

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	15-CR-570(RJD)
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	Monday, November 23, 2015
SERGIO JADUE,	:	
Defendant.	:	

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SE A L E D P R O C E E D I N G S

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEA
BEFORE THE HONORABLE RAYMOND J. DEARIE
UNITED STATES SENIOR DISTRICT COURT JUDGE

A P P E A R A N C E S:

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4 For the Government: ROBERT L. CAPERS, ESQ.
5 United States Attorney
6 Eastern District of New York
7 271 Cadman Plaza East
8 Brooklyn, New York 11201
9 BY: KRISTIN MACE, ESQ.
10 SAM NITZE, ESQ.
11 Assistant United States Attorney

12 For the Defendant: FOX, HORAN & CAMERINI, LLP
13 825 Third Avenue
14 New York, New York 10022
15 BY: WILLIAM M. BRODSKY, ESQ.

16 Court Reporter: Richard W. Barry, RPR
17 Official Court Reporter
18 E-mail: rwbarrycourtreporter@gmail.com

19 Proceedings recorded by computerized stenography.
20 Transcript produced by Computer-aided Transcription.

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22 COURTROOM DEPUTY: We are on-- we have our Spanish
23 interpreter here previously sworn.

24 INTERPRETER: Yes.

25 THE COURT: We are on this afternoon for a pleading.
This is United States versus Sergio Jadue, docket number
15-CR-570.

Can I ask the attorneys please to note their
appearances beginning with counsel for the Government.

MS. MACE: Afternoon Your Honor, Kristin Mace and

1 Sam Nitze for the U.S..

2 THE COURT: Good afternoon.

3 MR. BRODSKY: William Brodsky, Fox, Horan &
4 Camerini, 825 Third Avenue, New York, New York for the
5 defendant, Mr. Jadue.

6 Your Honor, with me today also there is a Chilean
7 lawyer, not admitted here in the United States, but he has
8 been Mr. Jadue's lawyer for quite sometime. His name is Jose
9 Pablo Forteza Gomez. I would like to introduce him to the
10 Court.

11 THE COURT: Mr. Gomez, welcome.

12 MR. BRODSKY: Another young man standing with me is
13 an Argentine attorney, Your Honor, who is spending time in our
14 office learning things about the U.S. procedures.

15 THE COURT: Lord help him.

16 MR. BRODSKY: His name is Santiago Valante.

17 THE COURT: Mr. Valante, welcome as well, it is a
18 pleasure to have you here. You join in the proceeding.

19 Mr. Jadue good afternoon, sir.

20 INTERPRETER: Afternoon.

21 THE COURT: Moments ago, as I understand it, with
22 the approval of Mr. Brodsky and his client, the Court
23 conducted a public proceeding and heard the application of the
24 Government to seal these proceedings. It is a very unusual
25 step we take here in the United States.

1 For reasons advanced by the Government, I granted
2 the application and have signed the closure order.

3 Mr. Brodsky, I take it that you willingly as well as
4 your client absented yourself from that portion of the
5 proceeding.

6 MR. BRODSKY: Yes, we certainly did, Your Honor.

7 THE COURT: Are we otherwise ready to proceed?

8 MS. MACE: Yes, Your Honor.

9 MR. BRODSKY: Defense is ready, Your Honor.

10 THE COURT: I understand this is going to be a plea
11 to an information.

12 MS. MACE: Yes.

13 THE COURT: Swear the defendant, please.

14 SERGIO JADUE, with the assistance of the Interpreter, having
15 been first duly sworn, testified as follows:

16 THE COURT: All right. Mr. Jadue, I have to ask you
17 a number of questions, as I am sure counsel have told you. If
18 there is anything that I say to you that is not perfectly
19 clear, let me know that immediately. If you wish at any time
20 to confer with counsel, simply ask me and I will give you
21 whatever time you need to confer privately with your lawyers.

22 Do you understand?

23 INTERPRETER: Yes, sir.

24 THE COURT: You are now under oath. That means of
25 course that your answers to my questions must be truthful. If

1 they were not in any material way, you could subject yourself
2 to additional criminal charges for the offense of perjury,
3 which of course is lying under oath.

4 Do you understand that, sir?

5 INTERPRETER: Yes, I do.

6 THE COURT: First of all, have you had sufficient
7 time to consider your decision to offer these pleas of guilty?

8 INTERPRETER: Yes.

9 THE COURT: And you are ready to proceed?

10 INTERPRETER: Yes, sir.

11 THE COURT: Once again, we are under no rush. Take
12 your time and if there is anything that I say that is not
13 clear, let me know.

14 If at any time you have difficulty with the
15 Interpreter, let me know that immediately as well. It is
16 critical that you understand everything that is being said.

17 All right. Would you tell me your full name,
18 please?

19 INTERPRETER: Sergio Elias Jadue.

20 THE COURT: How old are you, sir?

21 INTERPRETER: 36 years old.

22 THE COURT: What schooling or formal education have
23 you had?

24 INTERPRETER: College.

25 THE COURT: Tell me about your health, how is your

1 health.

2 INTERPRETER: Fine, thank you.

3 THE COURT: Any physical problems, any emotional,
4 mental problems, anything of that sort?

5 INTERPRETER: No, sir.

6 THE COURT: Are you taking any medication?

7 INTERPRETER: No, sir.

8 THE COURT: Have you ever had a history with alcohol
9 or drugs or anything of that sort?

10 INTERPRETER: No, sir.

11 THE COURT: Fair to say that your mind is clear?

12 INTERPRETER: Yes, sir.

13 THE COURT: And you are able to concentrate on what
14 I'm saying?

15 INTERPRETER: Yes, sir.

16 THE COURT: Counsel, in your discussions with your
17 client, have you at any time had difficulty communicating with
18 him?

19 MR. BRODSKY: Except for the Spanish, no, sir.

20 THE COURT: And you at all times worked with an
21 Interpreter, you say?

22 MR. BRODSKY: Yes, sir.

23 THE COURT: Are you confident he understands the
24 rights he will be waiving by pleading guilty?

25 MR. BRODSKY: Yes, Your Honor, he does. I have gone

1 over extensively with Mr. Jadue, the rights he is giving up by
2 not being indicted and by pleading guilty.

3 THE COURT: And you are comfortable he understands
4 and is competent to proceed?

5 MR. BRODSKY: Yes, Your Honor.

6 THE COURT: Mr. Jadue, are you, sir, satisfied with
7 your counsel up until this point?

8 INTERPRETER: Yes, sir.

9 THE COURT: Now, sir, I ask you a series of
10 questions that are really designed to demonstrate as a matter
11 of record that you understand what you give up by pleading
12 guilty. All right.

13 You sir, have an absolute right to plead not guilty
14 to these-- I'm ahead of myself.

15 First thing I need to turn my attention to, is the
16 fact that these charges, all two of them, I believe, are
17 reflected in a document that we call an Information. Under
18 our constitution here in the United States, a public
19 prosecutor does not have the authority to charge anyone with
20 any felony violation of law. A felony is in its simplest
21 term, a crime that carries a potential sentence in excess of
22 one year. That is a constitutional right that you enjoy.

23 You can waive that right, as is apparently
24 contemplated by today's proceedings, but before you do, I need
25 to tell you a little bit more about it so that I am confident

1 that you understand the full range of that waiver.

2 A Grand Jury is like any jury, it is a group of
3 people drawn from our community. A Grand Jury is comprised of
4 a maximum of 23 people. There must be 16 Grand Jurors present
5 to constitute a lawful quorum to hear business, and twelve of
6 those grand jurors must agree that there is probable cause to
7 believe that an individual has committed an offense before a
8 Grand Jury is empowered to charge a felony violation.

9 Simply stated, if a Grand Jury were impaneled to
10 hear the evidence in this case against you, they might or
11 might not indict you for this or similar offenses.

12 Do you understand that?

13 INTERPRETER: Yes, sir.

14 THE COURT: And if they chose not to indict you, the
15 United States Attorney would on their own be powerless to
16 proceed against you. They could present to another Grand
17 Jury, they could re-present to the same Grand Jury, all right.
18 But they could not themselves charge you with any felony.

19 Now, if you waive that right, and I accept your
20 waiver of indictment as we call it, we would then proceed just
21 as if a Grand Jury had indicted you for these offenses. All
22 right.

23 Have you discussed the waiver of indictment with Mr.
24 Brodsky?

25 INTERPRETER: Yes, sir.

1 THE COURT: Are you confident that you understand
2 the full range of protection that you have with the Grand
3 Jury?

4 INTERPRETER: Yes, sir.

5 THE COURT: And, are you willing to waive Grand Jury
6 presentation?

7 INTERPRETER: Yes, sir.

8 THE COURT: I saw you for a second look over to Mr.
9 Brodsky when I asked you a question. I just want to remind
10 you, if at any time you have any question about anything,
11 don't feel that I am insistent on an immediate answer. You
12 can take whatever time you need to confer with counsel. Okay.

13 INTERPRETER: Yes, sir.

14 THE COURT: Do you have any questions about the
15 waiver of indictment?

16 INTERPRETER: No, sir.

17 THE COURT: I use the word, indictment, because that
18 is the word that we use to refer to charges returned or
19 presented by a Grand Jury, as opposed to an Information which
20 are charges filed by the United States Attorney. Okay. That
21 is the only difference in the language.

22 I find that the defendant has the full knowledge of
23 the range of rights regarding presentation to the Grand Jury,
24 and his right to proceed before that body has in the presence
25 and with the advice of counsel, knowingly and voluntarily

1 waived that right and accordingly the waiver of Grand Jury
2 presentation and indictment is accepted by the Court.

3 Do you have a waiver form?

4 MS. MACE: Yes, Your Honor. We have prepared it in
5 advance and the parties have signed it.

6 THE COURT: I add my signature as the presiding
7 judicial officer to indicate my acceptance of Mr. Jadue's
8 waiver.

9 Now, as I said a moment ago, we proceed just as if
10 the Grand Jury had indicted you for these offenses.

11 Mr. Jadue, you have an absolute right to plead not
12 guilty to these charges, in effect call it off. All right.

13 Do you understand what I'm saying?

14 If you are to plead, not guilty, you would be
15 entitled under our constitution and laws, to a speedy and
16 public trial by jury with the assistance of counsel on the
17 charges reflected in this information.

18 Do you understand that?

19 INTERPRETER: Yes, sir.

20 THE COURT: When I say, speedy, I mean "speedy" in
21 relative terms. This is a rather involved matter. It is not
22 something that is going to take place this week, this month or
23 next month. But as speedy as is as is efficient and humanly
24 possible, do you understand what I'm saying?

25 INTERPRETER: Yes, sir.

1 THE COURT: At trial, you would be presumed innocent
2 of the charges. The government would have to overcome this
3 presumption of innocence, and prove you guilty by competent
4 evidence and beyond a reasonable doubt.

5 You, sir, would not be required to prove a thing.
6 You could sit back, do nothing, say nothing, simply put the
7 Government to the burden of attempting to satisfy the jury of
8 your guilt.

9 Do you understand?

10 INTERPRETER: Yes, sir, I understand.

11 THE COURT: That means as a technical matter that if
12 the Government were to fail for any reason, technical or
13 otherwise, to satisfy the jury, or to present proof sufficient
14 to do so, the jury would be instructed under my-- the jury
15 would be instructed to find you not guilty, even if you
16 committed this or these offenses.

17 Do you understand that?

18 INTERPRETER: Yes. I do understand.

19 THE COURT: Now, in the course of a trial, witnesses
20 for the Government would have to come here to the courtroom of
21 course and testify in your presence. The presence of counsel.

22 You would have the right therefore to confront each
23 of these witnesses, face-to-face here in the courtroom.

24 You would have the right through counsel to cross
25 examine each of the Government's witnesses, and when

1 appropriate, to object to evidence offered by the Government.

2 You would have the right to offer evidence in your
3 own defense. But I should add, you would be under no
4 obligation to do so. Okay.

5 The obligation here is solely with the prosecution.
6 You have an absolute right to remain silent as I said before,
7 do nothing, say nothing, simply put the Government to its
8 burden of proof.

9 You would however, have a right to testify if you
10 chose to do so. And that decision Mr. Jadue is your's to
11 make. It is a personal decision as to whether or not to
12 testify. Not counsel's, not the prosecution and certainly not
13 the Court.

14 Do you understand what I'm saying?

15 INTERPRETER: Yes, sir.

16 THE COURT: And if you decided not to testify, to
17 avail yourself of your right to remain silent, and if counsel
18 requested it of me, I would instruct the jury, in the
19 strongest possible terms, that they could not in any way hold
20 your decision against you.

21 Do you understand that?

22 INTERPRETER: Yes, sir.

23 THE COURT: Now, with respect to the right to
24 counsel, if you at any point in the proceedings, are unable to
25 afford counsel, for whatever reason, you could apply to the

1 Court for the appointment of counsel, whose fees and expenses
2 would be paid by the Court under the authority of the Criminal
3 Justice Act.

4 Do you understand what I'm saying?

5 INTERPRETER: Yes, sir.

6 THE COURT: Now, sir, if you plead guilty, and I
7 accept your plea, you will be giving you up your right to a
8 trial as well as all these rights that I just explained.

9 Do you understand?

10 INTERPRETER: I understand.

11 THE COURT: There will be no trial.

12 With the possible exception of sentence, which I
13 will explain in a few minutes, there is no right to an appeal.
14 I will simply enter a judgement of guilty based upon what you
15 tell me, based upon your plea of guilty.

16 Do you follow?

17 INTERPRETER: Yes.

18 THE COURT: Finally, before I can actually accept
19 the plea, I am required by rule to satisfy myself, that you
20 are in fact guilty of the charges reflected in the
21 information.

22 To do that in a few minutes, I will ask you some
23 questions. In responding to my questions, obviously, you will
24 give up your right to remain silent. You will also give up
25 your constitutional right not to incriminate yourself.

1 As I mentioned before, no one can make you testify,
2 not your lawyer, the Government's lawyer or the Court.

3 Are you willing then to give up your rights to a
4 trial and these other rights, I have just explained?

5 INTERPRETER: Yes, sir.

6 THE COURT: Anything I have left out at this point?

7 MS. MACE: Your Honor, I think it may be appropriate
8 just to briefly review the nature of the charges in the
9 Information or I will be happy to put that on the record if
10 you would like me to do so.

11 THE COURT: We are almost at that point if you give
12 me a moment.

13 MS. MACE: Thank you, Your Honor.

14 THE COURT: Has there been an allocution discussed
15 between the parties?

16 MS. MACE: Yes, Your Honor.

17 THE COURT: Signed off on.

18 MS. MACE: Yes.

19 THE COURT: That will cover both counts?

20 MS. MACE: Yes.



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THE COURT: At this point in the proceeding, I would ordinarily read the charges, they are fairly brief. But, given the fact that there are 17 introductory pages to these charges, I think I am going to take up the suggestion of Ms. Mace with counsel's approval, Mr. Brodsky?

MR. BRODSKY: That is fine.

THE COURT: Ask her to summarize those charges.

MS. MACE: Thank you, Your Honor.

COURTROOM DEPUTY: Judge, I marked the agreement as Court Exhibit 2.

THE COURT: I have a copy. They have got the original.

COURTROOM DEPUTY: They have the original, I marked the original as Court Exhibit 2.

THE COURT: All right. Go ahead.

1 MS. MACE: Thank you, Your Honor.

2 The Information charges the defendant with two
3 counts. The first count is a racketeering conspiracy count.
4 That count alleges a racketeering enterprise comprising a
5 number of entities responsible for governance and promotion of
6 the sport of soccer across the world. Including FIFA, six
7 Continental confederations that fall under the FIFA umbrella
8 and affiliated regional and national federations, along with
9 various sports marketing companies.

10 THE COURT: All of which constitute the enterprise.

11 MS. MACE: Yes, Your Honor.

12 In furtherance of that racketeering conspiracy, the
13 defendant and others, are alleged to have engaged in a number
14 of schemes, including various types of wire fraud involving
15 several international soccer tournaments and matches.

16 Count Two alleges a wire fraud conspiracy relating
17 to the rights to the Copa America tournament, specifically
18 that the defendant and others conspired to deprive CONMEBOL
19 and other soccer entities of their right to the honest
20 services of their employees through the payment of bribes and
21 kickbacks.

22 The scheme also contemplated the use of and did in
23 fact use the wire facilities of the United States.

24 THE COURT: Mr. Brodsky, any further elaboration
25 needed in your judgment at this point?

1 MR. BRODSKY: I would just say, Your Honor, that the
2 gravamen of the charges, are essentially that Mr. Jadue
3 received bribes and kickbacks in connection with his ability
4 to influence the granting of certain contracts to certain T.V.
5 or marketing vendors.

6 THE COURT: Mr. Jadue, you heard the United States
7 Attorney and Mr. Brodsky briefly summarize these charges. Is
8 this consistent with your understanding?

9 INTERPRETER: Yes, sir.

10 THE COURT: You are charged in Count One and Two,
11 with the crime of conspiracy. What, sir, is your
12 understanding of the nature of a conspiracy? What is a
13 conspiracy?

14 INTERPRETER: To have come to an agreement with
15 several other people to commit a crime.

16 THE COURT: Two "A" plusses today, that is it.

17 You are correct. I want to emphasize the crime is
18 the agreement. Okay. You and I agree to commit a crime and
19 we mean it, we have committed a crime right then and there,
20 regardless of whether we do anything about it.

21 Do you follow?

22 INTERPRETER: Yes, sir.

23 THE COURT: There are certain technical
24 modifications depending upon what the objective of the crime
25 maybe, but it is the agreement that is the focus of the

1 charges in Counts One and Two.

2 Do you understand that?

3 INTERPRETER: Yes, sir.

4 THE COURT: All right.

5 Now, let me return, if I may. You are fully
6 confident Mr. Jadue, that you understand the nature of the
7 agreements charged in Counts One and Two?

8 INTERPRETER: Yes, sir.

9 THE COURT: Counsel, I can put this question to both
10 of you, Mr. Brodsky, and Mr. Gomez, any doubt in your mind
11 that the defendant is fully conversant in the charges?

12 MR. BRODSKY: None whatsoever, Your Honor. We have
13 gone over it with him in English and in Spanish. He fully
14 understands the nature of the charges.

15 THE COURT: I return then briefly to your agreement
16 to discuss with you, sir, some important information relative
17 to sentencing.

18 I believe-- I think they are pretty much identical
19 with respect to each, are they not?

20 MR. BRODSKY: The sentence, yes, Your Honor.

21 MS. MACE: Yes, with regard to both counts, the
22 maximums, I believe are the same and the minimum.

23 THE COURT: By statute, the sentencing discussion
24 comes in essentially two parts or three parts. The first
25 reflected in paragraph one of your agreement, are the

1 statutory penalties. The penalties that the Congress of the
2 United States has written into the law, that you face as a
3 result of the conviction on one or both of these counts.

4 They are the same with respect to each count,
5 although I should make clear to you that I could, subject to
6 other limitations, which I will get to, impose these penalties
7 consecutively. All right. Not suggesting to you that I will
8 do that, but you should understand that I would have the
9 option to do that, subject to other limitations.

10 Do you understand that?

11 INTERPRETER: Yes, sir.

12 THE COURT: So, each count carries with it a maximum
13 term, the worst that could happen of 20 years in prison. But
14 each count carries with it a term of up to three years
15 supervised release.

16 Now, supervised release is a period that begins to
17 run the moment you are released from federal custody. So it
18 only comes into play obviously if you are sentenced to a
19 period of incarceration.

20 If you were to violate the terms or conditions of
21 your supervised release, at any time during the period of
22 supervision, you could be under the terms of my sentence in
23 this case, returned to prison for up to two years, without any
24 credit being given to you for the time you spent at liberty
25 under supervision.

1 Do you understand that?

2 INTERPRETER: Yes, sir.

3 THE COURT: You also face a fine in each count of up
4 to \$250,000, or twice the gross profits of the enterprise.
5 Restitution is mandatory in an amount to be determined by the
6 Court at or near the time of sentencing.

7 The Court will with respect to each count impose
8 what is called a special assessment of \$100. There are
9 certain criminal forfeitures that I believe, if I am not
10 mistaken are addressed in the agreement itself, are they not?

11 MR. BRODSKY: Yes, Your Honor.

12 MS. MACE: Yes.

13 THE COURT: Which are laid out in the agreement,
14 that you are-- have assured me, you are familiar with. And,
15 you should understand as well, that as a result of your
16 conviction in the case, you are subject to removal from the
17 United States following any period of incarceration.

18 That is not a decision that I make, but I bring it
19 to your attention because it is virtually an inevitable
20 consequence of your conviction.

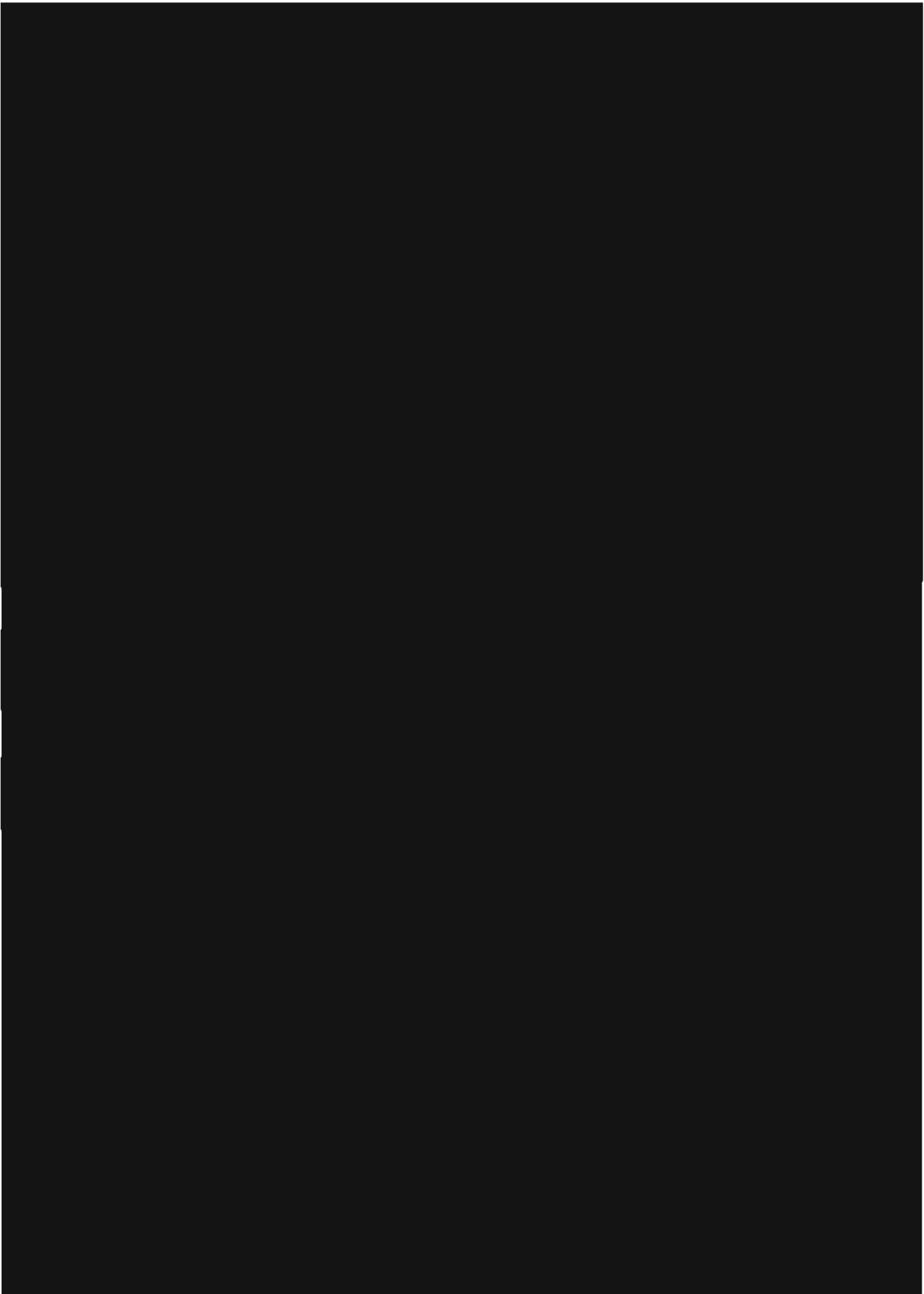
21 Do you understand, sir?

22 INTERPRETER: Could I have a minute with my
23 attorney?

24 THE COURT: You can have as long as you like.

25 (Pause.)

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THE COURT: Now, those are the statutory penalties.

The second aspect of this sentencing business comes into play with what we call, the sentencing guidelines. Now, these guidelines are addressing the subject of where within this rather broad range of zero to 20 years for example, you will be sentenced.

I am not obligated to follow these guidelines. They are advisory. I am obligated to consider them and to do that, in the first step of sentencing, I will compute these guidelines and arrive at a sentencing range of so many months to so many months. Okay.

That aspect, maybe one on which we all agree, there maybe some disagreement, but it will be ultimately incumbent upon me to calculate the guidelines range and establish a sentencing range. An advisory range, excuse me.

First step in sentence-- second step in sentencing is to consider that range. Consider other factors, both statutory and otherwise. Any relevant information that the parties put before me to arrive at what the law requires, which is simply stated, a reasonable sentence.

1 If at the end of the day, sir, you believe that I
2 have imposed an unreasonable sentence, you may seek review of
3 that sentence in a higher court.

4 And if at that time, you cannot afford the fees and
5 expenses associated with counsel, once again, those fees and
6 expenses will be paid by the Court under the authority of the
7 Criminal Justice Act.

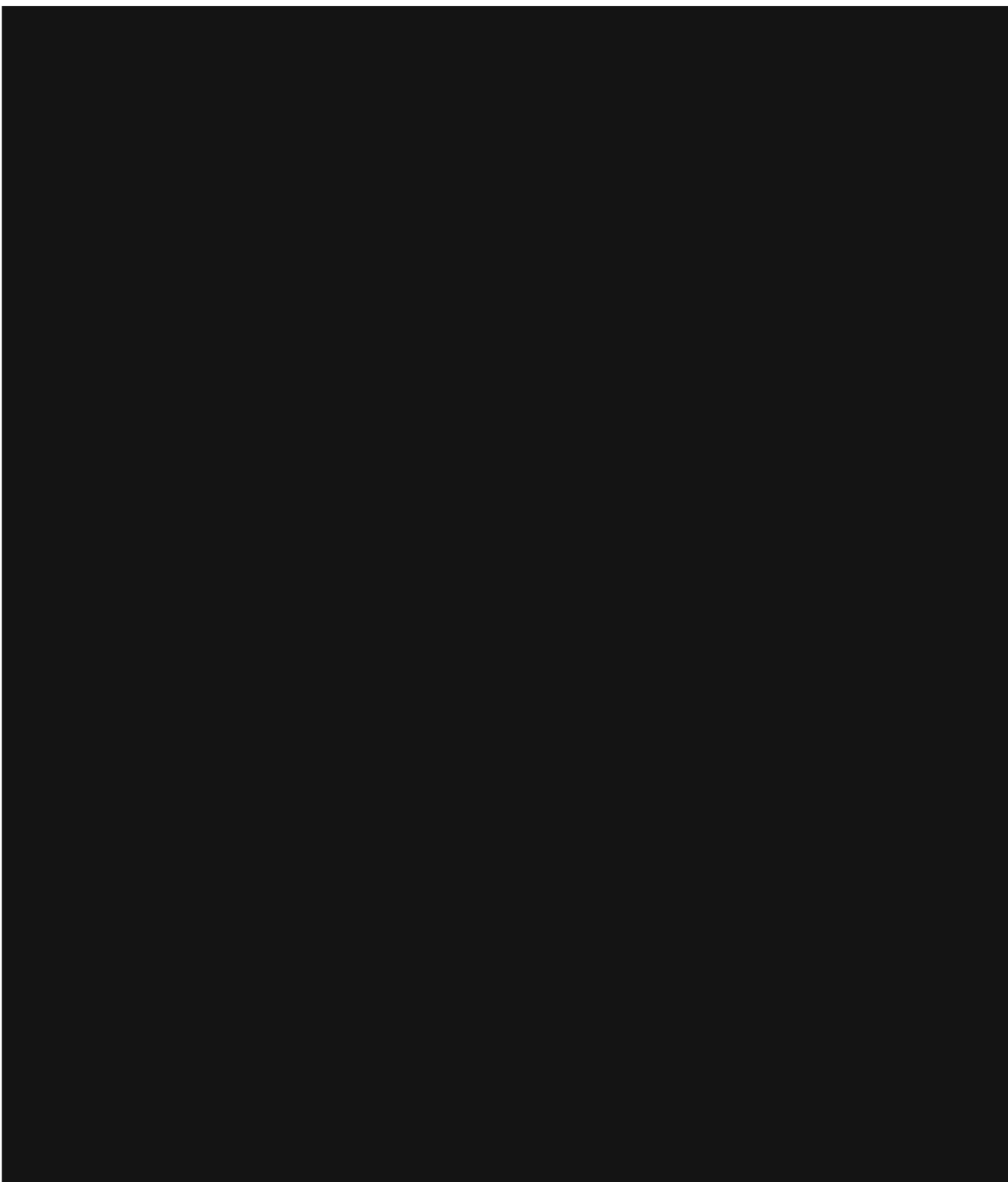
8 The United States Attorney enjoys a comparable right
9 of review, should they feel that I have imposed a sentence
10 that is unreasonable either lenient-- too lenient or too
11 harsh, whatever the case maybe. They enjoy the right to seek
12 review as well.

13 If they were to do that independent of you, your
14 interests in that proceeding would of course be represented by
15 counsel of your choosing or counsel appointed by the Court, as
16 I said a moment ago.

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THE COURT: All right. I think we have touched all the bases on sentencing.

So, I will ask you, sir, are you ready to plead?

INTERPRETER: Yes, sir.

1 THE COURT: Count One charges a racketeering
2 conspiracy. How do you plead, guilty or not guilty?

3 INTERPRETER: Guilty.

4 THE COURT: Count Two charges a wire fraud
5 conspiracy. How do you plead, guilty or not guilty?

6 INTERPRETER: Guilty.

7 THE COURT: Are you pleading guilty voluntarily and
8 of your own free will?

9 INTERPRETER: Yes, sir.

10 THE COURT: Has anyone threatened or forced you to
11 plead guilty?

12 INTERPRETER: No, sir.

13 THE COURT: Has anybody made any promises to you
14 that I have not been told about today, here in this
15 proceeding?

16 INTERPRETER: No, sir.

17 THE COURT: Okay. Rather than attempt to summarize
18 in a single phrase, I take it the allocution will cover both
19 counts?

20 MR. BRODSKY: Yes, Your Honor.

21 THE COURT: Tell me, what did you do?

22 INTERPRETER: Regarding Count One, starting in the
23 year 2011, I was the President of National Association of
24 Professional Soccer in Chile.

25 At various times during that period of time, I was

1 also a vice president of CONMEBOL and also even a member of
2 the Congress and association committees of members of FIFA.

3 Starting approximately in 2012, I came to an
4 agreement with marketing, sports marketing executives and
5 soccer officials affiliated with FIFA and CONMEBOL on a number
6 of schemes that involved the payment and receipt of kickbacks
7 in relation with the sale of rights for media and marketing
8 for soccer tournaments.

9 Specifically, myself and other soccer officials
10 received kickbacks from this marketing, sports marketing
11 companies, which paid these kickbacks in order to obtain,
12 maintain and renew the rights for television for the
13 tournaments of Copa Libertadores, Copa Sudamericana, Recopa
14 Sudamericana, Copa America, and Copa America Centenario.

15 Among other things, myself with other soccer
16 officials and marketing executives, sports marketing
17 executives used locations for the wire transfer and financial
18 institutions located in the United States and other countries
19 to make and receive these kickback payments.

20 During this period, FIFA, CONCACAF, CONMEBOL and
21 these sports marketing companies were busy promoting and
22 regulating soccer, world soccer as part of a development
23 organization.

24 Among other things, these organizations held sports
25 related events and did business transactions in the United

1 States and used financial institutions located in the United
2 States.

3 Nor myself, nor my coconspirators revealed the
4 aforementioned kickbacks and schemes for the return of
5 payments, to FIFA, CONCACAF and CONMEBOL, including without
6 limitations the respective executive committees, Congresses or
7 member of organizations.

8 THE COURT: Speak to me on venue, if you would.

9 MS. MACE: Yes, Your Honor. I believe the defendant
10 has more to say with regard to Count Two.

11 THE COURT: I beg your pardon.

12 The wire fraud, go ahead, sir.

13 INTERPRETER: Related to Count Two, from
14 approximately 2012, to 2015, me, knowingly and intentionally
15 and in agreement with other soccer officials and sports
16 marketing executives came to an agreement to participate in a
17 scheme to defraud FIFA and CONMEBOL of the right to honest
18 services, by accepting kickbacks.

19 I'm sorry, translation mistake. FIFA, CONCACAF and
20 CONMEBOL.

21 MS. MACE: May I ask Your Honor, if the interpreter
22 can read back from the beginning of the allocution with regard
23 to Count Two so we have a clear record of that.

24 INTERPRETER: In regards with Count Two from
25 approximately 2012 to 2015, myself, knowingly and

1 intentionally and in agreement with other soccer officials and
2 sports marketing executives came to an agreement to
3 participant in the scheme to defraud FIFA, CONCACAF and
4 CONMEBOL of the right to honest services by accepting
5 kickbacks.

6 Myself and others soccer officials held positions of
7 authority and trust within these soccer organizations.
8 Despite this fact, sports marketing companies made kickback
9 payments to us, to obtain and maintain the rights to marketing
10 of the Copa America tournaments including an addition of
11 tournaments that was scheduled to be carried out in the United
12 States in 2016.

13 To carry out the scheme, myself with other soccer
14 officials and sports marketing executives used locations or
15 businesses for the transfer, wire transfer and financial
16 institutions located in the United States among other
17 countries, to make and receive this kickback payments.

18 THE COURT: Excuse me just a second. Do you need
19 some time?

20 MR. GOMEZ: Yes, please.

21 (Pause.)

22 INTERPRETER: Okay.

23 THE COURT: All right.

24 INTERPRETER: Not me nor my coconspirators revealed
25 the aforementioned kickbacks and schemes of return favors to

1 FIFA, CONCACAF, CONMEBOL including without limitations the
2 respective executives committees, Congresses or member
3 organizations.

4 MR. BRODSKY: Your Honor, may I suggest that we mark
5 the Spanish version of the allocution which my client just
6 read into the record, as a Court Exhibit, so that there is no
7 question of what he actually said.

8 THE COURT: Sure.

9 As Court Exhibit 3?

10 COURTROOM DEPUTY: Yes.

11 (So marked.)

12 THE COURT: As an adjunct to that, although the
13 proceedings are sealed, the transcript and any form of
14 duplication are sealed, counsel will be provided copies.
15 Please do work with the Reporter promptly once you have
16 received your copies to see to it that we have a scrupulously
17 accurate transcript of what has occurred here.

18 MR. BRODSKY: Will do, Your Honor.

19 THE COURT: You got that.

20 COURTROOM DEPUTY: Yes, I have it.

21 THE COURT: Venue?

22 MS. MACE: Yes, Your Honor.

23 The Government would prove as trial venue in the
24 Eastern District of New York, and as I understand it, the
25 defendant is prepared to stipulate to that fact, at this time.

1 Rather than inform --

2 MR. BRODSKY: We are prepared to waive venue also if
3 necessary.

4 MS. MACE: We just ask the defendant to stipulate
5 that the Government could prove that at trial.

6 THE COURT: All right. Mr. Jadue, do you understand
7 what we refer to when we say "venue"?

8 INTERPRETER: Yes.

9 THE COURT: Mr. Brodsky has said that you waive any
10 defense of venue and that you further stipulate that venue
11 lies here in the Eastern District of New York, is that your
12 understanding?

13 INTERPRETER: Yes, Your Honor.

14 THE COURT: Anything else?

15 MS. MACE: No, Your Honor.

16 THE COURT: Based on the information provided to me,
17 I find that the defendant is acting voluntarily, fully
18 understands his rights, the consequences and possible
19 consequences of his pleas, and that there are factual basis
20 for these pleas of guilty.

21 I therefore now formally accept the pleas of guilty
22 to Counts One and Two of information bearing docket number
23 15-CR-570.

24 At the appropriate time Mr. Jadue, I urge you to
25 cooperate with the Probation Department consistent of course

1 with the advice of counsel in their preparation of the
2 presentence report.

3 Ellie, I guess we need some sort of control date.

4 COURTROOM DEPUTY: We will set it down for control
5 date for June 17th, at 10:00 a.m..

6 THE COURT: I have been presented here with what I
7 understand is --

8 INTERPRETER: A control what? I didn't understand
9 I'm sorry.

10 MR. BRODSKY: It is a date.

11 THE COURT: A control date. I will explain it.
12 Allow me.

13 I don't send anybody off without a date. Because we
14 are going to forget about you, whether you think so or not.
15 It is just to know that we are all looking out for each other.
16 It is most unlikely that anything will happen on this control
17 date. Instead, we will set a new control date.

18 But I never leave anybody without a date so that we
19 can account for everyone and track the progress of the case.

20 I have been presented with a sealed order, proposed
21 order, setting conditions of release and bond. I take it that
22 this is the product of an agreement between the parties?

23 MS. MACE: Yes, Your Honor.

24 MR. BRODSKY: It is, Your Honor.

25 THE COURT: Have you seen this?

1 MR. BRODSKY: Yes, Your Honor, we have discussed it
2 with Mr. Jadue.

3 THE COURT: We need Mr. Jadue's signature?

4 COURTROOM DEPUTY: Yes, we do.

5 THE COURT: I understand further that Mr. Jadue has
6 been processed?

7 MS. MACE: Yes, Your Honor.

8 MR. BRODSKY: Yes.

9 THE COURT: All right then.

10 COURTROOM DEPUTY: I need your signature right
11 there.

12 (Pause.)

13 THE COURT: All right. Before we conclude the
14 proceedings, are there any questions or any other matters?

15 MS. MACE: Your Honor, if I might just, to put the
16 conditions of pretrial release on the record so that they are
17 clear.

18 The defendant has signed and the Government agrees
19 to an unsecured bond of \$1 million. He has signed that.



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So, as you noted, the defendant has signed that.

Also, the Government has prepared a preliminary order of forfeiture [REDACTED]

[REDACTED]. We have already shared this with the defendant and defense counsel, as well, and I am prepared to hand that up to Your Honor.

THE COURT: All right. Please notify pretrial.

MS. MACE: Yes.



MS. MACE: Understood, Your Honor, thank you.

THE COURT: I have signed the preliminary order. Anything further?

MS. MACE: Not for the Government.

MR. BRODSKY: Not for the defense, Your Honor.

THE COURT: I emphasize this is and continues to be a sealed proceeding. All those present must understand the

1 constraints that this involves and I again advise counsel to
2 work with the Reporter so we have an actual transcript of the
3 proceeding.

4 Anything further?

5 MS. MACE: No, Your Honor.

6 MR. BRODSKY: Nothing further.

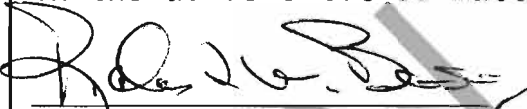
7 THE COURT: Thank you madam, thank you, gentlemen,
8 see you next time.

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12 I CERTIFY that the foregoing
13 is a correct transcript from
14 the record of proceedings
15 in the above entitled matter.

16 
17 Richard W. Barry, RPR

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