

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 22-cr-20104-JEM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTIAN SANON,

Defendant.

Miami, Florida
September 12, 2023
Pages 1-95

TRANSCRIPT OF PRETRIAL DETENTION HEARING
BEFORE THE HONORABLE ALICIA M. OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE PLAINTIFF: Monica Castro, A.U.S.A.
Andrea Goldberg, A.U.S.A.
United States Attorney's Office
99 Northeast 4th Street
Miami, Florida 33132

FOR THE DEFENDANT: Zeljka Bozanic, Esq.
Bozanic Law, P.A.
2847 Hollywood Boulevard
Hollywood, FL 33020

TRANSCRIBED BY: DAWN M. SAVINO, R.P.R., C.R.R.
Official Federal Court Stenographer
400 N. Miami Avenue, 10S03
Miami, Florida 33128
Telephone: 305-523-5598
Dawn_Savino@flsd.uscourts.gov

1 P-R-O-C-E-E-D-I-N-G-S

2 COURTROOM DEPUTY: All rise. The United States District
3 Court for the Southern District of Florida is now in session, the
4 Honorable Alicia M. Otazo-Reyes presiding.

5 THE COURT: Good morning, everyone. Please be seated.

6 COURTROOM DEPUTY: The United States of America versus
7 Christian Sanon, case number 22-20104-criminal-Martinez.

8 MS. CASTRO: Good morning, Your Honor. Monica Castro
9 and Andrea Goldberg for the United States.

10 MS. BOZANIC: Good morning, Your Honor. Zeljka Bozanic
11 on behalf of Mr. Sanon, who is present.

12 THE COURT: All right. We're here on a pretrial
13 detention hearing?

14 MS. BOZANIC: Yes, Your Honor.

15 THE COURT: All right. I have a note, stipulated
16 pretrial detention entered on 2-1-23 is that accurate?

17 MS. BOZANIC: Yes, Your Honor.

18 THE COURT: All right. So this was entered with respect
19 to the original indictment?

20 MS. BOZANIC: Well, it was, with the right to revisit,
21 Judge. And at this time we would like to revisit.

22 THE COURT: Okay. So you want to have a detention
23 hearing now?

24 MS. BOZANIC: Yes, Your Honor. Or after you finish. I
25 don't know how long the calendar is, but it's probably going to

1 be a little more lengthy than --

2 THE COURT: Well, every other case is a detention
3 hearing so --

4 MS. BOZANIC: Okay.

5 THE COURT: All right. Stephanie, do you have a
6 notebook? Sorry.

7 COURTROOM DEPUTY: We have a small one.

8 THE COURT: Yeah. That's fine. All right.

9 So, let's see. Was there any kind of hearing in the
10 past or it was just a stipulation?

11 MS. BOZANIC: No, Your Honor, there was never a hearing.
12 It was just a stipulation.

13 THE COURT: Okay. All right. So the government wants
14 to proceed by way of proffer?

15 MS. CASTRO: Yes, Your Honor.

16 And just one point of clarification, there had been
17 detention hearings in this case, just not as to this defendant.

18 As to the factual proffer, the first thing that I would
19 note is that the agent who will be testifying is also fully
20 adopting a complaint that was filed against Mr. Sanon, and so we
21 would seek to incorporate that by reference into our factual
22 proffer. And that is -- the magistrate's case number for that
23 was 22-MJ-04161. I have a copy of it here if it's useful to the
24 Court.

25 THE COURT: Hand it up to Stephanie, please.

1 MS. CASTRO: And if I may proceed with the remainder of
2 the factual proffer.

3 THE COURT: How do you mean the remainder? Are you
4 adopting what's here in this complaint?

5 MS. CASTRO: Yes, Your Honor, but there are additional
6 facts that we would also like to proffer in connection with our
7 arguments today.

8 THE COURT: All right. But to really make it a coherent
9 whole, you just want to plug in your facts and assume I've read
10 this, which I haven't?

11 MS. CASTRO: Yes, Your Honor. What I drafted here was
12 meant very much to be as minimally redundant to the complaint as
13 possible. So there will certainly be some overlap, but I would
14 say the facts in the complaint largely are subsumed in what I've
15 written here with an attempt to not be extremely redundant and
16 simply just be reading the complaint into the record.

17 THE COURT: Okay. So make sure that what you put on the
18 record is a complete picture.

19 MS. CASTRO: Understood, Your Honor. The only other
20 thing I'll note before I read the factual proffer, this part is
21 -- there's two documents related to public court filings as to a
22 bankruptcy that the Defendant filed that I believe are relevant
23 to the question of risk of flight. I have made these documents
24 available to the defense and I have copies for the Court.
25 Essentially we would be asking the Court to take judicial notice

1 of these documents. It's not really part of the witness's
2 testimony, but I do think they're relevant to the proceedings
3 today, and I can hand those up.

4 THE COURT: Do you want to make them a court exhibit?

5 MS. CASTRO: That would be great, Your Honor. We'll go
6 ahead and put a sticker on these.

7 THE COURT: Okay.

8 MS. CASTRO: Zeljka, just so you know, these are the
9 exact two copies so that you have the ones I'm offering handy.
10 Those are for you. Yeah. Okay.

11 All right, Your Honor. If I may now proceed with the
12 factual proffer?

13 THE COURT: Go ahead.

14 MS. CASTRO: Thank you, Your Honor.

15 On July 7, 2020, the president of Haiti, Jovenel Moise,
16 was assassinated in his residence in Port-au-Prince Haiti. That
17 morning armed assailants, wearing ballistics vests, entered the
18 president's residence. He was shot 12 times and died as a
19 result. His wife, the first lady, survived, but she also
20 suffered multiple gunshot wounds.

21 The Investigation into the events of that day reveal
22 that President Moise's assassination was the culmination of
23 months of planning spearheaded by defendants that participated
24 from -- participated in the enterprise from the Southern District
25 of Florida. This includes Defendant Arcangel Pretel Ortiz and

1 Antonio Intriago who are co-defendants of Mr. Sanon, they're
2 principals of related South Florida companies that will be
3 collectively referred to throughout my proffer as CTU.

4 The conspiracy was also funded by worldwide Capital
5 Lending Group through its principal walter veintemilla, who is
6 also a named co-defendant in this case.

7 Ortiz, Intriago and Veintemilla were each motivated by
8 the expectation of financial opportunities in Haiti should they
9 succeed in ousting President Moise and replacing him with their
10 intended successor. Initially, that intended successor was to be
11 the Defendant Christian Sanon. Sanon was a Haitian political
12 hopeful who opposed President Moise's administration and aspired
13 to become the president of Haiti.

14 Beginning in about February 2021, Ortiz and Intriago, as
15 principals of CTU, agreed to support Sanon with his political
16 aspirations in Haiti. That alliance is documented, amongst other
17 places, in a nondisclosure agreement dated on or about February
18 2021. In that agreement, CTU and Sanon agreed, amongst other
19 things, that neither would disclose the procedures, services and
20 merchandise that CTU agreed to provide to Sanon in connection
21 with his political hopes in Haiti. This agreement was signed by
22 Antonio Intriago on behalf of CTU, and was also signed by the
23 Defendant Christian Sanon.

24 As for worldwide and its principal veintemilla, by the
25 end of April 2021 veintemilla agreed to finance CTU's support of

1 Sanon and extended a \$175,000 line of credit in furtherance of
2 that effort.

3 witness interviews, flight records and seized electronic
4 evidence and additional documents confirm that CTU and worldwide
5 hosted meetings amongst co-conspirators in South Florida in April
6 and May 2021 which Sanon attended. According to witness
7 interviews and electronic evidence at these meetings,
8 conspirators discussed how to forcibly remove President Moise and
9 install Sanon as president. Their discussions included how to
10 acquire weapons and military equipment to facilitate the
11 conspirators' plan to remove President Moise and replace him with
12 Sanon.

13 As to how to remove President Moise, initially the
14 conspirators planned to film a public uprising aimed at ousting
15 President Moise and installing Sanon as president. Over the
16 course of the conspiracy, the plan to bring Sanon to power
17 involved attempts to physically remove President Moise from
18 power. To aid them in their efforts in Haiti, CTU thus retained,
19 with the financial support from worldwide, at least 20
20 ex-soldiers who were transported from Colombia to -- I'm sorry.
21 who were former soldiers in the Colombian military who were
22 transferred to Haiti or traveled to Haiti with the benefit of
23 funding from worldwide.

24 over time, the plan also included discussions of
25 arresting Moise pursuant to a purported arrest warrant signed by

1 Haitian authorities in 2019. Efforts to physically remove Moise
2 from power also included an unsuccessful effort to seize him when
3 he returned from a trip and spirit him away by airplane to a
4 location outside of Haiti.

5 when that operation failed, the conspirators shifted
6 their support from Mr. Sanon to another individual who I'll refer
7 to as Individual 2. This was a different candidate who they
8 intended to act as Moise's successor, but as will be discussed
9 further, the evidence shows that despite this shift in CTU's
10 support to Individual 2, in the wake of the assassination Sanon
11 retained the hope that the conspiracy's efforts would lead him to
12 office. Indeed, when the conspiracy culminated in the
13 president's assassination on July 7th, the evidence shows Sanon
14 discussing with his co-conspirator and named co-defendant
15 Federick Bergmann about his expectation of, quote, being hired,
16 which we understand is a reference to his expectation that the
17 president's murder would result in Mr. Sanon taking office.

18 Indeed, over the course of the conspiracy, conspirators
19 exchanged a number of written communications like the ones we saw
20 between Mr. Bergmann and Mr. Sanon there. They also included
21 audio communications in furtherance of their operational
22 planning.

23 Begin with some communications that were exchanged in
24 April of 2021. In one message on April 21, 2021, co-defendant in
25 this case James Solages told Mr. Ortiz I'm going to meet with J3,

1 this is a Mr. Joseph Joel John, another named defendant in this
2 conspiracy. The meeting was to discuss the equipment that they
3 have available and to discuss how we can purchase, if necessary.
4 Ortiz responded writing "copy."

5 Now, there's additional information on what exactly that
6 equipment was in a message that is sent that same day by Solages
7 to Ortiz and the Defendant Mr. Sanon. It contained a list of
8 military equipment needed for this, quote, operation. The
9 document was titled Fighter for the Liberation of Haiti, which
10 included, among other things, weapons like M4 rifles, M60 machine
11 guns, I'm not going to say this correctly, Kalashnikov rifles,
12 combat boots, hand grenades, gas masks, full bulletproof vests
13 and RPGs, specifically six RPGs, which we understand to be rocket
14 propelled grenades, and over 20,000 rounds of ammunition. Sanon
15 responded to the message making clear he received it, asking who
16 had prepared it, and Solages responded by identifying that it was
17 J3, a moniker that was applied to the Defendant Joseph Joel John
18 who, as I mentioned, is named in this case.

19 In other communications in May, the Defendant continued
20 to participate -- showed that the Defendant continued to
21 participate in the conspiracy even after receiving this message
22 showing this effort to obtain weapons and ammunition. In fact,
23 it shows that the Defendant was so confident he would assume the
24 presidency that he was working with his co-conspirators on
25 drafting an acceptance speech.

1 In a May 13, 2021 e-mail, co-defendant Bergmann sent a
2 message to the Defendant Sanon and another co-conspirator where
3 he attached a document titled, quote, Freedom Speech. There
4 Bergmann wrote attached as we discussed. The drafting of the
5 speech was very careful to, among other things, not have the
6 appearance of a US takeover. This is a freedom initiative led by
7 community leaders, religious leaders, et cetera. The speech
8 appears intended to be used by Sanon once he had assumed power in
9 Haiti after an apparent community uprising that the defendants
10 originally hoped they could use to oust President Moise. The
11 language in the speech makes clear that the co-conspirators
12 envisioned that that ouster would require some form of violence.
13 Tellingly, the speech states "who could question your actions to
14 defend yourselves" -- this is the speaker of the speech speaking
15 to presumably the people of Haiti. "who could question your
16 actions to defend yourselves and your family from the danger of
17 the evil. I take no pleasure in violence, but the Bible says
18 those that plow evil and those who sow trouble reap it. Job 4.
19 It's a quote from a speech that was intended to be Mr. Sanon's
20 acceptance speech of the presidency in Haiti.

21 Next, on or about May 17, 2021, nearly three weeks after
22 Solages sent around this weapons list, Sanon entered into a
23 contract whereby CTU agreed to provide him with the equipment
24 needed to support his, quote, private military forces. The
25 agreement was signed by Sanon. Pursuant to this consultant

1 agreement, CTU provided 25 ballistics vests, among other things,
2 for use by those in Haiti, including the Colombian nationals
3 hired by CTU in support of this contract. According to witness
4 statements, on or about May 21, 2021, Sanon and Intriago
5 transported approximately five CTU branded ballistic vests aboard
6 a private flight from the Southern District of Florida to Haiti,
7 and some of those vests were provided to the Colombian nationals.
8 Not long after on May 28, 2021, Sanon texted someone a
9 resignation letter that had been drafted for President Moise
10 stating, quote, we have prepared it from him to sign.

11 Communications amongst the co-conspirators during this
12 time frame made clear they were contemplating forcing a
13 resignation via a coup. For example, on or about June 2, 2021,
14 an individual with knowledge of the co-conspirators' activities,
15 who we'll refer to as Individual One, texted co-defendant
16 Federick Bergmann. He asked him what time is the next coup
17 meeting, using the word "coup." Followed by, you can bridge me
18 into the call with Christian, believed to be a reference to the
19 Defendant Christian Sanon. Notably, a few hours after the
20 assassination, on or about July 7, 2021, Bergmann texted the same
21 individual stating "it happened" and, quote, battle right now.
22 Such language is consistent with the fact that the documentation
23 of the funds from worldwide -- the documentation of the funds
24 that worldwide extended to Sanon showed funding for ammunition
25 or, as the conspirators referred to it, screws and nails, all

1 consistent with the fact that these conspirators understood
2 violence was being contemplated.

3 On or about June 7, 2021, Veintemilla also sent Ortiz a
4 document. This document is titled Loan Provided to Christian
5 Sanon. It included this \$15,000 sum to James Solages for screws
6 and nails. It also identified a sum of \$250,000 attributed to,
7 quote, 100 complete vest kits, believed to be a reference to the
8 ballistic vests. The investigation confirmed that CTU had access
9 to a large number of armored vests, and had planned to use these
10 vests to outfit the Columbian nationals and others for the
11 benefit of Sanon.

12 In or about early June of 2021, Bergmann suggested to
13 Intriago, another named co-defendant in this case, that they ship
14 CTU's ballistic vests to Haiti for use by the Columbian
15 nationals. The shipment was to go through a company which we'll
16 just refer to as the shipping company that Bergmann had used in
17 the past to ship medical supplies to Haiti for Bergmann's Florida
18 based company GCP Clinical Research.

19 On or about June 9, 2021, Veintemilla sent a text
20 message to Bergmann warning him that the operation to replace
21 President Moise had likely leaked, naming specifically that the
22 Defendant, Mr. Sanon, had held a number of meetings relating to
23 his presidential aspirations and therefore the conspirators were
24 risking arrests by the President's personnel. Veintemilla urged
25 Bergmann to help move the operation forward quickly because

1 otherwise it was very dangerous for those involved if they were
2 to get caught.

3 Now Bergmann, who has a history with the Defendant
4 Mr. Sanon, forwarded that message to Sanon. And I'll read that
5 message into the record. "It's very important that you and
6 everyone there understand that we've lost the element of
7 surprise. Every day Mr. P" -- and that's understood, Your Honor,
8 to be a reference to the Defendant, Mr. Sanon, as a moniker that
9 was applied to him throughout the conspiracy was Mr. President.
10 "Every day Mr. P and everyone there run the risk of having 200 to
11 300 personnel of the rat", which is how the co-conspirators
12 referred to President Moise, "going there and arresting everyone.
13 If this happened, then what are you going to do. From what we
14 are told, Mr. P", that's Mr. Sanon, "has meetings with many
15 people and anyone of these people can inform the rat. This is
16 very dangerous for this reason as that we are pressuring for
17 things to happen where we do not want for you guys to tell us why
18 didn't you factor this in and let us know. So please understand
19 the party" -- "the party is coming back" -- sorry. "The party
20 has to happen or the personnel is coming back because they do not
21 want to get in the situation." As to "the party", that is a term
22 that the co-conspirators used for their operation against
23 President Moise, and "the personnel" we believe to be a reference
24 to these Colombian soldiers who were sent to Haiti in furtherance
25 of the conspirators efforts there. As I said, this message was

1 forwarded to Mr. Sanon on the same day.

2 On the same day that Bergmann got that message from
3 Mr. Veintemilla and then forwarded it to Sanon, he also texted
4 Sanon copies of the commercial invoice and shipper's letter of
5 instruction that falsely claimed that these ballistic vests that
6 they were shipping to Haiti were, quote, medical x-ray vests and
7 Sanon responds to that message saying "I got it. Thank you."

8 Messages on June 9, 2021 between Bergmann, Sanon and
9 Intriago just show them discussing the logistics of shipping
10 these ballistic vests to Haiti.

11 Bergmann states "Christian", reference to Sanon, "the
12 plane arrives in Port-au-Prince at 2:30 p.m. I assume that" --
13 and here he named an associate of Mr. Sanon's, "will handle" so
14 and so -- that individual, I'll call him Individual Three --
15 "will handle Customs including any fees and the coordination of
16 ultimate delivery of the supplies will be handled by you guys on
17 the ground." Sanon replied "confirmed." Bergmann later texted
18 Sanon to see if the ballistics vests had cleared Customs in Haiti
19 to which Sanon replied "not yet." Additional discussions between
20 Bergmann and Sanon regarding this shipment of ballistic vests for
21 use by the Colombian nationals showed Sanon stating -- sorry.
22 Shows Bergmann stating to Sanon "these guys say they were ready
23 and waiting for surgical instruments but no x-ray vests",
24 question mark? When Sanon responded asking for more information
25 simply stating "what", Bergmann responded "the x-ray vests that

1 are coming tomorrow. Seems likely they needed these", question
2 mark. Sanon replied, "yes, they do."

3 And I'll fast forward briefly to the Defendant's
4 post-Miranda statements that he made in Haiti where he denied any
5 knowledge initially of ballistic vests being shipped to Haiti,
6 only to later admit that he was aware of ballistic vests being
7 shipped to Haiti which is to say that here, the Defendant and
8 Mr. Bergmann, when they are talking about x-ray vests, are
9 clearly talking about the lie they're going to be using to
10 illegally export these ballistic vests to Haiti.

11 On June 10th of 2021, Bergmann and Intriago shipped the
12 branded ballistic vests from the Southern District of Florida to
13 Haiti. Bergmann paid for and completed the shipping paperwork
14 for the shipment, Intriago delivered the package. Notably,
15 Bergmann also texted the shipping declarations to the Defendant
16 Mr. Sanon. The declaration falsely stated that the items being
17 shipped were, quote, medical x-ray vests and school supplies,
18 that the value of the vests was \$1,000 total, also incorrect, and
19 was significantly below their value, and it stated the exporter
20 was GCP Clinical Research. It also stated that co-signing in
21 Haiti was a medical services provider. Bergmann signed that
22 letter with this false information, right above the signature
23 line where he attested that the information was true and correct.
24 And again, those false documents were sent to the Defendant,
25 Christian Sanon, in advance of the shipment.

1 The United States Department of Commerce Bureau of
2 Industry and Security conducted a license check of CTU's
3 ballistic vests that were used in furtherance of the
4 assassination. They determined that an export license was
5 required for a shipment to Haiti, that no relevant license
6 exception existed, and that no one had applied for an export
7 license that would have authorized the shipment of these
8 ballistic vests to Haiti. So this was a clear violation of the
9 regulations.

10 The vests were also shipped without the required export
11 information filing. Specifically pursuant to Chapter 15, Section
12 758.1 and 30.2 Code of Federal Regulations, shipment of the vests
13 would require what's called an EEI filing based on the fact that
14 the vests were valued over \$2,500, and the fact that they
15 required a license for shipment. We've confirmed that no such
16 filing was made. Because the ballistic vests required an export
17 license to ship to Haiti and were valued over \$2,500, this filing
18 was required for the export. However, the false information
19 provided on these documents that were shared with the Defendant
20 prevented the proper filings and the proper information going
21 through.

22 Sanon coordinated the Customs processing and delivered
23 the vests to the Colombian nationals in Haiti, and texts between
24 Sanon and Bergmann show Sanon agreeing to provide false
25 information to facilitate that shipment. The same day the vests

1 were shipped, Bergmann texted Sanon stating "please explain we
2 have to use these type of vests so healthcare providers can be
3 protected from harmful effects of x-rays." Sanon, who again was
4 well aware that no actual medical x-ray vests were being shipped
5 responded "okay, I will let him know that." The vests were
6 CTU-branded ballistic vests, affixed with CTU patches and labels.
7 It's notable that some of the Colombian nationals detained in the
8 wake of the president's assassination were seen wearing vests
9 that appeared to be these very same ballistic vests shipped by
10 the Defendant.

11 Continued communications show additional efforts by the
12 co-conspirators to secure equipment and weapons after these
13 ballistic vests were shipped. On or about June 15, 2021, a
14 message from one of the leaders of the Colombian nationals,
15 Mr. German Herrera, who recently pled guilty in this case, sent
16 Ortiz a text message stating in substance that the Colombian
17 nationals needed equipment like a battering ram to breach doors
18 as well as black caps, cash, gun holsters and other materials.
19 Communications between Sanon and Bergmann make clear they
20 understood that they were in the midst of an enterprise that
21 contemplated potential criminal conduct and violence.

22 For example, on June 27, 2021 Bergmann texted Sanon
23 "please tell these people that are willing to risk their lives
24 that they don't have to do jail time. I don't think this is good
25 way to start an administration that the world would look at based

1 upon human rights." He even asked the Defendant and Mr. Sanon to
2 call him back. I'm sorry. He asked for the Defendant and
3 Mr. James Solages to call him back.

4 During this time frame, members of the conspiracy
5 notably continued to refer to the Defendant by the term
6 "Mr. President", a moniker that applied to him from early on in
7 the conspiracy. Nevertheless, in or around mid June of 2021, the
8 conspirators discussed that Sanon, in fact, lacked the necessary
9 qualifications to serve as president of Haiti. In a message that
10 Ortiz sent to Rivera on June 10, 2021, he advised that Sanon was
11 barred from being president under Haiti's Constitution, but that
12 Sanon had been stating he would simply be intending to rewrite
13 that Constitution. Around this time, the conspirators also began
14 to shift their support to Individual Two to serve as the
15 president of Haiti in place of Mr. Sanon. As I've already said,
16 the investigation still shows that Sanon continued to communicate
17 with the co-conspirators and continued to support President
18 Moise's forcible removal presumably in the hopes of obtaining a
19 political position in the new Haitian government.

20 On July 4th -- I'm sorry, Your Honor. A sign of the
21 continued support that Mr. Sanon offered to the members of the
22 conspiracy are messages from Antonio Intriago on July 4, 2021,
23 that's three days before the president is assassinated. There
24 Antonio Intriago, who calls the Defendant Mr. President in the
25 message, asks Sanon for help obtaining food, funds for food and

1 groceries for the Colombian nationals who carried out this
2 assassination. Sanon agreed to help, and he referred to the
3 Colombians who needed the funds as quote "our men." Notably, in
4 a post-Miranda statement to law enforcement in Haiti, the
5 Defendant maintained that he was not involved at all with the
6 Colombian nationals by at least June 2020, another clear lie.

7 Days later, on July 6, 2021, several co-conspirators met
8 prior to the assassination at the home of a family member of
9 Jaar's which was located near the president's residence. I will
10 note to make it clear that the Defendant was not present at that
11 location. At that meeting, firearms and equipment were
12 distributed to co-conspirators, and one of the co-conspirators
13 falsely announced to the group that it was a, quote, CIA
14 operation, and explained that he, in substance, meant the mission
15 would involve killing President Moise.

16 According to witness interviews, on July 7, 2021
17 co-conspirators drove a convoy to President Moise's residence.
18 One of the group of -- once the group of conspirators arrived
19 outside the residence, one falsely announced to those inside that
20 they were engaged in a DEA operation in an attempt to ensure
21 compliance by the president's security, some of whom have been
22 bribed with money provided by one of the defendants who's pled
23 guilty in this case, Rodolphe Jaar, in order to comply with their
24 commands. A subset of the Colombian co-conspirators including --
25 well, a subset of the Colombian co-conspirator was assigned to

1 find the president and assassinate him, and in fact the president
2 was killed in his house that night.

3 Now, after the president was assassinated, there is
4 phone communications showing that after calling Sanon multiple
5 times, Ortiz messaged him asking him to call another individual
6 and sending photographs of certain of the Colombian nationals who
7 at that point found themselves in a fire fight with the Haitian
8 National Police. In these photographs the Colombian nationals
9 appeared to be wearing the same CTU-branded ballistic vests that
10 were shipped to Haiti.

11 Phone communications show that there was contact or
12 attempted contact between Ortiz's phone and Sanon's phone in the
13 wake of this assassination beginning at about 4:50 in the
14 morning. Then there was contact or attempted contact between
15 Sanon's phone and Bergmann's phone at approximately 4:59 a.m.
16 Notably, it's after that contact from Ortiz to Sanon and then
17 Sanon to Bergmann that Bergmann texted his associate stating,
18 quote, battle right now, suggesting that these were
19 communications discussing the reality of the assassination that
20 had been carried out at the president's home.

21 Later that morning Bergmann texted Sanon a news article
22 stating that President Moise had been murdered and asked "are you
23 okay?" Sanon responded "yes, I am and safe." Bergmann replied
24 "thank God, what about the guys", presumably a reference to the
25 Colombian nationals. "I've been so worried" stated Bergmann.

1 Sanon stated "there's a diplomatic vehicle that crossed over to
2 reach them, I don't know what's happening." The continued
3 discussion shows that in the aftermath of the assassination,
4 Sanon had two goals: Assist the Colombians who assassinated the
5 president, and continue to pursue his own ambitions. Bergmann
6 responded "it's time for people to hit the streets", a reference
7 to this plan of a public uprising that supposedly would bring
8 Mr. Sanon to power. Mr. Sanon replied "the leaders are working
9 on that." Bergmann stated "we are all on standby once you know
10 what is going on." Notably, these messages which appear in
11 Mr. Bergmann's phone were, in fact, deleted from Sanon's phone on
12 his own device.

13 The next day Bergmann asked Sanon if Bergmann needed to
14 hire someone. Sanon says that he was not sure. Then Sanon says
15 "I have not been hired." When Bergmann asked Sanon what his
16 supporters are doing to help, Sanon answers "financially nothing,
17 but their voice support counts a lot for the position we are
18 waiting for at this time." Later, Sanon says in essence he was
19 not hired and confirms that he needs a lawyer. I believe these
20 are references -- these references to being hired are references
21 by Sanon that the murder of the president might still result in
22 him coming to political power in Haiti.

23 Sanon also forwarded Bergmann several pictures of the
24 captured Colombians and told Bergmann to help them with the
25 lawyer. Bergmann responded by asking what the other

1 co-conspirators were doing. He ultimately said "I've asked for
2 someone to look for lawyers but who will pay. I don't know what
3 happened or why, but this will probably get back to them, the
4 three stooges", this being a reference to Walter Veintemilla,
5 Mr. Ortiz and Mr. Intriago. It says "they are immoral and
6 responsible for this mess, not sure what they were thinking."
7 Sanon replies "I don't know who will pay, but you are right about
8 them."

9 Sanon was ultimately taken into Haitian custody as I
10 mentioned. He submitted to two voluntarily Mirandized interviews
11 with US law enforcement. There he mentioned that he owned
12 property in Haiti that he estimated was valued at \$1 million. I
13 noted in the Pretrial Services Report he now estimates that it's
14 only valued at 700,000. It's not clear where the lie is there,
15 but there was a lie there somewhere.

16 He also mentioned that he received his medical schooling
17 in the Dominican Republic, and is relevant to the question of
18 risk of flight. The Defendant, in fact, resided in the Dominican
19 Republic as reported in the Pretrial Services Report from 2012 to
20 2015. I'll also note that his border crossing records do show
21 extensive travel by the Defendant to at least five other
22 countries aside from Haiti: That would be the Dominican Republic
23 from 2012 to 2015, travel to Panama in 2018, travel to Canada
24 between 2018 and 2021, travel to Mexico in 2014 and travel to
25 Venezuela in 2012.

1 The Defendant also lied, as I've already mentioned, in
2 this post-Miranda statement where he denied initially knowing
3 anything about the ballistic vests being shipped. He then
4 admitted that he knew the ballistic vests were being shipped, but
5 adopted a new lie which was to claim that he was completely
6 unaware of the fact that they had been mislabeled. Of course the
7 text messages between him and Mr. Bergmann show them explicitly
8 discussing what lie would be used to label these vests,
9 specifically the reference to the medical x-rays.

10 Tellingly, as I've already mentioned, he also disavowed
11 having any involvement with the Colombian nationals as of June
12 20th, when we know that only three days before the assassination
13 he was working to get them funds for groceries. And I'll note
14 that there are further communications amongst the co-conspirators
15 showing a conspirator confirming that the Defendant, Mr. Sanon,
16 had approved a sum of \$3,000 going to fund those Colombian
17 nationals who ultimately assassinated the president only three
18 days later.

19 As I mentioned, the Defendant was detained in Haiti
20 initially. He, of course, has now been transferred into US
21 custody and has been there since January 31st of this year.

22 That would conclude the factual proffer by the
23 government, Your Honor. We do have Special Agent Mike Ferlazzo
24 who we can tender for questioning and cross-examination by the
25 defense.

1 THE COURT: All right.

2 MS. BOZANIC: Yes, Your Honor. I would like to
3 cross-examine the agent.

4 THE COURT: Have the agent come up.

5 COURTROOM DEPUTY: Raise your right hand. Do you
6 solemnly swear to tell the truth, the whole truth and nothing but
7 the truth so help you God?

8 THE WITNESS: I do.

9 COURTROOM DEPUTY: You may be seated.

10 Please state your full name for the record and spell
11 your last name.

12 THE WITNESS: Mike Ferlazzo, F E R L A Z Z O.

13 MS. BOZANIC: May I proceed?

14 THE COURT: Go ahead.

15 MS. BOZANIC: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. BOZANIC:

18 Q. Good morning, Agent.

19 A. Good morning.

20 Q. Did you hear the proffer offered by the government this
21 morning?

22 A. I did.

23 Q. Do you fully adopt it as your own?

24 A. I do.

25 Q. Is there anything you would like to change about the proffer

1 that the government presented today?

2 A. No.

3 Q. All right. You also testified in previous bond hearings or
4 detention hearings for three other individuals, correct?

5 A. That's correct.

6 Q. All right. Is there anything you would like to change
7 regarding the testimony that you provided previously?

8 A. No.

9 Q. All right. Now, you're familiar with the criminal complaint
10 in this case against Mr. Sanon, correct?

11 A. I am.

12 Q. Did you write it?

13 A. No.

14 Q. Okay. Are you familiar with the indictment, the fourth
15 superceding indictment in this case?

16 A. I am.

17 Q. And you're also familiar with the fact that the only people
18 out of this whole conspiracy that have different charges, meaning
19 not having the conspiracy to murder the president, are Bergmann
20 and my client, Mr. Sanon.

21 A. That's correct.

22 Q. You know that the charges against Mr. Sanon are very
23 different from the other people who were charged with conspiracy
24 to murder the President Moise.

25 A. It's a different charge, yes.

1 Q. And you or your agents in the complaint never charge him with
2 anything relating to murdering or conspiring to murder the
3 president.

4 A. The Neutrality Act violation is still part and parcel with
5 this action.

6 Q. Okay. But there was no conspiracy to murder the president
7 when it comes to Mr. Sanon filed?

8 A. He was not charged with 2339.

9 Q. Were you present for Mr. Sanon's arrest?

10 A. No.

11 Q. Okay. Do you know who was present for his arrest?

12 A. I do.

13 Q. Okay. Who was that?

14 A. Let me think back. I think actually I was on that trip. I'm
15 sorry.

16 Q. You were present there at the time of the arrest?

17 A. Yes.

18 Q. Were you the one -- were you present for Mr. Sanon being
19 taken into custody?

20 A. I was.

21 Q. And that was at a house in Haiti, correct?

22 A. I'm talking about his federal transfer of custody when we --

23 Q. Okay. Do you know who arrested him in Haiti initially?

24 A. I do not.

25 Q. Do you know anything about the circumstances around that

1 arrest?

2 A. I do not.

3 Q. And you don't have any information to offer to the Court that
4 he attempted to flee or resisted the arrest?

5 A. I do not.

6 Q. Okay. Now, there were two -- let's talk about this
7 conspiracy to murder, because obviously the government talked a
8 lot about it even though my client is not charged with it. There
9 were two different plans. Would you agree with that?

10 A. One plan for removal that kind of changed over the course of
11 time.

12 Q. Okay. So the initial plan was for Mr. Sanon to get support
13 from everybody to run for president, right?

14 A. Political support for Moise to step down.

15 Q. Okay. That plan did not involve any mention of killing
16 President Moise, correct?

17 A. Not initially.

18 Q. Okay. And when Mr. Sanon started getting the support from
19 CTU, there was no mention -- you don't have any evidence to
20 present that anybody talked about killing President Moise in
21 front of Mr. Sanon, correct?

22 A. Not at that time.

23 Q. Okay. In fact, there was a meeting in April where CTU did a
24 presentation for people, and Mr. Sanon was present. Correct?

25 A. That's correct.

1 Q. And I think the government proffered that and mentioned
2 something about the meeting was about how to forcefully remove
3 President Moise. Did you hear that proffer?

4 A. I did.

5 Q. Do you agree that that meeting was about forcefully removing
6 President Moise?

7 A. So we're still about the removal of Moise in the sense that
8 there -- part of that meeting was definitely the infrastructure
9 contracts that worldwide could provide for Haiti. But still, at
10 that time it was past the point of any groundswell happening
11 early where Moise was going to step down.

12 Q. So would you agree with the government's proffer that the
13 conversation at that meeting in April of 2021 was about how to
14 forcefully remove, and I'm highlighting the "forcefully remove"
15 President Moise. Would you agree with that or would you
16 characterize it differently than the government?

17 A. I would characterize it as a meeting where he was selected as
18 the next president, but there were not details spoken about
19 forcibly or killing him at that meeting.

20 Q. Okay. So you would agree with me that the government's
21 characterization of what happened at the meeting might have been
22 wrong or off.

23 A. I'd present my own, yes.

24 Q. Now, the reason why I ask you that is because isn't it true
25 that at that meeting there were two FBI agents present.

1 A. So there were multiple meetings at that time, and that was
2 not a reference to the one where the FBI was present.

3 Q. All right. So sometime in April there's a meeting at CTU
4 which is in Doral Florida, correct?

5 A. Correct.

6 Q. And there were FBI agents who were invited to the meeting.

7 A. Correct. And that meeting was -- the pretense of that was
8 that there was apparently terrorism information in Haiti that
9 they were going to relay to the agents, as well as potentially
10 some drug-trafficking issues.

11 Q. And would you agree that had the FBI agents heard anything
12 about forcefully removing a president or using any type of
13 violence, they would have acted on that tip.

14 A. Correct. That's why I said there were multiple meetings.

15 Q. And obviously FBI never acted on any type of tip of violence
16 because obviously they did not stop the killing of the president.

17 A. That's correct. To my knowledge, violence was not discussed
18 at the meeting the agents were at.

19 Q. Isn't it also true that the person present at multiple
20 meetings was Ortiz who was a government informant at the time?

21 A. That's correct.

22 Q. And worked under the government, the US Government.

23 A. On separate issues, correct.

24 Q. Okay. Now, just to make it clear because the proffer talks
25 about all this equipment being shipped for the soldiers. At the

1 beginning, is it your understanding that the soldiers that were
2 hired, there were not 20 soldiers, at the beginning there was
3 possibly three soldiers or so, or three individuals who were only
4 protecting -- providing security for Mr. Sanon.

5 A. There was a smaller contingent in the beginning, yes.

6 Q. Okay. And the mention of 20 soldiers didn't really happen
7 until sometime in late June or July?

8 A. I want to say might be earlier in May.

9 Q. Okay. Well, when did these Colombians, the 20 Colombians,
10 arrive to Haiti?

11 A. They didn't come until June.

12 Q. Okay. Now, when Mr. Sanon initially signed a contract with
13 CTU, it was for CTU to provide security for him. Correct?

14 A. That's correct.

15 Q. Would you agree that somebody who may be running for
16 president or trying to become a president in Haiti would need
17 security?

18 A. Security, yes.

19 Q. Okay. Would you also agree that Haiti was and is a pretty
20 violent place and people often use security?

21 A. They do.

22 Q. Okay. Was there anything out of the ordinary of Mr. Sanon
23 having a few men as security while he was in Haiti?

24 A. What was definitely out of the ordinary was the equipment
25 that they were asking for them. I've been on many security

1 details and I've never packed out RPGs.

2 Q. All right. Now, initially those three men who provided
3 security for him basically only needed -- do you know what
4 equipment they needed or they asked for?

5 A. Not specifically.

6 Q. Okay. There were no mentions of grenades at that time,
7 correct?

8 A. Not specifically. The document -- it was proffered, but I
9 forget the date where that came.

10 Q. Okay. So there were no mentions of, you know, machine guns
11 or any of that information that was provided. All of that came
12 later on when this whole organization switched it to a killing of
13 the president, correct?

14 A. The time line was what was proffered. I forget the date that
15 the list was. But when the Colombians came in June, that was the
16 time frame where that was asked for, and that's when the
17 Defendant wrote the list. So he was still involved at that
18 point.

19 Q. And you would agree with me that sometime in June Mr. Sanon
20 was no longer considered to be a presidential candidate or a good
21 fit for a president?

22 A. That's correct.

23 Q. And that was because there was some mention of him first of
24 all not -- being a US citizen which disqualifies you from being a
25 president in Haiti, correct?

1 A. It was a residency requirement.

2 Q. Okay. And he lived here in Florida.

3 A. That's correct.

4 Q. And the second reason was he wasn't really getting -- the
5 people who were financing this and organizing it and the people
6 who actually got charged with conspiracy to murder the president
7 and the people who are responsible for murdering the president
8 did not feel that he was getting the support from the people, and
9 that he wasn't really in line with their -- with what they
10 wanted, correct?

11 A. It was not a different viewpoint, it was clear the
12 technicality was that he wasn't a viable candidate at that point,
13 and that's when they switched to the other individual.

14 Q. But that also included the fact that he wasn't really getting
15 the support that they expected from the people and other parties.

16 A. No one was getting the support. It was really just who would
17 be a viable candidate, so they picked someone else.

18 Q. The reason why they picked the other individual was because
19 she was going to -- she entered into an agreement with these
20 individuals who killed the president, correct?

21 A. She did.

22 Q. And the second individual actually signed the contract saying
23 that she would grant the immunity to these people who killed the
24 president.

25 A. Immunity, yes.

1 Q. Okay. And the reason why she could grant the immunity is
2 because she's a supreme court justice in Haiti, correct?

3 A. I'm not an expert on Haitian law, but that would be the
4 assumption was more that if she took office.

5 Q. All right. So isn't it true that this person, the supreme
6 court justice, also signed some type of an arrest warrant for
7 President Moise?

8 A. No, it was someone else who signed the arrest warrant.

9 Q. Okay. But it purported to be her signature.

10 A. Correct. There was multiple documents, but I think the one
11 that you're referring to was a different supreme court justice
12 that signed a separate warrant.

13 Q. Okay. Did you ever establish whether it was a supreme court
14 justice who signed the warrant or whether that signature was
15 forged.

16 A. All of that is still unclear.

17 Q. So you cannot testify to this Court whether a supreme court
18 justice signed that warrant for the arrest of President Moise
19 before he was murdered.

20 A. From my recollection of it it was -- someone signed an arrest
21 warrant, but like the body was taken from another so we question
22 the legitimacy of it.

23 Q. This Individual Two who agreed with these conspirators and
24 with people who killed the president agreed to also give them
25 certain contracts in Haiti if she was elected to be the

1 president, correct?

2 A. That's correct.

3 Q. which meant financial support and financial income for
4 different companies, and these people who were trying to overturn
5 the president and essentially kill the president.

6 A. That's correct.

7 Q. And she also told them and signed the documents saying that
8 she would give them contracts, and include in that contract CTU
9 which was owned by, I think, Intriago and Ortiz; am I correct?

10 A. Correct.

11 Q. And worldwide financing which was owned by Veintemilla?

12 A. Yes.

13 Q. And these are all the people who are charged with conspiracy
14 to murder the president.

15 A. They are.

16 Q. Not Mr. Sanon.

17 A. Different charges, yes.

18 Q. Okay. Now, Mr. Sanon is accused of sending vests to Haiti,
19 correct?

20 A. As proffered, the knowledge.

21 Q. And you don't have any evidence to show that he had knowledge
22 that these vests would be used in this murder or conspiracy to
23 murder the president, correct?

24 A. We have evidence that he knew who they were going to. That
25 they were going to the Colombians. That can be inferred from

1 that.

2 Q. You also agree that at that time he thought that the
3 Colombians were there to protect him and to provide security.

4 A. Once again, these were the other vests. So these are the 20,
5 right? So this is the multiple vests. So if he only thought it
6 was the three vests for his security detail, that doesn't jibe
7 with the larger shipment.

8 Q. Well, people also used vests. He would use a vest if he
9 needed it, correct?

10 A. Correct, but we're saying this is for the larger group that
11 you're saying only -- he thought it was only for his security.

12 Q. Again, he had no knowledge of these Colombian men being
13 transported from different countries to Haiti for the purposes of
14 going to kill the president. Would you agree with that?

15 A. You're asking for my opinion or what he ultimately thought
16 these men would do.

17 Q. I'm asking for your investigation and as what you are able to
18 testify to.

19 A. He knew that the additional Colombian forces were coming.

20 Q. Okay. But you cannot testify to this Court that he knew
21 about this conspiracy to kill the president.

22 A. So he knew about the failed June attempt at the airport which
23 is going to be an arrest of the president when he came back that
24 never happened. If you're asking specifically if he was a party
25 to the conversations in late July, I do not have evidence of

1 that.

2 Q. Okay. Now, let's talk about the airport. That was not a
3 conspiracy to murder the president, correct?

4 A. So it was unclear what they thought. They were going to take
5 him somewhere else, so it was not specifically a murder. It
6 involved -- you know, their plan was to at one point administer a
7 drug to the president. It was -- or take him somewhere else and
8 potentially bring him to other authorities. But it was kind of a
9 half-cocked plan to accost him at the airport when he returned
10 from a travel.

11 Q. Can you testify as to what Mr. Sanon knew about that plan to
12 intercept the president and serve him with a warrant when he was
13 coming back from another country.

14 A. Not specifically. I would have to look at the text messages.

15 Q. Wouldn't you agree with me that the plan was changed in the
16 last minute, I think it was Solages who presented this new plan
17 to kill the president sometime in -- a few days before the
18 killing in July.

19 A. So, yes. That's what -- ultimately the last desperation
20 effort was for a kill mission.

21 Q. And that's because Walter Veintemilla's company wouldn't send
22 anymore funds because they didn't see obviously anything
23 happening, and the whole operation seems to be unfruitful,
24 correct?

25 A. Correct. Time was running short.

1 Q. So James Solages and other co-conspirators decided to flip it
2 into let's kill the president.

3 A. Correct.

4 Q. Mr. Sanon was not present at those meetings.

5 A. He was not.

6 Q. And there were some Colombians who, I guess, were interviewed
7 at some point and expressed their concern about changing it to
8 killing the president and were told that if they opened their
9 mouth, they would be killed as well, correct?

10 A. I don't know specifically who you're talking about as far as
11 them being killed, but definitely there were some that expressed
12 some reservations. But ultimately, all went along with it.

13 Q. So this killing of the president happened on July 7th of
14 2021, right?

15 A. That's correct.

16 Q. Mr. Sanon was no longer being supported as of mid-June of
17 2021?

18 A. He was no longer their chosen candidate, correct.

19 Q. Okay. And all the support kind of shifted to this other
20 individual, the supreme court justice.

21 A. Correct. That's who they were planning to swear in.

22 Q. So Mr. Sanon is charged with shipping vests only, correct?

23 A. And the Neutrality Act violation.

24 Q. Okay. I'm talking about the exporting charges, it's only
25 vests?

1 A. Correct.

2 Q. There's no shipping guns?

3 A. The guns were acquired locally.

4 Q. There was no shipping ammunition?

5 A. Acquired locally, correct.

6 Q. There was no shipping grenades?

7 A. Correct.

8 Q. Tear gas or any other type of grenades that the government
9 proffered, and I don't have the actual name, but nothing else
10 that would have been used to kill the president, right?

11 A. Those items were not shipped.

12 Q. Okay. At some point on June 9, 2021, Veintemilla messaged
13 Bergmann and said that Sanon started leaking this info that he
14 aspired to become the president, and Veintemilla was obviously
15 concerned because he didn't want anybody to know and they were
16 scared of the president coming back and arresting people. Do you
17 recall that message?

18 A. It's a message that was proffered about Mr. Sanon still
19 meeting people.

20 Q. Would you agree with me that Veintemilla was unhappy with
21 Sanon openly telling people that he would like to run for
22 president?

23 A. Correct. That was the message that he's meeting with too
24 many people and it posed a risk to the operation.

25 Q. This was June 9th, and shortly after that there was no more

1 support for Mr. Sanon, correct?

2 A. Correct.

3 Q. Mr. Sanon was not a recipient of the text message, I think it
4 was called a white board, a picture from the white board, that
5 one of the co-conspirators took and whatever military equipment
6 they needed, correct?

7 A. Correct.

8 Q. So he had no knowledge what these people were planning or
9 what they needed, whatever was written on that white board.

10 A. He didn't receive that white board text, correct.

11 Q. Okay. Can you tell me what was on that white board?

12 A. I'd have to look at the picture.

13 Q. I may a picture. Would that help?

14 A. Sure.

15 MS. BOZANIC: Judge, may I approach the witness?

16 THE COURT: Yes.

17 BY MS. BOZANIC:

18 Q. Agent, would you take a look at that picture and let me know
19 if that refreshes your recollection?

20 A. It does.

21 Q. Okay. And what was on that white board picture?

22 A. The schematic of the palace, and a break down of different
23 teams that may be positioned at different locations.

24 Q. Would you agree that that was sort of a plan of this
25 assassination?

1 A. So this was kind of unclear because it's the palace, not the
2 home. So it's ultimately kind of unclear what this was.

3 Q. When was that message sent and who was it sent by?

4 A. I don't remember.

5 Q. Okay. Would you say June, July, May?

6 A. I don't remember. I'd really have to look at that time
7 record.

8 Q. Okay. May I approach to get it back?

9 A. Sure.

10 Q. There are no text messages planning to kill the president in
11 which Mr. Sanon is a party?

12 A. Correct.

13 Q. And do you have any evidence -- what evidence can you show
14 that he's a risk of flight? Have you had anyone, any of the
15 agents, tell you that he tried to flee or anything in this case
16 that suggests he may flee?

17 A. No agent said -- described any instance of him attempting to
18 flee.

19 Q. You're aware of the conversations of the president at that
20 time, President Moise, eliminating or arresting people who went
21 against him.

22 MS. CASTRO: Objection, relevance and foundation.

23 THE COURT: I'm sorry. What was the question?

24 MS. CASTRO: I would object to the relevance of the
25 question.

1 THE COURT: I know.

2 MS. BOZANIC: The question was, Judge, whether the agent
3 was aware of President Moise at the time going after people who
4 stood up to him, meaning arresting them or eliminating them.

5 THE COURT: What's the relevance of that?

6 MS. BOZANIC: Judge, the relevance is why my client
7 needed security.

8 THE COURT: Okay. I'll allow it.

9 MS. CASTRO: Your Honor, I also object as to the
10 foundation that the witness -- she's not established he's aware
11 of any of that.

12 THE COURT: Well, she's asking the agent if he's aware
13 of President Moise threatening his political opponents. I guess
14 that's another way of phrasing your question.

15 MS. BOZANIC: Yes, Your Honor.

16 THE WITNESS: I think through the message that we saw in
17 this case, it was that that was the fear, but I have not seen
18 messages from the president.

19 BY MS. BOZANIC:

20 Q. You're aware there were arrests in Haiti back in February
21 that were ordered by President Moise, correct?

22 A. Correct.

23 Q. And those arrests had to do with people who stood up to him
24 or who were in his way?

25 A. His political opposition, yes.

1 Q. So would you agree then that Mr. Sanon asking for security
2 was a reasonable thing to do, having to stand up against a
3 president or run against a president who would arrest or, you
4 know, do something with people who would get in his way?

5 MS. CASTRO: Your Honor, that calls for speculation,
6 Your Honor.

7 THE COURT: Yes. I think the agent has testified to the
8 extent of what he knows, and everything else is inferences and
9 assumptions.

10 MS. BOZANIC: That's fine, Judge. I'll move on.

11 BY MS. BOZANIC:

12 Q. Did Ortiz ever come back and discuss any of this plan with
13 any of the government as a government agent?

14 A. No.

15 Q. So the government had no idea that people were attempting to
16 overthrow President Moise?

17 A. That's correct.

18 Q. Having a confidential informant who worked for the government
19 be one of the main participants.

20 A. That's correct.

21 MS. BOZANIC: I don't have any other questions, Judge.
22 Thank you.

23 THE COURT: Any follow-up?

24 MS. CASTRO: Your Honor, if I may some redirect?

25 THE COURT: Yes.

1 MS. CASTRO: Just one moment Your Honor, I apologize.

2 REDIRECT EXAMINATION

3 BY MS. CASTRO:

4 Q. All right. Hi, Agent Ferlazzo. So there was some discussion
5 during the questioning about this weapons list. Do you recall
6 that line of questioning?

7 A. Yes.

8 Q. Okay. And I think there was -- I think you testified you
9 couldn't recall exactly when the weapons list was circulated; is
10 that right?

11 A. That's correct.

12 Q. Okay.

13 MS. CASTRO: If I may approach the witness with what I
14 intend to offer as an exhibit?

15 THE COURT: Yes.

16 MS. CASTRO: Let me get a copy for the defense. I
17 apologize, Your Honor. That's the photo that is in there. 14.

18 BY MS. CASTRO:

19 Q. All right. Special Agent Ferlazzo, if you could just take a
20 moment to review the document, let me know when you've had an
21 opportunity to do so.

22 A. I have.

23 Q. Okay. Do you recognize those communications?

24 A. I do.

25 Q. Can you just describe what they are?

1 A. Text communications from Dr. Sanon and the list being sent to
2 him from 4-21.

3 Q. Okay. The list being a reference to this weapons list?

4 A. Correct. The list.

5 Q. And just to clarify for the record, that weapons list was
6 sent in April of 2021.

7 A. That's correct.

8 Q. And I understand that the picture's a bit blurry, but if you
9 could look at the weapons list and identify some of the weapons
10 that are referenced in that list sent to Dr. Sanon?

11 A. As described earlier, the M4s, Kalashnikovs, M60 machine
12 guns, ammunition, fragmentation grenades, and -- this is blurry.

13 Q. If that's all you're able to read at the moment, there's no
14 need to belabor it.

15 A. Yeah.

16 Q. You said this was sent in April of 2021, correct?

17 A. That's correct.

18 Q. And in fact, Dr. Sanon was meeting with other members of the
19 conspiracy in April of 2021?

20 A. That's correct.

21 Q. So there was a line of questioning about when he -- exactly
22 the discussion of force being used came about. Do you remember
23 that?

24 A. I do.

25 Q. And I want to be clear because there's force and then there's

1 murder and assassination. Fair?

2 A. That's correct.

3 Q. Okay. So stopping shy of assassination, fair to say that the
4 co-conspirators talked about some element of force causing the
5 president to resign from early on.

6 A. Correct.

7 Q. Okay. Clearly they weren't talking about the president just
8 throwing up his hands and saying "okay, I resign."

9 MS. BOZANIC: Objection, calls for speculation.

10 THE COURT: All right. We don't need the dramatics.

11 MS. CASTRO: I'll rephrase, Your Honor. I apologize.

12 BY MS. CASTRO:

13 Q. For example, one of the things talked about was a public
14 uprising that would cause the president to resign.

15 A. That's correct.

16 Q. And those were early-on discussions.

17 A. That's correct.

18 Q. Same time frame that the co-conspirators are circulating a
19 weapons list that has grenades on it?

20 A. That's correct.

21 Q. Understood. Okay. Now, there was also talk about this
22 supposed arrest warrant for the president. Do you recall that?

23 A. Yes.

24 Q. And that was signed in 2019; is that correct?

25 A. Yes.

1 Q. So years before these individuals started meeting to talk
2 about how to remove President Moise.

3 A. Correct.

4 Q. Okay. And to be clear, to your knowledge does anyone who was
5 a member of this conspiracy have legal authority in Haiti like
6 you have legal authority in the United States to conduct arrests?

7 A. No.

8 Q. This airport operation, was there ever any discussion amongst
9 the co-conspirators that the president would just willingly get
10 on a plane that they were trying to get him on?

11 A. No.

12 Q. But again, to clarify, the difference between force to some
13 degree and assassination, I think your testimony is clear, and
14 you'll let me know if I'm wrong, that the exact timing of when
15 assassination was the definitive answer is somewhat unclear.

16 A. That's correct.

17 Q. Okay. Now, there was also talk about this white board. Is
18 that right?

19 A. Yes.

20 Q. Okay. And I believe we handed you an image of the white
21 board. Do you still have it there?

22 A. No.

23 Q. Okay. I have it right here.

24 And if I may approach the witness, Your Honor.

25 Now, this white board, I think you already testified,

1 involved some sort of an attack on the palace, the presidential
2 palace?

3 A. Correct.

4 Q. And I know that in your cross-examination you mentioned that
5 the exact timing of when this white board was circulated amongst
6 the co-conspirators you couldn't recall right at the moment; is
7 that fair?

8 A. That's correct.

9 Q. Okay. So I'd actually like -- do we have two copies of this
10 so I can show Zeljka? Okay. That's this one. And there's one
11 more. We can just do it with one. That's fine.

12 And if I may approach the witness again, Your Honor.

13 Just again, take a moment to review the exchange and let
14 me know when you've had a chance to get through it.

15 A. I have.

16 Q. Okay. Now, what do you recognize it as?

17 A. The white board image was sent within a what's App chat on
18 April 27th of 2021.

19 Q. Okay. So that's six days after Mr. Sanon is receiving the
20 weapons list from the co-conspirators?

21 A. That's correct.

22 Q. Okay. Now, there was also questioning by the defense on
23 whether Mr. Sanon was aware of this white board; is that right?

24 A. That's correct.

25 Q. And I believe your testimony was you don't have evidence that

1 he received that specific image, fair?

2 A. That's correct.

3 Q. Okay. Now, I want to refer your attention to Mr. Rivera's
4 post-Miranda statements when he was in Haiti. Have you had an
5 opportunity to review those? I apologize, I think I said Rivera.
6 Mr. Sanon's post-Miranda's statements when he was in Haiti. Have
7 you had a chance to review those?

8 A. It's been a while.

9 Q. Okay. Have you seen them before?

10 A. Correct.

11 Q. Okay. Would taking a look at them refresh your recollection
12 on some of the notes?

13 A. Yes.

14 MS. CASTRO: Okay. Do you have an objection to me
15 showing him the notes? I'm trying to point him to a specific
16 part of it. Do you have an objection to that? I just don't want
17 to waste our time. Okay.

18 THE WITNESS: I've reviewed it.

19 MS. CASTRO: I'm sorry.

20 THE WITNESS: No worries.

21 BY MS. CASTRO:

22 Q. Okay. Having reviewed the notes, do you recall some of
23 Mr. Sanon's statements about a plan with respect to the palace?

24 A. I do.

25 Q. And what was that?

1 A. It was for -- in June of '21 for the palace to be surrounded
2 by Mr. Sanon's supporters and so CTU security forces could force
3 the president to resign.

4 Q. Okay. Now, in fairness, in these notes it sounds like
5 Mr. Sanon thought that idea wouldn't work; is that fair?

6 A. That is correct.

7 Q. But nevertheless, fair to say it sounds familiar to what's
8 depicted on this white board?

9 A. It does.

10 Q. Okay.

11 MS. CASTRO: I don't have any further questions, Your
12 Honor.

13 THE COURT: All right.

14 MS. BOZANIC: May I have just a brief redirect, or
15 recross I should say?

16 THE COURT: Of course. Yes.

17 MS. BOZANIC: Thank you.

18 RECCROSS EXAMINATION

19 BY MS. BOZANIC:

20 Q. Agent, on the white board issue of April 21st, you testified
21 that there were some text messages between Mr. Sanon and somebody
22 else. Do you know who that other person is?

23 A. These are between Ortiz and Intriago.

24 Q. The messages are between Ortiz and Intriago?

25 A. That's correct.

1 Q. Okay. So how is Sanon involved in that?

2 A. He's not on this chain.

3 Q. Okay. The government showed you some messages, and I can
4 approach and show them to you, between Buckman and Dr. Sanon. Do
5 you recall that?

6 A. Yes.

7 Q. And who is Buckman?

8 A. Saved in his phone. It's slipping my mind right now. Not
9 Dr. Sanon.

10 Q. Okay. So when this list is sent to Mr. Dr. Sanon by Buckman,
11 Mr. Sanon says "who prepared", correct?

12 A. That's correct.

13 Q. And when this person responds with J3, he says "okay, I
14 understand he needs the tools", correct?

15 A. I'd have to see it for the exact wording.

16 Q. All right. Now, I can approach and refresh your
17 recollection?

18 A. Sure.

19 MS. BOZANIC: Judge, may I approach again?

20 MS. CASTRO: Might be there still. Copy might still be
21 there.

22 THE WITNESS: I think this is Solages.

23 BY MS. BOZANIC:

24 Q. So somebody, you believe it's Solages, is suggesting or
25 sending this photograph of what they need to Mr. Sanon and he

1 questions it, correct?

2 A. He just asked who prepared the list, correct.

3 Q. And he says "okay, I understand he needs the tools for his
4 company", correct?

5 A. I got to see the second page. I don't know if it said "for
6 his company" or what he said. Yeah, he says "his company", but
7 Solages writes back and says "his company", question mark.

8 Q. And then what happens in the conversation?

9 A. Then they call each other or they have a missed call.

10 Q. Okay.

11 A. Looks like "call me back when you can", so J3 did not have a
12 company.

13 Q. The reason why they're sending this to Mr. Sanon is because
14 at that time Mr. Sanon was getting security detail from CTU,
15 correct?

16 A. Correct. And he was still the -- I mean, in this time frame
17 he's still their candidate and they sought him for approval on
18 many things.

19 Q. And Veintemilla is the one who has a credit line that is
20 going under Mr. Sanon's name because he's being provided the
21 security, correct?

22 A. Correct.

23 Q. So he doesn't necessarily question the fact that people may
24 need guns and things like that, because that's something that
25 security detail would have in Haiti, correct?

1 A. Once again, that's coming from J3 who he knows is not part of
2 those companies. He's there on the ground part of the effort.

3 Q. And would you agree with me that that picture is very blurry
4 and you even had problems reading it, correct?

5 A. It is blurry, but you can make it out on a computer when you
6 blow it up.

7 Q. Okay. This was sent in a text message to Mr. Sanon, correct?

8 A. Correct.

9 Q. Do you believe or do you have any evidence to testify today
10 that he could actually make out the words on his phone, on a
11 small phone, of that blurry picture?

12 MS. CASTRO: Calls for speculation, Your Honor.

13 THE COURT: I'm sorry. The blurring is from the
14 printing, right?

15 MS. BOZANIC: It is printed. That was the only copy
16 that was provided by the government. I don't have a clear copy,
17 Your Honor, so I'm inquiring from the agent whether they have a
18 better photo and whether this photo --

19 THE COURT: How is he going to know if it's blurry from
20 the phone if all he's looking at is the printing?

21 MS. BOZANIC: Judge, I'll rephrase.

22 THE COURT: Okay.

23 BY MS. BOZANIC:

24 Q. Were you involved in the search warrant of -- different
25 search warrants, I think there were about a hundred phones that

1 were seized in this operation?

2 A. That's correct. There were multiple phones.

3 Q. Okay. And were you a part of that investigation and, I
4 guess, getting the information from different phones?

5 A. I was in receipt of them all. I was not assigned to the case
6 at the time that they were initially downloaded.

7 Q. Okay. At this time are you able to testify whether that
8 photograph can be seen on the phone in a better version?

9 A. In its original form I'd have to see the image on a device.

10 Q. Do you have any knowledge -- have you seen that image on a
11 device?

12 A. I mean, I know even a picture of it on a phone is even better
13 that I myself have kind of expanded, and that was even a picture
14 of a picture where it's more visible obviously when you can
15 expand it.

16 Q. But have you yourself seen it in a better version than that?

17 A. I've seen it magnified on my own computer and my own phone.

18 MS. BOZANIC: Okay. No further questions, Judge.

19 THE COURT: All right.

20 Now, let me just -- following up on that line of
21 questioning, we're talking about the weapons list, what's been
22 called the weapons list that that was what was sent to him that
23 we've been discussing whether it was blurry or not. Correct?

24 MS. BOZANIC: Yes, Your Honor. It was the white board
25 that somebody took a photograph of.

1 MS. CASTRO: There's the white board and the weapons
2 list. I don't want to create confusion.

3 MS. BOZANIC: I stand corrected, Judge.

4 THE COURT: So your questions go to the weapons list?

5 MS. BOZANIC: Yes, Your Honor.

6 THE COURT: That there is evidence that he did receive
7 it, and your line of questioning was whether it was blurry or
8 not. But there's no dispute that he did receive that weapons
9 list in April 2021.

10 MS. BOZANIC: Judge, which was a different, I would
11 argue -- this is more of an argument, that it's a different
12 weapons list of what was actually sent later on to the
13 Colombians. It had nothing to do with the assassination of the
14 president.

15 THE COURT: But this weapons list that we're talking
16 about, that you claim was blurry, from April 2021, had -- from
17 what the agent has been able to read off the blurry copy had --
18 am I right? I'll tick them off and you tell me. Grenades?

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: Kalashnikovs.

21 THE WITNESS: Yes, Your Honor.

22 THE COURT: What else?

23 THE WITNESS: Machine gun, M4 rifles.

24 THE COURT: M4s and kalashnikovs are different things.

25 THE WITNESS: Correct. One is the America style, the

1 M4.

2 THE COURT: That's what I thought. Okay.

3 THE WITNESS: And the ammunition for both of those
4 weapons, 5.56 versus 7.62 for the Kalashnikovs. And Your Honor,
5 I would be clear that in any version of this document the title
6 of the document is extremely clear and it is not "security
7 forces", it is "fighter for the liberation of Haiti."

8 THE COURT: Okay. That's fine. I just wanted to make
9 sure we had, you know, things defined.

10 And the issue of the white board, that's the one where
11 we're not really sure whether he got it, except that Mr. Sanon
12 acknowledged post-Miranda seeing some plan to surround the palace
13 which, according to the government, is similar to what was on the
14 white board. But we don't have evidence of him receiving a
15 picture of the white board. So we got everything in the little
16 pigeon hole.

17 MS. CASTRO: That's correct.

18 THE COURT: All right. Thank you. All right.
19 Anything else by way of evidence?

20 MS. BOZANIC: No, Your Honor.

21 MS. CASTRO: Not from the government. Thank you, Your
22 Honor.

23 THE COURT: So let me hear from the government, you're
24 proceeding under what and why.

25 MS. CASTRO: Your Honor, we're proceeding only under

1 risk of flight at 18 USC 3142(f)(2)(a). We submit that here in
2 this case this Defendant has a strong incentive to flee and he
3 both -- actually, can we allow Agent Ferlazzo off the stand, Your
4 Honor?

5 THE COURT: Yes. Of course. Sorry about that.

6 MS. CASTRO: Thank you, Your Honor.

7 THE COURT: I thought you liked it there.

8 MS. CASTRO: Thank you, Special Agent Ferlazzo. I
9 apologize, Your Honor.

10 So the government's view here is that this Defendant has
11 strong motive to flee, and also has the means to be able to do
12 it.

13 I want to begin by talking about the Defendant's
14 motivation to flee. So first, this is a Defendant who is 64
15 years old. He is now charged with four felonies on this case. I
16 say "this case", because he is also facing potential charges in
17 Haiti. Indeed, the government brought him into US custody out of
18 Haitian custody, which is to say even an acquittal here does not
19 bring an end to the Defendant's legal woes. The four counts that
20 he's charged with, if they were to be run consecutively, the
21 Defendant could face over 20 years in prison. For someone who is
22 of his age, that could be butting up right against what could be
23 a potential life sentence for this Defendant. It's also notable
24 that the guidelines could potentially score out to a guidelines
25 of life, depending on which guidelines in particular would apply

1 to the Neutrality Act violations.

2 And the agent made some reference to the Neutrality Act
3 violations. Those violations are essentially charging this
4 Defendant with engaging in an expedition to run a coup against a
5 foreign nation. Depending on the guidelines that could apply, he
6 could be subjected to a guideline sentence of up to life, and we
7 would argue that those are the guidelines that apply for that
8 violation. But as I said, he faces a significant term even under
9 the statutory penalties.

10 Now, those penalties, when we combine with it the
11 strength of the government's case, show that this Defendant has a
12 strong incentive to flee.

13 Now, there was some talk by the defense about the
14 reality, which the government acknowledges that the Defendant has
15 not been charged at this stage with a conspiracy to kill and
16 kidnap. Nevertheless, his conduct over the course of this
17 conspiracy clearly included him knowingly assisting the
18 conspiracy and continuing it with discussions of force and
19 weapons abounding. And I say that to speak to his history and
20 characteristics. And we can talk about that a little bit more
21 later. But the strength of the evidence as to what he is charged
22 with is overwhelming.

23 He is charged with illegally and fraudulently exporting
24 vests, ballistic vests which he -- by the way, if he was using
25 them for legitimate security detail, could have transported them

1 through proper channels and labeled them properly. But he
2 clearly mislabeled them and abided by a plan to mislabel them
3 because he was trying to obstruct evidence of his actual crimes
4 or hide them from being revealed.

5 There's text messages showing that he received the
6 shipping forms where his co-defendant lied about what these
7 documents actually were, or what these materials actually were.
8 There is also text messages where he is talking with his
9 co-defendant, Mr. Bergmann, about what the lie is going to be;
10 the fact that they're going to refer to this as medical x-ray
11 vests when he well knew that there were no medical x-ray vests
12 being shipped to Haiti. He admitted that in his post-Miranda
13 statement to the agents. Although he initially lied about
14 knowing about the ballistic vests, he later admitted in his
15 post-Miranda statement that he knew they were going. So when
16 he's texting with Mr. Bergmann about calling them medical x-ray
17 vests, he is captured talking about illegally exporting these
18 vests. There is no question about it in the text messages.

19 In terms of the Neutrality Act charges, the evidence is
20 equally overwhelming. In the government's proffer we talked
21 about the fact that this Defendant again was communicating about
22 the need to acquire weapons, this weapons list that he was
23 received in April, months before the president's assassination,
24 and he continued to participate in this conspiracy for months
25 after receiving the weapons list. After he got that weapons list

1 is when we see this Defendant circulating a, quote, resignation
2 letter that the conspiracy had drafted for President Moise. The
3 notion that in the wake of receiving this weapons list this
4 resignation letter was something that they anticipated achieving
5 through something other than force simply belies any common
6 sense.

7 Now, they also -- the Defendant also circulated his
8 quote, unquote, acceptance speech, or the Freedom Speech as was
9 titled by his co-defendant Mr. Bergmann, where he was, in theory,
10 accepting his new position in Haiti once President Moise had been
11 removed. That comes after this weapons list. And the language
12 that he used in that speech makes clear, again, that this was an
13 expedition, again, it's charged in the Neutrality Act, against a
14 nation because he's talking about violence. And he makes a
15 reference to a verse from the Bible, from the Book of Job where
16 he says "I don't take pleasure in violence, but you reap what you
17 sow."

18 THE COURT: I'm sorry. Someone else drafted this
19 speech, right?

20 MS. CASTRO: Yes, Your Honor. But it was e-mailed to
21 Mr. Sanon and it was drafted -- we submit it was drafted in
22 contemplation --

23 THE COURT: It's not his work product.

24 MS. BOZANIC: He did not draft it, Judge.

25 MS. CASTRO: It was drafted by, as we understand it --

1 let me clarify that one point. It was forwarded by Mr. Bergmann.

2 THE COURT: Right.

3 MS. CASTRO: So to say he specifically wrote every line
4 of it, I don't want to go that far, but I know that Mr. Bergmann
5 sent the speech to Mr. Sanon.

6 THE COURT: Well, so I think the fair inference is --

7 MS. CASTRO: That he drafted it. I just wanted to be
8 clear, Your Honor, I wanted to make sure it was clear. I wanted
9 to be precise.

10 THE COURT: All right.

11 MS. CASTRO: But again, Your Honor, this speech, even
12 setting aside who drafted it, it's talking about a new president
13 coming into power and having done so in the wake of some
14 violence, right? So candidly even if it was contemplating
15 someone else, which I would say is inconsistent with the rest of
16 the evidence, it's still evidence of his involvement in a coup.

17 THE COURT: But let me ask you this: You said you're
18 traveling under risk of flight, right?

19 MS. CASTRO: Yes, Your Honor.

20 THE COURT: So all this stuff is violence, danger to the
21 community. How does that play into risk of flight?

22 MS. CASTRO: I'm offering this, Your Honor, specifically
23 as to the strength of the evidence, because I think this goes to
24 the strength of the evidence of the Neutrality Act violations.

25 THE COURT: All right. You're just bringing it for the

1 strength of the evidence.

2 MS. CASTRO: Yes, Your Honor.

3 THE COURT: Not that you're going under danger.

4 MS. CASTRO: We're not proceeding under danger, Your
5 Honor.

6 THE COURT: Just making sure.

7 MS. CASTRO: Yes, Your Honor.

8 THE COURT: All right.

9 MS. CASTRO: So the point that I'm hoping to make is
10 that the strength of the evidence of the Defendant's involvement
11 in the crimes he's charged with here give him substantial
12 incentive to flee in the event that he were to be released.

13 Now, I also submit that the Defendant has the means to
14 effectuate flight if he chose to take that route. First it's
15 notable that he has significant ties to other countries. He has
16 a history of doing business in other countries, and he has an
17 extensive history of international travel.

18 I want to begin first, clearly it's known that the
19 Defendant was a former Haitian citizen and traveled extensively
20 to Haiti. But in addition to that, the Defendant also traveled
21 in the last 10 years to Venezuela, Mexico, Canada, Panama and he
22 actually lived in the Dominican Republic for three years where he
23 says he obtained his medical schooling. So he clearly has ties
24 to other countries.

25 I also made a reference to a history of doing business

1 --

2 THE COURT: I'm sorry. When you say ties to other
3 countries, you have travel to other countries?

4 MS. CASTRO: Yes, Your Honor.

5 THE COURT: And when did he get his medical degree at
6 the D.R.?

7 MS. CASTRO: I know he resided in the Dominican Republic
8 between 2012 and 2015, that's in the Pretrial Services Report. I
9 assume that during that residency is when he was obtaining his
10 medical schooling.

11 THE COURT: Okay. All right. But you have that medical
12 school back in the 2012 to 2015. Because you said ties to other
13 countries. But all you've shown is travel. You haven't shown
14 that he has businesses anywhere else.

15 MS. CASTRO: I was going to make a reference to
16 businesses, Your Honor. So two of the documents that I passed
17 forward refer to a bankruptcy that the Defendant was a part of,
18 and one of the documents that was filed in connection with that
19 bankruptcy -- and I'll look for it in a moment because I'm
20 realizing I didn't actually hand that specific document to the
21 Court, but I'll be sure to do so.

22 There's a moment in the bankruptcy where the Defendant
23 had to identify businesses that he had an interest in, and one
24 was a business in the Dominican Republic. And so he does have
25 significant ties in particular to the Dominican Republic. And

1 beyond that, yes, has traveled to other countries as recently as
2 2018.

3 THE COURT: So you're saying his bankruptcy disclosure
4 shows a business in the D.R.

5 MS. CASTRO: Yes, Your Honor.

6 THE COURT: Okay. And you've shared that with defense
7 counsel.

8 MS. CASTRO: I have a copy of it here. I sent some of
9 the documents to the defense yesterday. If, Your Honor, I can
10 grab it at the end or I can grab it right now. Whatever is best
11 for the Court.

12 THE COURT: I think it's only fair to show --

13 MS. BOZANIC: Judge, as far as the businesses in the
14 D.R., I did get some documents which are mostly court documents.
15 I don't recall getting a business in D.R. document, but we can
16 review.

17 THE COURT: Sounds like it's one of those bankruptcy
18 forms that people have to fill out. What is the date of the
19 bankruptcy?

20 MS. CASTRO: He filed for bankruptcy in 2013, but there
21 were additional filings in 2014 and I believe that's when the
22 D.R. business was referenced. I'm going to just grab the
23 document.

24 THE COURT: This sounds like co-existing with the timing
25 of the medical. 2012 to 2015, 2013, 2014. I mean, what

1 information do you have about those businesses still existing?

2 MS. CASTRO: I can't claim to know the current status of
3 that business Your Honor. I'm happy to try to get that
4 information if it's useful for the Court's determination.

5 THE COURT: Well, it's not useful but, you know, you're
6 saying -- first you said travel to the D.R. Then you said
7 business in the D.R. Then it's from 2013 to 2014. I'm trying to
8 get that part straight, just like I tried to get the white board
9 part straight.

10 MS. CASTRO: Yes, Your Honor. It's close. It's both
11 travel to the D.R. and there is business in the D.R. Now, I know
12 that the Defendant was involved in this business at least in
13 2013. I would submit the point is that this Defendant has a
14 history of ties to the Dominican Republic.

15 THE COURT: A history as opposed to current ties.

16 MS. CASTRO: I apologize. I wasn't intending to be
17 unclear, Your Honor. I'm trying to find an unmarked copy of it.
18 Okay. So this is one copy of it. I highlighted it. We'll get
19 you an unmarked copy. If Your Honor will forgive the fact that
20 there's one highlight on the document, I can hand up a copy to
21 the Court that I've already shown to the defense that does
22 identify the business in the Dominican Republic.

23 THE COURT: All right. All right. You can hand it
24 back.

25 MS. CASTRO: May I proceed, Your Honor?

1 THE COURT: So you were saying ties to the D.R. and then
2 what did you say about Haiti? He is a US citizen, right?

3 MS. CASTRO: He's a US citizen. I understand to be a
4 dual citizen, Your Honor, also having retained his citizenship in
5 Haiti and, of course, extensive travel to Haiti.

6 Now, I understand -- I'm sure defense will argue that
7 he, you know, has no incentive to flee to Haiti, specifically
8 given his outstanding charges there, which is why I wanted to be
9 sure to reference the Court to the reality that he does have
10 connections to other countries and he has travel to other
11 countries.

12 THE COURT: Okay. All right.

13 MS. CASTRO: I also want to talk about the funding that
14 might be available to this Defendant should he choose to flee
15 from prosecution. We mentioned in the proffer that in his
16 post-Miranda statement the Defendant referenced to law
17 enforcement that he had a property valued at \$1 million that he
18 possessed in Haiti. He then, in his Pretrial Services Report,
19 said that the property he had in Haiti was valued at around
20 several hundred thousand dollars. I say that to say, again, you
21 see a recurring propensity for deception, but to say it just
22 remains unclear what funds are available to this Defendant if
23 he's to be taken at his word when he met with law enforcement in
24 Haiti, he has significant funds available to him if he were to
25 dispose of any property that he possesses in Haiti. And he

1 wouldn't have to travel to reap the benefit of any attempt to
2 dispose of that property.

3 And I think that's relevant in particular when they talk
4 about this bankruptcy proceeding. The documents that I passed up
5 to the Court at the beginning of the proceeding showed that
6 Mr. Sanon, along with his wife, filed for bankruptcy in 2013.
7 When after the bankruptcy resulted in all of the -- all of his
8 debt being discharged, a filing was made by the trustee noting
9 that the Defendant had failed to disclose property in Haiti,
10 something that was discovered by the trustee through documents
11 that showed he was, in fact, attempting to sell that property
12 after having failed to mention it during his bankruptcy and
13 having had his debt discharged. He also failed to identify,
14 according to the filing from the trustee, which the Defendant did
15 not contest this filing. This filing stated that the Defendant
16 failed to disclose the property in Haiti, then tried to sell the
17 property in Haiti, failed to disclose several businesses, at
18 least seven that he had an ownership or equity interest in during
19 the course of the bankruptcy. He later made a filing saying --
20 after the debts had been discharged, he later made a filing
21 saying yes, there are these seven businesses, but as outlined in
22 the filing from the trustee, there's an additional four
23 businesses that the trustee identified that the Defendant never
24 disclosed at all. The trustee ultimately told the Court that
25 this Defendant had obtained the discharge of his debt through

1 fraud, and the Defendant did not contest that and consented to
2 revocation of the discharge of his loans. This shows a history
3 of lying and obfuscating the funds that are available to this
4 Defendant when it serves his interests, and I would submit that
5 it serves his interests here, just as it served his interest to
6 avoid his obligations being held to account as to the debt that
7 was at issue in the bankruptcy. Here, it service his interests
8 because he can hide what might be available to him should he
9 choose to flee from the potential conviction in this case.

10 I also want to note that the evidence that came out in
11 the course of the investigation shows that this Defendant has a
12 particular skill for persuading people to fund his endeavors.
13 Bear in mind that this is a Defendant who had no qualifications
14 to run for the presidency of Haiti and managed to secure \$175,000
15 line of credit from one of his co-conspirators for a presidency,
16 a seat that was already occupied by somebody else and for which
17 he was not even eligible. That's pretty impressive that he was
18 able to get that much money made available to him. He didn't
19 secure it with any property. The point being that should this
20 Defendant need to call upon those powers of persuasion, I submit
21 he could do so again to get assistance from whoever he may need
22 to get assistance in order to facilitate any potential flight
23 from the jurisdiction.

24 And something else that was just seen throughout the
25 course of the case, just the Defendant's propensity for

1 dishonesty. He was dishonest and he lied with respect to the
2 shipment of the ballistic vests; he lied with respect to his
3 qualifications to run for president; he lied when he was
4 interviewed by law enforcement in Haiti, and in that instance in
5 particular to obstruct their investigation; he lied about things
6 about still being involved with the Colombians days before the
7 assassination. He did that because it potentially exposed him to
8 criminal liability, and I submit that those are characteristics
9 that should give this Court no confidence that the Defendant will
10 abide by the orders of this Court, that the Defendant will comply
11 with the terms of conditional lease, the Defendant will report to
12 court as suited.

13 what is shown of his characteristics over the course of
14 this investigation and in these allegations is that he will lie
15 when it serves his self interests, and the lengths to which he
16 will go to obtain his goals is also apparent over the course of
17 this case. This is a Defendant who had political aspirations,
18 and he persisted in participating in a conspiracy with rampant
19 discussion of potential violence, discussions of surrounding the
20 palace, discussion of getting all these weapons, and he did this
21 to achieve his own ends.

22 we also talked about the fact or the way that the
23 Defendant responded when the president was assassinated. He was
24 undeterred. He was still awaiting to, quote, get hired. He was
25 awaiting to assume the presidency. I submit that he would apply

1 that same tenacity to flight because it serves his self interests
2 here just as his self interests were served by his conduct in
3 this investigation.

4 Based on these facts, Your Honor, I don't believe this
5 is a Defendant who can be counted upon to be honest with the
6 Court, who can be counted upon to be accountable when the Court
7 calls him to appear, and who can be counted upon not to flee the
8 jurisdiction.

9 THE COURT: All right. Ms. Bozanic.

10 MS. BOZANIC: Judge, my client does not present a
11 serious risk of flight, which the government has the burden to
12 present here today for pretrial detention. He is not charged
13 with conspiracy to murder the president, and therefore it is the
14 government's burden to present that he is a serious risk of
15 flight. Obviously that's the theory they're traveling under.

16 Mr. Sanon is a US citizen. He is 64 years old. He is a
17 medical doctor, he's also a pastor. His whole family lives here.
18 His two sons and one daughter live here in Florida, and his wife
19 as well. He has been married to his wife for 37 years. She is
20 present today and will co-sign for any bond necessary, as well as
21 his sons and his brothers as well.

22 Judge, let's talk about the charges here. You know the
23 government is talking about this risk of flight, but if you look
24 at his charges, he is charged with conspiracy to export medical
25 vests -- I'm sorry, not medical vests, the vests. And the

1 maximum term of imprisonment on Count 6, 4 and 6, is five years.
2 Count 8 is smuggling goods from the United States, maximum
3 imprisonment is 10 years, and the government superseded recently
4 with this count under 18 USC 960, expedition against friendly
5 nation, which carries a maximum term of imprisonment of three
6 years. And he also has the false or misleading export
7 information which is, again, a five-year count.

8 Judge, I ran his guidelines back before this new charge
9 of a three-year maximum, and he was somewhere at 63 months
10 without acceptance. That means that with acceptance, he would be
11 way lower than that. For the government to present this whole
12 case, and they say that he's a risk of flight based on the
13 charges against him, I think just overstates the situation.
14 Obviously there's a different group of people, they were charged
15 with conspiracy to kill the president of Haiti. There's a reason
16 why my client wasn't charged with that, because he had no idea,
17 and they know very well that sometime in June he wasn't even a
18 candidate for this presidency and he had no knowledge about these
19 people changing the plan into killing the president.

20 This is not a crime of violence with a statutory maximum
21 of over 10 years. There is no imprisonment of life here.
22 There's no controlled substance case with a minimum mandatory,
23 and I think that the government failed to show that my client is
24 a risk of flight.

25 As far as the evidence, Judge, against him, even if he

1 was to plead guilty to the charges against him right now, he
2 would end up serving less than five years. I don't think that's
3 an incentive for a man who is a medical doctor, who is a pastor,
4 whose whole family is here, to flee. He's 64 years old. The
5 government is talking about this sentence could mean life for
6 him. It would not. He is 64 years old. That is not old.

7 The qualifications, the government talked about his
8 ability to lie and that he lied about having qualifications for
9 the president. He never lied. There's no evidence presented
10 that he lied about that. The fact that he was a US citizen and
11 that disqualified him, there's absolutely no agent or no proffer
12 or anybody talking about him lying about that. That was just an
13 issue that came up later on.

14 As far as the bankruptcy, that's what I wanted to talk
15 about. The bankruptcy that the government keeps stressing on to
16 present that somehow he's a risk of flight or his ability to lie,
17 was filed in 2013 by him and his wife. It was a Chapter 7 which
18 is often filed by people to discharge debt. He had a residence
19 in, I think it was Clearwater or Tampa area, Bradenton maybe, and
20 they say that was right after the whole market crash. They
21 sought to discharge that debt and some other credit card debt.
22 In the filing there was an amendment in 2014. The reason -- and
23 the government doesn't have any evidence as to why this became an
24 adversary hearing. When a bankruptcy is filed, usually there's
25 no hearing unless the trustee, this wasn't a judge, a trustee

1 opened up an adversary hearing because one of his business
2 associates had a disagreement with an investor or somebody who
3 alleged that Mr. Sanon owned the property. That was never proven
4 because Mr. Sanon did not own any type of property. He amended,
5 then the trustee started asking about these businesses, the
6 businesses that were amended, and added to the petition were
7 businesses that were either closed or had no assets. As Your
8 Honor knows, many people own businesses. You may have something
9 on SunBiz or whatever is the equivalent in a different country,
10 the business has no assets and is not operating, and that's why
11 it wasn't initially listed. There is no evidence that Mr. Sanon
12 lied on this petition. And for the government to say that he
13 didn't contest it, it was basically worked out without response
14 and they agreed to remove the bankruptcy discharge and that was
15 it. There is no evidence that the government can present that he
16 lied on any type of a bankruptcy issue. And without the
17 government putting on a witness or somebody who had closer
18 knowledge about what happened or some type of a certified
19 document that shows that somebody found him to be lying, I would
20 ask the Court not to consider this because it's completely
21 irrelevant and I think it's not even in context, and the
22 government doesn't really know what happened here.

23 As far as their point that there was a Dominican
24 Republic company listed in the filing, this was in 2013. This
25 Dominican Republic business had no assets, based on my

1 conversations with my client, and was closed one year after. It
2 was supposed to be some type of a business for medical equipment,
3 something related to his occupation. It never really went
4 anywhere and it was closed. That was one of the reasons why it
5 was never even disclosed.

6 As far as the history and ties with D.R., the only
7 history of the ties with the Dominican Republic the government
8 can show to is that 2013, 2014 business. I would also submit
9 that I was provided with a list of Mr. Sanon's travel for the
10 last 10 years from 2012, and I can tell the Court that in his
11 travel document it shows that the last time he flew to Dominican
12 Republic was back on March 16, 2014. That was nine years ago.
13 So for the government to get up here and say that he's a risk of
14 flight because he has ties to the Dominican Republic based on
15 something that happened nine years ago I think is without merit.

16 As far as his travel records, Judge, I do see between
17 2018 -- between 2014, 2018 there's absolutely no travel. 2018
18 there's travel to Haiti mostly. There's also something called an
19 airport with the initials YUL, and I believe that may be Canada.
20 In 2018 he had a few meetings in Canada. He's a businessman.
21 And between 2018 and 2020 he mostly flew to Haiti with the
22 exception of I think, Canadian, two, three trips. So Judge, as
23 far as his ties to other countries, obviously he had businesses.

24 And he is a well-known person, he obviously cannot go
25 back to Haiti at this point. Where is he going to flee. He is a

1 well known person who had aspirations to become the president.
2 Everybody knows him.

3 His guidelines here are not that high. His family is
4 present and willing to put up any type of a bond that the Court
5 requests -- I mean, that the Court imposes if Your Honor would
6 consider it.

7 As far as his skills to persuade people to fund his
8 businesses, I mean, that's a whole different story with 175,000
9 line of credit from walter veintemilla who is now charged with
10 conspiracy to kill the president. This man lent so much money to
11 other people, I think it was like the range of \$700,000, and when
12 the plan changed -- and he was doing it because he wanted to get
13 lucrative contracts with the Haitian government and wanted to
14 place somebody in the position of being a president or being able
15 to approve his contracts. It was for his own personal gain.

16 So, Judge, again, what I would ask the Court to do is
17 allow Mr. Sanon to post a bond. I think there are reasonable
18 conditions this Court can impose to make sure that he will come
19 back to court and will not flee. I don't think that the
20 government has presented their burden of him being a serious risk
21 of flight. The agent testified that he's not aware of him trying
22 to flee at the time he was arrested in Haiti. There is
23 absolutely no evidence presented that he tried to flee. He spent
24 between 2021 and 2023, almost two years, in a Haitian jail. The
25 conditions were obviously not as nice as in the United States

1 jail.

2 He has medical issues right now. His blood pressure is
3 over 200 right now. The food in FDC, we all know what it is, and
4 it's affecting him seriously.

5 His son is here. His name is also Christian Sanon the
6 II.

7 His father passed away last Monday, his name was
8 Christian Sanon as well. His funeral services are this Saturday
9 in Brooklyn New York.

10 The reason why we're coming back to court at this time
11 to ask for a bond, we've been waiting, we've been waiting to see
12 if there's any other evidence of Mr. Sanon somehow being drawn
13 into this whole conspiracy. I have personally been waiting to
14 see if there's any evidence that he had anything to do with this
15 conspiracy to murder the president, and it is clear to me from
16 the discovery and from whatever is presented here today that he
17 had nothing to do with that. Yes, he had some aspirations to
18 become the president, and this blew out of proportion. But he
19 withdrew from whatever discussions he had with these people way
20 before. They already found another candidate, they were going
21 after that other candidate some time in mid-June. The killing of
22 the president happened July 7th. Regardless, Judge, he's not
23 charged with any of that.

24 So he wasn't able to see his father because he passed
25 away. He's been asking me about the bond. We talked about it.

1 His father suddenly passed away. We thought he was getting
2 better. Would he like to go and pay his respects to his father
3 in Brooklyn.

4 His family 100% believes in him. No one has any fear of
5 him being a risk of flight. I will note that Bergmann, who is
6 also a co-defendant, the only co-defendant in this indictment
7 that was allowed bond by Judge Louis, and he's the only other
8 person aside from Mr. Sanon who has basically the same charges of
9 Mr. Sanon. Nothing to do with the killing of the president. In
10 his case, I believe that the bond was 1.5 personal surety bond --
11 and the government can correct me if I'm wrong, but that's what I
12 read from the transcript -- co-signed by his wife. Judge, and I
13 don't know if they -- I think they posted -- maybe posted a
14 collateral property.

15 In this case, Judge, I have Mr. Sanon's brother, Jean
16 Sanon, who owns a property in Greenacres property free and clear.
17 The property is worth about \$400,000. I can tell you that Zillow
18 showed me 382,000 but, you know, whether Zillow is correct or
19 not, the family believes it's over 400. He is a mortgage broker.
20 Has been a mortgage broker for many, many years, I think 20
21 years. He bought the property about 10 years ago for 60 or
22 \$70,000, something less than \$100,000. The property is paid off.
23 He's willing to put that as collateral.

24 whether it's through just a collateral for the bond or
25 through a corporate surety bond if the Court feels that the

1 corporate surety bond is necessary, obviously we would prefer
2 some type of a 10% bond so that they could get the money back,
3 but if the Court and the government feel more safe with a
4 corporate surety bond, they're also prepared to do that.

5 His son, Christian Sanon the II, is a therapist. He
6 owns his own therapy business. He deals with children that are
7 on the spectrum and have issues.

8 I can also note that Mr. Sanon's daughter is autistic
9 and he used to help his wife take care of his daughter. She has
10 some recent issues with Baker Acting, and it just affected the
11 whole family with him not being there.

12 So to go back to his son Christian Sanon the II, he's
13 present here with his wife. He is able, first of all, to put up
14 his property as collateral. His property is worth about \$292,000
15 and the mortgage on it is about \$150,000. He owns it with his
16 wife Tiffany Sanon. She's also present, she also works in his
17 business. And he also has money to put up for 500,000 10% bond
18 which would be \$50,000. He's prepared to do that today. I
19 looked over his bank statements and I do see it all comes from
20 his business. I looked through his taxes. His company makes
21 money. He's willing to do that for his father, as well as
22 collateralize and agree not to encumber the property he lives in
23 with his wife.

24 In addition to that, the wife is present, she can also
25 sign a personal surety bond for any amount that this Court sets,

1 whether it's a million, million and a half, more or less.
2 Everybody here in the family is willing to co-sign any type of a
3 personal surety bond that the Court requires.

4 So Judge, we have the family, we have the assets
5 probably with equity of about -- I want to say \$400,000, maybe a
6 little more than \$400,000 that can be put up as collateral. We
7 have about \$50,000 that can be either a part of a 10% 500,000
8 bond, or perhaps a 250 corporate surety bond where they would put
9 15% with a bondsman. And any type of a personal surety bond. I
10 think that's more than enough to ensure that Mr. Sanon would
11 return to court. His whole family would be putting themselves
12 out there.

13 As far as there was some mention of the properties that
14 are owned. Mr. Sanon's dad, who just passed away, his name is
15 also Christian Sanon. So sometimes when -- I think there was
16 mention in the Pretrial Services Report, and I spoke to my client
17 before today's hearing, and he told me that was actually owned by
18 his father. But obviously he's the oldest of the sons, and he's
19 next in line and he often talks about the fact that whatever his
20 father owns that he owns as well. That is not in his name. But
21 the father just passed away, so I'm not even sure how that would
22 play out.

23 So as far as him having properties in Haiti or assets
24 anywhere else, he does not have any assets, any significant money
25 where he could actually just flee and sell anything immediately

1 and provide for himself for the rest of his life to be in hiding.
2 I don't think that's the goal of Mr. Sanon. I don't think he
3 would put his family into that danger, into a financial hole. If
4 we're talking about millions of dollars of the family putting up,
5 I don't think Mr. Sanon is going to flee considering that he's
6 charged with conspiracy against the government, a five-year max,
7 there's a 10-year max, and his guidelines are less than five
8 years.

9 Mr. Sanon has been waiting patiently. I really would
10 love to have him be able to go to his dad's funeral. That's
11 another reason.

12 But aside from that, Judge, you know, we've been here
13 for since February I think, and he's been in custody, and I think
14 at this point it is clear that Mr. Sanon does not present a risk
15 of flight. Obviously the government is not traveling under the
16 danger.

17 And for those reasons, Judge, if you would like to hear
18 from any of the family members -- I do have the addresses of the
19 collaterals they would be willing to put up, and they're willing
20 to sign anything that the Court requires. And I do have the
21 statements of about 50,000. If the Court wanted more, I think
22 the uncle is willing to chip in. He's a mortgage broker, and
23 everybody can help.

24 THE COURT: All right. Anything else from the
25 government?

1 MS. CASTRO: Your Honor, I do just want to clarify a
2 couple of points about the property.

3 With respect to the property that the Defendant owns in
4 Haiti, I was taking that directly from the Pretrial Services
5 Report and the Defendant's own words. So he told Pretrial
6 Services that he purchased 2.5 acres of land in Haiti in 2019, he
7 says it's worth 30,000. He also told them that he owns a home in
8 Jacmel valued at 120,000, which he said he purchased in 2015.
9 Again, when he was speaking to law enforcement in Haiti, he told
10 them that he also owned a property valued at \$1 million.

11 I don't want to belabor the point also on the
12 bankruptcy, but the notation from the trustee, the filing there
13 says -- and this is in the papers I gave to the Court at
14 Paragraph 15 after discharge -- it was discovered by the trustee
15 they received information that the debtors, that's Christian
16 Sanon and his wife, owned interests in undisclosed businesses,
17 and also this property in Haiti which they were attempting to
18 sell, and the trustee says that he actually received a copy of an
19 agreement with a date which stated debtors agreed to transfer the
20 land in Haiti. So I say that to say, you know, this suggestion
21 that there's just nothing to back up that this property was
22 hidden, I disagree with that. This document clearly states that
23 they were trying to sell this property after the discharge of
24 their debts through the bankruptcy. It specifically alleges that
25 the Defendant got his debts discharged through fraud and again,

1 he did not contest that. He filed something with the Court
2 saying I do not contest the allegations that are in that
3 complaint. I submit that that's an admission, Your Honor, that
4 they were never entitled to the discharge that they sought to
5 obtain, and I do think it speaks to a tendency to hide the funds
6 actually available to him.

7 And all this confusion about what property he does or
8 does not own or purchased in Haiti speaks to the very same point.
9 There's just lack of clarity here, and I submit that the
10 Defendant is playing a role in preventing there from being
11 complete clarity.

12 There was a reference to Mr. Bergmann and the suggestion
13 that Mr. Sanon should be treated from Mr. Bergmann. I will say
14 that there's a significant difference which is the Defendant,
15 unlike Mr. Bergmann, is shown receiving these weapons lists as
16 part of a conspiracy that he's a part of. I don't say that for
17 dangerousness, I say that for the strength of the evidence of the
18 charges that he was engaging in a coup that involved an
19 expedition against a nation, involved soldiers against a nation.
20 So the evidence that Mr. Sanon was made aware of the Defendant's
21 trying to acquire all of these weapons, we don't have that same
22 document going to Mr. Bergmann. That makes him a little
23 differently situated.

24 I also want to just make clear that unlike what defense
25 counsel said, there is no evidence that this Defendant withdrew

1 from the conspiracy. She used the term "withdrew from the
2 conspiracy." There is no instance where we've seen him say "I am
3 out." To the contrary, three days before the assassination he is
4 authorizing \$3,000 to go to the funding of the food and the needs
5 of the Colombian nationals that carried out the assassination.
6 Whether he knew every detail, he had certainly not withdrawn from
7 the conspiracy, and there is nothing to suggest that he had.

8 THE COURT: All right.

9 MS. CASTRO: That's all I have at this time, Your Honor.

10 THE COURT: All right. Thank you. All right.

11 Everybody has a had their piece?

12 MS. BOZANIC: Yes, Your Honor. I have the family if
13 Your Honor would like to hear from any of them. They're all
14 sitting in the back.

15 THE COURT: Thank you. I acknowledge the presence of
16 the family and appreciate your attendance at this hearing.

17 All right. Okay. So as I've listened, I have kind of
18 made myself a little list of what the Defendant is actually
19 charged with, and Counts 4 and 5 relate to what the agent called
20 the Neutrality Act conspiracy, to violate it, and -- violation,
21 and that involves attempt to affect a friendly country with a
22 military expedition, something along those lines. I don't need
23 to repeat the language, but basically the language involves
24 military expedition. Then the other three charges, Counts 6, 8
25 and 9 relate to the ballistic vests. And it's conspiracy to

1 export them, smuggling them in false, and this basically all
2 stems from trying to have those go to Haiti as x-ray protection
3 vests. So those are the counts.

4 I specifically asked the government, because the
5 government seemed to be making much emphasis about the violence
6 and the violence of the violation of the Neutrality Act. The
7 government is not traveling under, you know, risk of violence,
8 danger to the community, the government is traveling under risk
9 of flight. So I understand Ms. Castro saying this was to, you
10 know, make sure that the Court was aware of the strength of the
11 evidence, but basically for purposes of the detention hearing,
12 because the government is traveling under risk of flight, then
13 what we need to look at is has the government established, by a
14 preponderance of the evidence, that the Defendant cannot be
15 relied upon to appear in court as required. So that's the
16 standard that needs to be applied, and of course we look at the
17 strength of the evidence, but we don't as -- in the danger to the
18 community we don't look at the Defendant's prior history or
19 anything like that, which we don't have.

20 So the government seems to be relying heavily, also
21 aside from the strength of the evidence, on the connections with
22 the D.R. And I specifically asked a lot of questions about that
23 because the bankruptcy, the travel to the D.R., this supposed
24 property that got the bankruptcy discharge reversed and all that,
25 all that is approximately 10 years old. That goes back to that

1 time. There is no evidence, and I asked specifically of current
2 business interests in the D.R.

3 And then the other travel which defense counsel pointed
4 out was to Haiti and Canada, and the defense counsel is making
5 the point that the Defendant, my words, would be crazy to go back
6 to Haiti because there's charges against him there and he just
7 spent two years in jail in Haiti. So that's as far as the travel
8 and the ties to other countries.

9 The government is emphasizing this business of
10 propensity for dishonesty as being indicative of Defendant's
11 inability to comply with bond conditions or to appear in court.
12 Honestly, I have not, in my experience, considered that for risk
13 of flight. I've looked at ties to the community, I've looked at,
14 you know, the ability to flee and so on. The government seems to
15 be making -- aside from this propensity for dishonesty that the
16 government claims, I think the government seems to be alluding
17 that there may be some hidden assets that the Defendant is not
18 disclosing that would be available to him for flight. But I
19 think that the concept of him fleeing to Haiti is sort of a
20 nonstarter. I don't know where else he would want to flee.

21 I note that there is family ties, there's family here.
22 There's a wife. There are grown children.

23 Let me ask, are there grandchildren also?

24 MS. BOZANIC: Yes, Your Honor. There are two.

25 THE COURT: Okay. All right. So there's three

1 generations of family here. So I think it's very
2 well-established that the Defendant, being a US citizen, does
3 have ties to the community.

4 So having considered all of these conditions and all of
5 these factors, and the fact that the charges are not related
6 other than this military expedition concept for the violation of
7 the Neutrality Act, but because the government is not going on
8 violence, that kind of neutralizes that concept which I thought
9 the government was going on, but they've assured me that they're
10 not.

11 So in any event, I do find that there's a set of
12 conditions that I can fashion to ensure that the Defendant will
13 appear in court as required, including the financial conditions
14 that have been proffered.

15 I will require the \$500,000 10% bond, with the son and
16 the brother and the son's wife and the brother's wife -- I think
17 they're also on that property -- to be co-signers. So all of
18 those would be co-signers. If the government wants I would allow
19 a Nebbia requirement to be imposed on that.

20 I would also impose the personal surety bond, and that
21 personal surety bond would be for \$1 million. And I would have
22 as co-signers the Defendant's wife, the Defendant's -- let's see,
23 he has two sons? Did I get that right?

24 MS. BOZANIC: Yes, Your Honor. He does have two sons.
25 One is Christian, one is Christoforus. And I think Christoforus

1 is downstairs taking care of the sister who is autistic. She
2 couldn't come in, she didn't have an ID.

3 THE COURT: Okay. The two brothers, I mean the
4 brothers, the son willing to co-sign?

5 MS. BOZANIC: Yes, Your Honor. Do you require both of
6 them to co-sign?

7 THE COURT: Yes. Both brothers co-sign.

8 Does the other brother have any property?

9 MS. BOZANIC: No, Your Honor.

10 THE COURT: Okay. So all right. So both brothers
11 co-sign, not the daughter that you said has issues, so we won't
12 go there. And the wife obviously. I will also require the
13 brother to co-sign the personal surety bond.

14 MS. BOZANIC: Jean Sanon.

15 THE COURT: The brother.

16 MS. BOZANIC: Mr. Sanon's brother, Jean Sanon.

17 THE COURT: Yes. I am sorry. I am giving you my
18 sympathy on the passing of your brother, but I will not allow
19 travel. Okay.

20 MS. BOZANIC: Judge, since the funeral is on Friday, and
21 I know that Your Honor mentioned that you would put a Nebbia if
22 the government required it, I can proffer to the Court, and I do
23 have Christian Sanon, he is really the one who would be putting
24 up the 50,000. I do have his bank statement and his tax, and if
25 the Court has any questions --

1 THE COURT: Well, let's see if the government would want
2 Nebbia or not.

3 MS. CASTRO: Your Honor, at this stage the government
4 was actually intending to request a stay so that we can consider
5 whether we would file an appeal.

6 THE COURT: That's fine. But if it gets upheld, I'm
7 giving you that option.

8 MS. CASTRO: Yes, Your Honor. If it's upheld we would
9 reserve the right to have a Nebbia hearing.

10 THE COURT: That's fine. All right.

11 MS. BOZANIC: Judge, so how long is the stay? How long
12 is Your Honor, considering there's a funeral.

13 THE COURT: I know, but I said I was not allowing him to
14 travel, so that doesn't --

15 MS. CASTRO: He won't be able to go anyway. I'm so
16 sorry, Your Honor. Listen to the Judge, not me.

17 THE COURT: I'm sorry. I guess you didn't hear me.
18 I've said it three times now, and I looked at Mr. Sanon and I
19 told him he has my sympathy on the passing of his father, but I
20 am not allowing the travel. So travel is irrelevant.

21 MS. BOZANIC: Okay, Judge.

22 THE COURT: So the stay is for -- let's see. It used to
23 be one way and now it's another way.

24 MS. CASTRO: Your Honor, I am so sorry to cut you off.

25 THE COURT: It goes to the duty judge.

1 MS. CASTRO: I think it would go to the judge who is
2 assigned to the case, in this case Judge Martinez.

3 THE COURT: Okay.

4 MS. CASTRO: It's my understanding that it's generally a
5 three-day period. That being said, we just want an opportunity
6 to consult, and we promise to make a decision as quickly as
7 possible. We don't wish to belabor the point.

8 THE COURT: All right. So the stay, how soon can you
9 decide if you're going to appeal?

10 MS. CASTRO: By Friday, Your Honor.

11 THE COURT: By Friday.

12 MS. CASTRO: Yes, Your Honor.

13 THE COURT: All right. So it's stayed until Friday.

14 MS. CASTRO: Thank you, Your Honor.

15 THE COURT: If it's appealed, then of course until
16 decision. If it's not appealed, then it's lifted on Friday.

17 MS. BOZANIC: Thank you, Your Honor.

18 THE COURT: Is that clear?

19 MS. BOZANIC: Yes, Your Honor.

20 THE COURT: All right. I will require house arrest with
21 him being able to leave the house only for purposes of medical
22 needs, court appearances, attorney visits, religious worship.
23 And is he employed? Is he looking to work?

24 MS. BOZANIC: Judge, he is not employed now, but being
25 that he's a doctor, he may want to work.

1 THE COURT: So that would be as decided by probation.

2 MS. BOZANIC: So he can go out for work purposes.

3 THE COURT: So the work schedule would need to be worked
4 out with probation.

5 PROBATION OFFICER: Good morning, Your Honor. Sherika
6 Prospere with US Probation. That will be fine. Once he gets
7 employment, we can just verify it and --

8 THE COURT: Right. Once he gets employment, then the
9 work schedule would be worked out with probation. All right?

10 MS. BOZANIC: Yes, Your Honor.

11 THE COURT: And he is CJA, so the monitoring at the
12 discretion of probation to be paid for by probation.

13 All right. He's to surrender any travel documents. I
14 will require that his wife also surrender her travel.

15 MS. BOZANIC: Judge, I was informed that he does not
16 have any travel documents. I believe that the agents, at the
17 time of the arrests, took whatever documents were there, and I
18 would ask the government to confirm, but he does not have any
19 travel documents.

20 THE COURT: I will require the wife.

21 MS. BOZANIC: I'm sorry, the wife's travel documents?

22 THE COURT: Yes.

23 MS. BOZANIC: Okay.

24 THE COURT: Report to Pretrial Services as directed.
25 Seek employment as we discussed.

1 No contact with victims, witnesses or co-defendants
2 other than through counsel.

3 The properties will need to make a record of the
4 properties, that they may not be encumbered, which are the son's
5 and the brother's.

6 MS. BOZANIC: Yes, Your Honor. Would you like me to
7 read the address into the record?

8 THE COURT: Yes.

9 MS. BOZANIC: All right. So the son's property, and
10 this is Christian Sanon, I'm sorry, the Second, 6419 64th Way,
11 West Palm Beach, Florida, 33409.

12 And the property of the brother, Jean Sanon, is located
13 at 413 Perry Avenue, that's 413, P E R R Y, Avenue, city is
14 Greenacres, Florida, and the zip code is 33463.

15 THE COURT: will also make it a requirement, given this
16 lack of clarity from the government's point of view as to whether
17 there's other property in Haiti, that none of the property, if it
18 exists in Haiti, be disposed of or encumbered in any way.

19 MS. BOZANIC: Yes, Your Honor.

20 THE COURT: And to do so would be a violation of the
21 bond.

22 May not visit any transportation establishment.

23 I already said the home confinement.

24 And may not leave the Southern District of Florida. And
25 again, I'm sorry for your loss, sir.

1 Anything else? And it's stayed until?

2 MS. CASTRO: Friday Your Honor.

3 THE COURT: Could we make it Friday noon? Just in case.

4 MS. CASTRO: Yes.

5 THE COURT: If you don't appeal, he can go home for the
6 weekend?

7 MS. CASTRO: Of course Your Honor.

8 THE COURT: All right. That's how we'll do it.

9 MS. BOZANIC: Yes, Your Honor. And Judge, as far as the
10 Nebbia order, if we do stipulate can we send it to Your Honor?

11 THE COURT: For Nebbia, if you both sign off on it, I
12 don't need to have a hearing. So you may want to, in an
13 abundance of caution, do the Nebbia. I'm sure the government
14 doesn't want to sign it because that means they agree. But they
15 have it and if they don't appeal, then they can sign it. But you
16 can review it and decide if it's good enough.

17 MS. CASTRO: Yeah. Of course. Yes.

18 THE COURT: So everything will be kind of frozen until
19 Friday at noon.

20 MS. BOZANIC: Thank you, Your Honor.

21 Could I just ask the Marshals to hold my client so I
22 could have him sign two pieces of paper?

23 THE COURT: Right.

24 Let me just say this, I will be out of town Thursday and
25 Friday. Judge Damien will be covering for me. If bond papers

1 need to be signed, I can sign them ahead of time and if the
2 government doesn't appeal, then they're good enough to go. If
3 they appeal, then they just sit. I just don't want to create
4 work for Judge Damien.

5 MS. BOZANIC: Yes, Your Honor.

6 THE COURT: Let's see what the government says.

7 MS. CASTRO: I'm so sorry, Your Honor.

8 MS. BOZANIC: Judge, may I approach just to get the --

9 MS. CASTRO: I apologize, Your Honor. We were just
10 discussing, we may reserve the right, if we end up not appealing,
11 to maybe fashion a different bond that we may want the Court to
12 consider. I don't have that right now because our position has
13 been that we would object to his release. So I would just say no
14 objection to the Court, you know, pre-filling out the paperwork
15 of course, but I just wanted to make clear that the government
16 may, if we choose not to appeal, propose some other
17 considerations in terms of to what the final bond should be.

18 THE COURT: Right. But then I think since you have
19 until 12 noon to appeal, I think maybe that would need to wait so
20 he would be let out on the bond, and then you can ask for it to
21 be changed and I'll be happy to address it next week when I'm
22 back.

23 MS. CASTRO: Understood. Thank you, Your Honor.

24 THE COURT: I'm just trying not to burden Judge Damien.

25 MS. CASTRO: Understood.

1 THE COURT: All right. All right. So we're good?
2 Let's take a 10 minute -- wait. Probation needs to speak.

3 PROBATION OFFICER: Sorry, Your Honor. Just a few
4 things. The victim list just so we can advise the government, if
5 she can provide the list to us for --

6 THE COURT: Let me see, I kind of added that. Does the
7 government have any victim list issue? If not, I can just say
8 co-defendants.

9 MS. CASTRO: I mean, we do have victims in this case,
10 Your Honor. I can certainly provide the list to Pretrial
11 Services.

12 THE COURT: The other bond, did it have that
13 requirement? The one for the other co-defendant?

14 MS. CASTRO: Your Honor, I'm struggling to recall. My
15 belief is yes.

16 THE COURT: You did have a victim's list.

17 MS. CASTRO: We do have a victim's list, and I can
18 provide it to probation.

19 THE COURT: We're good to go.

20 PROBATION OFFICER: Thank you, Your Honor.

21 Also regarding the home confinement and the location
22 monitoring, would the technology be determined by Pretrial
23 Services?

24 THE COURT: Yes. That's what I said.

25 PROBATION OFFICER: Okay. And also, will the Defendant

1 be residing on the address listed in the Pretrial Services
2 Report? I think it's 5040 Rose Hill Road, Apartment 203.

3 MS. BOZANIC: Yes, Your Honor.

4 PROBATION OFFICER: Thank you.

5 THE COURT: Anything else?

6 PROBATION OFFICER: No, Your Honor.

7 THE COURT: All right. We're going to take a 10 minute
8 break.

9 MS. BOZANIC: Thank you, Your Honor.

10 MS. CASTRO: Thank you, Your Honor.

11 COURTROOM DEPUTY: All rise. Court's in recess.

12 (PROCEEDINGS CONCLUDED)

13 * * * * *

14 C E R T I F I C A T E

15 I certify that the foregoing is a correct transcript from the
16 digital audio recording of proceedings in the above-entitled
matter.

17 9-15-2023
18 Date

/s/ Dawn M. Savino, R.P.R., C.R.R.
DAWN M. SAVINO, R.P.R., C.R.R.

19
20
21
22
23
24
25

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

I N D E X

WITNESSES

ALL WITNESSES:	PAGE:
For Government:	
Mike Ferlazzo:	
Cross-Examination by Ms. Bozanic	24:16
Redirect Examination by Ms. Castro	43:2
Recross-Examination by Ms. Bozanic	49:18

EXHIBITS

None