

U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00671-DLC-1

Case title: USA v. Lujan
Magistrate judge case number: 1:13-mj-01501-UA

Date Filed: 08/29/2013
Date Terminated: 12/07/2015

Assigned to: Judge Denise L. Cote

Defendant (1)

Ernesto Lujan

TERMINATED: 12/07/2015

also known as

Sealed Defendant 1

TERMINATED: 12/07/2015

represented by **Alfred Ulmer Pavlis**
Finn Dixon & Herling LLP
177 Broad Street, 15th Floor
Stamford, CT 06901
(203) 325-5000
Fax: (203) 325-5001
Email: apavlis@fdh.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Michael Quinn English
Finn Dixon & Herling LLP(CT)
177 Broad Street
15th Floor
Stamford, CT 06901
(203) 325-5000
Fax: (203) 325-5001
Email: menglish@fdh.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

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

15:78D.F FOREIGN SECURITIES
EXCHANGES (VIOLATION OF THE
FOREIGN CORRUPT PRACTICES
ACT)

Disposition

Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 3 years on each count, to run concurrently.

Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 3 years on each count, to run concurrently.

(2)

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

(3)

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

(4)

18:371.F CONSPIRACY TO
OBSTRUCT JUSTICE

(5)

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

(6)

Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 3 years on each count, to run concurrently.

Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 3 years on each count, to run concurrently.

Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 3 years on each count, to run concurrently.

Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 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.F:CONSPIRACY TO
DEFRAUD THE UNITED STATES;;
15:78D.F:VIOLATION OF THE
FOREIGN CORRUPT PRACTICES
ACT;; 18:1952:VIOLATION OF THE
TRAVEL ACT;; 18:1956F: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
06/10/2013		Oral Order to Seal Case as to Sealed Defendant 1. (Signed by Magistrate Judge Henry B. Pitman on 6/10/2013)(gq) [1:13-mj-01501-UA] (Entered: 06/12/2013)
06/10/2013	1	SEALED COMPLAINT as to Sealed Defendant 1 (1) in violation of 18 U.S.C. 371, 1952(a)(2)(A), 1956(a)(3)(A), 1956(h), 2 and 15 U.S.C. 78dd-2. (Signed by Magistrate Judge Henry B. Pitman) (gq) [1:13-mj-01501-UA] (Entered: 06/12/2013)
06/12/2013	3	Order to Unseal Case as to Ernesto Lujan. (Signed by Magistrate Judge Henry B. Pitman on 6/12/2013)(gq) [1:13-mj-01501-UA] (Entered: 06/12/2013)
06/12/2013		Arrest of Ernesto Lujan in the United States District Court - Southern District of Florida (West Palm Beach). (gq) [1:13-mj-01501-UA] (Entered: 07/03/2013)
07/03/2013	4	Rule 5(c)(3) Documents Received as to Ernesto Lujan from the United States

		District Court - Southern District of Florida (West Palm Beach). (gq) [1:13-mj-01501-UA] (Entered: 07/03/2013)
07/10/2013		Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman:Initial Appearance as to Ernesto Lujan held on 7/10/2013. Deft appears with atty's Alfred Pavlis and Michael English. AUSA Harry Chernoff present for the gov't. Detention on consent without prejudice. (Detention Hearing set for 7/17/2013 at 11:00 AM before Judge Unassigned. Preliminary Hearing set for 7/31/2013 at 10:00 AM before Judge Unassigned.) (gq) [1:13-mj-01501-UA] (Entered: 07/10/2013)
07/10/2013	5	MEDICAL ATTENTION ORDER FORM as to Ernesto Lujan. (Signed by Magistrate Judge Debra C. Freeman on 7/10/2013)(gq) [1:13-mj-01501-UA] (Entered: 07/10/2013)
07/31/2013	6	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Ernesto Lujan. Time excluded from 7/31/13 until 8/30/13. (Signed by Magistrate Judge Frank Maas on 7/31/13)(vb) [1:13-mj-01501-UA] (Entered: 07/31/2013)
07/31/2013	7	AFFIRMATION of Harry Chernoff by USA as to Ernesto Lujan in Support re: 6 Order to Continue - Interest of Justice. (vb) [1:13-mj-01501-UA] (Entered: 07/31/2013)
08/02/2013	8	NOTICE OF ATTORNEY APPEARANCE: Michael Quinn English appearing for Ernesto Lujan. (gq) [1:13-mj-01501-UA] (Entered: 08/02/2013)
08/02/2013	9	NOTICE OF ATTORNEY APPEARANCE: Alfred Ulmer Pavlis appearing for Ernesto Lujan. (gq) [1:13-mj-01501-UA] (Entered: 08/02/2013)
08/21/2013	10	NOTICE OF INTENT TO FILE an Information by U.S.A. as to Ernesto Lujan. (jm) (Entered: 08/30/2013)
08/29/2013	11	INFORMATION (Felony) filed as to Ernesto Lujan (1) count(s) 1, 2, 3, 4, 5, 6. (jm) (Entered: 08/30/2013)
08/29/2013	12	CONSENT TO PROCEED BEFORE US MAGISTRATE JUDGE ON A FELONY PLEA ALLOCUTION by Ernesto Lujan. (jm) (Entered: 08/30/2013)
08/29/2013	13	WAIVER OF INDICTMENT by Ernesto Lujan. (jm) (Entered: 08/30/2013)
08/29/2013		Minute Entry for proceedings held before Magistrate Judge James C. Francis:Bond Hearing as to Ernesto Lujan held on 8/29/2013. Deft. present with attorney Alfred Palvis; AUSA Cowley also present. Deft. to be released on \$1,500,000 PRB; 3 FRPs; secured by property in the form of a home in Miami Springs, Fl and Home in Wellington, Fl; travel is restricted to SDNY/EDNY/SDFL/MDFL & CT; surrender travel documents and no new applications; regular PSA supervision. Deft. to be released upon signature of 1 FRP with remaining conditions to be met by 9/3/13. (jm) (Entered: 08/30/2013)
08/29/2013		Case Designated ECF as to Ernesto Lujan. (jm) (Entered: 08/30/2013)
08/29/2013		Minute Entry for proceedings held before Magistrate Judge James C. Francis: Arraignment as to Ernesto Lujan (1) Count 1,2,3,4,5,6 held on 8/29/2013. Plea entered by Ernesto Lujan (1) Guilty as to Count 1,2,3,4,5,6. Defendant appears with attorney Alfred Pavlis. 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. Detention continued but conditions for bail set. (jbo) Modified on 9/18/2014 (jbo). (Entered: 08/30/2013)
08/29/2013	14	Appearance Bond Entered as to (13-Cr-671-01) Ernesto Lujan in amount of \$1,500,000.00. \$1,500,000.00 PRB; co-signed by 3 FRP's secured by property located in a home in Miami Springs Florida and a home in Wellington Florida; surrender of travel documents and no new applications; travel limits include the SDNY & EDNY and extended to the SDFLA, the MDFLA and the DCT; regular pre-trial supervision; Defendant is to be released on regular pre-trial supervision; Defendant is to be released on 1 FRP with the remaining conditions to be met by 9/3/2013. [Advice of Penalties and Sanctions dated August 29, 2013 attached. Defendant Released.] (bw) (Entered: 09/11/2013)
10/02/2013	15	ORDER: As to Ernesto Lujan. The defendant's bail is to be modified to include that the defendant surrender all firearms, provide proof of the same and be prohibited from possessing any weapons. Furthermore, the defendant is to refrain from consuming alcohol excessively and submit to testing and/or treatment if deemed necessary. SO ORDERED. (Signed by Judge Paul G. Gardephe on 10/2/2013)(dnd) (Entered: 10/02/2013)
10/17/2013	16	TRANSCRIPT of Proceedings as to Ernesto Lujan re: Plea held on 8/29/13 before Magistrate Judge James C. Francis IV. Court Reporter/Transcriber: Steven Griffing, (212) 805-0300, 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 11/12/2013. Redacted Transcript Deadline set for 11/21/2013. Release of Transcript Restriction set for 1/18/2014. (Rodriguez, Somari) (Entered: 10/17/2013)
10/17/2013	17	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Ernesto Lujan. Notice is hereby given that an official transcript of a Plea 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.... (Rodriguez, Somari) (Entered: 10/17/2013)
10/22/2013	18	NOTICE OF ATTORNEY APPEARANCE Maria Gonzalez Calvet appearing for USA. (Calvet, Maria) (Entered: 10/22/2013)
11/06/2013	19	LETTER MOTION addressed to Judge Paul G. Gardephe from Michael Q. English dated November 6, 2013 re: Requesting modification of bail conditions. Document filed by Ernesto Lujan. (English, Michael) (Entered: 11/06/2013)
11/12/2013	20	Petition for Action on Conditions of Pretrial Release as to Ernesto Lujan. A \$1,500,000 appearance bond to be secured by two properties in Florida and cosigned by three financially responsible people 1) Regular Pretrial Services supervision 2) Surrender passport/do not apply for new travel documents 3) Travel restricted to the Southern and Eastern Districts of New York, the Southern and Middle Districts of Florida and the District of Connecticut. PRAYING THAT THE

		COURT WILL ORDER that the defendant's existing bail conditions be modified to include that the defendant surrender all firearms, provide proof of the same and be prohibited from possessing any weapons. Furthermore, it is requested that the defendant refrain from consuming alcohol excessively and that he submit to testing and/or treatment if deemed necessary. (jw) (Entered: 11/12/2013)
11/14/2013	21	MEMO ENDORSED granting 19 LETTER MOTION The Application is granted....ENDORSEMENT..The Application is granted. The Clerk of the Court is directed to terminate the motion (Dkt No. 19). (Signed by Judge Paul G. Gardephe on 11/8/2013) (jw) (Entered: 11/14/2013)
08/28/2014	22	ENDORSED LETTER as to Ernesto Lujan addressed to Judge Paul G. Gardephe from Alfred U. Pavlis dated 8/28/2014 re: Modification of Bail. ENDORSEMENT: The Application is granted. SO ORDERED. (Signed by Judge Paul G. Gardephe on 8/28/2014)(ft) (Entered: 08/28/2014)
03/03/2015	23	ENDORSED LETTER as to Ernesto Lujan addressed to Judge Paul G. Gardephe from AUSAs Harry A. Chernoff / Jason H. Cowley, dated February 25, 2015 re: We respectfully request, with the defendant's consent, that Your Honor adjourn the sentencing control date by approximately six months. ENDORSEMENT: The Application is granted. Sentencing is adjourned to Sept. 4, 2015 at 2:30 p.m. SO ORDERED: (Signed by Judge Paul G. Gardephe on 3/2/2015)(bw) (Entered: 03/03/2015)
03/13/2015	24	LETTER by Ernesto Lujan addressed to Judge Paul G. Gardephe from Michael Q.English dated March 13, 2015 (English, Michael) (Entered: 03/13/2015)
03/18/2015	25	ENDORSED LETTER as to Ernesto Lujan addressed to Judge Paul G. Gardephe from Michael Q. English dated 3/13/2015 re: Modification of Bail Conditions. ENDORSEMENT: The Application is granted. (Signed by Judge Paul G. Gardephe on 3/17/2015)(ft) (Entered: 03/18/2015)
09/01/2015	26	JOINT LETTER MOTION addressed to Judge Paul G. Gardephe from Harry A. Chernoff dated September 1, 2015 re: Set sentencing date . Document filed by USA as to Ernesto Lujan. (Chernoff, Harry) (Entered: 09/01/2015)
09/09/2015	27	MEMO ENDORSEMENT granting 26 JOINT LETTER MOTION filed by USA as to Ernesto Lujan (1), addressed to Judge Paul G. Gardephe from AUSA Harry A. Chernoff dated September 1, 2015 re: Set sentencing date. The parties respectfully request that the Court proceed to sentencing at this time and direct that a presentence investigation commence. We understand that December 4, 2015 at 2:30 p.m., would be convenient to the Court for sentencing. ENDORSEMENT: Sentencing will proceed on Dec. 4, 2015 at 2:30 p.m. Defense sentencing submissions are due by Nov. 13, 2015. The Government's papers are due by Nov. 20, 2015. SO ORDERED. (Signed by Judge Paul G. Gardephe on 9/8/2015) (bw) (Entered: 09/09/2015)
09/09/2015		Set/Reset Deadlines/Hearings as to Ernesto Lujan: Brief (Defense sentencing submissions) due by 11/13/2015. Responses (by Government) to Brief due by 11/20/2015. Sentencing set for 12/4/2015 at 02:30 PM before Judge Paul G. Gardephe. (bw) (Entered: 09/09/2015)
10/23/2015	28	NOTICE OF ATTORNEY APPEARANCE Kevin R. Gingras appearing for USA.

		(Gingras, Kevin) (Entered: 10/23/2015)
11/02/2015	29	LETTER by USA as to Ernesto Lujan 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 Ernesto Lujan, 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	30	ORDER: The above-captioned case having been reassigned to this Court, it is hereby ORDERED that sentence will proceed as previously scheduled on December 4, 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 Hearings as to Ernesto Lujan: Sentencing set for 12/4/2015 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	31	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)
12/03/2015	32	SENTENCING SUBMISSION by Ernesto Lujan. (Attachments: # 1 Exhibit 1-22, # 2 Exhibit 23-56)(Pavlis, Alfred) (Entered: 12/03/2015)
12/04/2015		Payment of Special Assessment from Ernesto Lujan in the amount of \$600.00. Date Received: 12/4/2015. (jom) (Entered: 12/04/2015)
12/04/2015	33	SENTENCING SUBMISSION by USA as to Ernesto Lujan. (Chernoff, Harry) (Entered: 12/04/2015)
12/04/2015		Minute Entry for proceedings held before Judge Denise L. Cote: Sentencing held on 12/4/2015 for Ernesto Lujan (1) Count 1,2,3,4,5,6. Deft. present with attorneys Alfred Pavlis and Michael English. Assistant U.S. Attorneys Harry Chernoff and Jason Cowley present with DOJ Attorney Kevin Gingras with FBI Agent Paul Higgins. Court reporter Jerry Harrison 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 15, 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. (jbo) (Entered: 12/07/2015)
12/07/2015	34	CONSENT PRELIMINARY ORDER OF FORFEITURE AS TO SPECIFIC PROPERTY / MONEY JUDGMENT as to (13-Cr-671-01) Ernesto Lujan...[See this Order]... WHEREAS, on or about November 20, 2015, this Court ordered that

the Defendant's guilty plea be accepted; WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$18,514,560.00 in United States currency, representing the proceeds and property involved in the commission of the offenses alleged in Counts One through Four and Count Six of Information, and the Defendant further consents, in partial satisfaction of the money judgment, to the forfeiture of all of his right, title, and interest in all of the assets of Castilla Holdings, S.A., including, but not limited to, any and all funds formerly on deposit in Account Number 504919 at Mirabaud & Cie in Switzerland, held in the name of Castilla Holdings S.A. and now maintained in a United States Marshals Service ("USMS") seized asset account, specifically \$12,100,000.00 (the "Specific Property");...[See this Order]... IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Jason H. Cowley, of counsel, and the Defendant and his counsel, Alfred U. Pavlis, Esq. and Michael English, Esq., that: 1. 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 \$18,514,560.00 in United States currency (the "Money Judgment") shall be entered against the Defendant. 2. 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 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 Property and will not assist anyone else in doing so. Upon the entry of a Final Order of Forfeiture forfeiting the Specific Property to the United States, the Specific Property shall be applied towards the Money Judgment in partial satisfaction of the Money Judgment. 3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the Defendant, ERNESTO LUJAN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith....[See this Order]... 13. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment to Assistant United States Attorney Jason H. Cowley, Chief, Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007. 14. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. SO ORDERED: (Signed by Judge Denise L. Cote on 12/4/2015) [*** NOTE: The Clerk of the Court has forwarded three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment to AUSA Jason H. Cowley, by inter-office mail on 12/7/2015. ***] (bw) (Entered: 12/07/2015)

12/07/2015

[35](#)

JUDGMENT IN A CRIMINAL CASE as to Ernesto Lujan (1), Pleaded guilty to Count(s) 1, 2, 3, 4, 5, 6, Imprisonment for a total term of 24 months on each count to run concurrently. Supervised release for a term of 3 years on each count, to run concurrently. The court makes the following recommendations to the Bureau of Prisons: That the defendant be medically screened every 3 months for recurrence of

prostate cancer. That the defendant be given medication and appropriate diet for ulcerative proctitis. That the defendant be designated to a facility as close as possible to Florida. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2pm on 1/15/2016. The defendant must seek and maintain full-time employment. Special Assessment of \$600 which is due immediately. (Signed by Judge Denise L. Cote on 12/7/15)(jw) (Entered: 12/07/2015)

PACER Service Center			
Transaction Receipt			
12/10/2015 14:46:58			
PACER Login:	bk0571:2818917:0	Client Code:	8200.0010 Johnson
Description:	Docket Report	Search Criteria:	1:13-cr-00671-DLC
Billable Pages:	8	Cost:	0.80