



**REQUEST FOR ASSISTANCE FROM THE CENTRAL AUTHORITY OF JAMAICA  
TO THE CENTRAL AUTHORITY OF THE UNITED STATES OF AMERICA**

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**Our Ref: JAMLA # 124**

*May 17, 2016*

Dear Madam:

**Re: Urgent Request for Assistance in the prosecutions of Peter SANGSTER, Director  
and Authorized Officer of JAMUS Communications Limited, a telecommunication  
Carrier licensed to terminate international telephony through LIME in Jamaica**

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The designated Central Authority of Jamaica for these purposes is the Director of Public Prosecutions. The designated Central Authority of Jamaica requests the assistance of the Central Authority of the United States of America in respect of the criminal prosecution of the above-mentioned matter. This Request is made pursuant to the Treaty between the Government of Jamaica and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters entered on July 7, 1989 in Kingston, Jamaica.

All statements contained in this Request are based upon investigations carried out by officers attached to the Major Organized Crime and Anti-Corruption Task Force (MOCA).

**Time Constraints and need for confidentiality**

This Request is an extremely urgent and highly confidential one. We ask that it be facilitated as expeditiously and discretely as is possible.

MOCA is a law enforcement agency focusing on tackling corruption in the public sector and bringing high value targets to justice. MOCA is structured around a joint-staff concept working with International Partners and bringing to bear the country's best intelligence assets, investigators and prosecutors. MOCA engages in reactive and proactive investigations in order

to ensure that the key evidence required to make informed decisions in cases and to prove offences within the court process is obtained as soon as possible.

MOCA has been conducting extensive investigations into the matter after receiving information from the Office of the Attorney General's Chambers, then acting on behalf of Universal Service Fund ("USF"), to whose attention a forged instrument of "Waiver" in favour of JAMUS was brought by Mr. Dennis Richards, Attorney-at-Law acting on behalf of Ricardo Cruz (RC)/JAMUS Communications. It is the belief of MOCA that Peter Sangster (PS), then Care Taker for Kingston East, solicited and obtained monies from RC and Saul Perez (SP) both operating partner of JAMUS Communications, to secure a waiver from the Government of Jamaica for overdue levy owed to "USF" and forged the signature of the Most Honourable Portia Simpson-Miller, then Prime Minister, on an Instrument of Waiver submitted to RC.

#### **PURPOSE OF THE REQUEST**

To obtain evidence in order to assist in the ongoing investigation and prospective criminal prosecution in relation to the subject:

<b>Name:</b>	<b>Peter SANGSTER</b>
<b>D.O.B:</b>	
<b>Address:</b>	<b>Cherry Gardens, Kingston 8 Jamaica, West Indies</b>
<b>Nationality:</b>	<b>Jamaican</b>
<b>Occupation:</b>	<b>Businessman, Care Taker for Kingston East (Politician)</b>

- (i) To obtain banking information relating to the subject and his wife
- (ii) To obtain company records and banking information, in evidential form, relating to the company believed to have been incorporated by the subject.

### **Background of the Request**

Subject PS of this Letter of Request is presently being investigated for breaches of the *Forgery Act* and for defrauding RC of monies.

### **The Investigations and Allegations**

1. Universal Service Fund (USF) is a Statutory Corporation to which universal service levy is payable by interconnected carriers, pursuant to the *Telecommunications (Amendment) Act*. The USF is an arm of the Ministry of Science Technology Energy and Mining. JAMUS Communications Limited (JAMUS) is one such carrier which was previously licensed to terminate international telephony traffic through LIME.
2. MOCA is of the belief that in 2011, Ricardo Cruz (RC), then operating partner of JAMUS received an email from LIME informing him of outstanding levy fees owed to USF. This information was passed on to PS, principal owner of JAMUS, who assured RC that he could get a waiver to waive the USF fees. RC was however informed by PS, that as a requirement of securing the waiver, JAMUS through its directors should instead of paying LIME directly (LIME's Citibank Account in New York), they should make all payments to Sangster Group LLC account.
3. It is also believed that in May 2011 RC and SP acting as directors of JAMUS, started making payments due to LIME directly to Sangster Group LLC account at Bank of America with address at 515 Ocean Avenue, Brooklyn, New York 11226; Account # and Routing #
4. It is also believed that after a few payments directly to Sangster Group LLC, RC contacted LIME to enquire whether payments were being made on behalf of JAMUS Communications Limited. RC was informed by LIME that they were not in receipt of payments and as such due to the non-service of the outstanding levy to USF, the total levy owed kept increasing each month.
5. It is also believed that in 2012 RC assumed ownership of JAMUS as the new Chairman and Chief Executive Officer (CEO) and at this point the amount owed to USF had

increased to over **USD \$200,000.00**. During this time, PS continued assuring RC that he was in the process of securing the waiver, a waiver that according to PS has never been issued before, however the process was prolonged because RC needed to pay fees for taxes due on the debt owed to the USF, fees to process the waiver and duty on the waiver. In furtherance of same, RC made payments of over **USD \$150,000.00** to PS in Sangster Group LLC Bank of America Account # \_\_\_\_\_ and Routing # \_\_\_\_\_ and Peter and Tania Sangster's Bank of America Account # \_\_\_\_\_ and Routing # \_\_\_\_\_ to secure the waiver.

6. It is known that as a consequence of overdue levy payments, JAMUS' material services were terminated by LIME who had advised USF that the outstanding levy at the time, was **USD \$570,047.21**.
7. It is also believed that despite LIME's termination of the services of JAMUS, RC continued making payments to PS to secure the waiver as RC was assured by PS that the waiver would clear the total amount of the levy owed to the USF. However, PS was unable to produce the waiver in a timely manner. Payments made by RC to PS to secure the waiver were made between September 2011 and May 2013.
8. It is also believed that JAMUS through its Chairman RC, attempted on numerous occasions to negotiate a settlement with USF for the payment of the outstanding levy, however, they were unable to arrive at a mutually agreeable payment plan. As a result, JAMUS retained the services of Richards & Richards, Attorneys-at-Law, who in a letter dated August 29, 2014, addressed to USF disputed the levy owed by JAMUS to the Government, citing their reliance on two (2) documents, namely:
  - Instrument of Waiver dated January 9, 2013 bearing waiver number 000-A08336624-66117-76896 issued under the signature of the former Prime Minister Honourable Portia Simpson-Miller;
  - Carrier Licence No. 06/2009 issued on February 19, 2010 under the signature of former Prime Minister Honourable Bruce Golding;  
which RC had received via email from PS on August 22, 2013.

9. That PS informed RC in said email dated August 22, 2013, that the Instrument of Waiver was a highly confidential document and that the waiver had not been activated as yet, as he, RC needed to pay taxes and fees for the activation. PS had also informed RC, that he was able to negotiate the applicable taxes and fees to activate the waiver downwards, from USD\$56,000.00 to USD\$20,000.00.
10. That RC on June 17, 2014 deposited the sum of USD\$20,000.00 to Peter and Tania Sangster's Bank of America Account #\_\_\_\_\_ and Routing #\_\_\_\_\_ to facilitate the waiver being activated.
11. The USF having not been aware of the existence of the Waiver documents, upon its receipt, the documents were forwarded through the Permanent Secretary of the Ministry of Science, Technology, Energy and Mining, to the Office of the Prime Minister for authentication.
12. Consequent upon a referral of the matter to the Attorney General's Chambers, MOCA received a report and commenced investigations surrounding the issuance of the waiver, as well as the directors and shareholders of JAMUS Communications Limited.
13. In the course of MOCA's investigation, it has obtained correspondence dated October 6, 2013, addressed to USF and under the signature of Onika Miller, Permanent Secretary, Office of the Prime Minister by which, it was unequivocally confirmed that the Instrument of Waiver dated January 9, 2013 addressed to JAMUS Communications Limited was not generated from the Office of the Prime Minister (OPM) and that it bears a fraudulent signature of the Most Honourable Portia Simpson-Miller. The document was also presented to the Most Honourable Prime Minister who confirmed that she was not the author of the signature of the document.
14. The MOCA investigation has revealed that:
- the purported waiver No. 000-A08336624-66117-76896 to JAMUS dated January 9, 2013, which purported to be under the signature of the Most Honourable Portia Simpson-Miller; and

- the Carrier Licence Waiver awarded to JAMUS and stamped 'EXPERIMENTAL' and 'APPROVED' for the period March 20, 2013 - March 2021, also purported to be signed by the Most Honourable Portia Simpson Miller;

that were submitted to RC by PS as the "*Waiver*" he was able to secure on behalf of JAMUS were in fact not signed by the Most Honourable Portia Simpson Miller, then Prime Minister. That assertion has been buttressed by the evidence of a Handwriting Expert who also concludes that the signature is not that of the then Prime Minister. Additional discrepancies discerned, include inconsistencies with the form, substance and structure of the "waiver" with any document that would usually emanate from the OPM, as well as being inconsistent with any document that would be issued from the Ministry under the signature of the Prime Minister.

15. The MOCA investigation has also revealed that the *Telecommunications Act* makes no provision for the granting of waivers for payment of the USF levy.
16. It is believed that the forged "Waiver Instrument" emanated from PS and was either signed by him or he caused same to be signed. That he obtained monies from RC by falsely pretending that he was in a position to secure a waiver of outstanding levy owed by JAMUS to USF.

### **Conduct of the Subject**

17. PS is the subject of forgery and obtaining money by false pretence investigations as he is suspected of:
  - solicited and obtained monies from RC to secure a waiver of outstanding levy owed by JAMUS to USF; and
  - producing a forged waiver instrument under the "signature" of the Most Honourable Portia Simpson-Miller.
18. RC has supplied MOCA with Bank of America receipts of monies purportedly wired to Sangster Group LLC account and the account of Peter and Tania Sangster on the request of PS.

19. In all, it is believed that considering all that is now known by MOCA it is reasonable to believe that wilful deliberate conduct has taken place by the subject of this investigation in respect of forgery and pretence.

### **STATEMENT OF LAW**

#### **Forgery**

20. The Forgery Act Section 7 provides that;

*Forgery of any document which is not made felony under this or any other enactment for the time being in force, if committed with intent to defraud or deceive, shall be a misdemeanour, and punishable with imprisonment with hard labour for any term not exceeding two years.*

#### **Larceny**

21. The Larceny Act Section 35 provides that;

*Every person who, by any false pretence-*

- (1) with intent to defraud, obtains from any other person any chattle, money, or valuable security, or causes or procures any money to be paid, or any chattle or valuable security to be delivered, to himself or to any other person for the use or benefit or on account of himself or any other person;*

*shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.*

### **Assistance Requested**

Investigators are requesting the information detailed below:

1. **Banking information in relation to the following bank account:**

**Institution:** Bank of America  
**Account Name:** Sangster Group LLC  
**Account Holder Address:** 515 Ocean Avenue, Brooklyn New York 11226  
**Account Number:**  
**Routing:**

For the years 2011 to the present ("the period"):

1.1 To obtain and execute the necessary court orders or warrants to give effect to the following requests:

- (a) when the account was opened and by whom, together with details of current signatories and any proof of identification recorded.
- (b) the amounts of and the dates of all deposits made into the account and withdrawals made out of the account.
- (c) information about the conduct of the account, including details of inter-account transfers, telegraphic transfers, automated billing and payment records.
- (d) details of any correspondence relating to the account.
- (e) exhibited copies of all relevant document including:-
  - (i) bank statements
  - (ii) documents attributable to the account

And such banking documents may include documents as listed in the schedule below.

**2. Banking information in relation to the following bank account:**

**Institution:** Bank of America  
**Account Name:** Peter and Tania Sangster



**Account Holder Address:**

**Account Number:**

**Routing:**

**For the years 2011 to the present ("the period"):**

**2.1 To obtain and execute any court orders or warrants necessary to give effect to the following requests:**

- (a) when the account was opened and by whom, together with details of current signatories and any proof of identification recorded.**
- (b) the amounts of and the dates of all deposits made into the account and withdrawals made out of the account.**
- (c) information about the conduct of the account, including details of inter-account transfers, telegraphic transfers, automated billing and payment records.**
- (d) details of any correspondence relating to the account.**
- (e) exhibited copies of all relevant document including:-**
  - (i) bank statements**
  - (ii) documents attributable to the account.**

**And such banking documents may include documents as listed in the schedule below.**

**Schedule**

- i) Account statements, deposit slips, withdrawal slips, cancelled cheques or copies of processed items, automatic deposit documentation, automatic withdrawal documentation, debit card transaction documentation, credit memo, debit memos, bank drafts, certified cheque vouchers, money orders, foreign exchange transaction slips;**

- ii) Lines of credit and letters of credit, loan documents including loan applications, loan agreements, security agreements, promissory notes, letters of credit, loan statements, record of loan advances, record of loan payments, record of loan adjustments, cancelled cheques from line of credit, correspondence, internal credit reviews, appraisal reports, invoices or sales contracts, insurance policies and related contracts, financial statements, net worth documents, financial projections, records of earnings, personal and business tax returns;
- iii) Mortgage and chattel mortgage agreements, mortgage applications, mortgage agreements, security agreements, promissory notes, mortgage statements, record of mortgage advances, record of mortgage payments, record of mortgage adjustments, correspondence, internal credit reviews, land titles, property tax reports, appraisal reports, invoices or sales contracts, insurance policies and related contracts, financial statements, net worth documents, financial projections, record of earnings and personal and business tax returns of the mortgage holder;
- iv) Investment documents, including term deposits, guaranteed investment certificates, bonds and mutual fund investments) investment certificates, account applications, account agreements, account statements, records of deposits and withdrawals or sales;
- v) RRSP accounts and investment documents (including term deposits, guaranteed investment certificates, bonds and mutual fund investments) investment certificates, account applications, account agreements, account statements, records of deposits and withdrawals or sales;
- vi) Safety deposit box(es), rental agreement, record of entry and keys;
- vii) Brokerage accounts (including regular, RRSP and trust accounts) client applications, account statements, record of deposits or purchases, record of withdrawals or sales, receipts for transfers or investment instruments from

other accounts, correspondence, internal reviews, insurance policies and related contracts, financial statements, net worth documents, financial projections, record of earnings, personal and business tax returns of the account holder; and

- viii) General information and with respect to customer profile, including active, dormant and closed accounts, loans, mortgages, investments, files and records, internal reports and customer correspondence and any other information available on the customer(s) and account identified.

#### **Company information:**

- 3. Company Records checks and Annual Returns for any company incorporated by PS, with specific inclusion of Sangster Group LLC.
- 4. A statement from the appropriate Bank of America and Company Records representatives producing the documents obtained in evidential format.

#### **Special Requirements**

##### **Computer generated evidence**

If the information requested above is to be produced by a computer, there should be someone who is able to say by way of completing a Certificate the following:-

- (a) there are no reasonable ground for believing that the statement is inaccurate because of improper use of the computer; and
- (b) at all material times the computer was operating properly or if not, that any respect in which it was not operating properly or was out of operation was not such to affect of document or the accuracy of its contents.
- (c) that I occupy a responsible position in relation to the operation of the computer which is..... (this should include but not limited to the relevant job position, title and

description and be sufficient to substantiate familiarity with the operation of the computer regarding (a) and (b) above.

**Witness Statements**

It is requested that any witness statement collected in this matter be signed on each page by the maker and that the following certificates be appended to the close of each statement:-

"This statement consisting of [ ] page(s) was given by me on the [ ] day of [ ] 20[ ] at [ ] in the country of [ ]. I was told that I could add, alter or make corrections to it. After the statement was read over by/to me I signed it as true and correct.

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Signature of Maker

Date

"This statement consisting of [ ] pages and made by me is true to the best of my knowledge and belief and I make it knowing that I shall be liable to prosecution if I state in it anything which I know to be false or do not genuinely believe to be true.

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Signature of Maker

Date

"Taken down by me this [ ] day of [ ] at [ ]. This statement was read over by/to the maker who signed it as true and correct.

Signature of Taker (police officer)

Date

### **Exhibited documents**

Where documents are obtained from a witness, the witness should produce the documents as an exhibit in his/her witness statement. In order to do this, the statement should describe the document and give it an exhibit number. The exhibit number should consist of the witness's initials and consecutive numbering.

### **Transmission of Evidence**

That the originals of any witness statements made and the originals or certified copies of the documents secured during the course of the enquiry be provided to the Central Authority of Jamaica or a duly appointed officer of MOCA. That permission be given for their removal to Jamaica for use at any trial related to this investigation. Unless you indicate otherwise, we will not return the evidence.

### **Witness mobility**

It is being requested that you indicate the willingness of the witnesses to travel to Jamaica to give evidence in person.

### **Reciprocity**

The Central Authority of Jamaica assures the Central Authority of the United States of America that Jamaica is able to execute a similar request if made of her.

### **Contact Information**

It is requested that your response be directed to the Director of Public Prosecutions for the attention of Ms. Maxine Jackson, Deputy Director of Public Prosecutions, Miss. Donnett Henriques, Crown Counsel or Miss Janet Wallace, Paralegal Officer, Mutual Legal Assistance and Financial Crimes Unit.

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Yours truly,

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Donnette Henriques (Ms.)  
Crown Counsel  
Team Member - Mutual Legal Assistance & Financial Crimes Unit  
For DIRECTOR OF PUBLIC PROSECUTIONS – Designated Central Authority  
Jamaica

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Maxine Jackson (Ms.)  
Deputy Director of Public Prosecutions  
Head - Mutual Legal Assistance & Financial Crimes Unit  
For DIRECTOR OF PUBLIC PROSECUTIONS – Designated Central Authority  
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