

**SEALED INDICTMENT**

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

**CASE NO. 05-20770-Cr-Cooke(s)**

**IN RE SEALED INDICTMENT**

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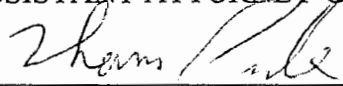
**MOTION TO SEAL**

NOW COMES the United States of America, by and through its undersigned attorney, and respectfully requests that with the exception of those copies to be provided to the United States Attorney's Office for use in the extradition process, the attached indictment and arrest warrants be SEALED until further order of the Court, for the reason that the named defendants may flee and the integrity of the ongoing investigation may be compromised. In addition, many of the named defendants are foreign nationals who are currently residing outside of the United States. If this indictment is not sealed, these defendants may flee or restrict their international travel. Moreover, revealing the existence of the charges before the defendants are in custody would likely make apparent to the defendants the identities of confidential informants and cooperating witnesses, thus endangering these individuals and/or their family members. Should further information be required, the United States is prepared to respond in camera.

Respectfully submitted,

ALICE S. FISHER  
ASSISTANT ATTORNEY GENERAL

By:

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

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

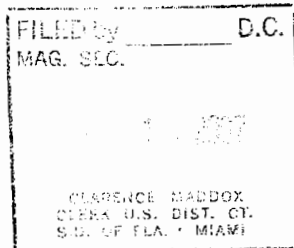
18 U.S.C. § 1956(h)  
18 U.S.C. § 1956(a)(1)(B)(i)  
18 U.S.C. § 982  
18 U.S.C. § 1503

**UNITED STATES OF AMERICA**

**vs.**

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

**Defendants.**



RECEIVED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI

**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's 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 worked with criminal defense attorneys representing Fabio Ochoa Vasquez. SALDARRIAGA was Fabio Ochoa Vasquez’s cousin.

**B. Ochoa’s Criminal Defense and Attorneys’ Fees**

4. On or about September 2001, Fabio Ochoa Vasquez (hereinafter “Ochoa”) was extradited from Colombia 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 reputed to be a leader in the “Medellin Cartel” of Medellin, Colombia, and was alleged to be one of the world’s largest cocaine traffickers. He was charged with smuggling approximately 30 tons of powder cocaine per month into the United States between 1997 and 1999, and ultimately convicted of those offenses in May 2003.

5. Under U.S. law, proceeds of illegal narcotics sales are forfeitable to the United States and cannot be used for attorneys fees. Attorneys can be forced to forfeit their fees to the United States if they knew or should have known the money was proceeds of illegal activity.

6. On or about December 2002, Ochoa’s criminal defense team in Miami hired defendant **KUEHNE** to conduct an independent investigation into the source of funds that would be used by Ochoa to pay millions of dollars in legal fees, and to certify

that the funds were not proceeds of, or commingled with proceeds of, Ochoa's narcotics trafficking.

7. Between April 3, 2002 to September 1, 2003, defendant **KUEHNE** drafted six (6) opinion letters advising Ochoa's criminal defense team that he had conducted a thorough and independent investigation into the source of funds Ochoa used to pay his legal fees and expenses: Opinion Letter #1 dated April 3, 2002; Opinion Letter #2 dated August 9, 2002; Opinion Letter #3 dated February 2, 2003; preliminary Opinion Letter #4 dated April 30, 2003; and final Opinion Letter #4 dated August, 8, 2003. A corrected final Opinion Letter #4 dated September 1, 2003 made no substantive changes, but incorporated and corroborated the observation and conclusions contained in defendant **KUEHNE's** prior opinion letters.

8. Through these opinion letters, defendant **KUEHNE** advised Ochoa's legal defense team that the funds Ochoa used to pay his attorneys fees and expenses 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, even though defendant **KUEHNE**, as well as defendants **FLOREZ**, and **SALDARRIAGA**, knew that the funds used by Ochoa consisted of, or were at least commingled with, proceeds of drug trafficking.

9. To conceal the fact that the funds Ochoa intended to use to pay his attorneys fees were proceeds of narcotics trafficking, or commingled with proceeds of narcotics

trafficking, defendants **FLOREZ, KUEHNE, and SALDARRIAGA** prepared false and fraudulent spreadsheets, receipts, letters, and other documents to support the false assertions in defendant **KUEHNE**'s opinion letters. Following these false observations and conclusions, defendants **FLOREZ, KUEHNE, and SALDARRIAGA**, and others known and unknown to the grand jury, engaged in multiple financial transactions to transfer drug proceeds to Ochoa's criminal defense team.

10. In some of these financial transactions, defendants **FLOREZ, KUEHNE, and SALDARRIAGA** transferred, and commingled drug proceeds, through the "Black Market Peso Exchange" (hereinafter "BMPE"), further commingling the funds with drug proceeds. The BMPE is a sophisticated money laundering scheme used by South American drug cartels to launder their U.S. dollar drug proceeds located in the United States. The BMPE is operated by "money brokers," who facilitate the exchange of the cartels' drug dollars in the United States for local currency in South America, by purchasing the drug dollars from the cartels and then selling those dollars to South American businesses and individuals who want to purchase U.S. dollars from unofficial sources.

11. Between January 2, 2002 and April 15, 2003, defendants **FLOREZ, KUEHNE, and SALDARRIAGA**, conducted or caused to be conducted fifty seven (57) wire transfers, totaling \$5,289,672.67, from various bank accounts within and outside of the United States, to an attorney trust account in Miami maintained by defendant

**KUEHNE's** law firm (hereinafter "trust account"). In his opinion letters, defendant **KUEHNE** claimed that he investigated the source of the funds and that these incoming wire transfers represented legitimate funds for payment of Ochoa's legal fees and costs.

12. Defendants **FLOREZ, KUEHNE, and SALDARRIAGA** further conducted or caused to be conducted four (4) outgoing wire transfers, totaling \$5,239,653.67, from defendant **KUEHNE's** trust account to Ochoa's criminal defense team, representing payments by Ochoa for his legal fees and expenses.

13. As a result of his work, defendant **KUEHNE** was paid approximately \$197,300 by the Ochoa criminal defense team.

#### **C. U.S. Law Enforcement Undercover Transactions**

14. In his opinion letters to Ochoa's criminal defense team, defendant **KUEHNE** attributed twenty three (23) of the fifty seven (57) 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 determined that Saravia and his companies were reputable and well-established, without any connection to illegal activities.

15. In reality, \$1,798,339.40 of the funds that defendant **KUEHNE** attributed to Saravia did not come from Saravia but from five (5) different undercover U.S. law enforcement operations in New York, New York, or Miami, Florida, and were proceeds

of narcotics trafficking. From on or about February 20, 2002, through on or about July 8, 2002, the five (5) different undercover operations received \$2.97 million in narcotics proceeds as a result of conducting eight (8) currency pickups in or around New York, New York, Miami, Florida, and Houston, Texas.

**D. The Hernando Saravia Transactions**

16. In Opinion Letter #1 to the Ochoa criminal defense team, defendant **KUEHNE** identified sixteen (16) wire transfers totaling approximately \$1.67 million to defendant **KUEHNE**'s trust account that were made on or about January 3, 2002, through on or about March 27, 2002. Defendant **KUEHNE** identified Saravia as the source of seven (7) of those wire transfers, totaling \$813,534.00. In reality, five (5) of the seven (7) wire transfers defendant **KUEHNE** attributed to Saravia originated from two (2) different U.S. law enforcement undercover operations, totaling \$563,534.00 in narcotics proceeds. None of the transactions attributed to Saravia in Opinion Letter #1 were conducted by Saravia.

17. In Opinion Letter #2 to the Ochoa criminal defense team, defendant **KUEHNE** identified twelve (12) wire transfers totaling approximately \$1.427 million to defendant **KUEHNE**'s trust account that were made on about March 28, 2002, through on or about May 1, 2002. Defendant **KUEHNE** identified Saravia or businesses purported to be owned by Saravia as the source of six (6) of those wire transfers totaling \$1,003,651.00. In reality, five (5) of the six (6) wire transfers defendant **KUEHNE**

attributed to Saravia originated from three (3) U.S. law enforcement undercover operations, totaling \$937,651.00 in narcotics proceeds.

18. In Opinion letter #3 to the Ochoa criminal defense team, defendant **KUEHNE** identified eighteen (18) wire transfers totaling approximately \$865,717.40 to defendant **KUEHNE**'s trust account that were made on or about May 3, 2002, through on or about December 5, 2002. Defendant **KUEHNE** identified Saravia or businesses purported to be owned by Saravia as the source of ten (10) of those wire transfers totaling \$513,919.40. In reality, three (3) of the ten (10) wire transfers defendant **KUEHNE** attributed to Saravia originated from three (3) U.S. law enforcement undercover operations, totaling \$297,154.40 in narcotics proceeds.

19. In Opinion Letter #4, defendant **KUEHNE** referenced and attached a copy of a letter that he stated he had received from Saravia as further evidence that the funds from Saravia for payment of Ochoa's attorneys fees were from a legitimate source. The letter indicates that Saravia owned two businesses, identified by name, that Saravia's principal business activity was the sale of flowers, and that the money Saravia wire transferred to defendant **KUEHNE**'s trust account on behalf of Ochoa to pay for Ochoa's legal fees, originated from the sale of a house Saravia owned in Miami, Florida.

20. In reality, 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 attributed to Saravia were owned and operated by U.S. law enforcement undercover operations.

**COUNT ONE**  
**(Money Laundering Conspiracy)**

21. Beginning in or about November 2001, and continuing through in or about August 2003, 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, § 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, the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance, 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, in violation of Title 18, United States Code, § 1956(a)(1)(B)(i); 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, namely the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance, in violation of Title 18, United States Code, § 1956(a)(2)(b)(i).

#### PURPOSE

22. It was an object of the conspiracy to conceal the proceeds of narcotics trafficking through the creation of false and fraudulent documents intended to disguise the true origin, nature, source and control of funds used to pay Ochoa's attorneys' fees following his 2001 extradition and in connection with his criminal trial on narcotics trafficking charges in 2003.

#### MANNER AND MEANS

23. From in or about November 2001 and until in or about August 2003, defendants **FLOREZ**, **KUEHNE** and **SALDARRIAGA**, in concert with others, caused financial transactions involving the wire transfer of funds to, and within, the United

States from Columbia disguising the source, nature, origin and control of the proceeds of the Ochoa's narcotics trafficking, and forwarding those proceeds to Ochoa's criminal defense team with false opinion letters certifying that the funds were from a legitimate source.

24. Defendants **FLOREZ, KUEHNE** and **SALDARRIAGA** created and caused the creation of false and fraudulent records, memoranda and documentation intended to conceal and disguise the fact that drug proceeds were being used to pay Ochoa's legal fees.

25. Defendants **FLOREZ** and **SALDARRIAGA**, and other persons known and unknown to the grand jury, purchased and caused the purchase of U.S. dollars located in the United States and elsewhere, such dollars representing the proceeds of narcotics trafficking, in connection with the BMPE.

26. Defendants **FLOREZ, KUEHNE** and **SALDARRIAGA**, and other persons known and unknown to the grand jury, then caused wire transfers within the United States using proceeds of narcotics trafficking, in connection with the BMPE, in order to pay Ochoa's attorneys' fees.

27. Defendants 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, including but not limited to records related to the purported sale of cattle in Colombia.

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

**COUNTS TWO - FIVE**  
**(Concealment Money Laundering)**

28. On or about the dates specified and in the approximate amounts identified as to each count below, 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 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 the felonious manufacture, importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance, 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:

<b>Count</b>	<b>Date</b>	<b>Originator</b>	<b>Amount</b>
2	7/8/02	Muzo Gems, Inc.	\$120,004.00

3	8/12/02	KUEHNE's Trust Account	\$1,427,159.00
4	2/3/03	KUEHNE's Trust Account	\$865,717.40
5	5/1/03	KUEHNE's Trust Account	\$1,276,749.27

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

**COUNT SIX**  
**(Obstruction of Justice)**

29. From on or about January 23, 2003, continuing to the date of this indictment, the defendants,

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

did corruptly endeavor to influence, obstruct and impede the due administration of justice; that is, investigations by the grand jury; to wit, endeavoring to influence, obstruct, and impede a federal investigation, as set forth above.

In violation of Title 18, United States Code, §1503.

**FORFEITURE**

1. The allegations of this indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America, of properties in which the defendants have an interest, pursuant to the provisions of Title 18, United States Code, Section 982, and Title 18, United States Code, § 981(a)(1)(C) made applicable to these proceedings pursuant to Title 28, United States Code, § 2461.

2. Pursuant to Title 18, United States Code, § 982, each defendant who is

convicted of one or more of the offenses set forth in Counts One through Five 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, § 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) A sum of money equal to approximately \$5,239,653.67 representing the total amount of money involved in each offense, or involved in the conspiracy to commit violations of § 1956, in violation of Title 18, United States Code, § 1956(h), as charged in Counts One through Five.
- (c) 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.

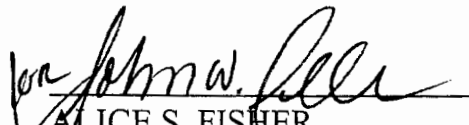
3. Pursuant to Title 21, United States Code, § 853(p), as incorporated by Title 18, United States Code, § 982(b), or as made applicable through Title 28, United States Code, §2461(c), each defendant shall forfeit substitute property, up to the value of the

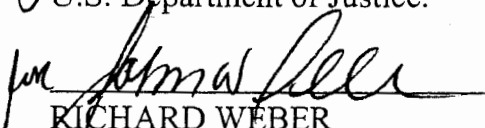
amount described in the foregoing paragraphs, if, by any act or omission of a defendant, the property described in such paragraphs, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

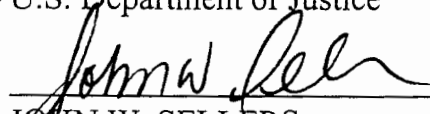
All in accordance with Title 18, United States Code, Section 982(a)(1).

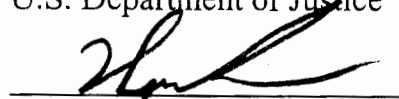
A TRUE BILL

FOREPERSON

  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GLORIA FLOREZ VELEZ

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

Count #: 1

Money laundering conspiracy

18 U.S.C. §1956(h)

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

Counts #: 2 - 5

Money laundering concealment

18 U.S.C. §1956(a)(1)(B)(i)

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

Counts #: 6

Obstruction of justice

18 U.S.C. §1503

**\*Max. Penalty:** 10 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)

Count #: 1

Money laundering conspiracy

18 U.S.C. §1956(h)

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

Counts #: 2 - 5

Money laundering concealment

18 U.S.C. §1956(a)(1)(B)(i)

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

Counts #: 6

Obstruction of justice

18 U.S.C. §1503

**\*Max. Penalty:** 10 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)

Count #: 1

Money laundering conspiracy

18 U.S.C. §1956(h)

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

Counts #: 2 - 5

Money laundering concealment

18 U.S.C. §1956(a)(1)(B)(i)

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

Counts #: 6

Obstruction of justice

18 U.S.C. §1503

**\*Max. Penalty:** 10 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.**