

U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00670-DLC-1

Case title: USA v. Clarke Bethancourt
Magistrate judge case number: 1:13-mj-00683-UA

Date Filed: 08/29/2013
Date Terminated: 12/09/2015

Assigned to: Judge Denise L. Cote

Defendant (1)

Tomas Alberto Clarke Bethancourt
TERMINATED: 12/09/2015
also known as
Sealed Defendant 1
TERMINATED: 12/09/2015

represented by **Henry Philip Bell**
Henry P. Bell, P.A.
6301 Sunset Drive, Suite 203
Maimi, FL 33143
(305)-665-8625
Fax: (305)-665-8624
Email: hbell@bellpalaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:371.F CONSPIRACY TO DEFRAUD
THE UNITED STATES
(1)

15:78D.F VIOLATION OF FOREIGN
CORRUPT PRACTICES ACT
(2)

18:1952-7400.F RACKETEERING -
TRANSPORTING IN AID OF
(VIOLATION OF TRAVEL ACT)
(3)

18:1956-4999.F MONEY
LAUNDERING - FRAUD, OTHER
(4)

18:371.F CONSPIRACY TO
OBSTRUCT JUSTICE
(5)

Disposition

Imprisonment: 24 months on each count,
to run concurrently. Supervised Release:
3 years on each count, to run
concurrently.

Imprisonment: 24 months on each count,
to run concurrently. Supervised Release:
3 years on each count, to run
concurrently.

Imprisonment: 24 months on each count,
to run concurrently. Supervised Release:
3 years on each count, to run
concurrently.

Imprisonment: 24 months on each count,
to run concurrently. Supervised Release:
3 years on each count, to run
concurrently.

Imprisonment: 24 months on each count,
to run concurrently. Supervised Release:
3 years on each count, to run
concurrently.

18:371.F CONSPIRACY TO VIOLATE
THE FOREIGN CORRUPT
PRACTICES ACT
(6)

Imprisonment: 24 months on each count,
to run concurrently. Supervised Release:
3 years on each count, to run
concurrently.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:371:CONSPIRACY TO VIOLATE
THE FOREIGN CORRUPT PRACTICE
ACT; , 15:78:VIOLATION OF THE
FOREIGN CORRUPT PRACTICES
ACT;, 18:1952:VIOLATION OF THE
TRAVEL ACT;, 18:1956:MONEY
LAUNDERING.

Disposition

Plaintiff

USA

represented by **Kevin R. Gingras**
United States Department of Justice
1400 New York Ave., Nw
Washington, DC 20530
(202)-305-7983
Email: kevin.gingras@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harry A. Chernoff
U.S. Attorney's Office, SDNY (St
Andrew's)
One St. Andrew's Plaza
New York, NY 10007
212 637 2200
Fax: 212 637 2390
Email: Harry.Chernoff@usdoj.gov
ATTORNEY TO BE NOTICED

Jason Harris Cowley
U.S. Attorney's Office, SDNY

One St. Andrew's Plaza
 New York, NY 10007
 (212) 637-2479
 Fax: (212) 637-0421
 Email: jason.cowley@usdoj.gov
ATTORNEY TO BE NOTICED

Maria Gonzalez Calvet
 Department of Justice
 1400 New York Avenue Nw
 Washington, DC 20005
 (202)-307-3972
 Email: maria.gonzalez.calvet@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/12/2013		Oral Order to Seal Case as to Sealed Defendant 1. (Signed by Magistrate Judge Ronald L. Ellis on 3/12/2013)(gq) [1:13-mj-00683-UA] (Entered: 05/08/2013)
03/12/2013	1	SEALED COMPLAINT as to Tomas Alberto Clarke Bethancourt (1), Jose Alejandro Hurtado (2), Maria De Los Angeles Gonzalez De Hernandez (3) in violation of 18 U.S.C. 2, 371, 1952(a)(3)(A), 1956(a)(2)(A), 15 U.S.C. 78dd-2. (Signed by Magistrate Judge Ronald L. Ellis) (gq) [1:13-mj-00683-UA] (Entered: 05/08/2013)
05/03/2013		Arrest of Tomas Alberto Clarke Bethancourt in the United States District Court - Southern District of Florida (Miami). (gq) [1:13-mj-00683-UA] (Entered: 05/23/2013)
05/06/2013	5	ENDORSED LETTER as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez addressed to The Honorable Gabriel W. Gorenstein from AUSA's Harry A. Chernoff and Jason H. Cowley dated 5/6/2013 re: who writes to request that the above-referenced sealed Complaint be unsealed. The three defts charged by this complaint were arrested on the evening of May 3, 2013 in the Southern District of Florida and will be presented there today...SO ORDERED. Order to Unseal Case as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez. (Signed by Magistrate Judge Gabriel W. Gorenstein on 5/6/2013)(gq) [1:13-mj-00683-UA] (Entered: 05/08/2013)
05/23/2013	8	Rule 5(c)(3) Documents Received as to Tomas Alberto Clarke Bethancourt from the United States District Court - Southern District of Florida (Miami). (gq) [1:13-mj-00683-UA] (Entered: 05/23/2013)
06/03/2013	17	AFFIRMATION of Harry Chernoff by USA as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez in Support re: 16 Order to Continue - Interest of Justice,. (vb) [1:13-mj-00683-UA] (Entered: 06/06/2013)
06/03/2013	16	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De

		Hernandez. Time excluded from 6/3/13 until 7/3/13. (Signed by Magistrate Judge Michael H. Dolinger on 6/3/13)(vb) [1:13-mj-00683-UA] (Entered: 06/06/2013)
06/06/2013	15	NOTICE OF ATTORNEY APPEARANCE Maria Gonzalez Calvet appearing for USA. (gq) [1:13-mj-00683-UA] (Entered: 06/06/2013)
06/17/2013	24	MOTION for Henry Bell to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Tomas Alberto Clarke Bethancourt. (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/17/2013	25	MOTION for John Priovolos to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Tomas Alberto Clarke Bethancourt. (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/21/2013		ORDER denying 24 Motion for Henry Bell to Appear Pro Hac Vice as to Tomas Alberto Clarke Bethancourt (1). Application Denied, without prejudice, for failing to comply with Local Civil Rule 1.3(c). The applicant failed to provide a certificate of good standing issued by the State before whose courts he is admitted to practice. SO ORDERED. (Signed by Magistrate Judge Kevin Nathaniel Fox on 6/21/13) (jbo)[1:13-mj-00683-UA] (Entered: 07/01/2013)
06/21/2013		ORDER denying 25 Motion for John Priovolos to Appear Pro Hac Vice as to Tomas Alberto Clarke Bethancourt (1). Application denied, without prejudice, for failing to comply with Local Civil Rule 1.3 (c). The applicant failed to provide a certificate of good standing issued by the State before whose courts he is admitted to practice. SO ORDERED. (Signed by Magistrate Judge Kevin Nathaniel Fox on 6/21/13) (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/27/2013	26	(Corrected) MOTION for Henry Bell to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Tomas Alberto Clarke Bethancourt. (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/27/2013	27	ORDER granting 26 Motion to Appear Pro Hac Vice as to Tomas Alberto Clarke Bethancourt (1). (Signed by Magistrate Judge Andrew J. Peck on 6/27/13) (jbo) Modified on 7/3/2013 (jbo). [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/27/2013	28	(Corrected) MOTION for John Priovolos to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Tomas Alberto Clarke Bethancourt. (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/27/2013	29	ORDER granting 28 Motion to Appear Pro Hac Vice as to Tomas Alberto Clarke Bethancourt (1). (Signed by Magistrate Judge Andrew J. Peck on 6/27/13) (jbo) Modified on 7/3/2013 (jbo). [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/27/2013	30	MOTION to Modify Conditions of Release. Document filed by Tomas Alberto Clarke Bethancourt. The defendant respectfully requests that the Court enter an order granting this motion modify the conditions of his bond release in that between the dates June 27, 2013 and July 1, 2013 he may be free to move his belongings and his family to Coral Gables, Florida 33134. Upon the completion of his change of residence, he shall reside at that residence pursuant to the same conditions of bond, including home detention and electronic monitoring, unless modified by further order of the Court. (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
06/27/2013	31	ORDER granting 30 Motion to Modify Conditions of Release as to Tomas Alberto

		Clarke Bethancourt (1). IF POSSIBLE, PRETRIAL SHALL INSTALL A GPS MONITOR ON CLARKE FOR THIS PERIOD. SO ORDERED. (Signed by Magistrate Judge Andrew J. Peck on 6/27/13) (jbo) [1:13-mj-00683-UA] (Entered: 07/01/2013)
07/03/2013	32	AFFIRMATION of AUSA Harry A. Chernoff in Support by USA of a 30 day continuance from 7/3/13 to 8/2/2013, as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez. (gq) [1:13-mj-00683-UA] (Entered: 07/08/2013)
07/03/2013		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez re: 16 Order to Continue - Interest of Justice. Time excluded from 7/3/2013 until 8/2/2013. Follows oral order of 7/3/2013. PD. See Aff. of AUSA Chernoff. (Signed by Magistrate Judge James C. Francis on 7/3/2013)(gq) [1:13-mj-00683-UA] (Entered: 07/08/2013)
07/03/2013	33	MOTION to Modify Conditions of Release. Document filed by Tomas Alberto Clarke Bethancourt. (jbo) [1:13-mj-00683-UA] (Entered: 07/09/2013)
07/09/2013	34	ORDER granting 33 Motion to Modify Conditions of Release as to Tomas Alberto Clarke Bethancourt (1). ORDERED AND ADJUDGED that the Defendant's motion is GRANTED. The Office of United States Probation and Pretrial Services is ordered to return the passports of the defendant's wife and two daughters to them on July 20, 2013 so that they may use them to travel between the dates July 21, 2013 and July 28, 2013. Upon their return to the Southern District of FLorida, the passports shall be returned to United States Probation and Pretrial Services no later than the close of business on July 29, 2013. (Signed by Magistrate Judge Debra C. Freeman on 7/9/13) (jbo) [1:13-mj-00683-UA] (Entered: 07/09/2013)
08/02/2013		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado re: 16 Order to Continue - Interest of Justice,. Time excluded from 8/2/13 until 8/23/13. Follows oral order of 8/2/13. (Signed by Magistrate Judge Frank Maas on 8/2/13)(vb) [1:13-mj-00683-UA] (Entered: 08/06/2013)
08/02/2013	35	AFFIRMATION of Harry A. Chernoff by USA as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez in Support re: 16 Order to Continue - Interest of Justice,. (vb) [1:13-mj-00683-UA] (Entered: 08/06/2013)
08/05/2013	36	MOTION to Modify Conditions of Release. Document filed by Tomas Alberto Clarke Bethancourt. (vb) [1:13-mj-00683-UA] (Entered: 08/13/2013)
08/12/2013	37	ORDER granting 36 Motion to Modify Conditions of Release as to Tomas Alberto Clarke Bethancourt (1) The condition of release of home detention is eliminated and the defendant shall be placed on a daily curfew from 7:00 p.m. to 7:00 a.m.; The Curfew shall be monitored through the SDFL's electronic monitoring program. (Signed by Magistrate Judge Ronald L. Ellis on 8/12/13) (vb) [1:13-mj-00683-UA] (Entered: 08/13/2013)
08/15/2013	39	NOTICE OF INTENT TO FILE an Information by U.S.A. as to Tomas Alberto Clarke Bethancourt. (jm) (Entered: 08/29/2013)

08/23/2013		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado re: 16 Order to Continue - Interest of Justice,. Time excluded from 8/23/13 until 8/30/13. Follows oral order of 8/23/13. (Signed by Magistrate Judge Michael H. Dolinger on 8/23/13)(vb) [1:13-mj-00683-UA] (Entered: 08/23/2013)
08/23/2013	38	AFFIRMATION of Harry Chernoff by USA as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado in Support re: 16 Order to Continue - Interest of Justice,. (vb) [1:13-mj-00683-UA] (Entered: 08/23/2013)
08/26/2013		CASHIERS OFFICE REMARK as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez on 24 Motion for Acquittal in the amount of \$200.00, paid on 06/17/2013, Receipt Number 465401069927. (jd) [1:13-mj-00683-UA] (Entered: 08/26/2013)
08/26/2013		CASHIERS OFFICE REMARK as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez on 25 Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 06/17/2013, Receipt Number 465401069928. (jd) [1:13-mj-00683-UA] (Entered: 08/26/2013)
08/26/2013		CASHIERS OFFICE REMARK as to Tomas Alberto Clarke Bethancourt, Jose Alejandro Hurtado, Maria De Los Angeles Gonzalez De Hernandez on 10 Order on Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 05/21/2013, Receipt Number 465401068018. (jd) [1:13-mj-00683-UA] (Entered: 08/26/2013)
08/29/2013	40	INFORMATION (Felony) filed as to Tomas Alberto Clarke Bethancourt (1) count(s) 1, 2, 3, 4, 5, 6. (jm) (Entered: 08/29/2013)
08/29/2013	41	CONSENT TO PROCEED BEFORE US MAGISTRATE JUDGE ON A FELONY PLEA ALLOCUTION by Tomas Alberto Clarke Bethancourt. (jm) (Entered: 08/29/2013)
08/29/2013		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Deft. present with attorney Henry Bell; AUSA Cowley also present. Deft. to be released on \$1,500,000 PRB; 5 FRPs, secured by \$15,000 cash/property in Jamaica Estates, Miami Fl and Coral Gables, Fl; travel restricted to SDNY/EDNY/SDFL; surrender travel documents and no new applications (same for wife, children); regular PSA supervision. Deft. to be released on own signature w/ remaining conditions to be met by 9/9/13. Initial Appearance as to Tomas Alberto Clarke Bethancourt held on 8/29/2013. (jm) (Entered: 08/29/2013)
08/29/2013	42	WAIVER OF INDICTMENT by Tomas Alberto Clarke Bethancourt. (jm) (Entered: 08/29/2013)
08/29/2013		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Arraignment as to Tomas Alberto Clarke Bethancourt (1) Count 1,2,3,4,5,6 held on 8/29/2013. Plea entered by Tomas Alberto Clarke Bethancourt (1) Guilty as to Count 1,2,3,4,5,6. Defendant appears with attorney Henry Bell. A.U.S.A. Jason Cowley for the Government. Court reporter present. Defendant withdraws plea of not guilty and enters a plea of guilty to Counts #1-6. Magistrate Judge Francis recommends that Judge Gardephe accept the plea. PSI NOT ordered. Sentence date set but not made available at this time. Bail continued but changes made to the release conditions. (jbo) (Entered: 08/29/2013)

08/29/2013		Case Designated ECF as to Tomas Alberto Clarke Bethancourt. (jm) (Entered: 08/30/2013)
08/29/2013	43	Apperance Bond Entered as to (13-Cr-670-01) Tomas Alberto Clarke Bethancourt in amount of \$ 1,500,000.00. \$1,500,000.00 PRB; co-signed by 5 FRP's and secured by \$15,000.00 in cash; and property located in Jamaica Estates, N.Y., Miami, Florida, and Coral Gables, Florida; travel limits include the SDNY, EDNY and extended to the SDFL; surrender of travel documents and no new applications (same for wife and children); regular pre-trial supervision; Defendant to be released upon own signature; all remaining conditions to be met by 9/9/2013. [Advice of Penalties and Sanctions dated August 29, 2013 attached. Defendant Released.] (bw) (Entered: 09/16/2013)
09/17/2013	44	TRANSCRIPT of Proceedings as to Tomas Alberto Clarke Bethancourt re: Bail Hearing held on 8/29/13 before Magistrate Judge Ronald L. Ellis. Court Reporter/Transcriber: Shari Riemer, (518) 581-8973, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/11/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/19/2013. (Ortiz, Danny) (Entered: 09/17/2013)
09/17/2013	45	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Tomas Alberto Clarke Bethancourt. Notice is hereby given that an official transcript of a Bail Hearing proceeding held on 8/29/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (Ortiz, Danny) (Entered: 09/17/2013)
10/22/2013	46	NOTICE OF ATTORNEY APPEARANCE Maria Gonzalez Calvet appearing for USA. (Calvet, Maria) (Entered: 10/22/2013)
10/29/2013	47	TRANSCRIPT of Proceedings as to Tomas Alberto Clarke Bethancourt re: BAIL Hearing held on 8/29/13 before Magistrate Judge James C. Francis IV. Court Reporter/Transcriber: Carole Ludwig, (212) 420-0771. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/22/2013. Redacted Transcript Deadline set for 12/5/2013. Release of Transcript Restriction set for 1/30/2014. (jm) (Entered: 10/29/2013)
10/29/2013	48	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Tomas Alberto Clarke Bethancourt. Notice is hereby given that an official transcript of a Bail Hearing proceeding held on 08/29/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (jm) (Entered: 10/29/2013)
06/27/2014	49	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - CONSENT MOTION to Modify Conditions of Release . Document filed by Tomas

		Alberto Clarke Bethancourt. (Bell, Henry) Modified on 6/30/2014 (ka). (Entered: 06/27/2014)
06/30/2014		NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Henry Philip Bell as to Tomas Alberto Clarke Bethancourt: to RE-FILE Document <u>49</u> CONSENT MOTION to Modify Conditions of Release. Use the document type Letter Motion found under the document list Motions. (ka) (Entered: 06/30/2014)
07/15/2014	50	CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry P. Bell dated July 15, 2014 re: Modify Conditions of Bond Release . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) (Entered: 07/15/2014)
07/28/2014	51	SEALED DOCUMENT placed in vault. (mps) (Entered: 07/28/2014)
08/30/2014	52	CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry P. Bell dated August 30, 2014 re: Modify the Conditions of Bond Release . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) (Entered: 08/30/2014)
09/17/2014	53	FILING ERROR - DEFICIENT DOCKET ENTRY - CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry P. Bell dated September 27, 2014 re: Amend Order of July 24, 2014 . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) Modified on 9/18/2014 (ka). (Entered: 09/17/2014)
09/17/2014	54	CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry P. Bell dated September 17, 2014 re: Amend Order of July 24, 2014 <i>Corrected Date of Letter</i> . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) (Entered: 09/17/2014)
09/25/2014	55	MEMO ENDORSEMENT granting 54 CONSENT LETTER MOTION filed by Tomas Alberto Clarke Bethancourt (1), addressed to Judge Paul G. Gardephe from Attorney Henry P. Bell dated September 17, 2014 re: Amend Order of July 24, 2014 Corrected Date of Letter. I am writing on behalf of Mr. Clarke to request that the Court refine or amend an order it previously entered on July 24, 2014. In sum, Mr. Clarke respectfully requests that the Court modify its order of July 24, 2014 (page 3 of the letter motion / order) to provide the following: The proceeds of the sale of the Tulipan property after the payment of the mortgage and closing costs must be deposited in an agent bank account at North Trust Company where Henry P. Bell, P.A., shall hold the funds in the account as an agent for Tomas and Evalina Clarke. The funds in the account may not be co-mingled with any other funds. Henry P. Bell, P.A., shall disburse the funds in the account only as provided by order of this Court or the Court in the matter of United States v. All Right, Title and Interest in the Assets of ETC Investments, S.A., Case No. 13-CIV-3028 (WHP) (S.D.N.Y.). All other orders of the Court in this matter shall remain the same unless modified by order of the Court. ENDORSEMENT: The Application is granted. SO ORDERED: (Signed by Judge Paul G. Gardephe on 9/24/2014) (bw) (Entered: 09/25/2014)
11/07/2014	56	CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry P. Bell dated November 7, 2014 re: Modify Conditions of Bond . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) (Entered: 11/07/2014)

11/11/2014	57	ENDORSED LETTER as to Tomas Alberto Clarke Bethancourt addressed to Judge Paul G. Gardephe from Attorney Henry P. Bell dated November 7, 2014 re: I am writing on behalf of Mr, Clarke to request that the Court modify the conditions of bond as set forth. The bond granted to Mr. Clarke in this matter is co-signed by both his parents, Donilda Clarke and Thomas Clarke. Mr. Clarke's father recently passed away. The undersigned notified counsel for the United States since he was a co-signer on the bond. The parties, as a result, agreed that the bond conditions should be modified to eliminate requirement that the defendant's father, Thomas Clarke, remain a co-signor on the bond. His mother and other co-signors shall remain as co-signors. In sum, Mr. Clarke respectfully requests that the Court modify the conditions of bond to eliminate the requirement that his deceased father, Thomas Clarke, be a co-signor on the bond. He further requests that the Court modify the conditions of bond to release the passports of Evelina Clarke, Alexandra Clarke and Isabela Clarke. By order of the Court, those passports must be returned to United States Pretrial Services and Probation within 48 hours of their return to the United States from Panama. ENDORSEMENT: The Application is granted. SO ORDERED: (Signed by Judge Paul G. Gardephe on 11/10/2014)(bw) (Entered: 11/12/2014)
05/11/2015	58	ENDORSED LETTER as to Tomas Alberto Clarke Bethancourt addressed to Judge Paul G. Gardephe from Harry A. Chernoff and Jason H Cowley dated 5/6/15 re: For these reasons, we respectfully request that the Court allow counsel for the defendant to distribute \$468,173.38, half the value of the restrained funds in question, to Ms. Clarke. This application is made with the consent of the defendant..ENDORSEMENT: SO ORDERED. (Signed by Judge Paul A. Engelmayer on 5/11/15)(jw) (Entered: 05/11/2015)
06/05/2015	59	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - CONSENT MOTION to Modify Conditions of Release <i>Requesting Release of Passports of Evelina, Alexandra and Isabela Clarke</i> . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) Modified on 6/8/2015 (ka). (Entered: 06/05/2015)
06/05/2015	60	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - CONSENT MOTION to Modify Conditions of Release <i>Re Alis Holdings, LLC Property</i> . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) Modified on 6/8/2015 (ka). (Entered: 06/05/2015)
06/08/2015		NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR as to Tomas Alberto Clarke Bethancourt: Notice to Attorney Henry Philip Bell to RE-FILE Document 60 CONSENT MOTION to Modify Conditions of Release Re Alis Holdings, LLC Property, 59 CONSENT MOTION to Modify Conditions of Release <i>Requesting Release of Passports of Evelina, Alexandra and Isabela Clarke</i>. Use the event type Letter Motion found under the event list Motions. (ka) (Entered: 06/08/2015)
06/08/2015	61	CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry P. Bell dated June 5, 2015 re: Modify Conditions of Relief Regarding Alis Holdings, LLC . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) (Entered: 06/08/2015)
06/08/2015	62	CONSENT LETTER MOTION addressed to Judge Paul G. Gardephe from Henry

		P. Bell dated June 5, 2015 re: Modify Conditions of Release - Requesting Release of Passports of Evalina, Alexandra and Isabela Clarke . Document filed by Tomas Alberto Clarke Bethancourt. (Bell, Henry) (Entered: 06/08/2015)
06/19/2015	63	MEMO ENDORSEMENT granting 61 CONSENT LETTER MOTION filed by Tomas Alberto Clarke Bethancourt (1), addressed to Judge Paul G. Gardephe from Attorney Henry P. Bell dated June 5, 2015 re: Modify Conditions of Relief Regarding Alis Holdings, LLC. I represent Mr. Clarke. I am writing in regards to certain property controlled by Mr. Clarke that is restrained by a claim of lien filed by the Government. The claim of lien secures Mr. Clarke's bail. For the reasons set forth below, the defendant respectfully requests the Court to allow Mr. Clarke to secure a mortgage loan on the property for the purpose of maintaining it. Presently, there are no outstanding mortgages on the property. ENDORSEMENT: The Application is granted. SO ORDERED: (Signed by Judge Paul G. Gardephe on 6/19/2015) (bw) (Entered: 06/19/2015)
06/22/2015	64	MEMO ENDORSEMENT granting 62 LETTER MOTION Modify Bail Conditions as to Tomas Alberto Clarke Bethancourt (1). ENDORSEMENT: The Application is granted. (Signed by Judge Paul G. Gardephe on 6/19/2015) (ft) (Entered: 06/22/2015)
09/09/2015	65	ORDER as to (13-Cr-670-01) Tomas Alberto Clarke Bethancourt. WHEREAS, with the defendant's consent, his guilty plea allocution was taken before a United States Magistrate Judge on August 29, 2013; WHEREAS, a transcript of the allocution was made and thereafter was transmitted to the District Court, with the Magistrate Judge's recommendation that the plea be accepted; and WHEREAS, upon review of that transcript, this Court has determined that the defendant entered the guilty plea knowingly and voluntarily and that there was a factual basis for the guilty plea; IT IS HEREBY ORDERED that the defendant's guilty plea is accepted. SO ORDERED: (Signed by Judge Paul G. Gardephe on 9/8/2015)(bw) (Entered: 09/09/2015)
09/11/2015	66	JOINT LETTER MOTION addressed to Judge Paul G. Gardephe from Harry A. Chernoff dated September 11, 2015 re: Set sentencing date. . Document filed by USA as to Tomas Alberto Clarke Bethancourt. (Chernoff, Harry) (Entered: 09/11/2015)
09/16/2015	67	MEMO ENDORSEMENT granting 66 JOINT LETTER MOTION filed by USA as to Tomas Alberto Clarke Bethancourt (1), addressed to Judge Paul G. Gardephe from AUSA Harry A. Chernoff dated September 11, 2015 re: Set sentencing date. The Government respectfully writes with regard to the sentencing control date for this matter, which is presently September 10, 2015. The parties respectfully request that the Court proceed to sentencing at this time and direct that a presentence investigation commence. We understand that December 8, 2015, at 2:30 p.m., would be convenient to the Court for sentencing. ENDORSEMENT: The Application is granted. A pre-sentence report is to be prepared, and sentencing will take place as indicated in this letter. Defense sentencing submissions are due on November 23, 2015. Any submission from the Government is due on December 1, 2015. SO ORDERED: (Signed by Judge Paul G. Gardephe on 9/15/2015) (bw) (Entered: 09/16/2015)
09/16/2015		Set/Reset Deadlines/Hearings as to Tomas Alberto Clarke Bethancourt: Brief (Defense sentencing submissions) due by 11/23/2015. Responses (by Government)

		to Brief due by 12/1/2015. Sentencing set for 12/8/2015 at 02:30 PM before Judge Paul G. Gardephe. (bw) (Entered: 09/16/2015)
09/16/2015		Order of Referral to Probation for Presentence Investigation and Report as to Tomas Alberto Clarke Bethancourt. (By Judge Paul G. Gardephe on 9/15/2015) (bw) (Entered: 09/16/2015)
10/23/2015	68	NOTICE OF ATTORNEY APPEARANCE Kevin R. Gingras appearing for USA. (Gingras, Kevin) (Entered: 10/23/2015)
11/02/2015	69	LETTER by USA as to Tomas Alberto Clarke Bethancourt addressed to Judge Paul G. Gardephe from Harry A. Chernoff dated November 2, 2015 re: Related cases Document filed by USA. (Chernoff, Harry) (Entered: 11/02/2015)
11/05/2015		NOTICE OF CASE REASSIGNMENT as to Tomas Alberto Clarke Bethancourt, to Judge Judge Denise L. Cote. Judge Judge Paul G. Gardephe no longer assigned to the case. (wb) (Entered: 11/05/2015)
11/05/2015	70	ORDER: The above-captioned case having been reassigned to this Court, it is hereby ORDERED that sentence will proceed as previously scheduled on December 8, 2015 at 2:30 p.m. in Courtroom 15B. IT IS FURTHER ORDERED that the Governments submission regarding sentence shall be due November 24 and defendants submission shall be due December 1. Counsel shall provide a courtesy copy of their submissions to the Court by mail or delivery to the U.S. Courthouse, 500 Pearl Street, New York, NY. (Signed by Judge Denise L. Cote on 11/5/2015) (gr) (Entered: 11/05/2015)
11/05/2015		Set as to Tomas Alberto Clarke Bethancourt: Sentencing set for 12/8/2015 at 02:30 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (gr) (Entered: 11/05/2015)
11/20/2015	71	ORDER: WHEREAS, with defendants consent, his guilty plea allocution was taken before Magistrate Judge Francis on August 29, 2013; WHEREAS, a transcript of the allocution was made; and WHEREAS, upon review of that transcript, this Court has determined that the defendant entered the guilty plea knowingly and voluntarily and that there is a factual basis for the guilty plea; IT IS HEREBY ORDERED that the defendant's guilty plea is accepted. (Signed by Judge Denise L. Cote on 11/19/2015)(gr) (Entered: 11/20/2015)
12/01/2015	72	SENTENCING SUBMISSION by Tomas Alberto Clarke Bethancourt. (Attachments: # 1 Exhibit A - Mitigation Letters)(Bell, Henry) (Entered: 12/01/2015)
12/08/2015	73	SENTENCING SUBMISSION by USA as to Tomas Alberto Clarke Bethancourt. (Cowley, Jason) (Entered: 12/08/2015)
12/08/2015	74	CONSENT PRELIMINARY ORDER OF FORFEITURE AS TO SPECIFIC PROPERTIES/MONEY JUDGMENT as to Tomas Alberto Clarke Bethancourt. As a result of the offenses charged in Counts One through Four and Count Six of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$5,787,824 in United States currency (the "Money Judgment") shall be entered against the Defendant. As a result of the offenses charged in Counts One through Four and Count Six of the Information, to which the Defendant pled guilty, all of the Defendant's right, title, and interest in the Specific Properties (except the

		Brickell Avenue Property) is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853. The Defendant agrees that he will not file a claim or a petition for remission or mitigation in any forfeiture proceeding involving the Specific Properties and will not assist anyone else in doing so. Upon the entry of a Final Order of Forfeiture forfeiting any of the Specific Properties to the United States, with the exception of any funds forfeited from the Orinoco Account, the Specific Properties shall be applied towards the Money Judgment in partial satisfaction of the Money Judgment. (Signed by Judge Denise L. Cote on 12/8/2015)(ft) (Entered: 12/08/2015)
12/08/2015		Minute Entry for proceedings held before Judge Denise L. Cote: Sentencing held on 12/8/2015 for Tomas Alberto Clarke Bethancourt (1) Count 1,2,3,4,5,6. Defendant present with attorneys Henry Bell and John Priovolos. Assistant U.S. Attorneys Harry Chernoff and Jason Cowley present with DOJ Attorney Kevin Gingras with FBI Agent Paul Higgins. Court reporter Pam Utter present. Sentencing held. The defendant is sentenced as set forth in the Judgment In A Criminal Case. Defendant advised of his right to appeal. The defendant is ordered to surrender to the designated facility by 2 p.m. on January 22, 2016. If no designation has occurred by that date, the defendant shall surrender to U.S. Marshal's Office in this district. Bail continued until the date of surrender. (bw) (Entered: 12/09/2015)
12/09/2015	75	JUDGMENT In A Criminal Case. Date of Imposition of Judgment: 12/8/2015. Defendant Tomas Alberto Clarke Bethancourt (1) pleaded guilty to Count(s) 1, 2, 3, 4, 5, 6. IMPRISONMENT: 24 months on each count, to run concurrently. The court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to a facility as close as possible to Maimi, Florida. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: before 2 p.m. on 1/22/2016. SUPERVISED RELEASE: 3 years on each count, to run concurrently. -The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. -The defendant shall cooperate in the collection of DNA as directed by the probation officer. Special Conditions of Supervision (see page 5 of Judgment). ASSESSMENT: \$600.00, due immediately. Special instructions regarding the payment of criminal monetary penalties: The defendant shall pay 10% of his gross monthly income toward any outstanding money judgment owed to the Government pursuant to the December 8, 2015 Consent Preliminary Order of Forfeiture As To Specific Property/Money Judgment. The defendant shall forfeit the defendant's interest in the following property to the United States: Pursuant to the December 8, 2015 Consent Preliminary Order of Forfeiture/Money Judgment, the defendant shall forfeit the amount of \$5,787,824.00 in United States currency. (Signed by Judge Denise L. Cote on 12/9/2015)(bw) (Entered: 12/09/2015)

PACER Service Center			
Transaction Receipt			
12/10/2015 14:32:06			
PACER Login:	bk0571:2818917:0	Client Code:	8200.0010 Johnson

Description:	Docket Report	Search Criteria:	1:13-cr-00670-DLC
Billable Pages:	11	Cost:	1.10