

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 07-20999-CR-LENARD
Magistrate Judge Edwin G. Torres**

UNITED STATES OF AMERICA

vs.

**CARLOS KAUFFMANN,
Defendant.**

FACTUAL BASIS FOR THE PLEA OF DEFENDANT CARLOS KAUFFMANN

At all times material to the Indictment, the Government of the Bolivarian Republic of Venezuela was a foreign government, in which Executive Power vested in the President. Dirección de los Servicios de Inteligencia y Prevención (DISIP) was a department of Venezuela, known as the Intelligence and Preventive Services Directorate of the Bolivarian Republic of Venezuela. Petróleos de Venezuela S. A. (PDVSA) was an energy corporation owned and operated by the Venezuelan government. Venezuela maintained a Consulate in Miami, Florida which was headed by a Consul General.

The defendant, Carlos Kauffmann, was born and resides in Venezuela. At no time material to the Indictment were defendants Carlos Kauffmann, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, and Franklin Duran: (a) duly accredited diplomatic or consular officers of a foreign government, recognized by the United States Department of State; (b) officially and publicly acknowledged and sponsored officials or representatives of a foreign government; or (c) officially and publicly acknowledged and sponsored members of the staff of, or employees of, any such officer, official, or representative of a foreign government. Furthermore, defendants Carlos Kauffmann, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, and

Franklin Duran never notified the Attorney General of the United States that they, Carlos Kauffmann, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, and Franklin Duran, would be and were knowingly acting in the United States as agents of a foreign government, specifically, the government of Venezuela.

This conspiracy began as a result of a seizure of cash at Aeroparque Jorge Newbery in Buenos Aires, Argentina. On August 4, 2007, a privately chartered aircraft landed at Aeroparque Jorge Newbery in Buenos Aires, Argentina. The aircraft had previously departed from Caracas Maiquetía International Airport in Venezuela, carrying eight passengers on board, including, among others, Guido Alejandro Antonini Wilson and several PDVSA officials. During a search, conducted by the Argentine Customs Service, of luggage belonging to the passengers and offloaded from the aircraft, approximately \$800,000 in United States currency, was discovered and confiscated by the Argentine Customs Service. The money was found in a suitcase being carried by Guido Alejandro Antonini Wilson. Antonini was carrying the suitcase at the request of one of the other passengers. Antonini was unaware that the \$800,000 was in the suitcase, as the suitcase belonged to one of the other passengers. Antonini had been invited to accompany the seven other passengers on their trip to Buenos Aires, Argentina only a few hours prior to the departure of the aircraft from Caracas Maiquetía International Airport in Venezuela.

It was the objective of the conspiracy that the defendants, Carlos Kauffmann, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, Franklin Duran, and the other participants obtain the assistance of Antonini in concealing the source and destination of, and the role of the government of Venezuela in, the attempted delivery of approximately \$800,000 that was confiscated on or about August 4, 2007 at Aeroparque Jorge Newbery in Buenos Aires, Argentina.

It was a further part of the objective of the conspiracy that the defendants and the other participants perpetuate and conceal the existence of the conspiracy.

After August 4, 2007, Franklin Duran and another identified individual met with a high level official of DISIP. The DISIP official told Franklin Duran that the DISIP official had been placed in charge of concealing the role of the government of Venezuela in the attempted delivery of approximately \$800,000 that was confiscated on or about August 4, 2007 at Aeroparque Jorge Newbery in Buenos Aires, Argentina. The DISIP official further stated that the Government of Venezuela wanted the assistance of Antonini in concealing the source and destination of the seized funds. Franklin Duran assured the DISIP official that he (Franklin Duran) had Antonini under his control. Subsequently, Franklin Duran told Carlos Kauffmann of the contents of the aforementioned conversation with the DISIP official. Franklin Duran also informed Carlos Kauffmann of the identity of the DISIP official.

This same high level official of DISIP brought Moises Maionica into the conspiracy. The DISIP official requested that Moises Maionica meet with Antonini in Miami. Moises Maionica was told that Franklin Duran and Carlos Kauffmann would be traveling to Miami to attend the meeting. Moises Maionica was also provided with the telephone number of Franklin Duran so that he could make contact with Franklin Duran and Carlos Kauffmann.

On August 17, 2007, Moises Maionica arrived at Miami International Airport from Caracas, Venezuela aboard a commercial aircraft. On the same day, Franklin Duran and Carlos Kauffmann arrived in Miami from Caracas, Venezuela on a private aircraft. After arriving in the United States, Moises Maionica made telephonic contact with Franklin Duran to arrange a meeting. Carlos Kauffmann, Franklin Duran, Moises Maionica, and two other individuals met at the Novecento Restaurant in Miami, Florida. A discussion was held concerning the upcoming meeting with

Antonini, the purpose of which was to secure Antonini's cooperation in the conspiracy. Carlos Kauffmann knowingly and willfully participated in this effort, which was directed by the government of Venezuela, to divert the responsibility for the seized funds from the government of Venezuela to Antonini.

On August 23, 2007, Carlos Kauffmann, Moises Maionica, Franklin Duran, and another individual, met with Antonini at Jackson's Steakhouse in Ft. Lauderdale, Florida. Unbeknownst to the conspirators, Antonini was wearing recording equipment provided by the FBI. Special Agents of the FBI also conducted surveillance of the meeting. During the meeting, Franklin Duran advised Antonini that he (Duran) had spoken with a high level official of DISIP and a high level official of the Justice Ministry of Venezuela concerning the confiscated funds. During the meeting, Franklin Duran told Antonini that foreign government authorities would pursue Antonini, if Antonini said that the seized funds did not belong to him (Antonini). During the meeting, Carlos Kauffmann told Antonini that it was not in Venezuela's best interest for Antonini to have any "problems" in Venezuela. During the meeting, Moises Maionica further advised Antonini that PDVSA would pay for all the expenses and financial penalties that Antonini might incur as a result of the seizure of the \$800,000. Carlos Kauffmann did not attend any further meetings with Antonini.

On August 27, 2007, Moises Maionica, Franklin Duran, and another individual met with Antonini at Jackson's Steakhouse in Ft. Lauderdale, Florida. At this meeting, Franklin Duran advised Antonini, in substance, of the consequences of the disclosure of the intended destination of the seized cash. During the meeting, Franklin Duran identified to Antonini the individual who had taken the seized cash on board the aircraft as the assistant to a high level official of PDVSA.

On October 4, 2007, Moises Maionica spoke on the telephone with Antonini and advised Antonini that an emissary was being sent to Miami, Florida to meet with Antonini. Antonini was

to personally tell the emissary what Antonini required in order to participate in the conspiracy. During that phone conversation, Moises Maionica further advised that the emissary's travel plans were confidential.

On October 27, 2007, Antonio Jose Canchica Gomez entered the United States at Miami International Airport. On October 28, 2007, Rodolfo Wanseele Paciello drove Antonio Jose Canchica Gomez to a meeting with Antonini at Starbucks Coffee Company in Plantation, Florida.

During the meeting, Antonio Jose Canchica Gomez acknowledged a previously-arranged code word, "Christian," and informed Antonini that Antonini was required to guarantee that he was going to work with the attorneys, and, specifically, that Antonini sign a power of attorney. During the meeting, Antonio Jose Canchica Gomez further assured Antonini that Antonini would be skillfully and discretely helped. Antonio Jose Canchica Gomez further advised Antonini that he (Canchica) was the last link in the chain and that his (Canchica's) mission was to verify matters.

On October 28, 2007, while the meeting was going on inside Starbucks, Rodolfo Wanseele Paciello conducted counter-surveillance to ensure that Antonio Jose Canchica Gomez was not under surveillance. After the conclusion of the meeting at Starbucks, Rodolfo Wanseele Paciello drove Antonio Jose Canchica Gomez from the meeting. During the drive from the meeting, Rodolfo Wanseele Paciello drove approximately 43 miles, in a circuitous route, making numerous last minute lane changes and turns before arriving at the Hard Rock Casino and Hotel, a distance of approximately 7 miles from Starbucks. During the drive from the meeting, Rodolfo Wanseele Paciello drove at a speed of 35-40 miles per hour on the Florida Turnpike. On October 31, 2007, Antonio Jose Canchica Gomez boarded an aircraft and departed from Miami International Airport.

On November 6, 2007, Moises Maionica informed Antonini that a high level official of DISIP, using the name "Arvelo," would be calling Antonini. On November 6, 2007, at

approximately 4:16 p. m., an individual who identified himself as "Arvelo" spoke on the telephone with Antonini and advised Antonini that the young man (Antonio Jose Canchica Gomez) who traveled to Miami had advised him of Antonini's concerns and that Antonini's concerns were being addressed. Later, Moises Maionica informed Antonini of the true identity of the high level official of DISIP who had identified himself as "Arvelo."

On November 30, 2007, Moises Maionica met with Antonini at Bravo Restaurant in Ft. Lauderdale, Florida. During the meeting, Moises Maionica confirmed to Antonini that he (Maionica) became involved in the conspiracy at the behest of DISIP and a high level official of the Venezuelan government.

On December 11, 2007, Moises Maionica and Franklin Duran met with Antonini at Bravo Restaurant in Ft. Lauderdale, Florida. During the meeting on December 11, 2007, Franklin Duran gave three documents to Antonini which were to be utilized in the cover-up regarding the true source and destination of approximately \$800,000 which was seized on August 4, 2007 in Buenos Aires, Argentina.

During the course of this conspiracy, Franklin Duran had informed Carlos Kauffmann that he (Duran) would be providing documents to Antonini which could be used to misrepresent the source of the funds that were confiscated in Buenos Aires, Argentina. Franklin Duran told Carlos Kauffmann that he (Duran) and Maionica had met with a high level official of DISIP in Venezuela to discuss the false document scheme. Additionally, Franklin Duran told Carlos Kauffmann that he (Duran) had been keeping a high level official in the Justice Ministry of Venezuela apprised of the progress of the cover-up. Franklin Duran identified the high level officials of DISIP and the Justice Ministry of Venezuela to Carlos Kauffmann.

The information set forth above is the result of an investigation conducted by the Federal Bureau of Investigation which included recorded conversations, surveillance, interviews and documentary evidence. Carlos Kauffmann has admitted his role in this offense to the Federal Bureau of Investigation and the United States Attorney's Office for the Southern District of Florida.

Respectfully submitted,

R. ALEXANDER ACOSTA
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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. This document was also hand-delivered to Jacob M. Denaro and Neil M. Schuster, counsel for defendant Carlos Kauffmann, on February 29, 2007.

s/ Thomas J. Mulvihill
Thomas J. Mulvihill
Assistant United States Attorney