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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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UNITED STATES *v.* CABRALESCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No. 97–643. Argued April 29, 1998— Decided June 1, 1998

An indictment returned in the United States District Court for the Western District of Missouri charged respondent Cabrales, as sole defendant, with conspiracy under 18 U. S. C. §371 to violate §1956(a)(1)(B)(ii) (conducting a financial transaction to avoid a transaction-reporting requirement) (Count I), and with money laundering in violation of the latter section (Count II) and §1957 (engaging in a monetary transaction in criminally derived property of a value greater than \$10,000) (Count III). The indictment alleged that, in January 1991, Cabrales deposited \$40,000 with the AmSouth Bank of Florida and, within a week, made four separate \$9,500 withdrawals from that bank. The money deposited and withdrawn was traceable to illegal cocaine sales in Missouri. Cabrales moved to dismiss the indictment in its entirety for improper venue. The District Court denied the motion as to Count I, the conspiracy count, but dismissed Counts II and III, the money-laundering counts, because the money-laundering activity occurred entirely in Florida. In affirming that dismissal, the Eighth Circuit noted that the Constitution, Art. III, §2, cl. 3, and Amdt. 6, as well as Federal Rule of Criminal Procedure 18, requires that a person be tried where the charged offense was committed. While recognizing that a continuing offense “begun in one district and completed in another . . . may be . . . prosecuted in any district in which such offense was begun, continued, or completed,” 18 U. S. C. §3237(a), the court said that Cabrales was not accused of a continuing offense, but was charged with money laundering transactions that began, continued, and were completed only in Florida. It was of no moment that the money came from Missouri, the court explained, because Cabrales dealt with it only in Florida, the money-laundering counts alleged no act committed by Cabrales in Missouri, and the Gov-

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ernment did not assert that Cabrales transported the money from Missouri to Florida.

Held: Missouri is not a place of proper venue for the money-laundering offenses with which Cabrales is charged. The *locus delicti* must be determined from the nature of the crime alleged and the location of the act or acts constituting it. *United States v. Anderson*, 328 U. S. 699, 703. Here, the crimes charged in Counts II and III are defined in statutory proscriptions, §§1956(a)(1)(B)(ii) and 1957, that interdict only the financial transactions (acts located entirely in Florida), not the anterior criminal conduct that yielded the funds allegedly laundered. Contrary to the Government’s contention, the crimes charged in those counts do not fit under §3237(a) as offenses begun in Missouri and completed in Florida, but are crimes that took place wholly within Florida. Notably, the counts at issue do not charge Cabrales with conspiracy; they do not link her to, or assert her responsibility for, acts done by others. Nor do they charge her as an aider or abettor, punishable as a principal, in the Missouri drug trafficking, see 18 U. S. C. §2. Rather, those counts charge her with criminal activity “after the fact” of an offense begun and completed by others. Cf. §3. Whenever a defendant acts “after the fact” to conceal a crime, it might be said, as the Government urges, that the first crime is an essential element of the second, and that the second facilitated the first or made it profitable by impeding its detection. But the question here is the *place* appropriate to try the “after the fact” actor. It is immaterial whether that actor knew where the first crime was committed. The money launderer must know she is dealing with funds derived from specified unlawful activity, here, drug trafficking, but the Missouri venue of that activity is, as the Eighth Circuit said, of no moment. Money laundering arguably might rank as a continuing offense, triable in more than one place, if the launderer acquired the funds in one district and transported them into another, but that is tellingly not this case. Neither *Hyde v. United States*, 225 U. S. 347, nor *In re Palliser*, 136 U. S. 257, supports the Government’s position that money launderers can in all cases be prosecuted at the place where the funds they handled were generated. *Hyde* involved a conspiracy prosecution in which the Court held venue proper in the District of Columbia based on overt acts committed by a co-conspirator in the District. *Palliser* concerned a prosecution for mailings from New York to Connecticut in which the Court held Connecticut venue proper because the mailings were completed in that State. By contrast, the counts here at issue allege no conspiracy, but describe activity in which Cabrales alone engaged. Nor do they charge that she dispatched any missive from one State into another; instead, they portray her and the money she deposited and withdrew as moving inside

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Florida only. Finally, the Court rejects the Government's contention that efficiency warrants trying Cabrales in Missouri because evidence there, and not in Florida, shows that the money she allegedly laundered derived from unlawful activity. The Government is not disarmed from showing that Cabrales is in fact linked to the drug-trafficking. She can be, and indeed has been, charged with conspiring with the drug dealers in Missouri. If the Government can prove the agreement it has alleged in Count I, Cabrales can be prosecuted in Missouri for that confederacy, and her Florida money laundering could be shown as overt acts in furtherance of the conspiracy. See §371. As the Government acknowledged, the difference in her sentence probably would be negligible. Pp. 4–8.

109 F. 3d 471 and 115 F. 3d 621, affirmed.

GINSBURG, J., delivered the opinion for a unanimous Court.