

H3G51obH

1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

4 v.

15 CR 0174 (LGS)

5 FABIO PORFIRIO LOBO,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 March 16, 2017  
2:00 p.m.

10 Before:

11 HON. LORNA G. SCHOFIELD

12 District Judge



13  
14 PREET BHARARA  
15 United States Attorney for the  
16 Southern District of New York  
17 EMIL J. BOVE III  
Assistant United States Attorney

18 RETURETA & WASSEM  
19 Attorney for Defendant  
MANUEL RETURETA

20 ALSO PRESENT:  
21 ELIZABETH CARUSO  
22 ANNA MARIA RISO  
23 HUMBERTO GARCIA  
24 ISOLINA BERNHARDT  
25 Spanish Interpreters

H3G51obH

Rivera - cross

1 (In open court; case called)

2 THE DEPUTY CLERK: Counsel, please state your name for  
3 the record. Everyone else can be seated.

4 MR. BOVE: Good afternoon, your Honor, Emil Bove for  
5 the government. I have with me Sandalio Gonzalez from the DEA  
6 and Daniel Kim, a paralegal from our office.

7 THE COURT: Good afternoon.

8 MR. RETURETA: Good afternoon. Manuel Retureta on  
9 behalf of Mr. Lobo.

10 THE COURT: Good afternoon.

11 We are about ready to start with the  
12 cross-examination. You may proceed.

13 MR. RETURETA: Thank you very much, your Honor.  
14 Your Honor, with the Court's indulgence, we are one of  
15 the first to test the technology today so if we have a few  
16 bumps, please excuse it, but I think we have it smoothed out.

17 THE COURT: All right. This witness has been sworn.  
18 You understand are you still under oath, sir?

19 THE WITNESS: Yes, sir.

20 THE COURT: And your name, sir?

21 THE WITNESS: Devis Leonel Rivera Maradiaga.

22 THE COURT: All right.

23 DEVIS LEONEL RIVERA MARADIAGA, resumed.

24 CROSS EXAMINATION

25 BY MR. RETURETA:

H3G51obH

Rivera - cross

1 Q. Sir, as you know, I represent Mr. Fabio Lobo, correct?

2 A. Yes.

3 Q. We were last all together, March 6th, Mr. Bove, the  
4 prosecutor, had concluded his direct examination of you.

5 Do you recall that?

6 A. Yes.

7 Q. Sir, today is March the 16th. Between March the 6th and  
8 March the 16th, have you been interviewed by either government  
9 agents or government prosecutors?

10 A. No, sir.

11 Q. Have you had any opportunity to speak with your attorney --  
12 without telling me anything that was said, but have you had the  
13 opportunity to meet with your attorney during that time period?

14 A. Yes, sir.

15 Q. Sir, would I like to begin by focusing on the year 2013.

16 A. Okay.

17 Q. In 2013 you were still involved in drug trafficking,  
18 correct?

19 A. Yes, sir.

20 Q. You were killing people to support your drug trafficking,  
21 correct?

22 A. I caused that. I caused the death of some people.

23 Q. In 2013 -- I am going to show you what has been marked as  
24 Defendant's Exhibit no. 2. If you look on your screen, are you  
25 familiar with that document that is on your screen?

H3G51obH

Rivera - cross

1 A. Yes, sir.

2 Q. Now, when Mr. Bove was asking you a question, this document  
3 was shortened and only showed the bottom portion; do you recall  
4 that?

5 A. Yes, sir.

6 Q. The portion that I am showing you is the complete document  
7 that the United States Department of the Treasury produced as  
8 it placed you, your associates, and family members and  
9 companies, on what is called the OFAC list, correct?

10 A. Yes, sir.

11 MR. RETURETA: Your Honor, for purposes of the  
12 exhibit, may we now move in Defendant's Exhibit no. 2?

13 MR. BOVE: No objection.

14 THE COURT: It is admitted.

15 (Defendant's Exhibit 2 received in evidence)

16 BY MR. RETURETA:

17 Q. Sir, at the top of this document you see two photographs;  
18 one of those photographs is you, correct?

19 A. Yes, sir.

20 Q. The other photograph is your brother Javier, correct?

21 A. Yes, sir.

22 Q. Underneath your photographs is a box that contains four  
23 photographs, and what I am going to do is go through those  
24 photos from left to right and ask you who those individuals  
25 are.

H3G51obH

Rivera - cross

1 Starting with the first photograph, a person by the  
2 name of Santos Isidro Rivera Cardona; who is that?

3 A. He's my dad, sir.

4 Q. Sir, to the right of that photograph is a photograph of a  
5 woman by the name of Esperanza Caridad Maradiaga Lopez. Who is  
6 that woman?

7 A. She's my mom, sir.

8 THE COURT: Counsel, is there any way you could either  
9 enlarge the second row or make it clearer? Thank you, that is  
10 great.

11 Q. Sir, to the right of the photo you just identified is  
12 another female, photograph of a female by the name of Maira  
13 Lizeth Rivera Maradiaga. Who is that?

14 A. Sir, she is my sister.

15 Q. And to her right a photograph of a man by the name of  
16 Santos Isidro Rivera Maradiaga. Who is that?

17 A. He is my brother, sir.

18 Q. Sir, those four individuals that have you just identified,  
19 have any of them been charged with criminal conduct in this  
20 district along with you?

21 MR. BOVE: Objection. Foundation.

22 THE COURT: Well, to the extent that you know.

23 A. I don't know, sir.

24 Q. I am going to show you what has been marked as Defendant's  
25 Exhibit no. 3. Do you see that on your screen?

H3G51obH

Rivera - cross

1 A. Yes, sir.

2 Q. No. 4. Sorry.

3 Do you read English?

4 A. No, sir.

5 Q. Can you read your name on this document?

6 A. Yes, sir.

7 Q. Do you recognize this document?

8 A. No, sir.

9 MR. RETURETA: Your Honor, I would ask the Court to  
10 take judicial notice of what is the superseding indictment that  
11 was filed against Mr. Devis Leonel Rivera Maradiaga.

12 MR. BOVE: I have no objection to that, your Honor,  
13 just to note or reiterate that this is an English language  
14 document which is why the defendant --

15 THE COURT: You need to speak into the mic.

16 MR. BOVE: I want to reiterate the witness does not  
17 recognize this as an English language document because it was  
18 likely discussed with counsel in a translated version.

19 THE COURT: Okay. And you want me to take judicial  
20 notice for purposes of offering it into evidence?

21 MR. RETURETA: Into evidence, your Honor.

22 THE COURT: Okay. It is admitted.

23 MR. RETURETA: Thank you, your Honor.

24 (Defendant's Exhibit 4 received in evidence)

25 BY MR. RETURETA:

H3G51obH

Rivera - cross

- 1 Q. Sir, I am going to highlight a portion of this document.  
2 Do you see that?
- 3 A. Yes, sir.
- 4 Q. That lists your name: Devis Leonel Rivera Maradiaga,  
5 correct?
- 6 A. Yes.
- 7 Q. It does not list any of your other family members, correct?  
8 A. No, sir.
- 9 Q. Sir, in 2013, as you have testified, when asked questions  
10 by Mr. Bove, you were worried that your organization was in  
11 trouble; is that fair to say?
- 12 A. Could you repeat your question? I didn't really get what  
13 you were saying.
- 14 Q. In 2013 you were concerned that your organization was in  
15 trouble?
- 16 A. 2013? It was after the OFAC thing, the putting us on the  
17 OFAC.
- 18 Q. Do you recall when the OFAC came out?  
19 A. Yes, sir.
- 20 Q. When?  
21 A. 2013.
- 22 Q. Do you remember when in 2013?  
23 A. No, sir.
- 24 Q. Once the OFAC came out, did you begin to take steps to try  
25 and save your organization or save your future?

H3G51obH

Rivera - cross

1 MR. BOVE: Object to the form, Judge. Form is really  
2 an issue because of the translation problem, and so when there  
3 are questions like this that are compound, it is compounded by  
4 his native language.

5 MR. RETURETA: I will reword it, your Honor.

6 THE COURT: Okay. That's fine.

7 BY MR. RETURETA:

8 Q. Once that OFAC came out you knew you had troubles, right?

9 A. Yes, sir.

10 Q. And you testified, when asked by Mr. Bove, that you had  
11 actually started to record conversations with people around  
12 that time because you wanted to make sure that nobody said  
13 something different, right?

14 A. Sir, could you repeat your question?

15 Q. Do you remember testifying that you had recorded a phone  
16 call because you wanted to make sure that the person wouldn't  
17 say something different later on?

18 A. No, sir. I wasn't the kind of person who made phone calls.

19 Q. So, are you saying today that you did not tape any phone  
20 calls?

21 MR. BOVE: Judge, I object. Mischaracterization of  
22 the testimony.

23 THE COURT: He can answer.

24 Q. So, you are saying you did not record a phone call during  
25 that time period?



H3G51obH

Rivera - cross

1 A. No, sir.

2 Q. Once the OFAC --

3 THE COURT: I'm sorry, it was a double-negative. I  
4 don't know whether the answer is yes or no, so if you can clean  
5 that up?

6 MR. RETURETA: Sure.

7 Q. Did you record any phone calls during that 2013 time  
8 period?

9 A. No, sir. I did not record any telephone calls.

10 Q. Sir, once the OFAC came out you began to look for ways  
11 to -- well, once the OFAC came out, did you contact the United  
12 States government?

13 A. No, sir.

14 Q. Did there come a time when you met with agents of the  
15 United States law enforcement, the DEA?

16 A. Yes, sir. That was in 2013, in December.

17 Q. And when you met with agents of the DEA in December 2013,  
18 what did you tell them that you wanted to do?

19 A. I started giving them recordings, information, sir.

20 Q. And what do you mean by recordings?

21 A. Recordings I had made previously with the defendant.

22 Q. Was that first, that meeting with the DEA, was that the  
23 first of many meetings that you had with agents of the DEA and,  
24 later, law enforcement?

25 A. In 2013, sir.

H3G51obH

Rivera - cross

1 Q. I am going to show you what has been marked Defendant's  
2 Exhibit no. 1. Sir, if you would look on the screen; do you  
3 see that document, sir?

4 A. Yes, sir.

5 Q. Do you recognize that document?

6 A. No, sir.

7 Q. I am going to show you -- do you see the bottom of the  
8 second page of the document I am showing you?

9 A. Yes, sir.

10 Q. Do you see that there are various dates on the left-hand  
11 side of that document and then what look to be initials from  
12 various people on the right-hand side?

13 A. Yes, sir. I can see that.

14 Q. Do you recognize those initials?

15 A. Yes, sir.

16 Q. Those are your initials, right?

17 A. Yes, but I don't remember.

18 Q. Well, sir, is this the document that was presented to you  
19 at the beginning of each meeting that you had so that you could  
20 sign off and everyone in the room that was with you could also  
21 sign off?

22 A. I remember they would show me a document but I don't  
23 remember -- this one is in English, so.

24 Q. Well, sir, if I could have you look at the very next page?  
25 Starting at the top of that page, again, do you see your

H3G51obH

Rivera - cross

1 initials all the way down that right-hand side column?

2 A. Yes, sir.

3 Q. I am talking about this right here, correct?

4 A. Yes, I can see my initials there but there are some I don't  
5 recognize.

6 MR. RETURETA: Your Honor, I would ask that  
7 Defendant's Exhibit no. 1 be introduced into evidence.

8 MR. BOVE: No objection.

9 THE COURT: It is admitted.

10 MR. RETURETA: Thank you.

11 (Defendant's Exhibit 1 received in evidence)

12 BY MR. RETURETA:

13 Q. Sir, looking at these documents, it appears that the first  
14 meeting that is memorialized on this document took place in  
15 March of 2014.

16 Do you see that?

17 A. Yes, sir.

18 Q. And, the last meeting that we see noted looks to be in  
19 August of 2015.

20 Do you see that?

21 A. Yes.

22 Q. Now, I am going to ask you about these meetings. At these  
23 meetings you were present, obviously, correct?

24 A. At several meetings I was; yes, sir.

25 Q. And, at these meetings, did you have your attorney present?

H3G51obH

Rivera - cross

1 MR. BOVE: Judge, are we talking about just meetings  
2 reflected in Defendant's Exhibit 1?

3 THE COURT: Could clarify the question?

4 MR. RETURETA: Sure.

5 BY MR. RETURETA:

6 Q. Sir, the meetings that I am asking you about refer to the  
7 meetings that are listed under these dates.

8 THE COURT: Now ask the question.

9 Q. Do you remember if your attorney was present during those  
10 meetings?

11 A. The thing is that there were many -- there were several  
12 meetings and the lawyer was present for several meetings.

13 Q. And the other meetings may not have been noted on this  
14 document, as an example the December 2013 meeting with law  
15 enforcement, correct?

16 MR. BOVE: Objection to the other meetings and to the  
17 form.

18 THE COURT: Sustained.

19 Q. Sir, you testified that you had a meeting in December 2013  
20 with DEA agents, right?

21 A. I don't understand the question. That I testified in 2013?  
22 Where?

23 MR. BOVE: Judge, I would also like to clarify the  
24 record on this. Defendant's Exhibit 1 is an agreement dated  
25 December 5, 2013 on --

1 THE COURT: Can you speak more loudly and into the  
2 mic? I don't know if your mic doesn't work.

3 MR. BOVE: I apologize. Defendant's Exhibit 1  
4 reflects on page 1 a meeting on December 5th of 2013.

5 THE COURT: In other words, are you saying the  
6 document begins on December 5th; is that right?

7 MR. BOVE: Yes, your Honor, that is reflected in the  
8 first paragraph of the exhibit.

9 THE COURT: Okay. And I wanted to ask a question just  
10 to clarify the prior answer.

11 You were asked whether your lawyer was present for the  
12 meetings that are listed on the document. Was your lawyer  
13 present at every meeting you had with the government?

14 THE WITNESS: Yes, your Honor.

15 THE COURT: Okay. Thank you.

16 MR. BOVE: Your Honor, and I am sorry --

17 THE COURT: That's all right.

18 MR. BOVE: Point of clarification on that.

19 When we speak about the government as a whole, I think  
20 that's a characterization this witness might not fully grasp.  
21 It may help to be more specific about meetings with prosecutors  
22 with the government, and there are also meetings and  
23 communications with agents when prosecutors with the government  
24 weren't present.

25 THE COURT: Okay.

H3G51obH

Rivera - cross

1 Do you want to ask those questions?

2 MR. RETURETA: Certainly, your Honor.

3 THE COURT: Okay.

4 BY MR. RETURETA:

5 Q. Sir, what I am asking is you had many meetings with  
6 prosecutors such as Mr. Bove, as well as DEA agents such as  
7 Agent Sandalio Gonzalez, right?

8 A. Yes, sir.

9 Q. And, do you remember each and every one of those meetings?

10 A. I don't remember, but there were several.

11 Q. Do you remember the exact dates of those meetings?

12 A. No, sir.

13 Q. But, at that time, starting in December of 2013, you were  
14 trying to make a deal with the United States government,  
15 correct?

16 A. Yes, sir.

17 Q. And as part of that deal it was not only you but it was  
18 your brother, Javier, correct?

19 A. Yes. It was the two of us, sir.

20 Q. And, beyond the two of you, again referencing Defendant's  
21 Exhibit no. 1, beyond the two of you it is also your family  
22 that you have identified for us here today, correct?

23 MR. BOVE: Objection. I think this is another  
24 ambiguous question for example, this exhibit reflects sanctions  
25 by different part of United States government so the question

H3G51obH

Rivera - cross

1 as to who, anybody is seen to --

2 THE COURT: Well, okay. Overruled.

3 You can answer the question.

4 THE WITNESS: Sir, when we met with the DEA agents we  
5 started giving them information, but at that point we didn't  
6 discuss my family.

7 BY MR. RETURETA:

8 Q. Was your family involved in drug trafficking with you and  
9 your brother at that time?

10 A. In drug trafficking? No, sir.

11 Q. Sir, was your family involved in the conspiracy you later  
12 pled guilty to of trafficking illegal narcotics with the intent  
13 to import into the United States? Yes or no.

14 A. I don't know, sir.

15 Q. You eventually came to an agreement with the United States  
16 referring to a plea agreement, correct?

17 A. Yes, sir.

18 Q. And not only did you come to an agreement but your brother  
19 Javier also came to an agreement with the United States,  
20 correct?

21 A. I can speak for myself, sir.

22 Q. Well, sir, did you not have any consultations, discussions,  
23 advice, going back and forth with your brother during this  
24 time?

25 A. Yes, sir; because on some occasions we went to the meetings

H3G51obH

Rivera - cross

1 together.

2 Q. And when you say "the meetings," you are describing the  
3 meetings that involve U.S. DEA agents and U.S. prosecutors,  
4 correct?

5 A. Yes, sir.

6 Q. So, much like that gentleman on the far side of the room is  
7 in the same room that I am in right now, your brother could  
8 hear everything that you were describing when agents and  
9 prosecutors were asking you questions about your illegal  
10 activity, correct?

11 A. We discussed several subjects, sir, about several subjects.

12 Q. Now, you did not immediately turn yourself in to U.S.  
13 authorities, correct?

14 A. No, sir.

15 Q. You continued to run your narco-trafficking activities,  
16 correct?

17 MR. BOVE: Objection. Time frame, Judge?

18 THE COURT: Sustained.

19 Q. Taking you back to December of 2013 and the months that  
20 followed.

21 THE COURT: Which months? We know at some point he  
22 stopped, so.

23 BY MR. RETURETA:

24 Q. Taking you to December 2013 and the first half of 2014, you  
25 did not turn yourself in to the U.S. authorities, correct?



H3G51obH

Rivera - cross

1 A. From 2013 to 2014, no; not yet, sir.

2 Q. In other words, when you would sit down with Agent Gonzalez  
3 and conclude your meeting, you and your brother would leave  
4 together, correct?

5 MR. BOVE: Objection. Time frame.

6 MR. RETURETA: During that same time fame.

7 THE COURT: Yes, you can preface it.

8 BY MR. RETURETA:

9 Q. During the same time we were discussing, you would go to a  
10 meeting with Agent Gonzalez, as an example, and then leave;  
11 correct?

12 A. Not just with the agents, sir. There were several people  
13 there.

14 Q. But my question is, you would be free to leave after that  
15 meeting finished?

16 A. Yes, sir.

17 Q. And you would go back home to your family?

18 A. Yes, sir.

19 Q. And if you were at the meeting together with your brother,  
20 you and your brother would travel back home together?

21 A. On some occasions we traveled together. On other occasions  
22 we would go separately.

23 Q. Did there come a point at any time in that time period that  
24 we are discussing that you and your brother talked about what  
25 was being asked, what the DEA was interested in?

H3G51obH

Rivera - cross

1 A. Yes, sir. We discussed several subjects because, by then,  
2 my brother and I were already cooperating together.

3 Q. Did there come a time when you finally reached a plea  
4 agreement with the United States? And, if I could ask you to  
5 look at the document that is on the screen?

6 THE COURT: Is there an identification number?

7 MR. RETURETA: I'm sorry, your Honor. That's  
8 Defendant's Exhibit no. 4 -- 3 -- thank you, Mr. Bove.

9 THE COURT: 3.

10 MR. RETURETA: Thank you, your Honor.

11 BY MR. RETURETA:

12 Q. Do you recognize that document, sir?

13 A. No, sir.

14 Q. Taking you to page 7 of that document; do you see the  
15 signatures on that page?

16 A. Yes, sir.

17 Q. Do you recognize that signature?

18 A. Yes.

19 Q. Who is that?

20 A. It's mine, sir. It looks like mine, sir.

21 Q. Do you have a doubt as to whether that is your signature?

22 A. I mean, it is a document and it's in English. I don't  
23 understand it.

24 Q. Do you see the name that is listed there?

25 A. Yes, sir.

H3G51obH

Rivera - cross

1 Q. What is that name?

2 A. Mine.

3 Q. Do you see this signature that is below your name on that  
4 document?

5 A. Yes, sir.

6 Q. Whose signature is that?

7 A. I don't know. I wouldn't know.

8 Q. Do you see the date that is listed here?

9 A. Yes, sir.

10 Q. What date is that?

11 A. It says 4/14/2016.

12 Q. Do you remember when you pled guilty?

13 A. In 2016, sir.

14 MR. RETURETA: Your Honor, I would ask the Court take  
15 judicial notice that the plea agreement that was entered into  
16 by Mr. Rivera Maradiaga was --

17 THE COURT: I'm not sure I can take judicial notice of  
18 it. If you want to offer it, I will see if there is any  
19 objection.

20 Any objection?

21 MR. BOVE: No, your Honor.

22 THE COURT: It is admitted.

23 (Defendant's Exhibit 3 received in evidence)

24 BY MR. RETURETA:

25 Q. Sir, this document is a document between yourself and the

H3G51obH

Rivera - cross

1 United States government where you plead guilty. It is the  
2 rules of your plea.

3 MR. BOVE: Objection, Judge.

4 First of all, he testified he doesn't recognize the  
5 document. Second, he may have --

6 THE COURT: I will allow the question.

7 THE WITNESS: I don't recognize the document because I  
8 don't speak English. I don't know what the document says, sir.

9 BY MR. RETURETA:

10 Q. I'm going to show you what has been marked Appendix A in  
11 that document.

12 THE COURT: Is this part of Defendant's Exhibit 3?

13 MR. RETURETA: Yes, your Honor.

14 THE COURT: Okay.

15 BY MR. RETURETA:

16 Q. Do you see that table in front of you?

17 A. Yes, sir.

18 Q. Sir, as part of your plea agreement, did you come to an  
19 agreement with the United States government as to murders that  
20 you committed in your organization?

21 A. Agreement? What do you mean, sir?

22 Q. Well, when Mr. Bove was asking you questions you had said  
23 that you killed 78 people.

24 MR. BOVE: Objection. Mischaracterized the testimony.

25 THE COURT: Sustained.

H3G51obH

Rivera - cross

1 Q. That you were responsible for the deaths of 78 people.

2 A. I caused the death of 78 people, together with politicians  
3 and drug traffickers.

4 Q. And, did you produce a document which listed those  
5 homicides that you caused?

6 A. I don't understand that question.

7 Q. Sir, did you participate in identifying homicides that you  
8 caused, in any fashion?

9 A. Sir, what I did was confess all the crimes that I have  
10 committed to the government that I had caused.

11 Q. And as part of the crime that you caused and confessed to  
12 the government there were homicides, correct?

13 A. Yes, sir.

14 Q. And this document that is attached to your plea agreement  
15 lists 78 individuals that were killed and that you admitted as,  
16 in your words causing, correct?

17 A. Yes, sir.

18 Q. And looking at the end of this list, what I have  
19 highlighted here, homicides no. 75, 76, 77 and 78. Do you see  
20 those homicides that you were responsible for causing?

21 A. Yes, sir.

22 Q. The very last person that you seem to have accepted  
23 responsibility for causing the death of is a person by the name  
24 of Sonia Marlen Ramos-Montes.

25 Do you see that?

H3G51obH

Rivera - cross

- 1 A. Yes, sir.
- 2 Q. This person was killed in Quebec, Canada, correct?
- 3 A. Yes, sir.
- 4 Q. Now, are you now familiar with this list that you are  
5 looking at?
- 6 A. Yes, sir. This is a list of the murders that we caused,  
7 that I caused.
- 8 Q. Now, did you provide this list to your attorney? Or did  
9 you -- I'm sorry. Go ahead.
- 10 A. When? When do you mean? I don't understand your question.
- 11 Q. Well, when you gave this information, did you give it  
12 directly to agents or prosecutors?
- 13 A. Sir, I confessed to these crimes when I was talking to the  
14 government when we came to that plea agreement.
- 15 Q. Looking at the very first page you will see a section there  
16 that I have noted. Do you see no. 19 in December of 2009, an  
17 individual by the name of Julian Aristedes-Gonzalez?
- 18 A. Yes, sir.
- 19 Q. And Mr. Bove asked you and you responded that's the drug  
20 czar of your country at that time, Honduras, correct?
- 21 A. No, sir. What I -- he worked for the police.
- 22 Q. What was his duty?
- 23 A. He investigated.
- 24 Q. What?
- 25 A. Drug trafficking, sir.

H3G51obH

Rivera - cross

1 Q. And you, in your response to Mr. Bove's questions,  
2 indicated that you got together with other drug traffickers and  
3 planned his assassination, correct?

4 A. Yes, sir.

5 Q. Sir, have you provided the Honduran government with  
6 information about these murders that you are now accepting that  
7 you caused?

8 A. No, sir.

9 Q. No, because your only focus right now is the United States  
10 government law enforcement and prosecutors, correct?

11 A. Those are the crimes I caused, the crimes I told them  
12 about, sir.

13 Q. What did you benefit from that plea agreement?

14 A. Benefits? Sir, I'm just telling the truth. What the  
15 agreement says is that if I testify whenever the government  
16 asks me to, I not commit any more crimes, they will write that  
17 5K1 letter, sir.

18 Q. Sir, have members of your family received the benefit of  
19 immigrating to the United States?

20 A. Sir, I hired a private immigration lawyer so my family  
21 could come to this country, to the United States.

22 Q. And did you work with prosecutors and agents to make sure  
23 that that happened?

24 A. Sir, the work I have done with them has been to give them  
25 information, all the information I knew about my work with drug

H3G51obH

Rivera - cross

1 trafficking and politicians.

2 Q. And, as you have provided information to them, you have  
3 received a benefit that your family could come to the United  
4 States, correct?

5 A. They are here, sir.

6 Q. Were they here before you started cooperating?

7 A. No, sir.

8 Q. Sir, when you were listed on the OFAC there were various  
9 other individuals from your family that were also listed on the  
10 OFAC, correct?

11 A. My companies, yes.

12 Q. Well, was Maira Lizeth listed on the OFAC?

13 A. Yes, sir.

14 Q. Your sister?

15 A. Yes, sir.

16 Q. Santos Isidro was listed on the OFAC?

17 A. Yes, sir.

18 Q. Javier Heriberto was listed on OFAC?

19 A. Yes, sir.

20 Q. Esperanza Caridad was listed on OFAC?

21 A. Yes, sir.

22 Q. So in addition to companies, individuals were listed on  
23 OFAC, correct?

24 A. My family was, yes.

25 Q. And when you talk about companies, the company was INRIMAR,



H3G51obH

Rivera - cross

1 I-N-R-I-M-A-R, correct?

2 A. INRIMAR; yes, sir.

3 Q. And if I remember your testimony, INRIMAR was the company  
4 that you testified was proposed to you by then Candidate Lobo  
5 as a good company to put together?

6 MR. BOVE: Objection. Mischaracterizes the testimony.

7 THE COURT: I will allow it, but the witness should  
8 correct anything that is inaccurate.

9 THE WITNESS: Sir, could you please repeat that  
10 question?

11 BY MR. RETURETA:

12 Q. Let me ask this.

13 When was INRIMAR produced? When was INRIMAR created?

14 A. When Pepe Lobo recommended that we set it up, sir.

15 Q. When was that?

16 A. In 2009.

17 Q. When in 2009?

18 A. I don't remember the exact date.

19 Q. Was it the beginning of 2009? The end of 2009?

20 A. It was after Pepe Lobo's recommendation, it was after he  
21 became president, sir.

22 Q. And the suggestion that you're telling us is that you  
23 created a company that will be used for laundering money and to  
24 help your drug trafficking and the acronym is your family name:  
25 Investments Rivera Maradiaga?

H3G51obH

Rivera - cross

1 MR. BOVE: Objection to form, and on behalf of the  
2 interpreters --

3 THE COURT: Sustained. Sorry. I only heard the  
4 object to the form which I sustained.

5 BY MR. RETURETA:

6 Q. So, the company that you created was a company with your  
7 name, correct?

8 A. Yes, sir.

9 Q. At that time had there been seizures on your family  
10 properties or businesses? And I am talking about the 2009 time  
11 period.

12 A. No, sir.

13 Q. When you began to cooperate with the government, did you  
14 disclose to them all of the properties and businesses that you  
15 had?

16 A. Sir, we were focused on people in drug trafficking and  
17 politicians.

18 Q. Did you continue to operate your businesses while you were  
19 focused on drug trafficking?

20 MR. BOVE: Objection. Time frame.

21 THE COURT: If you could clarify the time frame?

22 Q. The time that you have told me that you were focused on  
23 drug trafficking and politicians, when was that?

24 A. Sir, that was from 2009 to 2013.

25 Q. And did your companies continue operation?

H3G51obH

Rivera - cross

1 MR. BOVE: Objection. Time frame.

2 THE COURT: Well, I think it is implicit that it is in  
3 that time frame.

4 So, the question is: Did your companies continue  
5 operations during that period you referenced between 2009 and  
6 2013?

7 THE WITNESS: Yes, sir. Our companies continued to be  
8 in operation from 2009 to 2013 with the support of President  
9 Porfirio Sosa Lobo --

10 INTERPRETER: Correction: Lobo Sosa.

11 BY MR. RETURETA:

12 Q. And, did you have what is referred to in Spanish as a  
13 *testafero* or a straw man or people? Did you have any straw men  
14 or people operating those companies during that time period?

15 MR. BOVE: Objection, your Honor.

16 THE COURT: I will allow it.

17 A. Yes, sir.

18 Q. And did you disclose those *testafero* -- straw men -- to  
19 agents and prosecutors?

20 A. Sir, we touched upon a number of subjects.

21 Q. Do you recall whether you told them? Or not.

22 A. Sir, I don't remember.

23 Q. Do you recall if you informed Honduran government officials  
24 about those companies and those *testaferos* or straw men?

25 A. Sir, I don't understand your question.

H3G51obH

Rivera - cross

1 Q. Did you inform the government of Honduras of those  
2 companies and the owners or the straw men in front of those  
3 companies?

4 MR. BOVE: Objection. Time frame, Judge. We have  
5 already testified between 2009 and 2013 to the support of the  
6 Honduran government.

7 MR. RETURETA: Well, your Honor, assuming that we  
8 don't believe that, my question is simple: Did he inform, as  
9 he was cooperating with the United States, did he then also  
10 inform the Honduran government?

11 THE COURT: Anyone in the Honduran government  
12 including the president?

13 MR. RETURETA: Including the president.

14 THE COURT: Okay.

15 Do you understand the question now?

16 THE WITNESS: Yes, sir.

17 BY MR. RETURETA:

18 Q. Did you inform anyone in the Honduran government that you  
19 had these companies and these straw men or *testaferos* in front  
20 of these companies?

21 A. The president and his son agreed to support us in anything  
22 we did. What I told the president and the defendant, when he  
23 offered us the government contracts, was that the companies we  
24 were going to set up then we were going to set up because we  
25 needed them, my brother and I, to launder money.

H3G51obH

Rivera - cross

1 Q. Sir, I'm going to give you a name and ask you to identify  
2 who that person is, if you know.

3 Do you know a person by the name of Ninrod Eliel  
4 Sierra Caraballo?

5 INTERPRETER: Counsel, by the interpreter, what was  
6 the first name?

7 Q. Ninrod. N-I-N-R-O-D.

8 A. Yes, sir.

9 Q. Who is that person?

10 A. A drug trafficker.

11 Q. Did he work for you?

12 A. At times.

13 Q. What would he do?

14 THE COURT: What would he do?

15 Q. What did he do.

16 A. He would receive shipments together with us, drug  
17 shipments.

18 Q. And did he have his own separate operation?

19 A. Sometimes he did, but sometimes we worked on these drug  
20 loads in partnership.

21 Q. Did he ever act as a *testafero* or straw man for you, your  
22 family, or any of your companies?

23 A. No, sir.

24 Q. What companies did you advise or inform government agents  
25 that were family-owned companies?

H3G51obH

Rivera - cross

1 A. INRIMAR and all of the companies that are on the document  
2 you showed me.

3 Q. Did you talk to them about any other companies that you had  
4 an interest in?

5 A. Sir, I don't remember.

6 Q. Were you present at a meeting with your brother when any of  
7 these other companies were discussed?

8 THE COURT: Wait a second -- I'm sorry.

9 You can translate the question.

10 MR. BOVE: I object, Judge. He just testified that he  
11 doesn't remember.

12 THE COURT: Sustained.

13 Q. As part of your agreement with the United States, did you  
14 ask for any assistance from the United States regarding these  
15 companies?

16 THE COURT: Let me just clarify.

17 So, is the question: As part of your agreement with  
18 the United States, did you ask for any assistance from the  
19 United States regarding companies other than the ones we saw  
20 listed on that document? Did you ask for help regarding any  
21 other companies?

22 THE WITNESS: Help from whom?

23 THE COURT: The U.S. government.

24 THE WITNESS: No, your Honor. No.

25 THE COURT: Okay.

H3G51obH

Rivera - cross

1 BY MR. RETURETA:

2 Q. Did you ask for any assistance with the companies listed on  
3 OFAC, to remove them from OFAC, from the United States?

4 A. No, sir.

5 Q. Did you ask the United States government to not seize or  
6 hold property, funds of anything that you may have that they  
7 could have seized?

8 MR. BOVE: Object to the form.

9 THE COURT: I will allow it.

10 A. No, sir.

11 Q. Did you come to an agreement with the United States  
12 government about paying them money?

13 THE COURT: Who is them?

14 MR. RETURETA: United States government.

15 Q. Did you agree to pay the United States government money?

16 A. No, sir. I don't understand the question.

17 Q. I'm not sure how this would translate but do you recall, as  
18 part of your plea agreement, a section dealing with forfeiture?

19 A. I don't remember, sir.

20 Q. And, do you have any knowledge that you will be paying the  
21 government of the United States anything as a result of your  
22 drug trafficking?

23 A. It is whatever the Judge decides, sir.

24 Q. Have you paid the United States government any amount of  
25 money?

H3G51obH

Rivera - cross

1 A. No, sir.

2 Q. Have you paid the DEA or the prosecutor's office any money?

3 A. No, sir.

4 Q. I don't like the smile.

5 My question is whether, as part of your agreement, I'm  
6 not asking if you have give them money, hand off; I am asking  
7 whether you have paid, as a result of your criminal activity,  
8 any fines as of today.

9 A. I haven't paid anything, sir.

10 Q. Sir, do you expect to pay anything to the United States in  
11 money as a result of your plea agreement and your criminal  
12 conduct?

13 A. If that's what the Judge decides, yes, sir. Whatever the  
14 Judge decides.

15 Q. But you don't know right here, right now?

16 A. Whatever the Judge decides. If that's what the judge  
17 decides, if we need to pay a penalty, that's what we will pay  
18 because of the drug trafficking proceeds.

19 Q. And, sir, your best estimate, what are the proceeds that  
20 you and your organization received as a result of your  
21 narco-trafficking?

22 A. Several millions of dollars, sir.

23 Q. Are we talking two? Three? 30? 300?

24 MR. BOVE: Objection to form.

25 THE COURT: I will allow it.



H3G51obH

Rivera - cross

1 A. I don't have an estimate, sir.

2 Q. Well, sir, when Mr. Bove asked you a question about the  
3 amount of cocaine that you were moving at one point in time,  
4 you responded by saying 20,000 tons.

5 Do you recall that?

6 MR. BOVE: Objection. Mischaracterizes the testimony.

7 THE COURT: Overruled.

8 A. No, sir.

9 Q. And when you were asked questions about a load of 400  
10 kilos, you described that the value of that load was  
11 approximately \$800,000, \$900,000; do you recall that?

12 A. Yes. The 400 kilos that the defendant helped me to  
13 transport, sir.

14 Q. And what was the value of those 400 kilos?

15 A. It was 20 percent that the deal gave us.

16 Q. How much?

17 A. Approximately between \$800,000 to \$1 million, sir.

18 Q. So that's 400 kilos, correct?

19 A. Yes, sir.

20 Q. Do you have any idea how many kilos you, your brother, your  
21 family, your organization moved?

22 A. Around 20 tons and more, sir.

23 Q. How much more?

24 A. I don't have the exact date. I don't remember.

25 Q. So, the best number that you can give us is 20,000 tons?

H3G51obH

Rivera - cross

1 MR. BOVE: Objection.

2 THE COURT: Overruled. 20 tons? Or 20,000 tons?

3 THE WITNESS: 20 tons.

4 BY MR. RETURETA:

5 Q. I'm sorry, 20 tons.

6 That's the best estimate you can give us as to the  
7 amount of cocaine that your organization moved throughout its  
8 entire existence?

9 A. Yes, sir.

10 Q. Forgive me, but doesn't that sound low?

11 A. I don't have the exact number. I don't remember.

12 Q. Let me ask you about the 400 kilos that you described  
13 Mr. Lobo participating in. Sir, for those 400 kilos, did  
14 Mr. Lobo know who the owner of that cocaine was?

15 A. Yes, sir.

16 Q. Who was it?

17 A. Pama.

18 Q. Did you inform him of that?

19 A. He was already aware that we worked with the Colombians,  
20 sir.

21 Q. Did he know the specific owner?

22 A. No, sir.

23 Q. Did he know exactly where that -- where those 400 kilos was  
24 going to be dropped off?

25 A. He knew where those kilos were going to arrive, what air

H3G51obH

Rivera - cross

1 strip they were going to arrive at because I had already told  
2 him.

3 Q. You told him exactly where to go, correct?

4 A. Repeat the question, please?

5 Q. You had told him where to go, correct?

6 A. When I called the defendant, I told him to go so San Pedro  
7 and then from there, to Cortés, and that's where we met with  
8 the defendant.

9 Q. And did you inform the defendant the route that that plane  
10 took?

11 A. He knew that those drugs came from Apure, Venezuela, sir.

12 Q. Sir, did you inform the defendant exactly where the drugs  
13 came from?

14 A. He knew they were coming from Venezuela, sir.

15 Q. And, did you inform the defendant where those drugs were  
16 going to be sold to -- who, sorry -- who those drugs were going  
17 to be sold to.

18 A. No, sir.

19 Q. And, did you have information as to what was going to  
20 happen with those drugs once they were sold to someone?

21 A. No, sir.

22 Q. And, did Mr. Lobo provide to you coordinates as to how the  
23 plane should navigate, land, take off, any other logistical  
24 information about what you were asking him to do?

25 A. Sir, the person who was giving information, that that plane

H3G51obH

Rivera - cross

1 was coming from Apure, Venezuela was myself, sir.

2 Q. And before you gave him that information, as far as you  
3 know he didn't know anything about this, correct?

4 A. Of course he knew, because when I told him to go to San  
5 Pedro Sula, he knew about the logistics to receive that plane  
6 that came loaded with drugs, sir.

7 Q. And I am asking you about before you called him, he did not  
8 know anything about this, as far as you know?

9 A. He knew. He did know that he was going to receive a plane  
10 loaded with drugs, sir.

11 Q. Because you told him, right?

12 A. Yes, sir; at the meeting that we had had previously.

13 Q. And, before then he didn't know?

14 A. Yes, sir, he knew, because he knew he was going to escort a  
15 drug shipment.

16 Q. So, why did you have to call him about it?

17 A. I called the defendant. I told him to go to San Pedro  
18 Sula, and once he was in San Pedro Sula to let me know so that  
19 I could go and pick him up. I told him to go to Cortés where I  
20 brought the defendant, and during our way to Chachaguala, we  
21 started coordinating, receiving the plane. Once the plane was  
22 going to land, he wanted to go to the air strip --

23 Q. And you told him no?

24 MR. BOVE: Judge, I ask that he be allowed to finish  
25 his answer.

H3G51obH

Rivera - cross

1 THE COURT: Okay, yes. Please, let him finish.

2 THE WITNESS: I persuaded him not to go to the air  
3 strip because it was dangerous for us to be at the air strip  
4 because if the plane that was coming from Venezuela loaded with  
5 the drugs was being tailed by military people from Honduras, it  
6 was dangerous for me and the defendant to be on the runway.  
7 So, he desisted from going to the air strip. That's when we  
8 went to the house of Chachaguala to coordinate while we were  
9 waiting for the plane to land on the air strip, sir, because he  
10 had already placed phone calls of which he had informed me with  
11 the commander that was in charge there at Cortés, sir, in the  
12 area before the plane was going to land.

13 Q. Sir, this is what you told Mr. Bove when he asked you that  
14 question. Do you recall that?

15 A. Yes, sir. I told him what had happened with the plane.

16 Q. And that's what you responded to Mr. Bove when he asked  
17 you, right?

18 A. That's what happened, sir.

19 Q. When did this happen?

20 A. That's what happened on that day, the day of the event when  
21 we received the plane loaded with drugs, sir.

22 Q. What was the date?

23 A. That was in 2012, sir.

24 Q. Sir, of the 11 months of 2012? When?

25 A. I don't remember approximately right now, sir.

H3G51obH

Rivera - cross

1 Q. When you would call Mr. Lobo --

2 THE COURT: Excuse me, counsel. I am going to  
3 interrupt for a second. Do you have any idea about how long  
4 you are going to be?

5 MR. RETURETA: Your Honor, I am trying to work with  
6 the two hours that the Court gave me.

7 THE COURT: Okay. I wanted to make sure you were  
8 mindful of the time.

9 MR. RETURETA: Definitely.

10 THE COURT: Okay.

11 BY MR. RETURETA:

12 Q. When you called Mr. Lobo was it for Mr. Lobo to provide  
13 information regarding a drug trafficking route?

14 A. Are you referring to the same shipment or when, sir? I  
15 don't understand the question.

16 Q. Let's ask generally. When you called up Mr. Lobo, as you  
17 testified that you have when responding to Mr. Bove, did you  
18 call him asking for specific drug routes?

19 A. The defendant's commitment, sir, was to provide security  
20 for me and for my brother, sir.

21 Q. Sir, and your Honor, if I could, before we let the witness  
22 move on to longer answers, if I could just interrupt?

23 Sir, my question was, when you called Mr. Lobo, was  
24 the reason you called him because you needed specific drug  
25 route information?

H3G51obH

Rivera - cross

1 A. When I called the defendant, sir, on that occasion of the  
2 shipment it was for the security he was going to provide, sir.

3 Q. So, using that example, that event as an example, the  
4 answer to my question is no, correct? You were not asking him  
5 for the nature of the drug route?

6 MR. BOVE: Judge, I think there is a pending question  
7 right there.

8 THE COURT: Well, I will allow the last question. I  
9 assume the other question was withdrawn.

10 THE WITNESS: No, sir.

11 BY MR. RETURETA:

12 Q. And what you were doing was what you have testified is you  
13 had done previously which is you wanted Lobo and the people  
14 around him; is that fair to say?

15 THE COURT: I'm sorry. I don't understand the  
16 question.

17 MR. RETURETA: Let me rephrase.

18 Q. You testified you told us that called Mr. Lobo for security  
19 reasons, right?

20 A. Yes. That was his job.

21 Q. And when you say the security of loads, you mean you wanted  
22 the load to go from point A to point B, correct?

23 A. I don't understand, sir.

24 Q. When you used the word "security," is it fair to say that  
25 what you mean is that you wanted a load to make its way from

H3G51obH

Rivera - cross

1 point A to point B?

2 A. The defendant's job, sir, for the load, was to, from the  
3 runway -- for that shipment from the runway to the Pan-American  
4 highway.

5 Q. The *pista* -- the air strip -- being point A and the  
6 Pan-American Highway being point B, correct?

7 A. The defendant was being paid to go from the runway to the  
8 Pan-American Highway.

9 Q. And that was his job?

10 A. That was the defendant's job, sir.

11 Q. Sir, you talked to us about money that was given to the  
12 president of Honduras when he was the president elect and then  
13 the president.

14 Do you recall that testimony?

15 A. The testimony I gave you is when he was running for  
16 president.

17 Q. Sir, if I may interrupt, I am just asking if you recall  
18 that information. What you testified about.

19 A. Ask me again, please.

20 Q. You testified that you had given the president some money,  
21 correct?

22 A. Yes, sir.

23 Q. And, generally, by giving that money to the president, you  
24 had cut a deal with the president, correct?

25 A. Yes, sir.



H3G51obH

Rivera - cross

1 Q. And, part of that deal was leave us alone?

2 A. Part of that deal, sir, well, we brought up the subject of  
3 extradition, the subject of security for the Cachiros, the  
4 subject of Oscar Alvarez, and the contracts he was going to  
5 give us, to our companies, so we could launder money.

6 Q. Now, after you walk away from this series of meetings that  
7 you have told us about, you expected -- tell me if I am  
8 wrong -- you expected to be able to do whatever you wanted,  
9 right?

10 A. Sir, we only had two meetings with the president.

11 Q. When was the first meeting?

12 A. Sir, the first one is in 2009.

13 Q. When in 2009?

14 A. When he was running for president.

15 Q. What month?

16 A. Sir, I don't remember.

17 Q. Who was there?

18 A. Juan Gomez, Porfirio Lobo Sosa, and I were at the first  
19 meeting.

20 Q. Where is Juan Gomez today?

21 A. Juan Gomez was killed, sir.

22 Q. Sir, were you in any way responsible, in your words, for  
23 causing the death of Juan Gomez?

24 A. No, sir.

25 Q. Was your brother or any other member of your organization

H3G51obH

Rivera - cross

1 responsible for the death of Juan Gomez?

2 A. I don't know, sir.

3 Q. If anyone in your organization would have been responsible,  
4 would you have known?

5 MR. BOVE: Objection.

6 THE COURT: I will allow it.

7 A. No, sir. I'm in prison. And ever since I signed my  
8 agreement with the government, I have to tell the truth,  
9 testify whenever they ask me to, and not commit any more  
10 crimes.

11 Q. Sir, once you reached that agreement that you have told us  
12 about, were you concerned when Honduras signed various treaties  
13 with neighboring countries to fight narco-trafficking?

14 MR. BOVE: Objection as to which agreement you are  
15 talking about.

16 MR. RETURETA: I can go into specifics.

17 THE COURT: If you could just be more specific?

18 BY MR. RETURETA:

19 Q. Sir, were you aware that in 2011 Honduras signed an  
20 agreement with Colombia as part of the South-South Cooperation  
21 Pact of Nations fighting narco-trafficking?

22 A. No, sir.

23 Q. Were you concerned as a result of that deal that you have  
24 told us about that in January through July of 2012, Honduras  
25 participated in Operation Hammer or *Operación Martillo*, an

H3G51obH

Rivera - cross

1 anti-drug offensive that was run in conjunction with the U.S.  
2 military's southern command?

3 A. Sir, I was not concerned because president Porfirio Lobo  
4 Sosa had promised us that as long as he was president, none of  
5 us would be extradited and no Honduran would leave the country.

6 Q. Sir, when were you concerned when Honduras, as part of this  
7 deal you are talking about, created a Director of National  
8 Investigation and Intelligence and formulated the special  
9 operations force called *Los Tigres* to combat narco trafficking?

10 MR. BOVE: Objection. Relevance.

11 MR. RETURETA: Goes to the witness' perception of the  
12 deal that he alleges took place and the results of that deal.

13 MR. BOVE: I think he just described that he was not  
14 at all concerned based on the agreement.

15 THE COURT: You can ask the question.

16 BY MR. RETURETA:

17 Q. Sir, you can ask answer the question, please?

18 A. Can you repeat it?

19 Q. Were you concerned about this deal when you learned that  
20 the national investigation and intelligence commission was  
21 created and a special operations force called "Los Tigres" --  
22 The Tiger -- was used to fight narco-trafficking in Honduras?

23 THE COURT: I'm sorry to interrupt you but I'm a  
24 little confused.

25 So, you originally asked him about Honduras signing an

H3G51obH

Rivera - cross

1 agreement with Colombia in 2011, and he said he was not aware  
2 of it. And so, I think in your last question the reference to  
3 the deal is a reference to that agreement which he said he  
4 doesn't know anything about. So, do you want to just rephrase  
5 it in a way so that you are not capturing that?

6 MR. RETURETA: Sure. Sure.

7 BY MR. RETURETA:

8 Q. Sir, given this deal that you are telling us took place  
9 between you and the president, were you concerned when other  
10 events happened such as the formulation of government  
11 organizations to fight narco-trafficking?

12 A. Nobody was extradited during President Lobo's  
13 administration. My fear at the time, my only fear was about  
14 extradition. There were rumors, we heard rumors, but the  
15 president had promised my brother and me that there would be no  
16 extraditions from Honduras. We were not extradited. I was  
17 concerned about extradition.

18 Q. You were aware that seizures took place during the  
19 president's administration, were you not?

20 A. No, sir, there were nothing that belonged to us was seized.  
21 The president came through on his promise that we would not be  
22 touched as long as he was president, we weren't extradited.  
23 And actually, he set up his son as a middleman who would be  
24 able to protect us, help us, the Cachiros, which was my brother  
25 and me.

H3G51obH

Rivera - cross

1 Q. Were you aware that over 100 air strips were destroyed in  
2 the year 2012 in Honduras?

3 A. I didn't know that, and actually the thing with the air  
4 strips, that did happen every once in a while but what I am  
5 sure about is while the president was in the office, nothing  
6 happened to our organization, we were left alone.

7 Q. Sir, the policy of extradition began under the presidency  
8 of Porfirio Lobo; isn't that right?

9 A. Yes, but we weren't extradited, sir, while he president,  
10 while President Lobo was president.

11 Q. But he didn't --

12 MR. BOVE: Objection. He has to be able to finish his  
13 answer.

14 THE COURT: Okay.

15 So, only one person talk at a time and, also, it is  
16 not clear to me, as this goes on and on on this line of  
17 questioning, what the relevance is to the reason we are here.

18 MR. RETURETA: Well, your Honor, the relevance goes to  
19 the credibility of the witness and his credibility rested on  
20 two points, one, that he had a connection with the presidency;  
21 and two, that Mr. Lobo, my client, was a part of that  
22 connection. This deal that he is testifying about, I am  
23 raising these issues because it is inconsistent with the  
24 conduct of the government.

25 THE COURT: Well, he just keeps saying over and over

H3G51obH

Rivera - cross

1 nothing happened to us during the president's tenure. I'm  
2 convinced that's what he will continue to say as you ask these  
3 questions.

4 MR. RETURETA: Yes.

5 THE COURT: And in terms of what else was going on, it  
6 doesn't really address his credibility or the defendant's  
7 involvement.

8 MR. RETURETA: I understand, your Honor.

9 THE COURT: Unless I am missing something, so.

10 MR. RETURETA: Well, strictly, the credibility  
11 component, I guess.

12 THE COURT: Okay.

13 MR. RETURETA: And I am trying to keep that 4:00  
14 deadline.

15 THE COURT: Okay. I will not use any more of your  
16 time.

17 MR. RETURETA: Okay.

18 BY MR. RETURETA:

19 Q. So, the law amending the Honduran Constitution was passed  
20 for extradition during President Lobo's administration,  
21 correct?

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

23 Q. You know that Carlos Lobo had seizures on his properties,  
24 didn't you?

25 A. Yes, sir.

H3G51obH

Rivera - cross

1 Q. You know that the other drug trafficking family, the Vayas  
2 had seizures and eventually extradition, correct?

3 MR. BOVE: Objection. Time frame.

4 THE COURT: You may answer.

5 THE WITNESS: Could you repeat the question?

6 Q. You know that another drug trafficking family, the Vayas  
7 had seizures on their property and were eventually extradited,  
8 correct?

9 A. Yes, sir.

10 Q. But, during President Pepe Lobo's administration, no one  
11 was extradited but in the administration and the government's  
12 prior to President Lobo there was not an amended of the  
13 Constitution that would allow for extradition, correct?

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

15 Q. Sir, who is Leanna Bueso?

16 A. Leanna Bueso is Miguel Pastor Rodriguez' secretary and also  
17 the defendant's secretary.

18 Q. Did she ever work for you?

19 A. On one occasion we met with the defendant when she was with  
20 the defendant when the defendant had the government contracts  
21 which were repeated.

22 Q. Does she remain in Honduras today?

23 A. What do you mean? I don't understand.

24 Q. As far as you know, is she in Honduras today?

25 A. I don't know where she is, sir.

H3G51obH

Rivera - cross

1 Q. Since the moment that you began cooperating with the United  
2 States government, meeting with the agents and prosecutors to  
3 today, have you used her in any fashion to assist you, your  
4 family, or your organization?

5 A. No, sir.

6 Q. Sir, you were asked about a General in Honduras by the name  
7 of Pacheco Tinoco; T-I-N-O-C-O.

8 A. I was asked several questions about drug traffickers,  
9 politicians, and police officers.

10 Q. Sir, in 2014 you were working with the United States  
11 government and their agents, correct?

12 A. Yes, sir.

13 Q. By that time you had introduced two Mexicans to Mr. Lobo,  
14 correct?

15 A. Yes, sir; two Mexicans that came on behalf of Special Agent  
16 Gonzalez.

17 Q. And everything you were doing at that the point in time was  
18 to ensnare Mr. Lobo, correct?

19 A. No, sir.

20 Q. You were trying to suggest meetings with officials, right?

21 A. They met because of a drug load that was coming by sea from  
22 Colombia, sir. And the defendant was introducing all the  
23 police officers that were working with him including General  
24 Pacheco, sir.

25 Q. Sir, you and Agent Gonzalez conferred and talked about how



H3G51obH

Rivera - cross

1 to get the Mexican into General Pacheco's office to talk about  
2 this drug load, right?

3 A. The defendant offered to introduce the Mexican to Pacheco  
4 to provide security for the drug load that was coming from  
5 Venezuela. It wasn't to ensnare him, sir, he was a real drug  
6 lord.

7 Q. Sir, did you have a conversation with Agent Gonzalez about  
8 setting up a meeting with General Pacheco Tinoco so that  
9 Mr. Lobo could come in with the Mexican?

10 A. Agent Gonzalez was the one who was guiding, he was helping  
11 me with this drug load that was coming by sea from Venezuela,  
12 sir.

13 Q. Sir, did you know that an attempted meeting, let's say or  
14 that -- well, did you know that a meeting took place in June of  
15 2014?

16 THE COURT: A meeting of whom?

17 Q. A meeting between Mr. Lobo, the DEA informant, the Mexican,  
18 and General Pacheco.

19 A. At that meeting the two Mexican were present, the two  
20 Mexicans that the defendant was going to introduce to General  
21 Pacheco.

22 Q. And, you know that that meeting was many months in  
23 planning, or at least attempting to arrange that meeting,  
24 correct?

25 A. Repeat the question, please?

H3G51obH

Rivera - cross

1 Q. You had been planning for weeks if not months to try and  
2 get that meeting, correct?

3 A. The idea was for the meeting so that when the Mexican came  
4 the first time the defendant was being introduced -- the  
5 defendant was going to introduce the police officers that were  
6 going to escort that load, sir.

7 Q. Sir, I'm asking about General Pacheco Tinoco at that  
8 meeting that you and the DEA tried to plan an execute. I'm not  
9 asking about the police officers.

10 A. It was regarding the same load.

11 MR. BOVE: Judge, I object. There was still some  
12 testimony by Mr. Rivera and we are now --

13 THE COURT: Can you just ask the question?

14 BY MR. RETURETA:

15 Q. Sir, you finally were able to get a meeting in June of  
16 2014, right?

17 A. But with whom?

18 Q. You were finally able to organize a meeting between General  
19 Pacheco, Mr. Lobo, and the DEA informants?

20 A. It was the defendant who actually carried it out.

21 Q. And you were part of planning that meeting along with DEA  
22 agents, right?

23 A. It had been in the planning from previously for the load  
24 that was going to come, not just for the time of the load.

25 Q. And the plan was to try and ensnare General Pacheco in this

H3G51obH

Rivera - cross

1 operation, right?

2 A. The defendant was the one who introduced General Pacheco,  
3 sir.

4 Q. Sir, did you want General Pacheco to participate or to not  
5 participate in this planning event?

6 A. The person who wanted it was the son -- was the defendant  
7 because it was the defendant who said: In San Pedro Sula in a  
8 body shop.

9 Q. And, as far as you know, was Agent Gonzalez and the DEA  
10 supportive of this meeting?

11 A. They were coordinating the drugs that were coming, sir.

12 Q. You would not have done anything on your own, correct?

13 A. Of course, because the defendant was my representative,  
14 sir.

15 Q. And you were operating at the direction of Agent Gonzalez  
16 and the DEA, correct?

17 A. Yes, sir. We were coordinating for the load that was  
18 coming.

19 Q. And as this meeting took place, the Mexican came in and  
20 proposed a drug deal to General Pacheco, correct?

21 MR. BOVE: Objection. Foundation.

22 THE COURT: I will allow it.

23 MR. BOVE: Judge, the witness didn't participate in  
24 this meeting.

25 MR. RETURETA: Your Honor, I am just going to use the

H3G51obH

Rivera - cross

1 transcript that has been admitted into evidence as Government  
2 Exhibit no. 6 and ask the witness whether he is aware of the  
3 response General Pacheco provided.

4 MR. BOVE: Objection. Relevance.

5 THE COURT: I'm sorry. I don't recall what Exhibit 6  
6 is and so I don't -- I can't follow. What is that?

7 MR. RETURETA: It is the audio that was made at the  
8 time of the meeting.

9 MR. BOVE: The meeting between --

10 THE COURT: Oh okay.

11 MR. BOVE: CS2.

12 THE COURT: You are asking him about -- all right. So  
13 the objection is sustained. You can use the exhibit on its  
14 own.

15 MR. RETURETA: May I ask if he has a basis of  
16 knowledge?

17 THE COURT: He was here in -- well, actually, no. He  
18 was here when they played it. He is the only witness we have  
19 heard but the objection is sustained. You can ask a different  
20 question. You can ask him if he was at the meeting. If he was  
21 not at the meeting you can ask him if someone reported to him  
22 about the meeting.

23 BY MR. RETURETA:

24 Q. Sir, you were not at that meeting, right?

25 A. I was not, sir.

H3G51obH

Rivera - redirect

1 Q. Did someone report to you about what happened at that  
2 meeting?

3 A. The defendant, sir.

4 Q. And, did Mr. Lobo tell you that once they got into General  
5 Pacheco's office, he threw them out?

6 A. No, sir. He didn't say that to me.

7 Q. Did he tell you whether General Pacheco, once presented  
8 with the proposal of a drug load, said no?

9 A. I don't remember, sir.

10 MR. RETURETA: Your Honor, I have no further questions  
11 for this witness.

12 THE COURT: Thank you.

13 Any redirect?

14 MR. BOVE: Briefly, your Honor. 10 minutes max, with  
15 the Court's indulgence.

16 THE COURT: Maybe 8.

17 MR. BOVE: Thank you.

18 THE COURT: You may examine.

19 REDIRECT EXAMINATION

20 BY MR. BOVE:

21 Q. Mr. Rivera, you were asked certain questions today about  
22 certain members of your family having received a benefit to  
23 travel to the United States. Do you recall those questions?

24 A. Yes, sir.

25 Q. And I believe you testified that some of your family

H3G51obH

Rivera - redirect

1 members did in fact come to the United States?

2 A. Yes, sir.

3 Q. Did you want some of them to come to the United States?

4 A. Yes, sir.

5 Q. Why?

6 A. For fear. Just like Mr. Juan Gomez had been killed, I was  
7 afraid that my family could get killed because of the  
8 defendant's father, the police officers with whom we had  
9 worked, and other politicians.

10 Q. And you were also asked some questions today about whether  
11 you ever made disclosures to the Honduran government after you  
12 started to cooperate about your front companies.

13 Do you recall those questions?

14 A. Yes, sir.

15 Q. Sir, do you know someone named Tony Hernandez?

16 A. Yes, sir.

17 Q. Is he related to a political official in Honduras right  
18 now?

19 A. Yes, sir.

20 Q. Which official?

21 A. With the brother of current president, of Juan Orlando.

22 Q. So, Tony Hernandez is the brother of the current president  
23 of Honduras?

24 A. Yes, sir.

25 MR. RETURETA: Your Honor. I'm going to object as

H3G51obH

Rivera - redirect

1 outside the scope of cross.

2 THE COURT: Well, he is tying it to the disclosures, I  
3 hope soon.

4 MR. BOVE: I am, your Honor.

5 THE COURT: Okay.

6 BY MR. BOVE:

7 Q. During the course of your cooperation with the DEA, did you  
8 ever meet with Tony Hernandez to discuss your front companies?

9 A. Yes, sir.

10 Q. What were some of the things were discussed at that  
11 meeting?

12 MR. RETURETA: Continuing objection, your Honor.

13 THE COURT: Overruled.

14 A. That Tony Hernandez was going to help us pay some money to  
15 INRIMAR.

16 Q. Sir, at the time of this meeting, did the Honduran  
17 government owe INRIMAR money pursuant to contracts?

18 A. Yes, sir.

19 Q. And what did Tony Hernandez offer to do with respect to  
20 those debts that the Honduran government owed to INRIMAR?

21 A. He was going to get funds from the government in order to  
22 pay INRIMAR.

23 Q. Did he ask for anything in return?

24 A. Yes, sir.

25 Q. What?

1 A. Bribes.

2 Q. Did you record that meeting?

3 A. Yes, sir. I recorded it.

4 Q. Did you turn it over to the DEA after you recorded it?

5 A. Yes, sir.

6 MR. RETURETA: Your Honor, I am going to object to the  
7 entire line now because if it is wrapping up, it is wrapping up  
8 about an individual that sat down with the brother of a  
9 government official and has nothing to do with the line of  
10 questioning that I had which was whether or not, as part of his  
11 disclosure of properties and companies, as he told the United  
12 States government, did he tell the Honduran government about  
13 the properties or did he tell the Honduran government about  
14 *testaferos* or straw men. Now we have information coming out  
15 which attacks the current president of Honduras, attacks his  
16 family. There is no way to come back and rebut that at this  
17 point in time and it has nothing to do with my line of  
18 questioning.

19 I ask that that entire line of testimony be stricken  
20 as not appropriate for the cross-examination that I conducted.

21 MR. BOVE: May I be heard, your Honor?

22 THE COURT: No. It is overruled. It is relevant to  
23 disclosure to the Honduran government about front companies.

24 You may proceed.

25 MR. BOVE: Thank you, your Honor. This is the last



H3G51obH

Rivera - redirect

1 bit.

2 BY MR. BOVE:

3 Q. And you were asked some questions today on  
4 cross-examination about what Mr. Retureta referred to as an  
5 agreement between you and Porfirio Lobo Sosa, the defendant's  
6 father.

7 Do you recall those questions?

8 A. Yes, sir.

9 Q. And Mr. Retureta asked you today about your first meeting  
10 with President Lobo Sosa; do you recall that?

11 A. Yes, sir.

12 Q. And I believe you said on cross-examination that there was  
13 a second meeting?

14 A. Yes, sir.

15 Q. Was the defendant present at your second meeting with  
16 President Lobo Sosa?

17 A. Yes, sir.

18 Q. And after that meeting, did you consider the defendant to  
19 be a part of the agreement that Mr. Retureta referred to during  
20 cross-examination?

21 A. Yes, sir. At that point he was a member of the Cachiros.

22 Q. Who is he?

23 A. The defendant, sir.

24 Q. Why did he say that, following the second meeting, that you  
25 considered the defendant to be a member of the Cachiros?

H3G51obH

1 A. Because President Lobo Sosa, the defendant's father, had  
2 assigned him as security person for the Cachiros drug  
3 trafficking organization that belonged to my brother and me.

4 Q. Between 2009 and up past the time you cooperated, did the  
5 defendant carry out that role?

6 A. Yes, sir. He did. He carried that out.

7 MR. BOVE: Nothing further, your Honor.

8 THE COURT: Okay. Thank you.

9 So, we need to talk about what next. I would like  
10 proposed findings of fact and conclusions of law from the  
11 government, and then I would like the defendant to file any  
12 specific objections to those either findings of fact or  
13 conclusions of law, and any counter findings of fact and  
14 conclusions of law.

15 So, let me ask the government first when would you be  
16 prepared to submit that.

17 MR. BOVE: Is two weeks reasonable, your Honor?

18 THE COURT: That's fine.

19 MR. BOVE: Thank you.

20 THE COURT: And when would I get the defense  
21 submission?

22 MR. RETURETA: Your Honor, if I could have two weeks  
23 also after that government submission?

24 THE COURT: All right.

25 So, that puts us out already a month and so we need to

H3G51obH

1 set a sentencing date.

2 What I am thinking about is a May 17th sentencing date  
3 at 4:30, and I would ask for the defense pre-sentencing  
4 submission May 8th.

5 MR. RETURETA: Your Honor.

6 THE COURT: If you want to put everything in your  
7 original filing, that's fine, and then the government  
8 submission on May 10th. And again, you don't have to file  
9 something separate if you don't want to, but you may, and if  
10 you do, by May 8 and May 10.

11 Were you about to tell me the 17th is not a good date?

12 MR. RETURETA: I have a trial scheduled in Washington,  
13 D.C. beginning Monday the 15th.

14 THE COURT: When would you propose?

15 MR. RETURETA: The week prior, or that trial is  
16 scheduled for two weeks; could be the last week of May, first  
17 week of June are wide open.

18 THE COURT: How about May 30?

19 MR. RETURETA: May 30th, Tuesday? Yes.

20 THE COURT: Yes. And why don't we stick with the 8th  
21 and 10th for the submissions, and I will ask for the  
22 presentence report however many days before that -- the  
23 presentence report is completed already.

24 MR. BOVE: I think subject to the modification we  
25 discussed at the beginning of the hearing with respect to

H3G51obH

1 paragraphs 15 through 18.

2 THE COURT: All right.

3 Anything else that we need to discuss?

4 MR. BOVE: Just so I make sure I have my dates right,  
5 Judge.

6 THE COURT: I will do a written order and if it says  
7 anything different from what I just said, follow the written  
8 order. Okay?

9 MR. BOVE: Yes, Judge.

10 THE COURT: All right.

11 MR. RETURETA: And, your Honor, if I may?

12 THE COURT: Yes.

13 MR. RETURETA: We have been operating under protective  
14 orders for Rule 16 disclosures and we have come to an agreement  
15 regarding the 500 material. Given the admissions of exhibits  
16 here, all exhibits that have been admitted into evidence in  
17 this hearing are now subject to public disclosure and we are  
18 not bound by those orders, am I correct?

19 MR. BOVE: I agree with that, Judge.

20 THE COURT: Okay. That sounds right to me.

21 MR. BOVE: With respect to the exhibits that were  
22 admitted.

23 THE COURT: Exhibits that were admitted in evidence  
24 and published in the courtroom are no longer subject to the  
25 protective order.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. RETURETA: Thank you, your Honor.

THE COURT: Okay.

o0o



INDEX OF EXAMINATION

Examination of:	Page
DEVIS LEONEL RIVERA MARADIAGA	
Cross By Mr. Retureta . . . . .	2
Redirect By Mr. Bove . . . . .	.53

DEFENDANT EXHIBITS

Exhibit No.	Received
2 . . . . .	4
4 . . . . .	6
1 . . . . .	.11
3 . . . . .	.19



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25