-run airline, basically  
20 a government run airline that was run by the Bolivian Government.  
21 That was his company's primary competitor.

22           The evidence will show that these airlines competed in  
23 Bolivia. And that at one point, Mr. Rocca publically criticized the  
24 government airline and the government officials associated with that  
25 airline.

1           After he criticized those officials, as the evidence will  
2 show, he was charged with crimes in Bolivia. And not just him, you  
3 will learn that family members of his were also charged with crimes  
4 in Bolivia.

5           Mr. Rocca, eventually, came to the United States to escape  
6 what he believed -- and you will see -- were charges in Bolivia  
7 filed against him. And he sought assylum here in the United States  
8 and received assylum in the United States. And Mr. Rocca will tell  
9 you that he has also filed a lawsuit in the United States against  
10 the Bolivian Government.

11           And here is where the Defendant enters the picture. During  
12 this trial, you are going to meet a man named Jorge Valda. Mr.  
13 Valda is Humberto Rocca's attorney in Bolivia, his criminal defense  
14 attorney, who is in charge of defending against those criminal  
15 charges that have been filed by the Bolivian Government against Mr.  
16 Rocca.

17           He is going to tell you that earlier in 2013, around  
18 January/February of 2013, he met with the Defendant in Bolivia. He  
19 actually met with the Defendant at the Defendant's office at a  
20 police station in Bolivia.

21           The Defendant told Mr. Valda that he was investigating  
22 criminal charges against Mr. Rocca and that for a price he could fix  
23 the situation. And that price, as you will learn, was thousands of  
24 dollars. He told that to Mr. Valda. And Mr. Valda passed that  
25 message onto Mr. Humberto Rocca, the victim, and Mr. Rocca ignored

1 it.

2           And at this time, as you will learn, Mr. Rocca was in the  
3 United States already, but the Defendant didn't stop there. As you  
4 will learn, as you will learn during the trial, the Defendant  
5 reached out to Mr. Rocca's cousin, a man by the name of Carlos  
6 Guillen. You will meet Carlos Guillen during this trial. He will  
7 testify that he was trying to get to Mr. Rocca.

8           He reached out to Mr. Rocca, himself, on the phone. And  
9 then, he went one step further. The Defendant traveled from Bolivia  
10 to the United States and he met in the United States, with Mr.  
11 Rocca, twice.

12           The first time was August 5th of 2013 that he met with Mr.  
13 Rocca in Miami at a restaurant. Mr. Rocca was there. He had called  
14 an attorney to attend that meeting. And Carlos Guillen was there,  
15 his cousin, who was also living in the United States at that time  
16 and he met with the Defendant.

17           The Defendant, as the evidence will show, had come to Miami  
18 via Washington, D.C. And he told Mr. Rocca, and the people at that  
19 meeting, that he had been in the Washington, D.C. meeting with the  
20 FBI. Well, as a side note here, ladies and gentlemen we're going to  
21 call a witness from the FBI from Washington D.C. He is going to  
22 tell you that such a meeting never happened.

23           The Defendant told that to the folks at that meeting. And  
24 then, he told them the following, just like he had told Mr. Valda,  
25 I'm in charge of the cases, criminal cases against Mr. Rocca. I'm

1 investigating those cases. I believe you, Mr. Rocca, to be innocent  
2 of those charges. That's what my investigation has shown and I am  
3 going to investigate and find the guilty parties. I've identified  
4 them and I'm going to do all that, but unlike at that meeting with  
5 Mr. Valda, at this meeting on August 5th, the Defendant didn't ask  
6 Mr. Rocca for a dime. He didn't ask him for anything and Mr. Rocca  
7 will tell you that himself.

8           So at the close of that meeting, what happened? Nothing  
9 happened. The Defendant left Miami and went back to Bolivia. And  
10 Mr. Rocca, his attorney, no one contacted law enforcement.

11           And if things ended there, we probably wouldn't be here  
12 today, but things did not end there. Because as you will learn, and  
13 as the evidence will show, the Defendant called up Mr. Rocca from  
14 Bolivia. And this time, he asked for money, \$5,000. Mr. Rocca  
15 contacted his attorney.

16           And eventually, when he had learned that the Defendant was  
17 coming back to Miami again, he met with the FBI. And at this  
18 meeting with the FBI, the FBI asked Mr. Rocca to record any meetings  
19 he had with the Defendant so that they could see and hear exactly  
20 what was said. Mr. Rocca agreed.

21           And that brings me to the topic of the recordings that I  
22 mentioned at the beginning. We're going to play these recordings  
23 and I'm going to tell you four things about these recordings right  
24 now. The recordings were done by a hidden camera.

25           As I mentioned earlier, no one told the Defendant that the

1 meetings were being recorded. So do not expect to see high  
2 definition camera work, but you will be able to see, very clearly,  
3 Mr. Rocca and the Defendant and you will be able to see them  
4 talking. That's the first thing I want to tell you.

5           The second thing I want to tell you -- and this has been  
6 alluded to at the beginning of this whole process here -- these  
7 conversations occurred in Spanish. We will have translations for  
8 you so that you will be able to follow along with what is being  
9 said.

10           Third, the first meeting was about 40 minutes long and so  
11 that's how long the first recording is going to be. And that  
12 meeting was held at Mr. Rocca's house in a garage on August 30th.  
13 The second meeting, August 31st, was a shorter meeting about 20  
14 minutes long.

15           We're going to put those recordings into evidence and you  
16 can watch them as many times as you like. You will have that as  
17 evidence at the end of this trial.

18           The next thing I want to tell you is that when you watch  
19 those recordings, you will see and you will hear the same thing  
20 every time you watch them. You will see the Defendant smiling. You  
21 will see him joking around with Mr. Rocca and you will see him  
22 laughing.

23           And then, you will see and you will hear the following.  
24 You will hear the Defendant tell Mr. Rocca that he is the National  
25 Chief of the Anti-Corruption Unit in Bolivia. That he is in charge

1 of investigating the criminal cases against Mr. Rocca. That he  
2 decides what the investigations show and what the investigations  
3 don't show. That the vice president and president in Bolivia  
4 require components to make those decisions and they're decisions in  
5 the cases that he provides the components.

6           And then, he will tell Mr. Rocca -- and you will hear this  
7 -- he will tell him what he told him before and the evidence will  
8 show what he told him before, that he believed him to be innocent of  
9 those charges.

10           And now, at this point, you will hear the Defendant say,  
11 Mr. Rocca, I'm in charge of your criminal investigation and I've  
12 done the criminal investigation. And I believe you to be innocent  
13 and you have nothing to worry about. I'm the criminal investigator  
14 here and I will make sure the truth will see the light of day.

15           Will you hear him say that? Listen for it. You won't.  
16 You will hear him ask Mr. Rocca for \$30,000 to detour the  
17 investigation towards the true culprits, the guilty parties.

18           At the close of this meeting, you will see Mr. Rocca give  
19 the Defendant \$5,000 in cash as a down-payment. Now, as you will  
20 learn, before the Defendant came to that meeting that day, that  
21 money was photographed by the FBI with Mr. Rocca at the house so  
22 that they could capture the serial numbers on that money.

23           That way, if they were ever to seize that money again, they  
24 could match it up to make sure that was the same money that Mr. Roca  
25 handed the Defendant. So the Defendant takes that cash and counts

1 it and then he leaves.

2           Shortly thereafter, the FBI and the police stop him. And  
3 they recover that \$5,000 and it matches the money that he took from  
4 Mr. Roca.

5           At the end of this trial, you will be asked a question:  
6 Did the Defendant attempt to extort Humberto Roca?

7           And I will ask you to return the only verdict that will be  
8 consistent with the evidence and that is guilty on Count One and  
9 guilty on Count Two.

10           Thank you very much, ladies and gentlemen.

11           THE COURT: Thank you, Mr. Byrne.

12           Miss Doakes, you may proceed with your opening statement.

13           MS. DOAKES: Thank you, Your Honor.

14           If two wrongs don't make a right, why do we not punish the  
15 first wrong?

16           I mean, we've heard it all before. A bank starts to fail  
17 and our Government sends in money to save the bank, but the average  
18 person loses his job and can't make his house payments and the  
19 Government sends the sheriff to throw him out. It doesn't matter  
20 how poorly the bank was run. It doesn't matter how lavish the board  
21 members are living, or how many planes that the CEO has, the  
22 Government protects them.

23           Why do we not punish the first wrong? This is a case about  
24 money in exchange for influence in Bolivia, not in the United  
25 States.

1 Mario Ormachea Aliaga was a Major in the Bolivian National  
2 Police. He worked his way up through the ranks over many years. He  
3 lives with his wife and two children in La Paz, Bolivia. He even  
4 became an attorney in Bolivia. He worked hard and obtained all  
5 these things, not through any kind of corruption, but because of  
6 hard work.

7 Now, the Government wants you to convict Mr. Ormachea of  
8 extortion, but the evidence is going to show there was no extortion  
9 in this case. The Government will lead you to believe that the  
10 extortion occurred because of corruption, but there was no  
11 corruption by Mr. Ormachea.

12 So why are we here?

13 Well, the evidence is going to show that a corrupt wealthy  
14 businessman, Humberto Roca, wanted to feel vindicated at Mr.  
15 Ormachea's expense and not because of any kind of extortion. Not  
16 because Mr. Ormachea was a corrupt police officer in Bolivia, but  
17 because Humberto Roca is angry with the Bolivian Government.

18 The current president of Bolivia, Evo Morales, has been  
19 making an effort to combat corruption in his country. And the  
20 evidence is going to show that Mr. Ormachea was assigned to a  
21 specialized unit to aid in the prosecution of corrupt individuals.

22 And you will hear evidence that Mr. Roca is currently  
23 charged in Bolivia in connection with his corrupt business dealings.  
24 And as a result of those criminal charges, Mr. Roca fled Bolivia in  
25 order to escape prosecution, criminal prosecution. Not because of



1 any kind of persecution.

2           The evidence will show that Mr. Roca is being protected by  
3 our Government and not facing his criminal charges in Bolivia, but  
4 being protected here in the United States. Unlike Mr. Mario  
5 Ormachea, who sits over in that chair before you, facing two  
6 criminal charges.

7           As the evidence is being presented in this case, we ask you  
8 to listen very carefully to what is being said and focus on the  
9 witnesses' demeanor.

10           Then, at the conclusion of the evidence, you will agree  
11 that Mr. Ormachea received money in exchange for influence in  
12 Bolivia and not in the United States and that you will find Mr.  
13 Ormachea not guilty.

14           Thank you.

15           THE COURT: Miss Doakes, thank you.

16           Members of the jury, you heard me say what our normal  
17 schedule would be. Well, normally, we would recess at 12:30, but  
18 rather than call a witness and interrupt the testimony of that  
19 witness after they have been here for a brief time, we are going to  
20 recess for lunch early today.

21           It is now a couple of minutes after 12:00. So we will be  
22 in recess until 1:00. When you come back at 1:00, please report to  
23 the jury room at that time. And at that time, we will proceed with  
24 the presentation on behalf of the United States, who will call their  
25 first witness.

1           I neglected to tell you one other thing. And that is, when  
2 you leave the jury room or the courtroom, at this time, you should  
3 go as promptly as directly as possible with wherever your business  
4 takes you. When you come back this afternoon, please go as directly  
5 and as promptly to the jury room.

6           And likewise, at the end of the day, you should leave this  
7 floor of the building, which is the second floor, as promptly and as  
8 expeditiously as you can.

9           We ask you that you do that because there will be people  
10 out here in the hall that are waiting to testify in the case, or  
11 that have some interest in the case, and you might accidentally hear  
12 them say something, or do something, that you should not see, hear,  
13 or consider because as I told you before, it is important that your  
14 verdict in this case be based solely upon what occurs here in the  
15 courtroom.

16           Also, during the recess, if you should see these gentlemen  
17 or this lady anywhere in the building or on the street and they  
18 don't talk to you or greet you, or act like you don't exist, they  
19 are not being rude to you. They are not allowed to speak to you  
20 under the rules of the Court.

21           So having said that, we will be in recess until 1:05 and  
22 please report to the jury room at that time. And we will proceed  
23 with the testimony on behalf of the Government at that time.

24           Thank you for your patience and your attention.

25           Take the jury out, please, and we will be in recess until

1 1:05, ladies and gentlemen.

2 And who will the first witness for the Government be?

3 MR. BYRNE: It will be Jorge Valda.

4 THE COURT: Jorge?

5 MR. BYRNE: Jorge Valda; V-A-L-D-A.

6 THE COURT: Okay. Court is in recess until 1:05 p.m.

7 (Noon recess.)

8 Your Honor, also, we talked about this, but to invoke the  
9 rule.

10 THE COURT: Let the record reflect that the rule has been  
11 invoked. If there is any persons present in this courtroom who will  
12 testify in these proceedings and who are not a party to the action,  
13 or a representative or a part of the action, you are instructed not  
14 to discuss your testimony among yourselves or with anyone else, nor  
15 permitted to be discussed in your presence. Although, you may  
16 discuss it with the attorneys of the parties who called you.

17 (Jury entered.)

18 INTERPRETER: We're done, Judge.

19 THE COURT: Hallelujah. The age of electronics is not  
20 anything it is cracked up to be.

21 All right. Let's go back and call your first witness for  
22 the United States, Mr. Byrne.

23 MR. BYRNE: Yes, Your Honor.

24 MR. JUENGER: The United States calls Jorge Valda.

25 (Witness sworn through interpreter.)

1 THE WITNESS: Yes, I do.

2 THE COURT: Have a seat, please.

3 Tell us your full name.

4 THE WITNESS: Jorge Jose Valda Daza.

5 THE COURT: Spell your last name, please.

6 THE WITNESS: Valda that would be V-A-L-D-A and Daza;

7 D-A-Z-A.

8 THE COURT: Thank you, Your Honor.

9 JORGE VALDA, GOVERNMENT'S WITNESS SWORN

10 DIRECT EXAMINATION

11 BY MR. JUENGER:

12 Q. Mr. Valda, how old are you?

13 A. I'm 30 years old.

14 Q. And where do you live?

15 A. La Paz, Bolivia.

16 Q. And what country are you a citizen of?

17 A. I am a Bolivian citizen.

18 Q. And what do you do for a living in Bolivia?

19 A. I am an attorney and I am also a university professor.

20 Q. And how long have you been a lawyer?

21 A. Nine years.

22 Q. And tell us briefly about your education.

23 A. I've been an attorney -- I'm an attorney.

24 And I actually have two different specialities; one of them is  
25 in criminal law and the other one is in criminology. I also hold

1 two Master's Degree; one in Constitutional Law and the other one in  
2 Criminal Law.

3 Q. And how long have you been a law professor?

4 A. Six years.

5 Q. And what do you teach or what subjects do you teach?

6 A. Criminology and criminal law.

7 Q. And have you published in these areas?

8 A. Five books.

9 Q. What topics?

10 A. Having to do with the Criminal Code in Bolivia as well as the  
11 Constitutional Assembly.

12 Q. And now, Mr. Valda, in addition to teaching law, do you also  
13 practice law?

14 A. True.

15 Q. And what type of law do you practice?

16 A. I practice criminal law and constitutional law.

17 Q. And are there any particular types of criminal cases that you  
18 handle?

19 A. I specialize in financial criminal matters.

20 Q. And now, Mr. Valda, do you know a man by the name of Humberto  
21 Roca?

22 A. Yes.

23 Q. And how long have you known Mr. Roca?

24 A. Approximately nine years.

25 Q. And do you represent Mr. Roca as a lawyer?

1 A. Yes.

2 Q. And do you represent him in criminal or civil matters?

3 A. Criminal matters.

4 Q. And how long have you been representing Mr. Roca?

5 A. Approximately six years.

6 Q. And now, if you can, please briefly -- I know you just told us  
7 that you've been representing him for six years -- but can you tell  
8 us a little bit about the cases that you represent him on?

9 A. I have handled criminal cases that have been brought against  
10 him and members of his family.

11 Q. And can you describe those cases a little bit? What are the  
12 subject matters of those criminal cases?

13 A. To begin with, Humberto Roca is a businessman who used to own  
14 an airline in Bolivia. And based on the airline that he owns,  
15 several criminal cases were brought about with the purpose of  
16 appropriating the airline.

17 And due to the situation, Humberto Roca hired me in order for  
18 me to defend him in the various cases. There were many cases that  
19 had been brought against him. All of his cases were brought about  
20 by governmental institutions.

21 MS. DOAKES: Objection.

22 THE WITNESS: Among them, we have a case from the Ministry  
23 of Transparency. Also, the tax authority as well as the  
24 transportation authorities.

25 BY MR. JUENGER:

1 Q. Now, perhaps you can tell us -- you've told us about the cases  
2 -- but can you tell us a little bit about what it is that is alleged  
3 that Mr. Roca has done that resulted in these charges?

4 A. The allegations have to do with illegal enrichment. So they  
5 conducted an investigation regarding all of his holdings through a  
6 law that was promulgated in the year 2010.

7 And in Bolivia this law is being utilized in order to accuse  
8 members of the opposition.

9 Q. Let me ask you this, Mr. Valda.

10 What are the consequences, or potential consequences, of these  
11 criminal cases if Mr. Roca is found guilty in Bolivia?

12 A. The consequence might be that he and members of his family  
13 might be incarcerated. He might lose his entire capital, even  
14 though he has, practically speaking, lost most of it already.

15 Also, he would have a criminal record, which would not allow  
16 him in Bolivia to occupy any public office.

17 Q. Now, Mr. Valda, do you know the name of the lead investigator  
18 on these cases that you were just discussing? Who was that person  
19 in the year 2013?

20 A. Yes, I am aware. And that was the police officer by the name  
21 of Fabricio Ormachea.

22 Q. And do you know what Mr. Ormachea's official title was?

23 A. Yes. He was the national head of the Anti-Corruption Unit of  
24 the police.

25 Q. And have you met Mr. Ormachea in person?

1 A. Yes.

2 Q. And Mr. Valda, do you see Mr. Ormachea here in the courtroom  
3 here today?

4 A. Yes.

5 Q. And can you please point him out and describe something that  
6 he's wearing for us?

7 A. Yes. He's seated in that area. He's wearing a light blue tie.  
8 He has a dark blue striped suit.

9 MR. JUENGER: Your Honor, may the written record reflect  
10 that the witness has identified the Defendant?

11 THE COURT: The record will so reflect.

12 MR. JUENGER: Thank you, Your Honor.

13 BY MR. JUENGER:

14 Q. Now, tell us, Mr. Valda, what did the Defendant do as the lead  
15 investigator on Mr. Roca's cases?

16 A. Well, he was responsible for drafting police reports, taking  
17 statements from witnesses, conducting inspections. And basically,  
18 lead all aspects of the investigations in the cases of Mr. Humberto  
19 Roca.

20 Q. And was there anyone else at the police force that was above  
21 him in rank on these cases?

22 A. No, he had the highest ranking -- he was the highest ranking  
23 officer because he occupied the position of the national head of  
24 this unit.

25 Q. And Mr. Valda, is the Defendant a lawyer, do you know?



1 A. I don't know it for a fact.

2 Q. Well, let me ask you this.

3 To your knowledge, did the Defendant ever represent Mr. Roca in  
4 any of these cases you just mentioned?

5 A. No, never.

6 Q. Have you ever been co-counsel with the Defendant on any case?

7 A. Never.

8 Q. Have you ever been co-counsel with any investigator from  
9 Bolivia who is also investigating a criminal case?

10 A. No, that is banned. Not allowed.

11 Q. Not allowed.

12 Now, Mr. Valda, have you ever met the Defendant regarding Mr.  
13 Roca's cases?

14 A. Yes.

15 Q. And did you meet with the Defendant in January of 2013?

16 A. Yes.

17 Q. And where was this meeting?

18 A. At the Offices of the Bolivian Police.

19 Q. And who requested, or who arranged for this meeting to take  
20 place?

21 A. No one requested it. I simply went to look at the  
22 investigation files. And the investigative files, in this  
23 particular case, were handled by Mr. Ormachea who is the lead  
24 investigator.

25 Q. And did you meet with him at that office?

1 A. Yes. We met and he asked me to step into his office.

2 Q. Okay. And what took place when he asked you to step into his  
3 office? And specifically, what did the Defendant tell you about Mr.  
4 Roca's case?

5 MS. DOAKES: Objection; 402 and 403.

6 THE COURT: Overruled.

7 THE WITNESS: He told me that he had the capability of  
8 helping Mr. Humberto Roca, that he was aware that he and his family  
9 were already outside of the country, but that he could speak with  
10 the prosecutor and the judge for them to return. And that we could  
11 go ahead and start working with his brothers, that is Mr. Roca's  
12 brothers, for him to return to Bolivia.

13 And that, in addition to that, for \$20,000 each they could  
14 return to the country and that with this \$20,000 they would not be  
15 detained. And that because of the \$20,000, then the investigation  
16 would not expand to include other relatives of Humberto Roca and  
17 that later on, the price would change for his wife and children.  
18 And that as things moved along to reach him, it would be more  
19 difficult. And naturally, then, it would be more expensive.

20 Q. Can you explain that a little bit? That sounded a little  
21 confusing to me.

22 A. That when he stated that because through that money, the  
23 brothers, or the siblings, could come back that that could go as far  
24 as reaching Humberto Roca himself. What he really wanted to do was  
25 to show how much power he held through --

1 MS. DOAKES: Objection; Your Honor. Testifying as to the  
2 Defendant's state of mind.

3 THE COURT: Overruled.

4 THE WITNESS: -- through the siblings.

5 BY MR. JUENGER:

6 Q. Let me go back.

7 How much money was the Defendant requesting?

8 A. \$20,000 for each one of his siblings.

9 Q. And is that \$20,000 in U.S. currency or Bolivian currency?

10 A. \$20,000 in U.S. currency.

11 Q. And can you help us understand, what is the value of \$20,000

12 U.S. in Bolivia?

13 A. \$20,000 would be the equivalent of 20 basic salaries in a

14 month.

15 Q. All right. Now, Mr. Valda, based on your conversation, what  
16 was your understanding of what would happen if Mr. Roca did not pay  
17 this \$20,000?

18 A. That the investigation would expand and it would include other  
19 individuals and other relatives of Mr. Roca in Bolivia.

20 Q. And Mr. Valda, did Mr. Roca pay this \$20,000?

21 A. No.

22 Q. And what happened after Mr. Roca refused to pay that \$20,000?

23 A. The investigation was opened to include his mother.

24 Q. Whose mother?

25 A. Humberto Roca's mother.

1 Q. Now, Mr. Valda, did you speak with the Defendant again after  
2 this meeting in January of 2013?

3 A. Yes.

4 Q. And when was this, more or less?

5 A. Six weeks later approximately.

6 Q. And did the Defendant talk to you about Mr. Roca's cases again?

7 A. Yes.

8 Q. And what did he say?

9 A. He asked me what I had discussed with my client. And my  
10 response was that Humberto Roca was not going to pay.

11 He told me that the offer stood. He told me that he could also  
12 investigate other types of cases that would involve other clients of  
13 mine. And he spoke to me very specifically about another company  
14 that I represent in Bolivia by the name of Jindal Steel.

15 Q. Can you spell Jindal, so we have it for the record?

16 A. The name of the company is Jindal Steel Bolivia; J-I-N-D-A-L  
17 Steel Bolivia.

18 Q. And was Jindal Steel a client of yours?

19 A. It continues to be my client.

20 Q. And what did the Defendant say to you about Jindal Steel?

21 A. That he could make sure that the arrest warrants would not be  
22 sent to Interpol.

23 Q. What is Interpol?

24 A. That is an abbreviation for International Police.

25 Q. And did he want anything in exchange for this?

1 A. He also told me that he would manage to get the frozen bank  
2 accounts released and that he would charge a percentage for that.

3 Q. Now, let me ask you, Mr. Valda, when the Defendant was making  
4 these statements to you, demanding money from your clients, did you  
5 report it to the police?

6 A. No, because he was the police.

7 Q. Well, explain. What do you mean by that?

8 A. He was the highest ranking officer within the Anti-Corruption  
9 Unit. So if I were to report this to a lower ranking officer, or  
10 authority, all I could bring about would be more problems.

11 MR. JUENGER: That's all I have for this witness, Your  
12 Honor.

13 THE COURT: Cross-examination.

14 MS. DOAKES: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MS. DOAKES:

17 Q. Now, Mr. Valda, you've been an attorney for nine years,  
18 correct?

19 A. That is correct.

20 Q. And as an attorney, you have certain obligations to the clients  
21 that you represent, correct?

22 A. That is correct.

23 Q. For example, you have an obligation to advise, correct?

24 A. Correct.

25 Q. You have an obligation to inform, correct?

- 1 A. Correct.
- 2 Q. And you have an obligation to advocate, correct?
- 3 A. You mean to exercise a profession?
- 4 Q. Advocate, to vigorously defend your client in court?
- 5 A. Yes, of course.
- 6 Q. And you have done all those things in connection with your  
7 representation of Mr. Roca, correct?
- 8 A. Yes.
- 9 Q. You have informed him of the charges against him?
- 10 A. Yes.
- 11 Q. You've advised him of the consequences against him?
- 12 A. Yes.
- 13 Q. And you've been his advocate, right?
- 14 A. Yes.
- 15 Q. And as an attorney, you also have an ethical obligation to the  
16 legal system, to the Court?
- 17 A. That is correct.
- 18 Q. In the motions that you file with the Court you have an  
19 obligation to be truthful, right?
- 20 A. Correct.
- 21 Q. And any evidence that you present in trial it has to be  
22 legitimate?
- 23 A. Yes, of course. Correct.
- 24 Q. And the witnesses that you call at a trial, you have to make  
25 sure that they're telling the truth, correct?

1 A. Of course, yes.

2 Q. Because you're an officer of the Court, right?

3 A. No, I'm not really an officer.

4 Q. You are not an officer, but you appear in front of the Court.

5 That's what I mean by officer.

6 A. Well, if you're referring to the fact that I'm an attorney, the

7 fact that I work as an attorney doesn't quite make me a member of

8 the Court or a public official, per se.

9 Q. Okay. Now, Mr. Roca, you testified on direct, is charged in  
10 Bolivia with, I believe, you have said of illicit enrichment,  
11 correct?

12 A. That is correct.

13 Q. And you also represented Mr. Roca in connection with his  
14 matters pertaining to his former company Aerosur; is that right?

15 A. Yes, that is correct.

16 Q. And you believe that Mr. Roca is innocent, right?

17 A. I am certain he is innocent.

18 Q. And you believe that the charges filed against him are  
19 politically motivated, correct?

20 A. That is correct.

21 Q. Now, those criminal charges were filed against Mr. Roca in  
22 2010; is that right?

23 A. No, that's not correct.

24 Q. When were they filed?

25 A. Approximately in 2010 when the illegal enrichment law was

1 passed in Bolivia.

2 Q. So they were filed in 2010?

3 A. 2010, exactly.

4 Q. And those charges are still pending?

5 A. Yes.

6 Q. And they've been pending since Mr. Roca left the country?

7 A. Yes, he is being -- yes, they're still pending because he is  
8 being judged in absentia --

9 THE INTERPRETER: My apologies from the interpreter: In  
10 contempt.

11 BY MS. DOAKES:

12 Q. Now, Mr. Roca was ordered to appear in court in Bolivia, I  
13 believe, in approximately 2010; is that right?

14 A. No, that is not correct.

15 Q. There was a hearing in connection with this case in December of  
16 2010?

17 A. It's a little difficult for me to recall, specifically, but  
18 there have been many hearings regarding the illicit enrichment  
19 charges against Mr. Roca in Bolivia.

20 Q. Well, I'm talking about the hearing in approximately December  
21 of 2010 and that would have been the hearing where he was ordered by  
22 a judge to appear to face the charge?

23 A. It's very possible that hearing may have been held, but I don't  
24 recall the specific date.

25 Q. But you would have been at that hearing, right, as his



1 attorney?

2 A. I have been present at practically all hearings.

3 Q. Now, in December, on December 13 of 2010, the time of this

4 hearing, Mr. Roca was not in Bolivia; is that right?

5 A. If I am not mistaken, he was in Spain at the time undergoing

6 surgery for kidney cancer.

7 Q. He wasn't there?

8 A. No, he was not there.

9 Q. And he knew about the hearing; is that right?

10 A. He did not.

11 Q. As his counsel, you informed him of the hearing, right, Mr.

12 Valda?

13 A. No.

14 Q. Well, because he failed to appear for this hearing and the

15 judge issued a warrant for his arrest, correct, sir?

16 A. Yes. If I'm not mistaken, that is correct.

17 Q. And then, a few days after that warrant was issued, then he

18 entered the United States?

19 A. No.

20 Q. Well, he entered the United States -- the warrant was issued on

21 December 13 of 2010 and he entered the United States on December

22 15th; is that right?

23 A. When the arrest warrant was issued in Bolivia, three months

24 went by during which he had to remain in Spain undergoing therapy.

25 He came to United States because one of the subsidiaries of his

1 airline, Aerosur was in Miami. And when he was at the point of  
2 returning, the issue with his heart came up.

3 Q. But Mr. Roca hasn't returned to Bolivia since that arrest  
4 warrant was issued?

5 A. He cannot return.

6 Q. His mother still lives in Bolivia and she's in Santa Cruz,  
7 right?

8 A. She's currently in the United States here.

9 Q. He has a child still living in Bolivia, right?

10 A. I'm not aware of that.

11 Q. The child that he has with Magnolia Pecheco. She lives in  
12 Santa Cruz, right?

13 A. I don't know her.

14 Q. Now, you've been under investigation as well by the Bolivian  
15 Transportation Authority for money laundering, right?

16 A. Because I am Humberto Roca's attorney.

17 Q. Well, it has been alleged that you have been accused of helping  
18 Mr. Roca hide money from Bolivia; is that right, sir?

19 A. No, that is not correct.

20 MS. DOAKES: Your Honor, may I approach?

21 THE COURT: Yes, ma'am.

22 MS. DOAKES: Page 5.

23 THE WITNESS: Thank you.

24 BY MS. DOAKES:

25 Q. I'm handing you a copy of what has been previously marked for

1 identification as Defense Exhibit 1. And the document that I handed  
2 you, sir, is a formal complaint; is that correct?

3 A. No, it's not. It's a complaint.

4 Q. Okay. And it's issued from the Office of the Prosecutor?

5 A. Yes, it comes from the prosecutor's office.

6 Q. Okay. And if you look at Page 5 of that complaint -- are you  
7 on Page 5?

8 A. Yes.

9 Q. And you see your name there in that complaint, correct, Jorge  
10 Valda Daza?

11 A. Just like the name of all the other attorneys.

12 Q. Page 5?

13 A. Yes, that is correct, Page 5.

14 Q. And sir, if you look at where your name is listed right before  
15 your name, it says -- do you see that?

16 A. Yes.

17 Q. And it says that records do exist of the excessive amounts  
18 received by Jorge Valda?

19 A. Can you please tell me where --

20 MS. DOAKES: Your Honor, may I approach?

21 THE COURT: Yes.

22 MS. DOAKES: Because I have the English version. I'm going  
23 to mark it for you, Mr. Valda.

24 THE WITNESS: Okay. Thank you.

25 BY MS. DOAKES:

1 Q. You're welcome.

2 Now, are we on the same page, now, Mr. Valda?

3 A. I think so. I don't know if I'm looking at what you are

4 looking at.

5 Q. Where it says Compania Boliviana de Transporte Aereo Privado?

6 A. Yes, I have it.

7 Q. And it says: Have disposed of the monies of the commercial

8 corporation in favor of third parties.

9 Do you see that? Does it say that there?

10 MR. JUENGER: Your Honor, I'm going to object from reading

11 from documents that are not in evidence.

12 THE COURT: Overruled.

13 BY MS. DOAKES:

14 Q. It says the monies received have not been properly registered

15 on the books and that's in connection with Aerosur, the company?

16 A. If you would allow me. What that says there --

17 Q. But what I'm asking you is, does it read that? You will be

18 able to explain in a minute.

19 A. Do you want me to read it?

20 Q. I'm asking you, sir, does it say, therefore, there is no basic

21 reason for them to have made these monies to third parties?

22 A. That is what it says there.

23 Q. And it goes on to say, records do exist of the excessive

24 amounts received by -- and you're listed there, correct?

25 A. My name is one of the names among all of the names of the other

1 attorneys that were involved in this.

2 Q. Okay. And it goes on to say, all of this for the purpose of  
3 hiding the illegal increase of his patrimony?

4 A. I don't understand your question.

5 Q. I'm reading to you what it says.

6 A. I don't understand your question.

7 Q. It says, Mr. Valda, that you have received -- you and the other  
8 lawyers -- received excessive amounts of money from Aerosur?

9 A. Is that what it says here in that complaint?

10 Q. I'm asking you what it says.

11 A. No, it does not say that there.

12 Q. It goes on to say, all of this for the purpose of hiding the  
13 illegal increase of his patrimony?

14 A. Yes, it does say that.

15 Q. You have received significant payments from Mr. Roca, correct,  
16 in connection with your representation?

17 A. I have charged him my professional fees.

18 Q. Millions of dollars, right, sir?

19 A. No, that is not correct.

20 Q. And even when Mr. Roca left his company's employees, 1500 of  
21 them when they didn't get paid, you got paid, right, sir?

22 A. No, that is not correct. In fact, he owes me money.

23 Q. 1500 employees of Mr. Roca's Aerosur Company did not get paid;  
24 is that correct?

25 A. I was Humberto Roca's attorney and not the attorney for

1 Aerosur.

2 Q. Now, this ATT complaint or investigation began some time in  
3 2009; is that right?

4 A. I don't know the exact date.

5 Q. Sir, if you look at the first page of the document --

6 A. I'm on the first page. This was actually started in 2012.

7 Q. I'm sorry. It was issued June 27, 2012, right?

8 A. It was signed on the 27th of July of 2012, yes.

9 Q. And you've remained in Bolivia, right?

10 A. I live in Bolivia.

11 Q. And you have spoken out against the media in connection with  
12 your representation of Mr. Roca; is that right?

13 A. That I have spoken against the media?

14 Q. I'm sorry. Spoken to the media?

15 A. Yes, of course.

16 Q. And you told the Bolivian media that you were coming to testify  
17 in this case?

18 A. Yes. I told them that I had to come to the United States and I  
19 had to testify.

20 Q. And you also told the Bolivian media that these prosecutors had  
21 told you that they were going to request 25 years for Mr. Ormachea;  
22 is that correct?

23 A. No. That is what we sort of calculated here in the United  
24 States with Humberto Roca's attorneys.

25 MS. DOAKES: Your Honor, may I approach?

1 THE WITNESS: May I have some water?

2 THE COURT: Yes.

3 BY MS. DOAKES:

4 Q. Okay. Now, Mr. Valda, I handed you a newspaper article from  
5 La Patria; is that right?

6 A. That is correct.

7 Q. And that is a newspaper article dated some time on December 10  
8 of 2013; is that right?

9 A. Correct.

10 Q. And it says in that article that the trial court in Miami,  
11 which has the responsibility of determining Mr. Ormachea -- it's on  
12 the second page of that article -- the penalty that the prosecutor  
13 is asking for Mr. Fabricio is 25 years, said attorney for Mr. Roca;  
14 is that right? That's what you said?

15 A. That is not exactly what I've said, but that's what the column  
16 states.

17 Q. Well, it said that you said it, right?

18 A. But it's not necessarily true just because it's in a media  
19 publication.

20 Q. Now, you've also gone to the Bolivian prosecutor and asked for  
21 Mr. Roca's case to be dismissed, correct?

22 A. That is untrue.

23 MS. DOAKES: May I have a moment, Your Honor?

24 THE COURT: Yes, ma'am.

25 BY MS. DOAKES:

1 Q. Now, the initial prosecutor on Mr. Ormachea's case was Edwin  
2 Morenaro (phonetic)?

3 A. Can you repeat that question? I did not quite understand what  
4 you meant. There is an Edwin Morenaro, but I don't know what the  
5 question is.

6 Q. I was asking you, he was the initial prosecutor on Mr. Roca's  
7 case, correct?

8 A. It was Prosecutor Morenaro in Mr. Roca's case; that is correct.

9 Q. And isn't it true that he's in a La Paz jail for corruption?

10 A. No. He's actually in Santa Cruz but, in fact, he is in jail.

11 Q. And in fact, the Bolivian Government has prosecuted other  
12 prosecutors for corruption, correct?

13 A. Correct.

14 Q. And has prosecuted judges for corruption?

15 A. That is correct.

16 Q. And has prosecuted police officers and other governmental  
17 officials for corruption, right?

18 A. Public officials, yes, but as far as I know, no police officers  
19 are incarcerated.

20 Q. This all started under -- not incarcerated, but I mean  
21 prosecuted or investigated for corruption?

22 A. Yes, of course.

23 Q. And this includes police officers; is that right?

24 A. Yes, of course.

25 Q. And this all started under the current Administration of



1 President Evo Morales; is that right?

2 A. No.

3 Q. The Ministry of Institutional Transparency, ATT, was created

4 under Evo Morales' Administration; is that right?

5 A. Yes.

6 Q. And anti-corruption laws were created under this Ministry; is

7 that right?

8 A. As with any other government.

9 Q. Now, you're familiar with Article 286; is that right?

10 A. From what law or code?

11 Q. Le 4 (phonetic)?

12 A. What article did you say?

13 Q. Article 286.

14 A. That law has less than 50 articles.

15 Q. You're familiar with the article that obligates individuals to

16 report crimes of corruption? You're familiar with that?

17 A. The obligation is held by public officials to report acts of

18 corruption.

19 Q. Public officers as well, though, correct?

20 A. Only public officers and officials. I am not one of those.

21 Q. Now, let's talk about what happened in January of 2013.

22 Now, you testified that you met with Mr. Ormachea at the La Paz

23 Police Station; is that right?

24 A. That's correct.

25 Q. And La Paz, that's the capitol city of Bolivia; is that right?

1 A. No, that is incorrect. The capitol of the country is Sucre and  
2 La Paz is the seat of government.

3 Q. And Evo Morales' Administration is in La Paz, Bolivia; is that  
4 right?

5 A. That is correct.

6 Q. And that police station, the courthouse is near that police  
7 station; is that correct?

8 A. Yes, that is correct.

9 Q. And the prosecutors are located near that police station; is  
10 that right?

11 A. Yes, that is correct.

12 Q. And the Bolivian National Police, it has within it an Internal  
13 Affairs Unit; is that correct?

14 A. No.

15 Q. You're not familiar with the ethical unit within the Bolivian  
16 National Police, sir?

17 A. No, I'm not familiar.

18 Q. Now, you testified at this meeting, in January of 2013, that  
19 Mr. Ormachea stated that he could make the criminal cases against  
20 Mr. Roca and his family go away; is that right?

21 A. No. All he told me is that they would be able to provide  
22 statements, but he did not, in fact, tell me that they would be  
23 released from prosecution.

24 Q. That's all he told you, correct?

25 A. In regards to that, yes.

1 Q. And you did not personally communicate this to Mr. Roca until  
2 some time later?

3 A. I conveyed it to him on the telephone immediately.

4 Q. And he declined Mr. Ormachea's offer; is that right?

5 A. Yes.

6 Q. And he said he didn't want anything to do with it, correct?

7 A. Correct.

8 Q. And then, you said, you testified on direct because he didn't  
9 want anything to do with it, there were charges filed against Mr.  
10 Roca's mother; is that right?

11 A. That is correct.

12 Q. Now, you met with the prosecutors in this case prior to your  
13 testimony; is that right?

14 A. Correct.

15 Q. And that meeting was some time in November of 2013?

16 A. No, that is incorrect. I only met with them yesterday.

17 Q. So you never met with them in November of 2013?

18 A. I met with an individual from the FBI and with Humberto Roca's  
19 attorneys here in the United States.

20 Q. And that was in November of 2013?

21 A. Yes.

22 Q. And you were asked questions about what happened in Bolivia in  
23 January 2013; is that right?

24 A. Yes.

25 Q. And you never told the officers anything about Mr. Roca's

1 mother being charged; is that correct?

2 A. I did tell them.

3 Q. You also prepared a resume declaration after your meeting with

4 FBI; is that right?

5 A. That is correct.

6 MS. DOAKES: May I approach, Your Honor?

7 THE COURT: Yes, ma'am.

8 THE WITNESS: Thank you.

9 BY MS. DOAKES:

10 Q. Sir, I've handed you what has been previously marked for

11 identification as summary statement of Jorge Valda Daza; is that

12 correct?

13 A. Yes, that is correct.

14 Q. And this is a statement that you typed up, correct?

15 A. This is a summary.

16 Q. But it's your summary, correct?

17 A. Yes.

18 Q. And you e-mailed that to Mr. Byrne; is that correct?

19 A. I don't remember who I sent it to, but surely it was him. It

20 must have been him.

21 Q. And there's nothing in that statement that talks about Mr.

22 Roca's mother being charged; is that right?

23 A. Can you allow me to review it?

24 Q. Yes.

25 A. The document makes reference to the entire family. I don't

1 make any specific reference to an individual.

2 Q. Well, don't you agree the fact that Mr. Roca's mother is  
3 criminally charged in Bolivia that that would be an important fact?

4 A. I was asked to provide specific information and details as to  
5 what Mr. Ormachea had discussed with me and the attorneys and that's  
6 what I sent to the prosecutors. They asked me, specifically, as to  
7 matters related to Mr. Ormachea and not questions having to do with  
8 my other clients in Bolivia.

9 Q. Sir, you testified on direct that because Mr. Roca wouldn't pay  
10 money in exchange for influence to Mr. Ormachea, that Mr. Roca's  
11 mother was charged in Bolivia?

12 A. What I said was what Mr. Ormachea stated to me and what I  
13 answered is what happened later.

14 Q. Sir, my question was, you testified on direct examination that  
15 Mr. Roca's mother was charged, correct?

16 A. Yes.

17 Q. And that was because Mr. Roca did not pay any money to Mr.  
18 Ormachea, right?

19 A. Are you asking me for my own conjectures? Then, yes.

20 Q. I'm not asking you for your own conjectures.

21 I'm just asking you what you testified to on direct. You do  
22 remember?

23 A. I did say that she's being prosecuted, but I never said there  
24 was any connection between one situation and the another; that there  
25 is a direct link between one thing and the other.

1 Q. You never said that?

2 A. And I answered the questions according to what I was being  
3 asked.

4 MS. DOAKES: Sorry, Your Honor. May I have one moment?

5 THE COURT: Yes, ma'am.

6 BY MS. DOAKES:

7 Q. Okay. And now, sir, an investigation against Mr. Roca's family  
8 had actually started some time before January of 2013; is that  
9 right?

10 A. Yes.

11 MS. DOAKES: All right. Thank you, Mr. Valda. I have no  
12 further questions.

13 THE COURT: Do we have any redirect?

14 MR. JUENGER: Yes, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. JUENGER:

17 Q. Mr. Valda, you were shown this document that I'm holding up.  
18 Can you see it?

19 This is the document that has your name in it?

20 A. It's not the same document.

21 Q. This one is in English?

22 A. Oh, yes, I suppose this is the one.

23 Q. Tell us what this document is.

24 A. This is a memory aid that I prepared regarding what I know.

25 Q. And in that, I think, you called it a summary; is that correct?

1 A. It's a summary, precisely.

2 Q. And did you include every single fact that you knew about Mr.  
3 Ormachea in that summary document?

4 A. No.

5 Q. I want to ask you about another document.

6 This is the document that is from Bolivia and it has your name  
7 in it dealing with improper monies, or something like that.

8 Do you have that document?

9 A. If this is the one, yes, I do.

10 MR. JUENGER: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 THE WITNESS: Oh, yes. I do have it here.

13 BY MR. JUENGER:

14 Q. And tell us, what is that document?

15 A. This is a complaint filed by the transportation authorities in  
16 Bolivia.

17 Q. And when you use the word complaint, does that mean a formal  
18 charge against you charging you with a crime in Bolivia?

19 MS. DOAKES: Objection; leading.

20 THE COURT: Overruled.

21 THE WITNESS: No.

22 BY MR. JUENGER:

23 Q. What is it, then?

24 A. This is a well-founded notice of the presumption of a crime.

25 Q. And have you ever been formerly charge with a crime?

1 A. No.

2 Q. I think you've told us already that you have received legal  
3 fees from Mr. Roca for being his lawyer, correct?

4 A. Yes, correct.

5 Q. And how much, more or less, how much have you been paid for  
6 your six years of legal service?

7 A. Well, for the entire six years, it's a little difficult to add  
8 up the sums, but I would calculate that it's somewhere around  
9 \$50,000.

10 Q. Have you ever received a million dollars from Mr. Roca for any  
11 purpose?

12 A. No, never.

13 Q. Have you ever hidden any money on behalf of Mr. Roca?

14 A. Never. That's impossible.

15 Q. Now, you were asked about this meeting with Mr. Ormachea, the  
16 Defendant, in January of 2013?

17 A. Yes.

18 Q. What was it that Mr. Ormachea said about expanding the  
19 investigation?

20 A. Well, what he said, specifically is that, here, we have  
21 Humberto Roca's mother, who had not been formerly charged and that  
22 he was aware that another one of his sons-in-law, who had not left  
23 the country, was in Santa Cruz.

24 Q. And now let me ask you this question, Mr. Valda.

25 Did Mr. Byrne or myself ever tell you or talk to you about



1 anything to do with the sentence that the Defendant might receive in  
2 this case?

3 A. No.

4 Q. In fact, when is the first time we ever met?

5 A. Yesterday.

6 MR. JUENGER: That's all I have, Your Honor.

7 THE COURT: Mr. Valda, thank you, sir. You may step down.

8 And we will take our afternoon recess at this time and we  
9 will be in recess for 15 minutes. The Court is in recess for 15  
10 minutes.

11 Who is your next witness, Mr. Byrne?

12 MR. BYRNE: Our next witness is Carlos Guillen, Your Honor.

13 (Recess.)

14 THE COURT: Call your next witness, sir.

15 MR. JUENGER. Yes, Your Honor.

16 The United States calls Carlos Guillen.

17 (Witness sworn through interpreter.)

18 THE COURT: Be seated, please, and tell us your full name.

19 THE WITNESS: Carlos Alberto Guillen Moreno.

20 THE COURT: Spell your last name, please.

21 THE WITNESS: M-O-R-E-N-O.

22 THE COURT: You may inquire.

23 MR. JUENGER: Thank you, Your Honor.

24 CARLOS MORENO, GOVERNMENT'S WITNESS SWORN

25 DIRECT EXAMINATION

1 BY MR. JUENGER:

2 Q. Mr. Moreno, how old are you?

3 A. 55.

4 Q. And where were you born?

5 A. In Bolivia.

6 Q. Are you a citizen of Bolivia?

7 A. Yes, I am a Bolivian citizen.

8 Q. What country do you currently live in?

9 A. In the United States of America.

10 Q. And what city do you currently live in?

11 A. In Doral.

12 Q. And how long have you been living in the United States, more or  
13 less?

14 A. About a year and-a-half, more or less.

15 Q. And what is your Immigration status here in the United States?

16 A. I have pending asylum.

17 Q. And what's the basis for your asylum?

18 A. Political persecution by the Bolivian Government.

19 Q. And Mr. Moreno, do you have family?

20 A. Yes.

21 Q. And who are your family, your immediate family?

22 A. My wife and three children.

23 Q. And where are your wife and three children?

24 A. My wife and my daughter are in Argentina, one son is in  
25 Colombia and one is in Spain.

- 1 Q. And are they Bolivian citizens?
- 2 A. Yes.
- 3 Q. And then, why are they in Argentina and Spain, et cetera?
- 4 A. Because we all had to leave Bolivia.
- 5 Q. Mr. Moreno, what do you currently do for a living?
- 6 A. I send cargo to Bolivia.
- 7 Q. Do you have a cargo company?
- 8 A. Yes.
- 9 Q. Okay. And what did you do when you lived in Bolivia?
- 10 A. I was an attorney. I also had a catering business and I also  
11 had the restaurant.
- 12 Q. And how long were you a lawyer in Bolivia?
- 13 A. Approximately 27, 28 years.
- 14 Q. And what type of law did you practice in Bolivia?
- 15 A. Civil and commercial.
- 16 Q. Mr. Moreno, are you familiar with a man named Humberto Roca?
- 17 A. Yes.
- 18 Q. And how long have you known Mr. Roca?
- 19 A. All my life.
- 20 Q. Are you related to him?
- 21 A. Yes, he's my cousin.
- 22 Q. And did you, aside from being related to him, did you have  
23 business dealings with him in Bolivia?
- 24 A. Yes, I worked several times with him. At one point, I was even  
25 his partner.

1 Q. Could you give us a little more description about your business  
2 dealings with him?

3 A. We had a company whereby we sold agricultural products and we  
4 marketed agricultural products and we had a lighting distribution  
5 company. I also worked with him as an advisor for several of his  
6 businesses.

7 Q. Were you involved in an airline at all?

8 A. Yes. I advised Humberto when he was beginning his  
9 participation in this airline, Aerosur, because the company at that  
10 point, was bankrupt and he tried to go in and rescue it.

11 Q. What role did Mr. Roca have with Aerosur?

12 A. Humberto took over the company when it was bankrupt and  
13 transformed it into the largest airline in Bolivia.

14 Q. Did he have an official title at Aerosur?

15 A. Yes, he was president.

16 Q. And where does Mr. Roca currently live?

17 A. In Miami Lakes.

18 Q. Is that here in Florida?

19 A. Yes, here in Southern Florida.

20 Q. And how long has he been in Southern Florida?

21 A. If I'm not mistaken, he arrived here towards the end of 2010.

22 Q. And why did Mr. Roca come here?

23 A. He remained here also because he was being politically  
24 persecuted by the Government.

25 Q. Now, were you charged with crimes in Bolivia?

1 A. Yes.

2 Q. And what were you charged with, specifically?

3 A. Pretty much threw the entire Penal Code at me. I was accused  
4 of terrorism, subversion, and illicit enrichment.

5 Q. And what is it that you were alleged to have done in Bolivia  
6 that led to these charges?

7 A. That I was financing terrorism.

8 Q. But what did you actually do?

9 A. I sold a car to a gentleman who was later murdered at a hotel  
10 and he was charged with terrorism. And basically, then, when I sold  
11 him the car and he was a foreigner and pats himself off as a news  
12 journalist.

13 I had a restaurant with local type food fair and because he was  
14 a foreigner, I invited him to come and dine. Basically, that was my  
15 relationship with him.

16 Q. So you sold a man a car?

17 A. Yes.

18 Q. And you invited him to dinner?

19 A. Yes.

20 Q. Did you engage in terrorism Mr. Moreno?

21 A. No.

22 Q. Now, Mr. Moreno do you know a man by the name of Mario Fabricio  
23 Ormachea Aliaga?

24 A. Yes.

25 Q. And did you ever meet him personally?

1 A. Yes.

2 Q. How many times did you meet him?

3 A. Twice.

4 Q. And did you ever communicate with him over the telephone?

5 A. Yes.

6 Q. How many times, more or less?

7 A. Ten, 12; 12 times.

8 Q. And when was it that you met with him and you communicated with  
9 him over the telephone? Just tell us the month and the year.

10 A. Beginning of August of last year and end of July of last year.

11 Q. And Mr. Moreno, do you see Mr. Ormachea here in the courtroom  
12 today?

13 A. Yes.

14 Q. And can you please point him out to us and describe something  
15 that he's wearing?

16 A. Yes. He's seated over there and he's wearing a blue jacket and  
17 a baby blue tie.

18 MR. JUENGER: Your Honor, may the written record reflect  
19 the witness has identified the Defendant?

20 THE COURT: The record will so reflect.

21 MR. JUENGER: Thank you, Your Honor.

22 BY MR. JUENGER:

23 Q. Now, Mr. Moreno, to be a little more specific, when in August  
24 or late July was it when you met or first spoke with the Defendant  
25 on the telephone?

1 A. The first time I met with him I believe was August 5th of last  
2 year.

3 Q. And when would it have been the first time you spoke with him  
4 on the phone?

5 A. If I'm not mistaken, August the 2nd or the 3rd.

6 Q. So a few days before you actually met him?

7 A. Yes.

8 Q. Now, did he call you or did you call him?

9 A. He called me.

10 Q. And what was the telephone number that he called you on and can  
11 you say it slowly, please?

12 A. 305-748-3075.

13 Q. And now, did you know that the Defendant was going to call you  
14 on that telephone?

15 A. Yes.

16 Q. And how did you know that?

17 A. Because a friend from Bolivia had told me that he was going to  
18 get in contact with me through that number.

19 Q. And who was that friend in Bolivia?

20 A. Jose Maria Penaranda (phonetic).

21 Q. Who is that person?

22 A. He was a client of mine in Bolivia.

23 Q. And now, when he called you, did the Defendant identify  
24 himself?

25 A. Yes.

- 1 Q. And who did he say he was?
- 2 A. He told me he was Colonel Fabricio Ormachea.
- 3 Q. And what did Colonel Ormachea say to you in this first call?
- 4 A. He told me he was calling on behalf of Jose Maria Penaranda who  
5 was already in Washington.
- 6 Q. Who was in Washington?
- 7 A. Mr. Ormachea.
- 8 Q. And what else did he say? Did he say what he was doing in  
9 Washington, D.C.?
- 10 A. Yeah, because I asked him what he was doing there because I was  
11 expecting his phone call from Bolivia.
- 12 Q. And what did he say?
- 13 A. He told me that he had already met with the FBI and that he had  
14 already handed all the documentation against the exiles here with  
15 the exception of the papers belonging to the friend.
- 16 Q. Did he use the words FBI?
- 17 A. Yes.
- 18 Q. And you said he talked about the friend? Is that what you  
19 said?
- 20 A. Yes.
- 21 Q. And who was the friend?
- 22 A. Humberto Roca.
- 23 Q. And why do you say it was Humberto Roca?
- 24 A. Because according to prior communication I had with him, he  
25 told me he was coming here to meet with Humberto Roca.



1 Q. And what else did he say to you?

2 A. That he had handed those papers over to the FBI to sort of make  
3 life difficult for those who were here. But in the case of the  
4 friend that it was not going to be that way and that is why he  
5 wanted to meet with me.

6 Q. What else did the Defendant have to say?

7 A. That he would call me back the next day to let me know when he  
8 would be arriving in Miami.

9 Q. And did he come to Miami the next day?

10 A. He called me the following day to tell me what flight he would  
11 be arriving on in order for me to await him at the airport.

12 Q. Did you pick him up at the airport?

13 A. Yes, I picked him up at the airport.

14 Q. You said you never met him before this, right?

15 A. That is true.

16 Q. So how did you know to pick him up at the airport?

17 A. Because we left off that we would call each other or talk to  
18 each other once he deplaned and that we would fix a meeting point.

19 Q. Okay. And now, what did you do after you picked him up from  
20 the airport? Where did you take him?

21 A. I took him to the Restaurant Tropical.

22 Q. And where was the Restaurant Tropical?

23 A. In Doral on 36th Street and 39 Avenue.

24 Q. And as you drove to the restaurant did the Defendant say  
25 anything about Mr. Roca's cases?

1 A. About his personal cases?

2 Q. Yes.

3 A. Yes.

4 Q. What did he say?

5 A. He told me that my case had really not moved, that the  
6 prosecutor had not presented anything and that I shouldn't worry  
7 about it because he was keeping an eye on it.

8 Q. But what about Mr. Roca's case? Did he say anything about Mr.  
9 Roca's case?

10 A. Yes. He told me that Humberto's cases were in his hands and  
11 that he wanted to help Humberto. And that he could intervene in  
12 that respect because he was in charge of those cases.

13 Q. Now, who was at this meeting at the restaurant?

14 A. Colonel Ormachea was there, Humberto Roca, one of his  
15 attorneys, and myself.

16 Q. And do you recall the name of the attorney?

17 A. No.

18 Q. Okay. That's fine.

19 How long was this meeting?

20 A. Approximately one hour.

21 Q. And were you there for the entire meeting?

22 A. No, because I went out for a smoke.

23 Q. Well, while you were there, what did the Defendant have to say  
24 during this meeting?

25 A. He spoke to Humberto and told him what was going on in Bolivia,

1 the cases that were there. He told him that he could help him and  
2 he was doing so because Humberto was a good person and that he knew  
3 that Humberto was innocent. And for that reason, he intended to  
4 help him.

5 Q. Did he say how he could help Mr. Roca?

6 A. Yes. That he could somehow work on the reports that he drafted  
7 and sort of trying to lead those reports to those persons who were  
8 responsible away from the company and all the things that had  
9 happened to Humberto -- responsible for the issues affecting the  
10 company.

11 Q. Can you repeat your answer, please.

12 A. That he could help Humberto by re-routing the investigation,  
13 detouring the investigation towards the people who were truly  
14 responsible regarding the situation of the company and all of the  
15 lawsuits that Humberto had regarding the company.

16 Q. Now, at any point during this meeting, did the Defendant ask  
17 Mr. Roca for anything in exchange for this help?

18 THE INTERPRETER: I'm sorry. For the interpreter, could  
19 you repeat the question?

20 MR. JUENGER: Sure.

21 BY MR. JUENGER:

22 Q. During this meeting, did the Defendant ask Mr. Roca for  
23 anything in exchange for this help?

24 A. No.

25 Q. During this meeting, did Mr. Roca offer the Defendant anything

1 in exchange for the help?

2 A. No.

3 Q. Well, did the Defendant say why he wanted to help Mr. Roca?

4 A. The Defendant gave an explanation of what was going on in  
5 Bolivia, the situation regarding those who thought differently than  
6 the Government, which applies to Humberto Roca. And that he was  
7 doing it with him because he knew he was innocent because he admired  
8 him as a person and as a businessman, because he greatly helped  
9 those people who were poor and those in need.

10 And as a matter of fact, once, he actually gave him some  
11 airline tickets for something that he had done at the airport in  
12 Trompillo -- I'm sorry. Bebida -- there's two airports -- Bebida.  
13 When he was the head of the anti-drug unit at that airport.

14 Q. Now, Mr. Moreno, you have used the word he a lot in there.  
15 Could you explain who gave who the airline tickets and what they  
16 were for?

17 A. Humberto Roca gave currently Colonel Ormachea the tickets and  
18 that is what Colonel Ormachea said.

19 Q. Now, after this meeting was over, how did the Defendant get  
20 back to the airport?

21 A. I took him.

22 Q. And during that drive back to the airport did he talk at all?  
23 Did the Defendant talk at all about Mr. Roca's cases?

24 A. I'm telling you, prior to getting to the airport, I took him to  
25 a sports shop where he could do some shopping.

1 In Bolivia I used to be the vice president of a soccer club and  
2 he is a fan of one of the soccer teams in La Paz. And he was  
3 telling me about what was going on with soccer in Bolivia.

4 When we left the shop, the store, en route to the airport he  
5 told me, Brother, I am going to help Humberto to resolve his  
6 problems because he is a good person. And that is, basically, in  
7 general terms, what he told me while we were in the car.

8 Q. Now, after this meeting that took place at Tropical Restaurant,  
9 did you ever here from the Defendant again?

10 A. Yes. He called me on the phone once or twice from Bolivia. He  
11 sent me an e-mail. And I saw him again when I went to pick him up  
12 at the airport when he returned.

13 Q. Okay. When was it that he returned?

14 A. If I'm not mistaken, somewhere around the 28th of August.

15 Q. Now, did you talk to Mr. Roca about the fact that the Defendant  
16 was coming back?

17 A. Yes. I did tell Humberto that he had sent me an e-mail telling  
18 me that he was arriving on LAN via Lima on the date that he  
19 indicated, somewhere around 1800 hours or 1400 hours, or  
20 thereabouts.

21 Q. And what was the date that he returned to Miami?

22 A. It was 28th of August; 27th, 28th of August, thereabouts.

23 Q. And what time did he arrive in Miami?

24 A. His flight was delayed by seven hours, more or less, and he  
25 arrived, more or less around by midnight, 11:00 at night.

- 1 Q. And did you pick him up at the airport?
- 2 A. Yes, I did pick him up at the airport.
- 3 Q. Where did you take him?
- 4 A. I took him to a hotel on 36th Street, which he told me he knew
- 5 -- the Colonel told me he knew.
- 6 Q. And did you pick him up the next day?
- 7 A. Yes, we agreed that I would stop by to pick him up. Once
- 8 Humberto was home so they could get together.
- 9 Q. And what time was it, more or less, when you picked him up?
- 10 A. Approximately between 1:00 to 2:00 in the afternoon.
- 11 Q. And where did you take him?
- 12 A. To Humberto Roca's house.
- 13 Q. And where is Humberto Roca's house?
- 14 A. In Miami Lakes.
- 15 Q. And who was at Mr. Roca's house when you and the Defendant
- 16 arrived?
- 17 A. Humberto Roca. There was no one else. There was no one else
- 18 that I had seen at the time.
- 19 Q. Okay. So who was in the house at the time?
- 20 A. Humberto Roca and some people from the FBI.
- 21 Q. Where were the people from the FBI?
- 22 A. In Humberto Roca's bedroom.
- 23 Q. Did you know they were there at the time?
- 24 A. That they were there? No, I was surprised.
- 25 Q. Did anyone tell Colonel Ormachea that the FBI was there?

1 A. Not that I know of.

2 Q. Okay. And were you present when the Defendant and Mr. Roca had  
3 their meeting?

4 A. No.

5 Q. And what happened after the meeting was over?

6 A. I took Colonel Ormachea for lunch because we had not had lunch.  
7 We went to a Peruvian restaurant on 36th Street and we had lunch and  
8 then we went to a weapons store that was next store. He bought a  
9 holster and a clip.

10 THE INTERPRETER: The interpreter is going to ask for  
11 clarification on the term.

12 A. Clip. He asked for other items and, then, I took him back to  
13 his hotel. I left him there.

14 And he told me that once Humberto let him know that he would  
15 call him back so that I could go by and take him back to Humberto's  
16 house.

17 Q. And was there another meeting at Mr. Roca's house the next day?

18 A. Yes.

19 Q. And did Mr. Roca ask you to get something for him at that  
20 meeting?

21 A. Yes. He asked me to get \$10,000 in cash in one hundred dollar  
22 bills or denominations for the meeting the following day.

23 Q. And did you do that?

24 A. Yes, I got it.

25 Q. And did you pick the Defendant up for this second meeting the

1 next day?

2 A. I called him in order to pick him up, but he told me he was  
3 ready in a car. And that I should, actually, just give him the  
4 address for Humberto Roca and so that he go straight over to his  
5 house.

6 Q. So were you present at Mr. Roca's house for this second meeting  
7 between Mr. Roca and the Defendant?

8 A. No, I was not there.

9 Q. And did you ever see or speak with the Defendant after that?

10 A. No, never again.

11 MR. JUENGER: I pass the witness, Your Honor.

12 THE COURT: Cross-examination.

13 MS. DOAKES: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MS. DOAKES:

16 Q. Mr. Guillen, am I pronouncing that correctly, sir?

17 A. Yes. Thank you very much.

18 Q. You are Mr. Roca's second cousin; is that right?

19 A. Yes.

20 Q. You grew up in the same village?

21 A. Yes.

22 Q. And after you graduated from school you worked for him,  
23 correct?

24 A. Yes, I did work for him.

25 Q. And you've worked for him for how many years?



1 A. I always worked at my own law offices and I did consulting work  
2 both for him and other people.

3 Q. You work for him today; is that right?

4 A. No.

5 Q. Now, you've handled Mr. Roca's financial affairs; is that  
6 correct, sir?

7 A. No.

8 Q. Well, he trusts you enough to go and get money for him,  
9 correct?

10 A. Yes, but that doesn't mean that I manage his financial affairs.

11 Q. You have access to a bank account?

12 A. No.

13 Q. You testified that you went and got money -- and this would  
14 have been on the 29th, \$10,000 for Mr. Roca; is that right?

15 A. Yes.

16 Q. And that money was at a bank; is that correct?

17 A. No.

18 Q. Well, where was the money at?

19 A. At a check cashing.

20 Q. From a wire?

21 A. No.

22 Q. When you say a check cashing, you mean like a check cashing  
23 place?

24 A. Yes.

25 Q. And Mr. Roca gave you have a check; is that right?

- 1 A. No.
- 2 Q. He gave you a card; is that right?
- 3 A. No.
- 4 Q. Well, what did he give you so you could get \$10,000, sir?
- 5 A. He asked me and I worked at a check cashing place.
- 6 Q. So you worked at a check cashing place?
- 7 A. Yes.
- 8 Q. And you have access to money at this check cashing place?
- 9 A. If you do the appropriate transaction for a loan or the
- 10 appropriate request, yes.
- 11 Q. So you say you borrowed \$10,000 to give to Mr. Roca?
- 12 A. No.
- 13 Q. Well, how did you get the \$10,000 Mr. Guillen?
- 14 A. Since I worked at the check cashing place, right, I requested
- 15 the people from the check cashing store for them to give me a loan
- 16 for \$10,000 in \$100 bills in order to return the money immediately
- 17 because this request was made at night and there was no way for me
- 18 to get it.
- 19 Q. You did this because you're loyal to Mr. Roca; is that right?
- 20 A. Because it was a normal request. It was a favor.
- 21 Q. As a favor?
- 22 A. Yes.
- 23 Q. For Mr. Roca?
- 24 A. Naturally.
- 25 Q. Now, the last time that you entered into the United States was

1 in August of 2012; is that correct?

2 A. Yes.

3 Q. And you entered as a tourist, right?

4 A. Yes.

5 Q. You said you were coming into the United States for purposes of  
6 a vacation, right?

7 A. Initially, I came into the United States by saying that I was  
8 coming here to see Humberto and, obviously, to spend some time here.

9 Q. For vacation, right? Correct?

10 A. To spend some time.

11 Q. But that wasn't true, right?

12 A. It was true.

13 Q. Well, you were coming here to stay permanently in the United  
14 States; is that right?

15 A. I've always had in mind returning back to Bolivia, one way or  
16 another.

17 Q. But you haven't returned, correct?

18 A. Because the Bolivia Government would not allow me to.

19 Q. I understand, but you haven't returned to Bolivia; is that  
20 correct?

21 A. I came into the United States before I came in August of 2012,  
22 before that. I spent six months here and I went to Argentina in  
23 order to be with my family. After that I returned to the U.S. also  
24 with the intention of returning to Bolivia waiting for the situation  
25 in Bolivia to resolve itself.

- 1 Q. Mr. Guillen, you have not answered my question.
- 2 A. I did not understand.
- 3 Q. You have not returned to Bolivia since you arrived here in  
4 August of 2012, correct?
- 5 A. No, I have not returned.
- 6 Q. And when you came to the United States in August of 2012, you  
7 had a place to live; is that right?
- 8 A. Yes.
- 9 Q. Because Mr. Roca provided that for you?
- 10 A. Yes.
- 11 Q. And the apartment that you live in, currently in Doral, Mr.  
12 Roca owns that apartment, correct?
- 13 A. Yes.
- 14 Q. You had access to transportation; is that correct? You had a  
15 car?
- 16 A. Yes.
- 17 Q. Provided by Mr. Roca?
- 18 A. Not at that time.
- 19 Q. But he did, eventually, provide you with a car, correct?
- 20 A. No.
- 21 Q. The company, this export company that you've incorporated, that  
22 company is registered to Mr. Roca's address in Miami Lakes, correct?
- 23 A. No.
- 24 Q. You have applied for political asylum in the United States,  
25 correct?

1 A. Yes.

2 Q. And you applied for political asylum in October of 2012; is  
3 that right?

4 A. Yes.

5 Q. And that application is still pending; is that correct?

6 A. Yes.

7 Q. And if that application is denied you will be deported; is that  
8 right?

9 A. I assume. I really don't know what the next legal step would  
10 be.

11 Q. You don't want to be deported to Bolivia, do you?

12 A. I don't believe that the U.S. Government would deport me back  
13 to Bolivia.

14 Q. Well, because if you are returned to Bolivia, you will be  
15 arrested; is that correct?

16 A. It is possible that the political forces in Bolivia might  
17 arrest me.

18 Q. Because you have a criminal case that's currently pending,  
19 right?

20 A. Yes. We have a political case that has been elevated to the  
21 court system.

22 Q. Now, I understand that you believe it to be political, but the  
23 Bolivian Government does not believe that, correct?

24 MR. JUENGER: Objection as to foundation, Your Honor, as to  
25 what the Bolivian authorities believe.

1 THE COURT: Sustained.

2 BY MS. DOAKES:

3 Q. Well, you were charged in 2009 by the Bolivian Government with  
4 financing terrorists, correct?

5 A. Correct.

6 Q. And that is a crime; is that right?

7 A. If they can prove it.

8 Q. But it's a crime, sir?

9 A. It's a crime, but only for the individuals who have committed  
10 it. Not necessarily for me.

11 Q. And the Bolivian Government has proceeded to try you in  
12 absentia; is that right?

13 A. No. What the Bolivian Government has actually done is to file  
14 the case, open up the case, formerly charge me, issue an arrest  
15 warrant and table the case or --

16 Q. What was the last thing he said?

17 A. Table or simply put the case in a drawer. The case is dormant.

18 Q. Now, after Mr. Ormachea was arrested, you told Mr. Penaranda  
19 that Mr. Ormachea said he's innocent, correct?

20 A. I don't understand the question.

21 Q. Well, after Mr. Ormachea was arrested you continued to have  
22 communication with Mr. Penaranda; is that correct?

23 A. Yes.

24 Q. And you were telling Mr. Penaranda what was going on with the  
25 pending case; is that correct?

- 1 A. Which case?
- 2 Q. The case here that we're in court for.
- 3 A. Mr. Penaranda found out through the press. Then he asked me  
4 about the case.
- 5 Q. And you told him what was going on, right?
- 6 A. No.
- 7 Q. Well, you told Mr. Penaranda that Mr. Ormachea said he was  
8 innocent, correct?
- 9 A. You mean that Penarada was innocent?
- 10 Q. You told Mr. Penaranda that Mr. Ormachea said he believed he  
11 was innocent, correct?
- 12 A. I repeat, once again, when you say he, do you mean Penaranda?
- 13 Q. Correct.
- 14 A. I don't remember.
- 15 Q. Well, you believed that Mr. Ormachea is innocent as well,  
16 correct?
- 17 A. Of what?
- 18 Q. Well, after he was arrested and you called Attorney Joe  
19 Rosenbaum to go and meet with him, didn't you?
- 20 A. Lawyer who?
- 21 Q. You never called attorney Joe Rosenbaum to meet with Mr.  
22 Ormachea at the jail?
- 23 A. Never.
- 24 Q. Now, prior to the meeting with Mr. Ormachea on August 5th, you  
25 had never met with him; is that correct?

1 A. I don't remember. Mr. Ormachea told me that he had been  
2 present at the time when I gave his statement in Bolivia, but I  
3 don't remember.

4 Q. Now, a few days before August 5th of 2013, you had testified  
5 that you had received a call from Mr. Ormachea from a U.S. telephone  
6 number; is that right?

7 A. Yes.

8 Q. And you said that he had told you that he was in D.C. to hand  
9 in paperwork to the FBI; is that right?

10 A. That he had already delivered them.

11 Q. Well, you don't know what paperwork he had delivered; is that  
12 right?

13 A. He only told me that that was in order to make life difficult  
14 for those people who were here, asylum seekers, except for those  
15 that related to the friend.

16 Q. Sir, you were interviewed by Prosecutor Byrne, Juenger, this  
17 agent, and another agent some time in December/January, correct?

18 A. No, just the three of them.

19 Q. And at the time of that interview, sir, you told the truth; is  
20 that correct?

21 A. At all times.

22 Q. And you told them all the facts that you knew about the case;  
23 is that right?

24 A. The same things I'm talking about here.

25 Q. You told him about the same things you're talking about here,



1 right?

2 A. Basically, I believe so.

3 Q. You told them that Mr. Ormachea went to D.C. to turn in some

4 papers about exiles; is that correct, sir?

5 A. I told them that Mr. Ormachea had told me that that's what they

6 had done.

7 Q. Isn't it true, sir, that you stated that Mr. Ormachea told you

8 that he was in D.C. at the FBI turning in papers, but not papers

9 about our friend; is that correct?

10 A. That is the version he gave me.

11 Q. Well, you never said anything about those papers were

12 concerning exiles? You never told the agents and the prosecutors

13 that, did you, during that meeting?

14 A. I think I did.

15 Q. Regarding the August 5th meeting, you picked Mr. Ormachea, up

16 from the airport?

17 A. Yes.

18 Q. You drove Mr. Ormachea from the restaurant to the airport; is

19 that correct?

20 A. After going by the sporting goods store.

21 Q. But you drove him to the restaurant for the meeting?

22 A. Yes.

23 Q. And at that meeting, you said that there was a lawyer present;

24 is that correct?

25 A. Yes.

1 Q. And that lawyer is also a police officer; isn't that correct?

2 A. I've never seen his badge, but I suppose he is.

3 Q. Mr. Roca paid for the meals; is that right?

4 A. Well, in fact, the only one that had anything to eat was  
5 Colonel Mr. Ormachea.

6 Q. And Mr. Roca paid for Mr. Ormachea's meal; is that correct?

7 A. Well, normally, or generally, Humberto pays for all the dinners  
8 wherever we go.

9 Q. And during that meeting at the restaurant, Mr. Ormachea told  
10 what he could do for Mr. Roca?

11 A. Yes.

12 Q. He talked about how he could help Mr. Roca?

13 A. Yes.

14 Q. Because Mr. Ormachea is a police officer in the Bolivian  
15 Police, right?

16 A. Yes. Colonel Ormachea actually said he was the chief of the  
17 Anti-Corruption Unit of the Bolivian Police.

18 Q. And he's the person that's involved in the investigation,  
19 correct?

20 A. Yes.

21 Q. Of Mr. Roca?

22 A. Yes. And in fact, during his second trip, he told me that he  
23 had also been put in charge of my case.

24 Q. We're talking about the first trip right now. And we're  
25 talking about what Mr. Ormachea could do for Mr. Roca.

1 A. Okay.

2 Q. Now, as being in control of the investigation of Mr. Roca --  
3 and you agree that Mr. Ormachea was in control of the investigation,  
4 correct?

5 A. Yes.

6 Q. He could provide information to Mr. Roca concerning his case,  
7 correct?

8 A. To him, or to his attorney, or whoever is in charge.

9 Q. He could provide that information?

10 A. If he's the one responsible.

11 Q. For Mr. Roca's benefit, correct?

12 A. That's what Mr. Ormachea claimed.

13 Q. And Mr. Ormachea could also tell Mr. Roca what types of  
14 evidence that had been gathered against him in the case, correct?

15 A. The evidence that could be gathered in the case, they were  
16 public records because they were within the records of the company.  
17 And what he would be able to tell him is how that evidence was going  
18 to be used because he was the one that was handling it.

19 Q. So he could tell him how that evidence was going to be used by  
20 the prosecutors against him, correct?

21 A. As I testified before, Colonel Ormachea stated that he could  
22 redirect the investigation to head it towards those who were truly  
23 responsible. That is, those who were guilty for the company's  
24 situation and which is the reason why Humberto Roca is facing  
25 various prosecutions.

1 Q. But Mr. Ormachea could also advise Mr. Roca as to what the  
2 prosecutors were intending to do in his case?

3 A. I don't know that for a fact. What I'm trying to tell you is,  
4 according to information that has been published in newspapers  
5 there's a corruption network in Bolivia where prosecutors and police  
6 officers are involved in order to do this type of thing.

7 And actually, extort individuals, innocent people in order to  
8 remove them from the political and economic spheres. So that these  
9 individuals would not have a place to voice any comments, or make  
10 any remarks regarding what the Government is doing in terms of drug  
11 trafficking, corruption, and other things.

12 It is so much so that a United States citizen has suffered the  
13 same fate. The individual's name is Strider, if I'm not mistaken.  
14 He was, in fact, in a jail in Bolivia for two years without any  
15 reason, according to what the newspapers are saying. And this was  
16 due to the work conducted by the police officers and prosecutors  
17 against innocent individuals.

18 Q. Mr. Guillen, you still didn't answer my question. So I'm going  
19 to break it down for you again.

20 A. Okay. Thank you.

21 Q. Mr. Ormachea was in command of the investigation against Mr.  
22 Roca, correct?

23 A. Yes.

24 Q. That is the corruption investigation; is that right?

25 A. I don't know what is the exact subject of the prosecution

1 because he actually has many cases.

2 Q. But he was involved in the investigation of Mr. Roca on one of  
3 those cases, right, and you just don't know which one?

4 A. What I do know, according to Colonel Ormachea's own words, is  
5 that he was heading and he was responsible for several cases, cases  
6 relating to Humberto Roca. Now, specifically which one, I do not  
7 know.

8 Q. Mr. Ormachea told you that he was in charge of several  
9 investigations involving Mr. Roca, correct?

10 A. Yes.

11 Q. And as part of those investigations he is responsible, would  
12 you agree, for gathering evidence?

13 A. Yes.

14 Q. He's also responsible for talking to the prosecutors; is that  
15 right?

16 A. Yes.

17 Q. And by talking to the prosecutors, would you agree that he  
18 would get information about how they're proceeding on the case?

19 MR. JUENGER: I'm going to object as to foundation.

20 THE COURT: Sustained.

21 BY MS. DOAKES:

22 Q. Now, regarding the August 30th meeting, you picked Mr. Ormachea  
23 up from the hotel; is that right?

24 A. Is August 30th the last meeting?

25 Q. That would have been the second meeting, sir.

1 A. The second one during that trip?

2 Q. August 30th.

3 A. No.

4 Q. Sir, you just testified on direct examination that on August  
5 30th you picked Mr. Ormachea up from the hotel?

6 A. I did not give a specific date.

7 What I did say was that during the specific meeting, I took him  
8 there and for the second meeting, he went in his own car.

9 Q. Okay. You drove Mr. Ormachea to Mr. Roca's house, right?

10 A. When?

11 Q. This would have been on August 30th, sir, the very first time  
12 you drove Mr. Ormachea to Mr. Roca's house.

13 A. The first time, yes.

14 Q. And you drove Mr. Ormachea to Mr. Roca's house because Mr. Roca  
15 asked you to do that, correct?

16 A. Well, honestly, I actually took him there because Colonel  
17 Ormachea wrote to me in order to pick him up at the airport. I  
18 dropped him off at the hotel. He did not have a car. So then,  
19 there was no one else who could take him to Humberto Roca's house.

20 Q. But you wouldn't have taken Mr. Ormachea to Mr. Roca's house  
21 without Mr. Roca agreeing to it, correct?

22 A. Evident. Obvious.

23 Q. Now, during this car ride, you and Mr. Ormachea talked about  
24 the meeting; is that right?

25 A. Yes. We discussed the fact that Humberto Roca had been busy

1 and that's why the meeting could not be held earlier and that's why  
2 we were going there somewhat late. And then, we discussed political  
3 issues in Bolivia and sport things from Bolivia.

4 Q. And you also talked about Mr. Valda, right?

5 A. No.

6 MS. DOAKES: Your Honor, may I have one minute?

7 THE COURT: Yes, ma'am.

8 BY MS. DOAKES:

9 Q. Now, after Mr. Ormachea was arrested, Mr. Valda tried to get  
10 the Bolivia charges dismissed against Mr. Roca, correct?

11 MR. JUENGER: Objection; foundation, Your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: I don't know.

14 BY MS. DOAKES:

15 Q. Prior to your testimony here today, you and Mr. Roca have  
16 talked about this case against Mr. Ormachea, have you not?

17 A. You mean now?

18 Q. Prior to your testimony here today, you discussed the charges  
19 against Mr. Ormachea with Mr. Roca?

20 A. No.

21 Q. You've discussed the charges against Mr. Ormachea with Mr.  
22 Valda?

23 A. No.

24 MS. DOAKES: May I have one moment, Your Honor.

25 THE COURT: Yes, ma'am.

1 MS. DOAKES: Thank you, Your Honor. I have no further  
2 questions.

3 THE COURT: Any redirect?

4 MR. JUENGER: No redirect, Your Honor.

5 THE COURT: Thank you, Mr. Moreno. You may step down.  
6 Call your next witness.

7 MR. BYRNE: Thank you, Your Honor.

8 The Government calls Officer Joel McMillon from Customs and  
9 Border Protection.

10 (Witness sworn.)

11 THE COURT: Have a seat, sir. Tell us your full name.

12 THE WITNESS: Joel McMillon.

13 THE COURT: And spell your last name, please.

14 THE WITNESS: M-C-M-I-L-L-O-N.

15 THE COURT: And could you speak louder, please?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Go ahead, sir.

18 JOEL MCMILLON, GOVERNMENT'S WITNESS SWORN

19 DIRECT EXAMINATION

20 BY MR. BYRNE:

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. What do you do for a living?

24 A. I'm a Customs and Border Protection Officer.

25 Q. How long have you been a Customs and Border Protection Officer?



1 A. Approximately ten years.

2 Q. Can you tell us just what an average day at the office is like  
3 for someone like you?

4 A. Yes. I process passengers who arrive internationally from  
5 various countries.

6 Q. Where, physically, is your workplace?

7 A. Miami International Airport.

8 Q. Okay. And when you say you assist people who arrive  
9 internationally --

10 A. Uh-huh.

11 Q. -- just briefly describe what that typically entails?

12 A. Well, like visitors to the United States and U.S. citizens to  
13 the United States, I process them and their luggage.

14 Q. I want to direct your attention to August 29th of 2013. Were  
15 you working on that date?

16 A. Yes, sir.

17 Q. Where were you working physically?

18 A. In baggage control secondary.

19 Q. And I want to just ask you, generally, what airport are we  
20 talking about here again?

21 A. Miami International Airport.

22 Q. Now, when you say baggage control secondary?

23 A. Yes.

24 Q. Can we walk through, just for the benefit of everyone here how  
25 a person, when they arrive at Miami International Airport via an

1 international flight, kind of walk us where they go and then we will  
2 talk about where baggage secondary is and that chain?

3 A. Okay. When they arrive, they come off the airplane and they go  
4 up to a little booth where they will present their passport and a  
5 Customs Declaration. He will examine it. And if everything is okay  
6 with him, he will let them proceed.

7 And then, after that they go and get their baggage. And after  
8 they get their baggage, they approach another officer who is the  
9 primary for baggage control and he either releases them to be free  
10 to go to the United States or they go to secondary.

11 Q. So at the first step they present a passport?

12 A. Yes.

13 Q. And a Customs Declaration form?

14 A. Yes, sir.

15 Q. And what is a Customs Declaration form?

16 A. It's a piece of paper that declares what you're bringing into  
17 the United States, whether it be food, or more than \$10,000, any  
18 commercial merchandise.

19 Q. Now, do domestic passengers have to fill out these Customs  
20 Declaration forms?

21 A. No, sir.

22 Q. Who fills them out?

23 A. International passengers.

24 Q. So after they get past that first booth, you say --

25 A. Yes.

- 1 Q. They go and pick up their bags?
- 2 A. Yes, sir.
- 3 Q. And they go and meet another Customs officer?
- 4 A. Right.
- 5 Q. And that person either let's them go into the United States or  
6 sends them to secondary?
- 7 A. Right.
- 8 Q. And you testified you were working at secondary?
- 9 A. Yes, sir.
- 10 Q. Okay. And how do they decide who they send to secondary?
- 11 A. It can be random. It can be -- it can be random or the person  
12 declares something that sends them into secondary also.
- 13 Q. And when they get to secondary, walk us through what happens  
14 when they get there. Do they take their luggage with them?
- 15 A. They have their luggage.
- 16 Q. And what happens when they get there?
- 17 A. They present themselves, their passport, and the Customs  
18 Declaration to the secondary officer who will ask them questions of  
19 what are they going to do, whether they're here for business or for  
20 pleasure and he may examine their bags.
- 21 Q. Is it like an interview?
- 22 A. Yes.
- 23 Q. And do they always examine their bags at secondary?
- 24 A. Typically.
- 25 Q. August 29 of 2013, you're working at Miami International

1 Airport and you were working at secondary?

2 A. Yes.

3 Q. Which shift were you working that day?

4 A. From 8:00 at night to 8:00 a.m.

5 Q. Now, on August 29th of 2013, did you encounter a man by the  
6 name of Mario Fabricio Ormachea Aliaga?

7 A. Yes.

8 Q. About what time did you encounter him?

9 A. At the start of my shift, more than likely.

10 Q. And about what time was that?

11 A. Midnight.

12 Q. Okay. Did the Defendant have anything with him -- I'm sorry --  
13 did the man, Mario Fabricio Ormachea Aliaga that you encountered,  
14 have anything with him?

15 A. He had his passport and he had a Customs Declaration and some  
16 luggage.

17 Q. Now, you said earlier at secondary, the Customs and Border  
18 Protection Officer asks the person who arrives at secondary, the  
19 traveler, some questions?

20 A. Yes.

21 Q. What is that called that series of questions?

22 A. Binding Declaration.

23 Q. Did you conduct an interview and did you ask those questions to  
24 the man named Mario Fabricio Ormachea Aliaga?

25 A. Yes.

1 Q. Did you ask that person how long he intended to be in the  
2 United States?

3 A. Yes.

4 Q. What did he tell you?

5 A. Two weeks.

6 Q. And did he say what purpose he had in coming to the United  
7 States?

8 A. For pleasure.

9 Q. Now, did he say anything -- you said he was coming here for two  
10 weeks -- did he say anything about having a reservation to fly back  
11 to Bolivia on September 1st, just a few days after August 29th?

12 A. No, sir.

13 Q. You said that he said he was coming here for a vacation, two  
14 weeks vacation?

15 A. Yes.

16 Q. For pleasure, I think is the word you used.

17 Did he say anything about coming to meet a man by the name of  
18 Humberto Roca?

19 A. No.

20 Q. Did you ask this person what he did for a living?

21 A. He stated an attorney. Yes, I did.

22 Q. And what did he say?

23 A. Attorney.

24 Q. What did he say about being a member of the Bolivian National  
25 Police?

- 1 A. Nothing.
- 2 Q. Now, after you had this exchange with Mr. Ormachea, did you  
3 document that in any form?
- 4 A. Yes, in a report.
- 5 Q. Why do you do that?
- 6 A. Because we process so many passengers. If we didn't we  
7 wouldn't know who was who, or what happened.
- 8 Q. This conversation you had with Mr. Ormachea, was it in English  
9 or was it in Spanish?
- 10 A. I'm not sure but -- I'm not sure.
- 11 Q. Well, what's your best guest?
- 12 A. Probably English.
- 13 Q. Did the person, Mr. Ormachea, have any difficulty or did he  
14 appear to have any difficulty in understanding you?
- 15 A. No.
- 16 Q. What happens if a passenger appears to have difficulty  
17 understanding you during one of these interviews?
- 18 A. What do you mean? By language or --
- 19 Q. Right. If you encounter a passenger and they appear to have  
20 difficulty understanding you, what do you do in that circumstance?
- 21 A. I get someone else to translate.
- 22 Q. Did you do that here?
- 23 A. I don't believe so.
- 24 Q. Why not?
- 25 A. Because -- why not? Because I could speak a little bit of

1 Spanish.

2 Q. And did the man, Mr. Ormachea, appear to have any difficulty  
3 understanding you?

4 A. No.

5 Q. I have in my hand what has been marked for identification as  
6 Government's Exhibit Number 2.

7 MR. BYRNE: May I approach the witness, Your Honor?

8 THE COURT: Yes, sir.

9 BY MR. BYRNE:

10 Q. Can you take a look at that exhibit, please?

11 A. Yes.

12 Q. Do you recognize what has been marked for identification as  
13 Government's Exhibit Number 2?

14 A. Yes.

15 Q. What is it?

16 A. It's a Bolivian passport.

17 Q. Have you seen it before?

18 A. Yes.

19 Q. How are you able to recognize it as something that you've seen  
20 before?

21 A. From the report that I have and --

22 Q. Have there been any changes made to it since you last saw it?

23 A. Not that I can see, no.

24 MR. BYRNE: Your Honor, the Government would offer what has  
25 been marked for identification as Government's Exhibit Number 2 into

1 evidence.

2 MS. DOAKES: No objection, Your Honor.

3 THE COURT: It will be received into evidence.

4 MR. BYRNE: Your Honor, may I show it to the jury?

5 THE COURT: You surely may.

6 MR. BYRNE: Thank you.

7 Can everyone see that from where you're sitting? If there  
8 is anybody that can't see it, if you want to raise your hand.

9 BY MR. BYRNE:

10 Q. Okay. What are we looking at here, Officer McMillon?

11 A. A Bolivian passport.

12 Q. Turning the passport to the third page and I'm zooming in.

13 Okay. Whose name is on this passport?

14 A. Mario Fabricio Ormachea Aliaga.

15 Q. What is the country of which he is a citizen, according to the  
16 passport?

17 A. Bolivia.

18 Q. I want to turn your attention now to Page 21.

19 Okay. What is this right here that we are looking at?

20 A. That's an admission's statement into the United States dated  
21 August 29, 2013.

22 Q. When does a passport get stamped with something like this?

23 A. When you arrive into the United States from an international  
24 destination.

25 Q. What is the stamp here? There's a letter B and a number 2.



1 What does that mean?

2 A. That's means you stated that you were here for pleasure.

3 Q. Is there a different stamp that you get if you're here on

4 business?

5 A. B-1.

6 Q. If a person says he's here for business what do you stamp in

7 his passport?

8 A. B-1.

9 Q. Now, you said earlier that international passengers fill out

10 Customs Declaration forms?

11 A. Yes, sir.

12 MR. BYRNE: Your Honor, I have in my hand what has been  
13 marked for identification as Government's Exhibit 1 and Government's  
14 Exhibit 1-A.

15 May I approach the witness?

16 THE COURT: Yes, sir.

17 BY MR. BYRNE:

18 Q. I want to walk through these one by one. What is Government's

19 Exhibit 1?

20 A. The blank one or the --

21 Q. What is Government's Exhibit 1?

22 A. The declaration of Mario Fabricio Ormachea Aliaga.

23 Q. Have you seen that before?

24 A. Yes.

25 Q. When did you see it?

- 1 A. August 29th of 2013.
- 2 Q. Have there been any changes made since the last time you saw  
3 it?
- 4 A. No.
- 5 Q. And how do you know specifically that that's the form of Mr.  
6 Ormachea?
- 7 A. His name is here. His passport is here and his passport number  
8 is here.
- 9 Q. Did you make any markings on that?
- 10 A. Yes, I initialled it and it states my badge number.
- 11 Q. All right. I want to turn your attention now to what has been  
12 marked as Government's Exhibit 1-A.
- 13 What is that?
- 14 A. This is a blank Customs Declaration form in English.
- 15 Q. What language is that form in?
- 16 A. 1-A or --
- 17 Q. 1-A?
- 18 A. English.
- 19 Q. And what language is Exhibit 1-A in, what form? The form that  
20 has been marked as Government's Exhibit 1-A, what language is that  
21 form written in?
- 22 A. 1-A is English.
- 23 Q. And what is 1?
- 24 A. Spanish.
- 25 Q. Is 1-A a fair and accurate translation of what is in

1 Government's Exhibit 1?

2 A. Yes, sir.

3 MR. BYRNE: Your Honor, we would offer Government's

4 Exhibits 1 and 1-A into evidence.

5 MS. DOAKES: No objection.

6 THE COURT: It will be received into evidence.

7 MR. BYRNE: May I approach the witness again, Your Honor?

8 THE COURT: Yes, sir.

9 MR. BYRNE: Thank you.

10 BY MR. BYRNE:

11 Q. Okay. Again, just tell us, generally, what we're looking at

12 here?

13 A. That's the Custom Declaration that Mario Fabricio Ormachea

14 Aliaga presented.

15 Q. I want to zoom in here on what is entry number one. Question

16 number one, what does this question ask up here?

17 A. What's your name, your last name.

18 Q. And I want to turn your attention now to question number five,

19 what does that question ask?

20 A. What country was your passport issued from.

21 Q. And what is the country listed here?

22 A. Bolivia.

23 Q. I want to turn your attention now to question number nine, what

24 is this asking here?

25 A. The flight that you arrive -- the flight number that you

1 arrived on.

2 Q. And what is that flight number that is listed here?

3 A. LAN 2510.

4 Q. I want to now turn your attention to the tenth entry. What's  
5 this question?

6 A. That question is, are you here for business or pleasure -- or  
7 are you here for business.

8 Q. And what's the answer?

9 A. No.

10 MR. BYRNE: Your Honor, may I have a moment?

11 THE COURT: Yes, sir.

12 MR. BYRNE: Your Honor, I have no further questions for  
13 this witness.

14 THE COURT: Cross-examination.

15 MS. DOAKES: Your Honor, I just have a couple of questions.

16 THE COURT: Yes, ma'am.

17 CROSS EXAMINATION

18 BY MS. DOAKES:

19 Q. Good afternoon, Inspector.

20 A. Good afternoon.

21 Q. Inspector, you're familiar with the text system, correct?

22 A. Yes.

23 Q. That's the passenger activity report; is that right?

24 A. Yes.

25 Q. And that text system is used by your office to assist with the

1 screening of visitors that comes into the United States; is that  
2 correct?

3 A. Yes.

4 MS. DOAKES: Your Honor, may I approach?

5 THE COURT: Yes, ma'am.

6 BY MS. DOAKES:

7 Q. Sir, I'm handing you what has been marked as Defendant's  
8 Exhibit 4.

9 What is that, sir? That's a text printout that I just handed  
10 you, correct?

11 A. Yes. That's text printout, yes.

12 Q. And is there a name on that text printout?

13 A. Yes, ma'am.

14 Q. And that name is Mario Fabricio Ormachea; is that right?

15 A. Yes, ma'am.

16 Q. And I want to refer your attention to the month of January of  
17 2013 on that report --

18 A. Okay.

19 Q. -- on that report. There's a date?

20 A. You say January?

21 Q. January of 2013.

22 A. Okay.

23 Q. That report shows an arrival here in Miami on January 11th of  
24 2013, correct?

25 A. Yes.

1 Q. And it shows a departure on January 27th of 2013; is that  
2 correct?

3 MS. DOAKES: May I approach, Your Honor?

4 THE COURT: Yes, you may.

5 BY MS. DOAKES:

6 Q. Do you see a date of January 27th of 2013?

7 A. Yes.

8 Q. And next to that date, do you see it says La Paz, Bolivia; is  
9 that right?

10 A. Yes.

11 MS. DOAKES: Thank you, sir.

12 I have no further questions, Your Honor.

13 THE COURT: Anything else?

14 MR. BYRNE: No, Your Honor.

15 THE COURT: Thank you, Mr. McMillon. You may step down.

16 Call your next witness.

17 MR. BYRNE: The next one is going to be a long one,  
18 probably a couple of hours.

19 THE COURT: In that case, we should really get started  
20 right away.

21 MR. BYRNE: Okay. Your Honor, the Government would call  
22 Humberto Roca.

23 THE COURT: Raise your right hand to be sworn.

24 (Witness sworn through interpreter.)

25 THE COURT: Please be seated. Tell us your full name.

1 THE WITNESS: Humberto Antonio Roca Leigua.

2 THE COURT: Would you spell your last name, please.

3 THE WITNESS: R-O-C-A L-E-I-G-U-A.

4 THE COURT: Go ahead, sir.

5 HUMBERTO ROCA, GOVERNMENT'S WITNESS SWORN

6 DIRECT EXAMINATION

7 BY MR. BYRNE:

8 Q. Mr. Roca, where do you live currently?

9 A. In Miami Lakes.

10 Q. How long have you lived in the United States?

11 A. Three years.

12 Q. Why did you come to the United States?

13 A. Because I was sick and I was a victim of political persecution  
14 in Bolivia.

15 Q. Are you here in the United States legally or illegally?

16 A. Legally.

17 Q. What is your legal status here in the United States?

18 A. I have political asylum.

19 Q. When did you obtain that status?

20 A. March 26, 2012.

21 Q. Is that before or after the events that gave rise to the trial  
22 here today?

23 A. Prior.

24 Q. What do you currently do for a living?

25 A. I rent apartments.

1 Q. In Bolivia did you have a job?

2 A. Yes.

3 Q. And Bolivia what did you do for a living?

4 A. I was a private businessman. I had real estate investments and  
5 agriculture, communications, food, and I also had an airline.

6 Q. I want to talk to you now about the airline. What was the name  
7 of that airline?

8 A. Aerosur.

9 Q. Was Aerosur a public company or was it a private company?

10 A. Private.

11 Q. Who was Aerosur's primary competitor?

12 A. BOA; Bolivia Aviation.

13 Q. Was BOA a private company, or was it a public or state-run  
14 company?

15 A. It belongs to the Government.

16 Q. Did you ultimately leave your job at Aerosur?

17 A. No, I was taken out.

18 Q. Why were you taken out of your job?

19 A. Because they filed charges against me and I was kicked out of  
20 Bolivia.

21 Q. When you say they filed charges against you, what do you mean  
22 by that? Who are you talking about they?

23 A. The Government.

24 Q. When Aerosur was competing with BOA did you ever speak out  
25 against BOA publically?



1 THE INTERPRETER: Could you repeat the question for the  
2 interpreter, please.

3 BY MR. BYRNE:

4 Q. When Aerosur was competing against BOA Airlines?

5 A. I did report corruption issues with BOA.

6 Q. And you say that you were charged by the Bolivian Government.

7 Did those criminal charges come before or after you spoke out  
8 against BOA?

9 A. After.

10 Q. Now, you said that there were criminal charges filed against  
11 you in Bolivia. What are the names of those cases?

12 A. Nardi Suxo versus Humberto Roca for contempt. Nardi Suxo  
13 versus Humberto Roca for illicit enrichment against the state, and  
14 then, ATT versus Humberto Roca also for illicit enrichment. And for  
15 income tax and also from the taxing authority also versus Humberto  
16 Roca for illegal enrichment. And some of the company employees for  
17 illegal enrichment.

18 Q. Now, these cases against you, are they criminal cases or are  
19 they civil cases?

20 A. They're all criminal.

21 Q. And I think you spoke a little bit to that when you were  
22 describing the names of the cases, but what is the basic charge  
23 against you?

24 A. That I took money that belonged to the state.

25 Q. Do you have an attorney who is representing you and defending

1 you against these charges in Bolivia?

2 A. Yes.

3 Q. What is the name of that attorney?

4 A. Jorge Valda.

5 Q. Are you the only person who is named in these criminal cases?

6 A. Myself and my entire family.

7 Q. Does your entire family work for Aerosur?

8 A. No.

9 Q. We talked about the criminal charges against you in Bolivia.

10 Do you have a lawsuit against Bolivia as well?

11 A. Yes.

12 Q. When did you file that lawsuit?

13 A. December 2, 2011.

14 Q. Was that lawsuit filed before or after the events that gave

15 rise to the charges in this case?

16 A. Prior.

17 Q. Have you met, personally, a man by the name of Mario Fabricio

18 Ormachea Aliaga?

19 A. Yes.

20 Q. Approximately how many times have you met him in person?

21 A. Three.

22 Q. Have you talked to this man over the phone?

23 A. Yes.

24 Q. About how many times?

25 A. Two or three times.

1 Q. If you see this man in court today, can you point to him and  
2 please identify an article of clothing that he's wearing?

3 A. The man over there with the blue jacket.

4 MR. BYRNE: May the written record reflect that the witness  
5 has identified the Defendant.

6 THE COURT: The record will so reflect.

7 BY MR. BYRNE:

8 Q. During the times that you met with the Defendant, what did he  
9 tell you that he could do for you?

10 A. He would do something for all the charges to go away.

11 Q. What, specifically, did he say he could do to get the charges  
12 away?

13 A. He could redirect those charges.

14 Q. And those charges that he was redirecting, the persons that he  
15 was redirecting the charges to, did he say whether those people were  
16 guilty or innocent?

17 A. Yes. He said that those were the people who were really  
18 responsible.

19 Q. Did he ever ask you for anything in exchange for doing that?

20 A. Yes.

21 Q. What did he ask you for?

22 A. \$30,000.

23 Q. Did you ultimately pay him anything?

24 A. Yes.

25 Q. What did you pay him?

1 A. \$5,000.

2 Q. What did you think would happen if you didn't pay him that  
3 money?

4 A. I would have been guilty of all of those charges and more than  
5 likely, the process of extradition would have been initiated against  
6 me.

7 Q. What about your family?

8 A. My family also would have been persecuted and they probably  
9 would have suffered the same thing that my mother did lately.

10 Q. You said you met with the Defendant on about three different  
11 occasions?

12 A. Yes.

13 Q. Did you meet with the Defendant in person on August 5th of  
14 2013?

15 A. Yes.

16 Q. Where did you meet him?

17 A. In a Restaurant Tropical.

18 Q. Who was there at that meeting?

19 A. Carlos Alberto Guillen, Ignacio Alvarez, the Colonel, and  
20 myself.

21 Q. How did you actually physically get to that restaurant?

22 A. In my car.

23 Q. And about what time did you arrive at the restaurant?

24 A. Quarter to 4:00.

25 Q. When you got there was there anyone else there that you knew?

1 A. No.

2 Q. Who did you see arrive?

3 A. The Colonel.

4 Q. Who did he come with?

5 A. With Carlos Alberto Guillen.

6 Q. And you said an attorney was there as well?

7 A. Yes. The attorney who works in the law firm that represents me  
8 here.

9 Q. Why was he there?

10 A. Because he was coming to extort me and I wanted to be protected  
11 somehow.

12 Q. How did the meeting begin?

13 A. He mentioned that he had known me for some time at a meeting  
14 that he had held with me in my office.

15 I don't really remember, but it's possibly quite true because I  
16 met with a lot of people and that he was the head of the  
17 Anti-Corruption Unit.

18 Q. Let me stop you there.

19 You said that you the Defendant had told you that he met you  
20 before?

21 A. Yes.

22 Q. Did you remember that meeting?

23 A. I remember there had been a meeting with the people that worked  
24 at the airport, but I don't specifically recall him.

25 Q. What did he say about that meeting?

1 A. That I had rewarded him during that meeting for having  
2 discovered a drug shipment that was being loaded onto one of the  
3 aircraft belonging to my company. And that as a reward for having  
4 done that good job, that good deed, that I had given him airline  
5 tickets to him and to his family to whatever destination they wished  
6 and this was done in a very public form.

7 Q. You said that the Defendant told you what he did for a living?

8 A. Yes.

9 Q. What did he say his title was?

10 A. That he was a national head or chief of the Anti-Corruption  
11 Unit and that he was also the head or he was in charge of the  
12 investigations of all the cases that I was named in.

13 Q. Did you have any reason to doubt him when he said that?

14 A. No.

15 Q. Did the Defendant tell you where he had been immediately prior  
16 to that meeting on August 5th?

17 A. Yes.

18 Q. Where did he say he had been?

19 A. He said he had come from Washington, from the FBI.

20 Q. Did you have any reason to doubt him when he said that?

21 A. No.

22 Q. Now, you said that he, the Defendant, told you he was in charge  
23 of your cases or investigating your cases?

24 A. Yes.

25 Q. What, if anything, did he say he could do for you?

1 A. He could redirect those investigations towards another person.

2 Q. Did he say anything about whether or not he believed you to be  
3 guilty or innocent of those charges?

4 A. He told me that he knew I was innocent and he also told me it  
5 was very unfair what was being done with me.

6 Q. Did he ask you for anything in exchange for him redirecting the  
7 investigations towards the guilty parties?

8 A. During that meeting, no.

9 Q. How did that meeting end between you and the Defendant?

10 A. He told me that he wanted to call me later, that I should  
11 provide him with my phone numbers, and that he had to leave because  
12 he was traveling back to Bolivia.

13 Q. Did you give him your phone number?

14 A. Yes.

15 Q. Now, you just told me a second ago that you thought this man  
16 was coming to extort you and that's why you had a lawyer there.

17 Why did you give him your telephone number?

18 A. Because I was afraid that if I didn't give him my phone number  
19 that he might take some actions, some type of reprisals against my  
20 family.

21 Q. Okay. Now, at the beginning of your testimony you told us that  
22 you actually talked to the Defendant over the phone.

23 After this meeting, on August 5th, did you talk to the  
24 Defendant?

25 A. By telephone, yes.

- 1 Q. Who called who?
- 2 A. He called me.
- 3 Q. Did you answer the call?
- 4 A. Yes.
- 5 Q. Did you know who was calling you when your phone began to ring?
- 6 A. No.
- 7 Q. What day are we talking about here, ballpark?
- 8 A. About three or four days after he left.
- 9 Q. You answered the phone. What did the Defendant tell you on the  
10 phone?
- 11 A. That as he had mentioned in the prior meeting that everything  
12 was being taken care of and that he needed \$5,000 to do some things.
- 13 Q. What did you think when he asked you for \$5,000?
- 14 A. Well, I felt that if I didn't give him the \$5,000 my family,  
15 more than I, would suffer more than I.
- 16 Q. Did you contact anyone after talking to the Defendant?
- 17 Well, let me stop there and rewind.
- 18 What did you say in response to the Defendant when he asked you  
19 for \$5,000?
- 20 A. That he should call me again to see how I could get the \$5,000  
21 to him.
- 22 Q. Why did you say that to him?
- 23 A. Fear.
- 24 Q. Did you end up talking to anybody after that call? Did you  
25 call anyone up?



1 A. My attorney.

2 Q. Why?

3 A. Because he had not asked for money previously. We thought that  
4 he would never show up or say anything again.

5 Q. I want to shift gears here for a minute.

6 Has any Government official ever asked you for money before?

7 A. Yes.

8 Q. How many times?

9 A. Twice.

10 Q. What did they ask for that money for?

11 A. So as to not file criminal charges against me.

12 Q. And was that in Bolivia that this happened?

13 A. Many times.

14 Q. Did you pay?

15 A. Once completely or wholly. The other time, no.

16 Q. What happened after you paid those government officials in  
17 Bolivia?

18 A. When I paid everything, nothing happened. When I didn't pay, I  
19 ended up in jail.

20 Q. I want to now turn your attention.

21 You said that you talked to the Defendant on the telephone. I  
22 want to turn your attention to the second time you talked to him.  
23 How did that call come about?

24 A. I was attempting not to answer any more phone calls coming from  
25 Bolivia and a phone call came in from a telephone number that I

1 didn't know where it was coming from. And without really looking at  
2 it, I answered.

3 Q. Who was it on the line?

4 A. The Colonel.

5 Q. What did he say?

6 A. That he had been calling for a while and he had not been able  
7 to get through and what was the status of his request.

8 Q. What did you tell him?

9 A. That I could no longer speak with him and I was not able to  
10 send him a penny. And that if he wanted to talk to me, he could not  
11 talk to me directly or through any other person. He asked me for  
12 the airline tickets and I told him that, no, I could not give it to  
13 him and that he should talk to Carlos Alberto Guillen.

14 Q. Why did you tell him he should talk to Carlos Alberto Guillen?

15 A. Through fear and I didn't want any reprisals and I didn't want  
16 to give him a flat out no.

17 Q. About what time of year -- and I'm talking about date -- did  
18 this second call occur, what month?

19 A. August, from mid-August thereabouts.

20 Q. After that second call, did there come a time when you knew the  
21 Defendant was coming to the United States?

22 A. Yes.

23 Q. When you learned that the Defendant was coming to the United  
24 States what did you do?

25 A. I called my attorney to tell him that in spite of everything,

1 he was coming and that he should notify the police.

2 Q. Why did you call your attorney when you learned that the  
3 Defendant was coming back?

4 A. Because I didn't know how to do that directly with the police  
5 and because he was coming to ask me for the money.

6 Q. Did you ultimately meet with any law enforcement?

7 A. Yes.

8 Q. What law enforcement agency did you meet with?

9 A. With the FBI.

10 Q. Approximately on what date did you meet with the FBI?

11 A. On the 30th of August.

12 Q. What did you tell -- let me rewind -- where did you meet with  
13 the FBI?

14 A. At the Miami Lakes McDonalds.

15 Q. How many agents of the FBI were there?

16 A. First one and then a lot.

17 Q. But at the time when you first got to the McDonalds how many  
18 agents were there?

19 A. One.

20 Q. What did you tell the FBI agent?

21 A. What was going on and what was going to happen.

22 Q. Did you tell the FBI that you were going to be meeting with the  
23 Defendant?

24 A. Yes.

25 Q. Did the FBI ask you to record those meetings?

1 A. They recorded it.

2 Q. Did they ask you if it was okay to record those meetings?

3 A. Yes, yes.

4 Q. I want to talk to you now about those meetings. What was the  
5 date of the first meeting?

6 A. August 30th, 2013.

7 Q. The meeting on August 30th, where was it to be held?

8 A. At my house.

9 Q. And did you ultimately meet with the Defendant on August 30th  
10 at your house?

11 A. Yes.

12 Q. Did the FBI prepare you for that meeting?

13 A. Yes.

14 Q. Tell us how they prepared you for that meeting.

15 A. They came to my house. They looked at everything and they  
16 placed the recording devices. They told me to stay calm. And that  
17 if anything happened that I should say one particular word and for  
18 me to go on with the meeting.

19 Q. You talked about recording devices. Were these audio recording  
20 devices?

21 A. Yes.

22 Q. Where were those recording devices located?

23 A. One of them was placed in one of my pockets. I don't remember  
24 which one and the other one they placed -- I don't know -- in some  
25 location at the place. I don't know.

1 Q. In what room were you going to meet the Defendant?

2 A. In the garage which we converted into a game room.

3 Q. Was the other recording device that you mentioned somewhere in  
4 that game room?

5 A. Yes.

6 Q. When you met with the Defendant on August 30th, were FBI agents  
7 actually in your house?

8 A. Yes.

9 Q. Did the Defendant ultimately arrive at your house on August  
10 30th?

11 A. Yes.

12 Q. What time did he arrive?

13 A. 1:30, 2:00.

14 Q. When you met the Defendant at your house did you tell them that  
15 there were FBI agents in your house?

16 A. No.

17 Q. Did you tell him that you were going to be recording the  
18 meetings with him?

19 A. No.

20 Q. And I know we talked about audio recording devices, but were  
21 there any video recording devices as well?

22 A. Yes.

23 Q. Where was that device?

24 A. On top of the game console.

25 Q. Was that an FBI device or something that you owned already?

1 A. It was part of the games for the children.

2 Q. Was it like a web camera?

3 A. Yes, exactly.

4 Q. And now, I want to turn your attention to the actual  
5 conversation that you had with the Defendant on August 30th.

6 How long was the conversation in length?

7 A. Somewhere between an hour and-a-half and two hours.

8 Q. What did the Defendant tell you during that conversation about  
9 his job title?

10 A. He told me that he was the national head of the Anti-Corruption  
11 Unit of the Government -- of the Florid National Government of  
12 Bolivia.

13 Q. Did he mention your cases?

14 A. Yes. He spoke to me about three cases.

15 Q. What were the names of the cases?

16 A. One of them is Suxo and that has to do with illegal enrichment,  
17 ATT and that also has to do with illegal enrichment, and the other  
18 one has to do with the income tax.

19 Q. Who did the Defendant tell you was in charge of your cases?

20 A. That he was. Only him.

21 Q. What did he say that he could do for you with respect to your  
22 cases?

23 A. To refocus that investigation towards those who were totally  
24 responsible.

25 Q. Incidentally, did he tell you whether he believed you to be

1 guilty or innocent of the charges?

2 A. He told me that he knew I was innocent.

3 Q. What did he ask you for?

4 A. \$30,000.

5 Q. Did he discuss a case dealing with the Chinese barges at all?

6 A. Yes. He provided that as an example.

7 Q. What did he say about the defendants in the Chinese barges  
8 case?

9 A. That those individuals who were responsible were out at large  
10 and that those who were innocent were actually in jail.

11 MR. BYRNE: Your Honor, I have in my hand what has been  
12 marked for identification as Government's Exhibit 9.

13 May I approach the witness?

14 THE COURT: Sure.

15 BY MR. BYRNE:

16 Q. Mr. Roca, do you recognize that?

17 A. Yes.

18 Q. What is it?

19 A. This is the recording of the two meetings that I held with the  
20 Colonel at my home.

21 Q. How are you able to recognize that CD as the two meetings that  
22 you had with the Defendant?

23 A. It bears my initials.

24 Q. Does that video recording fairly and accurately depict the  
25 meetings that you had with the Defendant, the two meetings?

1 A. Yes.

2 MR. BYRNE: Your Honor, I also have in my hand what has  
3 been marked for identification as Government's Exhibits 7 and 8. I  
4 believe we have an agreement stipulating to these exhibits,  
5 Government's Exhibits 7 and 8, as accurate transcripts of the  
6 meetings.

7 THE COURT: They will be received into evidence as Exhibits  
8 7 and 8.

9 MR. BYRNE: I'm not now going to publish these transcripts  
10 yet, but I would like to offer what has been marked for  
11 identification as Government's Exhibit 9 into evidence.

12 THE COURT: Government's Exhibit 9 will be received into  
13 evidence.

14 MR. BYRNE: May I show it to the jury, Your Honor?

15 THE COURT: Yes, sir.

16 MR. BYRNE: Now, Your Honor, just for the record, I've  
17 dragged the contents of the CD onto my desk-top for ease of  
18 functioning for purposes of publishing to the jury. The CD will  
19 sometimes stop and skip. It is the same content, but it has just  
20 been moved onto my laptop.

21 THE COURT: All right. Sir, it is always good to leave a  
22 jury waiting.

23 It is not time to quit yet, but we have to set up the  
24 equipment and you will have to wait until tomorrow morning to  
25 accurately receive the tape.



1           So we will be in recess at this time, ladies and gentlemen,  
2 until tomorrow morning at 9:00. When we meet again we will publish  
3 these recordings for you.

4           Also, remember, that tomorrow we are going to recess at  
5 4:00 as opposed to 5:00. Also, please remember not to discuss the  
6 case among yourselves, or with anyone else, or seek any external  
7 information concerning anything about the case, or any of the  
8 parties, or the witnesses involved.

9           I thank you for your attention and we will see you tomorrow  
10 morning at 9:00 at which time we will publish the recordings.

11 (Jury exited.)

12           THE COURT: You can step down, Mr. Roca.

13           Is there any further business to come before the Court in  
14 this case?

15           MR. BYRNE: Not from the Government, Your Honor.

16           MS. DOAKES: Not from the Defense, Your Honor.

17           THE COURT: Okay. We will be in recess until tomorrow at  
18 9:00 a.m.

19           (Thereupon, the proceedings adjourned for the evening.)

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## CERTIFICATE

I hereby certify that the foregoing transcript is an accurate transcript of the proceedings in the above-entitled matter.

02/23/14

Bonnie Joy Lewis,  
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