

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

v.

Radames Benitez-Cardona,
Defendant.

CRIMINAL NO. 21-475 (PAD)

UNITED STATES OF AMERICA'S MOTION REQUESTING
SECURED BOND IN THE AMOUNT OF \$50,000.00

For the reasons set forth below, the United States of America, through its undersigned counsel, respectfully submits that this Honorable Court should set a secured bond in the amount of \$50,000 for defendant Radames Benitez-Cardona.

I. BACKGROUND

On December 8, 2021, a federal grand jury returned a three-count Indictment against defendant Radames Benitez-Cardona. Benitez-Cardona is the Executive Assistant to the Mayor of the Municipality of Trujillo Alto.

Count One of the Indictment charges a conspiracy in violation of Title 18 U.S.C. § 371. That charge carries a maximum penalty of five years of imprisonment. Count Two of the indictment charges bribery in violation of Title 18 U.S.C. § 666. That charge carries a maximum penalty of ten years of imprisonment. Counts Three charges extortion under color of official right in violation of Title 18 U.S.C. § 1951. That charge carries a maximum penalty of twenty years of imprisonment.

On December 9, 2021, defendant was arrested by federal authorities. His initial

appearance will be scheduled by the Court.

II. ALLEGATIONS IN THE INDICTMENT

According to the allegations in the Indictment, defendant Benitez-Cardona, a government official and agent of Trujillo Alto, did knowingly and willfully conspire and agree with Individuals A and B, and with others known and unknown to the Grand Jury, to commit offenses against the United States, including Federal Program Bribery, that is, to corruptly solicit, demand, accept, and agree to accept for his own benefit, things of value from Individuals A and B, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of Trujillo Alto valued at \$5,000 or more in each year of the conspiracy as opportunities arose, that is, municipal contracts related to waste disposal services.

The purpose of the conspiracy was for defendant Benitez-Cardona to benefit and enrich himself by accepting bribes and kickbacks from Individual A and Individual B in exchange for securing municipal contracts for Company A as opportunities arose. According to the allegations, Benitez-Cardona accomplished this by negotiating a bribe and kickback scheme wherein he would receive \$0.75 per house, approximately \$17,250.00 for 23,000 houses, monthly kickback to defendant Benitez-Cardona in connection with Trujillo Alto municipal contract 2018-000004 awarded to Company A. Additionally, Individual B also gave defendant Benitez-Cardona an up-front payment of approximately \$200,000 on behalf of Individual A to ensure that Company A received the waste disposal contract with the Municipality of Trujillo Alto.

In exchange for cash payments from Individual A, defendant Benitez-Cardona took steps benefitting Individual A and his business, Company A, including advising, pressuring,

and directing municipal officials to ensure that Company A was awarded municipal contracts in Trujillo Alto and was paid pursuant to those contracts. During the course of the conspiracy, Benitez-Cardona, Individual A, and Individual B took steps to conceal and disguise their corrupt scheme, such as by meeting in secret locations, communicating in coded text messages, and using cash for bribe and kickback payments.

The Indictment alleges that from in or about June 2017, until in or about July 2021 Benitez-Cardona received and accepted monthly payments of \$17,250 from Individual B on behalf of Individual A. The evidence will show that in exchange for these payments and others, Benitez-Cardona agreed to award, facilitate, and protect contracts for Company A. Additionally, Benitez-Cardona continually reassured Individuals A and B that Company A would obtain and retain contracts and ensured that Company A's invoices were promptly paid.

III. DISCUSSION

Under the Bail Reform Act, 18 U.S.C. § 3141-3156, courts may require a defendant's pre- trial detention if there are no conditions or combination of conditions that will reasonably assure the appearance of the defendant as required or the safety of the community. *See* 18 U.S.C. §§ 3142(b) and 3142(e). "The government must establish risk of flight by a preponderance of the evidence, and/or dangerousness by clear and convincing evidence." *United States v. Muñiz- Alvarez*, No. 15-739, 2015 U.S. Dist. LEXIS 167693, at *3 (D.P.R. Dec. 14, 2015) (internal citations omitted). Certain offenses trigger a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant and the safety of the community. *See* 18 U.S.C. § 3142(e)(1)(2). This case is not one triggering the rebuttable presumption.

Title 18 U.S.C. § 3142(g) enumerates various factors that courts must take into account when assessing whether there are conditions that will reasonably assure the appearance of the defendant and the safety of the community. These factors include: (1) the nature and circumstances of the offense; (2) the weight of the evidence; (3) the history and characteristics of the defendant; and (4) the extent to which the defendant's release would pose a danger to the community. 18 U.S.C. § 3142(g).

While the Court will consider each of the factors in setting a bond amount for Benitez-Cardona, the United States will highlight two of the enumerated factors we submit justify a secured bond amount of \$50,000 in this case.

A. Nature and Circumstance of the Offense

Defendant is charged with several acts of official public corruption. The indictment charges these corrupt acts from in or about June 2017, until in or about July 2021. The length and seriousness of this conduct, as well as defendant's breach of public trust, warrant a substantial bond in this case.

B. Weight of the Evidence

The weight of the evidence is a factor that Congress intended for courts to consider in deciding whether to grant a defendant bail. *See* 18 U.S.C. § 3142(g)(2); *see also United States v. Palmer-Contreras*, 835 F.2d 15, 17 (1st Cir. 1987) (affirming district court's detention order that was, in part, based on the fact that "the weight of the evidence against defendants was great.").

The weight of the evidence in this case supports a finding that defendant should receive a bond in the amount of \$50,000. The evidence in possession of the United States includes, but is not limited to, the following: a) text messages; b) surveillance photos of

bribe payments; c) government contracts; d) invoices for payment on government contracts; e) witness testimony; f) checks issued by the Municipality of Trujillo Alto in payment for contractual work; and g) financial documents corroborating the payments. Attached below are extracts from some of the evidence highlighted above for the Court's consideration.



Payment made to Benitez-Cardona



Walking into Residence with Payment.

IV. CONCLUSION

For the reasons set forth above, this Court should set bond for defendant in the amount of \$50,000 secured in addition to the standard conditions of release.

I HEREBY CERTIFY that on this date I electronically filed the present motion with the Clerk of Court using the CM/ECF system which will send notification of such filing to

the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of December, 2021.

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