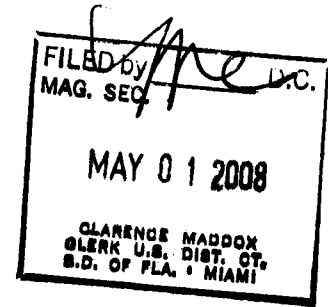


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 05-20770-Cr-COOKE(s) (s)(s)

18 U.S.C. § 1956(h)
18 U.S.C. § 1957
18 U.S.C. § 1956(a)(1)(B)(i), (a)(2)(B)(i)
18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 982
18 U.S.C. § 981
28 U.S.C. § 2461
18 U.S.C. § 2



UNITED STATES OF AMERICA

vs.

GLORIA FLOREZ VELEZ,
BENEDICT P. KUEHNE and
OSCAR SALDARRIAGA OCHOA,

Defendants.

_____ /

THIRD SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

A. Defendants

1. Defendant **GLORIA FLOREZ VELEZ** (hereinafter "FLOREZ") was a

licensed and certified public accountant in Medellin, Colombia. **FLOREZ** was **FABIO OCHOA VASQUEZ**' personal accountant.

2. Defendant **BENEDICT P. KUEHNE** (hereinafter "**KUEHNE**") was a licensed and practicing attorney in Miami, Florida.

3. Defendant **OSCAR SALDARRIAGA OCHOA** (hereinafter "**SALDARRIAGA**") was an attorney in Colombia. **SALDARRIAGA** maintained an office in Miami, Florida, and was associated with the criminal defense attorneys representing Fabio Ochoa Vasquez.

4. Unindicted co-conspirator **FABIO OCHOA VASQUEZ** (hereinafter "**FABIO OCHOA**") was a leader of the Medellin Cartel, one of the largest international cocaine trafficking and money laundering organizations in the world.

B. Fees For Fabio Ochoa's Criminal Defense

5. On or about September 2001, **FABIO OCHOA** was extradited from Colombia, South America to stand trial in the United States District Court for the Southern District of Florida for conspiring to distribute cocaine in the United States and elsewhere. Ochoa was a leader in the "Medellin Cartel" of Medellin, Colombia, and was one of the world's largest cocaine traffickers. He was charged with conspiring with others to smuggle approximately 30 tons of powder cocaine per month into the United States between 1997 and 1999, and ultimately was convicted of those offenses in May 2003.

6. **FABIO OCHOA** hired several defense attorneys to represent him in this criminal case (hereinafter referred to as the “Ochoa criminal defense team”). Under United States law, the proceeds of illegal narcotics activities or assets commingled with the proceeds of illegal narcotics activities, cannot be used for fees and it is unlawful to knowingly accept such tainted proceeds as legal fees.

7. On or about December 2001, the Ochoa criminal defense team in Miami, Florida, hired defendant **KUEHNE** to conduct an investigation into the source of funds that would be used by **FABIO OCHOA** to pay millions of dollars in legal fees and to verify that they were derived from an untainted source. Defendant **KUEHNE** was to receive a minimum, non-refundable fee of \$50,000.00 for up to 100 hours of professional services and was thereafter to be paid at a rate of \$400.00 per hour. The verified funds were also to serve as the source of defendant **KUEHNE**’s fees. Defendant **KUEHNE**’s fee was therefore contingent upon his determining that the funds came from untainted sources.

8. Between January 2, 2002 and April 15, 2003, defendant **KUEHNE** received fifty-seven (57) wire transfers, totaling \$5,289,672.67, from various bank accounts within and outside of the United States, which were sent to an attorney trust account in Miami, Florida, maintained by defendant **KUEHNE**’s law firm (hereinafter “trust account”). Defendant **KUEHNE**, with the assistance of defendants **FLOREZ** and **SALDARRIAGA**, drafted six (6) opinion letters advising Ochoa’s criminal defense team

that he had conducted a “comprehensive, independent analysis of the source of all funds.” Based upon that analysis, defendant **KUEHNE** did not either reject or return a single dollar of the fifty-seven wire transfers. The only transfers returned by **KUEHNE** were three wire transfers which he was advised were sent to the trust account by mistake.

9. The Opinion letters were dated as follows: Opinion Letter #1 dated April 3, 2002; Opinion Letter #2 dated August 9, 2002; Opinion Letter #3 dated February 2, 2003; and preliminary Opinion Letter #4 dated April 30, 2003. Defendant **KUEHNE** thereafter issued “final” Opinion Letter #4 dated August, 8, 2003 and a “corrected” final Opinion Letter #4 dated September 1, 2003 for a total of six opinion letters.

10. Through these opinion letters, defendant **KUEHNE** advised the Ochoa criminal defense team that he had verified that the funds received and thereafter used to pay **FABIO OCHOA’S** attorneys were free from any taint of illegal activity, did not represent the proceeds of criminal conduct, and were not commingled with proceeds of drug trafficking. Defendant **KUEHNE**, as well as defendants **FLOREZ** and **SALDARRIAGA** knew, however, that the funds wired for the Ochoa criminal defense team consisted of, or were commingled with, the proceeds of drug trafficking.

11. Defendants **FLOREZ**, **KUEHNE**, and **SALDARRIAGA** prepared false documents with the intent to conceal and disguise the fact that the source of the funds **FABIO OCHOA** intended to use to pay his attorneys’ fees were in fact, the proceeds of narcotics trafficking, or commingled with proceeds of narcotics trafficking.

12. In Opinion Letter #1, defendant **KUEHNE** specifically advised the Ochoa criminal defense team that the dollars wired to the trust account came from the purchase of “surplus” United States dollars by the Ochoa family from various Colombian nationals. Similarly, in Opinion Letter #2, defendant **KUEHNE** specifically advised the Ochoa criminal defense team that none of the persons involved in the peso exchange were “involved in illegitimate enterprises, and all are persons of impeccable reputations.” In truth and in fact, at least forty-six (46) of the fifty-seven (57) wire transfers to defendant **KUEHNE**’s trust account were made through the Black Market Peso Exchange (“BMPE”). Colombian drug cartels possess large quantities of dollars in the United States as a result of their illegal drug trafficking activities. The BMPE is used by “money brokers” to organize the exchange of these illegal United States dollars for South American currency, including in this case, the Colombian peso.

13. Under Colombian law, a Colombian national who wishes to purchase United States currency is legally required to utilize the “regulated” or “formal” currency exchange market, which is limited to transactions through: (1) Colombian financial institutions regulated by the Banco de la República; (2) formal currency exchange houses licensed by the Superintendencia Bancaria to engage in international currency transfers; or (3) a dollar denominated account at a foreign bank, called a “Cuenta Corriente de Compensación.” Colombians can only legally purchase United States currency outside of the regulated currency exchange markets for such things as personal use, travel, and personal investments.

14. Various federal and state law enforcement agencies, including the Internal Revenue Service-Criminal Investigation (“IRS-CI”), Immigration and Customs Enforcement (“ICE”), and the Drug Enforcement Administration (“DEA”) conduct long term, undercover investigations targeting illegal BMPE money brokers. These undercover activities include meeting with drug traffickers, taking custody of their cash proceeds from drug transactions, and then wiring the funds at the direction of money brokers through bank accounts maintained in the names of fictitious individuals and corporate entities.

15. Thirteen separate wire transactions sent to defendant **KUEHNE**’s trust account totaling \$1,798,339.40 actually originated from undercover bank accounts managed by federal and state law enforcement agencies in Miami, Florida; New York, New York; and Houston, Texas. The funds were sent to defendant **KUEHNE**’s trust account at the express direction of BMPE money brokers. Defendants **KUEHNE**, **SALDARRIAGA**, and **FLOREZ** were not the targets of the undercover law enforcement activities when the monies were sent, nor were these operations initiated to investigate these particular defendants.

16. The \$1,798,339.40 dollars sent in these thirteen wire transfers were the proceeds of narcotics trafficking. At no time during the “comprehensive, independent” investigation conducted by defendant **KUEHNE** did he report to the Ochoa criminal defense team that those funds, which were transferred to defendant **KUEHNE**’s trust account using false and fictitious names, addresses, etc., were suspicious or otherwise

questionable. Instead, defendants **FLOREZ, KUEHNE, and SALDARRIAGA** vouched for the credibility of these fictitious entities and persons, and used false and fraudulent documents to corroborate their false representations.

17. Investigation has revealed that defendant **KUEHNE** possessed a file marked "Ochoa Defense Team - Research: Black Market Peso Exchange," which contained a copy of a January 2003 "Money Laundering Alert Publication," with portions of the publication manually highlighted in yellow, including the following:

The BMPE method, in essence, entails the purchase of drug dollars by currency exchange brokers in Colombia from drug traffickers and the subsequent sale of those dollars to unrelated persons for pesos.

18. Defendants **FLOREZ, KUEHNE, and SALDARRIAGA** prepared false and fraudulent documents with the intent to conceal and disguise the fact that the dollars wired to defendant **KUEHNE's** trust account were actually transmitted through the BMPE and were proceeds of narcotics trafficking, or commingled with proceeds of narcotics trafficking.

19. Almost immediately after each of the first four Opinion Letters was completed, defendants **FLOREZ, KUEHNE and SALDARRIAGA** conducted or caused a wire transfer to the Ochoa criminal defense team. Between on or about January 2002 and on or about May 1, 2003 a total of **\$5,239,653.67** was sent from defendant **KUEHNE's** trust account to the Ochoa criminal defense team. The dates and amounts of the wires are as follows: (1) wire transfer dated 04/05/02 in the amount of \$1,670,028.00; (2) wire transfer dated 08/12/02 in the amount of \$1,427,159.00; (3) wire

transfer dated 02/03/03 in the amount of \$865,717.40; and (4) wire transfer dated 05/01/03 in the amount of \$1,276,749.27.

20. As a result of his endeavors defendant **KUEHNE** was paid approximately \$197,300.00 by the Ochoa criminal defense team between April 17, 2002 and February 6, 2004.

C. False Statements in the Kuehne Opinion Letters

21. In numerous instances in his opinion letters, defendant **KUEHNE** falsely verified persons and companies as a legitimate source of funds transferred to defendant **KUEHNE's** trust account.

22. In his opinion letters, defendant **KUEHNE** attributed twenty-three (23) wire transfers received into his trust account, in the combined amount of \$2,331,104.40, to an individual named Hernando Saravia ("Saravia"), or to companies owned by Saravia. Defendant **KUEHNE** stated in his opinion letters that his investigation had verified that Saravia and his companies were reputable and well-established, without any connection to illegal activities. In truth and in fact, \$1,798,339.40 of the funds that defendant **KUEHNE** attributed to Saravia did not come from Saravia but from five (5) different undercover United States law enforcement operations in Miami, Florida; New York, New York; and Houston, Texas, and were proceeds of narcotics trafficking.

23. In Opinion Letter #4, defendant **KUEHNE** referenced and attached a copy of a letter that he stated he had received from Saravia as further support that the funds from Saravia for payment of **FABIO OCHOA's** attorneys' fees were from a legitimate

source. The letter indicates that Saravia owned two businesses; that Saravia's principal business activity was the sale of flowers; and that the money Saravia wire transferred to defendant **KUEHNE**'s trust account originated from the sale of a house Saravia owned in Miami, Florida. In truth and in fact, Saravia did not draft the letter, the signature on the letter was forged, and most of the statements in the letter were false. The two businesses defendant **KUEHNE** attributed to Saravia were not owned or operated by Hernando Saravia, in name or substance, but instead by United States law enforcement undercover operations.

24. In Opinion Letter #1 defendant **KUEHNE** represented he had verified that a person named "Joseph F. Pastrano" was the brother-in-law of Saravia, a Colombian "flower exporter" who was the source of \$103,000.00 in "surplus" U.S. dollars that were wired to defendant **KUEHNE**'s trust account. In truth and in fact, Joseph F. Pastrano was a fictitious person created by the IRS-CI New York Field Office as part of undercover law enforcement activities.

25. In Opinion Letter #1, defendant **KUEHNE** represented he had verified that a corporation known as "Cygnet Benefit, Inc." was a business owned by Hernando Sanabria and was the source of "surplus" U.S. dollars sent to defendant **KUEHNE**'s trust account. In truth and in fact, Cygnet Benefit, Inc. was a fictitious business entity in Florida, created and used by the South Florida Money Laundering Strike Force in undercover law enforcement activities.

26. In Opinion Letter #2, defendant **KUEHNE** represented he had verified that a company identified as “Muzo Gems” was a family business of Hernando Sanabria and the source of \$267,980.00 in “surplus” U.S. dollars that were sent in two (2) wires to the trust account. In truth and in fact, Muzo Gems was a fictitious corporate name utilized by the ICE Miami Field Office as part of undercover law enforcement activities.

27. In Opinion Letter #2, defendant **KUEHNE** represented he had verified that a company identified as “WHP Fruits Corp.” was a family business of Hernando Sanabria and the source of \$200,000.00 in “surplus” U.S. dollars that was wired to the trust account. In truth and in fact, WHP Fruits Corp. was a fictitious corporate name utilized by the Office of the Special Narcotics Prosecutor in New York, as part of undercover law enforcement activities.

28. In Opinion Letter #3, defendant **KUEHNE** represented he had verified that a company identified as “Flats Transportation” was a business owned by Hernando Sanabria. In truth and in fact, Flats Transportation was a corporate account managed by the Drug Enforcement Administration as part of undercover law enforcement activities.

D. Wire Fraud

29. Investigation has revealed that numerous conversations took place between defendants **KUEHNE**, **SALDARRIAGA**, and **FLOREZ** concerning the possibility of the Colombian Government seizing and forfeiting the monies intended for the Ochoa criminal defense team.

30. On or about December 19, 2001, it was related to defendant **KUEHNE** that defendant **SALDARRIAGA** had learned the "Colombian government is concerned about the extensive deposits [from the Ochoas] in the Colombian bank. That could be the subject of some administrative seizure. That, obviously, would not be beneficial to the lawyers."

31. On or about January 7, 2002, defendant **KUEHNE** had a telephone conversation with defendant **SALDARRIAGA** during which **SALDARRIAGA** advised that "Colombian gov't now looking [at] all Ochoa assets for forfeiture. Therefore, any docs given to K [United States government] will find way to Colombian gov't."

32. During an interview on January 22, 2002, defendant **FLOREZ** advised defendant **KUEHNE** that "[t]rouble changing Colombian Pesos to US \$. Banks not .. to authorize conversion of funds for Fabio Ochoa Vasquez." They also discussed alternative ways in which to send the money to the United States for the Ochoa legal defense team.

33. In a note to the file dated January 30, 2002, defendant **KUEHNE** memorialized that he had to "be careful about revealing" documents to the United States Government concerning the source of the assets.

34. During a telephone conversation on or about February 4, 2002, with a Colombian attorney employed by **FABIO OCHOA** defendant **KUEHNE** learned that the Colombian banks are

reluctant to send large amounts of money to Ochoa lawyers in U.S.A. Not want to deal with Ochoa family. If large account transfer of \$100,000, banks report it to

Colombian prosecutors' offices. Colombian prosecutors will make trouble for person if bank is aware dollars going to F. Ochoa benefit.

35. Based upon the above facts and their belief that the assets for the Ochoa criminal defense team would be seized by the Colombian Government, defendants **KUEHNE, SALDARRIAGA, and FLOREZ** illegally used the BMPE to wire transfer the funds to **KUEHNE's** trust account. This deprived the Colombian Government of its right to seize and thereafter forfeit these illegal proceeds.

COUNT ONE

**(Money Laundering Conspiracy
18 U.S.C. Sections 1956(h) and 1957)**

36. Paragraphs 1 through 35 are re-alleged and incorporated by reference herein.

37. Beginning in or about November 2001, and continuing through in or about until at least February 6, 2004, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**GLORIA FLOREZ VELEZ,
BENEDICT P. KUEHNE and
OSCAR SALDARRIAGA OCHOA,**

did unlawfully, knowingly and intentionally conspire and agree with others, known and unknown to the grand jury, to commit an offense under Title 18, United States Code, Section 1957, namely:

To knowingly engage or attempt to engage in a monetary transaction involving a financial institution, with criminally derived property of a value greater than

\$10,000, such property having been derived from some specified unlawful activity, that is: (1) the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance; and (2) wire fraud, in violation of Title 18, United States Code, Section 1957.

OBJECT AND PURPOSE

38. It was an object and purpose of the conspiracy alleged in Count One to engage in monetary transactions through a financial institution, with criminally derived property having a value greater than \$10,000, for the purpose of paying legal fees to the Ochoa criminal defense team while enriching themselves.

MANNER AND MEANS

It was a part of the conspiracy that:

39. From in or about November 2001 and until in or about at least May 1, 2003, defendants **FLOREZ, KUEHNE, and SALDARRIAGA**, together, and in concert with **FABIO OCHOA** and others known and unknown to the grand jury, would cause financial transactions involving the wire transfer of more than \$10,000 in funds to, and within, the United States from Colombia and would forward those proceeds to the Ochoa criminal defense team with false opinion letters certifying that the funds were from a legitimate source.

40. Defendants **FLOREZ** and **SALDARRIAGA**, and others would illegally purchase and cause the purchase of United States dollars located in the United States and

elsewhere, through the BMPE, knowing that such dollars represented the proceeds of narcotics trafficking.

41. Defendants **FLOREZ, KUEHNE, and SALDARRIAGA**, and others would cause wire transfers within and outside the United States using proceeds of narcotics trafficking in amounts larger than \$10,000, in connection with the illegal use of the BMPE, in order to pay the Ochoa criminal defense team and defendant **KUEHNE's** own contingent fee.

All in violation of Title 18, United States Code, Section 1956(h), Title 18, United States Code, Section 1957, and Title 18, United States Code, Section 2.

COUNT TWO

**(Money Laundering Concealment Conspiracy
18 U.S.C. Sections 1956(h), 1956(a)(1)(B)(i), and 1956(a)(2)(B)(i))**

42. Paragraphs 1 through 35 are re-alleged and incorporated by reference herein.

43. Beginning in or about November 2001, and continuing through in or about February 6, 2004, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**GLORIA FLOREZ VELEZ,
BENEDICT P. KUEHNE and
OSCAR SALDARRIAGA OCHOA,**

did unlawfully, knowingly and intentionally conspire and agree with others, known and unknown to the grand jury, to commit an offense under Title 18, United States Code,

Section 1956, namely:

- (a) to conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, which transaction involved the proceeds of a specified unlawful activity, that is: (1) the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance; and (2) wire fraud, knowing that the transaction was designed, in whole and in part, to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity and, that while conducting such transaction, knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, all in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and (h); and
- (b) to transport, transmit and transfer, and attempt to transport, transmit and transfer, a monetary instrument and funds from a place outside the United States to and through a place in the United States knowing that the monetary instrument and funds involved represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission and transfer was designed, in whole and in part, to conceal and disguise the nature, source, ownership and control of the proceeds of specified unlawful activity, that is: (1) the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance; and (2) wire fraud, all in violation of Title 18, United States Code, Sections 1956(a)(2)(b)(i) and (h).

OBJECT AND PURPOSE

44. It was an object of the conspiracy alleged in Count Two to conceal the fact that attorneys' fees paid to the Ochoa criminal defense team were the proceeds of narcotics trafficking and wire fraud and had been wired to the United States through the illegal use of the BMPE. It was also an object of the conspiracy alleged in Count Two to conceal and disguise the true origin, nature, source and control of the funds through the creation of false and fraudulent documents and to enrich themselves.

MANNER AND MEANS

45. Paragraphs 39 through 41 are re-alleged and incorporated by reference herein.

46. From in or about November 2001 and until in or about August 2003, defendants **FLOREZ, KUEHNE, and SALDARRIAGA**, together, and in concert with **FABIO OCHOA** and others known and unknown to the grand jury, would cause financial transactions involving the wire transfer of funds to, and within, the United States from Colombia disguising the source, nature, origin and control of the proceeds of the Ochoa's narcotics trafficking, and would forward those proceeds to the Ochoa criminal defense team with false opinion letters certifying that the funds were from a legitimate source.

47. Defendants **FLOREZ, KUEHNE, and SALDARRIAGA** concealed the source, nature, ownership and control of the proceeds of narcotics trafficking through the use of third party bank accounts, wire transfers in the names of third parties, false

memoranda, false records and other false documentation, and information including but not limited to records related to the purported sale of cattle in Colombia.

48. Defendants **FLOREZ, KUEHNE, and SALDARRIAGA** would create and cause the creation of false and fraudulent documents and information intended to conceal and disguise the fact that drug proceeds were being used to pay the Ochoa criminal defense team.

All in violation of Title 18, United States Code, Sections 1956(h), 1956(a)(1)(B)(i) and 1956(a)(2)(B)(i) and Title 18 United States Code, Section 2.

COUNTS THREE - FOUR
(Concealment Money Laundering - Substantive Counts
18 U.S.C. Section 1956(a)(1)(B)(i))

49. Paragraphs 1 through 35 are re-alleged and incorporated by reference herein.

50. On or about the dates specified and in the approximate amounts identified as to each count below, at Miami-Dade County, in the Southern District of Florida and elsewhere, defendant **BENEDICT P. KUEHNE**, did knowingly conduct and attempt to conduct financial transactions, as set forth below, affecting interstate and foreign commerce, which transactions involved the proceeds of specified unlawful activity, namely: (1) the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance; and (2) wire fraud, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of such specified unlawful

activity, and that while conducting and attempting to conduct such transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity; to wit:

Count	Date	Originator	Recipient	Amount
3	7/8/02	Muzo Gems, Inc.	KUEHNE's Trust Account	\$120,004.00
4	8/12/02	KUEHNE's Trust Account	Ochoa criminal defense team	\$1,427,159.00

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Title 18, United States Code, Section 2.

COUNTS FIVE - SIX
(Concealment Money Laundering - Substantive Counts
18 U.S.C. Section 1956(a)(1)(B)(i))

51. Paragraphs 1 through 35 are re-alleged and incorporated by reference herein.

52. On or about the dates specified and in the approximate amounts identified as to each count below, at Miami-Dade County, in the Southern District of Florida and elsewhere, defendants,

GLORIA FLOREZ VELEZ,
BENEDICT P. KUEHNE and
OSCAR SALDARRIAGA OCHOA

did knowingly conduct and attempt to conduct financial transactions, as set forth below, affecting interstate and foreign commerce, which transactions involved the proceeds of specified unlawful activity, namely: (1) the felonious manufacture, importation, receiving,

concealment, buying, selling and otherwise dealing in a controlled substance; and (2) wire fraud, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct such transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity; to wit:

Count	Date	Originator	Recipient	Amount
5	2/3/03	KUEHNE's Trust Account	Ochoa criminal defense team	\$865,717.40
6	5/1/03	KUEHNE's Trust Account	Ochoa criminal defense team	\$1,276,749.27

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Title 18, United States Code, Section 2.

COUNT SEVEN
(Wire Fraud Conspiracy
18 U.S.C. Sections 1349 and 1343)

53. Paragraphs 1 through 35 are re-alleged and incorporated by reference herein.

54. Beginning in or about November 2001, and continuing through in or about at least until February 6, 2004, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

GLORIA FLOREZ VELEZ,

**BENEDICT P. KUEHNE and
OSCAR SALDARRIAGA OCHOA**

did unlawfully, knowingly and intentionally conspire and agree with others, known and unknown to the grand jury, to commit an offense under Title 18, United States Code, Section 1343, namely wire fraud, in that they:

devised or intended to devise a scheme or artifice to defraud by means of false or fraudulent pretenses, representations, or promises and transmitted or caused to be transmitted by means of wire in interstate or foreign commerce, writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, all in violation of Title 18, United States Code, Sections 1343 and 1349.

OBJECT AND PURPOSE

55. It was an object of the conspiracy to utilize the BMPE to wire transfer funds from Colombia, South America, to the United States, in order to avoid detection of the transfers by the Government of Colombia so as to defraud the Government of Colombia of its right to seize assets that were the proceeds of narcotics trafficking and to transfer and use those funds to pay the Ochoa criminal defense team and to enrich themselves.

MANNER AND MEANS

56. Between January 2, 2002 and April 15, 2003, defendants **FLOREZ**, **KUEHNE**, and **SALDARRIAGA**, and other persons whose identities are both known and unknown to the grand jury, transmitted or caused to be transmitted fifty-seven (57) wire transfers in interstate or foreign commerce totaling \$5,289,672.67.

57. Between on or about January 2002 and on or about until at least May 1, 2003, defendants **VELEZ, KUEHNE, and SALDARRIAGA**, and other persons whose identities are both known and unknown to the grand jury, transmitted or caused to be transmitted four (4) wire transfers in interstate or foreign commerce totaling \$5,239,653.67 to be used for payment for the Ochoa criminal defense team.

All in violation of Title 18, United States Code, Sections 1343 and 1349 and Title 18, United States Code, Section 2.

FORFEITURE

1. The allegations of this indictment are re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America, pursuant to the provisions of Title 18, United States Code, Section 982, Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Pursuant to Title 18, United States Code, Section 982, each defendant who is convicted of one or more of the offenses set forth in Counts One through Six shall forfeit to the United States the following property:

- (a) All right, title, and interest in any and all property involved in each offense in violation of Title 18, United States Code, § 1956 for which the defendant is convicted, and all property traceable to such property, including the following: 1) all money or other property that was the subject of each transaction, transportation, transmission or transfer in violation of Title 18, United States Code, Section 1956; 2) all commissions, fees and other property constituting proceeds obtained as a

result of those violations; and 3) all property used in any manner or part to commit or to facilitate the commission of those violations including but not limited to untainted funds used to conceal the proceeds of criminal activity.

- (b) The United States intends to forfeit property, including but not limited to, a sum of money equal to approximately \$5,239,653.67 representing the total amount of money involved in the offenses, or involved in the conspiracy to commit violations of Sections 1956 and 1957, in violation of Title 18, United States Code, Section 1956(h), as charged in Counts One through Six.

If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable for the amount involved in such offense.

3. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1343 and 1349 set forth in Count Seven of this Indictment, the defendants, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

4. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), or as made applicable through Title 28, United States Code, Section 2461(c), each defendant shall forfeit substitute property, up to the value of the amount described in the foregoing paragraphs, if, by any act or omission of a defendant, the property described in such paragraphs, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to

or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

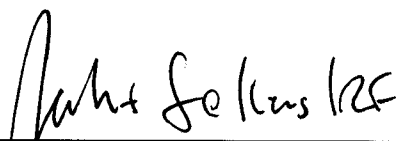
All in accordance with Title 18, United States Code, Section 982(a)(1), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON

RICHARD WEBER, CHIEF
ASSET FORFEITURE AND MONEY
LAUNDERING SECTION

KENNETH A. BLANCO, CHIEF
NARCOTIC AND DANGEROUS DRUG
SECTION



JOHN W. SELLERS
SENIOR TRIAL ATTORNEY
THOMAS J. PINDER
TRIAL ATTORNEY
Asset Forfeiture and Money Laundering Section
Criminal Division
United States Department of Justice
1400 New York Avenue, N.W., 10th Floor
Washington, D.C. 20530
Telephone: (202) 514-1263



ROBERT FEITEL
SENIOR TRIAL ATTORNEY
Narcotic and Dangerous Drug Section
Criminal Division
United States Department of Justice
1400 New York Avenue, N.W., 8th Floor
Washington, D.C. 20530
Telephone: (202) 307-3586

UNITED STATES OF AMERICA

CASE NO. 05-20770-Cr-COOKE(s)(s)(s)

vs.

CERTIFICATE OF TRIAL ATTORNEY*

GLORIA FLORES VELEZ,
BENEDICT P. KUEHNE and
OSCAR SALDARRIAGA OCHOA,

Defendants.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes No X
Number of New Defendants 0
Total number of counts 7

 X Miami Key West
 FTL WPB FTP

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish

4. This case will take 60 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

	(Check only one)		(Check only one)
I	0 to 5 days	<u> </u>	Petty
II	6 to 10 days	<u> </u>	Minor
III	11 to 20 days	<u> </u>	Misdem.
IV	21 to 60 days	<u> X </u>	Felony
V	61 days and over	<u> </u>	

6. Has this case been previously filed in this District Court? (Yes or No) Yes

If yes: Judge: Cooke Case No. 05-20770-Cr-Cooke(s)

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) No

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes X No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No
If yes, was it pending in the Central Region? Yes No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes X No



Robert Feitel
TRIAL ATTORNEY, DEPARTMENT OF JUSTICE
Court No. A5501204

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GLORIA FLOREZ VELEZ

Case No: 05-20770-CR-COOKE(s) (s) (s)

Count #: 1

Money laundering conspiracy

18 U.S.C. §1957 and §1956(h)

*** Max. Penalty:** 10 years' imprisonment

Count #: 2

Money laundering conspiracy (concealment)

18 U.S.C. §§ 1956(h), 1956(a)(1)(B)(i), and 1956(a)(2)(B)(i)

***Max. Penalty:** 20 years' imprisonment

Counts #: 4 and 5

Money laundering concealment - Substantive Counts

18 U.S.C. § 1956(a)(1)(B)(i)

***Max. Penalty:** 20 years' imprisonment (per count)

Count #: 7

Wire Fraud Conspiracy

18 U.S.C. §§ 1349 and 1343

***Max. Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: BENEDICT P. KUEHNE

Case No: 05-20770-CR-COOKE(s) (s) (s)

Count #: 1

Money laundering conspiracy

18 U.S.C. §1957 and §1956(h)

*** Max. Penalty:** 10 years' imprisonment

Count #: 2

Money laundering conspiracy (concealment)

18 U.S.C. §§ 1956(h), 1956(a)(1)(B)(i), and 1956(a)(2)(B)(i)

***Max. Penalty:** 20 years' imprisonment

Counts #: 3 thru 6

Money laundering concealment - Substantive Counts

18 U.S.C. § 1956(a)(1)(B)(i)

***Max. Penalty:** 20 years' imprisonment (per count)

Count #: 7

Wire Fraud Conspiracy

18 U.S.C. §§ 1349 and 1343

***Max. Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: OSCAR SALDARRIAGA OCHOA

Case No: 05-20770-CR-COOKE(s) (s) (s)

Count #: 1

Money laundering conspiracy

18 U.S.C. §1957 and §1956(h)

*** Max. Penalty:** 10 years' imprisonment

Count #: 2

Money laundering conspiracy (concealment)

18 U.S.C. §§ 1956(h), 1956(a)(1)(B)(i), and 1956(a)(2)(B)(i)

***Max. Penalty:** 20 years' imprisonment

Counts #: 4 and 5

Money laundering concealment - Substantive Counts

18 U.S.C. § 1956(a)(1)(B)(i)

***Max. Penalty:** 20 years' imprisonment (per count)

Count #: 7

Wire Fraud Conspiracy

18 U.S.C. §§ 1349 and 1343

***Max. Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**