



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

February 29, 2024

Daniel J. Fetterman, Esq.
Kasowitz Benson Torres LLP
1633 Broadway
New York, New York 10019

**Re: *United States v. Jose Uribe,*
S3 23 Cr. 490 (SHS)**

Dear Mr. Fetterman:

This prosecution and the protection against prosecution set forth below have been approved by the Tax Division, Department of Justice.

On the understandings specified below, the Office of the United States Attorney for the Southern District of New York (“this Office”) will accept a guilty plea from Jose Uribe (the “defendant”) to the above-referenced seven-count Superseding Information (the “Information”).

Count One of the Information charges the defendant with participating in a conspiracy to commit bribery from at least in or about 2018 through in or about 2023, in violation of Title 18, United States Code, Section 371. This charge carries a maximum sentence of five years’ imprisonment; a maximum term of three years’ supervised release; a maximum fine, pursuant to Title 18, United States Code, Section 3571, of the greatest of \$250,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant as a result of the offense; and a mandatory \$100 special assessment.

Count Two of the Information charges the defendant with participating in a conspiracy to commit honest services wire fraud from at least in or about 2018 through in or about 2023 in violation of Title 18, United States Code, Section 1349. This charge carries a maximum sentence of 20 years’ imprisonment; a maximum term of three years’ supervised release; a maximum fine, pursuant to Title 18, United States Code, Section 3571, of the greatest of \$250,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant as a result of the offense; and a mandatory \$100 special assessment.

Count Three of the Information charges the defendant with honest services wire fraud from at least in or about 2018 through in or about 2023, in violation of Title 18, United States Code, Sections 1343, 1346, and 2. This charge carries a maximum sentence of 20 years’ imprisonment; a maximum term of three years’ supervised release; a maximum fine, pursuant to Title 18, United States Code, Section 3571, of the greatest of \$250,000, twice the gross pecuniary gain derived

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from the offense, or twice the gross pecuniary loss to persons other than the defendant as a result of the offense; and a mandatory \$100 special assessment.

Count Four of the Information charges the defendant with participating in a conspiracy to commit obstruction of justice from at least in or about June 2022 through in or about 2023, in violation of Title 18, United States Code, Section 371. This charge carries a maximum sentence of five years' imprisonment; a maximum term of three years' supervised release; a maximum fine, pursuant to Title 18, United States Code, Section 3571, of the greatest of \$250,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant as a result of the offense; and a mandatory \$100 special assessment.

Count Five of the Information charges the defendant with obstruction of justice from at least in or about June 2022 through in or about 2023, in violation of Title 18, United States Code, Sections 1503 and 2. This charge carries a maximum sentence of ten years' imprisonment; a maximum term of three years' supervised release; a maximum fine, pursuant to Title 18, United States Code, Section 3571, of the greatest of \$250,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant as a result of the offense; and a mandatory \$100 special assessment.

Count Six of the Information charges the defendant with committing tax evasion for the tax years 2016 through 2021, in violation of Title 26, United States Code, Section 7201 and Title 18, United States Code, Section 2. This charge carries a maximum sentence of five years' imprisonment; a maximum term of three years' supervised release; a maximum fine, pursuant to Title 18, United States Code, Section 3571, of the greatest of \$250,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant as a result of the offense; a mandatory \$100 special assessment; and the costs of prosecution.

Count Seven of the Information charges the defendant with wire fraud affecting a financial institution, from at least in or about 2019 through at least in or about 2020, in violation of Title 18, United States Code, Sections 1343 and 2. This charge carries a maximum term of imprisonment of 30 years' imprisonment; a maximum term of five years' supervised release; a maximum fine, pursuant to Title 18, United States Code, Sections 1343 and 3571 of \$1,000,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant resulting from the offense; and a \$100 mandatory special assessment. In addition to the foregoing, the Court must order restitution as specified below.

The total maximum sentence of incarceration on all counts is 95 years' imprisonment.

The defendant further agrees to waive any claim of alleged lack of or improper venue with respect to Counts Six and Seven of the Information. The defendant further agrees to waive any potential statute of limitations and duplicity defense as to Count Six.

The defendant hereby admits the forfeiture allegations with respect to Counts One through Five of the Information and agrees to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c) a sum of money in United States currency representing proceeds traceable to the commission of said

offenses. The defendant hereby also admits the forfeiture allegations with respect to Count Seven of the Information and agrees to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A) a sum of money equal to \$246,000 in United States currency, representing proceeds traceable to the commission of said offense. It is further understood that any forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon him in addition to forfeiture.

It is further understood that the defendant shall make restitution in an amount to be specified by the Court in accordance with 18 U.S.C. §§ 3663, 3663A, and 3664. The restitution amount shall be paid according to a plan established by the Court. The defendant will be given credit against this restitution amount for any payments made prior to sentencing, as verified by the Office. The defendant agrees that restitution as set forth above shall be ordered as an independent part of the sentence, *see* 18 U.S.C. § 3663(a)(3), and, in addition, that the obligation to make restitution shall be made a condition of probation, *see* 18 U.S.C. § 3563(b)(2), or of supervised release, *see* 18 U.S.C. § 3583(d), as the case may be. If the Court orders the defendant to pay restitution to the Internal Revenue Service ("IRS"), either directly as part of the sentence or as a condition of supervised release or probation, the IRS may use the restitution order as a basis for a civil assessment. *See* 26 U.S.C. § 6201(a)(4)(C). Neither the existence of a restitution payment schedule nor the defendant's timely payment of restitution according to that schedule will preclude the IRS from administrative collection of the restitution-based assessment, including levy and distraint under 26 U.S.C. § 6331.

It is understood that at least two weeks prior to the date of sentencing, the defendant shall file with the IRS, and provide copies to the Office, accurate amended individual tax returns for the calendar years 2016 through 2021 and accurate amended corporate tax returns for Phoenix Risk Management Ltd., Frank & Sons Logistics LLC, Route One Transport Inc., Green Day Transport, Inc., and JDU Realty & Investment Corp. for the fiscal years ending 2016 through 2021, or enter into a Form 870 Waiver of Restrictions on Assessment and Collection of Deficiency in Tax and Acceptance of Overassessment signed by the defendant. Notwithstanding the immediately preceding paragraph, the defendant will pay past taxes due and owing to the IRS for the years 2016 through 2021, including any applicable penalties on such terms and conditions as will be agreed upon between the defendant and the IRS. The defendant will not contest the applicability of civil fraud penalties. This Office reserves the right to include as relevant conduct additional tax loss attributable to Uribe, if any, that can be determined prior to sentencing.

It is understood that the defendant (a) shall truthfully and completely disclose all information with respect to the activities of himself and others concerning all matters about which this Office inquires of him, which information can be used for any purpose; (b) shall cooperate fully with this Office, the Federal Bureau of Investigation, IRS—Criminal Investigation, and any other law enforcement agency designated by this Office; (c) shall attend all meetings at which this Office requests his presence; (d) shall provide to this Office, upon request, any document, record, or other tangible evidence relating to matters about which this Office or any designated law enforcement agency inquires of him; (e) shall truthfully testify before the grand jury and at any trial and other court proceeding with respect to any matters about which this Office may request his testimony; (f) shall bring to this Office's attention all crimes which he has committed, and all

administrative, civil, or criminal proceedings, investigations, or prosecutions in which he has been or is a subject, target, party, or witness; and, (g) shall commit no further crimes whatsoever. Moreover, any assistance the defendant may provide to federal criminal investigators shall be pursuant to the specific instructions and control of this Office and designated investigators.

If the defendant fully complies with the understandings specified in this Agreement, he will not be further prosecuted criminally by this Office, and, with respect to tax offenses, the Tax Division, Department of Justice, for any crimes related to his participation in (a) a conspiracy to commit bribery from at least in or about 2018 through in or about 2023, as charged in Count One of the Information; (b) an honest services wire fraud conspiracy from at least in or about 2018 through in or about 2023, as charged in Count Two of the Information; (c) honest services wire fraud from at least in or about 2018 through in or about 2023, as charged in Count Three of the Information; (d) a conspiracy to commit obstruction of justice from at least in or about June 2022 through in or about 2023, as charged in Count Four of the Information; (e) obstruction of justice from at least in or about June 2022 through in or about 2023, as charged in Count Five of the Information; (f) tax evasion for the tax years 2016 through 2021, as charged in Count Six of the Information; (g) wire fraud from at least in or about 2019 through at least in or about 2020, as charged in Count Seven of the Information; (h) falsely saying he was married on his individual tax returns following his divorce through in or about 2021; (i) the failure to cause income to be reported on tax returns filed for Phoenix Risk Management Ltd., Frank & Sons Logistics LLC, Route One Transport Inc., Green Day Transport, Inc., and JDU Realty & Investment Corp., as well as individual tax returns, prior to in or about 2015, and (j) from in or about May 2011 through in or about February 2024, engaging or participating in the business of insurance after having been convicted of third degree theft by deception and insurance fraud in the third degree, to the extent that he has disclosed such participation to this Office as of the date of this Agreement. It is understood that all of the uncharged conduct set forth above in items (h), (i), and (j) constitutes either relevant conduct, pursuant to United States Sentencing Guidelines (“U.S.S.G.”) Section 1B1.3, or other conduct of the defendant, pursuant to U.S.S.G. § 1B1.4, that the Court may consider at the time of sentencing. This Agreement does not provide any protection against prosecution for any crimes except as set forth above.

It is understood that this Agreement does not bind any federal, state, or local prosecuting authority other than this Office and, to the extent set forth above, the Tax Division, Department of Justice. This Office will, however, bring the cooperation of the defendant to the attention of other prosecuting offices, if requested by him.

It is understood that the sentence to be imposed upon the defendant is within the sole discretion of the Court. This Office cannot, and does not, make any promise or representation as to what sentence the defendant will receive, and will not recommend any specific sentence to the Court. However, this Office will inform the Probation Office and the Court of (a) this Agreement; (b) the nature and extent of the defendant’s activities with respect to this case and all other activities of the defendant which this Office deems relevant to sentencing; and (c) the nature and extent of the defendant’s cooperation with this Office. In so doing, this Office may use any information it deems relevant, including information provided by the defendant both prior to and subsequent to the signing of this Agreement. In addition, if this Office determines that the defendant has provided substantial assistance in an investigation or prosecution, and if he has fully complied with

the understandings specified in this Agreement, this Office will file a motion, pursuant to Section 5K1.1 of the Sentencing Guidelines, requesting the Court to sentence the defendant in light of the factors set forth in Section 5K1.1(a)(1)-(5). It is understood that, even if such a motion is filed, the sentence to be imposed on the defendant remains within the sole discretion of the Court. Moreover, nothing in this Agreement limits this Office's right to present any facts and make any arguments relevant to sentencing to the Probation Office and the Court, or to take any position on post-sentencing motions. The defendant hereby consents to such adjournments of his sentence as may be requested by this Office.

It is understood that, should this Office determine that the defendant has not provided substantial assistance in an investigation or prosecution, or has violated any provision of this Agreement, such a determination will release this Office from any obligation to file a motion pursuant to Section 5K1.1 of the Sentencing Guidelines, but will not entitle the defendant to withdraw his guilty plea once it has been entered.

It is understood that, should this Office determine, subsequent to the filing of a motion pursuant to Section 5K1.1 of the Sentencing Guidelines and/or 18 U.S.C. § 3553(e), that the defendant has violated any provision of this Agreement, this office shall have the right to withdraw such motion.

It is understood that, should the defendant commit any further crimes or should it be determined that he has given false, incomplete, or misleading testimony or information, or should he otherwise violate any provision of this Agreement, the defendant shall thereafter be subject to prosecution for any federal criminal violation of which this Office has knowledge, including perjury and obstruction of justice. Any such prosecution that is not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against the defendant, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecution. It is the intent of this Agreement to waive all defenses based on the statute of limitations with respect to any prosecution that is not time-barred on the date that this Agreement is signed.

It is understood that in the event that it is determined that the defendant has committed any further crimes, given false, incomplete, or misleading testimony or information, or otherwise violated any provision of this Agreement, (a) all statements made by the defendant to this Office or other designated law enforcement agents, and any testimony given by the defendant before a grand jury or other tribunal, whether prior to or subsequent to the signing of this Agreement, and any leads from such statements or testimony shall be admissible in evidence in any criminal proceeding brought against the defendant; and (b) the defendant shall assert no claim under the United States Constitution, any statute, Rule 410 of the Federal Rules of Evidence, or any other federal rule that such statements or any leads therefrom should be suppressed. It is the intent of this Agreement to waive all rights in the foregoing respects.

It is further understood that this Office will not object to the defendant's continued release on the bail conditions as set forth at the September 27, 2023 hearing in this case, that is, a \$1,000,000 personal recognize bond secured by the defendant's personal residence in Clifton, New Jersey, and adherence to all other standard conditions of release. This Office reserves the right to

move without notice to the defendant for a revocation or modification of the above bail conditions should it determine that the defendant has violated any provision of this Agreement or condition of his release, or should it determine that such a revocation or modification is otherwise appropriate. The defendant hereby consents to any such revocation or modification.

The defendant hereby acknowledges that he has accepted this Agreement and decided to plead guilty because he is in fact guilty.

By entering this plea of guilty, the defendant waives any and all right to withdraw his plea or to attack his conviction or sentence, either on direct appeal or collaterally, on the ground that the Government has failed to produce any discovery material, *Jencks* Act material, material pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), other than information establishing the factual innocence of the defendant, or impeachment material pursuant to *Giglio v. United States*, 405 U.S. 150 (1972), that has not already been produced as of the date of the signing of this Agreement.

The defendant recognizes that, if he is not a citizen of the United States, his guilty plea and conviction make it very likely that his removal from the United States is presumptively mandatory and that, at a minimum, he is at risk of being removed or suffering other adverse immigration consequences. If the defendant is a naturalized citizen of the United States, he recognizes that pleading guilty may have consequences with respect to the defendant's immigration status. Under federal law, an individual may be subject to denaturalization and removal if his naturalization was procured by concealment of a material fact or by willful misrepresentation, or otherwise illegally procured. The defendant acknowledges that he has discussed the possible immigration consequences (including removal or denaturalization) of his guilty plea and conviction with defense counsel. The defendant affirms that he wants to plead guilty regardless of any immigration or denaturalization consequences that may result from the guilty plea and conviction, even if those consequences include denaturalization and/or removal from the United States. The defendant understands that denaturalization and other immigration consequences are typically the subject of a separate proceeding, and the defendant understands that no one, including his attorney or the District Court, can predict with certainty the effect of the defendant's conviction on the defendant's immigration or naturalization status. It is agreed that the defendant will have no right to withdraw his guilty plea based on any actual or perceived adverse immigration consequences (including removal or denaturalization) resulting from the guilty plea and conviction. It is further agreed that the defendant will not challenge his conviction or sentence on direct appeal, or through litigation under Title 28, United States Code, Section 2255 and/or Section 2241, on the basis of any actual or perceived adverse immigration consequences (including removal or denaturalization) resulting from his guilty plea and conviction.

This Agreement supersedes any prior understandings, promises, or conditions between this Office, the Tax Division, Department of Justice, and the defendant. No additional understandings, promises, or conditions have been entered into other than those set forth in this Agreement, and none will be entered into unless in writing and signed by all parties.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

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APPROVED:

Daniel M. Gitner
DANIEL M. GITNER
Chief, Criminal Division

AGREED AND CONSENTED TO:

Jose Uribe
Jose Uribe

March 1, 2024
DATE

APPROVED:

Daniel J. Fetterman
Daniel J. Fetterman, Esq.
Attorney for Jose Uribe

March 1, 2024
DATE