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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff, v. RADAMES BENITEZ-CARDONA, Defendant.	Criminal No. 21-CR-475(PAD) Count One: 18 U.S.C. § 371 (Conspiracy) Count Two: 18 U.S.C. § 666(a)(2) & 2 (Federal Program Bribery/Aiding and Abetting) Count Three: 18 U.S.C. § 1951 (Extortion Under Color of Official Right) Forfeiture Allegation

INDICTMENT

The Grand Jury charges:

BACKGROUND ALLEGATIONS

1. At all times material to this Indictment, unless otherwise set forth, with all dates and times alleged to be "on or about" or "in or about" and all amounts alleged to be "approximately":

2. The Commonwealth of Puerto Rico was a self-governing Commonwealth in association with the United States of America. Puerto Rico was divided into 78 administrative divisions called municipalities. Trujillo Alto was a municipality within the Commonwealth of Puerto Rico.

3. In each of the calendar years 2017, 2018, 2019, 2020, and 2021, the Municipality of Trujillo Alto received more than $10,000 in benefits from the United States

government under federal programs involving grants, subsidies, loans, guarantees, insurance, and other forms of assistance.

4. RADAMES BENITEZ-CARDONA began working as an assistant to the Mayor of Trujillo Alto in 2009 and is currently Executive Assistant to the Mayor of Trujillo Alto.

5. Individual A owned and had a financial interest in a waste management company, Company A. Individual B owned and had a financial interest in an asphalt and paving company, Company B.

COUNT 1
Conspiracy; Federal Funds Bribery and Kickbacks
18 U.S.C. § 371

6. The preceding paragraphs of this Indictment are hereby re-alleged and incorporated in this Count.

Object of the Conspiracy

7. From in or about June 2017, until in or about July 2021, in the District of Puerto Rico, defendant RADAMES 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. In each of the years 2017, 2018, 2019, 2020, and 2021, the municipality of Trujillo Alto received

benefits in excess of $10,000 under federal programs involving grants, subsidies, loans, guarantees, insurance, and other forms of assistance. All in violation of 18 U.S.C. § 666(a)(1)(B).

Purpose of the Conspiracy

8. 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.

Manner and Means of the Conspiracy

9. The manner and means by which defendant BENITEZ CARDONA carried out the scheme included, but were not limited to, the following:

10. Individual B negotiated a bribe and kickback scheme with defendant BENITEZ-CARDONA on behalf of Individual A. The scheme required Individual A to pay a $8.75 per house, approximately $17,251.00 for 23,1X0 houses, monthly kickback to defendant BENITEZ-CARDONA in connection with Trujillo Alto municipal contract 2018-000004 awarded to Company A. 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.

11. In exchange for cash payments from Individual A, defendant BENITEZ-CARDONA took steps benefiting 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.

12. 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.

Acts in Furtherance of the Conspiracy

13. In furtherance of the conspiracy, and to affect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Puerto Rico:

14. On or about May 22, 2021, defendant BENITEZ-CARDONA received and accepted a cash payment of approximately $17,250 from Individual B on behalf of Individual A.

15. On or about June 12, 2021, defendant BENITEZ CARDONA received and accepted a cash payment of approximately $17,250 from Individual B on behalf of Individual A.

16. On or about July 25, 2021, defendant BENITEZ-CARDONA received and accepted a cash payment of approximately $17,250 from Individual B on behalf of Individual A.

17. In exchange for these payments and others, BENITEZ-CARDONA agreed to award, facilitate, and protect contracts for Company A.

18. 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.

All in violation of 18 U.S.C. § 371.

COUNT 2
Federal Program Bribery/Aiding and Abetting
18 U.S.C. § 666(a)(1)(B) and 2

19. Paragraphs One through Five of this Indictment are hereby re-alleged and incorporated in this Count.

20. From on or about May 22, 2021, through on or about July 25, 2021, in the District of Puerto Rico, defendant RADAMES BENITEZ-CARDONA, a public official and agent of Trujillo Alto, did corruptly solicit, demand, accept, and agree to accept for his own benefit, things of value from Individual B on behalf of Individual A, to wit: three individual approximately $17,250 cash payments, with the intent of being influenced and rewarded in connection with any business, transaction, and series of transactions of Trujillo Alto valued at $5,000 or more as opportunities arose, that is, municipal contracts for waste disposal services. In calendar year 2021, the municipality of Trujillo Alto received benefits in excess of $10,000 under federal programs involving grants, subsidies, loans, guarantees, insurance, and other forms of assistance.

All in violation of 18 U.S.C. §§ 666(a)(1)(B) and 2.

COUNT 3
Extortion Under Color of Official Right
18 U.S.C. § 1951

21. Paragraphs One through Five of this Indictment are hereby re-alleged and incorporated in this Count.

From in or about June 2017 until in or about July, 2021, in the District of Puerto Rico, defendant RADAMES BENITEZ-CARDONA, did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, and did attempt to

obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, BENITEZ-CARDONA, obtained property not due to him or his office as a public official, from Individual A, with Individual A's consent, under color of official right.

All in violation of 18 U.S.C. § 1951.

FORFEITURE ALLEGATION
28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C)

22. The preceding paragraphs of this Indictment are hereby re-alleged and incorporated in this Allegation.

23. Pursuant to 28 U.S.C. § 2461(c) and 18 U.S.C. § 981(a)(1)(C), the United States gives notice to the defendant RAIMMES BENITEZ-CARDONA that in the event of a conviction for the offense charged in Counts One or Two of this Indictment, all property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, from such offense, is subject to forfeiture.

Money Judgment

24. Defendant is notified that upon conviction, a money judgment may be imposed equal to the total value of the property subject to forfeiture.

Substitute Assets

25. Defendant is notified that in the event that property subject to forfeiture, as a result of any act or omission of that defendant,

a. cannot be located upon the exercise of due diligence.

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property that cannot be divided without difficulty,

the United States will seek to forfeit any other property of Defendant up to the total value of the property subject to forfeiture pursuant to 21 U.S.C. § 853(p), as incorporated by reference in 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)(1).

TRUE BILL

Jury Foreperson

Dated: 12/8/2021

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