

JAB9HER1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 CR 379 (PKC)

5 JUAN ANTONIO HERNANDEZ
6 ALVARADO,

7 Defendant.

8
9 New York, N.Y.
10 October 11, 2019
11 10:12 a.m.

12 Before:

13 HON. P. KEVIN CASTEL,

District Judge

14 APPEARANCES

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

19 EMIL J. BOVE, III
20 AMANDA HOULE
21 JASON RICHMAN

Assistant United States Attorneys

22 OMAR MALONE
23 MICHAEL R. TEIN
24 Attorneys for Defendant

25 ALSO PRESENT: HUMBERTO GARCIA, Interpreter (Spanish)
CRISTINA WEISZ, Interpreter (Spanish)
MERCEDES AVALOS, Interpreter (Spanish)
MARCIA GOTLER, Interpreter (Spanish)
BRIAN FAIRBANKS, DEA
MORGAN HURST, Paralegal, USAO

JAB9HER1

Rodriguez - Redirect

1 cross-examination about extradition. Do you remember those?

2 A. Yes.

3 Q. Do you recall in approximately 2012 having a conversation
4 with Mauricio Hernandez Pineda about the extradition law?

5 A. Yes.

6 Q. And do you recall that Mauricio Hernandez Pineda told you
7 that Tony Hernandez had told him that he did not have to worry
8 about being extradited?

9 A. Yes.

10 MR. RICHMAN: Nothing further, your Honor.

11 THE COURT: All right. You may step down.

12 (Witness excused)

13 MR. BOVE: Your Honor, the government calls Devis
14 Rivera Maradiaga.

15 THE COURT: All right.

16 DEVIS RIVERA MARADIAGA,

17 called as a witness by the Government,

18 having been duly sworn, testified through the

19 Spanish-language interpreter as follows:

20 THE COURT: You may inquire.

21 MR. BOVE: Thank you, Judge.

22 THE COURT: Let me inquire of the -- Karen, do you
23 have the spelling of the witness's name?

24 That's fine. We may inquire.

25 MR. BOVE: Thank you, Judge.

1 (Continued on next page)

2 DIRECT EXAMINATION

3 BY MR. BOVE:

4 Q. Where are you from?

5 A. From Honduras, sir.

6 Q. Where do you live right now?

7 A. In prison.

8 Q. Here in the U.S.?

9 A. Yes, sir.

10 Q. Were you extradited to the United States?

11 A. No, sir.

12 Q. How did you get to the U.S.?

13 A. I surrendered to the DEA.

14 Q. When approximately did you surrender to the DEA?

15 A. In January 2015.

16 Q. What were you doing immediately before you surrendered?

17 A. I was working for the DEA.

18 Q. When approximately did you start working with the DEA?

19 A. November 2013, sir.

20 Q. After you surrendered in January 2015, did you plead guilty
21 to any crimes?

22 A. Yes, sir.

23 Q. Did you make that plea pursuant to a cooperation agreement?

24 A. Yes, sir.

25 Q. What crimes did you plead guilty to?

JAB9HER1

D. Rivera Maradiaga - Direct

1 A. Murders, money laundering, possession of war weapons,
2 conspiracy with five or more kilos of cocaine.

3 Q. And did you also plead guilty to a crime relating to your
4 leadership of a drug trafficking organization?

5 A. Yes, sir.

6 Q. What was the name of that drug trafficking organization?

7 A. The Cachiros.

8 Q. As you sit here today do you face a mandatory minimum
9 sentence?

10 A. Yes, sir.

11 Q. What is that mandatory minimum?

12 A. Life plus 30.

13 Q. Did you participate in torture with the Cachiros?

14 A. Yes, sir.

15 Q. How many murders are you responsible for?

16 A. 78 people, sir.

17 Q. Were there other people who were injured but not killed
18 during those attacks?

19 A. Yes, sir.

20 Q. How many other people were harmed by your violence?

21 A. Fifteen people, sir.

22 Q. Do you know a man named Tony Hernandez?

23 A. Yes, sir.

24 Q. Please stand up and tell us whether you see him in the
25 courtroom this morning.

JAB9HER1

D. Rivera Maradiaga - Direct

1 A. Yes, sir.

2 Q. Could you please point him out based on where he's sitting
3 and a piece of clothing that he's wearing?

4 A. I can only see his forehead. He is seated at the first,
5 second -- well from the first to the second desk.

6 THE COURT: Where -- say this again now. Where do you
7 see this person seated?

8 THE WITNESS: From this desk to the second desk, on
9 the left.

10 MR. TEIN: Stipulate to the ID.

11 THE COURT: All right. Identification noted.

12 BY MR. BOVE:

13 Q. When approximately did you meet the defendant?

14 A. In approximately 2014 between January and February.

15 Q. And when you met the defendant in early 2014, what did you
16 talk to him about?

17 A. I asked the defendant for help so that the government would
18 pay some highway contracts that the government owed my company
19 Inrimar.

20 Q. Which government?

21 A. The Honduran government.

22 Q. Why did you want the Honduran government to pay the
23 Cachiros?

24 A. For money laundering, sir.

25 Q. Who were the leaders of the Cachiros?

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D. Rivera Maradiaga - Direct

1 A. Myself and my brother, Javier Rivera, sir.

2 MR. BOVE: Ms. Hurst could you please bring up

3 Government Exhibit 117.

4 Q. Who is shown in this picture?

5 A. Javier Rivera, my brother, sir.

6 Q. Where is he today?

7 A. In prison.

8 Q. When approximately did you get involved in drug
9 trafficking?

10 A. In approximately 2002.

11 Q. And what types of drug trafficking activities were you
12 involved in with the Cachiros?

13 A. I would receive cocaine shipments that were coming in by
14 planes and go-fast boats. I would transport them. And I would
15 also -- and I also provided security for cocaine shipments that
16 were being transported through the Honduran coastline to El
17 Espiritu Copan and then I would sell it to other drug
18 traffickers, sir.

19 Q. About how much cocaine did you help to distribute before
20 you started to cooperate with the DEA?

21 A. Approximately over 130 tons of cocaine, sir.

22 Q. Where did that cocaine end up?

23 A. The United States, sir.

24 Q. Did the Cachiros keep ledgers or notes relating to drug
25 shipments?

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D. Rivera Maradiaga - Direct

1 A. Yes, sir.

2 Q. Who was responsible for creating those ledgers?

3 A. Two workers of mine, sir.

4 Q. Did you ever review the ledgers?

5 A. Yes, sir.

6 Q. Did those ledgers sometimes contain the full legal names of
7 participants in drug shipments?

8 MR. TEIN: Objection. Leading.

9 THE COURT: Overruled.

10 THE WITNESS: Yes, sir.

11 Q. Where are those ledgers?

12 A. They were destroyed, sir.

13 Q. When?

14 A. Once the shipment, the cocaine shipments got to Honduras, I
15 would sell it to other drug traffickers. We would review the
16 list of those involved in that cocaine shipment. We would pay
17 them. And we would then tear them up.

18 Q. Did the Cachiros use weapons to protect the group's
19 cocaine?

20 A. Yes, sir.

21 Q. What kinds of weapons?

22 A. AK-47s, AR-15s, RPG-7, Claymore mines, amongst others.

23 Q. Were there people in Honduras who helped the Cachiros
24 protect your cocaine?

25 A. Yes, sir.

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D. Rivera Maradiaga - Direct

1 Q. What are some of the types of people in Honduras who helped
2 protect the Cachiros' cocaine?

3 A. Politicians, judges, prosecutors, the National Police, the
4 Honduran National Army, amongst others, sir.

5 Q. How did you get those types of people to help the Cachiros?

6 A. I would take cocaine profit, money, and I would bribe them,
7 sir.

8 MR. BOVE: Ms. Hurst, could you please bring up
9 Government Exhibit 121 on the left and 122 on the right.

10 Q. Do you recognize these men?

11 A. Yes, sir.

12 Q. Who is shown in Government Exhibit 121?

13 A. Luis Valle, sir.

14 Q. Who is shown in Government Exhibit 122?

15 A. Miguel Arnulfo Valle.

16 Q. Are these men brothers?

17 A. Yes, sir.

18 Q. Did you work with the Valle brothers in drug trafficking?

19 A. Yes, sir.

20 Q. When, approximately, did you work with the Valles in drug
21 trafficking?

22 A. In approximately 2004, sir.

23 Q. Until when?

24 A. Until approximately 2013.

25 Q. What types of things did you do with the Valle brothers?

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D. Rivera Maradiaga - Direct

1 A. I would receive their cocaine shipments. I transported
2 their cocaine shipments from Francia to El Espiritu Copan. I
3 would sell cocaine shipments. And we participated in murders
4 and killings together, sir.

5 Q. Did the Valles have a worker named Tono Frontera?

6 A. Yes, sir.

7 Q. What did Frontera do for the Valles?

8 A. He was a hit man, sir.

9 Q. Have you ever spoken to a Honduran trafficker named Nery?

10 A. Yes, sir.

11 Q. When approximately did you talk to Nery?

12 A. Approximately 2012. Between 2013, sir.

13 Q. Who introduced you to Nery?

14 A. Pollo, a worker of mine.

15 Q. What did you and Nery talk about?

16 A. Nery asked me on the cellphone if I could receive some
17 cocaine shipments for him that were coming to Mosquitia and how
18 much I would charge him for receiving those shipments, sir.

19 Q. During that conversation did Nery describe how he was
20 sending the cocaine to Mosquitia?

21 A. Yes, sir.

22 Q. What did he say?

23 A. That -- by plane, sir.

24 MR. BOVE: Ms. Hurst, if you could take these down. I
25 would like to look at one of the reports relating to the

JAB9HER1

D. Rivera Maradiaga - Direct

1 defendant's phone. This is Government Exhibit 202-R. If you
2 could take us, please, to tag 16. Zoom in on that.

3 If you could highlight the tag number. I'm sorry.
4 The tag number is right where the mouse is right now.

5 Now if we could look at the picture reflected in this
6 tag.

7 Q. Sir, do you recognize the man on the right side of this
8 picture?

9 A. Yes, sir.

10 Q. What is his name?

11 A. Oscar Nájera.

12 Q. Do you recognize the man on the far left of the picture?

13 A. Yes, sir.

14 Q. Who is that?

15 A. Tony Hernandez.

16 MR. BOVE: Now Ms. Hurst, if you could move this to
17 the top, please.

18 In the bottom window bring up page three of Government
19 Exhibit 502 and zoom in on the bottom row, please.

20 Q. How long have you known Oscar Nájera?

21 A. Ever since I can remember, sir.

22 Q. What, if any, assistance did Oscar Nájera provide to the
23 Cachiros?

24 A. Oscar Nájera provided protection for me and my brother,
25 Javier Rivera, so that we would not be arrested in the

JAB9HER1

D. Rivera Maradiaga - Direct

1 department of Colon.

2 Q. What else?

3 A. Oscar Nájera provided me with investigation -- with
4 information of government investigations.

5 Q. Did Oscar Nájera ever help the Cachiros with the military?

6 A. Yes, sir.

7 Q. How did Oscar Nájera help the Cachiros with respect to the
8 Honduran military?

9 A. Once I needed to go from Colon to Zamora and I called Oscar
10 Nájera who was on the Tocoa bridge with a military operation.
11 And I called him because I needed him to help us get through
12 because I had money and weapons in my car.

13 Q. What happened after you said that to Nájera?

14 A. Oscar Nájera moved the military checkpoints, sir.

15 Q. Did Oscar Nájera ever provide any help with respect to
16 police checkpoints?

17 A. Yes, sir.

18 Q. What did Nájera do with respect to police checkpoints?

19 THE INTERPRETER: The interpreter needs to consult
20 something.

21 (Interpreters confer)

22 THE WITNESS: Oscar Nájera would move them. When we
23 needed him to -- move them away when we needed to go through
24 the checkpoints, he would have them removed, sir. Whenever I
25 asked him to.

JAB9HER1

D. Rivera Maradiaga - Direct

1 MR. BOVE: Ms. Hurst, in the main window could you
2 bring up page 3 of 502 again. And this time if you could zoom
3 in on the top row.

4 Q. Do you know Pepe Lobo?

5 A. Yes, sir.

6 Q. Have you met him in person?

7 A. Yes, sir.

8 Q. When approximately was the first time you met Pepe Lobo?

9 A. In 2009, approximately, sir.

10 Q. Did the Cachiros bribe Pepe Lobo in 2009?

11 A. Yes, sir.

12 Q. And approximately how much in total did the Cachiros pay to
13 Pepe Lobo in bribes?

14 A. Between approximately five hundred and six hundred thousand
15 dollars, sir.

16 Q. What, if anything, did Pepe Lobo do in exchange for those
17 bribes?

18 A. Pepe Lobo said that he was going to protect me and my
19 brother, Javier, in his administration from extradition.

20 Q. Did Lobo help protect the Cachiros' cocaine shipments?

21 A. Yes, sir.

22 Q. Did Lobo help the Cachiros launder money?

23 A. Yes, sir.

24 Q. Do you know a man named Fabio Lobo?

25 A. Yes, sir.

JAB9HER1

D. Rivera Maradiaga - Direct

1 MR. BOVE: May I approach, Judge?

2 THE COURT: You may.

3 Q. I'm showing you a document marked for identification as
4 Government Exhibit 123.

5 MR. BOVE: And I'll ask Ms. Hurst to bring that up for
6 the Court and counsel.

7 Q. Do you recognize the man in the picture?

8 A. Yes, sir.

9 Q. Who is shown in the picture?

10 A. Pepe Lobo's son, Fabio Lobo.

11 Q. And is Government Exhibit 123 a fair and accurate depiction
12 of Fabio Lobo?

13 A. Yes, sir.

14 MR. BOVE: The government offers Government Exhibit
15 123.

16 MR. TEIN: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 123 received in evidence)

19 MR. BOVE: Ms. Hurst, if you could please bring that
20 up for the jury.

21 Q. Did Fabio Lobo help the Cachiros?

22 A. Yes, sir.

23 Q. How?

24 A. Fabio Lobo would protect cocaine shipments that were being
25 transported from the Honduran Coast to Espiritu Copan, sir.

JABTHER2

Maradiaga - Direct

1 BY MR. BOVE:

2 Q. Did Fabio Lobo also help the Cachiros with money
3 laundering?

4 A. Yes, sir.

5 Q. What is the main way that Pepe Lobo and his son, Fabio,
6 helped the Cachiros with money laundering?

7 A. They would give us government highway contracts for
8 Inrimar, my front company for laundering money.

9 Q. What did you do in exchange for the contracts that the
10 Honduran government issued to Inrimar?

11 A. I would take money that was derived from cocaine and bribe
12 them with it, sir.

13 Q. You've mentioned Inrimar a couple of times this morning.
14 What kind of company did Inrimar purport to be?

15 A. Inrimar was a company that was in charge of highway
16 contracts and asphalt highways also, sir.

17 Q. So construction projects?

18 A. Yes, sir.

19 Q. What kind of money did you use to set up Inrimar?

20 A. Money that was derived from cocaine profits, sir.

21 Q. Did you use email to operate Inrimar and other front
22 companies?

23 A. Yes, sir.

24 Q. Did you have bank accounts?

25 A. Yes, sir.

JABTHER2

Maradiaga - Direct

1 Q. Were some of those accounts in other people's names?

2 A. Yes, sir.

3 Q. What was the bank in Honduras where a lot of those accounts
4 were held?

5 A. Banco Continental, sir.

6 Q. Who were your main contacts at Banco Continental?

7 A. Andres Acosta, Jaime Rosenthal Oliva, the president of
8 Banco Continental, Yany Rosenthal and Yankel Rosenthal.

9 MR. BOVE: Ms. Hurst, could you please bring up page 5
10 of Government Exhibit 502 and zoom in on the row related to
11 Yankel Rosenthal.

12 Q. How did you use Inrimar to launder money with these
13 government contracts?

14 A. Please repeat the question for me again, sir.

15 Q. How did you use Inrimar to launder money with government
16 contracts?

17 THE INTERPRETER: May the interpreter consult, please,
18 with her partner?

19 THE COURT: You may.

20 THE INTERPRETER: Thank you, Judge.

21 (Pause)

22 A. I would take the money that I had derived from cocaine
23 profits and use it to invest in government highway contracts.

24 Once those contracts were completed by Inrimar, then the
25 government treasury would deposit money directly into Inrimar's

JABTHER2

Maradiaga - Direct

1 account. That's how the money was laundered.

2 Q. You said that you used drug money to invest in government
3 contracts.

4 A. Yes, sir.

5 Q. Did part of that investment include bribing government
6 officials to get the contracts?

7 A. Yes, sir.

8 Q. Between 2010 and 2013, about how much in total did you
9 bribe Fabio Lobo for contracts for the Honduran government?

10 A. Approximately \$350,000, sir.

11 Q. During that same period, what was the total value,
12 approximately, of the government contracts issued to the
13 Cachiros' front companies?

14 A. It was from -- it was approximately 250 million to 300
15 million lempiras, sir.

16 Q. When Pepe Lobo completed his presidency, how much,
17 approximately, did the Honduran government owe your front
18 companies?

19 A. Between approximately 25 and 38 million lempiras, sir.

20 Q. Did you discuss that drug debt with the defendant in
21 February 2014?

22 A. Yes, sir.

23 Q. Before we talk about that meeting, there's one more topic I
24 want to cover. Are you familiar with the part of the U.S.
25 government known as OFAC?

JABTHER2

Maradiaga - Direct

1 A. Yes, sir.

2 Q. Did OFAC ever sanction the Cachiros?

3 A. Yes, sir.

4 Q. More than once?

5 A. Yes, sir.

6 Q. How many times?

7 A. Twice, sir.

8 Q. When, approximately were those sanctions imposed on your
9 drug trafficking organization?

10 A. In approximately 2013, sir.

11 MR. BOVE: May I approach, Judge?

12 THE COURT: You may.

13 Q. I'm showing you a document marked for identification as
14 Government Exhibit 307.

15 MR. BOVE: And I will ask Ms. Hurst to bring that up
16 for the Court and counsel.

17 Q. What is Government Exhibit 307?

18 A. It's an OFAC document, sir.

19 Q. And did you see this document at the time it was issued?

20 A. Yes, sir.

21 Q. Is Government Exhibit 307 a fair and accurate depiction of
22 the OFAC document that you saw?

23 A. Yes, sir.

24 MR. BOVE: Your Honor, the government offers 307.

25 MR. TEIN: No objection.

1 THE COURT: Received.

2 (Government's Exhibit 307 received in evidence)

3 MR. BOVE: Ms. Hurst, if you could bring that up for
4 the jury, please.

5 Q. How did you first see this chart in 2013?

6 A. I saw this on the news, on TV, I saw this online, I saw
7 this on social media. It was like a big bomb that fell when it
8 came out in Honduras when it came out in the news, sir.

9 Q. Do you see the box that says "Leaders" on the top?

10 A. Yes, sir.

11 Q. Who is pictured there?

12 A. I am on the left side and on the right side is my brother
13 Javier, sir.

14 Q. Do you recognize anyone in the second row of Government
15 Exhibit 307?

16 A. Yes, sir.

17 Q. Who?

18 A. The first one is my dad, Isidro Rivera. The second one is
19 my mom, Esperanza Maradiaga. The third one is my sister, Maira
20 Lizeth Rivera. The fourth one is my brother, Isidro Rivera.

21 Q. Did all those relatives help the Cachiros' drug
22 trafficking?

23 A. Yes, sir.

24 MR. BOVE: Ms. Hurst, could you please zoom in on the
25 third row.

JABTHER2

Maradiaga - Direct

1 Q. What is shown in this part of the exhibit?

2 A. These are the names and logos of the companies that and I
3 my brother, Javier Rivera, used to launder money, sir.

4 Q. The logo in the middle refers to a zoo.

5 A. Yes, sir.

6 Q. Did you use that zoo to launder money?

7 A. Yes, sir.

8 Q. And we talked about Inrimar already this morning. Do you
9 see that on the chart?

10 A. Yes, sir.

11 Q. After OFAC imposed these sanctions, did any part of the
12 Honduran government seize assets from the Cachiros?

13 A. Yes, sir.

14 Q. What part of the Honduran government?

15 A. OABI.

16 Q. What, if anything, did Fabio Lobo do to help you avoid
17 seizures by OABI?

18 A. Fabio Lobo gave me a list of the other companies that were
19 going to be seized and also gave me a list of other property.

20 Q. What, if anything, did Oscar Najera do to help the Cachiros
21 avoid seizures by OABI?

22 A. Oscar Najera went to talk to Pepe Lobo, sir.

23 Q. Based on the help that you just described, were you able to
24 hide some of your assets from OABI?

25 A. Yes, sir.

1 Q. What kinds of things did you hide?

2 A. I was able to hide weapons, money, vehicles, property
3 documents, and we removed all of the computers, sir, cattle,
4 amongst other things.

5 MR. BOVE: Your Honor, I have a stipulation to offer,
6 it's marked as Government Exhibit 1001.

7 THE COURT: All right. Any objection?

8 MR. TEIN: No, your Honor.

9 THE COURT: All right. You may proceed.

10 MR. BOVE: Thank you, Judge.

11 Ms. Hurst, if you could please bring up Government
12 Exhibit 1001. Zoom in on the numbered paragraphs.

13 This agreement between the parties states as follows:

14 Government Exhibit 401 is a disk that contains a video
15 recording of a February 6, 2014 meeting in Honduras that was
16 secretly recorded by Devis Leonel Rivera Maradiaga at the
17 direction of the U.S. Drug Enforcement Administration.

18 Government Exhibit 401-T is a transcript that contains
19 true and accurate transcriptions of the Spanish language
20 statements in the recording on Government Exhibit 401, as well
21 as true and accurate English translations of those Spanish
22 language statements. The transcriptions, the translations, and
23 attributions contained in Government Exhibit 401-T are true and
24 accurate.

25 And that is the operative part of the parties'

1 agreement.

2 Ms. Hurst, if you could take that down, please.

3 BY MR. BOVE:

4 Q. Where was the meeting that you recorded with the defendant
5 in February 2014?

6 A. At a restaurant in Tegucigalpa, Denny's restaurant.

7 Q. What did you use to record the meeting?

8 A. I used a watch, sir.

9 Q. Where did you get the watch that recorded?

10 A. I bought it, sir.

11 Q. At some point after you recorded the meeting, did you turn
12 the recording over to the DEA?

13 A. Yes, sir.

14 MR. BOVE: Ms. Hurst, could you please bring up time
15 stamp 13:41 on the recording, Government Exhibit 401.

16 Before I do that, your Honor, the government offers
17 the underlying exhibits referred to in the stipulation,
18 Government Exhibits 401 and 401-T.

19 THE COURT: Any objection?

20 MR. TEIN: No objection.

21 THE COURT: Received.

22 (Government's Exhibits 401 and 401-T received in
23 evidence)

24 MR. BOVE: Thank you, Ms. Hurst.

25 Q. We're looking at time stamp 13:41 from Government

1 Exhibit 401. Who is this?

2 A. Tony Hernandez, sir.

3 MR. BOVE: And Ms. Hurst, if you could bring up time
4 stamp 14:52, please.

5 Q. Who is shown here?

6 A. Tony Hernandez, sir.

7 Q. Now if we could look quickly at time stamp 10:31.

8 What is shown in this part of the video?

9 A. The Inrimar contracts, sir.

10 Q. So the contracts are inside those envelopes?

11 A. Yes, sir.

12 MR. BOVE: Ms. Hurst, if we could look at time stamp
13 10:24, please.

14 Q. Who is shown at this point in the video?

15 A. Avila Meza, sir.

16 MR. BOVE: If you could please move this image to the
17 left, and on the right bring up the photo of Avila Meza,
18 Government Exhibit 102.

19 Q. At the time of this meeting in 2014, where did Avila Meza
20 work?

21 A. For the national police, sir.

22 Q. When, approximately, did you meet Avila Meza?

23 A. In 2004, sir.

24 Q. How did you meet Avila Meza?

25 A. Through my cousin, Ruben Santos.

JABTHER2

Maradiaga - Direct

1 Q. Did you ask Avila Meza for any help when you met him in
2 2004?

3 A. Yes, sir.

4 Q. What did you ask Avila Meza to do?

5 A. I asked him to help me to locate Coqui Ramos, because Coqui
6 Ramos was on the run in other countries, sir.

7 Q. Why did you want to locate Coqui Ramos?

8 A. Because Coqui Ramos killed one of my brothers and he
9 wounded another one of my brothers.

10 Q. Did you carry out a series of murders in retaliation?

11 A. Yes, sir.

12 Q. Now you said that you asked Avila Meza for help locating
13 Coqui Ramos outside of Honduras?

14 A. Yes, sir.

15 Q. What did Avila Meza do?

16 A. He captured Coqui Ramos, he had him extradited, and later
17 he was killed, sir.

18 Q. So Avila Meza helped with all of those things?

19 A. Yes, sir.

20 Q. Did Avila Meza have access to any particular kind of
21 information that allowed him to provide this assistance?

22 A. Yes, sir.

23 Q. What was the source of that information?

24 A. Avila Meza said he had an INTERPOL contact.

25 Q. After you started to cooperate with the DEA, did you have

JABTHER2

Maradiaga - Direct

1 any more communications with Avila Meza?

2 A. Yes, sir.

3 Q. Was that in December 2013?

4 A. Yes, sir.

5 Q. Was the first communication by phone or in person?

6 A. By phone, sir.

7 Q. And during that call, what, if anything, did Avila Meza
8 propose?

9 A. That he wanted to meet with me, sir.

10 Q. Did you meet Avila Meza after the call?

11 A. Yes, sir.

12 Q. Where?

13 A. Yes, in San Pedro Sula, sir, a mechanic shop next to the
14 Metromall called Jardines Del Valle.

15 Q. What did Avila Meza say during the meeting at San Pedro
16 Sula?

17 A. Avila Meza said that he had been in a meeting with Tony
18 Hernandez and a lawyer that was working for Tony Hernandez, and
19 that Tony Hernandez wanted to meet with me in -- Interpreter
20 correction -- that Tony Hernandez was sending me a message that
21 he wanted to work with me in drug trafficking, that he wanted
22 to meet with me, and that he would then help to get my front
23 companies paid for the government contracts.

24 Q. During the meeting in San Pedro Sula, what, if anything,
25 did Avila Meza say about bribes?

JABTHER2

Maradiaga - Direct

1 A. Avila Meza said that the defendant wanted an advance of
2 \$100,000 and a house in Tegucigalpa for him to use it as an
3 office.

4 Q. When, approximately, was the next time that you met with
5 Avila Meza?

6 A. In approximately 2014 between January and February.

7 Q. Where was the next meeting?

8 A. In Tegucigalpa.

9 Q. Where in Tegucigalpa?

10 A. In the lobby of the Clarion Hotel, sir.

11 Q. Who participated in the meeting at the lobby of the
12 Clarion?

13 A. Myself, Avila Meza, and attorney Oscar Ramirez.

14 MR. BOVE: Ms. Hurst, in the main window could you
15 please bring up another frame from the video, this time at
16 18:26.

17 Q. Who is this?

18 A. The attorney that was at the meeting with Avila Meza, Oscar
19 Ramirez.

20 Q. Had you met Ramirez before the 2014 meeting at the Clarion
21 Hotel?

22 A. Yes, sir.

23 Q. When, approximately, did you first meet Ramirez?

24 A. In approximately 2012, sir.

25 Q. Who first introduced you to Ramirez?

JABTHER2

Maradiaga - Direct

1 A. Avila Meza, sir.

2 Q. What, if anything, did Oscar Ramirez do for you in 2012?

3 A. Oscar Ramirez rented me an airstrip in Olanchito so I could
4 receive a cocaine shipment that was coming by plane, sir.

5 Q. Did the cocaine shipment land at Ramirez's airstrip?

6 A. No, sir.

7 Q. Why not?

8 A. Because that airstrip was only used as an alternate
9 airstrip, sir.

10 Q. Did you pay Ramirez in connection with that drug shipment?

11 A. Yes, sir.

12 Q. How much did you pay Ramirez in 2012?

13 A. Approximately \$50,000, sir.

14 Q. Now let's get back to Clarion Hotel in 2014.

15 THE COURT: All right, ladies and gentlemen, I'm going
16 to hold you in suspense and we're going to take our mid-morning
17 break. Please do not discuss the case among yourselves or with
18 anyone. We'll be back in action in ten minutes. Thank you.

19 (Recess taken)

20 THE COURT: You may continue, Mr. Bove.

21 MR. BOVE: Thank you, Judge.

22 BY MR. BOVE:

23 Q. Sir, before the break you had started to describe a meeting
24 at the Clarion Hotel in Tegucigalpa.

25 A. Yes, sir.

1 Q. You said that that meeting took place in early 2014?

2 A. Yes, sir.

3 Q. You explained before the break that the meeting started in
4 the lobby with you, Avila Meza, and Oscar Ramirez, who is on
5 the screen still.

6 A. Yes, sir.

7 Q. At the start of the meeting did Avila Meza say anything
8 about Ramirez?

9 A. Yes.

10 Q. What did Avila Meza say to you about Ramirez?

11 A. Avila Meza said look, cuz, he's the attorney that works for
12 Tony Hernandez, and it is through this attorney, Oscar Ramirez,
13 that we would be meeting with Tony Hernandez today.

14 Q. After that introduction, did you move the meeting to
15 another location?

16 A. Yes, sir.

17 Q. Where did you move the meeting to?

18 A. To the parking lot in my car, which was parked outside of
19 the hotel.

20 Q. Who was in the car at that point?

21 A. Oscar Ramirez, Avila Meza, and myself, sir.

22 Q. What, if anything, did Avila Meza say once you got in the
23 car?

24 A. Avila Meza asked if I had brought the money with me, sir.

25 Q. What did you tell him?

JABTHER2

Maradiaga - Direct

1 A. That I did, but that I only had \$50,000 on me.

2 Q. What did you do with the \$50,000?

3 A. I handed them over to Oscar Ramirez, sir.

4 Q. During the meeting in your car, did Oscar Ramirez say
5 anything?

6 A. Yes, sir.

7 Q. What did Oscar Ramirez say?

8 A. Well, he said to me look, Cuz, talk to Tony Hernandez
9 directly and clearly about drug trafficking, because Tony
10 Hernandez told me that what he wanted was to work with you in
11 drug trafficking.

12 Q. Did Ramirez ask you to bring anything to the meeting with
13 Tony Hernandez?

14 A. Yes, sir.

15 Q. What did Ramirez ask you to bring to the meeting?

16 A. The Inrimar contracts. Because Oscar Ramirez said that
17 Tony Hernandez was going to start working on getting the
18 company Inrimar paid for the government contracts -- paid by
19 the government.

20 Q. After Ramirez gave you that instruction, did you call
21 anyone?

22 A. Yes, sir.

23 Q. Who did you call?

24 A. My worker, Edgardo Perez.

25 Q. Did Perez work at Inrimar?

JABTHER2

Maradiaga - Direct

1 A. Yes, sir.

2 Q. What, if any, instructions did you give Edgardo Perez?

3 A. I told Edgardo Perez to bring the Inrimar contracts with
4 him.

5 Q. Did you go to another meeting at that point?

6 A. Yes, sir.

7 Q. Where was the next meeting?

8 A. At a Denny's restaurant.

9 Q. Was that Denny's also in Tegucigalpa?

10 A. Yes, sir.

11 Q. How did you get to Denny's?

12 A. With my car, sir.

13 Q. Did anyone drive you?

14 A. Yes, sir.

15 Q. Who drove you to the Denny's?

16 A. My cousin, Ney Turcios.

17 Q. Did Avila Meza and Oscar Ramirez go to Denny's?

18 A. Yes, sir.

19 Q. Do you know how they got there?

20 A. Yes, they were in the car that they had -- that is Oscar
21 Ramirez and Avila Meza -- and I was following behind in my car.

22 Q. When you arrived at the Denny's, did you notice anything
23 outside?

24 A. Yes, sir.

25 Q. What did you notice outside the Denny's?

JABTHER2

Maradiaga - Direct

1 A. There were three Prada SUVs that were parked next to one
2 another.

3 Q. Could you see any security in the area?

4 A. Yes, sir.

5 Q. How close was the security to those SUVs?

6 A. They were right next to them, sir. They were out of the
7 car. They had gotten out of the car.

8 Q. How many men did you see outside the SUVs?

9 A. I saw four to the side of the first SUV, I saw three
10 military members by the other SUV, sir, and then I saw four
11 other military men by the other one, sir.

12 Q. Did any of those men have weapons?

13 A. Yes, sir.

14 Q. How were they armed?

15 A. They were armed with long AR-15 rifles and a semi-automatic
16 pistol attached by a belt to their waistband, sir.

17 Q. Did you go inside the Denny's that day?

18 A. Yes, sir.

19 Q. Did you see Edgardo Perez inside?

20 A. Yes, sir.

21 Q. Did Perez bring the Inrimar contracts to the restaurant?

22 A. Yes, sir.

23 MR. BOVE: Ms. Hurst, please bring up time stamp 10:34
24 in the video.

25 Q. Let's start on the left side of this photo. Do you

JABTHER2

Maradiaga - Direct

1 recognize anyone in this picture?

2 A. Yes, sir.

3 Q. Who is on the left?

4 A. My cousin, Ney Turcios.

5 Q. Who is sitting at the booth across from Turcios?

6 A. Edgardo Perez, my worker, sir.

7 Q. Who is standing on the right side of the picture?

8 A. Tony Hernandez, sir.

9 MR. BOVE: Ms. Hurst, please bring up time stamp
10 19:46.

11 Q. Who is standing in the tan pants holding the documents?

12 A. Tony Hernandez, sir.

13 Q. What is he holding?

14 A. The Inrimar contracts.

15 MR. BOVE: Your Honor, at this point we're going to
16 play some of the video.

17 THE COURT: All right.

18 MR. BOVE: I ask permission to hand to the jury hard
19 copies of the corresponding transcript, 401-T.

20 THE COURT: Any objection?

21 MR. TEIN: No, your Honor.

22 THE COURT: That's fine.

23 MR. BOVE: Thank you, Judge.

24 Your Honor, I have a hard copy for the Court as well.

25 THE COURT: Let me see whether I have it here. No, it

1 doesn't look like I have it.

2 (Document handed)

3 THE COURT: Thank you.

4 MR. BOVE: Now Ms. Hurst, if we could play from the
5 start of Government Exhibit 401, the video, until 45 seconds,
6 please.

7 And the jurors could follow along beginning on page 2.

8 (Video recording played)

9 Q. I think everyone is probably a little dizzy from that. You
10 said you recorded this meeting with a watch?

11 A. Yes, sir.

12 Q. Where was the watch as you recorded the meeting?

13 A. On my hand, sir.

14 Q. And you just held up your right arm and pointed to your
15 wrist?

16 A. Yes, sir.

17 Q. At this point in the meeting at the Denny's, who was
18 sitting across from you?

19 A. Tony Hernandez, sir.

20 Q. Who is sitting in the booth next to the defendant?

21 A. My worker, Edgardo Perez, sir.

22 Q. This is his shoulder on the bottom left of the screen?

23 A. Yes, sir.

24 Q. And in that same booth, were you sitting next to anyone on
25 your left?

1 A. Yes, sir.

2 Q. Who was sitting next to you?

3 A. My cousin, Ney Turcios, sir.

4 Q. I'm going to ask you to take a look at page 2 of the
5 transcript. If you could please read line 22, and I will ask
6 the jurors to do the same.

7 You can look up when you're done.

8 What is your understanding of the name of the company
9 that Perez was referring to that point in the meeting?

10 A. Inrimar, sir.

11 Q. If you could look at line 25, please, and I will ask both
12 the witness and the jurors to read that.

13 What is your understanding of the paperwork that Perez
14 was referring to at that point in the meeting?

15 A. The Inrimar contracts, sir.

16 MR. BOVE: And now if the jurors could please turn to
17 page 3 of the transcript, 401-T, I will ask everyone to read
18 lines 2 and 3, please.

19 Q. In those two lines the defendant refers to having to move
20 them over, then you use that same phrase. Do you see that?

21 A. Yes, sir.

22 (Continued on next page)

23

24

25

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. At that point in the meeting what is your understanding of
2 what the defendant was referring to in line two?

3 A. That Inrimar had to move the contracts, the Inrimar
4 contracts over to the front company that my worker Edgardo
5 Perez had.

6 Q. And in line three of the transcript it looks like you
7 agreed with the defendant, right?

8 A. Yes, sir.

9 Q. Why was it necessary to move the Inrimar contracts to a new
10 front company?

11 A. Because Inrimar was then hot since it had been named by the
12 OFAC and that is why the defendant and I agreed to move them
13 over to Perez's front company because that company was clean,
14 it had no issues.

15 MR. BOVE: Now if the jurors could please look at line
16 6 on page 3 and I'll ask the witness to read that line as well.

17 Q. Do you see where the defendant referred to "the other one?"

18 A. Yes, sir.

19 Q. What is your understanding of what the defendant meant by
20 "the other one?"

21 A. As far as I understood, he was referring to Edgardo Perez's
22 front company.

23 MR. BOVE: Now if everyone could please take a look at
24 line 18.

25 Q. Do you see the references to Hugo that the defendant made

JAB9HER3

D. Rivera Maradiaga - Direct

1 at that point in the meeting?

2 A. Yes, sir.

3 Q. Who did you understand the defendant to be referring to?

4 A. Hugo Ardon, the Fondo Vial director.

5 MR. BOVE: Ms. Hurst, if you could please bring up
6 page 1 of the Government Exhibit 502 and zoom in on the second
7 row.

8 I'll ask the jurors now to turn to page 4, please.
9 That's page 4 of Government Exhibit 401-T and I'll ask
10 Ms. Hurst to play the video from 2 minutes 48 seconds to 3
11 minutes 53 seconds.

12 (Video recording played)

13 Q. In the portion of the video that we just watched what were
14 the defendant and Edgardo Perez doing?

15 A. Edgardo Perez is explaining to him the Inrimar contracts,
16 that is to the defendant, and Tony Hernandez is asking him if
17 he, Edgardo Perez, has copies of the Inrimar contracts.

18 MR. BOVE: If the jurors and the witness could please
19 take a look at line 14 on page 4 of the transcript.

20 Q. What is your understanding of what Perez was referring to
21 at that point in the meeting?

22 A. Perez is referring to one of several contracts that -- for
23 which Fondo Vial owes Inrimar.

24 MR. BOVE: Now if the jurors could please turn to page
25 5 of the transcript.

JAB9HER3

D. Rivera Maradiaga - Direct

1 I would ask Ms. Hurst to play on the video from 4:25
2 to 4:53.

3 (Video recording played)

4 Q. Could you please take a look at line 15 on page 5 of the
5 transcript.

6 Do you see where the defendant referred to "the other
7 company?"

8 A. Yes, sir.

9 Q. What did you understand the defendant to mean when he said
10 that?

11 A. If Perez's front company was already registered.

12 Q. Then take a look at line 21, please. Do you see where the
13 defendant said, "OK, perfect?"

14 A. Yes, sir.

15 MR. BOVE: Now if the jury could please turn to page 7
16 of the transcript. I'm going to ask Ms. Hurst to play on the
17 video from 6:23 to 7:15.

18 (Video recording played)

19 Q. Please take a look at line 3 of the transcript.

20 Do you see where the defendant referred to "Engineer
21 Ordóñez?"

22 A. Yes, sir.

23 Q. Who did you understand the defendant to be referring to at
24 that point in the meeting?

25 A. Roberto Ordóñez.

1 MR. BOVE: Ms. Hurst, if you could please bring up
2 page 4 on Government Exhibit 502 and zoom in on the row
3 relating to Roberto Ordóñez.

4 Q. Going back to the transcript on page 7, if you'd look at
5 line 3 again.

6 Do you see a reference by the defendant to Walter?

7 A. Yes, sir.

8 Q. Who did you understand the defendant to be referring to
9 when he said Walter?

10 A. Walter Maldonado, sir.

11 MR. BOVE: Ms. Hurst, in Government Exhibit 502 if you
12 could go to page three and zoom in on the row relating to
13 Walter Maldonado.

14 Now we are going to play another part of the video,
15 please. This time from 7:15 to 7:30.

16 (Video played)

17 Q. Who are you sitting across from at this point in the
18 meeting?

19 A. Oscar Ramirez, the attorney, sir.

20 Q. Let's go back to the transcript on page 7 and this time
21 look at line 9.

22 Do you see where you referred to the "green light?"

23 A. Yes, sir.

24 Q. What were you talking about at that point?

25 A. I am telling Oscar Ramirez that Tony Hernandez just has to

JAB9HER3

D. Rivera Maradiaga - Direct

1 give his authorization for the government contracts to be paid.

2 MR. BOVE: Now could the jurors please turn to page 10
3 of the transcript.

4 And I will ask Ms. Hurst to play from 8:44 to 9:06 on
5 Government Exhibit 401.

6 (Video played)

7 Q. On page 10, please take a look at lines 3 and 4. What were
8 you referring to on line 3?

9 A. To the money that had been taken by Oscar Ramierz.

10 Q. And in line 4 Avila says "They're going to take it."

11 Do you see that?

12 A. Yes, sir.

13 Q. What did you understand Avila Meza to mean when he said
14 that?

15 A. That Oscar Ramierz was handing the money to Tony Hernandez.

16 MR. BOVE: Ms. Hurst, could you please play from 9:34
17 to 9:48 in Government Exhibit 401.

18 (Video played)

19 Q. Who did the defendant leave the Denny's with?

20 A. With Oscar Ramierz, sir.

21 Q. After that meeting did you have anymore meetings with the
22 defendant?

23 A. No, sir.

24 Q. During the meeting at the Denny's, did you talk explicitly
25 about drug trafficking?

JAB9HER3

D. Rivera Maradiaga - Direct

1 A. No, sir.

2 Q. Why not?

3 A. Because we were focusing more on the Inrimar contracts,
4 sir.

5 Q. And during that conversation did you expect that there
6 would be more meetings?

7 A. Yes, sir.

8 Q. Did you hear from the defendant after you paid him the
9 \$50,000 bribe?

10 A. No, sir.

11 MR. BOVE: You can take that down, please.

12 Q. After the meeting at the Denny's did you become aware of a
13 plan to kill the defendant's brother, Juan Orlando?

14 A. Yes, sir.

15 Q. When approximately did you first learn about the
16 assassination plot?

17 A. In approximately 2014, sir.

18 Q. How did you first learn about it?

19 A. Through Luis Valle and Arnulfo Valle, sir.

20 Q. Did you learn about the assassination plot during a
21 phonecall or a meeting?

22 A. During a meeting, sir.

23 Q. Where was the meeting with the Valle brothers that they
24 described the assassination plot?

25 A. In El Espiritu Copan, sir.

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. Did the Valles explain why they were planning to kill Juan
2 Orlando?

3 A. Yes, sir.

4 Q. What did they say?

5 A. Arnulfo Valle said that they wanted to kill Juan Orlando
6 because after Juan Orlando had become president he was not
7 taking any of Luis Valle or Arnulfo Valle's calls after they
8 had supported his candidacy in the presidential elections
9 throughout the entire Espiritu Copan region.

10 Q. Did you agree to help the Valles murder Juan Orlando?

11 A. No, sir.

12 Q. Why not?

13 A. In the first place, because I was already working with the
14 DEA and I never had any thought in my mind of killing the
15 president of my country, sir.

16 MR. BOVE: Ms. Hurst, could please bring up page 2 of
17 the Government Exhibit 502. Zoom in on the second row.

18 Q. Do you recognize the man in this picture?

19 A. Yes, sir.

20 Q. How do you know him?

21 A. I knew him as Reynaldo Ekonomo, sir.

22 Q. Did you discuss the Valles' assassination plot with
23 Reynaldo Ekonomo?

24 A. Yes, sir.

25 Q. Was that also in 2014?

JAB9HER3

D. Rivera Maradiaga - Direct

1 A. Yes, sir.

2 Q. Before you had that conversation with Ekonomo, did you
3 already know him?

4 A. Yes, sir.

5 Q. When approximately did you meet Reynaldo Ekonomo?

6 A. In approximately 2004.

7 Q. In 2004 what did you talk to Ekonomo about?

8 A. I spoke with Ekonomo because around that time an arrest
9 warrant for me had been issued by the Court in San Pedro Sula.

10 Q. What did you ask Ekonomo to do?

11 A. To bribe the judges to get rid of the arrest warrant that
12 was out for me, sir.

13 Q. Was Ekonomo an attorney?

14 A. Yes, sir.

15 Q. Did he agree to help you?

16 A. Yes, sir.

17 Q. Did you pay Ekonomo in 2004?

18 A. Yes, sir.

19 Q. How much?

20 A. Between approximately fifty thousand and seventy thousand
21 dollars, sir.

22 Q. Were you arrested based on that warrant in 2004?

23 A. No, sir.

24 Q. Now let's get back to 2014. Did you meet with Ekonomo in
25 person to talk about the assassination plot against Juan

JAB9HER3

D. Rivera Maradiaga - Direct

1 Orlando Hernandez?

2 A. Yes, sir.

3 Q. Where was the meeting?

4 A. At a restaurant in San Pedro Sula.

5 Q. What did Ekonomo say at the beginning of the meeting?

6 A. Ekonomo told me that he had found out about some rumors
7 that Juan Orlando Hernandez had heard that I and my brother
8 Javier Rivera had wanted to kill him.

9 Q. What did you say in response?

10 A. I responded that we at no time had been planning to kill
11 Juan Orlando Hernandez.

12 Q. After you said that did Ekonomo offer to do anything to
13 help you?

14 A. Yes, sir.

15 Q. What did he offer to do?

16 A. Ekonomo offered that he would go meet with Juan Orlando
17 Hernandez that same day and after he was meeting -- or while --
18 while Ekonomo was meeting with Juan Orlando Hernandez then
19 Ekonomo would call me so that I could clarify the situation
20 with Juan Orlando Hernandez.

21 Q. After Ekonomo made that offer did he ask you for anything?

22 A. Yes, sir.

23 Q. What did Ekonomo ask for?

24 A. Ekonomo told me that he needed \$20,000 to move to
25 Tegucigalpa and rent a house for himself.

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. Did you eventually give Ekonomo that money?

2 A. Yes, sir.

3 Q. Did you give him anything else when you delivered the
4 money?

5 A. Yes, sir.

6 Q. What else?

7 A. Ekonomo saw that I was driving a new white Tahoe SUV and he
8 asked me to give it to him so he could get around to -- get
9 around Tegucigalpa in it because it was more comfortable.

10 Q. After the face-to-face meeting in San Pedro Sula did you
11 talk to Ekonomo again that day?

12 A. Yes, sir.

13 Q. In person or on the phone?

14 A. On the phone, sir.

15 Q. How did your call with Ekonomo begin?

16 MR. TEIN: Can we have a timeframe, your Honor.

17 THE COURT: Yes.

18 MR. BOVE: He's testified it's 2014.

19 THE COURT: Thank you.

20 A. Ekonomo called me at approximately 2 o'clock.

21 THE INTERPRETER: Interpreter's correction. Ekonomo
22 called me approximately two hours later.

23 Q. What did Ekonomo say at the beginning of the call?

24 A. Ekonomo told me that he was then meeting with Juan Orlando,
25 that he was with him in a meeting.

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. Did Ekonomo mention speakerphone?

2 A. Yes.

3 Q. What did he say?

4 A. Ekonomo said that he was going to put his cellphone on
5 speaker so that Juan Orlando could listen but he said that the
6 leader would not answer, he was only going to listen.

7 Q. What, if anything, did you say after that?

8 A. Yes. I started speaking. First off I said hello to Juan
9 Orlando. And I first said, "Juan Orlando, how are you?
10 Leader, I'm calling to clarify this situation about some rumors
11 and gossip." I said not to fall for what people are saying
12 because I and my brother, Javier Rivera, have not tried or
13 planned to kill him.

14 THE INTERPRETER: Interpreter's correction. To kill
15 you.

16 Q. Did you say anything else during the call?

17 A. Yes, sir.

18 Q. What did you say next?

19 A. I said, "Leader, rather than that, I and my brother, Javier
20 Rivera, have been supporting you in becoming president through
21 Milton Puerto in Olanchito, through the -- in Yoro through
22 Arnaldo Urbina, the mayor; in Cortes through Ekonomo; in
23 Atlantida through Carmen Rivera Munoz; in and in Colon through
24 Oscar Nájera. Leader, don't believe the gossip and rumors that
25 we have tried to kill you."

JAB9HER3

D. Rivera Maradiaga - Direct

1 THE INTERPRETER: Interpreter's correction. "Do not
2 believe the gossip and rumors because we have not attempted to
3 kill you."

4 Q. What happened when you stopped talking?

5 A. Approximately -- no, excuse me. Ekonomo said that the
6 leader had listened to me and that he would call me later --
7 that he would call me later on.

8 Q. What did you say after that?

9 A. I said fine. I said I would wait for the call.

10 Q. Did you talk to Ekonomo again about this assassination
11 plot?

12 A. Yes, sir.

13 Q. About how much time passed before the next conversation?

14 A. Approximately two days later, sir.

15 Q. What did Ekonomo say to you about two days later?

16 A. Ekonomo told me that Juan Orlando was pleased and satisfied
17 by the explanation I had given him.

18 Q. Now you just mentioned the names of some National Party
19 politicians in Honduras.

20 A. Yes, sir.

21 Q. Did the Cachiros also work with members of the Liberal
22 Party?

23 A. Yes, sir.

24 Q. Was the organization focused on any particular party?

25 A. No, sir.

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. Why not?

2 A. Because my brother Javier Rivera and I would pay anyone who
3 was in power to help us to launder money.

4 Q. What about to help you move cocaine?

5 A. Yes, sir.

6 MR. BOVE: Ms. Hurst, could you please bring up page 2
7 of Government Exhibit 502. Zoom in on the third row relating
8 to Midence Martinez.

9 Q. Do you know this man?

10 A. Yes, sir.

11 Q. Did Midence Martinez help the Cachiros?

12 A. Yes, sir.

13 Q. When approximately did Martinez start to help the Cachiros?

14 A. In approximately 2004, sir.

15 Q. What types of things did Midence Martinez do for the
16 Cachiros?

17 A. Mideli Oqueli Martinez would give military training to the
18 people who received the cocaine shipments.

19 THE INTERPRETER: Interpreter's correction. Midence
20 Oqueli Martinez.

21 Q. Did Martinez also provide security for cocaine shipments?

22 A. Yes, sir.

23 Q. Did he participate in violence for the Cachiros?

24 A. Yes, sir.

25 Q. Including at least one murder?

JAB9HER3

D. Rivera Maradiaga - Direct

1 A. Yes, sir.

2 Q. What, if anything, did you do in return for that help from
3 Midence Martinez?

4 A. I would take money that was derived from cocaine profits
5 and bribe him, sir.

6 MR. BOVE: Ms. Hurst, could you please take us to page
7 4 of 502. If you could zoom in on the row relating to Fredy
8 Nájera.

9 Q. Do you know Fredy Nájera?

10 A. Yes, sir.

11 Q. Did Nájera help the Cachiros?

12 A. Yes, sir.

13 Q. What types of things did Nájera do for the Cachiros?

14 A. Fredy Nájera would receive planes that came in loaded with
15 cocaine at his airstrips in San Esteban Olancho.

16 Q. Do you know a man named Juan Ramon Matta?

17 A. Yes, sir.

18 Q. Does he go by any nicknames?

19 A. Yes, sir.

20 Q. What nickname?

21 A. Moncho, sir.

22 Q. Did Moncho Matta assist the Cachiros?

23 A. Yes, sir.

24 Q. When approximately?

25 A. In approximately 2006.

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. Until when?

2 A. Until 2012 or 2013 approximately, sir.

3 Q. What types of drug trafficking activities did you and
4 Moncho Matta carry out.

5 A. Moncho Matta would sell cocaine loads to me and my brother.
6 Moncho Matta -- my brother and I would receive cocaine
7 shipments that came in by go-fast boats.

8 MR. BOVE: Ms. Hurst, could you bring up Government
9 Exhibit 103, please.

10 Q. Do you recognize this man?

11 A. Yes, sir.

12 Q. Who is this?

13 A. Wilter Blanco, sir.

14 Q. Did you ever talk to Wilter Blanco about a drug worker
15 known as Chino?

16 A. Yes, sir.

17 Q. Who was Chino?

18 A. Chino was a drug trafficker who worked for Wilter Blanco.

19 Q. Did Blanco tell you about any problems that arose with
20 respect to Chino?

21 A. Yes, sir.

22 Q. When approximately did a problem with Chino come up?

23 A. In approximately 2013, sir.

24 Q. What did Blanco say to you about the problem with Chino in
25 2013?

JAB9HER3

D. Rivera Maradiaga - Direct

1 A. Wilter Blanco told me that he was worried because he had
2 sent Chino by go-fast boat to pick up a cocaine shipment that
3 was waiting for him in a boat on the open sea. And that when
4 he had arrived to the boat to get said cocaine Chino got
5 arrested.

6 Q. Did Blanco ask you to do anything about the problem?

7 A. Yes, sir.

8 Q. What did Blanco ask you to do?

9 A. He asked if I had a contact to murder Chino in the prison.

10 Q. How did you respond?

11 A. I said yes, sir.

12 Q. Who was the contact in the prison?

13 A. Adan Montes, sir.

14 Q. Is Adan Montes related to any other Honduran drug
15 traffickers?

16 A. Yes, sir.

17 Q. Who is Adan Montes related to?

18 A. Ton Montes, Tito Montes, Chinda, Juan Carlos Montes, and
19 Pimpi Montes, sir.

20 Q. Where in Honduras was the base of operations for the Montes
21 family?

22 A. Between Francia Colon and Mosquitia.

23 Q. After the conversation with Wilter Blanco in 2013 relating
24 to Chino what, if anything, did you do?

25 A. I reached out to Adan Montes to have Chino killed.

JAB9HER3

D. Rivera Maradiaga - Direct

1 Q. Was Chino murdered in 2013?

2 A. Yes, sir.

3 Q. Where?

4 A. In prison. In Tamara Tegucigalpa.

5 Q. Is this one of the murders that you were required to accept
6 responsibility for in your plea agreement?

7 A. Yes, sir.

8 Q. At the beginning of your testimony this morning you said
9 that you surrendered in the United States?

10 A. Yes, sir.

11 Q. What were you charged with when you surrendered?

12 A. Of conspiracy for five kilos of more of cocaine.

13 Q. What was the mandatory minimum sentence for that charge?

14 A. Ten years, sir.

15 Q. When you surrendered in 2015 were you charged with any
16 murders?

17 A. No, sir.

18 Q. At the beginning of your testimony you said that you've now
19 pleaded guilty to five crimes?

20 A. Yes, sir.

21 Q. What mandatory minimum sentence do you face now?

22 A. Life plus 30, sir.

23 Q. How many murders are in your plea agreement?

24 A. 78, sir.

25 Q. What are some of the things that you are required to do

JAB9HER3

D. Rivera Maradiaga - Direct

1 under that agreement?

2 A. Tell the truth and testify any time the government requires
3 me to do so, sir.

4 MR. BOVE: Your Honor, may I approach?

5 THE COURT: You may.

6 Q. I'm showing you a document marked for identification as
7 Government Exhibit 704. I'll ask you to -- and I'll ask
8 Ms. Hurst to bring that up for the Court and counsel.

9 Please take a look at the first page and page 7.

10 A. May I?

11 Q. Do you recognize this?

12 A. Yes, sir.

13 Q. What is it?

14 A. It's my plea agreement, sir.

15 MR. BOVE: Your Honor the government offers 704.

16 MR. TEIN: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 704 received in evidence)

19 MR. BOVE: Ms. Hurst if you could publish this for the
20 jury, please.

21 Please go to appendix A.

22 Page 3. Highlight, please, row 68.

23 Q. Is that the murder of Chino that you described a moment
24 ago?

25 A. Yes, sir.

JAB9HER3

D. Rivera Maradiaga - Direct

1 MR. BOVE: You can take that down.

2 Q. You said that this agreement requires you to tell the
3 truth?

4 A. Yes, sir.

5 Q. And to testify?

6 And to testify?

7 A. Yes, sir.

8 Q. If you do what this agreement requires what is your
9 understanding of what the government will do for you?

10 A. As far as I understand the government will write a 5K1
11 letter, sir.

12 Q. Has anyone promised you that you're going to get a 5K1
13 letter?

14 A. No, sir.

15 Q. What is your understanding of what would be included in the
16 letter if you got one?

17 A. All the murders I've committed and what I have said, sir.

18 Q. If you get that letter, how would it impact the mandatory
19 minimum in your case?

20 A. The mandatory minimum disappears, sir.

21 Q. Even if you get the letter, will the judge be required to
22 sentence you to less jail time?

23 A. No, sir.

24 Q. Has anyone made any promises to you?

25 A. (No response).

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. About the sentence that you're going to receive?

2 A. No, sir.

3 Q. Who is going to decide your sentence?

4 A. The judge, sir.

5 MR. BOVE: I have nothing further, Judge.

6 THE COURT: All right. Mr. Malone.

7 MR. MALONE: Mr. Tein, Judge.

8 THE COURT: Mr. Tein, all right. Sorry.

9 CROSS-EXAMINATION

10 BY MR. TEIN:

11 Q. Good afternoon.

12 A. Good afternoon, sir.

13 Q. How many times did you meet with the prosecutors to prepare
14 your testimony today?

15 A. I have met with them several times, sir. Since I started
16 working with government and the DEA I have met with them
17 several times, sir.

18 Q. Several?

19 A. Several, sir.

20 Q. What do you understand several to mean?

21 A. Several, sir.

22 Q. Is it true that you met with the DEA and lawyers from the
23 Department of Justice 61 times in order to prepare for your
24 testimony?

25 MR. TEIN: Sesenta.

JAB9HER3

D. Rivera Maradiaga - Cross

1 THE INTERPRETER: The interpreter did say 61.

2 A. I have met with them several times, sir. I do not remember
3 the exact number.

4 Q. Will you agree with me that you met with them more than
5 four dozen times?

6 A. I don't know, sir. I do not remember the number of times,
7 sir.

8 Q. Would it refresh your memory if I showed you a list?

9 MR. BOVE: Objection.

10 THE COURT: Sustained.

11 Q. Is there anything that would refresh your memory?

12 A. I do not remember how many times, sir.

13 Q. You started cooperating with the DEA in November of 2013,
14 you said?

15 A. Yes, sir.

16 Q. And when you were cooperating with the DEA that was in
17 Honduras when you were still in Honduras?

18 A. It was in several countries, sir.

19 Q. It was before you came to the U.S.A., right?

20 A. Yes, sir.

21 Q. You stated that you started cooperating undercover with the
22 DEA in November of 2013, right?

23 A. Yes, sir.

24 Q. And when you were cooperating with the DEA did you tell
25 them about the criminal activity that you were engaging in on

JAB9HER3

D. Rivera Maradiaga - Cross

1 the side?

2 A. Would you please explain the question for me in another
3 way. I'm not understanding it.

4 Q. This is from the exhibit that -- your plea agreement. Do
5 you see that?

6 A. Yes, sir.

7 Q. Do you have a paper copy up there with you too?

8 A. No, sir.

9 Q. This is from Appendix A that the prosecutor just showed
10 you. Do you see that?

11 A. Yes, sir.

12 Q. And Appendix A is a three-page list of your murders, right?

13 A. Yes, sir.

14 Q. And did you kill those three people listed on lines 76, 77,
15 and 78 while you were cooperating with the DEA at the same
16 time?

17 A. Around that time I was starting to cooperate with the DEA,
18 sir.

19 Q. Did you tell the DEA while you were cooperating that you
20 were going to kill those three people?

21 A. The DEA and I started talking about my murders once I was
22 already here, sir, once I had surrendered.

23 Q. Understood. But, my question to you is: Did you tell the
24 DEA agents who were controlling your cooperation down in
25 Central America that you were going to kill the people listed

JAB9HER3

1 in 76, 77 and 78 on this chart before you killed them?

2 A. I didn't tell them anything, sir, because we were not
3 talking about murders. It wasn't until I was already here and
4 had surrendered that we started talking about murders, sir.

5 Q. So when you were cooperating with the DEA down in Central
6 America before you came to the United States of America you
7 were lying to the DEA at that very same time; isn't that true?

8 A. Sir, I only started talking about murders -- well, I didn't
9 mention the murders to the DEA during my cooperation because we
10 were talking about other drug trafficking topics, sir, other
11 drug traffickers and politicians. It wasn't until I got to the
12 United States and I surrendered that I started talking about
13 murders, sir.

14 THE COURT: All right. Ladies and gentlemen, we're
15 going to break for lunch. Please do not discuss the case among
16 yourselves or with anyone. You can leave the exhibit on your
17 chair. And have a pleasant lunch. Keep an open mind. There's
18 more to come. See you at two o'clock.

19 (Luncheon recess)
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AFTERNOON SESSION

2:13 p.m.

(Jury not present)

THE COURT: Before the jury comes in.

MR. BOVE: Judge if I could, I'm sorry. I don't think we have defense counsel yet.

THE COURT: I just want to put something on the record.

While we were in recess I observed a large number of individuals entering the courtroom. All the seats in the courtroom are taken. And I observed the CSOs, the court security officers, directing people for whom there were no seats to go to the overflow courtroom which is 12B. And there has been and continues to be an overflow courtroom for members of the public who cannot be accommodated with a seat. This is a public trial. Everyone is welcome for all parts of the trial and it's my commitment to see that happens. There are practical considerations in terms of the seating capacity of this courtroom and when the seating capacity is exceeded the CSOs are quite properly directing the individuals to the location of the overflow courtroom; is that correct, Mr. CSO?

THE CSO: Yes, sir.

THE COURT: All right. Please stand for our jury.

(Continued on next page)

1 (Jury present)

2 THE COURT: Mr. Tein, any time you're ready.

3 CROSS-EXAMINATION CONTINUED

4 BY MR. TEIN:

5 Q. You said you went to some other countries while you were
6 cooperating with the DEA?

7 A. Yes, sir.

8 Q. Did that include going to Quebec, Canada?

9 A. No, sir.

10 Q. Did you go to Quebec, Canada?

11 A. Can you please repeat the question.

12 Q. Did you go to Quebec, Canada?

13 A. No, sir.

14 Q. Are you minimizing your criminal conduct in any way, sir?

15 A. No, sir.

16 Q. I'm specifically referring to the criminal -- the crimes
17 that are listed out in Appendix A and appendix B to your plea
18 agreement.

19 Are you minimizing any of that activity?

20 MR. BOVE: Objection. Asked and answered.

21 THE COURT: Sustained.

22 Q. Did you continue to commit murders while you were
23 cooperating with the DEA before you were transported to the
24 United States of America?

25 THE COURT: Are you referring to the testimony you've

JAB9HER3

D. Rivera Maradiaga - Cross

1 already elicited or are you excluding that testimony in your
2 question? It's not clear.

3 Q. Other than the three murders that you committed in November
4 of 2013 while you were cooperating with the DEA, did you commit
5 any other murders while you were cooperating with the DEA?

6 A. I do not recall, sir.

7 Q. Is there anything that would refresh your memory about
8 whether you continued to murder people while you were
9 cooperating with the DEA other than the three murders that are
10 listed as numbers 76 through 78 on Appendix A?

11 A. No, sir.

12 Q. How is it that you were able to remember all these 78
13 murders --

14 MR. BOVE: Objection.

15 Q. -- going back to October 2003 up through November of 2013
16 in order to put them in the plea agreement but you can't
17 remember whether you committed any murders after November of
18 2013?

19 THE COURT: Sustained.

20 Q. Do you have any notes that you kept of your criminal
21 activity to keep it fresh in your mind?

22 A. No, sir.

23 Q. So, your testimony about the events in February of 2014 is
24 based just on what you remember, right? Not on any notes that
25 you made or ledgers that you kept, correct?

1 MR. BOVE: Objection.

2 THE COURT: Basis.

3 MR. BOVE: Form. There's two questions.

4 THE COURT: Sustained as to form.

5 MR. TEIN: Withdrawn. I'll reask it, your Honor.

6 Q. You testified about a meeting that you had with Tony
7 Hernandez in February of 2014, right?

8 A. Between January and February, sir.

9 Q. It was on February 6, 2014, right?

10 A. Between January and February, sir. I do not recall the
11 date.

12 Q. And on that same day, earlier in the day of that meeting,
13 you had another meeting at the Colonia Hotel?

14 A. (No response).

15 Q. Sorry. Clarion Hotel?

16 A. I don't understand the question. Can you please explain it
17 to me.

18 Q. On that day in January or February of 2014 you had three
19 separate meetings, correct?

20 A. I was at the meeting with Avila Meza and Oscar Ramirez at
21 the Clarion Hotel, sir. And after that we met the defendant,
22 sir.

23 Q. And you also had a meeting in the car between those two
24 meetings, right?

25 A. Well, yes. First there was a meeting at the Clarion Hotel

JAB9HER3

D. Rivera Maradiaga - Cross

1 and then at the same time, right at the same meeting, sir, we
2 moved the meeting to the car in the parking lot.

3 Q. And those meetings were all after November 2013, right?

4 A. They were between January and February 2014, sir.

5 Q. And you testified about specific details of those meetings
6 that you remember, right?

7 A. Yes, sir.

8 Q. But you don't remember whether you murdered anybody else
9 between November 2013 and the time that you surrendered in
10 2015?

11 A. I did not murder anybody else, sir.

12 Q. You have no respect for the justice system; isn't that
13 true?

14 MR. BOVE: Objection.

15 THE COURT: Overruled.

16 A. I do have respect for it, sir. That is why I am here
17 before the grand jury, sir.

18 Q. You have no respect for the oath that you took today?

19 A. (No response).

20 Q. Isn't that true?

21 A. I do have respect for it, sir.

22 Q. You don't have respect for judges, do you?

23 A. I do have respect, sir.

24 Q. You don't have respect for prosecutors, do you?

25 A. I do respect them, sir.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. And you don't have respect for the police either, do you?

2 A. I do, sir. I do respect them.

3 Q. You murdered policemen, didn't you?

4 A. No, sir.

5 Q. Look at -- did you maim policemen? Did you -- sorry.

6 Withdrawn.

7 Did you attempt to murder policemen?

8 A. Yes, sir.

9 Q. Your testimony is -- so when you attempted to murder them,
10 meaning you tried to murder them and it didn't work out or you
11 were just trying to maim them?

12 A. They were homicide attempts, sir.

13 THE INTERPRETER: Interpreter correction: It was a
14 homicide attempt, sir.

15 Q. And you murdered a security guard at a hospital, didn't
16 you?

17 A. I coordinated his murder, sir.

18 Q. Is there a difference to you?

19 A. No, sir.

20 Q. And you bribed police officers?

21 A. Yes, sir.

22 Q. Is that showing respect in your mind for the police when
23 you bribe them?

24 A. Both the one that bribes as the one who accepts the bribe,
25 they are both corrupt, sir.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. Were you respecting the police when you were bribing police
2 officers?

3 A. The police in my country is corrupt, sir. They work
4 through bribes from cocaine trafficking, sir, just as much as
5 politicians, sir.

6 Q. Were you showing respect for the court system when you
7 bribed judges? In Honduras?

8 A. They were also corrupt, sir.

9 MR. TEIN: Your Honor, would you please ask -- may I
10 request that the witness be directed to answer the question
11 asked.

12 THE COURT: I think he's answered it.

13 Q. And were you respecting the criminal court system when you
14 bribed criminal prosecutors in Honduras?

15 A. Corrupt prosecutors would seek after me, sir, for me to
16 give them money that was the product of drug trafficking, sir.

17 Q. Were you respecting the criminal justice system in Honduras
18 when you were bribing Honduran prosecutors, sir?

19 MR. BOVE: Objection. Asked and answered.

20 THE COURT: He's adequately answered it.

21 MR. TEIN: OK. I'll move on.

22 Q. When was the moment that you decided that you were no
23 longer going to show contempt for the criminal justice system
24 and start respecting it?

25 MR. BOVE: Objection.

1 THE COURT: Sustained.

2 Q. Was there a time when you started respecting the criminal
3 justice system?

4 A. When I surrendered, sir.

5 Q. What date was that?

6 A. 2015, sir.

7 Q. And who did you surrender to?

8 A. The DEA, sir.

9 Q. When in 2015?

10 A. In January, sir.

11 Q. So in Tegucigalpa, Honduras?

12 A. No, sir.

13 Q. Where did you surrender to the DEA?

14 A. In the United States, sir.

15 Q. So you traveled to the United States to surrender?

16 A. Yes, sir.

17 Q. You got a visa?

18 A. No, sir.

19 Q. How did you travel to the U.S. without a visa?

20 A. Through the DEA, sir. I surrendered.

21 Q. You said you didn't surrender until you got to the United
22 States, right?

23 MR. BOVE: Objection.

24 THE COURT: Back it up and see whether you can lay a
25 foundation. Sustained.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. Did you tell the DEA that you were surrendering when there
2 was a DEA agent you were speaking to in Honduras or was the
3 first time you told the DEA I surrender when you got to the
4 United States?

5 A. Can you please explain the question to me again. I don't
6 understand it.

7 Q. Did you fly on a commercial airline to surrender here?

8 A. Yes, sir.

9 Q. OK. And you surrendered instead of being extradited,
10 right?

11 A. Yes, sir.

12 Q. Because if you -- if you had been extradited by the
13 government of Honduras to the United States that would have
14 been a much more drawn out and unpleasant process for you,
15 right?

16 A. I don't know that, sir.

17 Q. Well if you were extradited based on a request from the
18 United States to the government of Honduras you understood you
19 would have been arrested in Honduras, right?

20 A. I don't know, sir. All I know is that I surrendered to the
21 DEA, sir.

22 Q. You knew that had you been extradited upon a request from
23 the U.S. to the government of Honduras you would have had to
24 spend some time sitting in a Honduran jail waiting to be
25 transported, right?

1 MR. BOVE: Objection. Asked and answered.

2 THE COURT: I'll allow the question if the witness
3 knows.

4 THE WITNESS: I don't know that, sir. I am not a
5 lawyer.

6 Q. What benefits have you already received from the government
7 of the United States of America in exchange for your
8 cooperating with them?

9 A. I have not received any benefits to date, sir.

10 Q. You indicated when the prosecutor here was asking you
11 questions that you had been responsible for trafficking in
12 150 tons of cocaine; is that correct?

13 A. I did not say that, sir. That's not correct.

14 Q. I apologize. Did you, in fact, traffic in tons of cocaine
15 before you were -- before you surrendered?

16 A. I already said, sir, that I told the prosecutors that it
17 was approximately 130 tons of cocaine, sir.

18 Q. I withdraw the prior question. I was mistaken.

19 So that 130 tons of cocaine that you trafficked in,
20 you made money from that, right? Profits, correct?

21 A. Yes, sir.

22 Q. The truth is you made over a hundred million dollars, U.S.
23 dollars, in cocaine trafficking profits before you surrendered;
24 isn't that true?

25 A. No, sir.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. How many millions of dollars did you make in cocaine
2 trafficking profits before you surrendered to the United States
3 Department of Justice?

4 A. Approximately over \$50 million, sir.

5 Q. Where is the money now?

6 A. That money was invested, sir.

7 Q. Where did you invest your \$50 million in drug trafficking
8 profits, sir?

9 A. I invested it in bribing politicians, sir. To start with,
10 the defendant, whom I gave \$50,000 to. And then I also bribed
11 other politicians, including his brother, Juan Orlando
12 Hernandez, to whom I gave \$250,000.

13 I purchased properties. I purchased vehicles, houses,
14 one plane. I purchased expensive clothes and jewelry. I
15 helped my family. I gave gifts to my girlfriends. And I paid
16 hitmen, sir.

17 Q. Is there money leftover?

18 A. Yes, sir.

19 Q. Where is it?

20 A. It's put away, sir.

21 Q. And where is it put away, please?

22 A. It's put away in Honduras, sir.

23 Q. Is it in a Honduran bank account that you have?

24 A. I withdrew it, sir, because OFAC mentioned us so with the
25 help of bankers I withdrew it. So I then, after I withdrew it

JAB9HER3

D. Rivera Maradiaga - Cross

1 from the bank accounts where I had it, I put it away somewhere
2 in Honduras, sir.

3 Q. In a secret bank account or did you take the cash and hide
4 it somewhere?

5 A. I withdrew it from Banco Continental, sir.

6 Q. That was in 2013 after you were placed on the OFAC list?

7 A. Approximately 2013, sir.

8 Q. And that was before or after OFAC froze those bank
9 accounts?

10 A. When we were first mentioned by OFAC, sir, the president of
11 Banco Continental warned me that the accounts were going to be
12 frozen so we withdrew the funds before the funds were frozen.

13 Q. How much did you withdraw?

14 A. Approximately some -- around one hundred million lempiras
15 or more, sir.

16 Q. So more than \$4 million? U.S.?

17 A. You would have to use the currency exchange of the time,
18 sir. I don't know how much it could be.

19 Q. Did you withdraw that hundred million lempiras in cash or
20 check?

21 A. It was over a hundred million lempiras, sir. I withdrew
22 that in cash because I was great friends with the president of
23 Banco Continental Jaime Rosenthal and Jaime Rosenthal provided
24 those funds in cash, sir.

25 Q. So where did you hide that cash?

JAB9HER3

D. Rivera Maradiaga - Cross

1 A. It's put away somewhere in Honduras, sir.

2 Q. Did you tell the DEA where that hundred million dollars --
3 hundred million lempiras -- where you hid that hundred million
4 lempiras?

5 A. I did not tell the DEA because I was not asked about it but
6 if the judge decides that I should return some of that money --

7 THE INTERPRETER: Interpreter's correction: Some of
8 those profits because I'm not sure if it was more or less than
9 one hundred lempiras -- interpreter's correction: One hundred
10 million lempiras I invested -- I have invested in houses and
11 property which the government itself has taken away. But if
12 the judge requests it I will give back some or all of that
13 money because I have the money to give to him. To the judge.

14 Q. Is that hundred million lempiras in cash that you have
15 hidden in Honduras the only money that you have left from the
16 \$50 million in drug trafficking profits that you made?

17 A. As I told you, sir, we invested in properties, we invested
18 it in vehicles, in houses, in bribing the defendant, in bribing
19 Juan Orlando Hernandez, in bribing politicians, in bribing
20 members of the Honduran Army, even Tinoco Pacheco was bribed,
21 sir, and members of the National Police.

22 Q. Other than the -- those issues, those cars and houses and
23 bribes, and other than the hundred million lempiras that you
24 have hidden, do you have any other money in any bank accounts
25 or cash hidden anywhere in the world?

JAB9HER3

D. Rivera Maradiaga - Cross

1 A. I have no more bank accounts, sir, because, as I told you
2 previously, that money was withdrawn from Banco Continental.

3 Q. Didn't you have bank accounts outside of Honduras?

4 A. No, sir.

5 Q. And do you have any cash hidden outside of the Country of
6 Honduras?

7 A. No, sir.

8 Q. So the only money that you have left is the hundred million
9 lempiras that's hidden in Honduras?

10 A. I don't know how much I have right now. I don't know if I
11 have that because my family has been supporting itself on that
12 money, sir.

13 Q. How much money did you give away to family members?
14 Referring just to your drug trafficking profits.

15 A. I have no estimate, sir.

16 Q. You had told me about that the DEA had not asked you about
17 this but didn't these prosecutors ask you about whether you had
18 any money or assets leftover as part of the meetings and
19 interviews you had with them?

20 A. We spoke about drug traffickers. We spoke about bribes to
21 politicians and, as I said, sir, whenever the judge tells me
22 that I have to return the money from whatever is left of my
23 profits then I will do so.

24 Q. The question is in the meetings that you had with these
25 prosecutors did they ask you, Mr. Maradiaga, do you have any

1 money or assets hidden away that are proceeds of drug
2 trafficking crimes? Or words to that effect?

3 MR. BOVE: Objection to form.

4 THE COURT: I'll allow it.

5 THE INTERPRETER: Can that question be repeated for
6 the interpreter, please.

7 MR. TEIN: Yes, of course.

8 Q. So, in words or substance didn't these prosecutors over
9 here in the meetings that they had with you about your criminal
10 activity, didn't they ask you, Mr. Maradiaga, do you have any
11 money or assets leftover from your drug trafficking crime that
12 you have hidden away somewhere? Did they ever ask you a
13 question like that using those words or similar words?

14 MR. BOVE: Objection.

15 THE COURT: Overruled.

16 THE WITNESS: As I told you, sir, we spoke about drug
17 traffickers. We spoke about politicians. We spoke about many
18 things, sir.

19 Q. Did these prosecutors ask you whether you had any drug
20 trafficking profits leftover?

21 A. I don't understand what he's trying to ask me.

22 Q. Isn't it a fact that these prosecutors asked you whether
23 you had any money hidden anywhere in the world and you told
24 them no, you didn't?

25 A. They have not asked me that, sir. As I told you, if the

JAB9HER3

D. Rivera Maradiaga - Cross

1 judge decides that I have to return some of my cocaine profits,
2 then I will hand them over. It's the judge's decision.

3 Whatever he says.

4 Q. Do you own any houses outside of the Republic of Honduras?

5 A. Yes, sir.

6 Q. In what countries?

7 A. One of the countries in Central America, sir.

8 Q. Which one?

9 MR. BOVE: Judge, may I be heard at sidebar, please?

10 THE COURT: Sure.

11 Ladies and gentlemen, you can stand up and stretch.

12 (Continued on next page)

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1 (At the sidebar)

2 MR. BOVE: Thank you, your Honor. I apologize, your
3 Honor. I have a 403 objection to further questioning about the
4 location of houses because it would provide information about
5 the whereabouts of family members and associates who are
6 subject to retribution after testimony in open court. I think
7 the point has been made.

8 THE COURT: Let me ask this question. Do you know
9 from your conversations with the witness whether family members
10 reside in such a place?

11 MR. BOVE: I believe -- yes. I do. There are
12 children involved who are not -- they may not be immediate
13 relatives but they are his children.

14 THE COURT: Residing in the places outside of
15 Honduras?

16 MR. BOVE: Yes, Judge.

17 THE COURT: Do you want to respond to the objection in
18 any way, shape, or form or not?

19 MR. TEIN: I won't ask what specific country. I'll
20 just establish that it's a country and I'll ask how much the
21 house is and that kind of thing. I'm not interested in a
22 particular location.

23 MR. BOVE: Thank you.

24 THE COURT: Thank you.

25 (Continued on next page)

1 (In open court)

2 Q. How many houses do you own outside of Honduras?

3 A. I have two, sir.

4 Q. And how much are they worth?

5 A. I have no estimate of how much they're worth, sir.

6 Q. How much did you pay for them?

7 A. I bought the lot.

8 Q. How much did you pay for the lot?

9 A. I don't recall, sir.

10 Q. More than a million dollars?

11 A. No, sir. The lot was cheap.

12 Q. And then did you build houses on those empty lots that you
13 bought?

14 A. Yes, sir.

15 Q. And how much did you spend on the construction project?

16 A. I don't remember, sir.

17 Q. Was it more than a million?

18 A. A million what, sir?

19 Q. I'm sorry. Dollars.

20 A. No, sir.

21 Q. And did Inrimar do the construction in that foreign
22 country?

23 A. No, sir.

24 Q. Does Inrimar have an office in Spain?

25 A. No, sir.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. And do you have cars at that house?

2 A. No, sir.

3 Q. Do you have any other valuables in that house?

4 A. No, sir. Only the houses themselves are there.

5 Q. No artwork or anything like that?

6 A. They're cheap houses, sir.

7 Q. And so you said you also bought jewelry with your drug
8 trafficking money, right?

9 A. Yes, sir.

10 Q. Was it expensive jewelry?

11 A. I bought one million dollars worth of pure gold, sir.

12 Q. And where is that million dollars of pure gold now?

13 A. It was stolen from me, sir.

14 Q. In what year?

15 A. A little over a year ago approximately, sir.

16 Q. So it was stolen after you surrendered to the DEA?

17 A. Yes, sir.

18 Q. Did you report the theft to the police?

19 A. No, sir.

20 Q. Did you report it to the DEA?

21 A. I did not tell them, sir.

22 Q. Did you report it to these prosecutors?

23 A. No, sir. I told my attorney.

24 Q. Did you buy watches?

25 A. Yes, sir.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. Expensive ones?

2 A. Yes, sir.

3 Q. Where are those now?

4 A. Part of them were stolen there, sir.

5 Q. What about the rest of the watches that weren't stolen,
6 where are they now?

7 A. I gave it to -- I gave them to my son and my son pawned
8 them, sir.

9 Q. And when did he pawn them?

10 A. I don't know, sir.

11 Q. And how many watches did you give to your son?

12 A. One watch, sir.

13 Q. And was that a Rolex?

14 A. Yes, sir.

15 Q. With diamonds?

16 A. It was a Rolex, sir.

17 Q. With diamonds?

18 A. I don't know whether it had any.

19 Q. Did you ever see the watch?

20 A. Yes, sir. It was mine. I would wear it.

21 Q. Any other watches that you had given to -- did you give any
22 watches -- you said your girlfriend. Did you give any watches
23 to her?

24 A. No, sir.

25 Q. You said you gave gifts to your girlfriend though, right?

1 A. Yes, sir.

2 Q. Does she still have them?

3 A. I don't know, sir.

4 Q. Were they expensive presents?

5 A. Expensive. Yes.

6 THE INTERPRETER: Interpreter's correction.

7 What I gave her were cars.

8 Q. Like luxury cars?

9 A. Yes, sir.

10 Q. Can you tell me one of the brands that you gave her?

11 A. A Hyundai.

12 Q. And did you tell the prosecutors about the presents that
13 you gave to your girlfriend?

14 A. No, because I wasn't asked about them, sir.

15 Q. And we talked about houses but do you have any ranches or
16 farms anywhere that you still own?

17 A. Yes, sir.

18 Q. And where -- are they farms or ranches? Or do you view
19 those as the same thing?

20 A. It's a small farm, sir.

21 Q. And is that farm inside Honduras?

22 A. Yes, sir.

23 Q. Did you --

24 THE COURT: How much longer do you have, sir?

25 MR. TEIN: An hour.

1 THE COURT: All right. Let's take our midafternoon,
2 break, ladies and gentlemen. Please do not discuss the case
3 among yourselves or with anyone. We'll be back in action in
4 ten minutes.

5 (Continued on next page)

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1 (Jury not present)

2 THE COURT: Please be seated.

3 You may step down.

4 (Witness excused)

5 THE COURT: So what do you have after this witness?
6 What's left?

7 MR. BOVE: We have three witnesses left, Judge. One
8 special agent from the DEA whose direct exam is about 20, 25
9 minutes. One last cooperating witness whose direct is between
10 90 minutes and two hours. And the weapons expert whose direct
11 is about half an hour.

12 THE COURT: All right. So you have maybe a day of
13 direct left?

14 MR. BOVE: I want to be conservative but I think it's
15 probably less than that. I think it's closer to half a day.

16 THE COURT: Half a day of direct and then there's the
17 cross that goes with that.

18 Mr. Malone, do you have any idea of the length of your
19 case?

20 MR. MALONE: Not at this point, Judge.

21 THE COURT: Let me address the defendant. As this
22 case winds down, sir, we'll come to a point where the
23 government will rest its case. You have an absolute right to
24 testify if you choose to do so. You have an absolute right not
25 to testify if you choose to.

1 Do you understand those rights?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And do you understand that if you decide
4 not to testify no one may draw any inference or suggestion of
5 guilt from the fact that you've decided not to testify?

6 Do you understand that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: But the decision whether to testify or not
9 is entirely yours.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: No attorney, not even your own attorneys,
13 can make that decision for you.

14 Do you understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: All right. And when the government rests
17 you will have to let me know if you want to testify.

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: All right. And it's a subject which you
21 should discuss with your attorneys.

22 Do you understand that?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: But the decision is yours.

25 THE DEFENDANT: I do understand, your Honor.

JAB9HER3

D. Rivera Maradiaga - Cross

1 THE COURT: OK. Thank you very much. We're in
2 recess.

3 (Recess)

4 THE COURT: Please remain standing for our jury.

5 (Continued on next page)

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1 (Jury present)

2 THE COURT: How are you doing, ladies and gentlemen?

3 JURY: It's cold.

4 THE COURT: We'll see what we can do.

5 THE DEPUTY CLERK: One hot person.

6 JUROR: I'm always hot.

7 THE COURT: I'm more like you in that regard. We'll
8 see what we can do.

9 Mr. Tein, you may continue.

10 MR. TEIN: Thank you.

11 Q. Sir, I'm showing you what's been admitted as Government
12 Exhibit 307. You testified earlier that you had given some of
13 your drug money to your family members?

14 A. No, sir.

15 Q. Did you testify earlier today when I was asking you
16 questions that you had given some of your drug trafficking
17 profits to your family?

18 A. My answer, sir, was that I had helped my family.

19 Q. By giving them money or giving them other types of
20 presents?

21 A. Yes. Clothing and their support, sir.

22 Q. Did you give them houses?

23 A. Yes, sir.

24 Q. Do they still have those houses?

25 A. The defendant's government, Juan Orlando Hernandez, has

JAB9HER3

D. Rivera Maradiaga - Cross

1 that. He seized it in Honduras.

2 Q. You mean the government of Juan Orlando Hernandez seized
3 the houses that you gave to your family members?

4 A. Yes, sir.

5 Q. And the family members that you're referring to, are those
6 the family members on this chart in front of you?

7 A. There are four of them there, sir.

8 Q. These four?

9 A. I apologize. It's a total of six including myself.

10 Q. OK. So my question was the family members that you gave
11 the houses to that Antonio's brother, his government seized,
12 are those family members the ones on this chart?

13 A. Yes, sir.

14 Q. Which ones?

15 A. My mom, my dad, my sister, and my brother.

16 Q. Which one is your father?

17 A. The one to the left, sir.

18 Q. This gentleman?

19 A. Yes.

20 Q. Is this your mother?

21 A. Yes, sir.

22 Q. The sister who got the house is this one?

23 A. She's my sister, sir.

24 Q. Did you give her a house?

25 A. I have not given her a house, sir.

JAB9HER3

D. Rivera Maradiaga - Cross

1 Q. And this brother Santos Isidre, is that a brother you gave
2 a house to?

3 A. No, sir.

4 Q. So you only gave houses to your father and your mother?

5 A. I gifted my dad a house in Zamora, Colon, sir.

6 Q. So which of the people on this chart, can you point to
7 them, did you give houses to that you bought with drug money?

8 A. Yes. My dad.

9 Q. This one?

10 A. Yes.

11 MR. TEIN: Actually you can draw on this chart. You
12 can draw on the TV screen.

13 THE COURT: OK. Next question.

14 Q. So other than your father, who else did -- can you circle
15 who else you gave the money to by circling on the TV screen --
16 I'm sorry. Gave the houses to?

17 MR. BOVE: Judge, he's explained this.

18 MR. TEIN: He gave two conflicting answers, your
19 Honor. Speaking objection.

20 THE COURT: It sounds to me like you're repeating the
21 same inquiry.

22 MR. TEIN: OK.

23 Q. When did you turn -- referring to the videotape that we saw
24 earlier that you made at the Denny's. When did you give that
25 to the DEA?

JAB9HER3

D. Rivera Maradiaga - Cross

1 A. The same day that I recorded it, sir.

2 Q. Who did you give it to?

3 A. There were several DEA agents there, sir.

4 Q. Which one? Do you remember the name?

5 A. There were several of them, sir.

6 Q. Right. Do you remember the name of the person you actually
7 handed it to?

8 A. I do not recall, sir.

9 THE COURT: Pause. Pause. Are you all right?

10 JUROR: Sorry.

11 THE COURT: That's all right. You don't have to
12 apologize. Just want to make sure you're OK.

13 JUROR: Thank you.

14 Q. Did you ever see --

15 THE INTERPRETER: May the interpreter complete her
16 rendition.

17 THE WITNESS: I don't know, sir. There were three DEA
18 agents there.

19 Q. Did you ever see any of those three DEA agents again?

20 A. We would meet with some of them, sir.

21 Q. Have you seen any of those DEA agents again since you've
22 been here in the United States of America?

23 A. Yes, sir. I had met with several.

24 Q. When was the last time you saw the DEA agent who you gave
25 the tape to?

JAB9HER3

D. Rivera Maradiaga - Cross

1 A. I do not recall, sir. We have been meeting many times,
2 sir.

3 Q. Other than the number of times that you've met generally
4 with the DEA and the prosecutors, did you have any meetings in
5 which you actually rehearsed your testimony, question/answer,
6 question/answer?

7 A. I have not rehearsed anything, sir. Every time that we
8 meet with the DEA agents and the prosecutors we discuss several
9 drug traffickers, sir.

10 Q. Now, you recorded -- you made that video of the Denny's
11 meeting on some kind of a watch camera, right?

12 A. I already told you, sir, that it was with a watch that I
13 was wearing on my hand.

14 Q. Did you -- you bought that watch at some kind of an
15 electronics store or something like that, spy store? What was
16 it?

17 A. I purchased it at a store, sir, where they sell recording
18 devices, sir.

19 Q. At that store did you also buy a device that just records
20 audio and not video?

21 A. I bought the watch, sir.

22 Q. Only the watch?

23 A. Well, at that time, yes, but I did have several recording
24 devices, sir.

25 Q. Did you have a recording device in your car on that meeting

JAB9HER3

D. Rivera Maradiaga - Cross

1 that you had with those other guys in between the Hotel Clarion
2 meeting and the Denny's meeting?

3 A. Yes, sir.

4 Q. And were you wearing that video watch when you were at the
5 Hotel Clarion meeting?

6 A. I had it in the compartment of the car, sir.

7 Q. And where was the watch when you were having the meeting in
8 the car?

9 A. It was in the car's compartment, sir.

10 Q. Did you record the meeting at the Clarion Hotel?

11 A. No, sir.

12 Q. Did you record the meeting in the car between the Clarion
13 and the Denny's meeting?

14 A. I did not record the meeting in the car, sir.

15 Q. When you gave the \$50,000 over to the other guy in the car,
16 had you written down the serial numbers of those bills?

17 A. No, sir.

18 Q. Was it U.S. currency or Honduran lempiras?

19 A. Dollars, sir.

20 Q. That was your money, not the DEA's money, right?

21 A. It was mine, sir.

22 Q. Is \$50,000 a lot of money to you?

23 A. Not at that time, sir.

24 Q. Now, when you gave the watch video over to the DEA you
25 didn't say anything to them about this \$50,000 bribe that you

JAB9HER3

D. Rivera Maradiaga - Cross

1 just paid, did you?

2 A. I only handed the video over to them, sir.

3 Q. And on that day did you hand anything else over to them?

4 A. Only the video, sir.

5 Q. Just that one video?

6 A. One video, sir.

7 Q. Did you ever give any other videos over to the DEA?

8 A. I only gave one video over to them, sir.

9 Q. Did you ever give any other videos to the DEA?

10 A. That day I only gave over one video to them, sir.

11 Q. Any other days did you ever give videos other than the
12 watch video from the Denny's, did you ever give any other
13 videos over to the DEA?

14 A. Not of the defendant, sir.

15 Q. Anybody?

16 A. Yes, sir. I would record videos and I would turn them over
17 to the DEA, videos of other politicians.

18 Q. When was the next time you gave any recording of anybody to
19 the DEA after the day of the Denny's movie?

20 A. I do not recall, sir.

21 Q. The watch video, how -- where did the recording -- strike
22 that.

23 When you made the watch video, did it save the video
24 inside the watch or did it Bluetooth the video to some other
25 device? Do you understand my question?

JAB9HER3

D. Rivera Maradiaga - Cross

1 A. Yes, sir.

2 Q. So where did the recording reside?

3 A. (No response).

4 Q. Sorry. Let me ask it differently. I withdraw that.

5 What did you physically give to the DEA after the
6 Denny's meeting so that they would have the video of the
7 Denny's meeting?

8 A. What I turned over to the DEA, sir, was a card that was
9 inside the watch.

10 Q. And that was the same day as the Denny's meeting, right?

11 A. Yes, sir.

12 Q. Did they ever give that little card back to you?

13 A. No, sir.

14 Q. And did you continue to use that same video watch to record
15 the other meetings that you later gave the videos of to the
16 DEA?

17 A. I don't understand the question. Can he please explain it
18 again.

19 Q. You made other recordings for the DEA you said, right?

20 A. Yes, sir. Many.

21 Q. What device did you use to record those meetings?

22 A. I would use a watch. I would use a hat. I would use a
23 control that is similar to that of a car remote, sir, and a
24 button, sir.

25 (Continued on next page)

JABTHER4

Maradiaga - Cross

1 BY MR. TEIN:

2 Q. Did the DEA give you any of those devices?

3 A. No, sir.

4 Q. Who decided when you were going to turn the video recording
5 part of the watch on and off on the day of the Denny's meeting?

6 A. I decided, sir.

7 Q. There's a button on the watch or something like that that
8 starts and stops the recording?

9 A. Yes, sir.

10 Q. And the video that you saw today, have you seen that video
11 before?

12 A. I just recorded it and gave it to the DEA, sir.

13 Q. Did you ever watch the video with the prosecutors here?

14 A. Yes, sir.

15 Q. And was there any part of the video that you actually
16 recorded that wasn't part of what we saw today?

17 A. That is the video that I recorded, sir. It is from the
18 moment that I turned it on until the moment that the defendant
19 left the Denny's restaurant. That's when I turned it off, sir.
20 It was just one video.

21 Q. So you didn't cut out the intro or the end before you gave
22 it to the DEA, right?

23 A. Just as I recorded it, it is in that condition that I
24 turned it over to DEA agents, sir.

25 Q. Did you go directly from the Denny's to the DEA in order to

JABTHER4

Maradiaga - Cross

1 give them the video that you took on the watch or did you make
2 any stops along the way?

3 A. I went directly to the hotel, sir.

4 Q. On that day?

5 A. Yes, sir.

6 Q. Of the Denny's meeting?

7 A. Yes, sir.

8 Q. You didn't wait a month, did you?

9 A. No, sir.

10 Q. And you made no stops, you went directly to hotel where you
11 met the DEA and gave them that little card, right?

12 A. I gave the card to the DEA agent that same day, sir.

13 Because I couldn't carry that card with me in the car out of
14 fear for the police, if I was stopped by the police and they
15 saw me with it, they would have arrested me and killed me on
16 the spot, sir.

17 Q. Well, how would they know that that little tiny card was
18 anything?

19 A. Everyone knows what a phone card is, sir, that it stores
20 information.

21 Q. Weren't you worried when you went directly from the Denny's
22 to meet with the DEA at this hotel that someone of these police
23 officers or another bad guy was going to follow you?

24 A. I wasn't worried, sir, because I had just been meeting with
25 the brother of the president, who is the defendant here, sir.

JABTHER4

Maradiaga - Cross

1 I had just bribed him, so I wasn't afraid that anybody would be
2 following me, sir.

3 Q. So why were you worried that you might get stopped and they
4 would find this tiny little SIM card?

5 A. Because I was carrying sensitive information on me, sir. I
6 had information that I had just bribed the president's brother,
7 Tony Hernandez, so I had to watch the card. And that's why I
8 immediately turned it over to the DEA, sir.

9 Q. You didn't give \$50,000 directly to this gentleman, did
10 you?

11 A. I gave it directly to Oscar Ramirez, sir.

12 Q. And on the tape, the videotape that you made with your
13 watch, there's nothing on there about \$50,000 of anything,
14 right?

15 A. Oscar Ramirez had the money, sir, and when the defendant
16 said goodbye to me, Oscar Ramirez went right after the
17 defendant, sir.

18 Q. Putting up Government Exhibit 401-T on the projector, you
19 see how when you saw the transcript there was a bunch of
20 indications of unintelligible, unintelligible, unintelligible.
21 Do you see those?

22 A. Yes, sir.

23 Q. Any of those unintelligibles where someone said 50,000?

24 MR. BOVE: Objection.

25 THE COURT: Basis?

1 MR. BOVE: There's a stipulation about the accuracy of
2 this transcript, your Honor.

3 THE COURT: Mr. Tein?

4 MR. TEIN: I'm not disagreeing that the transcript is
5 accurate, I'm asking him if he knows anything that the
6 transcript didn't take down because it was unintelligible, if
7 he remembers any of those or contends that it wasn't a word
8 like 50,000.

9 THE COURT: Go ahead.

10 MR. BOVE: The parties' stipulation is that the
11 transcript is a true and accurate transcript of the recording.

12 THE COURT: I'll allow the question about
13 unintelligibles. Go ahead. Put a new question to the witness.

14 BY MR. TEIN:

15 Q. Of these unintelligible portions, do you recall that any of
16 them are an occasion where someone used the words 50,000?

17 A. What I remember, sir, is that when the recording says that
18 Avila Meza says they're going to take it, there he's referring
19 to the money that had been given to Oscar Ramirez, sir.

20 Q. This part on page 10, where it says, by number 4, they're
21 going to take it?

22 A. Yes, sir.

23 Q. Doesn't say he's going to take it, does it?

24 A. Well, what I am saying there is let's give him the money,
25 and that's when Avila Meza says he is going to take it.

JABTHER4

Maradiaga - Cross

1 Q. But not on the tape, right?

2 A. It does say that on the tape, sir, where Avila Meza says
3 they're going to take the money.

4 Q. You didn't talk about --

5 THE INTERPRETER: The interpreter has not finished.
6 She needs to consult about something.

7 A. Oscar Ramirez had already taken it, and that's why the
8 defendant went following behind him.

9 THE INTERPRETER: Interpreter's correction: Oscar
10 Ramirez went following behind the defendant.

11 Q. No one mentioned the word "drugs" during that Denny's
12 meeting that day, did they?

13 A. We had mentioned them at the first meeting at the Clarion
14 Hotel, sir.

15 Q. But at the Denny's meeting where Mr. Antonio Hernandez was
16 present, did you mention drugs during that meeting?

17 A. It was not mentioned at that meeting, sir, because there
18 was going to be a second meeting where the defendant was to
19 talk to me about the drug trafficking that he wanted to do with
20 me.

21 Q. When did that meeting happen?

22 A. It was going to happen, sir; not that it did happen, but it
23 was going to happen.

24 Q. It never happened?

25 A. It never happened, sir.

JABTHER4

Maradiaga - Cross

1 Q. And the reason that you didn't expressly talk about drug
2 trafficking at the Denny's meeting is because at that meeting
3 you were posing as a legitimate businessman, right?

4 A. No, sir, I was a drug trafficker, and that's why the
5 defendant sent for me, because he wanted to work with a drug
6 trafficker, sir.

7 Q. But you made the meeting look like a legitimate business
8 meeting, didn't you?

9 A. What I was giving him was a bribe, sir.

10 Q. I asked, please, did you make the meeting look like it was
11 a legitimate business meeting?

12 A. Yes, the business of bribery, sir.

13 Q. Because you wanted the public to think that you were a
14 legitimate businessman, not a drug trafficker at the time of
15 that meeting, right?

16 A. Ever since the OFAC notice came out, sir, that was like a
17 bomb.

18 Q. Well, you made Inrimar look like a legitimate business,
19 right?

20 A. I was using Inrimar as a front company to launder money,
21 sir.

22 Q. A front means to look legitimate in front, right?

23 A. It was a front company, sir, and since the politicians were
24 taking bribery money, they knew that it was a front.

25 THE INTERPRETER: Interpreter's correction: When

JABTHER4

Maradiaga - Cross

1 politicians began taking bribe money, they knew that it was a
2 front to launder money.

3 Q. Did it build roads?

4 A. Yes, sir.

5 Q. Did it pour asphalt?

6 A. We did highway works and asphalt, sir.

7 Q. Did it have employees?

8 A. Yes, sir.

9 Q. Who worked on the roads?

10 A. Yes, sir.

11 Q. And were they all drug dealers?

12 A. No, sir.

13 Q. They were legitimate people, right?

14 A. Please repeat that question. Explain that to me. I don't
15 understand it.

16 Q. The men and women who built the roads and worked for
17 Inrimar, were they legitimate people or were they drug dealers
18 like you?

19 A. They were legitimate people, sir. Some of them knew I was
20 a drug dealer and some of them didn't.

21 Q. So there were people who worked on the roads for Inrimar
22 who thought that you were a legitimate guy, right?

23 MR. BOVE: Objection.

24 THE COURT: Basis.

25 MR. BOVE: He's asking for the state of mind of

1 Inrimar employees.

2 THE COURT: Rephrase your question.

3 Q. It was your understanding that at least some of the people
4 who worked for Inrimar weren't criminals, right?

5 A. They were employees. They were public employees, sir, who
6 I hired. I don't know whether or not they were criminals,
7 because they were in charge of building the highway, sir.

8 Q. Are you saying that they had to be criminals just because
9 they knew you?

10 A. I don't know, sir.

11 Q. Just because they met you?

12 A. I don't know, sir.

13 Q. And you intentionally set up Inrimar so it could attract
14 employees who believed that they were doing the real, innocent,
15 hard work of building roads in Honduras, right?

16 A. Sir, I created Inrimar in order to launder money, sir.

17 Q. And you created the zoo to launder money, too, pointing at
18 Government Exhibit 307 still on the screen, right?

19 A. Yes, sir.

20 Q. But it was a real zoo.

21 A. Yes, but with money created in drug trafficking.

22 Q. And Inrimar actually built hundreds of miles of roads in
23 Honduras, didn't it?

24 A. It built several projects, sir.

25 Q. And this zoo, the Joya Grande Zoo, had animals, didn't it?

JABTHER4

Maradiaga - Cross

1 A. It did, sir.

2 Q. Giraffes and rhinoceroses and lions and all that stuff,
3 right?

4 A. No rhinos, sir, but giraffes and lions, yes.

5 Q. It had its own website, didn't it?

6 A. Yes, sir.

7 Q. And the same animals that were there in 2015 when you
8 surrendered are still there today, isn't that true?

9 A. I don't know, sir, because I'm in prison. I'm not in the
10 zoo, sir.

11 Q. It even was on Trip Adviser, right?

12 A. What is that, sir?

13 Q. The people who went to the zoo, they could eat lunch there,
14 right?

15 MR. BOVE: Objection, Judge.

16 THE COURT: Yeah, sustained.

17 Q. You agree with me that the zoo had tons of families who
18 visited and did not believe one bit that it was some kind of
19 drug money laundering operation.

20 MR. BOVE: Objection.

21 THE COURT: Sustained.

22 Q. And these other companies you also set up so they would
23 look legitimate in front while in the back they were actually
24 laundering money, right?

25 A. That is why they were created, sir, to launder money, sir.

JABTHER4

Maradiaga - Cross

1 Q. And Ganaderos, this agriculture company, it sold feed for
2 farm animals, right?

3 A. Ganaderos, sir, was a company which was in the business of
4 buying and selling cattle where I would take money that had
5 been derived from cocaine, I would buy cattle, I would sell
6 them to Empacadora Continental, which belonged to Jaime
7 Rosenthal, and once the cattle had been processed, Jaime
8 Rosenthal, through his Banco Continental, would hand the money
9 back to the same company, sir. That's why it was a front
10 company to launder money that was derived from drug
11 trafficking, sir.

12 Q. Are you saying that the folks, the farmers who sold you
13 cattle, knew that you were a drug dealer?

14 MR. BOVE: Objection.

15 THE COURT: I'll allow it.

16 A. Please repeat the question for me.

17 Q. Are you saying that the cattle farmers who sold their cows
18 to you knew that you were a drug dealer?

19 A. Some of them knew, sir, and some of them didn't, because
20 where we were trafficking cocaine was in Colon, which is a
21 small place. The only one who did know that money was being
22 laundered was the president of Empacadora Continental, sir.

23 Q. Now you knew that Tony Hernandez had a small cow farm in
24 Gracias Lempira, right?

25 A. I didn't know that until right now when you told me so,

1 sir.

2 Q. And that's because you didn't live in Gracias Lempira,
3 right?

4 A. No, sir.

5 Q. Am I correct?

6 A. I did not live in Gracias Lempira, sir.

7 Q. Gracias Lempira is a little rural town, right?

8 A. I don't know, sir, because I didn't live there.

9 Q. Have you ever been there?

10 A. I have passed through there, sir.

11 Q. And when you passed through it, did you see it was a little
12 rural town?

13 A. I went through there at night, sir, and I was half asleep,
14 so didn't see much.

15 Q. As you did not live or spend time in Gracias Lempira, the
16 Denny's meeting was the first time that you and Antonio
17 Hernandez had ever met, isn't that true, sir?

18 A. Yes, sir.

19 Q. In fact, when you he met you, the first thing he said to
20 you was, "Nice to meet you," right?

21 A. I don't remember, sir.

22 Q. Would it refresh your memory to take a look at the
23 transcript that you saw earlier in the day?

24 THE COURT: Is it in evidence?

25 MR. TEIN: Yes.

JABTHER4

Maradiaga - Cross

1 THE COURT: It's in evidence, move on.

2 Q. In fact, he says to you, showing you Government

3 Exhibit 401, "Yes, nice to meet you." It says, "Yes, it's a
4 pleasure. Talk to me." Rivera says "Yes, nice to meet you,"
5 and the defendant says, "Yes, a pleasure." Right?

6 A. Yes, he did, sir, he said, "It's nice to meet you, it's a
7 pleasure," but he said that because he knew he was going to be
8 getting a bribe, sir.

9 MR. TEIN: Can I request that the government put up
10 the time stamp of 10:34 from the video on the monitor, please.

11 THE COURT: Yeah. How much longer do you have,
12 Mr. Tein?

13 MR. TEIN: Definitely 40 minutes.

14 THE COURT: How much longer do you have, Mr. Tein?

15 MR. TEIN: 40 minutes.

16 THE COURT: I had the same issue with Mr. Bove, you
17 recall? I asked him how much more he had, and he said it would
18 go at least until the end of the day. Do you remember what I
19 said to him? I said that's not the question I asked. So same
20 for you.

21 MR. TEIN: 40 minutes.

22 THE COURT: That's all you have. So you should be
23 finished in 40 minutes?

24 MR. TEIN: Yes.

25 THE COURT: So you will be done today?

JABTHER4

Maradiaga - Cross

1 MR. TEIN: Yes.

2 THE COURT: All right. Now I think when I last asked
3 you how long you would be, that was how long ago?

4 MR. TEIN: It was -- I think we took our break --

5 THE COURT: We took our break a little after 3:00, I
6 think, and you indicated you had an hour more.

7 MR. TEIN: Yes, it has taken me longer than I thought.

8 THE COURT: Okay. If you have something in evidence,
9 it's already in, you can save it, you can argue it to the jury
10 in your closing argument.

11 MR. TEIN: Okay.

12 THE COURT: Go ahead. Next question.

13 MR. TEIN: Can we put on 10:34, please, from the
14 video.

15 BY MR. TEIN:

16 Q. Sir, is it a fact that the people at the meeting were
17 dressed in their business casual clothes, right?

18 A. Please repeat the question.

19 Q. I'll move on. And the Denny's was a public restaurant,
20 right?

21 A. Yes, sir.

22 Q. In fact, right at the table just to the right of this
23 frame --

24 MR. TEIN: Could we please go to 7:16?

25 Back up, please, maybe a second. Regardless, we can

1 deal with it later.

2 Q. There was a couple, a man and a woman, having lunch right
3 next to you, right?

4 A. I wasn't looking there, sir, I was focusing on the meeting
5 we were having and I wasn't looking around, sir.

6 Q. Well, there were people all around you in the restaurant,
7 right?

8 A. There were people there, sir.

9 Q. And you were talking in loud enough tones that the people
10 around you could hear what you were talking about, right?

11 A. If you notice on the video, sir, we took the table at the
12 end so that we could speak secretly with the defendant about
13 what we were discussing.

14 Q. And that Denny's is in a mall where there are other stores
15 and many, many patrons, right?

16 A. What I know is that we went into the Denny's and took the
17 table at the end so that we could discuss sensitive things with
18 the defendant, with the attorney that was there, with my
19 cousin, and with Edgardo Perez, sir.

20 Q. In most of your drug trafficking meetings you don't let
21 people bring their cell phones into the meeting, do you?

22 A. They do bring them, sir.

23 Q. And you let this gentleman, Antonio Hernandez, bring not
24 just one phone, but he brought two phones to that Denny's
25 meeting on the table there, right?

JABTHER4

Maradiaga - Cross

1 A. I am not Tony Hernandez's father, sir, to be allowing him
2 or not allowing him to do what he needs to do, sir.

3 Q. Well, you were the boss of the meeting, right, sir?

4 A. I was the one who had the contracts, and I was as much a
5 boss as the defendant who was there taking bribes was, sir.

6 Q. And this man at this bribery meeting relating to money
7 laundering, you saw that he was texting during the meeting,
8 right?

9 A. A message came in for him, yes, sir.

10 THE INTERPRETER: Interpreter's correction: Some
11 messages came in for him, yes, sir.

12 Q. At any time during the meeting did you say: Hey, we're not
13 going to send any texts during this meeting because we don't
14 want anybody else --

15 At any time during this meeting did you ever say to
16 Antonio Hernandez: Don't send any texts during this meeting,
17 because I don't want to risk anybody coming in to arrest us
18 during this meeting about corruption?

19 A. I don't understand the question. Please ask it
20 differently.

21 Q. Well, you testified earlier that you already were on the
22 OFAC list at the time of the Denny's meeting, right?

23 A. Yes, sir.

24 Q. So weren't you worried that maybe during this meeting this
25 man who you had never met before might send a text to the

JABTHER4

Maradiaga - Cross

1 police saying, "I've got him here, you can arrest him," or
2 something like that?

3 A. I was not worried because I knew that he was receiving a
4 \$50,000 bribe, sir.

5 Q. This transcript, which is in evidence --

6 MR. TEIN: With your Honor's permission, I will save
7 time and go to my last area.

8 Q. Now you testified that the money that you paid him was your
9 50,000, not the DEA's, right?

10 A. Yes, sir.

11 Q. And you were paying him in order to have him do something
12 in the government so your road company would get paid, right?

13 A. I was bribing him with money from drug trafficking in order
14 to get the defendant's help in having the government pay on
15 contracts owed to Inrimar, the front company, which I had with
16 Edgardo Perez, sir.

17 Q. But he never got you that money that you were bribing him
18 to get, right?

19 A. I don't know, sir.

20 Q. So you didn't get from him what you paid him the 50,000
21 for, right?

22 A. Please explain that question differently to me.

23 Q. And your reaction was simply just not to call him ever
24 again, right?

25 THE COURT: Sustained as to form.

JABTHER4

Maradiaga - Cross

1 MR. TEIN: Nothing further.

2 THE COURT: Redirect?

3 MR. BOVE: Judge, may I have a quick sidebar? I
4 apologize.

5 THE COURT: One moment, ladies and gentlemen. Please
6 stand up and stretch.

7 (Continued on next page)

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1 (At sidebar)

2 MR. BOVE: Thank you. Judge, we want to disclose and
3 give the defense an opportunity to resume cross-examination on
4 this, that we believe the witness has not testified accurately
5 about his handling of the recording that was in evidence as
6 Government Exhibit 401. I have a DEA report. We're happy to
7 handle it however defense counsel wants to, but we want to be
8 candid and not do this later. This is how we propose to do it.
9 Here's the report and a copy for your Honor.

10 MR. TEIN: I appreciate Mr. Bove's doing that. That
11 shows the type of professionalism that I have seen throughout
12 this case and have come to expect from him.

13 THE COURT: Okay. So you can redirect on it and then
14 you can have a cross on it as well.

15 MR. TEIN: Thank you.

16 MR. BOVE: So would you like to -- I'm sorry, I
17 misunderstood the Court's instruction.

18 THE COURT: I thought you were going to bring it out
19 on your redirect, and then --

20 MR. BOVE: That's fine, Judge.

21 THE COURT: Okay.

22 (Continued on next page)

23

24

25

1 (In open court)

2 THE COURT: You may proceed, Mr. Bove.

3 REDIRECT EXAMINATION

4 BY MR. BOVE:

5 Q. You were asked some questions on cross-examination today
6 about your recordings that you prepared at the direction of the
7 DEA during your cooperation.

8 A. Yes, sir.

9 Q. And I believe you said that there were many recordings that
10 you prepared.

11 A. Yes, sir.

12 Q. But you were asked questions about how you handled the
13 recording that we have reviewed today, Government Exhibit 401.
14 Do you recall those?

15 A. Yes, sir.

16 Q. And I think that you testified on cross-examination that
17 you handed the recording to the DEA on the day of the meeting.

18 A. Yes, sir.

19 Q. That wasn't accurate, was it?

20 A. Yes, sir.

21 Q. Isn't it a fact that you turned the recording over to your
22 attorney?

23 A. Yes, sir.

24 Q. And your attorney turned the recording over to the DEA on
25 February 28, 2014, correct?

JABTHER4

Maradiaga - Redirect

1 A. Yes, sir.

2 Q. Now you were asked some questions about the meeting itself,
3 right?

4 A. Yes, sir.

5 Q. And you were asked whether the meeting at the Denny's
6 appeared as legitimate business.

7 A. Yes, sir.

8 Q. Do you remember the questions using that term "legitimate
9 business?"

10 A. Yes, sir.

11 MR. BOVE: Ms. Hurst, could you bring up page 3 of
12 Government Exhibit 401-T, please. Zoom in on lines 2 through
13 6. Please focus on line 6.

14 Q. Do you see where the defendant referred to the name of the
15 other one?

16 A. Yes, sir.

17 Q. And I think that you said this morning that you understood
18 that to be a reference to another front company, right?

19 A. Yes, sir.

20 Q. And that the purpose of the second front company was that
21 OFAC had already sanctioned Inrimar, right?

22 A. Yes, sir.

23 Q. Does that sound like legitimate business to you?

24 MR. TEIN: Objection.

25 THE COURT: Basis?

JABTHER4

Maradiaga - Redirect

1 MR. TEIN: It's completely irrelevant.

2 THE COURT: Overruled.

3 MR. TEIN: And 403.

4 THE COURT: Overruled.

5 A. No, sir.

6 Q. Did the defendant have you arrested after that meeting?

7 A. No, sir.

8 Q. You testified about a phone call with Juan Orlando
9 Hernandez that happened after this meeting, correct?

10 A. Yes, sir.

11 Q. Did Juan Orlando Hernandez have you arrested after that
12 phone call?

13 A. No, sir.

14 Q. Did he send Reynaldo Ekonomo to have you arrested?

15 MR. TEIN: Objection, leading, 611 under the
16 circumstances.

17 THE COURT: Overruled.

18 A. No, sir.

19 Q. While you were cooperating with the DEA in 2014, did you
20 think there was any chance that the government of Honduras
21 would extradite you to the United States to testify about
22 government officials?

23 MR. TEIN: Same objection, your Honor.

24 THE COURT: Overruled.

25 MR. TEIN: May I have a continuing objection to this

1 line?

2 THE COURT: No, take it question by question.

3 Go ahead.

4 THE INTERPRETER: May the interpreter ask your Honor
5 for the question to be repeated?

6 THE COURT: Yes, if you will.

7 (Record read)

8 A. No, sir.

9 Q. You were asked some questions about whether employees at
10 your front companies knew that you were involved in drug
11 trafficking. Do you recall those questions?

12 A. Yes, sir.

13 MR. BOVE: Ms. Hurst, could you please bring up page
14 21 of Government Exhibit 403-T and zoom in on lines 2 through
15 5.

16 Q. The Cachiros was the name of your drug trafficking
17 organization, right?

18 A. Yes, sir.

19 Q. And do you see in line 5 where the defendant said to
20 Special Agent Gonzalez, "Yes, this man Leonel, everybody knew
21 him?"

22 A. Yes, sir.

23 Q. Who is Leonel?

24 A. That's me, sir.

25 MR. BOVE: Nothing further.

JABTHER4

Maradiaga - Recross

1 THE COURT: All right. If you would like to.

2 MR. MALONE: Sir --

3 THE COURT: No, stick with the questioner.

4 RECROSS EXAMINATION

5 BY MR. TEIN:

6 Q. When I asked you questions about what you did with the tape
7 on the day of the Denny's meeting, you specifically told me and
8 the jury that you went straight with that little card, memory
9 card, to the hotel to meet with the DEA on that day, right?

10 A. Yes, I got confused, sir.

11 Q. You were very specific that you had to drive directly to
12 meet with the DEA that day because you were so scared you might
13 be arrested, right?

14 A. I did not remember, sir, that I had given it to the
15 attorney.

16 Q. You specifically answered many of my questions on this area
17 with precise detail about directly going from Denny's to the
18 DEA meeting and giving it to the DEA agents on that day. Do
19 you remember I asked you those questions and you gave that
20 answer?

21 A. I did not remember, sir, that I had given it to my
22 attorney, sir.

23 Q. And I specifically asked you again on that day, right, and
24 you said yes, under oath, correct?

25 THE COURT: That question was asked. Sustained.

JABTHER4

Maradiaga - Recross

1 Q. And the reason that you answered that way was because you
2 thought in your mind that lying today would be more useful to
3 you than telling the truth, isn't that true?

4 A. No, sir, I am here to tell the truth. The thing is that I
5 got confused when I said that to you, sir.

6 Q. And if we didn't have a document in our hand, no one here
7 would know what the real truth was, right?

8 MR. BOVE: It's a document the government disclosed.

9 MR. TEIN: Your Honor, speaking objections, in this
10 circumstance --

11 THE COURT: Well, you're not allowed to refer to the
12 content of a document that's not in evidence. So the question
13 is objectionable, and it's --

14 MR. TEIN: Withdrawn.

15 THE COURT: And it's stricken.

16 Go ahead, next question.

17 BY MR. TEIN:

18 Q. My last question. Because it would help you get a sentence
19 reduction and help convict this man, Antonio Hernandez, you
20 were willing, on cross-examination when I asked you questions,
21 to directly and flatly lie to these jurors, isn't that true?

22 A. I just got confused in the answer that I gave you, sir, but
23 I am here to tell the truth. I do not care whether or not the
24 defendant is convicted, sir, I am only here to tell the truth.

25 MR. TEIN: No further questions, your Honor.