

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

Case No. \_\_\_\_\_  
**18 U.S.C. § 951**  
**18 U.S.C. § 371**

**UNITED STATES OF AMERICA**

**vs.**

**MOISES MAIONICA,  
ANTONIO JOSE CANCHICA GOMEZ,  
RODOLFO WANSEELE PACIELLO,  
FRANKLIN DURAN, and  
CARLOS KAUFFMANN,  
Defendants.**

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

**The Government of the Bolivarian Republic of Venezuela**

1. The Government of the Bolivarian Republic of Venezuela (hereinafter “Venezuela”) was a foreign government, in which Executive Power vested in the President.
2. 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. The chief executive officer of DISIP is its Director.
3. Petróleos de Venezuela S. A. (PDVSA) was an energy corporation owned and operated by the Venezuelan government.
4. Venezuela maintained a Consulate in Miami, Florida which was headed by a Consul General.

Seizure of Cash at Aeroparque Jorge Newbery in Buenos Aires, Argentina

5. On August 4, 2007, a Cessna Citation, bearing registration number N5113S, landed at Aeroparque Jorge Newbery in Buenos Aires, Argentina. The privately chartered 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 Cessna Citation, approximately \$800,000 in United States currency, was discovered and confiscated by the Argentine Customs Service.

The Defendants

6. MOISES MAIONICA was born and resides in Venezuela.
7. ANTONIO JOSE CANCHICA GOMEZ was born and resides in Venezuela.
8. RODOLFO WANSEELE PACIELLO was born in Uruguay and resides in the United States.
9. FRANKLIN DURAN was born and resides in Venezuela.
10. CARLOS KAUFFMANN was born and resides in Venezuela.
11. At no time material to this Indictment were defendants' MOISES MAIONICA, ANTONIO JOSE CANCHICA GOMEZ, RODOLFO WANSEELE PACIELLO, FRANKLIN DURAN, and CARLOS KAUFFMANN:

(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.

Guido Alejandro Antonini Wilson

12. Guido Alejandro Antonini Wilson (hereinafter Antonini”), a United States citizen, was born in Venezuela. Antonini traveled under both United States and Venezuelan passports. Several hours prior to the departure of the aforementioned Cessna Citation from Caracas Maiquetía International Airport in Venezuela, Antonini was invited to accompany its passengers on their trip to Buenos Aires, Argentina.

**COUNT 1**  
Conspiracy  
(18 U.S.C. § 371)

1. The “General Allegations” portion of this Indictment is realleged and incorporated by reference as if fully set forth herein.

2. From in or about August, 2007 and continuing up to and including the date of this Indictment, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

MOISES MAIONICA,  
ANTONIO JOSE CANCHICA GOMEZ,  
RODOLFO WANSEELE PACIELLO,  
FRANKLIN DURAN,  
and  
CARLOS KAUFFMANN,

did knowingly and willfully combine, conspire, confederate and agree with each other and with persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly act in the United States as an agent of a foreign government, specifically, the government of Venezuela, without prior notification to the Attorney General of the United States as

required by law, in violation of Title 18, United States Code, Section 951.

OBJECTIVE OF THE CONSPIRACY

\_\_\_\_\_3. It was the objective of the conspiracy that the defendants 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.

MANNER AND MEANS

The manner and means by which MOISES MAIONICA, ANTONIO JOSE CANCHICA GOMEZ, RODOLFO WANSEELE PACIELLO, FRANKLIN DURAN, CARLOS KAUFFMANN, and the other participants sought to accomplish the objective of the conspiracy included the following:

4. Traveled, attended meetings, and participated in discussions while acting under the direction and control of a foreign government; in their joint and coordinated effort to cover-up the true source and destination of approximately \$800,000 which was seized on August 4, 2007 in Buenos Aires, Argentina;

5. Offered substantial inducements to Antonini, including the payment of money and the preparation of false documents, in an attempt to enlist Antonini's assistance in concealing the true source and destination of approximately \$800,000 which was seized on August 4, 2007 in Buenos Aires, Argentina;

6. Concealed the existence of the conspiracy and their individual participation in activities conducted on behalf of a foreign government while in the United States and elsewhere; and

7. Concealed the existence of the conspiracy from law enforcement and other governmental agencies of the United States.

---

OVERT ACTS

In furtherance of this conspiracy, and to accomplish its objective, at least one of the co-conspirators, on or about the dates set forth below, committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

First Meeting at Jackson's Steakhouse on August 23, 2007

1. On August 17, 2007, FRANKLIN DURAN, CARLOS KAUFFMANN, and MOISES MAIONICA entered the United States at Miami International Airport.

2. On August 23, 2007, FRANKLIN DURAN, CARLOS KAUFFMANN, MOISES MAIONICA, and another individual, met with Antonini at Jackson's Steakhouse in Ft. Lauderdale, Florida.

3. During the meeting at Jackson's Steakhouse, FRANKLIN DURAN informed Antonini of the identity of the intended recipient of the approximately \$800,000 which was confiscated on or about August 4, 2007 at Aeroparque Jorge Newbery in Buenos Aires, Argentina.

4. During the meeting, FRANKLIN DURAN further 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.

5. 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).

6. During the meeting, CARLOS KAUFFMANN told Antonini that it was not in Venezuela's best interest for Antonini to have any "problems" in Venezuela.

7. 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.

Second Meeting at Jackson's Steakhouse on August 27, 2007

8. On August 27, 2007, MOISES MAIONICA, FRANKLIN DURAN, and another individual met with Antonini at Jackson's Steakhouse in Ft. Lauderdale, Florida.

9. At the second meeting at Jackson's Steakhouse, FRANKLIN DURAN advised Antonini, in substance, of the consequences of the disclosure of the identity of the intended recipient of the seized cash.

10. During the meeting, FRANKLIN DURAN further asserted to Antonini that "people" in Venezuela and Argentina wanted Antonini's mess to be solved so that the truth didn't come out.

11. During the meeting, MOISES MAIONICA advised Antonini that he (MAIONICA) had used FRANKLIN DURAN and CARLOS KAUFFMANN to locate Antonini.

12. 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.

Telephone Conversation of August 29, 2007

13. On August 29, 2007, FRANKLIN DURAN spoke on the telephone with Antonini; during that conversation, FRANKLIN DURAN requested that Antonini electronically transmit a power of attorney to him, and assured Antonini that the matter was being handled at the top of the Venezuelan government.

Meeting at the Quarterdeck Restaurant on September 7, 2007

14. On September 7, 2007, FRANKLIN DURAN entered the United States at Miami International Airport.

15. On September 7, 2007, FRANKLIN DURAN traveled by car with Antonini to the Quarterdeck Restaurant in Ft. Lauderdale, Florida.

16. During the meeting at the Quarterdeck Restaurant, FRANKLIN DURAN informed Antonini, in substance, that the Venezuelan authorities did not trust Antonini and suspected that Antonini was talking to U.S. authorities.

17. During the meeting, FRANKLIN DURAN further warned Antonini that the moment might come when nobody can save Antonini's skin.

---

Telephone Conversation of September 16, 2007

18. On September 16, 2007, MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that his (MAIONICA's) involvement in this matter began with a three way telephone call between the Office of the Vice President of Venezuela, DISIP and himself (MAIONICA) in which MAIONICA was given his mission.

---

Telephone Conversation of September 25, 2007

19. On September 25, 2007, MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that in order to complete the matter, he only needed one more meeting with "the Number 2 man," who had just returned to Venezuela.

---

Telephone Conversation of October 4, 2007

20. On October 4, 2007, MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that an emissary was being sent to Antonini and that Antonini was to personally tell the emissary what Antonini required in order to participate in the conspiracy.

21. During that phone conversation, MOISES MAIONICA further advised that the emissary's travel plans were confidential.

Telephone Conversations of October 27, 2007

22. On October 27, 2007, at approximately 11:15 a. m., MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that the emissary was going to travel on Sunday and that the name of MOISES MAIONICA and Antonini's common friend (Christian) would be the code name by which Antonini would recognize the emissary.

23. On October 27, 2007, at approximately 11:49 a. m., MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that the emissary's mission would take no more than five minutes.

24. On October 27, 2007, at approximately 12:28 p. m., MOISES MAIONICA spoke on the telephone with Antonini and instructed Antonini that the emissary would approach Antonini; that the emissary and Antonini were then to move several meters away from their initial contact point, and only then, talk to each other.

Meeting at Starbucks Coffee Company on October 28, 2007

25. On October 27, 2007, ANTONIO JOSE CANCHICA GOMEZ entered the United States at Miami International Airport.

26. On October 28, 2007, RODOLFO WANSEELE PACIELLO drove ANTONIO JOSE CANCHICA GOMEZ to Starbucks Coffee Company (hereinafter "Starbucks") in Plantation, Florida.

27. On October 28, 2007, ANTONIO JOSE CANCHICA GOMEZ met with Antonini at Starbucks.

28. During the meeting, ANTONIO JOSE CANCHICA GOMEZ acknowledged the 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.

29. During the meeting, ANTONIO JOSE CANCHICA GOMEZ further assured Antonini

that Antonini would be skillfully and discretely helped.

30. During the meeting, 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.

31. 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.

32. After the conclusion of the meeting at Starbucks, RODOLFO WANSEELE PACIELLO drove ANTONIO JOSE CANCHICA GOMEZ from the meeting.

33. 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.

34. During the drive from the meeting, RODOLFO WANSEELE PACIELLO drove at a speed of 35-40 miles per hour on the Florida Turnpike.

35. On October 31, 2007, ANTONIO JOSE CANCHICA GOMEZ boarded an aircraft and departed from Miami International Airport.

Telephone Conversation of November 6, 2007

36. On November 6, 2007, MOISES MAIONICA informed Antonini that the Director of DISIP, using the name "Arvelo," would be calling Antonini.

37. 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.

38. On November 6, 2007, at approximately 6:02 p. m., MOISES MAIONICA spoke on the telephone with Antonini and informed Antonini that the man who, earlier that day, called and spoke with Antonini on the telephone and identified himself as "Arvelo" was the Director of DISIP.

Telephone Conversation of November 18, 2007

39. On November 18, 2007, an individual who previously identified himself as "Arvelo" informed Antonini, via telephone, that MOISES MAIONICA would advise Antonini of the strategy to deal with the cover-up when MAIONICA arrived in Miami.

Meeting at Bravo Restaurant on November 30, 2007

40. On November 30, 2007, MOISES MAIONICA met with Antonini at Bravo Restaurant in Ft. Lauderdale, Florida.

41. 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.

Meeting at Bravo Restaurant on December 11, 2007

42. On December 11, 2007, MOISES MAIONICA and FRANKLIN DURAN met with Antonini at Bravo Restaurant in Ft. Lauderdale, Florida.

43. 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.

All in violation of Title 18, United States Code, Section 371.

**COUNT 2**

Agent of a Foreign Government

(18 U.S.C. § 951)

1. The “General Allegations” portion of this Indictment is realleged and incorporated by reference as if fully set forth herein.

2. From in or about August, 2007 and continuing up to and including the date of this Indictment, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

MOISES MAIONICA,  
ANTONIO JOSE CANCHICA GOMEZ,  
RODOLFO WANSEELE PACIELLO,  
FRANKLIN DURAN,  
and  
CARLOS KAUFFMANN,

knowingly, without prior notification to the Attorney General as required by law, acted in the United States as agents of a foreign government, specifically, the government of Venezuela.

In violation of Title 18, United States Code, Sections 951 and 2.

A TRUE BILL

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

\_\_\_\_\_  
THOMAS J. MULVIHILL  
ASSISTANT UNITED STATES ATTORNEY

\_\_\_\_\_  
CLIFFORD I. RONES  
U.S. DEPARTMENT OF JUSTICE