

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
v. § CRIMINAL NO. 17-CR-514
PAULO JORGE DA COSTA §
CASQUIERO MURTA §
§
§

GOVERNMENT’S MEMORANDUM IN AID OF SENTENCING

The United States, by and through its undersigned attorneys, hereby respectfully submits this Memorandum in Aid of Sentencing for Defendant Paulo Jorge Da Costa Casquero Murta (“Defendant Murta”). On May 21, 2024, Defendant Murta is expected to plead guilty pursuant to a plea agreement to a one-count superseding criminal information, charging him with conspiracy to violate the Foreign Corrupt Practices Act, 15 U.S.C. §§ 78dd-2 and 78dd-3 (“FCPA”), in violation of 18 U.S.C. § 371. Defendant Murta has filed an unopposed motion (DE 629) to waive the Presentence Investigation Report (“PSR”) and to proceed directly to sentencing upon the entry of his guilty plea.

For the reasons discussed below, the United States requests that the Court: (1) grant the Defendant Murta’s unopposed motion to waive the PSR and proceed directly to sentencing (2) sentence Defendant Murta to 60 months incarceration, but agrees that the court should take Defendant Murta’s health, as well as his mother’s health condition, into account under 18 U.S.C. § 3553(a).

I. **FACTUAL BACKGROUND**

Defendant Murta is expected to be the twenty-first individual sentenced in this district in connection with the government's long-running investigation into bribery and corruption at Petróleos de Venezuela, S.A. ("PDVSA"), the Venezuelan state-owned and controlled oil company. At present, the government has announced charges against 29 individuals in connection with the broader investigation, 23 of whom have pleaded guilty. The charges range from violations of the FCPA, money laundering, wire fraud, conspiracy, and tax offenses. In order to better enable this Court to assess the relative culpability of each of the defendants appearing before it and to "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct," 18 U.S.C. § 3553(a)(6), the government sets forth below a summary of the wider investigation into bribery and corruption within PDVSA, as well as a description of Defendant Murta's role within the broader conspiracy.

1. **The Government's Investigation**

The initial focus of the investigation was on Roberto Rincon Fernandez ("Rincon") and Abraham Shiera Bastidas ("Shiera"), businessmen living in Houston and Miami, respectively, who ran American corporations that provided goods and services to PDVSA. The investigation revealed that Roberto Rincon and Shiera were paying bribes to PDVSA officials in charge of procurement in order to obtain improper business advantages—namely, additional contracts with PDVSA and the ability to get paid on outstanding invoices ahead of other PDVSA vendors. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Ramos, Gravina, and Maldonado each admitted to having accepted bribes from Rincon and Shiera and to having conspired to launder the proceeds of the bribery scheme. [REDACTED]

[REDACTED] *See United States v. Christian Javier Maldonado Barillas*, No. 4:15-cr-00635; *United States v. Jose Luis Ramos Castillo*, No. 4:15-cr-00636; *United States v. Alfonzo Eliezer Gravina Munoz*, No. 4:15-cr-00637.

On December 10, 2015, Rincon and Shiera were indicted under seal on 18 counts of conspiracy to violate the FCPA and to commit wire fraud, substantive violations of the FCPA, conspiracy to commit money laundering, and substantive money laundering. *See United States v. Roberto Enrique Rincon Fernandez and Abraham Jose Shiera Bastidas*, No. 4:15-cr-00654. Shiera pleaded guilty in March 2016, and Rincon pleaded guilty in June 2016. In connection with the government's ongoing investigation, several of Shiera's and Rincon's business partners and associates have also been charged, pleaded guilty, and sentenced, as have additional PDVSA officials who accepted and laundered bribes,

and additional PDVSA vendors who were also paying bribes.¹

Most significantly, in August 2017, a grand jury sitting in the Southern District of Texas returned a 20-count indictment charging five former Venezuelan government officials with various money laundering and FCPA offenses. *See United States v. Luis Carlos De Leon Perez, et al.*, No. 4:17-cr-00514. The indictment alleged that, in or about 2011, a group of then-current and former high-level officials of PDVSA and PDVSA subsidiaries (referred to in the Indictment as the “management team”) solicited several PDVSA vendors for bribes and kickbacks in exchange for providing assistance to those vendors in connection with their PDVSA business. The indictment further alleged that the co-conspirators laundered the proceeds of the bribery scheme through a series of complex international financial transactions.

The indictment charged five members of the management team: Luis Carlos De Leon Perez (“De Leon”), the former finance director for Electricidad de Caracas, a majority-owned subsidiary of PDVSA; Nervis Gerardo Villalobos Cardenas (“Villalobos”), the former Vice Minister of Energy for Venezuela; Alejandro Isturiz Chiesa (“Isturiz”), the former Assistant to the President of Bariven; Cesar David Rincon Goday (“Cesar Rincon”), the former General Manager of Bariven; and Rafael Ernesto

¹ *See United States v. Moises Abraham Millan Escobar*, No. 4:16-cr-00009, and *United States v. Juan Jose Hernandez Comerma*, No. 4:17-cr-00005 (Shiera’s former employee and business partner respectively who each participated in the scheme); *see also United States v. Karina del Carmen Nunez Arias*, No. 4:16-cr-00436 (PDVSA official who conspired with Rincon and Shiera to launder proceeds of the bribery scheme).

Reiter Munoz (“Reiter”), the former Head of Security and Loss Prevention for PDVSA. In total, the indictment alleged that accounts controlled by Roberto Rincon and Shiera transferred over \$27 million to a Swiss bank account, from which \$27 million was then transferred to other accounts used in connection with the scheme.

In September 2019, a superseding indictment that charged three additional individuals—Javier Alvarado Ochoa (“Alvarado”), the former President of Bariven (who was also a member of the management team); Daisy Teresa Rafoi Bleuler (“Rafoi”), a Swiss banker; and Defendant Murta, a Portuguese-Swiss banker—was unsealed. To date, De Leon and Cesar Rincon have pleaded guilty; De Leon has already been sentenced and Cesar Rincon is scheduled to be sentenced on May 21, 2024. Villalobos and Reiter were arrested in Spain and remain in extradition proceedings. Rafoi was arrested in Italy in July 2019, but has since fled the Italian extradition proceedings and returned to Switzerland. She remains a fugitive. Isturiz is also a fugitive; and Spain has denied the government’s request for Alvarado’s extradition.²

² The government’s investigation has generated a number of spin-off matters involving PDVSA vendors other than Rincon and Shiera, *see, e.g. United States v. Darwin Enrique Padron Acosta*, No. 4:16-cr-00437 (S.D. Tex.); *United States v. Charles Quintard Beech III*, No. 4:17-cr-00006 (S.D. Tex.); *United States v. Juan Carlos Castillo Rincon*, No. 4:18-cr-00200 (S.D. Tex.); *United States v. Rafael Enrique Pinto Franceschi and Franz Herman Muller Huber*, No. 4:19-cr-00135 (S.D. Tex.); *United States v. Jose Manuel Gonzalez Testino*, No. 4:19-cr-00341 (S.D. Tex.), and other PDVSA officials who accepted bribes from those vendors, *see, e.g. United States v. Jose Orlando Camacho*, No. 4:17-cr-00394; *United States v. Ivan Alexis Guedez*, No. 4:18-cr-00611.

2. Defendant Murta's Conduct

Defendant Murta is a Swiss citizen who held dual Portuguese-Swiss citizenship until 2019, at which point he renounced his Portuguese citizenship. He was employed at a Swiss wealth management firm and worked extensively with Banco Espirito Santo, which was Portugal's largest bank before its collapse in 2014, and PDVSA. Through this position he met co-conspirators De Leon, Villalobos, Reiter, and Alvarado, and also met and worked with Shiera and Rincon.

From in or about 2012 through in or about 2013, Defendant Murta conspired with De Leon, Reiter, Alvarado, Rincon, Shiera, and others, to help Rincon and Shiera pay bribes and kickbacks to the management team in exchange for their assistance to Rincon and Shiera in connection with their PDVSA business. Murta then helped his co-conspirators launder the funds through a series of international accounts, including in Switzerland and Dubai. Rincon, a resident of the Southern District of Texas, was the owner of a number of U.S.-based energy companies, including several companies based in the Southern District of Texas, which supplied equipment and services to PDVSA. Shiera also owned a number of U.S.-based energy companies that supplied equipment and services to PDVSA. Rincon and Shiera worked together on multiple PDVSA contracts and contract bids.

Specifically, the management team agreed to give Rincon's and Shiera's companies payment priority over other PDVSA vendors, ensuring that Rincon's and Shiera's companies, including their U.S.-based companies, would get regular payments

on outstanding PDVSA invoices, and to provide Rincon's and Shiera's companies with assistance in winning future PDVSA business. This was significant, because as a result of a liquidity crisis in Venezuela, PDVSA was having trouble paying its vendors and thus, securing goods and services to continue to extract and refine oil. In exchange for this assistance, Roberto Rincon and Shiera paid bribes, including by using wire transfers from, to, or through financial institutions in the United States, in the amount of 10% of all payments Roberto Rincon and Shiera received from PDVSA to an account in Switzerland for the benefit of the management team, including De Leon, Villalobos, and Alvarado. Rincon and Shiera also paid some members of the management team additional bribes on top of the agreed upon 10%.

Defendant Murta set up structures and bank accounts through which the bribe payments were laundered and created false justifications for some of the bribes. He also traveled to Miami and Dubai to meet with Shiera and others to discuss the scheme and the financial structures that he was setting up to help move bribe proceeds for the management team. Rincon and Shiera transferred \$25.9 million into accounts created by Defendant Murta, which was further transferred to pay bribes. The structures and bank accounts that Murta set up to receive the bribe proceeds were not in the names of the management team and other PDVSA officials, but were instead in the names of others, including companies, intermediaries, relatives, friends, and close personal associates. Murta was aware that these individuals were not the true owners of the accounts and set them up in this way in order to conceal the bribe payments.

3. Procedural History

Defendant Murta was charged in a Superseding Indictment in April 2019 with conspiring to commit money laundering, in violation of 18 U.S.C. § 1956(h) (Count Thirteen); conspiring to violate the FCPA, 15 U.S.C. §§ 78dd-2 and 78dd-3, in violation of 18 U.S.C. § 371 (Count Fourteen); and money laundering, in violation of 18 U.S.C. §§ 1956(a)(2) and 2 (Counts Eighteen and Nineteen).

On April 29, 2019, an arrest warrant issued for Defendant. In May 2019, Defendant was arrested in Portugal and the government formally initiated extradition proceedings. Defendant was released during the proceedings and appealed extradition to multiple courts in Portugal and the European Union for almost two years. On June 2, 2021, after Defendant exhausted his appeals, he was detained in Portugal pending extradition. On July 9, 2021, Defendant was flown from Portugal to the Southern District of Texas, where he had his initial appearance on July 12, 2021.

On July 11, 2022, less than two weeks before Defendant Murta's case was scheduled to go to trial, the District Court dismissed the charges against him in the Superseding Indictment. The government appealed the dismissal and the Fifth Circuit ultimately reversed the District Court on all issues and formally remanded the case on March 2, 2023. *See United States v. Rafoi*, 60 F.4th 982 (5th Cir. 2023). Upon remand, the case was again dismissed on May 17, 2023, just two days before the trial against Defendant Murta was scheduled to commence. The second dismissal was based on violations of the Speedy Trial Act that occurred prior to the first dismissal. The District

Court invalidated two Speedy Trial Continuances that were granted in November 2021 and March 2022 and found a violation of the Speedy Trial Act has thus occurred.

The government again appealed the second dismissal. On November 28, 2023, the Fifth Circuit reversed and remanded, finding that based on the District Court's invalidation of its own Speedy Trial Continuance, the Speedy Trial Act been violated, but that the District Court had not conducted a proper analysis of whether the dismissal should have been with or without prejudice. *See United States v. Murta*, No. 23-20276, 2023 WL 8227535, *9 (5th Cir. Nov. 28, 2023). On December 12, 2023, Defendant filed a motion to recall the mandate and a petition for panel rehearing before the Fifth Circuit. On January 5, 2024, the Fifth Circuit granted the motion to recall the mandate, denied the petition for panel rehearing, and issued a revised opinion. *See United States v. Murta*, No. 23-20276, DE 111-1 (5th Cir. Jan. 5, 2023).

On May 8, 2024, Defendant Murta filed an Unopposed Motion to Transfer the Case to this Court for Re-arraignment and Sentencing. Defendant Murta is scheduled to plead guilty and be sentenced on May 21, 2024.

II. SENTENCING GUIDELINES CALCULATION

Defendant Murta has filed a motion to waive the Pre-Sentence Investigation Report in this matter and to proceed directly to sentencing after the entry of his guilty plea, which the government does not oppose. Defendant Murta is pleading guilty to one count of conspiracy to violate the FCPA, Title 15, United States Code, Sections 78dd-2 and 78dd-3, in violation of Title 18, United States Code, section 371. The

government proposes that the following advisory Guidelines calculation is appropriate for Defendant Murta, using the 2023 version of the Guidelines:

| | | |
|----------------------------------|-----------------------|---|
| Base Offense Level | +12 | U.S.S.G. §§ 2X1.1(a), 2C1.1(a)(2) (the substantive offense cited in the conspiracy count is the FCPA violation, and the offense level is determined under U.S.S.G. § 2C1.1) |
| Specific Offense Characteristics | +2 | U.S.S.G. § 2C1.1(b)(1) (More than one bribe) |
| Value of the Benefit Received | 22 | U.S.S.G. § 2C1.1(b)(2) U.S.S.G. § 2B1.1(b)(1)(L) |
| Base Offense Level | 37 | U.S.S.G. § 2X1.1(a) |
| Acceptance of Responsibility | -3 | U.S.S.G. § 3E1.1 |
| “Zero Point Offenders” | -2 | U.S.S.G. § 4C1.1 |
| Total Offense Level | 32 | |
| Criminal History Category | I | |
| Guidelines Range | 121-151 months | U.S.S.G. Ch. 5 Pt. A (Sentencing Table) |
| Statutory Maximum | 60 months | |
| Advisory Guidelines Range | 60 months | U.S.S.G. § 5G1.1(c)(1) |

Defendant Murta participated in an FCPA conspiracy in which he created accounts through which bribes were paid and laundered. Approximately \$25.9 million in bribe payments was transferred through the accounts that Defendant Murta created. The Application Notes for U.S.S.G. § 2C1.1 state that: “In a case in which the value of

the bribe exceeds the value of the benefit, or in which the value of the benefit cannot be determined, the value of the bribe is used because it is likely that the payer of such a bribe expected something in return that would be worth more than the value of the bribe.” *See* U.S.S.G. § 2C1.1(b) App. Note 7. Here, the government contends that because the value of the bribes exceeds the value of the benefit, which for Mr. Murta was his salary, the value of the bribes should be used to calculate the benefit received, resulting in a Guidelines Range of 121 to 151 months. Nonetheless, because Defendant Murta is pleading guilty to an offense that carries a statutory maximum sentence of 60 months, pursuant to U.S.S.G. § 5G1.1(c)(1), his Advisory Guidelines range is 60 months.

III. GOVERNMENT’S POSITION ON SENTENCING

1. Applicable Law

While the Sentencing Guidelines are no longer mandatory, they nevertheless continue to play a critical role in the federal sentencing process. *See United States v. Booker*, 543 U.S. 220, 252 (2005). “Although *Booker* rendered the Guidelines advisory, district courts are still required to properly calculate the advisory guidelines range prior to imposing a sentence.” *United States v. Williams*, 520 F.3d 414, 422 (5th Cir. 2008); *see also United States v. Perez-Pena*, 453 F.3d 236, 241 (4th Cir. 2006) (“That the guidelines are non-binding in the wake of *Booker* does not mean that they are irrelevant to the imposition of a sentence. To the contrary, remaining provisions of the Sentencing

Reform Act require the district court to consider the guideline range applicable to the defendant and pertinent policy statements of the Sentencing Commission.”).

Apart from the Sentencing Guidelines, this Court also must consider the other factors set forth in 18 U.S.C. § 3553(a). Section 3553(a) directs the Court to impose a sentence “sufficient, but not greater than necessary” to further the following purposes:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner[.]

18 U.S.C. § 3553(a)(2). Section 3553(a) further directs the Court—in determining the particular sentence to impose—to consider: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the statutory purposes noted above; (3) the kinds of sentences available; (4) the kinds of sentences and the sentencing range as set forth in the Sentencing Guidelines; (5) the Sentencing Guidelines policy statements; (6) the need to avoid unwarranted sentencing disparities; and (7) the need to provide restitution to any victims of the offense.³ 18 U.S.C. § 3553(a).

³ With respect to restitution, the government’s position is that there are no identifiable victims of the offense and restitution is not an issue in this case.

2. A Custodial Sentence Is Warranted in Light of the § 3553(a) Factors

The nature and circumstances of the offense and the history and characteristics of Defendant Murta are adequately set forth above and in the other filings in this case. The government is of the view that the factors set forth in 18 U.S.C. § 3553(a), particularly the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, and to afford adequate deterrence to criminal conduct, warrant a custodial sentence in this case. That said, the government recognizes that Defendant Murta has a health condition that has worsened during his time in the United States and that his mother is seriously ill. The government does not oppose the Defendant's request that the Court consider both pursuant to Section 3553(a).

The corrosive effects of corruption of foreign officials can hardly be debated: among other harms, money laundering and bribery schemes undercut fair business practices, undermine the rule of law, destabilize countries and even entire regions, and facilitate human rights abuses. Only the corrupt prosper; societies, governments, and legitimate businesses lose. The United States has long recognized the ills caused by bribery of foreign officials and sought to combat them. The FCPA was enacted by Congress in 1977 to combat corruption harmful to foreign economies and governments, to enhance the United States' public image worldwide, to level the playing field between corrupt businesses and those who refused to pay bribes, and to ensure stability in the U.S. economy by forcing companies to give potential investors an

accurate picture of their finances. *See United States v. Kay*, 359 F.3d 738, 746 (5th Cir. 2004) (noting that, in passing the FCPA, “Congress resolved to interdict such bribery, not just because it is morally and economically suspect, but also because it was causing foreign policy problems for the United States”). A term of imprisonment in this case would send a strong message that helping to pay bribes and laundering funds to promote violations of the FCPA is a serious crime that undermines basic values of fair play and the rule of law.

A sentence of incarceration is also necessary to promote the goal of general deterrence. In white collar cases, particularly complex economic crimes, general deterrence is of particular importance because the crimes are often difficult to detect, investigate, and prosecute. *See, e.g., United States v. Heffernan*, 43 F.3d 1144, 1149 (7th Cir. 1994) (“Considerations of (general) deterrence argue for punishing more heavily those offenses that either are lucrative or are difficult to detect and punish, since both attributes go to increase the expected benefits of a crime and hence the punishment required to deter it.”). Furthermore, as the Fifth Circuit has noted, scholarly research supports the view that “there is a greater connection in white collar cases between sentencing and future as financial crimes are more rational, cool, and calculated than sudden crimes of passion or opportunity.” *United States v. Hoffman*, 901 F.3d 523, 556 (5th Cir. 2018) (internal quotation marks and citations omitted), *cert. denied*, No. 18-1049, 2019 WL 536773 (May 20, 2019); *see also United States v. Martin*, 455 F.3d 1227, 1240 (11th Cir. 2006) (“Defendants in white collar crimes often calculate the financial gain

and risk of loss, and white collar crime therefore can be affected and reduced with serious punishment.”); *United States v. Mueffelman*, 470 F.3d 33, 40 (1st Cir. 2006) (deterrence of white-collar crime is “of central concern to Congress”).

In addition, a custodial sentence appropriately situates Defendant Murta with respect to other defendants who have pleaded guilty to similar conduct, as well as to other individuals in the broader PDVSA investigation. To date, twenty defendants in the broader PDVSA corruption investigation in this district have been sentenced, as summarized below:

| | Name/ Case Number | Offense(s) | Laundered Funds/Personal Benefit/Benefit Received | | Sentence |
|---|--|---|---|--|--|
| 1 | Maldonado, 15-cr-635 | 18 U.S.C. § 371 (<i>money laundering</i>) | \$235,915 (bribe proceeds laundered) | | 2 years’ probation |
| 2 | Ramos, 15-cr-636 | 18 U.S.C. § 371; 18 U.S.C. § 371 (<i>two separate conspiracies to launder money</i>) | \$7,814,315.15 (bribe proceeds laundered) | | 18 months’ imprisonment; 2 years SR; \$15,000 fine |
| 3 | Gravina, 15-cr-637 and 18-cr-670 | 18 U.S.C. § 371 (<i>money laundering</i>); 26 U.S.C. § 7206(1); (<i>false statements on tax return</i>) 18 U.S.C. § 371 (<i>obstruction of justice</i>) | \$590,446 (value of laundered funds) | | 70 months’ imprisonment; 3 years SR |
| 4 | Millan, 16-cr-009 | 18 U.S.C. § 371 (<i>FCPA</i>) | \$533,578.13 (personal benefit) \$102,567,282.63 (benefit received by Shiera’s companies as a result of corrupt contracts) | | 3 years’ probation; \$15,000 fine |
| 5 | Nunez, 16-cr-436 | 18 U.S.C. § 371 (<i>money laundering</i>) | \$3,238,720.19 (bribe proceeds laundered) | | 36 months’ imprisonment; 1 year SR |
| 6 | Padron, 16-cr-437 | 18 U.S.C. § 371 (<i>money laundering and FCPA</i>) | \$9,052,397.73 (personal benefit) | | 18 months’ imprisonment; |

| | Name/ Case Number | Offense(s) | Laundered Funds/Personal Benefit/Benefit Received | Sentence |
|----|-------------------------|--|---|--|
| | | | | 3 years SR |
| 7 | Hernandez, 17-cr-005 | 18 U.S.C. § 371 (FCPA) 15 U.S.C. § 78dd-2 (substantive FCPA violation) | \$3,000,000 (personal benefit) \$145,465,892.38 (benefit received by Shiera's companies as a result of corrupt contracts) | 48 months' imprisonment; 3 years SR; \$127,000 fine |
| 8 | Beech, 17-cr-006 | 18 U.S.C. § 371 (FCPA) | \$833,452 (personal benefit) | 12 months and 1 day of imprisonment; 2 years SR; \$10,000 fine |
| 9 | Camacho, 17-cr-394 | 18 U.S.C. § 371 (money laundering) | \$1,318,648 (personal benefit) | 12 months and 1 day of imprisonment; 2 years SR; \$20,000 fine |
| 10 | Guedez, 18-cr-611 | 18 U.S.C. § 371 (money laundering) | \$978,339.50 (personal benefit) | 28 months' imprisonment; 2 years SR; \$20,000 fine |
| 11 | Muller, 19-cr-135 | 18 U.S.C. § 371 (wire fraud); 18 U.S.C. § 371 (FCPA) | \$263,402.83 (personal benefit) | 20 months' imprisonment; 3 years SR; \$65,000 fine |
| 12 | Pinto, 19-cr-135 | 18 U.S.C. § 371 (wire fraud); 18 U.S.C. § 371 (FCPA) | \$985,416.60 (personal benefit) | 24 months' imprisonment; 3 years SR; \$12,500 fine |
| 13 | Morales, 19-cr-148 | 18 U.S.C. § 371 (FCPA) | \$2,534,365.65 (personal benefit) | 6 months imprisonment; 6 months of home confinement during which time Morales must complete 120 hours a month of community service; 3 years SR; \$100,000 fine |
| 14 | Pena, 19-cr-186 | 18 U.S.C. § 371 (money laundering) | \$332,308 (personal benefit) | 3 years probation; No fine |
| 15 | Castillo, | 18 U.S.C. § 371 | \$1,061,000 | Time served; |

| | Name/ Case Number | Offense(s) | Laundered Funds/Personal Benefit/Benefit Received | Sentence |
|----|-----------------------------|--|--|---|
| | 18-cr-200 | (<i>FCPA</i>) | (personal benefit) | 2 year SR No fine |
| 16 | De Jongh, 20-cr-305 | 18 U.S.C. § 1956(h) (<i>conspiracy to launder money</i>) | \$8,887,759.62 (value of bribes/laundered funds) | 48 months; 1 year SR; \$149,654 fine, \$100 SA |
| 17 | Shiera, 15-cr-654-2 | 18 U.S.C. § 371 (<i>FCPA</i>) 15 U.S.C. § 78dd-2. (<i>substantive FCPA violation</i>) | \$18,824,797.67 (personal benefit) | 12 months and 1 day; 1 year SR; \$6,269 fine |
| 18 | Roberto Rincon 15-cr-654 | 18 U.S.C. § 371 (<i>FCPA</i>); 15 U.S.C. § 78dd-2 (<i>substantive FCPA violation</i>); 26 U.S.C. § 7206(1) (<i>false statement on tax return</i>) | \$51,651,219.23 (personal benefit) | 18 months; 1 year SR; \$100 SA; \$300 fine waived |
| 19 | Farias, 20-cr-89 | 18 U.S.C. § 371 (<i>FCPA</i>) | 1,500,000 (personal benefit) | 3 years probation |
| 20 | De Leon, 15-cr-514 | 18 U.S.C. § 371 (<i>FCPA</i>); 18 U.S.C. § 1956(h) (<i>conspiracy to launder money</i>) | \$16,125,302.06 (personal benefit) | 12 months and 1 day; \$472,064 fine |

The government believes that the serious nature of the corruption in which Defendant Murta was involved warrants a custodial sentence. Defendant Murta was involved in a scheme from at least 2012 until 2013 help Rincon and Shiera make bribe payments to the management team and others and to conceal those bribe payments to PDVSA officials in exchange for those officials using their position to manipulate the bidding panels to award contracts to Rincon's and Shiera's U.S.-based companies, and to manipulate the payment of PDVSA invoices to favor those companies. Indeed, the

scheme could not have functioned without Defendant Murta's participation. Defendant Murta knew the payments were not legitimate, and that they were bribe payments, but he nonetheless helped to facilitate them. He was a key member of the conspiracy—it was through the accounts that he and Rafoi set up that Rincon and Shiera were able to make payments to the management team. The bribe payments were routed through foreign bank accounts that Defendant Murta opened and maintained in the names of others, to layer the transactions and conceal the true source and nature of the payments, as well as to avoid a direct connection between the conspirators paying the bribes and any company listed as providing services to PDVSA. Further, a system of issuing false invoices from the person receiving the bribe to make the payments appear as normal business transactions was utilized to conceal the true nature of the payments and avoid scrutiny by the banks involved. As a result of his participation in this conspiracy, Defendant helped Rincon and Shiera to pay and launder over \$25 million in bribes.

Under these circumstances, the government respectfully requests that the Court sentence to a custodial sentence of 60 months, but does not oppose Defendant Murta's request that his health condition and his mother's illness be considered by the Court pursuant to 18 U.S.C. § 3553(a).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on May 20, 2024, I submitted an electronic copy of the foregoing to the Court, and on that same day served a copy on counsel for Defendant Murta via electronic mail.

/s/ Sonali D. Patel

Sonali D. Patel

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