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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

United States of America,	)
	) Criminal Action
Plaintiff,	) No. 02-cr-131
	)
vs.	) SENTENCING
	)
Ana Belen Montes,	) Washington, DC
	) October 16, 2002
Defendant.	)

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TRANSCRIPT OF SENTENCING  
HELD BEFORE  
THE HONORABLE JUDGE RICARDO M. URBINA  
UNITED STATES DISTRICT JUDGE

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A P P E A R A N C E S

For the Plaintiff: Ronald L. Walutes, Jr.  
U.S. Attorney's Office for the  
Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria, VA 22304  
(703) 299-3910  
Email: Ron.walutes@usdoj.gov

For the Defendant: Plato Cacheris  
Trout Cacheris & Janis, PLLC  
1350 Connecticut Avenue, NW  
Suite 300  
Washington, DC 20036  
(202) 464-3303  
Email: Pcacheris@troutcacheris.com

Proceedings reported by William McAllister.

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Transcribing Court Reporter:  
Janice Dickman, RMR, CRR, CRC  
Official Court Reporter  
United States Courthouse, Room 6523  
333 Constitution Avenue, NW  
Washington, DC 20001  
202-354-3267

1 THE COURTROOM DEPUTY: Criminal case 2002-131, United  
2 States of America versus Ana Belen Montes. Ronald Walutes for  
3 the government. Plato Cacheris for the defendant. Ms. Pike  
4 for the probation office.

5 THE COURT: Good morning, Counsel. Good morning  
6 Ms. Montes. Good morning, Ms. Pike.

7 Ms. Montes is before the Court this morning to be  
8 sentenced after having entered a plea to the offense of  
9 conspiracy to commit espionage. Are there any preliminary  
10 matters?

11 (No response.)

12 THE COURT: Are you ready to proceed?

13 MR. CACHERIS: As Your Honor stated, Ms. Montes is  
14 appearing before the Court pursuant to an agreement entered  
15 into between the government and Ms. Montes. She has fulfilled  
16 the obligations that were imposed upon her by that agreement.  
17 In fact, the government has stated to the Court that she has  
18 cooperated without reservation and that they are fully  
19 satisfied with her cooperation. In cases of this nature, Your  
20 Honor, I think that's unusual, complimentary to this defendant.  
21 Accordingly, we would ask that the agreed-upon sentence be  
22 imposed by the Court. Thank you.

23 THE COURT: Ms. Montes, would you like to speak  
24 first, or would you like to speak after you hear from the  
25 government?

1 THE DEFENDANT: After.

2 THE COURT: All right. Have a seat, please.

3 MR. WALUTES: Your Honor, first, the government also  
4 joins in Mr. Cacheris's request that the Court impose the  
5 agreed-upon 11(e)(1)(C) sentence. The government is fully  
6 satisfied and stands by that representation.

7 Second, as I understand it, the defense is going to  
8 ask this Court for -- that the defendant be placed in an  
9 institution within BOP that's geographically on the east coast,  
10 and we have no objection to that, understanding that BOP  
11 ultimately would have the decision as to where this defendant  
12 is housed.

13 Finally, Your Honor, we rest on our written  
14 submission that was made earlier last week, or the middle of  
15 the last week. But we make two final comments today. First,  
16 we want to commend the excellent work of the counter-  
17 intelligence agents in this country that uncovered this covert  
18 agent, compliment their skills to be able to do so.

19 Second, I would only add that it is really irrelevant  
20 what political beliefs this defendant holds. What is relevant  
21 is that she betrayed her family, she betrayed her colleagues,  
22 and she betrayed this country. And, ultimately, what would be  
23 far more relevant is an apology today.

24 THE COURT: Thank you.

25 Ms. Montes?

1           THE DEFENDANT: An Italian proverb perhaps best  
2 describes the fundamental truth I believe in: All the world is  
3 one country. In such a world country, the principle of loving  
4 one's neighbor as much as one's self seems, to me, to be the  
5 essential guide to harmonious relations between all of our  
6 nations' neighborhoods. This principle urges tolerance and  
7 understanding for the different ways of others. It asks that  
8 we treat other nations the way we wish to be treated; with  
9 respect and compassion. It is a principle that, tragically, I  
10 believe we have never applied to Cuba.

11           Your Honor, I engaged in the activity that brought me  
12 before you because I obeyed my conscience, rather than the law.  
13 I believe our government's policy toward Cuba is cruel and  
14 unfair; profoundly unneighborly. And I felt morally obligated  
15 to help the island defend itself from our efforts to impose our  
16 values and our political system on it.

17           We have displayed intolerance and contempt for Cuba  
18 for most of the last four decades. We have never respected  
19 Cuba's right to make its own journey towards its own ideals of  
20 equality and justice. I do not understand why we must continue  
21 to dictate how the Cubans should select their leaders, who  
22 their leaders cannot be, and what laws are appropriate in their  
23 land. Why can't we let Cuba pursue its own internal journey  
24 the way the United States has been doing for the last two  
25 centuries?

1           My way of responding to our Cuban policy may have  
2           been morally wrong. Perhaps Cuba's right to exist free of  
3           political and economic coercion did not justify giving the  
4           island classified information to help it defend itself. I can  
5           only say that I did what I thought right, to help counter a  
6           very grave injustice.

7           My greatest desire is to see amicable relations  
8           emerge between the United States and Cuba. I hope my case in  
9           some way will encourage our government to abandon its hostility  
10          towards Cuba and to work with Havana in a spirit of tolerance,  
11          mutual respect, and understanding. Today we see more clearly  
12          than ever that intolerance and hatred by individuals or  
13          governments spreads only pain and suffering.

14          I hope for U.S. policy that it's based, instead, on  
15          neighborly love, a policy that recognizes that Cuba, like any  
16          other nation, wants to be treated with dignity and respect;  
17          wants to be treated not with contempt. Such a policy would  
18          bring our government back in harmony with the compassion and  
19          generosity of the American people. It would allow Cubans and  
20          Americans to learn from and share with each other. It would  
21          enable Cuba to drop its defensive measures and experiment more  
22          easily with changes. And it would permit the two neighbors to  
23          work together and with other nations to promote tolerance and  
24          cooperation in our one-world country, in our one and only world  
25          homeland. Thank you, Your Honor.

1 THE COURT: Thank you. I'm not going to say much. I  
2 think it all has been said. Today is a very sad day. It's a  
3 very sad day for you, Ms. Montes, for your family, for your  
4 loved ones, and for every American who suffers the betrayal of  
5 a fellow countryman. In my mind, if you cannot love your  
6 country, then, at the very least, you should do it no harm.  
7 Instead, you decided, with deliberation, to put your fellow  
8 Americans, specific individuals and the nation as a whole in  
9 harm's way. For this you must pay the penalty.

10 Pursuant to the Sentencing Reform Act of 1984, it is  
11 the judgment of the Court that the defendant, Ms. Ana Belen  
12 Montes, is hereby committed to the custody of the Bureau of  
13 Prisons for 300 months on Count 1.

14 The Court finds that Ms. Montes does not have the  
15 ability to pay a fine and, therefore, waives the imposition of  
16 a fine in this case. So no alternative sentence is imposed in  
17 that regard.

18 It is further ordered that Ms. Montes shall pay a  
19 special assessment of \$100. That special assessment fee is due  
20 immediately and shall be paid to the Clerk of the Court of the  
21 United States District Court for the District of Columbia.  
22 Within 30 days of any change of address -- mailing or  
23 residence -- Ms. Montes shall notify the Clerk of the Court of  
24 this district of the change until such time as the financial  
25 obligation is fully paid. It is also ordered that Ms. Montes

1 shall forward to the United States any contributions made to  
2 the Thrift Savings Account or interest in any asset or interest  
3 in any assets that she owns or over which she exercises  
4 control, directly or indirectly, to any property that is  
5 traceable to, derived from, fungible with, or a substitution  
6 for property that constitutes the proceeds of her espionage  
7 activities.

8 She further waives all interest in any listed asset  
9 in any administrative or judicial forfeiture proceedings and  
10 consents to the entry of orders of forfeiture for the noted  
11 property. Ms. Montes also waives her right to challenge any  
12 forfeiture carried out by the government.

13 Upon release from imprisonment, Ms. Montes shall be  
14 placed on supervised release for a term of five years. This is  
15 in relation to her plea in Count 1.

16 Within 72 hours of release from custody she shall  
17 report in person to the probation office in the district to  
18 which she is released.

19 She shall submit to periodic drug tests as required  
20 under 18 U.S.C. 3563(a) and 3583(b). She shall abide by the  
21 general conditions of supervision that have been adopted by the  
22 U.S. Probation Office. Ms. Montes shall also comply with the  
23 following special conditions:

24 With regard to community service, Ms. Montes shall  
25 perform 500 hours of community service as approved and directed

1 by the probation office.

2           Regarding computer search, she shall submit to  
3 periodic, unannounced examinations of her computer by the  
4 probation office and/or authorized probation service  
5 representatives, which may include retrieval and copying of all  
6 data from her computer and any internal or external peripherals  
7 to ensure compliance with this condition, and/or removal of  
8 such equipment for the purpose of conducting a more thorough  
9 inspection. She shall allow installation of any hardware or  
10 software systems to monitor her computer use and shall pay for  
11 the cost of such monitoring equipment.

12           Further, Ms. Montes shall not possess or use any data  
13 encryption technique or program and shall refrain from  
14 accessing, via computer, any material that relates to the  
15 activity to which the defendant was engaged when committing the  
16 instant offense. She shall maintain a daily log of all  
17 addresses accessed by way of any computer, other than those  
18 authorized for employment, and she shall make the log available  
19 to the probation office for review.

20           Ms. Montes shall consent to third-party disclosure to  
21 any employer or potential employer concerning any computer-  
22 related restrictions that are imposed upon her.

23           Further, Ms. Montes shall not possess or use a  
24 computer that has access to any online computer service at any  
25 location, including her place of employment, without the prior



1 written approval of the probation office. Online computer  
2 service includes, but is not limited to, any internet service  
3 provider, bulletin board system, or any other public or private  
4 computer network.

5 Ms. Montes shall be prohibited from incurring new  
6 credit charges, opening additional lines of credit or  
7 negotiating or consummating any financial contracts without the  
8 approval of the probation office. In addition, she shall not  
9 seek or accept, personally or through another person or entity,  
10 any benefit from a foreign government or agent. And should  
11 such a benefit be received by Ms. Montes, it shall be assigned  
12 as a benefit to the United States.

13 With regard to employment restrictions, Ms. Montes  
14 shall be restricted from engaging in employment, consulting, or  
15 association with the United States government or any foreign  
16 government for the duration of her supervision.

17 Ms. Montes shall provide the probation office with  
18 her income tax returns, authorizations for release of credit  
19 information, and any other business or financial information in  
20 which she has a control or interest.

21 She shall have no direct or indirect contact with any  
22 foreign government or agents, except with the express  
23 permission of the DIA and Federal Bureau of Investigation.

24 The probation office shall release the presentence  
25 investigation report to all appropriate agencies in order to

1 execute the sentence of this Court. Treatment agencies shall  
2 return the presentence report to the probation office upon her  
3 completion or termination from treatment.

4 Ms. Montes, you have the right to appeal this  
5 sentence. Should you choose to appeal, you must lodge a notice  
6 of appeal within ten days after the Court has entered judgment.  
7 If you are unable to afford the cost of an appeal, you may ask  
8 the Court for permission to file an appeal *in forma pauperis*,  
9 that is, without any cost to you.

10 It is further my impression that, Mr. Cacheris, that  
11 you are seeking, on behalf of Ms. Montes, a recommendation that  
12 the Bureau of Prisons designate her to an institution somewhere  
13 in the proximity of the east coast, is that correct, sir?

14 MR. CACHERIS: That is correct. We recognize it is  
15 only a recommendation by the Court. We would ask the Bureau of  
16 Prisons be Tallahassee or, in the alternative, Danbury.

17 THE COURT: And that is your client's wishes. It is  
18 so ordered.

19 Are there any other matters that anybody wants to  
20 raise at this time?

21 (No response.)

22 THE COURT: Are there any other matters which  
23 probation wishes the Court to address for the record.

24 THE PROBATION OFFICER: No.

25 THE COURT: Good luck.

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## CERTIFICATE

I do hereby certify that the foregoing is a true, correct and complete transcript of the proceedings reported by William McAllister in this matter on October 16, 2002, and transcribed from the audio recording to the best of my ability, and that said transcript has been compared with the audio recording.

Dated: July 22, 2022

/s/ \_\_\_\_\_

Janice Dickman  
Official Court Reporter  
333 Constitution Avenue  
Washington, DC 20001  
202-354-3267