

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-20651-Cr-Scola

UNITED STATES OF AMERICA

v.

[1] CHRISTOPHER V. CICCIONE, II,

Defendant.

FACTUAL BASIS FOR PLEA

In conjunction with the submission of the accompanying Plea Agreement in this case, the United States of America submits the following statement setting forth the United States' version of the facts leading to Ciccione's acceptance of criminal responsibility for his violation of 18 U.S.C. § 371. If this matter had proceeded to trial, the United States would have presented evidence that would have proven beyond a reasonable doubt the following:

Beginning at least as early as in and around February 24, 2010, the exact date being unknown and continuing through on or about October 28, 2011, within the Southern District of Florida and elsewhere, Homeland Security Investigations (HSI) Special Agent [1] CHRISTOPHER V. CICCIONE, II, the defendant, did knowingly and willfully combine, conspire, confederate, and agree with Jose Bayron Piedrahita Ceballos and Juan Carlos Velasco Cano to: (1) defraud the United States of the honest and faithful services of Ciccione and to interfere with its lawful governmental functions by deceit, craft, and trickery; (2) to knowingly devise and intend to devise a scheme and artifice to defraud and deprive the citizens of the United States of their right the honest services of Ciccione through bribery; and (3) to corruptly influence, obstruct, and impede and endeavor to influence, obstruct, and impede the due administration of justice in *United*

States v. Blas Antonio Gonzalez, et. al., (Indictment #93-470), in the United States District Court for the Southern District of Florida, by using a series of materially false statements, representations, and omissions about the investigation to persuade and attempt to persuade the United States Attorney's Office to dismiss Indictment #93-470.

Specifically, Ciccione admits that he conspired to use his official position as a Special Agent with HSI to cause Indictment #93-470 against Piedrahita to be dismissed in exchange for bribes. Ciccione further admits that he communicated with Piedrahita directly and through an intermediary, Juan Carlos Velasco Cano. Ciccione met with Piedrahita and Velasco in Bogota, Colombia, from December 6 through December 9, 2010, where he received things of value, including a hotel stay and party at the Marriott Bogota, liquor, an expensive dinner, services of a prostitute, and approximately \$20,000.00 in cash. Ciccione solicited, received, and accepted these things of value in exchange for official acts, including obtaining the dismissal of Indictment #93-470, obtaining entry into the United States for Piedrahita and his family by way of parole, and passing confidential law enforcement information to Juan Carlos Velasco about himself and others using interstate wires.

On or about November 24, 2010, Velasco told Piedrahita to email a copy of his Colombian passport to Ciccione for purposes of attempting to gain entry into the United States. Ciccione told Velasco that he was going to be transferred but wanted to help Piedrahita with his "status" and was "fearful" because there are too many "frogs," meaning "snitches." Velasco also told Piedrahita that "[w]e have to pay with another currency," referring to providing Ciccione with payment for his official acts. On or about November 24, 2010, Velasco told Piedrahita to email a copy of his Colombian passport to Ciccione for purposes of attempting to gain entry into the United States. On the same date, Piedrahita's assistant e-mailed Ciccione a photocopy of Piedrahita's

passport, which included Piedrahita's full name, birth date, place of birth, photograph, and passport number.

On November 28, 2010, Ciccione told Velasco and Piedrahita, "listen, we got a good thing going. I'm just trying to keep any bullshit- remember we talked about people talking shit? I don't know where it's coming from or why, but I'm trying to keep it from causing problems. Cause .. all it does is cause problems."

In furtherance of the conspiracy, from December 6 through December 9 of 2010, Piedrahita offered and gave, and Ciccione solicited and accepted, things of value, that is, among other things, approximately \$20,000.00 in U.S. currency; an expensive meal at a restaurant in Bogota, Colombia; a party at a Marriott hotel in Bogota, Colombia; liquor; and prepaid prostitutes. In return for these things of value, Ciccione falsified official records and lied to his supervisors, the United States Attorney's Office, and other federal officials to cause Indictment #93-470 to be dismissed against Piedrahita and to obtain official authorization for Piedrahita and his family to enter into the United States.

Specifically, Ciccione performed the following overt acts:

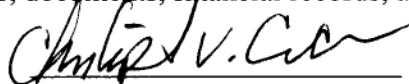
- On September 22, 2010, Ciccione altered Piedrahita's TECS database record to falsely report that Piedrahita was a "former" suspect of a closed investigation, rather than a "current" subject.
- On February 8, 2011, Ciccione drafted and emailed a memorandum to his supervisor requesting dismissal of individuals from Indictment #93-470, including Piedrahita, and made material misrepresentations about Piedrahita, including for example, that Piedrahita was "never positively identified," and that "arrest warrants were never issued."

- On March 16, 2011, Ciccione sent the dismissal memorandum to the Assistant Special Agent in Charge for Miami, Florida for approval.
- On June 20, 2011, Ciccione emailed the Assistant United States Attorney (AUSA) assigned to the case and falsely advised that his Drug Enforcement Administration counterpart concurred with his request for dismissal and that the original case agent “stated he was never able to fully identify the individuals indicted.”
- On June 21, 2011, Ciccione emailed the AUSA and falsely stated that (1) none of the individuals in the memo had arrest warrants, (2) the original case agent was not able to identify the individuals during the course of the investigation, and (3) no one could obtain probable cause to “supersede another indictment.”
- On June 24, 2011, Ciccione sent an email to another HSI Special Agent containing a completed package for a Significant Public Benefit Parole for Piedrahita and his family for processing by the other HSI Special Agent. The forms falsely stated that (1) they were prepared by the HSI Special Agent and (2) no records of criminal activity were located in any databases for Piedrahita.
- On August 17, 2011, Ciccione conducted a law enforcement database query for Piedrahita, which returned the following results in the following databases:
 - NADDIS: “record indicates that the subject is AMRED AND DANGEROUS and that he is also a FUGITIVE.”
 - TECS: “ALLEGED COCAINE SUPPLIER”
 - EPIC: indicated that Piedrahita had been queried as part of the multiple drug investigations.

- On September 30, 2011, Ciccione emailed the HSI parole coordinator, falsely stating that his DEA counterpart: (1) concurred with the decision to allow Piedrahita to come to the United States to cooperate; and (2) knew that the NADDIS record indicated that Piedrahita was a fugitive was “made in error.”
- On October 21, 2011, a U.S. District Judge in the Southern District of Florida dismissed the charges in Indictment #93-470 against Piedrahita and others. On or about October 25, 2011, Ciccione emailed Velasco a copy of the Order of Dismissal of Indictment #93-470 from his personal email address to advise him that Piedrahita’s charges were formally dismissed.
- On October 28, 2011, Ciccione emailed the section chief of the parole unit, falsely stating that he had spoken with his DEA counterpart about the parole for Piedrahita on two occasions, and that his DEA counterpart stated that the NADDIS record must have been erroneous. Ciccione also falsely stated that he communicated with the original case agent, who said that there was never enough evidence and that he was never able to identify Piedrahita and others in order to obtain arrest warrants.


Furthermore, Ciccione sent Velasco confidential information about Velasco and others. For example, on or about August 11, 2010, Ciccione identified HSI Confidential Source SA-2771-MI as being “one of those guys who gets paid for information” and relayed this information to Piedrahita. During a November 1, 2010 call, Velasco told Piedrahita that he spoke to “Chris” and that another HSI confidential informant “was naming names.” On December 21, 2010, Ciccione emailed Juan Carlos Velasco an excerpt from an official, confidential DEA document that identified the names of two cooperators associated with Velasco and drug trafficking activities.

At trial the government would have proven beyond a reasonable doubt that Ciccione is guilty as charged in Count One of the Indictment by presenting physical evidence and documentary evidence such as intercepted wire communications, documents, financial records, and testimony.



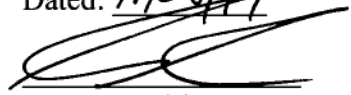
Christopher V. Ciccione, II
Defendant

Dated: 11/30/17



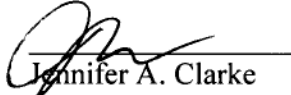
Luke Cass
Trial Attorney

Dated: _____



Marc D. Seitles, Esq.
Counsel for defendant

Dated: 11/30/17



Jennifer A. Clarke
Trial Attorney

Dated: 11/30/17