

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-CR-20311 - *Williams*

UNITED STATES OF AMERICA

v.

CRISTIAN PATRICIO PINTADO GARCIA,

Defendant.

PLEA AGREEMENT

The United States Department of Justice, Criminal Division, Fraud Section (the "Government" or the "United States" or the "Fraud Section"), and CRISTIAN PATRICIO PINTADO GARCIA (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to Count 3 of the indictment in this case, which charges him with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h).

2. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter the "Sentencing Guidelines"), as well as other factors enumerated in Title 18, United States Code, Section 3553(a). The defendant acknowledges and understands

that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence range. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. The defendant also understands and acknowledges that for the charge in the indictment of conspiracy to launder money in violation of Title 18, United States Code, Section 1956(h), the Court may impose a statutory maximum term of imprisonment of up

to 10 years, followed by a term of supervised release of up to three years. In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to \$250,000, or twice the amount of the criminally derived property involved in the transaction, whichever is greater, and the Court may also order forfeiture and restitution, supervised release of up to three years.

4. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this agreement, a special assessment in the amount of \$100 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing. If the defendant is financially unable to pay the special assessment, the defendant agrees to present evidence to the Government and the Court at the time of sentencing as to the reasons for the defendant's failure to pay.

5. The Government reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, the Government further reserves the right to make any recommendation as to the quality and quantity of

punishment.

6. The Government agrees to recommend at sentencing that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offenses, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If at the time of sentencing the defendant's offense level is determined to be 16 or greater, the Government will make a motion requesting an additional one-level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and permitting the Government and the Court to allocate their resources efficiently. The Government, however, will not be required to make this motion and this recommendation if the defendant: (a) fails or refuses to make a full, accurate, and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (b) is found to have misrepresented facts to the Government prior to entering into this plea agreement; (c) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or

misrepresentations to any governmental entity or official; or (d) fails to fully assist in the forfeiture of assets as set forth in this plea agreement.

7. The Government and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the sentence to be imposed. The parties agree that there are no other applicable sentencing enhancements that apply to this case.

a. Base offense level: Pursuant to U.S.S.G. § 2S1.1(a)(1), that the base offense level for purposes of sentencing guideline calculations for the charged offenses is 12 (see §2C1.1), plus a two-level increase under U.S.S.G. §2C1.1(b)(1) because the offenses involved more than one bribe, plus the number of offense levels from the table in §2B1.1 corresponding to the value of the unlawful payments (more than \$1.5 million and less than \$3.5 million), adding 16 levels;

b. Offense of conviction: That a one-level enhancement of the guideline offense level applies under U.S.S.G. § 2S1.1(b)(2)(A) for a conviction under Title 18, United States Code, Section 1957;

c. Total Offense Level: Accordingly, the total offense level is 31 less any adjustment for Acceptance of Responsibility. The defendant has a Criminal History Category of I;

8. If the defendant's criminal history is found to reflect

zero criminal history points, the parties agree his overall offense level should be lowered by 2 levels in accordance with U.S.S.G. § 4C1.1, because the instant offense did not involve any of the specified aggravating factors in that section.

9. The Government and the defendant agree that the defendant will request a sentence of time served and that the government will not object to that request.

10. The defendant agrees, in an individual and any other capacity, to forfeit to the United States, voluntarily and immediately, any right, title, and interest to any property, real or personal, involved in the violations of Title 18, United States Code, Section 1956(h), to which the defendant is pleading guilty, and any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1). In addition, the defendant agrees to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p). The property subject to forfeiture includes, but is not limited to:

- a. a forfeiture money judgment in the sum of \$2,653,720 in U.S. currency, which sum represents the value of proceeds derived from the commission of the offense(s) of conviction.

11. The defendant also agrees to assist the United States in all proceedings, whether administrative or judicial, involving the forfeiture to the United States of directly forfeitable or substitute assets. This assistance shall include: disclosing within 14 calendar days in a Financial Disclosure Statement provided by this Office the existence, nature and location of all assets in which the defendant

has or had any direct or indirect financial interest or control, any assets involved in the offense of conviction, and those held by a spouse, nominee, or other third party; taking all steps necessary to locate assets, wherever located; agreeing to the entry of an order enjoining the transfer or encumbrance of assets; transferring assets to the United States by delivery to this Office any necessary and appropriate documentation to deliver good and marketable title to assets; liquidating assets, or completing any task which will result in a payment towards the forfeiture money judgment; and not contesting or impeding in any way with any criminal, civil or administrative forfeiture proceeding concerning the forfeiture.

12. The defendant agrees that providing false or incomplete information about assets; or hiding, selling, transferring or devaluing assets and/or failing to cooperate fully in the investigation and identification of assets may be used as a basis for: (i) separate prosecution, including, under Title 18, United States Code, Section 1001; or (ii) recommendation of a denial of a reduction for acceptance of responsibility pursuant to the United States Sentencing Guideline § 3E1.1.

13. The defendant agrees that forfeiture is independent of any assessment, fine, cost, restitution, or penalty that may be imposed by the Court. The defendant further agrees to waive: any constitutional, legal, and equitable claim or defense to the forfeiture of assets in any judicial or administrative proceeding;

any applicable time limits for administrative or judicial forfeiture proceedings; any claim or defense under the Excessive Fines Clause of the Eighth Amendment to the United States Constitution; the requirements of Fed. R. Crim. P. 32.2; and any appeal of the forfeiture. The defendant understands that this plea agreement shall serve as a withdrawal of any pending administrative forfeiture claim.

14. The defendant is aware that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291 afford the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Sections 3742 and 1291 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or an upward variance from the advisory guideline range that the Court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the Government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b) and Title 28, United States Code, Section 1291. However, if the United States appeals the defendant's sentence pursuant to Sections 3742(b) and 1291, the defendant shall be released from the above waiver of appellate rights. In addition to the foregoing provisions, the



defendant hereby waives all rights to argue on appeal that the statute to which the defendant is pleading guilty is unconstitutional and that the admitted conduct does not fall within the scope of the statute. By signing this agreement, the defendant acknowledges that the defendant has discussed the appeal waiver set forth in this agreement with the defendant's attorney.

15. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the Government, or the probation office, is a prediction, not a promise, and is not binding on the Government, the probation office, or the Court. The defendant understands further that any recommendation that the Government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court, and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the Government, or a recommendation made jointly by both the defendant and the Government.

16. The Government and the defendant stipulate and agree not to contest the facts in the Factual Proffer, attached hereto as

Exhibit A, and stipulate that such facts, in accordance with Rule 11(b)(3) of the Federal Rules of Criminal Procedure, provide a sufficient factual basis for the plea of guilty in this case. The defendant agrees that the facts in the Factual Proffer are true and correct to the best of the defendant's knowledge. The factual basis set forth in the Factual Proffer does not purport to represent all facts and circumstances relating to the defendant's participation in the crimes to which he is pleading guilty. Similarly, the factual basis in the Factual Proffer is not intended to identify all of his unlawful activity or all of the knowledge the defendant might have of the unlawful activity of other individuals.

17. The defendant agrees that, effective as of the date the defendant signs this plea agreement, and notwithstanding any other subsequent event, including but not limited to the defendant's failure to plead guilty, the Court's refusal to accept the defendant's guilty plea, or the defendant's withdrawal (or attempted withdrawal) of his guilty plea, the Factual Proffer entered in connection with this plea agreement shall be admissible against the defendant in any criminal case involving the Fraud Section and the defendant, as: (a) substantive evidence offered by the government in its case-in-chief and rebuttal case; (b) impeachment evidence offered by the government on cross-examination; and (c) evidence at any sentencing hearing or other

hearing. In addition, the defendant also agrees not to assert any claim under the Federal Rules of Evidence (including Rule 410 of the Federal Rules of Evidence), the Federal Rules of Criminal Procedure (including Rule 11 of the Federal Rules of Criminal Procedure), or the United States Sentencing Guidelines (including U.S.S.G. § 1B1.1(a)) that the Factual Proffer entered in connection with this plea agreement should be suppressed or is otherwise inadmissible as evidence (in any form).

18. The defendant recognizes that pleading guilty may have consequences with respect to the defendant's immigration status if the defendant is not a citizen of the United States or if the defendant is a naturalized citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offenses to which the defendant is pleading guilty. Indeed, because the defendant is pleading guilty to engaging in transactions in criminally derived property, removal is presumptively mandatory. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including the defendant's attorney or the Court, can predict to a certainty the effect of the defendant's conviction on the defendant's immigration status. The defendant nevertheless affirms that the defendant wants to plead guilty regardless of any immigration consequences that the defendant's plea may entail, even if the consequence is the

defendant's automatic removal from the United States.

19. At the time of sentencing, following execution of this plea agreement and the Court's acceptance of the defendant's plea of guilty to Count 3, the United States will move to dismiss the remaining counts of the indictment against this defendant.

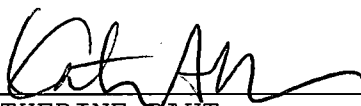
20. This plea resolves the defendant's federal criminal liability with regard to the Fraud Section for conduct related to that described in the Factual Proffer except criminal tax liability (as to which the Fraud Section does not have the authority to make any agreement). The defendant understands that this agreement is binding only as to the Fraud Section and only relating to conduct described in the Factual Proffer.

21. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: 4/23/25


LORINDA I. LARYEA  
ACTING CHIEF, FRAUD SECTION  
Department of Justice, Criminal  
Division

By: \_\_\_\_\_

  
KATHERINE RAUT  
ASSISTANT CHIEF  
PATRICK BROWN  
TRIAL ATTORNEY

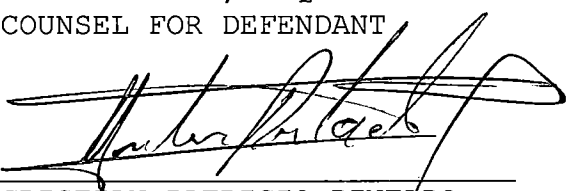
Date:

4/10/25

  
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ANDREW FELDMAN, ESQ.  
FREDDY RUBIO, ESQ.  
COUNSEL FOR DEFENDANT

Date:

4/10/25

  
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CRISTIAN PATRICIO PINTADO  
GARCIA  
DEFENDANT