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1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2 -----x  
3 UNITED STATES OF AMERICA,

4 v.

15 CR 379 (PKC)

5 JUAN ANTONIO HERNANDEZ  
ALVARADO,

6 Defendant.  
7 -----x

8 New York, N.Y.  
9 October 16, 2019  
10:08 a.m.

11 Before:

12 HON. P. KEVIN CASTEL,

13 District Judge

14 APPEARANCES

15  
16 GEOFFREY S. BERMAN,  
United States Attorney for the  
17 Southern District of New York

18 EMIL J. BOVE, III

AMANDA HOULE

JASON RICHMAN

19 Assistant United States Attorneys

20 OMAR MALONE

MICHAEL R. TEIN

21 Attorneys for Defendant

22 ALSO PRESENT: HUMBERTO GARCIA, Interpreter (Spanish)  
23 NATHAN RHODES, Interpreter (Spanish)  
24 BRIAN FAIRBANKS, DEA  
MORGAN HURST, Paralegal, USAO

1 right.

2 So with that, for the government, we're going to hear  
3 from Mr. Bove.

4 MR. BOVE: Yes, Judge.

5 THE COURT: All right. Whenever you're ready, sir.

6 MR. BOVE: Thank you, Judge.

7 MR. BOVE: Good morning, ladies and gentlemen.

8 JURY: Good morning.

9 MR. BOVE: Eight thousand. There are eight thousand  
10 individual doses of cocaine in a kilo. And there is real  
11 misery in that number. This is not Netflix. This isn't a  
12 movie. Every single dose could leave a parent wondering where  
13 their child is.

14 MR. TEIN: Objection, your Honor.

15 THE COURT: Overruled.

16 MR. BOVE: Each dose could leave a child growing up  
17 without a parent. That is why we are here.

18 This man, Tony Hernandez, helped to import almost two  
19 hundred thousand kilos of cocaine into the United States. That  
20 is 1.6 billion doses of poison.

21 Each one of those kilos was worth more than \$30,000  
22 here. And so every single one had the capacity to cause a  
23 tragedy. Each kilo was capable of causing horrific violence at  
24 every step along the way from Colombia to the United States and  
25 many of them did.

1           These numbers, ladies and gentlemen, they are  
2 staggering. They are horrific, and they arise from horrific  
3 facts. Honduras has about as many people as New York City.  
4 The Country of Honduras is smaller than New York State. It's  
5 about the size of Ohio. And for almost fifteen years the  
6 defendant ravaged his country to work with other men to send a  
7 tidal wave of cocaine to the United States. He showed zero  
8 regard for the people he harmed. Zero concern for those he  
9 placed at risk, including people here.

10           The defendant began these crimes in 2004 when he  
11 started to provide information and logistics to drug  
12 traffickers working on cocaine shipments. He leaked sensitive  
13 law enforcement information. He told traffickers about the  
14 schedule at Honduran military bases and about DEA operations.  
15 The defendant used the Honduran National Police to provide  
16 security for cocaine, including his cousin. And over time the  
17 defendant made huge sums of money distributing cocaine with  
18 murderers.

19           The defendant stockpiled that blood money. He enjoyed  
20 it and he rose up in the drug trade. By 2006 the defendant was  
21 a supplier and a manufacturer of cocaine. He developed  
22 connections in South America including to a cocaine lab in  
23 Colombia. He was so arrogant about all of this that the man  
24 put his initials on the cocaine coming out of that lab.

25           As the defendant emerged as a major drug trafficker in

1 Central America with his own TH-branded kilos of cocaine, he  
2 worked with others to rot the public institutions of Honduras,  
3 to use them for drug trafficking.

4 You see, in 2005 the defendant's National Party lost  
5 the presidential election and they vowed to never let that  
6 happen again. To increase his own power and the power of his  
7 family, the defendant helped funnel millions of dollars in drug  
8 money into National Party campaigns. They did that for  
9 elections in 2009, 2013, and 2017.

10 These weren't campaign contributions. We're not  
11 talking about donations. These were bribes and it came with  
12 strings. The traffickers who gave that money expected  
13 protection, protection from arrest, protection from  
14 investigation, protection from extradition, protection so that  
15 they could continue to work with the defendant to make millions  
16 of dollars distributing cocaine toward the United States.

17 Ladies and gentlemen, this plan worked for a while.  
18 The defendant's coconspirators, they won those elections. They  
19 infiltrated the Honduran government and they controlled it.  
20 They turned the government against its people. And they used  
21 the government for state-sponsored drug trafficking.

22 What do I mean by that? That's the difference between  
23 the early phases of the defendant's drug trafficking career and  
24 the most egregious one. Early on the defendant relied on some  
25 bad apples in public positions to get access to information

1 that could help with drug shipments. But by 2010 the defendant  
2 and his associates controlled the government and they used the  
3 government to protect the drug traffickers that aligned with  
4 the National Party. That is state-sponsored drug trafficking.  
5 And with that level of power and control the defendant was  
6 virtually untouchable.

7 The results of that are astonishing. Beginning in  
8 2010 the defendant worked on massive cocaine shipments sent to  
9 the United States on a monthly basis. The president of  
10 Honduras deployed the military to the border with Guatemala to  
11 protect the defendant's drug turf. The defendant used the  
12 National Police to murder one of his drug rivals. And the ring  
13 leader in that murder was later promoted to become the chief of  
14 the entire police force.

15 Chapo Guzmán came to Honduras in 2013. Twice. You  
16 remember that defense counsel referred to Chapo as the most  
17 wanted man in the world at the time. He was still able to get  
18 to Honduras safely for those meetings with the defendant. And  
19 during the second meeting he handed the defendant a million  
20 dollars in cash, drug money, to help the defendant's brother,  
21 Juan Orlando, get elected president so he could keep protecting  
22 them.

23 Now, Chapo wasn't arrested when he went to Honduras.  
24 And the defendant wasn't arrested either. In fact, between  
25 2004 and 2012 it wasn't even possible for the defendant to be

1 extradited to the United States to be prosecuted for these  
2 crimes. The Honduran Constitution conveniently prohibited  
3 that. And by the time the U.S. applied enough pressure to get  
4 that changed, the defendant took steps to cloak himself in an  
5 official title, to get elected to the Honduran Congress. And  
6 as a congressman, beginning in 2014, for four more years he  
7 continued to help traffickers and he continued to work on  
8 cocaine shipments.

9 Now, at the beginning of this trial Mr. Malone said  
10 that trials can be sort of like CAT scans or MRIs, procedures  
11 that are designed to give you a better perspective on a  
12 problem.

13 Now the defense doesn't have any burden here. They  
14 don't have to do or say anything. That's because the burden of  
15 proof in this courtroom is always on the government. But when  
16 the defense makes an argument, you're entitled to scrutinize  
17 it, to think about it, consider whether it makes sense.

18 So let's think about what Mr. Malone said. Let's look  
19 at this in perspective.

20 I said in the beginning that Honduras is about the  
21 size of Ohio. So let's imagine a man in Ohio who brings two  
22 hundred thousand kilos of cocaine into that state. Imagine  
23 that the man brings the cocaine to Ohio using planes, planes  
24 that land on dirt runways in the woods instead of at airports,  
25 delivering literally a mountain of cocaine.

1           Imagine that this man in Ohio brings the cocaine to  
2 Canada and then in order to get it there he uses heavily armed  
3 security, the police, and machine-gun wielding thugs. And  
4 imagine that this goes on for almost fifteen years.

5           Is it conceivable that such a man would never even be  
6 investigated? Is it plausible that a man like that in Ohio  
7 would not be arrested? No. No, it isn't.

8           But there was more than one such man in Honduras. I'm  
9 not just talking about the defendant. The largest and most  
10 violent drug traffickers who testified at this trial, they  
11 weren't arrested in Honduras either because they were protected  
12 by the defendant.

13           Crimes of this scale, of this magnitude, they all but  
14 require official protection. That is what the defendant  
15 provided. He smothered Honduras in corruption in order to  
16 achieve it. And that is what the evidence at this trial has  
17 shown.

18           Let's talk a little bit about the cooperating  
19 witnesses. There were five of them who testified. And the  
20 defense wants you to believe that they are all on some kind of  
21 deranged revenge plot, all here to try and get back at the  
22 defendant. When you do the MRI on that argument you'll find  
23 that it doesn't make any sense.

24           Now, let me be clear. We're not here to vouch for the  
25 morality of those witnesses or for anything else. Their crimes

1 are every bit, if not more, tragic and awful than the  
2 defendant's. But the defendant chose those men as  
3 coconspirators, not us. Those witnesses are the product of  
4 years of the defendant's state-sponsored drug trafficking.  
5 They are the only people in a position to tell you exactly what  
6 he did.

7 Keep in mind, please, that the witnesses told you  
8 about a lot more than just the defendant. They came to the  
9 United States and they admitted all of their crimes. They  
10 talked about the involvement of their relatives. They admitted  
11 to murders, to participating in torture. These witnesses  
12 weren't charged with murders in Honduras. And they weren't  
13 charged with murders in the United States when they got here.  
14 They voluntarily disclosed those things.

15 Does it make any sense that these witnesses would come  
16 to the U.S. and admit to all of this violence just for an  
17 opportunity to testify at this trial against the defendant?  
18 No. No, it doesn't. And those witnesses are being held  
19 accountable in the United States for their crimes. That  
20 accountability is something that did not and never would have  
21 happened in Honduras because the defendant was protecting them.

22 Now this is another argument that Mr. Malone made  
23 during his opening statement. He said the cooperating  
24 witnesses were shipped to the U.S., signed, sealed and  
25 delivered by Juan Orlando Hernandez. And the MRI on that one

1 says: Wrong. Absolutely false. Zero witnesses in this case  
2 were extradited by Honduras. Three of them surrendered  
3 voluntarily and the other two were extradited by Guatemala.  
4 Those witnesses have no axe to grind with Juan Orlando and  
5 certainly not with the defendant. And I submit to you, ladies  
6 and gentlemen, that this argument about the supposed law  
7 enforcement policy of Juan Orlando Hernandez is a distraction.  
8 It is intended as a sideshow to get you to look away from what  
9 these witnesses said about what the defendant did. And the  
10 reason for that is that the testimony from just one of these  
11 witnesses is enough to convict the defendant. And you heard  
12 from five of them.

13 But that's not all you saw and heard at this trial.  
14 In addition to the testimony of those five cooperating  
15 witnesses, there are five types of physical evidence that you  
16 have that show you that the witnesses told the truth and show  
17 you that the defendant is guilty.

18 So let's talk about that physical evidence. The first  
19 piece of evidence is the recording of the defendant's meeting  
20 at the Denny's. This is that recording. Government Exhibit  
21 401. In 2014 as a newly elected congressman the defendant sat  
22 down for a meeting with one of the most violent and notorious  
23 drug traffickers in Central America. On tape he agreed to help  
24 that man by getting the Honduran government to issue payments  
25 to front companies, payments that were designed to get around

1 U.S. sanctions that were all over the news at the time. This  
2 recording shows you in vivid color just how comfortable the  
3 defendant was meeting with and helping drug traffickers because  
4 he was one of them.

5 This is the second piece of physical evidence that you  
6 have, ladies and gentlemen, the wiretap that led to the  
7 discovery of the defendant's TH kilo. These are those  
8 intercepts, Government Exhibit 402. In 2016 the DEA  
9 intercepted a series of communications, communications that  
10 included this picture of the defendant's TH kilo and  
11 communications indicating that there were several hundred of  
12 these kilos in San Pedro Sula, Honduras. So you have in  
13 evidence a photograph of a kilo of cocaine with this man's  
14 initials on it, just like the witnesses at this trial told you.  
15 And keep in mind. This isn't clip art. The witnesses didn't  
16 draw this. This came from a completely independent source of  
17 evidence, the wiretap, in a totally separate investigation.

18 Remember when defense counsel asked if the defendant's  
19 fingerprints were ever found on a kilo of cocaine? Maybe not.  
20 But this is the next best thing. He basically signed his own  
21 drugs.

22 This is the third piece of physical evidence that you  
23 have. The drug ledger with the defendant's name in it,  
24 Government Exhibit 250A. This one on the top. This is that  
25 ledger. In 2018 Honduran police seized this ledger referring

1 to a cocaine shipment that the defendant sent to Honduras in an  
2 airplane, 650 kilos. Honduran police seized this ledger from a  
3 vehicle that also contained three pistols, two grenades and a  
4 bunch of cash. And the ledger shows you what the defendant was  
5 doing in February 2018. Still distributing cocaine.

6 Another piece of physical evidence that you have is  
7 the recording of the things that the defendant said to the DEA  
8 after he was arrested. This recording is Government Exhibit  
9 403. The defendant admitted to the DEA to having relationships  
10 with major Honduran traffickers, including some of the people  
11 who testified at this trial.

12 Remember when defense counsel asked those witnesses  
13 whether they knew of any corroborating evidence relating to the  
14 meetings they described, remember that? The witnesses didn't  
15 know about this recording but you do. And you know that when  
16 the defendant was arrested he admitted to the DEA that he had  
17 relationships with these men. The defendant admitted that he  
18 had meetings with these men. He admitted that he understood  
19 some of their drug routes. He knew about some of their cocaine  
20 shipments. The defendant said he understood the drugs were  
21 going to the U.S.

22 On tape he was shown a picture of his TH kilo and he  
23 said: That's TH. Supposedly it's Tony Hernandez. That's me.  
24 This looks like a package of drugs to me.

25 Ladies and gentlemen, the things that the defendant

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1 said to the DEA after he was arrested is another piece of  
2 powerful evidence that shows you that he's guilty.

3 And here is another category of physical evidence.  
4 Things that the DEA seized from the defendant when he was  
5 arrested, including two phones. These are Government Exhibits  
6 202 and 203. And the DEA found on these phones pictures of  
7 cash -- you see that one on the bottom left -- and machine  
8 guns.

9 So when you're thinking about the other evidence of  
10 the security that the defendant had to protect himself and to  
11 protect his drug money and to protect his cocaine you don't  
12 have to imagine what that looked like because there are  
13 pictures of the weapons and the drug money on his phones.

14 So that's an overview of the evidence, ladies and  
15 gentlemen. Five cooperating witnesses. Five types of physical  
16 evidence that, taken together, show you that the defendant is  
17 guilty beyond a reasonable doubt of all of the crimes that he's  
18 charged with.

19 Now this closing is my opportunity to walk you through  
20 that evidence, to explain how it fits together, to talk about  
21 it in a linear, chronological way so that you can see just how  
22 powerful it is.

23 Before I start to do that, I want to say a little bit  
24 about the charges.

25 Judge Castel has already summarized these for you.

1 There are four counts in the indictment.

2 Count One charges the defendant with participating in  
3 a conspiracy to import cocaine into the United States. A  
4 conspiracy is basically an agreement. And one of the questions  
5 that you'll be asked with respect to Count One is whether the  
6 offense involved more than five kilos of cocaine.

7 That's right. The legal threshold that you'll be  
8 asked to consider is five kilos. The smallest drug shipment  
9 that you heard about in this case involved 280 kilos that the  
10 defendant transported on one of his helicopters. You've heard  
11 about almost 200,000 kilos of cocaine that the defendant helped  
12 to import, 40,000 times the legal threshold that you'll be  
13 asked to consider.

14 Every single drug shipment in this case, each one  
15 alone is enough to make the defendant guilty on Count One.

16 Counts Two and Three relate to machine guns and  
17 destructive devices which is basically a fancy word in this  
18 case for grenades, the weapons that the defendant used to  
19 protect himself, to protect his cocaine, and to protect his  
20 drug money.

21 Count Four relates to the lies that the defendant told  
22 to the DEA during the interview in October 2016 that you heard  
23 about yesterday. The defendant overplayed his hand that day.  
24 He thought that he was so powerful that he could come to the  
25 United States and lie to those agents. Lies like that make it

1 difficult, if not impossible, for the DEA and other federal  
2 agents to protect the public from drugs and from dangerous  
3 traffickers. And so Count Four seeks to hold the defendant  
4 accountable for those lies.

5 So that's a little bit about the charges and this is  
6 what I'd like to do with the rest of my time this morning.  
7 We're going to talk about the Central American cocaine route,  
8 the evidence that you heard about the way cocaine is  
9 manufactured in Colombia and transported to the United States.

10 Next we're going to talk about the evidence of the  
11 defendant's drug trafficking career and the different phases  
12 that I've already mentioned, logistical support to traffickers,  
13 a cocaine supplier, and a manufacturer and, finally,  
14 state-sponsored drug trafficking beginning in 2010. At the end  
15 I'm going to come back to the charges and talk a little bit  
16 more about what I expect Judge Castel is going to say to you  
17 about the law and how the evidence establishes that we've met  
18 the legal requirements for those charges to prove that the  
19 defendant is guilty.

20 So this is where we're going to start, thinking about  
21 the evidence of how cocaine gets from Colombia up to the United  
22 States. You're going to see as I go through this that almost  
23 every feature of that transportation and production, every  
24 feature of that route is illustrated by the drug ledger with  
25 the defendant's name, the intercepts of the TH kilo that I

1 already talked about and things that he said on tape.

2 On the screen right now are excerpts from that ledger  
3 and you can see on the right where it was seized from: A trap,  
4 a secret compartment inside a vehicle in Honduras.

5 So you heard that most of the cocaine, especially in  
6 the Americas region, is produced in Colombia.

7 The reason that I referred to cocaine as poison is  
8 that these are some of the chemicals that go into that process,  
9 gasoline, ammonia, hydrochloric acid, acetone, all pumped  
10 through the cocoa leaf to create these kilos in Colombia.

11 What happens next? The drugs have to get transported  
12 from Colombia to Central America. The ledger illustrates that  
13 for this 650 kilo shipment that happened on a plane. You can  
14 see the reference in the ledger to a Nava. And the witness who  
15 testified yesterday, Chang, explained that that is code for  
16 Navajo, a piper Navajo airplane. There's a picture of that  
17 plane on the screen. And this is how -- this is one of the  
18 ways that drugs are transported from South America to Central  
19 America. And it is illustrated very, very clearly in this drug  
20 ledger exactly how the defendant did it in this instance in  
21 that entry in the book.

22 In order to fly a plane from Colombia to Honduras  
23 that's loaded with drugs the traffickers have to be worried  
24 about the radar, radar that could pick up that plane and  
25 intercept it in Colombia and in Honduras. And the drug ledger

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1 that contains the defendant's drug shipment talks about this.

2 Rojo, the first cooperating witness who testified,  
3 explained that TV is code for air radar. That's the transcript  
4 segment that's on the screen right now. Chang confirmed that  
5 yesterday. So these references in the ledger to TV, that's the  
6 defendant and his coconspirators making payments to be sure  
7 that radar is not going to interfere with the Navajo plane as  
8 it travels from Colombia into Honduras.

9 Somebody has to be responsible for helping that plane  
10 land and you heard that usually that happens in Eastern  
11 Honduras where there are mountains and jungle. The drug ledger  
12 for the defendant's 650 kilo shipment indicates that a person  
13 named Pichete was responsible for that.

14 Once the drugs get to Eastern Honduras, to the jungle,  
15 the next step is to transport them across the country towards  
16 Guatemala, towards the bigger cities where the drugs become  
17 worth more money. So the ledger, again, refers to the  
18 transport costs that were paid to help this cocaine get through  
19 Honduras. And there's -- you know that this cocaine was worth  
20 so much money that the traffickers didn't just send it out  
21 there in cars. They tried to protect it, including using the  
22 Honduran National Police. And this is a picture from the  
23 defendant's phone of a police escort. This is what National  
24 Police escorting cocaine shipments looks like. You can see  
25 Policia Nacional on the hood of that truck.

1           Once the cocaine makes it close to the border with  
2 Guatemala it's necessary to cross it into Guatemala. All as  
3 the traffickers work together to get the drugs into the United  
4 States. This part of the transaction, the idea of going from  
5 Honduras further west into Guatemala is illustrated in the  
6 wiretap that we've already talked about today. Male 1, using a  
7 phone in Honduras, reaches out to Male 2 who is in Guatemala.  
8 And he says: Look, there are three hundred of these, three  
9 hundred of the TH kilos in SPS. Do you see that at the bottom?  
10 That's a reference to San Pedro Sula in Honduras. And what  
11 Male 1 is trying to do here is to get the cocaine into  
12 Guatemala so that they can continue pushing it towards the  
13 United States.

14           Special Agent Mervis testified that almost 90 percent  
15 of the cocaine that gets transported along this route makes it  
16 to the United States. And the defendant knew that as well.  
17 This is what he had to say about the process of importation  
18 when he was talking to the DEA.

19           (Recording played)

20           This is what this looks like in dollars, ladies and  
21 gentlemen. And Special Agent Mervis also explained this. The  
22 cocaine starts in Colombia where the kilos are worth about  
23 three thousand. And then there's a process of investing in  
24 these drugs, investing in transportation costs, investing in  
25 security to get them closer to the U.S. where they're worth

1 more money.

2 So the first jump from South America to Honduras  
3 increases the value of that kilo up to between nine and ten  
4 thousand dollars. Then that east-to-west action that I talked  
5 about from Honduras in the jungle to Guatemala raises the price  
6 even further. Closer to the border in Guatemala, the drugs are  
7 worth eleven thousand dollars. As you move north in Guatemala  
8 towards Mexico, that price increases to 16,000. The kilos  
9 there are more valuable because there's less ground to cover on  
10 the way to the U.S., less investment cost required to get those  
11 drugs into the United States. And why are these traffickers so  
12 focused on getting the drugs to the United States?

13 Look at the difference in the market value in the  
14 U.S., 30 to \$35,000 per kilo, and where it started, down in  
15 Colombia. That's why these men are working together to do  
16 this.

17 One of the ways that you know that these drugs are  
18 being distributed and ultimately sold in the United States is  
19 the involvement and the use of U.S. dollars in these  
20 transactions. Honduras has its own national currency, the  
21 lempira. But you know that that drug money is being poured  
22 back down from the United States to Guatemala, Honduras, and  
23 Colombia after those drugs are being sold. That's where these  
24 U.S. dollars come from. And this is right in the ledger.

25 On the left side Pichete, who is responsible for

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1 receiving the plane, he gets paid in lempira. Do you see that  
2 L? The defendant, because he's a supplier is a major  
3 participant in this transaction. He's getting paid in dollars,  
4 dollars that are cycled back through Central America after the  
5 drugs are sold in the United States. That's why there's a  
6 dollar sign in the ledger and that's why there's a picture of  
7 bulk cash in the defendant's phone.

8 Let's pause here for a minute to think about how much  
9 money these men are making, how much money this man made in  
10 connection with these shipments. This is one shipment of  
11 cocaine reflected in this ledger. The defendant owned 536 of  
12 those kilos. He was paid at the price in Honduras \$9,200. So  
13 that's within the price range that Special Agent Mervis  
14 explained to you. That's what kilos are worth in Honduras and  
15 that's what the defendant was paid. And that works out to 4.9  
16 million U.S. dollars for one drug shipment, \$4.9 million of  
17 Tony's money.

18 That ledger, ladies and gentlemen, that was the focus  
19 of what I talked about for the last five or so minutes,  
20 Government Exhibit 250A, seized in Honduras in 2015. That  
21 ledger by itself proves that the defendant was a participant in  
22 this drug trafficking conspiracy. You really don't need much  
23 more than that. But there is a whole lot more than that and  
24 that's what we're going to talk about now, the different phases  
25 of the defendant's drug trafficking career.

1           Started out providing information and logistics to  
2 traffickers. And the main witness from that, you heard him  
3 early in the trial. Rojo said a lot about how that worked.  
4 That begins in 2004.

5           By 2006, as I've said, the defendant had access to his  
6 own cocaine lab. You heard about that cocaine lab from three  
7 witnesses, Rojo, Alex Ardon, and Chang, who testified  
8 yesterday.

9           This begins in 2006 where the defendant emerges as a  
10 cocaine supplier and it continues until he's arrested.

11          You know that because the ledger we just talked about  
12 reflects an entry in February 2018 where he sent 650 kilos.

13          The next phase that we're going to talk about is the  
14 defendant's state-sponsored drug trafficking which began in  
15 2010.

16          Step one. Helping traffickers get cocaine safely  
17 through Honduras so that it can be imported into the United  
18 States. The defendant described this process in his own words  
19 during his postarrest statement. He described traffickers  
20 wanting to get access to politically connected powerful people  
21 in Honduras so that they would be available to help with drug  
22 shipments. The defendant is guilty of participating in this  
23 conspiracy just by the fact that he made himself available to  
24 these men if they had any problems. He did a whole lot more  
25 than that. But the defendant's agreement to work with these

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1 guys and help to make sure that their drugs got through safely,  
2 that's enough. So this is what the defendant said during his  
3 postarrest.

4 (Recording played)

5 That is what he said to the DEA and that is exactly  
6 what he was doing beginning in 2004. Let's talk about how that  
7 worked.

8 Rojo described this to you. Rojo had a drug  
9 trafficking worker named Carlos Toledo. Carlos Toledo was the  
10 defendant's best friend. So Toledo introduced these two men,  
11 introduced Rojo, a major Honduran trafficker, to the defendant.  
12 The defendant admitted this.

13 (Recording played)

14 So at this point the defendant has admitted to how  
15 these relationships work, where traffickers try to get access  
16 to people who can help with the shipments, people with  
17 political power, people with government positions. And now the  
18 defendant has admitted to having been introduced to Rojo early  
19 on in 2004.

20 And he also referred to another major Honduran  
21 trafficker during the clip that you just watched, Don H. Rojo  
22 explained that Don H was Rojo's boss until about 2010. And so  
23 the defendant isn't just connected with a midlevel worker. He  
24 also knows the guy who is in charge of sending these cocaine  
25 shipments through Honduras into the United States.

1           Rojo explained at this trial that he was very explicit  
2 about the cocaine routes that they were using. "I told the  
3 defendant, Tony Hernandez, that the cocaine was transported to  
4 Guatemala, then to Mexico, with an ultimate destination into  
5 the United States."

6           The defendant said the same thing.

7           (Recording played)

8           So one of the things that Judge Castel is going to  
9 instruct you to think about is whether there was an agreement  
10 to distribute cocaine knowing and intending that it was going  
11 to the United States. The defendant admitted on tape that he  
12 knew that that was a part of this conspiracy that the drugs  
13 were coming here.

14           He also talked about a more specific conversation with  
15 Carlos Toledo relating to how the drugs were being transported  
16 into Honduras. The drug flights. Just like the one that's  
17 referenced in the ledger that we've already gone through.

18           (Recording played)

19           It might have been a joke to the defendant in 2004 but  
20 it's a crime now.

21           One of the things that defense counsel has suggested  
22 to you is that in this timeframe, 2004 to 2010, the defendant  
23 didn't have the type of connections, the type of access to  
24 actually help with traffickers. You're going to see from the  
25 defendant's phone that that is absolutely false, just wrong.

1 The defendant said during his postarrest that he had served in  
2 the Honduran military. There are over 50 contacts saved in the  
3 defendant's phone that refer to military colonels. Some of  
4 these are up on the screen right now. On the left side you can  
5 see some of the names that are saved by actual people. But on  
6 the right you can see that the defendant organized some of his  
7 military contacts by the types of things that they could do for  
8 him in drug trafficking.

9 So the top one on the right, Colonel Mosquitia.  
10 Mosquitia is that region in Eastern Honduras with the jungle  
11 and the mountains where the cocaine was coming in by boat, by  
12 plane, by helicopter. So here is one of the defendant's  
13 contacts to help with the drug shipment.

14 And I just mentioned helicopters. Look at the contact  
15 right underneath that. Not saved by a name. Saved by the  
16 colonel who is in charge of the helicopters.

17 So, first, the defendant had access to military  
18 information, just like Rojo explained to you, that he could use  
19 to help with drug shipments.

20 Let's stop here for a minute and be really clear.  
21 These phones that I'm talking about, Government Exhibits 202  
22 and 203, phones that were physically seized from the defendant  
23 in November of 2018, these are absolutely this man's phones,  
24 phones that he was using in that timeframe. They are loaded  
25 with selfies that he took, a picture of a note that he took

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Summation - Mr. Bove

1 referring to him by the name Tony, and pictures of his  
2 passport. So there can be no serious question that when we  
3 talk about contacts from these phones and pictures from these  
4 phones, that these were the defendant's.

5 Let's get back to his connections. We talked about  
6 the military. He also had connections to the police. You  
7 heard about this from Giavonnii Rodriguez, a witness at this  
8 trial who was a member of the Honduran National Police and a  
9 drug trafficker, a drug trafficker who worked for Rojo and  
10 worked for the defendant. And he told you about one of the  
11 defendant's main police connections, Mauricio Hernandez Pineda  
12 who is shown in the bottom left with the hat on.

13 Rodriguez told you that by 2006 or 2007 Hernandez  
14 Pineda was talking about working for Rojo and working for the  
15 defendant. They were doing that together. And even in 2018,  
16 ladies and gentlemen, Mauricio Hernandez's contact information  
17 is still in the defendant's phone. Because the defendant is  
18 still involved in drug trafficking.

19 So we've talked about military connections to help  
20 with logistical support. We've talked about police connections  
21 to help with logistical support. Now let's talk about some of  
22 the other politicians who were involved in this early on.

23 Rojo told you that Tony Hernandez wasn't the only  
24 powerful person coming to these meetings about drug  
25 trafficking. Juan Carlos Valenzuela was there. At the time of

1 the meetings Rojo talked about, Valenzuela was a councilman in  
2 a town in the Lempira Department where the defendant is from.  
3 But later on, by the time the state-sponsored drug trafficking  
4 started, he became a congressman.

5 Rojo also explained that Mario Jose Calix was at these  
6 meetings. Calix later became the mayor in the town where the  
7 defendant is from, Gracias Lempira.

8 This is what the defendant had to say about Valenzuela  
9 during his postarrest. He admitted that Valenzuela is one of  
10 the people who connected him to these drug traffickers to help  
11 him join this conspiracy.

12 (Recording played)

13 and in that clip he's talking about Don H again. He's  
14 talking about Rojo and that one of the other connections to  
15 these men was Juan Carlos Valenzuela.

16 And here, again, look at the left side of the screen.  
17 Valenzuela's contact information is still saved in the  
18 defendant's phone in 2018.

19 Now let's talk about Mario Jose Calix. These are some  
20 of the things that the defendant said about Calix during his  
21 postarrest statement to the DEA. He admitted that Calix was  
22 involved in drug trafficking. He said that Calix was still  
23 involved in November 2018. And on the right side of the screen  
24 you can see where the defendant described going to meetings  
25 with drug traffickers at a restaurant that Calix owned.

1           At some point in this interview the defendant realized  
2 that he had admitted a little bit too much about Mario Jose  
3 Calix. And so during the interview, this box in red, he says:  
4 I don't have much contact with Calix anymore, not in November  
5 of 2018. False. Wrong. Not true.

6           The middle row here is an entry from one of the  
7 defendant's phones. It shows a picture of Calix with the  
8 defendant that was saved on the phone in April 2018. Calix's  
9 contact information is still in the defendant's phone at the  
10 time of his arrest. You can see that that contact was created  
11 around the same time as the photograph and it was modified just  
12 under two months before the defendant was arrested.

13           So when he said I don't have much contact with Mario  
14 Calix anymore, that was a lie because he started to get  
15 concerned that he was incriminating himself a little bit too  
16 much.

17           Rojo gave you a good summary of the defendant's role  
18 in this phase of the drug trafficking, the information and  
19 logistics phase. The defendant's job was to take payments,  
20 usually five thousand dollars per shipment, and make sure that  
21 there were zero problems. And the defendant told Rojo as long  
22 as you keep paying me there will be zero problems, zero risk of  
23 seizure of the cocaine, zero risk of arrest of the persons  
24 involved.

25           So let's talk a little bit more about how the

1 defendant did that, how he helped these men protect cocaine  
2 beginning in 2004.

3 He provided radar information like we've talked about,  
4 through his military connections, to help planes and boats that  
5 were loaded with cocaine enter Honduras safely.

6 He relied on Mauricio Hernandez and Giavonnii  
7 Rodriguez, in the top left of this screen, for information  
8 about police checkpoints and investigations; things that  
9 traffickers would want to know about so they could schedule  
10 shipments to avoid them and transport cocaine safely through  
11 Honduras.

12 The defendant also helped keep police who were aligned  
13 with the traffickers in the Department of Copan. You heard  
14 throughout this trial that the Copan Department was so  
15 important to what these guys were doing because it contained  
16 one of the main roads into Guatemala, the Central American  
17 Highway. Alex Ardon was a mayor in Copan. The Valle brothers  
18 had their base of operations in Copan. And this was a  
19 strategically important area.

20 So Rojo went to the defendant and he said: Sir,  
21 Roberto Lozano is helping me escort shipments. I can't have  
22 him transferred. I need him here to continue helping. And  
23 that happened. The defendant used his connections in the  
24 capital to keep Lozano in place.

25 The next man in the bottom left corner, Mauro Flores

1 Santos. Rojo did the same thing. He didn't want Santos  
2 transferred away because Santos was a good worker and the  
3 defendant helped keep him there.

4 You also heard that the defendant provided information  
5 about Honduran military operations. The white boxes on the  
6 screen relate to two of the key military bases that you heard  
7 about in Honduras, Puerto Castilla, a naval base on the  
8 Atlantic Coast. And Rojo explained that if you were going to  
9 transport a shipment of cocaine into Eastern Honduras you  
10 needed to understand the operations at that base because that's  
11 where the assets would be deployed if anyone was going to try  
12 and seize those drugs, assets meaning Air Force planes, boats  
13 to come out and intercept a maritime shipment. And so the  
14 defendant provided information about the schedule at that base  
15 so that they could plan their drug shipments

16 Towards the left side of the screen there is a box  
17 around Naco. Naco Cortes, another military base. This one  
18 situated right on Rojo's main drug routes.

19 You remember this map as the demonstrative that Rojo  
20 used to talk about how specifically he transported the cocaine.  
21 And there's a military base right in the middle of it. And so  
22 Rojo relied on the defendant to explain when people, when  
23 soldiers from the capital were sent to that military base in  
24 Naco because they had bribed the people who lived in Cortes,  
25 but they didn't control the people who were coming from the

1 capital, and they didn't want to send drug shipments when they  
2 were at the base.

3 (Continued on next page)

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1 MR. BOVE: You also heard about a meeting in 2008 when  
2 the defendant said look, the DEA is teaching the air force  
3 pilots how to fly at night, you need to be more careful about  
4 when and how you're sending your cocaine shipments in.

5 So these are in specific detail the types of things  
6 that the defendant was doing to help traffickers beginning in  
7 2004.

8 These are the prices that the defendant was charging.  
9 Rojo explained these. \$5,000 each time there was a cocaine  
10 shipment, just to make sure that the defendant was available to  
11 help if there was a problem. \$5,000 for those police  
12 reassignments we talked about, Lozano and Santos. \$10,000 for  
13 tips about who was working in Naco, Cortes at the military  
14 base. And \$50,000 each time the defendant provided information  
15 relating to the Honduran radar.

16 During the defendant's post-arrest, he talked about  
17 receiving bonuses from these drug traffickers and he described  
18 them basically as gifts.

19 (Video recording played)

20 MR. BOVE: You saw Rojo testify during this trial.  
21 Did the man look like a philanthropist? Did he look like Santa  
22 Claus? Is he just giving out gifts randomly to the defendant?  
23 No. Not at all. Rojo gave those gifts and the defendant  
24 accepted them because they were part of what the defendant was  
25 accepting as payment to provide assistance. The defendant,

1 having taken those gifts and admitting to it, including guns,  
2 is part of the evidence that he joined this conspiracy.

3 And in this phase, this phase alone, 2004, with  
4 information and logistical support, and Rojo said this began in  
5 2004 and continued until the time Rojo was arrested, the  
6 defendant helped send 140,000 kilos of cocaine towards the  
7 United States.

8 The next thing that we're going to talk about is the  
9 emergence of the defendant as a manufacturer of cocaine, how he  
10 developed access to a cocaine lab in Colombia. Rojo described  
11 this. He was one of the people. And what happened here is  
12 that the defendant meets a Colombian named Cinco. That's his  
13 picture on the bottom of the screen, several of the witnesses  
14 identified that. And the defendant says to Rojo I'm going to  
15 start marking kilos with my initials -- and so you see that  
16 kilo on the left -- and it's going to look like the Tommy  
17 Hilfiger brand logo. You see that on the right.

18 The defendant also described this to Alex Ardon, who  
19 you heard from at this trial. He didn't reference Cinco, but  
20 he said he was developing connections to Colombians through the  
21 Valle brothers. Who were the Valle brothers? They're shown on  
22 the left side of the screen. They were two major Honduran  
23 traffickers working in that Copan department. The defendant  
24 admitted during his post-arrest statement that he met them.  
25 And those are the men that introduced the defendant to Cinco

1 said he could develop the connection to cocaine lab.

2 There's a key piece of evidence about this. In one of  
3 the passports that was seized from the defendant when he was  
4 arrested, an expired passport that he carried with him when he  
5 came to United States reflected a 2006 trip to the San Andres  
6 Islands in Colombia. Chang explained yesterday what the San  
7 Andres Islands are. They are a hub, a transshipment point for  
8 some drugs to stop on their way from Colombia to Honduras.

9 2006 is exactly when Rojo told you he first heard  
10 about the emergence of this cocaine stamp and the connections  
11 to Colombian traffickers. And this is another powerful piece  
12 of corroborating evidence that shows you that Rojo told the  
13 truth in that the defendant was a drug trafficker. The San  
14 Andres Islands are not a vacation spot, he went there to help  
15 set up cocaine distribution operations.

16 Three witnesses at this trial told you that they saw  
17 kilos of cocaine marked with TH, they saw the defendant's  
18 cocaine in Honduras. This is what the defendant said when he  
19 was confronted with the picture of that kilo during the  
20 interview.

21 (Video recording played)

22 MR. BOVE: Immediately the defendant looks at this and  
23 says it's a kilo. He knows, he's confronted by this, and what  
24 he tries to say is: Well, who would do this? Who would put  
25 their initials on kilos of cocaine and send them to the United

1 States? The answer is: Very, very arrogant, very, very  
2 protected drug traffickers.

3 And the defendant was not the only one. You heard  
4 from two other witnesses about other people whose stamped their  
5 initials on kilos of cocaine. Rojo told you about a trafficker  
6 named Ruben Mejia, who used a cocaine stamp with RM, and Ardon  
7 said that he used his own initials, AA. So it might sound  
8 crazy, hearing about this for the first time, that somebody  
9 would do that, until you think about all of the evidence in  
10 this case, think about the fact that in 2006 it wasn't even  
11 possible for the defendant to be extradited to be prosecuted  
12 for these crimes, and it wasn't possible for any of these men  
13 to be extradited and prosecuted. And again, this is how  
14 arrogant they were. This is what they did, TH, RM, AA.

15 Now we're going to start to talk about some of the  
16 cocaine shipments that the defendant sent once he had access to  
17 a cocaine lab, once he was more than just a logistics guy, he  
18 was supplying the cocaine for these shipments.

19 Rojo and Chang both told you about this shipment.  
20 Rojo said the defendant sent me 400 kilos of cocaine on a plane  
21 that landed in Sico, you can see that on the map where the  
22 arrow stops on the right, and that cocaine was transported on  
23 the ground to me in Tracerros, where Rojo's picture is.

24 Chang explained that the plane he supplied was U.S.  
25 registered, and Rojo explained there was heavily armed security

1 for these drugs while they were transported, and that they were  
2 ultimately imported into the U.S. So that's another one single  
3 drug shipment that makes the defendant guilty of Count One.

4 Here's another one: Rojo and Chang told you about  
5 this one, 500 more kilos sent on a plane in Honduras, this time  
6 to Gualaco. Rojo told you that that plane landed at an  
7 airstrip, an airstrip controlled by Mario Calix, a man who the  
8 defendant admitted that he knew, you can tell from his phone  
9 that he was close with, and the defendant has admitted he was a  
10 drug trafficker. So these 500 kilos, they land on a plane in  
11 Gualaco, they're transported to Rojo, and imported into the  
12 United States. Another, one drug shipment, guilty on Count  
13 One.

14 Here's another one: Rojo told you about this as well.  
15 1,000 kilos that Rojo saw with TH stamp in Espiritu in the  
16 Copan department. I said this already: Espiritu was the base  
17 for the Valle brothers, the men who first introduced the  
18 defendant to Cinco, the Colombian, who introduced those guys in  
19 the first place. So it's no surprise that there's one ton, one  
20 thousand kilos of cocaine at the Valle's ranch. Rojo inspected  
21 those 1,000 kilos, and Chang told you yesterday he bought 700  
22 of those kilos out of the thousand and helped import them into  
23 the United States.

24 What happened after that? Five more times the  
25 defendant sent 700-kilo drug shipments to Chang. Five more

1 times between 2008 and 2010.

2 Here's another drug quantity figure from these  
3 witnesses. So Rojo told you about 140 tons of cocaine, Chang  
4 tells you about another 15,000 kilos that he helped distribute  
5 with the defendant. Remember, the legal threshold you're  
6 considering here is five.

7 By 2010, as I said, is when the defendant and his  
8 associates took control of the Honduran government. This is  
9 the beginning of the period of state-sponsored drug  
10 trafficking.

11 Let me give you some background on that. Rojo  
12 explained that in 2005 he paid \$40,000 in drug money to the  
13 defendant to help the defendant's brother, Juan Orlando, in a  
14 campaign to get reelected for the congress. Juan Orlando won  
15 reelection that year during the 2005 election. He was  
16 reelected as a congressman, but the National party lost the  
17 presidential election, as I already said. Mel Zelaya from the  
18 Liberal party took the office in 2006. And equally problematic  
19 for these guys was that because Zelaya controlled the  
20 presidency, he had a lot of influence over who would be the  
21 leader of congress, so that was also someone from Liberal  
22 party, Roberto Micheletti.

23 Remember the testimony about the coup that happened in  
24 2009 when Zelaya was removed from office by the military?  
25 Micheletti was the next guy in command, essentially like the

1 vice president in the U.S. So what happened here, because they  
2 lost these -- the National party lost these elections in 2005,  
3 was that for several years the defendant and his brother had  
4 more limited power. And as I said, they vowed at that point to  
5 never let that happen again, so this how they did it.

6 THE COURT: Ladies and gentlemen, at this point we're  
7 going to take a ten-minute recess. Please do not discuss the  
8 case among yourselves or with anyone. We'll be back in action  
9 in ten minutes. Thank you.

10 (Jury not present)

11 THE COURT: We are in recess.

12 (Recess taken)

13 (Jury present)

14 THE COURT: Mr. Bove, you may continue.

15 MR. BOVE: Thank you, Judge.

16 So before the break we had just started to talk about  
17 the beginning of the period of state-sponsored drug trafficking  
18 in Honduras. And let's recap that a little bit. Beginning in  
19 2004 the defendant starts working with Rojo and Don H. He's  
20 receiving those \$5,000 per shipment payments. He admitted on  
21 tape that he received guns from Rojo and watches. The  
22 defendant didn't have any of those men arrested, they were  
23 still distributing massive amounts of cocaine and he was  
24 protecting them while they did that. And again, that is by  
25 itself enough to make the defendant guilty of Count One.

1           Then in 2006 he starts sending his own TH kilos into  
2 Honduras so they can be imported into the U.S. So we looked at  
3 some of those shipments, and each and every single one of those  
4 shipments is enough to make the defendant guilty on Count One.  
5 But around 2009 is when things changed, is when this conduct  
6 got even more serious, it's when the defendant and his  
7 co-conspirators took steps to take over the Honduran government  
8 to use it for drug trafficking.

9           On the screen right now is some testimony from Alex  
10 Ardon about the way that part of that started. Alex Ardon was  
11 a mayor in El Paraiso, Copan, that department that we have been  
12 talking about right on the Guatemalan border that's a very  
13 important strategic location for drug shipments. He was a  
14 mayor from the National party, and he aligned closely with the  
15 defendant, with the man who became president in 2010, Pepe  
16 Lobo, and with Juan Orlando Hernandez, the defendant's brother,  
17 who is now the president of Honduras.

18           So Ardon described the conversation in 2009 where the  
19 Liberal party president has just been removed by force from  
20 office, and the defendant essentially says: This is great for  
21 us. This coup has divided the Liberal party. It makes it more  
22 likely that the National party is going to win, and we're going  
23 to be able to work together on bigger cocaine shipments.

24           This comes up right after the coup, and then they  
25 start to negotiate how those shipments are going to work from

1 2009 as they work towards the election that November.

2 Another thing that changed as the defendant set up  
3 state-sponsored drug trafficking, you have this partnership  
4 with Alex Ardon emerging, and the Cachiros drug trafficking  
5 organization starts to emerge as well. So Ardon is on the  
6 border near Guatemala, the Cachiros are based in the Colon  
7 department, which is on the Atlantic coast over near the  
8 jungles in the east. And they start to emerge as another large  
9 drug trafficking organization in Honduras that develops  
10 connections to a bunch of politicians, but politicians that  
11 included the National party.

12 And here's an important one: Rivera, one of the  
13 leaders of the Cachiros explained that Oscar Najera, a National  
14 party congressman from the base of operations for the Cachiros,  
15 the Colon department, was one of the people protecting the  
16 Cachiros. Who is Oscar Najera? Another close friend of the  
17 defendants who was a part of setting all of this up so that the  
18 Honduran government could be used to protects drug traffickers.

19 When the defendant was arrested he had Oscar Najera's  
20 contact information in his phone. And these on the bottom of  
21 the screen are some pictures of Najera which is also on the  
22 phone. You see the picture of the defendant and Oscar Najera  
23 together in a hot tub, and then on the right and left side of  
24 the screen are pictures of Najera with Juan Orlando Hernandez,  
25 the current president of Honduras. So you can see the

1 political connections starting to emerge that serve as the  
2 foundation for the state-sponsored drug trafficking. You have  
3 Ardon on the Guatemalan border and now you have the Cachiros  
4 and Oscar Najera over in the east.

5 This is a list of the bribes that drug traffickers  
6 paid to support Pepe Lobo and Juan Orlando Hernandez in the  
7 November 2009 election. Rojo told you that he paid \$100,000 in  
8 drug money to the defendant. Rivera, the leader of the  
9 Cachiros, described providing between half a million and  
10 \$600,000 to Pepe Lobo directly who was running for president at  
11 the time. And Alex Ardon described paying \$2 million in drug  
12 money to help Pepe Lobo get elected president and to help the  
13 defendant's brother become the leader of the congress, that  
14 sort of stepping stool right before he became president.

15 These are the results of the elections in 2009. Pepe  
16 Lobo becomes president as of 2010, and Juan Orlando Hernandez,  
17 the defendant's brother, becomes the president of the congress.

18 And at this point, ladies and gentlemen, the National  
19 party and these drug traffickers control the presidency, they  
20 control the president of the congress, which is like  
21 controlling the vice president here. And this is when the  
22 state-sponsored drug trafficking truly started, and the things  
23 that I described as astonishing began to take place.

24 Ardon said that beginning in 2010 he worked with the  
25 defendant on another 30 or 40 tons of cocaine distributed

1 through Honduras on their way to the United States. And let's  
2 talk about some of the ways that they did that.

3 Between 2010 and 2011 the defendant used helicopters  
4 to hop from country to country, Panama, Costa Rica, Nicaragua,  
5 Honduras. Ardon's partner, Wilter Blanco, received those  
6 helicopters in the jungles of Honduras, and the defendant used  
7 his own helicopter to transport them to the Copan department  
8 near the Guatemala border.

9 Ardon told you during the trial that one of those  
10 helicopters was blue, and there is a picture of a blue  
11 helicopter and the defendant sitting in a helicopter on his  
12 phone. And you can see both of those pictures on the screen.

13 For one year the defendant worked on these helicopter  
14 shipments at a rate of 280 to 350 kilos per month. That 280  
15 number was basically the most cocaine that the smaller  
16 helicopter to handle. That's the smallest drug shipment that  
17 you heard about in the case, 280 kilos, when you're being asked  
18 whether this conspiracy involved five kilos.

19 Beginning in 2010, the defendant and Ardon also  
20 started to help Chapo transport cocaine through Honduras. Now  
21 Ardon told you that he met Chapo in 2007. But he started to  
22 have the defendant help with these shipments to protect them in  
23 2010.

24 And this is what this part of the deal looked like.  
25 Chapo was bringing cocaine to San Pedro Sula, Honduras, and he

1 mansion wanted to make sure that it got safely into the  
2 Guatemalan border and into Guatemala. So you can see the arrow  
3 from San Pedro Sula to El Paraiso, which was Ardon's territory  
4 where he was mayor, and then up over the mountains to Los  
5 Amates, which is in Guatemala. Ardon explained to you that  
6 between 2010 and 2012 he and the defendant transported cocaine  
7 for Chapo at a rate of about a ton a month, one thousand kilos  
8 over this route so they could be imported into the United  
9 States.

10 Chapo was the leader of the Sinaloa cartel, his drugs  
11 could not be placed at risk, absolute protection was a must,  
12 and so these were some of the most heavily guarded shipments  
13 that you heard about. Machine guns, national police, you heard  
14 about Mauricio Hernandez Pineda being involved in protecting  
15 these shipments.

16 This is another way that the defendant worked with  
17 Chapo to distribute cocaine. Ardon told you about these  
18 Televisa trucks, basically a TV network, and Chapo set up these  
19 fake Televisa trucks that looked like they were working for the  
20 network but were actually transporting cocaine. These trucks  
21 were capable of transporting six tons of cocaine from Guatemala  
22 up to Mexico. And Chapo came to Ardon and he said: Can you  
23 help me fill these trucks up with drugs?

24 And who did Ardon seek for help with that? The  
25 defendant. And so twice in 2011 the defendant supplied his TH

1 kilos to be used in connection with these Televisa shipments.  
2 The first time the defendant had the 1,300 kilos delivered in  
3 Francia, Colon, you can see that dot on the screen as the first  
4 stop, by a maritime shipment on a boat. And then they provided  
5 security for the cocaine to be transported over land to El  
6 Paraiso and into Guatemala to be loaded onto Chapo's trucks.  
7 And then they did it again with 1,600 kilos, also the  
8 defendant's cocaine stamp, all for Chapo to import those drugs  
9 into the United States.

10 The defendant had so much power in Honduras at this  
11 time that other people who dared to challenge their authority,  
12 whether it was Ardon's or the defendant's, those people were  
13 murdered. And here's an example of that. Ardon described a  
14 trafficker named Frank Arita who was based in Copan Ruines.  
15 You can see that on the map. The reference to CA-1, that  
16 little white sign, that's the Central American highway. So  
17 Copan Ruines is on one of the main routes to get cocaine out of  
18 Honduras, over of the border, into Guatemala.

19 And Franklin Arita dares to say to Ardon: I'm not  
20 going to let you do this anymore. I'm going to stop this  
21 unless you start paying me. Ardon goes to the defendant, and  
22 the defendant doesn't say let's talk to him, maybe let's make  
23 him a partner, maybe we can pay him, too. He says let's have  
24 him killed. And the defendant was the one who knew how to do  
25 that, who wanted to do it.

1           These men, you heard about this, they had access to  
2 assassins. These men were all responsible for many murders.  
3 But in this case, for someone who dared to try and block the  
4 defendant's access to the Guatemalan border, he said: We'll  
5 have the national police do it. I'm going to get in touch with  
6 my friend Tigre Bonilla, who at this time in 2011 was a  
7 regional police chief in western Honduras. And you know what  
8 happened to Franklin Arita. The defendant had Bonilla murder  
9 him.

10           And while that was going on he continued to work on  
11 drug shipments. He changed up his helicopter route with Ardon  
12 a little bit. And that's because the helicopters couldn't  
13 transport enough cocaine into Honduras. So the defendant said  
14 to Ardon: Can you receive some boats? They can carry more  
15 drugs. I can send them into Mosquitia. Ardon coordinated that  
16 with Wilter Blanco, and so between 2011 and 2012, instead of  
17 sending helicopters into Honduras, the defendant started to  
18 send boatloads of cocaine, each shipment between 700 and  
19 1,600 kilos once a month between 2011 and 2012. And once those  
20 drugs got into Honduras safely, they continued to use the  
21 defendant's helicopter to transport the drugs from the jungle  
22 over the Guatemala border so the drugs could be pushed towards  
23 the United States.

24           Rojo was still distributing cocaine in this timeframe,  
25 and what he told you about what he was doing was receiving

JAGTHER2

Summation - Mr. Bove

1 maritime drug shipments, boats of cocaine, in Choluteca. We  
2 talked a lot today about the Atlantic coast in northern  
3 Honduras. Choluteca is on the south on the Pacific side. And  
4 Rojo was working with Mario Jose Calix, who we talked about  
5 today, and defendant to receive more cocaine down on the south  
6 side.

7           When the defendant was interviewed by the DEA, he  
8 described this drug route. Just like he slipped up when he  
9 said a little bit too much about Mario Calix, he accidentally let  
10 it slip that he knew about this drug route through Choluteca as  
11 well. Those drugs, and we'll look at the map in a minute, were  
12 arriving on boats and then being transported in cattle cars  
13 towards the Guatemalan border and up to United States.

14           Here's what the defendant said about the Choluteca  
15 shipments.

16           (Video recording played)

17           MR. BOVE: The only reason he knew about that was  
18 because he was involved in it. It's not like these drug  
19 shipments are reported in the newspapers. And that was  
20 something that the defendant admitted during his interview by  
21 accident that is additional proof that shows you that he's  
22 guilty.

23           And you see that reference to Mr. Pinto at this end  
24 there? Who is Mr. Pinto? It's Melvin Pinto. Melvin Pinto was  
25 Ardon's right-hand man. So the defendant is, whether by

1 mistake or slip, describing ongoing drug shipments that he had  
2 been involved in dating back to 2012.

3 2012 is also the point at which the Honduran  
4 constitution was amended and changed to allow Honduran  
5 nationals to be extradited to the United States. So as I said,  
6 up until this point, all the drug shipments that we have talked  
7 about, in addition to the fact that the defendant and his  
8 brother and Pepe Lobo controlled the Honduran government, it  
9 wasn't even a possibility that they could be prosecuted here  
10 for those crimes.

11 That changed a little bit when the constitution was  
12 amended in 2012. And Professor Euraque explained to you what  
13 happened. Pepe Lobo and the defendant's brother went to Miami  
14 and they had a meeting where the U.S. government applied  
15 pressure in order to get the country to change this. And so  
16 they went back, and there was a constitutional amendment, and  
17 at this point in 2012 some of traffickers start to wonder:

18 I see as a legal matter that this has changed.  
19 Suddenly I'm a little more exposed than I was previously.  
20 Mr. Hernandez, the defendant, you have said you will protect  
21 me. You have said I will not be extradited. These were part  
22 of the deals. These were the strings connected to those drug  
23 money payments in 2009.

24 And so these guys go to the defendant and they want to  
25 know what's going on. And the defendant says what anybody

1 would say when they are part of a group that controls the  
2 entire government, he basically says that was just for show,  
3 Alex Ardon, you will not be extradited as long as the National  
4 party remains in power. That's the top quote on the screen.

5 And Giovanni Rodriguez, the guy from the national  
6 police, is wondering the same thing. And so he asks the  
7 defendant's cousin, Mauricio Hernandez Pineda: Hey, I see this  
8 amendment happened, are we going to be prosecuted now, or is  
9 the deal still good? And Hernandez Pineda says: We're fine.  
10 We are fine.

11 And that, that is really the crux of the state  
12 sponsored drug trafficking that we're talking about. Even when  
13 it became a possibility that these men could be extradited, the  
14 defendant's main co-conspirators were not sent here. And the  
15 defendant continued to distribute cocaine.

16 Now he toned it down in 2012 a little bit. He receded  
17 into the shadows just a bit. He stopped supplying Ardon with  
18 cocaine. What did he do instead? He said: Alex Ardon, Wilter  
19 Blanco, come up with your own drugs, but once they get to  
20 Honduras, I'll help you transport them.

21 How did he help? Ardon explained it. The defendant  
22 let them use his helicopter, including his blue helicopter  
23 shown on the defendant's phone, the defendant provided drug  
24 pilots to help transport that cocaine once it was in Honduras  
25 over the Guatemalan border, and he also provided more law

1 enforcement information, because of course the defendant  
2 doesn't want his own helicopter loaded with drugs to get seized  
3 in Honduras. So for another year, 2012 to 2013, this is what  
4 the drug trafficking partnership between the defendant and  
5 Ardon looked like: 280 to 350 kilos per month transported in  
6 the defendant's helicopters, the maximum amount of drugs that  
7 these helicopters to hold.

8 We have talked about a lot of drug shipments. The  
9 drug ledger that I showed you in the beginning this morning  
10 reflected a payment of over \$4 million to the defendant. So  
11 you can imagine by 2013 the cash is starting to pile up. And  
12 it's piling up so much that Giovanni Rodriguez sees literally a  
13 three-foot tall stack of U.S. dollars packed into a closet at  
14 one of the defendant's houses because he doesn't even know what  
15 to do with all the money that he is making at this point.

16 These are the bribes that were paid into the 2013  
17 election. This is the election where the defendant's brother  
18 is running for president of Honduras and the defendant was  
19 running for congressman, as I said, running for congressman to  
20 try to cloak himself in an official title so that he could be  
21 even more protected. Because by 2013 it's at least plausible,  
22 especially if the National party loses the elections, that the  
23 defendant could be extradited again. So he wants to make  
24 himself look more formal and he runs for congress.

25 How were these campaigns funded? Ardon told you that

1 he spent \$1.6 million in order to help the defendant and Juan  
2 Orlando, the defendant's brother, get elected. And Ardon  
3 explained there was an explicit agreement, an agreement between  
4 the defendant, Chapo, Ardon, and the Valle brothers, that if  
5 they paid this money there would be no extraditions.

6 And these are the two meetings in Honduras with Chapo  
7 that I already talked, one in Espiritu, the Valles' base, and  
8 the second in El Paraiso, Ardon's base. And it was in El  
9 Paraiso that Chapo handed the defendant the million dollars  
10 that is reflected on the screen here to help the defendant's  
11 brother get elected president and to keep on protecting him.

12 Here are the results of this election. This is the  
13 November 2013 election. Juan Orlando Hernandez, elected  
14 president of Honduras, still holds that position today. The  
15 defendant's brother, initially elected into this suplente  
16 position, sort of like a deputy congressman. How did the  
17 defendant's brother fix that? The person who was elected as  
18 the main congressman, Samuel Reyes, suddenly gets appointed to  
19 be the minister of defense by Juan Orlando Hernandez, so that  
20 the defendant is able to slot into the main congressman  
21 category beginning into 2014.

22 There was another important change in the way that the  
23 defendant was drug trafficking that arose out of these meetings  
24 with Chapo. As I said, he receded a little bit from his  
25 partnership with Ardon. He started to work on those helicopter

1 rentals instead of supplying cocaine. But an important thing  
2 happened at this meeting with Chapo: They exchanged contact  
3 information, the defendant and Chapo. They basically cut Ardon  
4 out in 2013 so that that they could work together directly to  
5 continue distributing cocaine and importing it into the United  
6 States.

7 This is from the same meeting where Chapo paid the  
8 defendant a million dollars.

9 This picture from the defendant's phone is an  
10 embodiment of what state-sponsored drug trafficking looks like.  
11 This is a machine gun that you heard about yesterday with the  
12 defendant's brother's name engraved into it. Ardon explained  
13 that he saw this picture in 2013 right around the time that  
14 Juan Orlando was running for and was elected to become  
15 president.

16 And that second red box on the right, do you see that?  
17 Do you remember the questions yesterday about whether this was  
18 some kind of gift or a trinket or a fake gun? This picture was  
19 taken in a room full of these machine guns. On the right in  
20 the red box you can see the ridges on the weapon. There's not  
21 just one of these, there are several. They were arming  
22 themselves for protection, to protect their drug money, and to  
23 continue to protect their cocaine. And they were so brazen  
24 about it that they are literally inscribing the name of the  
25 president on some of the weapons that they used to do that.

1           In 2013 one of the drug workers that helped Wilter  
2 Blanco and Ardon was arrested, arrested in the Colon department  
3 on the Atlantic coast in connection with a maritime drug  
4 shipment. What happens to Chino? Tony Hernandez decides that  
5 the man has to die because he knows too much about their drug  
6 trafficking operations, and he's concerned that Chino has  
7 already started to cooperate and provide information about what  
8 the defendant has been doing.

9           Ardon explained that Chino was involved in these drug  
10 shipments dating back to 2010, 2009, and that Ardon told the  
11 defendant who Chino was and what he was doing. And so when the  
12 time came that the defendant found out that Chino was  
13 incarcerated, what did he do? He didn't try to get him out of  
14 jail. The man is a lawyer. He didn't try to represent him in  
15 that case. He had him murdered in prison, and two witnesses  
16 told you about that. Ardon told you about how this murder  
17 happened from his perspective, learning that Chino got  
18 arrested, talking with the defendant, the defendant ordering  
19 the murder.

20           And then Ardon goes and talks to Wilter Blanco, whose  
21 picture is on the screen. Rivera told you about this murder  
22 from his perspective. The leader of the Cachiros said Wilter  
23 Blanco came to me and he says that this guy Chino needs to be  
24 murdered in prison. And so Rivera is the one who arranged  
25 that. But two witnesses describe this murder and described how

1 it happened. Here's how the defendant reacted after it was  
2 carried out. This is what he said to Alex Ardon. He was  
3 happy, because Chino had all the information.

4 Now I would like to talk a little bit about the  
5 recording that I already mentioned today, this Denny's meeting.  
6 These are the participants in this meeting: Rivera, the leader  
7 of the Cachiros. Juan Manuel Avila Meza, that is a man who is  
8 he member of Honduran national police and also a member of the  
9 Cachiros drug trafficking organization. He had helped Rivera  
10 with a murder in 2004. He helped with drug shipments. And he  
11 was the main person who introduced Rivera to the next person on  
12 the list, Oscar Ramirez a/k/a Alero.

13 You remember during the testimony of Special Agent  
14 Papadopoulos that the defendant admitted that it was Oscar  
15 Alero is the way he referred to them in the interview in Miami,  
16 that Alero came to the defendant and pitched this meeting.  
17 This guy Alero, Ramirez, this is the defendant's contact, it's  
18 not Rivera's contact. And this is his contact information  
19 saved in the defendant's phone in April of 2018. So when you  
20 think about the testimony about how this meeting got set up,  
21 the defendant's contacts were every bit a part of this as much  
22 as Avila Meza.

23 And think about the context of what is happening on  
24 this tape. Rivera explained that in September 2013 the  
25 Department of the Treasury, OFAC, in the United States, issued

1 an announcement sanctioning the Cachiros. This is a little  
2 excerpt on the left side of the screen from that announcement.  
3 Rivera described it like a bomb in the meeting. That's  
4 September 2013. In November 2013 the defendant gets elected  
5 and becomes a congressman, takes office in January, and in  
6 February 2014 he is sitting down with this man everyone in  
7 Honduras knows is a violent, notorious drug trafficker. He  
8 didn't sit down with him in connection with a sting, the police  
9 didn't storm Denny's to arrest Rivera, he sat down with him to  
10 talk about how to help the Cachiros launder money.

11 When Rivera testified, there was some  
12 cross-examination trying to suggest that this meeting related  
13 to legitimate business. There was even a question about why  
14 the men had worn business casual clothing. You really need to  
15 look at the transcript of this meeting to see that this was a  
16 meeting about money laundering and front companies, not  
17 legitimate business. This is the defendant on line 2 saying:  
18 We're going to have to move them over. And what he is talking  
19 about are contracts that the government of Honduras issued to a  
20 Cachiros front company.

21 So literally the Honduran government agreed to pay  
22 money to a front company of a man responsible for 78 murders.  
23 And the defendant shows up in February 2014 and he says, in  
24 essence, the substance of this statement is: Look, you have  
25 got a problem. Your first company is sanctioned by the United

1 States. We have got to get you a second company to get the  
2 government to be able to make these payments so you can have  
3 the money. That's what "we're going to have to move them over"  
4 means. See how on line 6 he says "so the payments can be  
5 issued in the name of the other one," he's talking about the  
6 new front company that isn't listed on this OFAC notice.

7 (Continued on next page)

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1 MR. BOVE: (Continuing) That picture on the right  
2 side of the screen shows you that there is no question that the  
3 defendant knew which front companies were being discussed at  
4 this meeting. That is a picture of him holding the contracts  
5 for the Cachiros front company Inrimar was the acronym. You  
6 can see that acronym in the box on the left, listed on the OFAC  
7 announcement. The defendant knew exactly what was going on  
8 here. This wasn't legitimate business. He was trying to help  
9 the Cachiros launder money as a newly elected congressman.

10 Another telling comment that the defendant makes  
11 during this recorded meeting. He says: I'm going to go to  
12 Hugo's people to get help with this, to get the Honduran  
13 government to issue these money laundering payments.

14 Who is Hugo? It's Hugo Ardon, Alex Ardon's brother.  
15 And you'll remember that Alex Ardon explained that this was  
16 part of the deal for the \$2 million that he paid in 2009 and  
17 the \$1.6 million that he paid in 2013 into these elections.  
18 The deal was if I give you this drug money to help your brother  
19 get elected you need to put my brother in a government  
20 position. They agreed to make him the head of the Fondo Vial  
21 which is basically like a public works department in the  
22 Honduran government. And the defendant knew exactly who Hugo  
23 Ardon was on this tape. And when he is asked to help a massive  
24 violent drug-trafficking organization launder money, he knows  
25 that one of the first stops is going to be Hugo Ardon who has

1 been one of the coconspirators in this all along.

2 This is Alex Ardon explaining during his testimony  
3 that agreement. The agreement was to install Hugo in the Fondo  
4 Vial. That's what happened. The defendant knew that. And the  
5 defendant tried to leverage that himself.

6 The transcript from this recording and everybody --  
7 and the parties agree that the transcript is accurate --  
8 reflects the defendant saying we can start working on that as  
9 soon as possible.

10 He tried to say the DEA when he was arrested: I  
11 didn't really mean it. I was surprised to find out that the  
12 Cachiros were involved. Somebody told me that this would be a  
13 problem and we couldn't do it.

14 This is what the defendant said in the meeting: We  
15 can start working on this money laundering as soon as possible.

16 And Rivera explained what happened with the bribe. He  
17 said that before they got to the Denny's he handed \$50,000 in  
18 cash to Oscar Ramirez, the guy whose contact information was  
19 still saved in the defendant's phone in 2018.

20 And at the end of this meeting Rivera says to Avila,  
21 the member of the Honduran National Police, who is in the room:  
22 Let's just give him the money. Let's just pay Tony.

23 And Avila says they're going to take it, meaning  
24 Ramirez and the defendant are going to keep that money. And  
25 that's what happened during this Denny's meeting. The

1 defendant and Ramirez took \$50,000 and they agreed to help the  
2 Cachiros launder money using the Honduran government itself as  
3 another part of the state-sponsored drug trafficking.

4           These are those wiretap intercepts that we've already  
5 talked about. And I think here it's important to note this is  
6 a point at which there are ten years of evidence of the  
7 defendant's TH kilos in Honduras. You heard about those  
8 conversations in 2006 where Rojo says -- Rojo explained to you:  
9 The defendant says I have a connection to Colombian  
10 traffickers. It came through the Valles. That's 2006. In  
11 2016 these kilos are still being distributed through Honduras.

12           The very next month Giavonnii Rodriguez decided to  
13 surrender in the United States and, as you can imagine, that  
14 posed a real problem to the defendant. This wasn't a situation  
15 where Juan Orlando had arrested this man and was going to  
16 extradite him. Rodriguez agreed to come here on his own.

17           So what the defendant tried to do was intimidate  
18 Rodriguez, prevent him from telling the truth when he got here.  
19 And he did that through Mauricio Hernandez Pineda, the National  
20 Police contact, the guy wearing the hat in this picture, whose  
21 contact information was in the defendant's phone in 2018.

22           And Hernandez Pineda calls Rodriguez and he says  
23 cryptically: You should be very careful in mentioning him,  
24 Tony Hernandez, or Juan Orlando Hernandez about them being  
25 involved in drug trafficking.

1           And you know why the defendant and Mauricio Hernandez  
2 wanted to prevent that. Because he came here and told you the  
3 truth about what he did and what he saw. And what Giavonnii  
4 Rodriguez told you was that he had a high-ranking position in  
5 the Honduran National Police where he had access into  
6 Tegucigalpa, the capital, to all of the operational information  
7 for all of the police planning in the entire country. And that  
8 for years he took that information, he passed it to Hernandez  
9 Pineda so that Hernandez Pineda could use it to coordinate the  
10 defendant's drug shipments. And so that's why they were  
11 concerned that Rodriguez was surrendering and that's why they  
12 warned him before he left. But that warning failed. The man  
13 ignored it because he came here to this trial and he testified  
14 to explain what happened.

15           2018. In June. This is the seizure of the drug  
16 ledger that we've already talked about today. This ledger was  
17 seized from a trap, a secret compartment that was welded shut.  
18 You can see on the right side of the screen some of the things  
19 that were in that trap, the cash, the two grenades. There were  
20 pistols and other parts of the car.

21           And as I said in the beginning, this ledger by itself  
22 shows a 650 kilo drug shipment that the defendant sent in a  
23 Nava, the piper Navajo plane he sent to Honduras. And you  
24 know, because the defendant admitted, that drugs that made it  
25 to Honduras were going to the United States. This ledger by

1     itself is enough to convict the defendant on Count One, the  
2     conspiracy to import cocaine and on the weapons charges because  
3     you can see the guns that were involved in transporting this.

4             And let's talk about who was in those cars. One of  
5     the men that was arrested that day used the name Nery Orlando  
6     Lopez Sanabria, alias Wilson Lopez.

7             If you had any doubt that this ledger reflected a  
8     cocaine shipment by a Honduran drug trafficker just based on  
9     what was seized from the car, this slide should resolve that  
10    doubt because Rivera had worked with this man before, Nery, and  
11    he had helped receive cocaine shipments by plane with Nery.  
12    This is one of the guys who is arrested in connection with the  
13    seizure of the drug ledger.

14            Rojo knew this same man by a different name, Wilson  
15    that alias he used. And he had also participated in drug  
16    trafficking with this guy who is arrested with the vehicles  
17    that have the drug ledger with the defendant's name in it.

18            November 2018. The DEA arrests the defendant in  
19    Miami. We've talked about the things that he admitted. He  
20    admitted to relationships with all of the traffickers that are  
21    on the screen right now. Don H, Rojo, he referred to Ardon by  
22    his alias, Chande. He talked about Mario Calix, Carlos Toledo.  
23    He said he had met the Valle brothers.

24            And we've talked about what was on the defendant's  
25    phone. Pictures of -- that is a picture of drug money on the

1 man's phone in November of 2018. Those are machine guns that  
2 were being used to protect cocaine found on his phone when he  
3 was arrested in the United States.

4 The same month that the defendant was arrested they  
5 give another warning, this one to Ardon. And Ardon explained  
6 what happened. November 2018, same month the defendant is  
7 arrested, Mauricio Hernandez Pineda calls him. You can see  
8 that he's one of the enforcers in this group, one of the people  
9 that the defendant used to try and intimidate coconspirators.

10 And so Hernandez Pineda, who Ardon knew as Primo,  
11 calls him and he says: The president of the country wants to  
12 know where you are. Juan Orlando is not asking where Ardon is  
13 because he wants to arrest him. He's not looking for Ardon  
14 because he's investigating him. Juan Orlando Hernandez is  
15 concerned that the defendant had been arrested because Ardon  
16 had already come to the United States. But Ardon hadn't yet.  
17 He was still in El Paraiso.

18 And he told you what happened. He said I told Primo  
19 that I was still there and Primo didn't believe me so he made  
20 me put somebody else on the phone to confirm it. And that's  
21 November 2018, more efforts by members of this conspiracy to  
22 try and check on where witnesses are, to keep track of the  
23 people who were valuable members and who were in a position to  
24 come to this trial and tell you the truth about what happened.

25 Ardon hadn't surrendered in November 2018 but he

1 surrendered early in 2019 and he came to this trial and he told  
2 you the truth about what he had done with the defendant.

3 So now I'm going to come back to talk more about the  
4 charges, the things that I expect Judge Castel is going to say  
5 to you about the law and the way that it applies to these  
6 charges and how, when you consider the elements of these  
7 charges, there's not going to be any doubt in your mind that  
8 the defendant is guilty of all of these crimes.

9 So let's start with Count One. Count One is the drug  
10 trafficking conspiracy, the conspiracy to import cocaine into  
11 the United States. I expect that Judge Castel is going to  
12 instruct you that there are three objects or goals of this  
13 conspiracy and that evidence of only one of them is required on  
14 this element.

15 So the questions for you will be: Was there an  
16 agreement to import cocaine into the United States? Was there  
17 an agreement to distribute cocaine knowing that it was going to  
18 end up in the United States? And that's one to really focus  
19 on. Men in Honduras and in Guatemala trafficking in these  
20 massive quantities of cocaine, they know exactly where it's  
21 going, for all of the reasons that we talked about when I  
22 described the Central American cocaine route, because  
23 geographically United States is the closest, most lucrative  
24 market and they know that the cocaine is going to the United  
25 States because they are being paid in dollars after the drugs

1 are sold there.

2 The next question for you will be whether the  
3 defendant knowingly and intentionally joined that conspiracy,  
4 whether he became a part of it. Ladies and gentlemen, you  
5 certainly can join a conspiracy, and the defendant did, by  
6 supplying cocaine for massive shipments. But that's not  
7 required. The defendant joined the conspiracy in a host of  
8 different ways, beginning in 2004, simply by just agreeing to  
9 provide information to the traffickers and accepting gifts and  
10 guns in exchange for that.

11 And then finally on Count One you'll be asked to think  
12 about the special interrogatory, basically another question to  
13 consider during your deliberations. And I expect that one of  
14 the special interrogatories that Judge Castel will ask you is  
15 whether this offense involved five kilos. And we've already  
16 talked about that. Every single shipment in this case meets  
17 that threshold.

18 So who are the members of this conspiracy? I'm not  
19 going to name them all. These are some of their pictures.  
20 They fit into groups: The politicians who supported  
21 state-sponsored drug trafficking, who protected these men so  
22 that they could do these things and not be arrested. The  
23 police, like Tigre Bonilla and Mauricio Hernandez Pineda, who  
24 provided security for the cocaine and information to help the  
25 traffickers get it through Honduras.

1           And then the distributors and the suppliers, the  
2 straight drug traffickers, men like Chapo, the Valles, Walter  
3 Blanco.

4           The people who are highlighted in red, who are  
5 outlined in red on the screen right now, testified at this  
6 trial and explained to you in detail exactly how this  
7 conspiracy worked.

8           There should be no serious question that the defendant  
9 joined it. He admitted to the DEA he had relationships with  
10 these men. He admitted to taking gifts from them. He took  
11 those gifts so that he would be available to help them. He  
12 agreed to accept those things because he was saying he would  
13 protect the shipments.

14           And you know things got much, much worse after that.  
15 Supplying cocaine, helping Chapo, furthering the conspiracy by  
16 funneling drug money into these National Party campaigns to  
17 help other politicians get elected, to keep control of  
18 Honduras. These are some of the ways that the defendant showed  
19 in the evidence that he was a member of this conspiracy, that  
20 he joined it.

21           Just the evidence from the wiretap and the ledger  
22 shows you that the defendant was a part of the conspiracy. His  
23 kilos are in Honduras in 2016. These coconspirators, Male 1  
24 and Male 2, I expect that Judge Castel is not going to instruct  
25 you that you need to know every coconspirator's name, and Male

1 1 and Male 2 count. You can find that because they have his  
2 cocaine in Honduras, in San Pedro Sula, and they're looking to  
3 move it into Guatemala to import it into the U.S.

4 Same thing with the ledger. Nery Orlando Lopez  
5 Sanabria is a coconspirator in this case. You saw the  
6 testimony from other witnesses that he was a drug trafficker.  
7 And this is the ledger reflecting a 650 kilo cocaine shipment  
8 that the defendant sent to this man.

9 You will be thinking, as you consider this charge  
10 about whether the defendant knew or intended to import drugs  
11 into the United States, this is yet another time during the  
12 postarrest where he admitted that he did.

13 And finally, one are one of the objects of the  
14 conspiracy that you're going to be asked to consider, one of  
15 the goals, was to use U.S.-registered aircraft to distribute  
16 cocaine. This is an important one because it's a particularly  
17 easy one. Alex Ardon explained to you that the defendant's  
18 blue helicopter, which there's a picture of that on the  
19 defendant's phone, had an N in the registration number. And  
20 you know from Special Agent Mervis and from Chang, who  
21 testified yesterday, that the N signifies that the helicopter  
22 was registered at the time in the United States.

23 Chang also described providing planes to Rojo to  
24 transport the defendant's cocaine, including in those two  
25 shipments that we talked about in 2008, the one to Sico

1 Honduras and the one to Gualaco. The cocaine that the  
2 defendant supplied in those shipments, those TH kilos were  
3 transported on U.S.-registered aircraft. And I expect that  
4 Judge Castel is going to instruct you that the defendant didn't  
5 even have to know where the planes were registered. It's  
6 enough that they were. He obviously knew where his own  
7 helicopter was registered. But with respect to the planes from  
8 Chang, it doesn't even matter. All that matters is that this  
9 happened. This was one of the objects of the conspiracy and  
10 this is another way that you can find the defendant guilty on  
11 Count One.

12 Count Two is the weapons charge that we talked about.  
13 And this is what I expect Judge Castel will say about the  
14 elements for Count Two. First, you need to find that there was  
15 a drug trafficking crime. That's the conspiracy charged in  
16 Count One.

17 And the next question is whether the defendant himself  
18 possessed or caused someone else to possess a firearm in  
19 furtherance of that drug trafficking crime.

20 What does that mean? Judge Castel is going to give  
21 you detailed instructions but you can think about it this way:  
22 The evidence in this case is that Honduras was dangerous  
23 because of the defendant. Honduras was dangerous because of  
24 the massive drug traffickers, violent men that the defendant  
25 helped to protect.

1           You heard testimony that the defendant brought a Glock  
2 pistol to nearly all of his meetings with drug traffickers.  
3 That was because they were dangerous men. And bringing a Glock  
4 pistol to a drug trafficking meeting furthers that because it  
5 protects the defendant and it makes him feel more comfortable  
6 to carry out those negotiations. Using a firearm to protect  
7 cocaine, to protect drug money, those are other ways that guns  
8 can be used in furtherance of a drug trafficking crime.

9           With respect to Count Two and also Count Three I  
10 expect that Judge Castel is going to ask you another one of  
11 these special interrogatories, questions. If you find that the  
12 offense was committed, did it involve a machine gun or a  
13 destructive device?

14           So a machine gun, you will hear that that basically  
15 means that the gun was capable of being fired in automatic  
16 mode. Destructive device here means a grenade. And we're  
17 referring specifically to that bazooka, the rocket-propelled  
18 grenade launcher that you saw in the courtroom yesterday.

19           So let's talk about some of the evidence about  
20 firearms possession.

21           First, you know the defendant possessed firearms  
22 because there are pictures of them all over his phones. The  
23 ones outlined in red, ladies and gentlemen, are machine guns  
24 for purposes of that special question. And these are all the  
25 guns depicted just on the phones that were taken from the

1 defendant in November of 2018.

2 How else do you know that the defendant himself  
3 possessed firearms? Because he had a bunch of gun licenses  
4 with him when he was arrested. And I expect that Judge Castel  
5 is going to explain to you that having a license for a gun is  
6 not a defense to the charges in Counts Two and Three. That's  
7 because Honduras did not issue gun permits to the defendant so  
8 that he could use weapons to protect drug trafficking.

9 One of these gun licenses, the one that's a little bit  
10 bigger on the screen with the red box, is a machine gun.  
11 Defense counsel asked Special Agent Gonzalez whether it was an  
12 automatic weapon and he confirmed that. So this is a gun  
13 license showing that the defendant possessed a machine gun.

14 You don't need a machine gun to drive around Honduras.  
15 You need a machine gun to protect millions of dollars. You  
16 need a machine gun to feel safe around the type of men who were  
17 involved in this crime.

18 The defendant also had begun licenses for other people  
19 when he was arrested, to give you a sense of the possession of  
20 weapons by his security teams. You can see those licenses on  
21 the left. And on the right of the screen, two pistols with  
22 licenses issued in the name of a man named Orellana and on the  
23 right another license for a pistol possessed by a man named  
24 Pineda.

25 This is more evidence that the defendant possessed and

1 had access to firearms. These licenses are not a defense to  
2 Counts Two and Three. They are more powerful evidence that the  
3 defendant committed these crimes.

4 This is a list of the machine guns that the defendant  
5 possessed that you have in evidence. The CZ Scorpion is that  
6 gun with the president's name inscribed in it. In the picture  
7 where they're sitting in the room and you can see that there  
8 are boxes of those guns all over the place.

9 The SK is the weapon and the license that we just  
10 looked at.

11 And then you heard testimony about the defendant's  
12 AR-15. Alex Ardon said: I went to meet with the defendant. I  
13 got in his car. He had the AR-15 there. The barrel was sawed  
14 off and I could see the selector switch and see that it was an  
15 automatic weapon.

16 You also heard testimony from Rojo about the  
17 defendant's use of what he called an assault rifle and then he  
18 looked at the government exhibit and identified the one that is  
19 a machine gun.

20 And, finally, you heard from Ardon that the defendant  
21 admitted to having an M60 belt-fed machine gun. A tool of  
22 just -- it's a military weapon. It's a tool for war. It's the  
23 kind of thing that you could only have if you were intending to  
24 provide the highest levels of security for millions of dollars  
25 of cocaine and millions of dollars of drug money. And this is

1 what the defendant said about his M60, "I have it to shoot  
2 through armored vehicles." This is one of the weapons that the  
3 defendant himself possessed in furtherance of the drug  
4 trafficking crime charged in Count Two.

5 I expect that Judge Castel is also going to talk to  
6 you about a concept called aiding and abetting. This is  
7 another way that the defendant can be guilty on Count Two. It  
8 basically relates to a concept like causation. The defendant  
9 caused other men to be armed with machine guns and grenade  
10 launchers to protect him and to protect his drugs. And so  
11 these are some of the things that I expect that Judge Castel is  
12 going to say to you about aiding and abetting, this other way  
13 that the defendant can be guilty on Count Two.

14 One way is that the defendant intentionally caused  
15 another person to commit Count Two. Intentionally caused, for  
16 example, Mauricio Hernandez Pineda to accompany him while  
17 Hernandez Pineda was armed with a machine gun. When the  
18 defendant brought his security to these meetings those were  
19 people who worked for him. When they -- when the defendant  
20 brought security guards to drug trafficking meetings he caused  
21 them to be there. He knew they had machine guns and that act,  
22 the act of the defendant having these security teams and  
23 causing them to be there makes him guilty of Count Two as well.

24 Another type of aiding and abetting liability arises,  
25 and I expect this is what Judge Castel is going to say, if the

1 defendant actively participated in a drug trafficking crime  
2 with advanced knowledge that somebody else was going to have a  
3 machine gun.

4 So how did that work? You saw it time after time.  
5 The defendant supplies cocaine from Colombia. He sends it to  
6 Honduras. And he has talked to these men. He talked to Rojo,  
7 Ardon. He understood that the cocaine was going to be  
8 protected with military-grade weapons once it got there. It  
9 would be unacceptable if it wasn't. There was no tolerance for  
10 risk of loss of this cocaine.

11 So the defendant had full knowledge of the type of  
12 security that was going to be provided for these drugs once  
13 they arrived in Honduras and he still sent the drug shipments  
14 here.

15 So let's take a look at some of the evidence of the  
16 security teams.

17 These are some of the pictures from the defendant's  
18 phone that give you a sense of what these security teams look  
19 like. On the left you see a picture of the types of armed  
20 guards that the defendant traveled with.

21 On the right you see pictures taken through glass that  
22 look like car and truck windows of the police who were  
23 escorting them.

24 This is a list of the different machine guns possessed  
25 by security teams that the defendant had and also the

1 coconspirators. Because, remember, when you're thinking about  
2 aiding and abetting on Count Two, one of the questions is: Did  
3 the defendant send drugs to Rojo, understanding that Rojo's  
4 team would have machine guns and grenade launchers?

5 And so this is a list, by machine gun and destructive  
6 device, of who was using what.

7 The Galil machine gun, you heard about the defendant  
8 having a personal security team outside the Denny's meeting,  
9 armed with those weapons. And you also heard that Rojo's team  
10 used a Galil.

11 AK-47s, another type of machine gun used by Alex Ardon  
12 and the Valle brothers.

13 M16. Machine gun no. 3. Defendant's security team  
14 used them. Ardon's security team. And so did the Valles.

15 AR-15. The defendant and Ardon.

16 And, finally, the RPG, the bazooka, was something the  
17 Ardon's security team used near the border of Guatemala to  
18 protect the cocaine.

19 The defendant was aware that all of these people were  
20 using these types of weapons. He sent cocaine to them  
21 precisely because they had this level of security. And that  
22 makes him guilty of Count Two as well.

23 This is one illustration. This is what Ardon said  
24 about his security teams. He said: Near the border in the  
25 Copan Department I have around seven guys when the helicopter

1 lands. They have AR-15s, M16s, AK-47s and bazookas.

2 Later on he explained: I provided that security for  
3 the defendant's helicopter for each of the times that it landed  
4 in El Paraiso Copan; each of the times that the defendant sent  
5 cocaine to that area or rented the helicopter to Ardon to  
6 deliver cocaine there.

7 Did you tell the defendant how the men would be armed?  
8 Yes. That testimony right there is another way that the  
9 defendant is guilty on Count Two.

10 Count Three is similar. It's another weapons charge.  
11 And this one is a conspiracy. So I expect that Judge Castel  
12 will explain that it's basically an agreement between two or  
13 more people to use these types of weapons in furtherance of  
14 drug trafficking. So, for example, an agreement between the  
15 defendant, Ardon, and their security to use machine guns and  
16 destructive devices.

17 And for all of the reasons that I already explained  
18 with respect to Count Two, for the machine guns the defendant  
19 had, for the machine guns his own security guards had, and for  
20 the machine guns and destructive devices that the other  
21 traffickers' guards had, the defendant is guilty of Count Three  
22 as well.

23 Count Four is the false statements charge, the count  
24 that relates to the defendant's lies during the interview in  
25 October 2016 in Miami. And I expect that Judge Castel is going

1 to instruct you that these are the two main lies. These are  
2 the whoopers. "I have never received any money from drug  
3 traffickers," that's one. And two, "I did not provide any  
4 assistance in any way to drug traffickers."

5 You can see some of the clips from the defendant's  
6 postarrest statement and I think in -- you've seen all of those  
7 clips during the trial and you can see that he basically  
8 confessed to having lied about receiving money from these  
9 traffickers.

10 With respect to the Valles the defendant says: No,  
11 no, no. The only one they would send to me was Tono Frontera,  
12 the intermediary, with money.

13 So this is not a close question, ladies and gentlemen.  
14 We've talked about the evidence of the defendant's drug  
15 trafficking, of him getting paid and what he did to help these  
16 traffickers. And all of that evidence proves to you that he  
17 lied that day. He thought that he was untouchable when he came  
18 to the United States and this is a charge to show that he was  
19 not.

20 So, that is the evidence in this case. Five  
21 cooperating witnesses testified at this trial explaining the  
22 defendant's drug trafficking. Five additional pieces of  
23 evidence shows you that those men told you the truth about what  
24 the defendant did. The Denny's meeting, that recording; the  
25 wiretap with the TH kilo; the ledger with the defendant's name;

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1 the things he admitted on tape to the DEA; and the things on  
2 his phone, the picture of drug money on his phone, the machine  
3 guns. Those five witnesses and those five pieces of evidence  
4 prove to you beyond a reasonable doubt that this man is guilty  
5 of all the charges.

6 And we ask, ladies and gentlemen, that you think about  
7 the evidence carefully and that you listen to Judge Castel's  
8 instructions on the law.

9 And then we ask that you do justice, justice long  
10 avoided in Honduras, justice for a man who is virtually  
11 untouchable and totally protected by the Honduran government.  
12 We ask that you do justice in this courtroom and return the  
13 only verdict that is supported by the evidence, that he is  
14 guilty on all of the charges. Thank you.

15 THE COURT: Thank you, Mr. Bove.

16 We are just going to doublecheck right now that your  
17 lunch has arrived and if it has then we'll break for lunch.  
18 I'll know in just a sec. And my thought is I don't want anyone  
19 on my jury to get indigestion but since you will not have to go  
20 out for lunch, if it would be convenient for us to do lunch  
21 half an hour or 40 minutes, something like that, it would  
22 enable us to continue with the summations so that we can get  
23 the case to you as quickly as possible. Would that be  
24 convenient?

25 JURY: Yes.

1 are not all here today because of who the defendant's family  
2 is. We are here because he sent enough cocaine to this country  
3 to destroy over a billion families. The defendant is not a  
4 victim of some revenge plot by the cooperating witnesses. He's  
5 not a victim at all. He's a perpetrator. He's a drug  
6 trafficker, a murderer, a liar. That is why we are here today.  
7 You know that the defendant was a cocaine trafficker, a violent  
8 one, because you have paid careful attention over the last two  
9 weeks. You have seen the photos, you have watched the videos,  
10 you have listened carefully to those witnesses, you know the  
11 defendant is guilty.

12 Now Mr. Bove spent two hours this morning walking you  
13 through all of the evidence that shows beyond a reasonable  
14 doubt that the defendant is guilty. I'm not going to walk back  
15 through all of that evidence. You have already seen it. You  
16 know the defendant is guilty. What I'm going to do is respond  
17 to some of the arguments that you just heard. I don't have  
18 time to respond to all of them, and you don't need me to. You  
19 have seen the evidence.

20 Now remember, the government bears the burden of  
21 proving the defendant's guilt beyond a reasonable doubt. That  
22 is solely with us. That is a burden that we embrace. The  
23 defense has no obligation to make any arguments, but when they  
24 do, you are entitled to scrutinize those arguments. It is your  
25 duty to look at them closely, to ask yourselves: Does this

1 make any sense? The answer to that question here is no. So  
2 let's talk about why.

3 Defense counsel spent a lot of time talking about the  
4 cooperating witnesses. Now I'm going to start by talking about  
5 the physical evidence in this case.

6 This is Government Exhibit 250A. It is a drug ledger  
7 with the defendant's name written in black and white. This is  
8 devastating evidence of the defendant's guilt. Now defense  
9 counsel just told you that you should ignore this ledger. It's  
10 not surprising that defense counsel wants you to ignore this  
11 evidence, but what is surprising is that defense counsel would  
12 make that argument after the parties agreed that this ledger  
13 could come into evidence and that it was seized on a particular  
14 day.

15 Ms. Hurst, could you bring up Government Exhibit 1005,  
16 please.

17 This is an agreement between the parties. It is  
18 signed by defense counsel. And it's not just an agreement that  
19 that ledger can come into evidence, it's an agreement that the  
20 facts in the stipulation are true.

21 It says that on June 6, 2018, officers from the  
22 military stopped two vehicles, that that was a lawful stop. If  
23 we could turn to the next page.

24 Detectives lawfully searched the vehicle.

25 Now look at paragraph four. This ledger was lawfully

1 seized from a hidden compartment inside one of those vehicles.  
2 This is an agreement between the parties. I expect the judge  
3 is going to tell you that you must accept these facts as true.  
4 This didn't say anything about planted ledgers. Nothing that  
5 the defense counsel argues now can change the facts that are in  
6 evidence.

7 Thank you, Ms. Hurst, you can take that down.

8 And take a look at that ledger, because the  
9 defendant's name is in the middle of it, there's an extensive  
10 drug transaction described, the handwriting is the same  
11 throughout the ledger. You know that this is evidence of the  
12 defendant's guilt.

13 Defense counsel argued that it took 13 days for the  
14 detective's partner to put the ledger into evidence and that's  
15 why you should ignore it. That argument goes nowhere because  
16 you remember what Detective Reynoso told you. He told you that  
17 and the day he seized the ledger he took it with him back to  
18 his office and he immediately reviewed it. And he saw then  
19 what you saw in court, the defendant's name. So if it took 12  
20 or 13 days or 12 or 13 years for the detective's partner to put  
21 this in an evidence locker is irrelevant. What matters is that  
22 it contains the defendant's name, and Detective Reynoso told  
23 you that he saw that on that day. That's how you know that  
24 that ledger is reliable. You should rely on it. It is  
25 devastating evidence of the defendant's guilt.

1           Let's talk about the piece of physical evidence.  
2           That's the recording of the Denny's meeting.

3           Ms. Hurst, could you now bring up Government  
4           Exhibit 1001.

5           This is another agreement between the parties, and it  
6           says that Government Exhibit 401, which is the recording of  
7           that meeting, was a recording of a February 6, 2014 meeting,  
8           that that recording was made by Rivera, that it was done at the  
9           direction of the DEA. It says that that recording can come  
10          into evidence. So what is the argument here now? Not only do  
11          you know when that recording was made, but you know that it's  
12          the defendant in the recording. You saw that for yourselves.

13          But you also saw the defendant admit to Special Agent  
14          Gonzalez on video in his post-arrest that's him in the Denny's  
15          video. When Special Agent Gonzalez brings up the Denny's  
16          recording, the defendant doesn't say that's not me, that must  
17          be an altered videotape, he gives a ridiculous explanation for  
18          why he was at that Denny's meeting, which defense counsel tried  
19          to review for you, but he doesn't say: That's not me. You  
20          know that that's him there.

21          So the argument now is that Mr. Rivera somehow clipped  
22          that exhibit. You can watch that exhibit. You will be able to  
23          see. You can ask yourselves whether there's any editing in  
24          there. I submit that you're going to find that you don't think  
25          that there is any editing. Rivera maybe a lot of things, but

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Rebuttal Summation - Ms. Houle

1 now suddenly he's a tech genius? No, that's ridiculous.

2 And defense counsel has said that that meeting, when  
3 you look at the transcript, suggests that it was a lawyer  
4 business meeting. You can watch that video on mute and know  
5 that it is not a lawyer business meeting because you know what  
6 those people are who were sitting there. Oscar Ramirez, dirty  
7 lawyer, drug trafficker. Avila Meza, dirty cop, drug  
8 trafficker. Leonel Rivera, you heard him testify about his own  
9 crimes. He was a drug trafficker, a murderer of 78 people.  
10 The defense is right about that. The government is not trying  
11 to hide that. So ask yourselves: Why was the defendant  
12 sitting in a meeting with those men? And look at him on that  
13 video. He's completely comfortable. He's shaking hands, he's  
14 smiling. These are his people. These were his partners.

15 There's no reason for the defendant to be at that  
16 meeting if he was this law and order congressman that the  
17 defense wants you to believe that he was. What was he doing  
18 there? You know the answer, he was having a meeting with other  
19 cocaine traffickers because he is a cocaine trafficker.

20 Ms. Hurst, you can it take that down.

21 Defense counsel talked a lot about bank accounts and  
22 bank records and bank receipts that were found on the defendant  
23 at the time of his arrest and suggested that because the  
24 defendant had bank accounts he's innocent. This is some more  
25 common sense for you. Sometimes massive cocaine traffickers

1 have bank accounts. Rivera told you that. He said that he had  
2 bank accounts. Having a bank account doesn't magically  
3 transform you into a law abiding person.

4 Here's some more common sense: When drug traffickers  
5 use bank accounts, what do you think those accounts look like?  
6 Do you think they go to the bank and get that little deposit  
7 slip and write on the memo line: Bribe from Chapo? No, of  
8 course not. That's ridiculous. Do you think when they engage  
9 in a wire transfer with their cocaine supplier they write in  
10 the message: Payment for poison? No, that's ridiculous.

11 And remember where the defendant held those bank  
12 accounts. Honduras. You heard from Special Agent Mervis and  
13 Special Agent Gonzalez the DEA does not have the ability to  
14 compel banks or businesses in Honduras to turn over their  
15 records. The defendant knew that he could keep a hundred bank  
16 accounts in Honduras and the DEA was not going to be able to  
17 compel those records. This is a distraction.

18 Defense counsel also said if you look at those  
19 receipts you will see that they show that this is not the type  
20 of person who is a cocaine trafficker. First of all, common  
21 sense tells you that even cocaine traffickers who make millions  
22 of dollars might want to save money. Common sense will tell  
23 you that they might clip coupons or use gift cards or keep  
24 receipts. That doesn't mean that they're not cocaine  
25 traffickers. Remember the testimony of Chang, he said that he

1 made millions of dollars in cocaine trafficking. He also said  
2 that he kept an expense book at his house with his wife to keep  
3 track of household expenses. Those two things can be true.

4 And on that point, defense counsel wanted to have it  
5 both ways with this argument. They want to say that those  
6 receipts and that trip which they claim and the defendant  
7 claimed, or at least one of his explanations to Special Agent  
8 Gonzalez was that that was a shopping trip, that that all shows  
9 that he's a normal person who's not a drug trafficker. Use  
10 your common sense on this one. Do normal people take  
11 international trips for black Friday shopping?

12 Even if that is the answer, that he was shopping for  
13 black Friday, which is different from what he said when he was  
14 meeting with a Mexican person who he couldn't remember his last  
15 name, but even if it was a shopping trip, is that something  
16 that normal people do? That's something that someone who has a  
17 lot of money does. That's what the defendant supposedly did.

18 And defense counsel said why would the defendant sit  
19 in the middle of the plane, why wasn't he flying first class,  
20 why wasn't he on a private jet? Common sense will tell you  
21 that the defendant may have had a lot of reasons to not want to  
22 draw attention to himself on that trip. One of them is the  
23 other reason that he gave Special Agent Gonzalez for why he was  
24 coming to the United States, which was some business meeting  
25 where he couldn't describe exactly what the business was or the

1 last name of the person he was meeting with but it was someone  
2 from Mexico. The defendant had a lot of reasons to not draw  
3 attention to himself on that trip.

4 And don't forget what the defendant was carrying with  
5 him when he was arrested, \$8,000. So what is defense counsel  
6 talking about here? They're trying to distract you. The fact  
7 the defendant had some receipts for small purchases does not  
8 mean he was not a massive cocaine trafficker. You know from  
9 all the other evidence that he was.

10 Defense counsel also spent some time talking about  
11 that Blackberry message wire where the picture was passed of  
12 the kilogram of cocaine stamped with the defendant's initials.  
13 And defense counsel has tried to make you question whether or  
14 not those were actually drug messages or when that photo was  
15 taken or who took it.

16 You know everything you need to know about those  
17 messages. Special Agent Gonzalez told you how those  
18 communications were intercepted. It was across a drug wire, a  
19 court-authorized wiretap for communications between drug  
20 traffickers. And you know that it was drug traffickers  
21 exchanging messages because you can look at the content of  
22 those messages. They're talking about 300 ready in SPS, San  
23 Pedro Sula. Rojo told you what happens in San Pedro Sula.  
24 That's a cocaine transshipment point. That's what they're  
25 talking about, and that's the context of the conversation where

1 they pass a photograph of a kilogram of cocaine stamped with  
2 the defendant's initials.

3 And what is defense counsel even suggesting with this  
4 argument? That these people on the wire are posing as drug  
5 traffickers? Of course not. That's ridiculous. Why? So they  
6 could frame themselves so they could be arrested? This  
7 argument makes no sense. You know that that was a drug  
8 trafficking communication. You know that's a picture of a  
9 kilogram of cocaine because you can see it, and because the  
10 witnesses testified that they saw real kilograms of cocaine  
11 right in front of them with their own eyes that were stamped  
12 with the very same stamp, the defendant's initials.

13 Defense counsel has made several arguments about the  
14 guns that the defendant used. I'm going to try to address some  
15 of those arguments now.

16 One of the arguments was Honduras is a dangerous  
17 place, everybody had guns there. First, this won't surprise  
18 you, but there's no everybody-was-doing-it defense. That's not  
19 an instruction that you're not going to hear from the judge.  
20 If you are a cocaine trafficker who uses guns to protect your  
21 cocaine business, you are just as guilty as everyone else who  
22 does it.

23 And on this point about Honduras being a dangerous  
24 place and whether you need machine guns to travel safely in  
25 Honduras, defense counsel said you need that because you can't

1 trust the police. Well, maybe ordinary people can't trust the  
2 police. Why? Because the defendant has paid them all off.  
3 Because he had corrupted the system. Those police were working  
4 for the defendant. You heard multiple witnesses testify about  
5 that, and you saw photos on the defendant's phone of police  
6 officers protecting him.

7 The defendant didn't need to worry about corrupt  
8 police, they were working for him. But let's put that argument  
9 aside, everybody was doing it, and turn to this next argument  
10 about gun permits. Having a permit to carry a gun does not  
11 make it legal to use that gun to protect your cocaine  
12 trafficking. That is something that you will hear an  
13 instruction from the judge on, I expect.

14 And that makes sense under any legal system, right?  
15 It may be legal for someone to carry a pistol, that doesn't  
16 mean that it is legal for them to take that pistol and rob and  
17 shoot someone. The defendant may have had a legal permit to  
18 carry any type of gun, it doesn't mean that it was legal for  
19 him to use it to protect his very illegal cocaine trafficking  
20 business.

21 Defense counsel said that the machine guns were scary.  
22 Yeah, that was the point. That's why the defendant was using  
23 them. That's why when the defendant's security was carrying  
24 them, they would scare away anyone who tried to mess with the  
25 defendant's cocaine shipments. It was scary. It was also

1 scary when the defendant had murderers carrying them around so  
2 they could protect him and his cocaine shipments.

3 Defense counsel said there are guns on the defendant's  
4 phone but you don't know if those pictures are pictures of the  
5 defendant's actual guns. First of all, Ardon testified that at  
6 least one of those photos was absolutely a gun that he had seen  
7 the defendant carry. That was 202R1. That's a machine gun.

8 But also what is defense counsel really arguing here?  
9 The defendant admitted to the DEA in that post-arrest interview  
10 that he used guns. He came through that airport with those  
11 permits the defense counsel keeps talking about. Clearly he  
12 was using guns.

13 Ms. Hurst, could you bring up Government Exhibit 211,  
14 please. And if you could zoom in on the picture.

15 So while defense counsel spent so much time talking  
16 about those photos on the defendant's phone, how about that  
17 photo? That's a photo of machine gun, the defendant's picture  
18 on it and his name. Of course the defendant was using machine  
19 guns, there's no real dispute about this, and he was using it  
20 in connection with his drug trafficking. You know that from  
21 what is on his phone, you know that from what he said to the  
22 DEA, you know that from witness after witness, you know that  
23 from your common sense.

24 Thank you, Ms. Hurst, you can take that down.

25 Defense counsel asked about the defendant's interviews

1 with law enforcement and why would the defendant sit down in  
2 2016 with the DEA, why would the defendant sit down in 2018  
3 with the DEA. The answer is because the defendant was  
4 incredibly arrogant. He had been protected in Honduras. He  
5 was untouchable. He was used to a system where your power and  
6 your connections could protect you, and he thought that that  
7 would work here for him. He was wrong, and that's why he's  
8 sitting here today.

9 And remember, Special Agent Papadopoulos told you  
10 people could have a lot of reasons to meet with law  
11 enforcement. You also know that the defendant was being  
12 investigated at the time of that 2016 meeting with the DEA. So  
13 you can use your common sense to figure out why the defendant  
14 might have wanted to meet with the DEA to get ahead of that.

15 And let's talk about the 2018 meeting. At that time  
16 the defendant had been arrested. He was trying to talk his way  
17 out of that arrest. And you can see him on that video, he is  
18 acting in pure politician form. He's giving politician speak  
19 to those special agents. Special Agent Gonzalez asks the  
20 defendant when he first got involved in drug trafficking, and  
21 the defendant quibbles with what the word "directly" means.  
22 That happens four times on the video. Those aren't examples of  
23 the defendant coming in and being truthful with law  
24 enforcement, it's the defendant trying to talk his way out of  
25 his arrest. It's the defendant trying to get around the fact

1 that he knew that he was a drug trafficker and he thought that  
2 he could convince the other people in the room, the DEA agents,  
3 that he wasn't. He was wrong. That's why he's here today.

4 Defense counsel also said, by the way, that if you  
5 look at the 2016 and the 2018 meetings, you can see that the  
6 defendant says the same thing, and therefore, he was telling  
7 the truth. First, your common sense tells you because somebody  
8 says something twice certainly does not make it the truth. But  
9 second, you should think about whether or not that is even  
10 true.

11 In the 2016 meeting, Special Agent Papadopoulos told  
12 you, here's one example:

13 "Q. During the interview, did the defendant describe meetings  
14 with Rojo at all?

15 "A. Yes, he said the meetings were short and that no drug  
16 trafficking was discussed."

17 That's pretty different from what the defendant said  
18 in 2018 when he talked about sitting down with Rojo and hearing  
19 about how all the drugs were coming to the United States. So  
20 the defendant didn't tell the truth in either of those  
21 meetings. The fact that he sat down with the special agents  
22 certainly doesn't show that he was telling the truth. You  
23 should reject that argument from defense counsel.

24 So let me turn now to the witnesses. Defense counsel  
25 said you cannot rely on those people, those liars, losers,

1 murderers. You know who relied on those people? The  
2 defendant. They were his partners in drug trafficking. That's  
3 why they are the people who testified before you, because the  
4 defendant choose them as his partners. The defendant decided  
5 to partner with Rojo to send more than 140,000 kilograms of  
6 cocaine to the United States. The defendant decided to partner  
7 with Alex Ardon to transport Chapo's cocaine and to murder two  
8 people. Those are the people who know about the defendant's  
9 crimes because they committed them together.

10 And yes, it would be easier for the government if we  
11 could always call Girl Scouts and choir boys as witnesses, but  
12 unless those Girl Scouts were trafficking mass quantities of  
13 cocaine into the United States, they can't tell you about how  
14 the defendant did that. And unless those choir boys were  
15 carrying around M-16s and RPGs and murdering people to protect  
16 the defendant's drug business, they can't tell you about what  
17 the defendant did. People who commit serious crimes know about  
18 the defendant's serious crimes. That's why those witnesses  
19 were here testifying before you.

20 Let's talk about defense counsel's argument about the  
21 incentives that those witnesses had. And I want to start with  
22 this question around extradition. At the beginning of this  
23 trial defense counsel said that the witnesses were signed,  
24 sealed, and delivered by Juan Orlando. They have conceded now  
25 that that's not true. Not a single one of those witnesses was

1 extradited from Honduras. Not a single one.

2 And think about that. Think about what that shows,  
3 that none of the witnesses were extradited. None of them were  
4 even investigated. That's because they were being protected by  
5 the defendant and his brother. Think about Alex Ardon. He  
6 told you that he was never once investigated in Honduras for  
7 drug trafficking, despite the fact that the defendant said in  
8 his post-arrest interview that everyone knew that Ardon was a  
9 drug trafficker. He says that. So why wasn't he investigated?  
10 You know the answer. Because the defendant was protecting him.  
11 Ardon told you he committed more than 50 murders. Not a single  
12 one of those murders was investigated in Honduras? Why?  
13 Because the defendant was protecting him, the same way the  
14 defendant was protecting the rest of the witnesses.

15 Defense counsel said that the witnesses surrendered  
16 because they knew they were going to be extradited. There is  
17 absolutely no evidence that any of these witnesses ever  
18 believed that they were going to be extradited.

19 Defense counsel has turned to talking about the  
20 extradition of the Valles. What does that have to do with the  
21 witnesses who testified before you? Think about the Valles.  
22 Those are two brothers who are involved in drug trafficking.  
23 They're the ones who introduced the defendant to his cocaine  
24 producing partner in Colombia. And you did hear that the  
25 Valles were extradited, but you also heard about why. The

1 Valles were only extradited after they tried to assassinate  
2 Juan Orlando. The extradition of the Valles did not send a  
3 message throughout Honduras that Juan Orlando was tough on drug  
4 traffickers, it sent a message that he is tough on his enemies.  
5 But the witnesses weren't his enemies, they were protected by  
6 Juan Orlando, they were protected by the defendant. The  
7 extradition of the Valles does not play into the decision of  
8 these witnesses to surrender. There is absolutely no evidence  
9 of that. That is entirely argument from the defense, and you  
10 should reject it.

11 Defense counsel said that these witnesses are lying  
12 essentially because they want to get out of prison. The  
13 witnesses told you: Do they miss their families? Yes. Do  
14 they like being in prison? No. I'm sure that none of that  
15 testimony surprised. But you should ask yourself the much more  
16 important question: What is the one hope that those witnesses  
17 have of seeing those families again? Testifying truthfully.  
18 That is the only way that they will get that letter from the  
19 government. That is the only way that they can hope of getting  
20 a sentence below the mandatory minimums that they face. And if  
21 they lie, that cooperation agreement that they have with the  
22 government is ripped up, and the judge is required to sentence  
23 them to mandatory minimums. Think about what those mandatory  
24 minimums were. For Rojo it was 40 years, for Ardon it was life  
25 plus 30 years. That is an incredible incentive to tell the

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1 truth. If they lie just once, the cooperation agreement will  
2 be ripped up.

3 And think about the risks that they took just to  
4 testify here, Rojo, Ardon, Chang, they all told you they were  
5 terrified to talk about the defendant and Juan Orlando. They  
6 knew the consequences that their families could face. They  
7 testified about that. So why would they get up on that witness  
8 stand? Why would they go through all of this? Why would they  
9 put their families at risk in the way that they told you they  
10 did if they were just going to lie and spend the rest of their  
11 lives in prison? It makes no sense.

12 Defense counsel said you shouldn't believe the  
13 witnesses because the witnesses couldn't remember exactly what  
14 day they met with certain DEA agents or exactly what was said  
15 at some of those meetings. You saw a couple of federal agents  
16 testify at this trial. You saw what the inside of some of  
17 those rooms looked like, like where the defendant was  
18 interviewed at a DEA office, and you can use your common sense  
19 and imagine that it could be difficult to remember exactly what  
20 days those meetings happened or exactly what was said at each  
21 of those meetings.

22 THE COURT: Two more minutes.

23 MS. HOULE: Thank you, your Honor.

24 But compare that to a meeting where you are sitting  
25 with the brother of the president and you're talking about

1 cocaine trafficking and you're surrounded by men who are  
2 carrying machine guns. Maybe that would be easier to remember.  
3 That's why those cooperating witnesses told you that they were  
4 telling the truth. You know that they were telling the truth  
5 because you can evaluate their testimony. You can understand  
6 why it would be easier for them to remember those meetings with  
7 the defendant.

8 Defense counsel also told you that the government is  
9 not going to make those witnesses turn over their drug money.  
10 That's completely false. You heard the testimony of Rivera, he  
11 told you that at sentencing the judge will decide what he needs  
12 to turn over. That's in the plea agreements, you can look at  
13 that for yourself. It's a provision called forfeiture. It  
14 happens at sentencing. Chang told you he's the one that has  
15 been sentenced. He turned over planes, helicopters, cars,  
16 Rolexes. This argument is nonsense, and it was frankly an  
17 effort to mislead you.

18 I want to make one more point about the cooperating  
19 witnesses and what defense counsel is really asking you to  
20 believe here. Defense counsel is asking you to believe that  
21 the ways that the cooperating witnesses' testimony overlaps and  
22 the way that it's corroborated by the entirely independent  
23 evidence is, I suppose, just a coincidence.

24 Let's start with some basics and think about whether  
25 or not that makes any sense. There is no dispute about when

1 those witnesses were arrested. They were arrested across four  
2 different years and entirely separate places. So defense  
3 counsel is asking you to believe that these five witnesses  
4 arrested across four years in different places all just  
5 happened to come up with the idea to tell the government that  
6 the defendant was a massive cocaine trafficker operating a  
7 state-sponsored cocaine business, and then even more of a  
8 coincidence, none of those men were extradited or investigated  
9 or charged by Juan Orlando's administration. That's a pretty  
10 big coincidence that doesn't look very good for the defendant.

11 And then, even more of a coincidence, three of those  
12 witnesses then told the government that they saw the  
13 defendant's TH stamp. They all just happened to magically come  
14 up with that. There's been testimony in this trial that the  
15 DEA suggested that stamp to any of them. You should reject  
16 that argument from defense counsel, but it's another  
17 coincidence that doesn't look very good for the defendant.

18 And then coincidence of all coincidences, two drug  
19 traffickers with absolutely no connection to the rest of this  
20 investigation just happened to be passing drug messages, and  
21 they pass a photo that looks exactly like the photo described  
22 by the government's witnesses. That's another big coincidence,  
23 right, that defense counsel is asking you to believe.

24 And wait, because there's another coincidence to add  
25 on top of that, which is that in 2018 when four out of those