No. 26-

IN THE

Supreme Court of the United States

JUAN TACURI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether, under Federal Rule of Criminal Procedure 51, a party that had no chance to object before the court ruled has an "opportunity to object"—such that its failure to object forfeits its claim of error—because it could have asked the court to reconsider before the ruling took effect, as the Second Circuit held below, or instead lacks such an opportunity, as the First, Seventh, and Eighth Circuits have held.

2. Whether, under *Rosales-Mireles v. United States*, 585 U.S. 129 (2018), an unpreserved sentencing error satisfying *United States v. Olano*'s first three plain-error prongs presumptively satisfies the fourth such that a court of appeals errs by bypassing the first three prongs and denying relief solely under the fourth.

PARTIES TO THE PROCEEDING

Petitioner (defendant-appellant below) is Juan Tacuri. Respondent (plaintiff-appellee below) is the United States of America.

STATEMENT OF RELATED PROCEEDINGS

This case arises from and is directly related to the following proceedings in the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit:

United States v. Da Silva, No. 22 Cr. 00622 (AT) (S.D.N.Y. Oct. 16, 2024)

United States v. Tacuri, No. 24-2889-Cr (2d Cir. May 14, 2026) (summary order)

United States v. Tacuri, No. 24-2889-Cr (2d Cir. July 29, 2026) (denying rehearing)

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PETITION FOR A WRIT OF CERTIORARI

Juan Tacuri respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit.

OPINIONS BELOW

The decision of the Second Circuit (Pet. App. 1a–6a) is unreported but is available at 2026 WL 1346441. The Second Circuit's denial of panel rehearing and rehearing en banc (Pet. App. 109a) is unreported. The district court's decision granting the government's application for a video broadcast (CA2 A-147–49[1]) is unreported, as is its order for a telephonic broadcast (Pet. App. 108a).

JURISDICTION

The judgment of the Second Circuit was entered on May 14, 2026. The Second Circuit denied panel and en banc rehearing on July 29, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

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[1] Citations to the Second Circuit appendix filed by Petitioner are written as "CA2 A-##." *See* Appendix, *United States v. Tacuri*, No. 24-2889-Cr (2d Cir. July 14, 2025), ECF Nos. 34–35. Citations to the Second Circuit supplemental appendix filed by Respondent are written as "CA2 SA-##." *See* Supplemental Appendix, *United States v. Tacuri*, No. 24-2889-Cr (2d Cir. Dec. 1, 2025), ECF No. 49. Citations to the government's Second Circuit brief are written as "Gov't CA2 Br. ##." *See* Gov't Br., *United States v. Tacuri*, No. 24-2889-Cr (2d Cir. Dec. 1, 2025), ECF No. 48. Citations to Petitioner's Second Circuit reply brief are written as "Pet. CA2 Reply Br. ##." *See* Reply Br., *United States v. Tacuri*, No. 24-2889-Cr (2d Cir. Dec. 22, 2025), ECF No. 53.

STATUTES AND RULES INVOLVED

Federal Rule of Criminal Procedure 51 provides:

(a) Exceptions Unnecessary. Exceptions to rulings or orders of the court are unnecessary.

(b) Preserving a Claim of Error. A party may preserve a claim of error by informing the court—when the court ruling or order is made or sought—of the action the party wishes the court to take, or the party's objection to the court's action and the grounds for that objection. If a party does not have an opportunity to object to a ruling or order, the absence of an objection does not later prejudice that party . . . .

Federal Rule of Criminal Procedure 52 provides:

(a) Harmless Error. Any error, defect, irregularity, or variance that does not affect substantial rights must be disregarded.

(b) Plain Error. A plain error that affects substantial rights may be considered even though it was not brought to the court's attention.

Federal Rule of Criminal Procedure 53 provides:

Except as otherwise provided by a statute or these rules, the court must not permit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom.

The CARES Act, Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527–30 (2020), is reproduced at Pet. App. 110a–112a.

INTRODUCTION

Federal Rule of Criminal Procedure 53 prohibits "the broadcasting of judicial proceedings from the courtroom." The narrow exception for remote proceedings that Congress created during the COVID-19 emergency ended in May 2023. Despite this, 17 months later, the government emailed the district court to ask it to "add a dial in/VTC" for Petitioner Juan Tacuri's sentencing. (CA2 A-149). Seventeen *minutes* later, chambers replied, "Will do." (CA2 A-148). The sentencing was broadcast by video and audio through Microsoft Teams and by audio-only through a telephone dial-in, and 11 victims addressed the court remotely through that broadcast. After the last of them spoke, the government abandoned its prior recommendation of a sentence at or near the top of the stipulated 108–135-month Guidelines range and asked instead for "at least 15 years [180 months], if not more." (Pet. App. 87a–89a). The district court then imposed the statutory maximum sentence of 240 months. (Pet. App. 103a).

The Second Circuit never decided whether the broadcast was lawful. Instead, it held that Tacuri forfeited his objection, even though, as the court acknowledged, his opportunity to object "arose only after [district] court staff suggested the decision had already been made." (Pet. App. 3a). Rule 51(b) fixes the moment for objection:

A party preserves a claim of error by informing the court of its position "when the court ruling or order is made or sought," and a party who "does not have an opportunity to object" suffers no prejudice from the absence of an objection. By the court's own account, then, Tacuri's only opportunity was the chance to seek reconsideration. The First, Seventh, and Eighth Circuits hold that this is not an "opportunity to object" under Rule 51(b). The Second Circuit, applying its own precedent, has adopted the contrary rule and declined to revisit it en banc.

Having reviewed only for plain error, the Second Circuit then declined to decide whether the broadcast violated Rule 53, whether any violation was plain, or whether it affected Tacuri's substantial rights—the first three prongs of the *Olano* plain-error standard. Instead, it affirmed on the fourth *Olano* prong alone. That approach disregards *Rosales-Mireles v. United States*, 585 U.S. 129 (2018), which holds that a Guidelines computation error satisfying the first three prongs will "in the ordinary case" satisfy the fourth. The *Rosales-Mireles* presumption should apply to other procedural errors at sentencing, including Rule 53 errors. In all events, the lower court's fourth-prong analysis rested on a premise the record did not support: that no member of the press or public accessed the telephonic broadcast. A journalist has since reported that he did.

These questions are important and recurring. District courts increasingly decide procedural matters by email, and since the COVID-19-era authorization for remote criminal proceedings expired, district courts have divided over whether to broadcast criminal proceedings, often without considering Rule 53. This case is an

ideal vehicle because the facts are undisputed, the issues were pressed at every stage, and each error was outcome-determinative. The Court should grant review. At a minimum, it should summarily reverse the preservation holding and remand for review under the correct standard.

STATEMENT OF THE CASE

A. Legal Framework

1. *Preservation and plain-error review*. Federal Rule of Criminal Procedure 51 governs how a party preserves a claim of error. Rule 51(a) provides that "[e]xceptions to rulings or orders of the court are unnecessary." Rule 51(b) provides that a party "may preserve a claim of error by informing the court—when the court ruling or order is made or sought—of the action the party wishes the court to take, or the party's objection to the court's action and the grounds for that objection." It continues: "If a party does not have an opportunity to object to a ruling or order, the absence of an objection does not later prejudice that party." Fed. R. Crim. P. 51(b). This Court has described Rule 51(b) as a "contemporaneous-objection rule." *Puckett v. United States*, 556 U.S. 129, 135 (2009).

An error that is not preserved may be corrected under Rule 52(b) as "plain error." Under *United States v. Olano*, 507 U.S. 725 (1993), the appellant must show (1) an error (2) that is plain, and (3) that affected substantial rights. If those showings are made, appellate courts have discretion to correct the error if (4) it seriously affects the fairness, integrity, or public reputation of judicial proceedings. In *Rosales-Mireles*, this Court held that a plain Guidelines error that affects substantial rights will, in the ordinary case, satisfy the fourth prong. 585 U.S. at 137–45, 142 n.4.

2. *Prohibition on broadcasting from courtrooms.* Federal Rule of Criminal Procedure 53 prohibits broadcasting criminal proceedings. Fed. R. Crim. P. 53 ("Except as otherwise provided by a statute or these rules, the court must not permit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom."). The Second Circuit has described the Rule as a "general ban" on broadcasting, and it applies to "public videoconferencing." *United States v. Leroux*, 36 F.4th 115, 120 (2d Cir. 2022). The prohibition is longstanding. *See United States v. Hastings*, 695 F.2d 1278, 1279 n.5 (11th Cir. 1983).

Rule 53's adoption and its continued vitality reflect the federal judiciary's concern for preserving the integrity and reputation of judicial proceedings. *See, e.g.*, *Estes v. Texas*, 381 U.S. 532, 541 (1965) (noting "the insidious influences" of broadcasting on "the administration of justice" (quoting William O. Douglas, *The Public Trial and the Free Press*, 33 Rocky Mt. L. Rev. 1 (1960))). They reflect also Congress's judgment not to permit broadcasting. *See* Sarah J. Eckman, Cong. Rsch. Serv., *Video Broadcasting from the Federal Courts: Issues for Congress* (2019), https://www.congress.gov/crs-product/R44514 (last visited Oct. 21, 2026).

Congress and the criminal rules have created a small number of express exceptions to Rule 53's broadcast ban. Relevant here, the CARES Act temporarily authorized video and telephone access to certain criminal proceedings during the COVID-19 emergency. Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527–30 (2020). That authorization ended on May 10, 2023. *See Judiciary Ends COVID Emergency;*

Study of Broadcast Policy Continues, U.S. Courts (May 11, 2023), https://www.uscourts.gov/data-news/judiciary-news/2023/05/11/judiciary-ends-covid-emergency-study-broadcast-policy-continues (last visited Oct. 21, 2026).

B. Proceedings Below

1. *Offense conduct and guilty plea.* Tacuri was charged with conspiracy to commit wire fraud, wire fraud, and conspiracy to commit money laundering. The charges stem from Tacuri's participation in Forcount, a purported cryptocurrency investment firm that was actually a Ponzi scheme organized as a multi-level marketing company. Tacuri was one of several "senior promoters." He promoted Forcount at in-person and online events, encouraged investments, and displayed apparent wealth as evidence of the promised returns. He did not create Forcount and was not its primary operator. (Pet. App. 15a–16a, 90a, 101a).

On June 5, 2024, Tacuri pleaded guilty to one count of conspiracy to commit wire fraud pursuant to a plea agreement that stipulated a Guidelines range of 108–135 months' imprisonment. (CA2 A-101–126).

2. *The broadcast request and orders.* On October 7, 2024, approximately one week before Tacuri's sentencing, the government emailed the district court's chambers requesting that it "add a dial in/VTC [video teleconference] for this sentencing." (CA2 A-149). Just 17 minutes after the application was made, the district court's chambers responded, "Will do." (CA2 A-148). That same day, the district court docketed an order announcing the date and time of sentencing and providing a dial-in number for "[m]embers of the public and press wishing to attend sentencing via teleconference." (Pet. App. 108a).

The government's email application copied only one of Tacuri's two attorneys of record, and that attorney did not participate in the exchange. (CA2 A-134–49).

The district court never entered on the docket, or memorialized in any written order or on-the-record ruling, its decision to broadcast the sentencing on Microsoft Teams. Nor does the record reflect that the district court consulted either party before docketing the order announcing the public telephonic broadcast. (CA2 A-21).

3. *Sentencing proceeding*. On October 15, 2024, the parties appeared before the district court for sentencing. The district court broadcast the sentencing by video and audio through Microsoft Teams and by audio-only through a telephone dial-in. (Pet. App. 3a).

At the beginning of the proceeding, the district court found, consistent with the parties' stipulations, that the total offense level was 31, criminal history category was I, and Guidelines range was 108–135 months. (Pet. App. 10a).

The government addressed the district court first. It requested "a sentence at or near the top of the guidelines." (Pet. App. 10a). Next, the district court permitted victims to address it. Before this could begin, however, the district court adjourned the proceeding so that court staff could resolve technical difficulties. (Pet. App. 16a). This delay was one of several caused by the broadcast. (Pet. App. 51a, 52a, 54a–55a). Ultimately, the district court heard from twenty-three victims. Twelve victims who were physically present in the courtroom spoke first, with their statements broadcast via Teams and dial-in. Following them, eleven additional victims addressed the district court remotely through the broadcasts. (Pet. App. 17a–87a).

Several of the remote statements were among the most harrowing of the hearing. E.F., who is permanently disabled, told the court via the broadcast that after she gave Tacuri $11,000, he pressured her to borrow against her house and demanded that she bring him $58,500 the next day. (Pet. App. 55a–65a). E.C. stated that Tacuri pressured her to sell her home and that, when she threatened to go to the police, he replied, "You are immigrant. You can't do anything." (Pet. App. 67a–68a). M.V., a 77-year-old victim, said that Tacuri "deceived" him into withdrawing $65,000 from his pension, leaving him unable to retire. (Pet. App. 69a).

Five of the eleven remote speakers submitted no written victim-impact statement, so their accounts reached the district court only through the broadcast. For the six who had submitted written statements, their broadcast statements were longer, more detailed, and more affecting than what they had written. For example, victim M.L.M. told the court via the broadcast about another victim who, defrauded out of $500,000, died destitute, unable to afford treatment for cancer. (Pet. App. 78a). M.L.M. had not mentioned this powerful story in her letter. (CA2 SA-90–93).

Immediately after the last victim spoke via the broadcast, the government addressed the district court again. The Assistant U.S. Attorney said: "After having heard hours and hours of victims statements, I think that our original recommendation of at or near the top of the guidelines understates what Mr. Tacuri did here." (Pet. App. 87a). The district court should, he argued, "sentence Tacuri to at least 15 years [180 months], if not more." (Pet. App. 89a).

The district court sentenced Tacuri principally to 240 months' imprisonment, nearly double the top of the Guidelines range. (Pet. App. 103a). In explaining why it imposed the statutory-maximum sentence, the district court emphasized the victims' accounts, including accounts of victims who spoke remotely via the broadcast. (Pet. App. 101a–102a). Tacuri's sentence far exceeded those imposed on comparable defendants. Two of his codefendants, also senior promoters of Forcount, received 30 and 48 months. (CA2 A-401, A-521). A defendant in a similar cryptocurrency fraud whom the government itself described as "most akin" to Tacuri received 60 months despite having the same Guidelines range as Tacuri. (Pet. App. 91a–92a; CA2 A-166–67); *see* Gov't Sent. Submission at 11–12, *United States v. Dos Santos*, No. 20 Cr. 398 (GBD) (S.D.N.Y. Sept. 28, 2023), ECF No. 255.

4. *Decision below*. The Second Circuit affirmed in a six-page, nonprecedential summary order. *United States v. Tacuri*, No. 24-2889-Cr, 2026 WL 1346441 (2d Cir. May 14, 2026) (Pet. App. 1a–6a). It held first that the plain-error standard of review applied. Citing its opinion in *United States v. Mendonca*, 88 F.4th 144, 150, 156 (2d Cir. 2023), it found that Tacuri had a "meaningful opportunity to object" before sentencing, "even if such an opportunity arose only after [district] court staff suggested the decision had already been made." (Pet. App. 3a).

In applying the plain-error standard set forth in *Olano*, the court did not decide whether the broadcast violated Rule 53, whether any violation was plain, or whether it affected Tacuri's substantial rights, the first three *Olano* prongs. Instead, it skipped directly to *Olano*'s fourth prong. It held:

> [W]e conclude that the error in any event did not "seriously affect the fairness, integrity, or public reputation of the judicial proceedings." In particular, there is no evidence that any members of the press or public actually joined the public dial-in line. While we are concerned that the availability of a public broadcast of a proceeding could affect the conduct of the proceeding, the claimed error here "arose from the District Court's understandable response to logistical constraints" arising from the number of victims affected by Tacuri's offense . . . . The court also had separate written submissions from a number of the victims whose remote statements over Microsoft Teams were arguably improper. Thus, "even if the integrity of the system may be called into question," we find that the "countervailing factors in this case" nonetheless "excuse the unpreserved error."

(Pet. App. 3a–4a (alteration marks and internal citations omitted) (quoting *Mendonca*, 88 F.4th at 155–56)).

Tacuri sought panel rehearing and rehearing en banc. He argued that the panel's preservation holding conflicted with Rule 51 and with decisions of other circuits, and that its exclusive reliance on the fourth *Olano* prong conflicted with *Rosales-Mireles*. The court denied the petition. (Pet. App. 109a).

REASONS FOR GRANTING THE PETITION

I. The Second Circuit's Application of Plain-Error Review Relies on a Mistaken Interpretation of Rule 51 That Conflicts with the Interpretations of Other Circuits

A. The Decision Below Misinterprets Rule 51's Text

Rule 51(b) provides that a party preserves an error by objecting "when the court ruling or order is made or sought." Fed. R. Crim. P. 51(b). When a party "does not have an opportunity to object," the absence of an objection "does not later prejudice that party." *Id.* In short, the Rule asks whether the litigant had a fair chance to be heard before or as the court acted; it does not ask whether the litigant later could have asked the court to reconsider its decision. Consistent with that text,

this Court has described Rule 51 as a "contemporaneous-objection rule." *Puckett*, 556 U.S. at 135.

In the district court, Tacuri lacked a meaningful opportunity to object when the government's application to broadcast his sentencing was "made or sought." The district court granted the government's out-of-court application in just *17 minutes*.[2] In 17 minutes, defense counsel could not have noticed and read the email, researched Rule 53, consulted Tacuri (who was detained), and responded. In its order, the Second Circuit itself acknowledged that any opportunity to object arose "only after [district] court staff suggested the decision had already been made." (Pet. App. 3a). Under Rule 51(b)'s text, that acknowledgment should have ended the inquiry. The court nonetheless held that Tacuri forfeited his objection because he could have raised it afterward. In so holding, it employed a rule that treats a failure to seek reconsideration of a ruling already made as a failure to object—precisely the sort of "exception[]" that Rule 51(a) declares "unnecessary."

B. Three Circuits Reject the Second Circuit's Interpretation of Rule 51

The Second Circuit's interpretation of Rule 51 is at odds with those of at least three other circuits—the First, Seventh, and Eighth. The First Circuit held that

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[2] The government has characterized the district court's decision as "mere logistical coordination" rather than a "court ruling." (Gov't CA2 Br. 26). But a judicial decision granting a party's request for relief is a ruling whether announced from the bench or communicated by chambers staff through email. The district court confirmed as much by docketing, the same day, an order directing public teleconference access to the sentencing. (Pet. App. 108a).

"[t]he mere possibility that an aggrieved party might be able to file a motion for reconsideration is not the functional equivalent of an opportunity to object." *United States v. Rodriguez*, 919 F.3d 629, 634 (1st Cir. 2019). The Eighth Circuit likewise held that "[r]equiring a motion for reconsideration after the ruling has issued . . . would exceed the error-preservation requirements of Rule 51(b)." *United States v. Burrell*, 622 F.3d 961, 966 (8th Cir. 2010). Last, the Seventh Circuit held that Rule 51 does "not require a litigant to complain about a judicial choice after it has been made." *United States v. Bartlett*, 567 F.3d 901, 910 (7th Cir. 2009). "Such a complaint," it explained, "is properly called, not an objection, but an exception," and is not required under Rule 51. *Id.*

The decision below cannot be reconciled with these holdings. The Second Circuit acknowledged that Tacuri's opportunity arose "only after [district] court staff suggested the decision had already been made," yet deemed the interval before sentencing sufficient to make an objection. (Pet. App. 3a). An opportunity that arises only after "a judicial choice . . . has been made" is an opportunity to lodge an exception, which the First, Seventh, and Eighth Circuits correctly hold is different from an opportunity to object. *Bartlett*, 567 F.3d at 910.

The conflict is not the product of a single nonprecedential order. The panel below did not purport to break new ground. It cited the Second Circuit's published decision in *Mendonca*, 88 F.4th at 150, 156, and the government characterized the result below as settled circuit law. In the government's view, plain-error review is displaced only where "the defendant was 'completely deprived of any opportunity to

object.'" (Gov't CA2 Br. 27 (quoting *United States v. Green*, 618 F.3d 120, 122 (2d Cir. 2010))). That standard cannot be reconciled with *Puckett*, *Rodriguez*, *Burrell*, and *Bartlett*. Tacuri asked the full court to resolve the conflict, and it declined. (Pet. App. 109a). The Second Circuit's position is therefore settled, and only this Court can bring it into line with Rule 51, *Puckett*, and the other circuits.

C. The Question Is Important and Recurring

District courts routinely resolve scheduling, logistical, and procedural requests by email and other informal means of communication. Under the decision below, a district court may grant one party's request before the other can respond, and the latter party then forfeits any objection unless it asks the court to reconsider. That interpretation inverts both Rule 51(b), which states that the time for required objections is "when the court ruling or order is made or sought," and Rule 51(a), which makes "[e]xceptions to rulings . . . unnecessary." It is irreconcilable with *Puckett*, 556 U.S. at 135, and other circuits' interpretations. And it is unfair because it penalizes defendants for failing to lodge exceptions. The practical stakes are considerable. Plain-error review is a demanding standard. Here it was dispositive. *See infra* Section III.[3]

[3] The Second Circuit did not consider whether, under the appropriate standard, the Rule 53 error was harmless. Had it done so, Tacuri would have prevailed because the error in broadcasting the proceeding had an evident and indisputable effect on the result where the government changed its position following the broadcast statements, the district court imposed the maximum sentence, and the broadcast likely affected those victims who spoke from within the courtroom.

The preservation question arises frequently in the very setting this case presents: informal requests to broadcast criminal proceedings. As set forth above, Rule 53 prohibits broadcasting judicial proceedings. While the COVID-19-era CARES Act created a statutory exception to Rule 53's prohibition, that authorization ended long ago. Even so, some district courts, perhaps accustomed to broadcasting during the COVID-19 emergency, have continued to do so. Within the Southern District of New York alone, some judges have denied government requests to broadcast, *see, e.g.*, Mem. Endorsement at 2, *United States v. Heber*, No. 24 Cr. 188 (LAK) (S.D.N.Y. Dec. 11, 2024), ECF No. 51; Mem. Endorsement, *United States v. Darden*, No. 23 Cr. 134 (VSB) (S.D.N.Y. Jan. 22, 2025), ECF No. 248; Mem. Endorsement, *United States v. Blondet*, No. 16 Cr. 387 (JMF) (S.D.N.Y. Jan. 21, 2022), ECF No. 610, while others, including the district court here, have agreed to broadcast criminal proceedings, *see, e.g.*, (Pet. App. 108a; CA2 A-148–49); Mem. Endorsement, *United States v. Deckard*, No. 24 Cr. 152 (DEH) (S.D.N.Y. July 12, 2024), ECF No. 42; Tr. at 6:8–14, *United States v. Ray*, No. 22 Cr. 228 (AT) (S.D.N.Y. Dec. 20, 2023), ECF No. 105.

The government's arguments below show that the conflict will persist without guidance. It argued that the Crime Victims' Rights Act ("CVRA") provision entitling victims to be "reasonably heard," 18 U.S.C. § 3771(a)(4), is a statutory exception to Rule 53. (Gov't CA2 Br. 19–20, 31–34). It argued also that videoconference links distributed to individual participants are not "broadcasting" at all. (Gov't CA2 Br. 34–35). For the reasons explained in Tacuri's reply brief below, these arguments,

which find no support in case law, are unavailing. (Pet. CA2 Reply Br. 9–16).[4] Regardless, that the government advances these theories and that district courts continue to reach opposite results on materially identical requests confirm that the underlying question is live and recurring.

The two errors compound each other: courts consider broadcast requests informally and then grant them. Broadcast requests are typically made informally, shortly before sentencing, and often by the government on behalf of victims. If a district court may grant the request before the defendant can respond and appellate review of the resulting error is only for plain error, the Rule 53 violations that are most likely to occur will be the ones least likely to be remedied, and the inconsistent practices in the district courts will go uncorrected. This inconsistency undermines "the public legitimacy of our justice system," which "relies on procedures that are neutral, accurate, *consistent*, trustworthy, and fair, and that provide *opportunities for error correction*." *Rosales-Mireles*, 585 U.S. at 141 (emphasis added) (internal quotation marks omitted). When the decision to broadcast depends on the assigned

[4] The CVRA guarantees only a right to be "reasonably" heard, and Rule 32, which implements that right at sentencing, extends it to victims "present at sentencing," which the Advisory Committee explained means "present in the courtroom." Fed. R. Crim. P. 32(i)(4)(B) & advisory committee's note to 2008 amendment. When Congress has wished to create an exception to Rule 53, it has done so expressly and narrowly, as with the CARES Act. The government's private-link theory ignores that Tacuri's sentencing proceeding was not sealed. Nothing prevented any participant from recording or redistributing the Teams broadcast. In any event, the sentencing also was broadcast via a dial-in that the district court announced on the publicly available docket.

judge, and its reviewability on how quickly chambers answers an email, those procedures are neither consistent nor correctable.

II. The Second Circuit's Decision to Deny Relief on the Fourth *Olano* Prong Alone Is Contrary to *Rosales-Mireles*

A. The Decision Below Disregarded the *Rosales-Mireles* Presumption, Which Should Apply to Broadcast Errors Made at Sentencings

Even if the Second Circuit were correct in reviewing for plain error, this petition still should be granted because the decision's plain-error analysis is inconsistent with this Court's precedents. In *Rosales-Mireles*, this Court held that a Sentencing Guidelines computation error satisfying the first three prongs of the *Olano* standard will "in the ordinary case" satisfy the fourth. *Id.* at 132, 142 & n.4. The fourth prong of *Olano*'s plain-error standard asks whether the error seriously affected the fairness, integrity, or public reputation of judicial proceedings. *Olano*, 507 U.S. at 736.[5] Having declined to address the first three prongs—and thus proceeding as though they were satisfied—the court below was bound by *Rosales-Mireles* to presume the fourth was too; it could not assume the predicates while disregarding the presumption they trigger.

The Court's justification in *Rosales-Mireles* for the presumption—that an unpreserved Guidelines error that satisfies the first three *Olano* prongs presumptively satisfies the fourth—shows why this same presumption must apply to

[5] The first three prongs of the *Olano* plain-error standard require a showing that (1) there was error, (2) that error was plain, and (3) the error prejudicially affected the complaining party's rights. *Rosales-Mireles*, 585 U.S. at 134.

other serious procedural errors made at sentencing, including the broadcast error at issue here. The Court explained the basis for the presumption: "The risk of unnecessary deprivation of liberty particularly undermines the fairness, integrity, or public reputation of judicial proceedings in the context of a plain Guidelines error because of the role the district court plays in calculating the range and the relative ease of correcting the error." *Rosales-Mireles*, 585 U.S. at 140. This is so, it continued, because (1) the error at issue "ultimately result[s] from judicial error" and (2) "a remand for resentencing, while not costless, does not invoke the same difficulties as a remand for retrial does." *Id*. (internal quotation marks omitted).

Both are true here.

First, the district court made a judicial error by ordering that Tacuri's sentencing be broadcast. Rule 53 prohibits the broadcasting of criminal proceedings. This prohibition is widely recognized, longstanding, and not reasonably subject to debate. *See, e.g.*, *Leroux*, 36 F.4th at 120; *United States v. Kerley*, 753 F.2d 617, 619 (7th Cir. 1985); *Hastings*, 695 F.2d at 1279 n.5. Despite this, the district court ordered that the sentencing proceeding be "broadcast[]" in two different ways: by video and audio through Microsoft Teams and by audio-only through a dial-in. (Pet. App. 108a; CA2 A-148–49).

Second, Tacuri seeks only resentencing, which requires minimal judicial resources, and certainly does not involve the "same difficulties as a remand for retrial does." *Rosales-Mireles*, 585 U.S. at 140. In this case, resentencing would be

particularly efficient because the district court record was not voluminous and there were no significant factual disputes at sentencing.

In addition, as in *Rosales-Mireles*, this case involves a pronounced "risk of unnecessary deprivation of liberty." *Id.* Immediately after the last broadcast statement, the government increased its sentencing recommendation, and the district court imposed a statutory-maximum sentence, citing victims' broadcast accounts.

Each of the premises on which the *Rosales-Mireles* presumption rests applies with equal force to this broadcast error: the error was the district court's own; the remedy is resentencing in a guilty-plea case with no significant factual disputes; and the risk of unnecessary imprisonment is not speculative. If anything, the case for the presumption is stronger here than in *Rosales-Mireles*. An unlawful procedure that changes what the court hears and that prompts the government to abandon its sentencing recommendation mid-hearing affects the entire proceeding. There is no principled reason that the *Rosales-Mireles* presumption should not apply to a Rule 53 error. The decision below erred by ignoring the presumption and grounding its holding solely on the fourth *Olano* prong. As explained below, this error is particularly salient because the fourth-prong analysis was cursory.

B. Countervailing Factors Do Not Justify Dispensing with the Presumption

While it is true that the *Rosales-Mireles* presumption can be overcome in certain circumstances, the Second Circuit did not undertake the analysis necessary to reach such a conclusion in this case. "There may be instances where countervailing factors satisfy the court of appeals that the fairness, integrity, and public reputation

of the proceedings will be preserved absent correction." *Id.* at 142. But here, the court's decision to skip the first three *Olano* prongs and its cursory, factually flawed analysis of the fourth provided an insufficient basis from which to conclude that such countervailing factors existed, let alone overrode the presumption.

Indeed, the court disregarded its obligation to undertake "a case-specific and fact-intensive" review to determine whether Tacuri satisfied "the fourth prong of plain-error review." *Puckett*, 556 U.S. at 142. Instead, it explained its conclusion as to the fourth prong in one brief and factually flawed paragraph.

That explanation itself undermines the public reputation of the courts. In effectively consigning Tacuri to prison for 20 years, the court relied on its misapprehension that "there is no evidence that any members of the press or public actually joined the public dial-in line." (Pet. App. 3a–4a). This factual assertion is not supported by the appellate record, and it is untrue. At least one reporter *did* join the broadcast. *See* Pete Brush, *2nd Circ. Backs 20-Year Stretch For Forcount Fraudster*, Law360 (May 14, 2026), https://www.law360.com/articles/2477942/2nd-circ-backs-20-year-stretch-for-forcount-fraudster (last visited Oct. 21, 2026) ("Law360 attended the entirety of the 2024 sentencing proceeding using a remote dial-in line.").[6] Affirming a statutory-maximum sentence on a factual premise the

[6] While the court's factual assertion apparently was based on the government's representation to that effect (Gov't CA2 Br. 24 n.3), it was, as Tacuri pointed out in his reply brief, equally true that "[n]othing in the record . . . shows how the teleconference line *was* used." (Pet. CA2 Reply Br. 13).

record did not support—and that has since proved mistaken—itself diminishes the public reputation of judicial proceedings.

Next, quoting its opinion in *Mendonca*, the court reasoned that "the claimed error here 'arose from the District Court's understandable response to logistical constraints' arising from the number of victims . . . ." (Pet. App. 4a (alteration marks omitted)). But here again the record does not support the claim. Nothing in the appellate record substantiates a finding that victims could not have been accommodated in person. More, *Mendonca* involved a trial error and not a sentencing error. Relief in that case, therefore, would have consumed significant judicial resources, unlike here.

Last, the court noted that the district court "had separate written submissions from a number of the victims whose remote statements . . . were arguably improper." (Pet. App. 4a). But, as Tacuri explained in his briefing below: (1) five of the victims who addressed the district court via the broadcast did not submit written impact statements, (2) for the six who did, their broadcast statements were longer, more detailed, and more impactful than their written statements, and (3) it was the victims' statements that led directly to the government changing its position. In any event, as this Court has explained, the broadcasting of a proceeding impacts those who speak *in the courtroom*. *See Estes*, 381 U.S. at 547. Thus, it is irrelevant that some victims who spoke via the improper broadcast also submitted written statements (that differed from their oral statements).

The Second Circuit's factual error—that no one accessed the broadcast—illustrates why it should have reached the underlying Rule 53 issue rather than treating uncertain attendance as dispositive. Rule 53 prohibits a court from permitting a broadcast; it does not turn on a case-specific analysis of the potential for prejudice arising from a broadcast or on proof, assembled after the fact, of precisely who tuned in and what effect the broadcast had. *See Hastings*, 695 F.2d at 1284 ("Promulgation of the current [broadcast] rules in a legislative-type manner is more appropriate than a case-by-case approach in light of the difficulty of detecting the adverse impact of media coverage."); *cf. Estes*, 381 U.S. at 544 (televising court proceedings "may cause prejudice to an accused. Still one cannot put his finger on its specific mischief and prove with particularity wherein he was prejudiced . . . . [A]ny change in procedure which would permit its use would be inconsistent with our concepts of due process.").

C. The Question Is Important and Recurring

Unpreserved sentencing claims make up a substantial share of federal criminal appeals, and *Olano* and *Rosales-Mireles* govern how the courts of appeals decide them. The decision below offers those courts a way around that important precedent. A court can decline to decide whether an error occurred, was plain, or affected substantial rights, and then deny relief under the fourth *Olano* prong as if no presumption applied. If that approach is permissible, the presumption this Court recognized applies only when a court of appeals chooses to consider the first three prongs.

III. This Case Is an Ideal Vehicle

Both questions are cleanly presented. The facts are undisputed: the email exchange, the 17-minute interval, the two forms of broadcast, the remote statements, the government's revised recommendation, and the district court's maximum sentence. And Tacuri raised the Rule 53 claim at every stage of his appeal.

The preservation question was outcome-determinative. The Second Circuit denied relief only by applying plain-error review to the Rule 53 error. If the court had correctly found that the issue was preserved, the government would have borne the burden of showing that the error was harmless. It could not carry that burden in view of the facts that: (1) the government changed its recommendation immediately after statements received through the broadcast; (2) the district court relied on statements received through the broadcast in explaining the sentence; and (3) the broadcasting of the proceeding likely affected those who spoke *in the courtroom*, *see Estes*, 381 U.S. at 547 ("The quality of the testimony in criminal trials will often be impaired" by broadcasting); Douglas, *supra*, at 7 (broadcasting may cause witness to "exaggerate" or seek "public attention").

The *Rosales-Mireles* presumption question is presented in its purest form. The court below declined to address the first three *Olano* prongs and rested its decision solely on the fourth. The issue therefore turns on a single legal question: May a court of appeals deny relief on the fourth prong without first deciding whether the first three are satisfied? No alternative holding muddles the issue.

IV. Summary Reversal Is Warranted Because the Second Circuit's Decision to Review for Plain Error Is Patently Wrong

Even if the Court does not grant plenary review, it should summarily reverse the Second Circuit's preservation holding and remand for review under the proper standard. *See* Sup. Ct. R. 16.1. Where, as here, a court of appeals decision "clear[ly] misapprehen[ds]" the law, summary reversal is appropriate. *Brosseau v. Haugen*, 543 U.S. 194, 198 n.3 (2004) (per curiam) ("We exercise our summary reversal procedure here simply to correct a clear misapprehension of the qualified immunity standard."); *see Klein v. Martin*, 607 U.S. 213, 214 (2026) (per curiam) (noting that the Court has "granted summary relief when the lower courts have departed from the role AEDPA assigns" and collecting cases); *Martinez v. Illinois*, 572 U.S. 833, 838–39, 843 (2014) (per curiam) (summarily reversing state supreme court's holding that jeopardy had not attached because the defendant "was never at risk of conviction," where that functional inquiry disregarded the bright-line rule that jeopardy attaches when the jury is sworn); *Rhodes v. Stewart*, 488 U.S. 1, 4 (1988) (per curiam); *see also* Stephen M. Shapiro *et al.*, *Supreme Court Practice* § 5.12 (11th ed. 2019).

This Court has summarily reversed where a court of appeals read into a federal rule a procedural bar that the rule's text does not impose. In *Davis v. United States*, for example, the Court summarily reversed "the Fifth Circuit's . . . refus[al] to review certain unpreserved factual arguments for plain error," holding that such a practice violated the text of Federal Rule of Criminal Procedure 52(b). 589 U.S. 345, 347 (2020) (per curiam). *Buchanan v. Stanships, Inc.* is another example. There, the Fifth Circuit held that a prevailing party's post-judgment motion for costs under

Federal Rule of Civil Procedure 54(d) operated as a Rule 59(e) motion, thereby nullifying the losing party's previously filed notice of appeal pursuant to Federal Rule of Appellate Procedure 4(a)(4).[7] 485 U.S. 265, 265–68 (1988) (per curiam). The Court summarily reversed, explaining that a motion for costs is collateral to the merits and therefore does not qualify as a Rule 59(e) motion that negates the effectiveness of a notice of appeal. *Id*. at 268–69. *Davis* and *Buchanan* confirm that summary disposition is appropriate where, as here, a court of appeals has misapplied a Federal Rule to cut off a litigant's claim.

In this case, resolving the preservation issue requires only applying the plain text of Federal Rule of Criminal Procedure 51 to the undisputed record. The Second Circuit acknowledged that Tacuri's opportunity to object arose "only after [district] court staff suggested the decision had already been made," (Pet. App. 3a), and not, as Rule 51 requires, "when the court ruling or order is made or sought," Fed. R. Crim. P. 51(b). The Second Circuit's rule—that a later chance to ask for reconsideration counts as an opportunity to object—conflicts with Rule 51's text, as each of the three other circuits to have addressed the question has held. Critically, this error decided the outcome of this appeal below, because the court denied relief only by applying plain-error review.

If it determines that plenary review is not warranted, the Court should grant certiorari, summarily reverse the Second Circuit's holding that Tacuri forfeited his

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[7] Federal Rule of Appellate Procedure 4 has since been amended to remove this nullification provision. *See* Fed. R. App. P. 4 advisory committee's note to 1993 amendment.

claimed error, vacate the judgment, and remand for reconsideration. Doing so would correct a clear misreading of a Federal Rule of Criminal Procedure, restore uniformity on a recurring and important question of preservation, and permit the Second Circuit to decide Tacuri's Rule 53 claim under the correct standard, thereby providing guidance on a question that has divided district courts amid the proliferation of broadcast technology in the federal courts.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Dated: October 27, 2026
New York, New York

MORVILLO ABRAMOWITZ GRAND IASON
& ANELLO P.C.

By: */s/ Brian A. Jacobs*
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24-2889-cr
United States v. Tacuri

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of May, two thousand twenty-six.

PRESENT: RAYMOND J. LOHIER, JR.,
SARAH A. L. MERRIAM,
Circuit Judges,
MARY KAY LANTHIER,
District Judge.*

UNITED STATES OF AMERICA,

Appellee,

v. No. 24-2889-cr

JUAN TACURI,

Defendant-Appellant.**

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* Judge Mary Kay Lanthier, of the United States District Court for the District of Vermont, sitting by designation.

** The Clerk of Court is directed to amend the caption as set forth above.

FOR DEFENDANT-APPELLANT:	SAMUEL W. MAGARAM (Brian A. Jacobs, *on the brief*), Morvillo Abramowitz Grand Iason & Anello PC, New York, NY
FOR APPELLEE:	MICHAEL D. MAIMIN (James Ligtenberg, *on the brief*), Assistant United States Attorneys, *for* Jay Clayton, United States Attorney for the Southern District of New York, New York, NY

Appeal from a judgment of the United States District Court for the Southern District of New York (Analisa Torres, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the District Court is AFFIRMED.

Juan Tacuri appeals from the October 17, 2024 judgment of the United States District Court for the Southern District of New York (Torres, *J.*) convicting him, following his plea of guilty, of conspiracy to commit wire fraud, and sentencing him principally to a term of 240 months' imprisonment. We assume the parties' familiarity with the underlying facts and the record of prior proceedings, to which we refer only as necessary to explain our decision to affirm.

I. Procedural Unreasonableness

Tacuri first argues that the District Court committed a procedural error by broadcasting his sentencing proceedings through a Microsoft Teams link for victims and a dial-in phone line that was made available on the District Court's docket over one week prior to the proceedings. Although he failed to object to the District Court's decision to permit these forms of broadcasting, Tacuri contends that we nonetheless should review for abuse of discretion because he had no meaningful opportunity to object. To the contrary, we conclude that Tacuri had a meaningful opportunity to object to the District Court's decision to broadcast the proceedings before those proceedings occurred, even if such an opportunity arose only after court staff suggested the decision had already been made. *See United States v. Mendonca*, 88 F.4th 144, 150, 156 (2d Cir. 2023). We therefore review his procedural unreasonableness challenge for plain error.

On plain error review, we need not address whether the District Court committed clear error or even whether any error affected Tacuri's substantial rights because we conclude that the error in any event did not "seriously affect the fairness, integrity[,] or public reputation of [the] judicial proceedings." *Mendonca*, 88 F.4th at 155 (cleaned up). In particular, there is no evidence that

any members of the press or public actually joined the public dial-in line. While we are concerned that the availability of a public broadcast of a proceeding could affect the conduct of the proceeding, the claimed error here "arose from the [D]istrict [C]ourt's understandable . . . response to logistical constraints" arising from the number of victims affected by Tacuri's offense. *Id.* at 156. And the District Court "foster[ed] a collaborative environment" to arrange the logistics of the Microsoft Teams broadcast for victims, *id.* at 156, and yet, as noted, received no objection to the plan. The court also had separate written submissions from a number of the victims whose remote statements over Microsoft Teams were arguably improper. Thus, "even i[f] the integrity of the system may be called into question," we find that the "countervailing factors in [this] case" nonetheless "excuse the unpreserved error." *Id.* at 155 (quotation marks omitted).

II. Substantive Unreasonableness

Tacuri next argues that his sentence is substantively unreasonable because the District Court failed to adequately explain why the factors it relied on, which he contends were "already included in the calculation of the Guidelines sentencing range," justified an above-Guidelines sentence in his case. *United States v. Sindima*, 488 F.3d 81, 87 (2d Cir. 2007) (cleaned up). We are not

persuaded. "We review the substantive reasonableness of a . . . sentence under a deferential abuse-of-discretion standard." *United States v. Gates*, 84 F.4th 496, 504–05 (2d Cir. 2023) (quotation marks omitted).

In explaining its upward variance from the applicable Guidelines range, the District Court relied on Tacuri's role in the scheme, the intentional and sophisticated nature of the scheme, and the large losses, substantial financial hardship, and number of victims the scheme produced. Although these factors were included in its Guidelines calculation, the District Court explained why Tacuri's "situation [wa]s different from the ordinary situation covered by the Guidelines calculation." *Sindima*, 488 F.3d at 87 (cleaned up). A longer sentence was justified, the District Court explained, for the following reasons: (1) Tacuri had participated in "many other" similar fraudulent schemes "before, during, and after his involvement in" the scheme at issue in this case; (2) the scheme targeted especially vulnerable victims; (3) a large number of victims sustained substantial financial and non-financial hardship; and (4) Tacuri continued to express "utter disregard" for the welfare of his victims. App'x 274–75; *cf. Sindima*, 488 F.3d at 87.

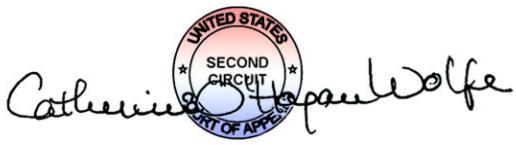
Relying on 18 U.S.C. § 3553(a)(6), which directs district courts to avoid

unwarranted sentencing disparities, Tacuri also claims that his sentence exceeds the sentences imposed on similarly situated defendants. We disagree that this means that Tacuri's sentence is substantively unreasonable. The "weight to be given sentencing disparities, like the weight to be given any § 3553(a) factor, is a matter firmly committed to the discretion of the sentencing judge." *United States v. Messina*, 806 F.3d 55, 67 (2d Cir. 2015) (cleaned up). The District Court acted well within its discretion in determining that Tacuri's "history and characteristics" and "the seriousness" of Tacuri's offense warranted a significant sentence. App'x 275; *see Messina*, 806 F.3d at 67.

CONCLUSION

We have considered Tacuri's remaining arguments and conclude that they are without merit. For the foregoing reasons, the judgment of the District Court is AFFIRMED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court



OAFRTACs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------x

UNITED STATES OF AMERICA,

v. 22 Cr. 622 (AT)

JUAN TACURI,

Sentence

Defendant.

----------x

New York, N.Y.
October 15, 2024
2:00 p.m.

Before:

HON. ANALISA TORRES,

District Judge

APPEARANCES

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
BY: BENJAMIN A. GIANFORTI
MICHAEL MAIMIN
Assistant United States Attorneys

GAVIRIA LAW FIRM
Attorneys for Defendant
BY: FRANK J. GAVIRIA

Also Present:
Erika De Los Rios, Interpreter (Spanish)
Gabriel Mitre, Interpreter (Spanish)
Elizabeth Iliakostas, Interpreter (Spanish)
Marcia Gotler, Interpreter (Spanish)
Walter Krochmal, Interpreter (Spanish)

THE COURT: Good afternoon. We're here in the matter of the United States v. Juan Tacuri. Can you make your appearances, please?

MR. GIANFORTI: Good afternoon, your Honor. Ben Gianforti and Michael Maimin for the government.

MR. MAIMIN: Good afternoon, your Honor.

MR. GAVIRIA: Good afternoon, your Honor. Frank Gaviria on behalf of Mr. Juan Tacuri, who is present to my right with the interpreter.

THE COURT: This matter is on for sentencing. You may be seated.

In connection with today's proceeding I reviewed the presentence report dated July 29, 2024, and revised on August 27, 2024, including the recommendation and addendum; the defendant's sentencing submission dated September 20, 2024, including the letters in support of the submission; and the government's sentencing submission dated September 27, 2024, including the over 100 pages of victim impact statements.

Have the parties received each of these submissions?

MR. GIANFORTI: Yes, your Honor.

MR. GAVIRIA: Yes, your Honor.

THE COURT: Mr. Gaviria, have you read the presentence report?

MR. GAVIRIA: Yes, your Honor.

THE COURT: And you've discussed it with your client?

MR. GAVIRIA: Yes, your Honor.

THE COURT: Mr. Tacuri, was the presentence report translated for you?

THE DEFENDANT: Yes.

THE COURT: And did you discuss it with your lawyer?

THE DEFENDANT: Yes.

THE COURT: Did you have the opportunity to go over with him any possible errors in the report or anything else that should be brought up to me?

THE DEFENDANT: Yes.

THE COURT: AUSA Gianforti, have you reviewed the presentence report?

MR. GIANFORTI: I have, your Honor.

THE COURT: Any objections to the presentence report regarding factual accuracy, Mr. Gaviria?

MR. GAVIRIA: No, your Honor.

THE COURT: The government?

MR. GIANFORTI: No, your Honor.

THE COURT: Hearing no objections, the Court adopts the factual recitation set forth in the report. It will be made a part of the record in this matter placed under seal. If an appeal is taken, counsel on appeal may have access to the sealed report without further application to the Court.

Although courts are no longer required to follow the sentencing guidelines, we are still required to consider the

applicable guidelines in imposing sentence. To do so, it is necessary that we accurately calculate the sentencing range. I understand that there is a plea agreement in this case in which the parties stipulated to a particular calculation of the sentencing guidelines. An offense level of 31, a criminal history category of I, and a guidelines range of 108- to 135-months imprisonment.

The presentence investigation report contains the same calculation. Based on my independent evaluation of the guidelines, I find that the offense level is 31; the criminal history category is I; and the guidelines range 108- to 135-months of imprisonment and one to three years of supervised release. Now, I will hear from the parties. Does the government wish to be heard?

MR. GIANFORTI: Yes, your Honor. And may I address the Court from the lectern?

THE COURT: You may.

MR. GIANFORTI: I'm just confirming you can hear me. Good. Okay. Thank you, your Honor. Your Honor, the government is seeking a sentence at or near the top of the guidelines range you just articulated of 108 to 135 months. I'm not going to repeat everything that is in our sentencing submission, but I wanted to highlight a few factors for you.

Your Honor, as you may recall, at the defendant's plea proceeding, you asked me at a certain point what the typical

profile was of a Forcount investor, the victims in this case. I believe what I told you is that they were principally honest, working-class folks, principally Spanish speakers; folks who didn't have a lot of money to lose. And your Honor, a number of those victims are here in the courtroom with us today. I would ask that you draw your attention to the gallery as well as the numerous victims that are appearing on Teams, who are appearing remotely because they couldn't be here, because these victims were all over the country.

The defendant was based in Florida. I imagine a lot of these folks were based in Florida. It's important to note that the scheme itself had thousands of victims. Even those that the defendant personally was involved with are not completely represented here. There were many, many victims who reached out to Homeland Security Investigations who wanted to appear but could not because they were otherwise detained by work or could not make it up to New York or jump on the Teams.

Your Honor, I'm not sure that any of the victims raised this themselves, but I just wanted to highlight that -- you know, the bravery of these victims in coming forward and speaking to HSI and speaking to me and addressing the Court, because as I believe you know, your Honor, many of these victims are also undocumented. They are in this country illegally, and reaching out to law enforcement is something that they are not inclined to do for obvious reasons. Yet here

they are today, ready and willing to address the Court about the fraud that they suffered at this defendant's hands.

Your Honor, I think that a case like this, a fraud like this, is particularly galling given that Mr. Tacuri himself fits the exact profile of his victims. So in other words, if anyone knows just how vulnerable these people are, it is Juan Tacuri. He is here in this country illegally, and he took advantage of other people who didn't have a lot of money, who had serious expenses they could no longer pay; people who only speak Spanish, and he took them to the cleaner. He took them for everything that they were worth.

He promised financial freedom. He promised that they were going to double their money in six months; that they were going to be rich; that they could stop working the kinds of jobs that I imagine many of these folks were working, honest, hard, difficult jobs. Toiling for an hourly wage is what I'm imagining, and this man promised to set them free from all this with this cutting edge investment technology, cryptocurrency.

But of course, your Honor that was all lies. It was lies from the beginning. This defendant knew it was lies. How do we know he knew? Well, you can look at the numerous Ponzi schemes of this exact nature that he got involved in before Forcount. You can look at his chat messages with other Forcount promoters; one where he is laughing at how his real estate investments were going to pay better than the pyramids.

That's his words.

Your Honor, this may not have been as clear in our sentencing submission, but just to underline, Mr. Tacuri really became the face of Forcount in this county, the most successful promoter, the most senior guy, the guy with the most money. Of course Francis Da Silva in Brazil was the man who created it. Everyone knew that, but Tacuri was really his right-hand man. He was his man on the ground in the U.S. who was scooping up these victims and their hundreds and their thousands; fleecing them, taking that money for himself or kicking it back to Da Silva in Brazil.

Your Honor, this is also something that is now public information. Da Silva, while we were unable to arrest him in Brazil and bring him here, he was arrested in Brazil in connection with this exact same offense. And at the time of his original arrest, which I believe was in 2022——not too long before or after our indictment——Brazilian police did a search of his house and seized gold bars, cash, multiple luxury vehicles, in this beautiful home overlooking the ocean. Just unbelievable wealth that flowed from the victims to Da Silva, and Mr. Tacuri replicated that here in the United States.

Your Honor, as you know, part of the forfeiture in this case is a lovely piece of real estate in Florida that he bought in part with victim funds. And it's in the PSR, and this is something in this case that has always stuck out to me,

that before we charged this case but during the light of Forcount scheme, Mr. Tacuri reported a burglary to local police in Florida because a person he was then in a relationship with had stolen a number of things from him. I've seen the police report. It amounted in over $400,000 in luxury things; things like Gucci belts and cash. This all got lost. Where did that money come from? We know. Forcount's victims.

Your Honor, we also know that he knew this was a fraud because people were complaining to him that it was a fraud almost from the beginning of his involvement. Victims were saying, I can't get my money back. I need this money. I can't get it out. So he is confronted with this again and again, and he what does he do? He doesn't say, "I'm going to figure this out. I am going to get your money." He says, "No, you know what you should do? Put more money in this scheme because that's how you get really rich. Give me your savings. Take out loans. Sell your house. Whatever you need to get liquid, give it to me, and I'm going to double that."

You'll hear from the victims, your Honor. They did things like drain their savings accounts, drain their retirement accounts, take advances on credit cards that they could no longer pay. Your Honor, I think what you are also going to hear, which is reflected in these letters, is that these victims didn't just lose their money. They became pariahs in their own communities. Their own friends and family

walked away from them in shame because they didn't care that it was Tacuri and the up line that ultimately got the money. All these victims' family and friends knew is that this person who they trusted fleeced them from their perspective.

So you will hear about the depression, the anxiety, the threats that these victims faced, and it's all his fault. It all rolls up to Tacuri. So, your Honor, that's why we're advocating for a sentence at or near the top of the guidelines range. And I am happy to answer any questions that you may have.

THE COURT: So were there victims also in Brazil?

THE LAW CLERK: Judge?

(Pause)

THE COURT: So my question is whether there were victims in Brazil.

MR. GIANFORTI: There were, your Honor. There were also victims in South Korea. And I think other countries as well, but I know for certain that there were victims in South Korea and Brazil.

THE COURT: And do you know the status of the prosecution in Brazil?

MR. GIANFORTI: So in Brazil, he went to trial, was found guilty, and was sentenced——I think last week——to 56 years of imprisonment based on the millions of dollars of loss there. Whether that will end up being what he serves, I don't know,

but that's the number reported in the press and that the Brazilian police reported to us.

THE COURT: So he was the mastermind?

MR. GIANFORTI: He was the mastermind.

THE COURT: But Mr. Tacuri was a lieutenant essentially?

MR. GIANFORTI: Correct.

THE COURT: All right. I understand that there are victims who wish to make a statement. We're having some trouble with our A/V system, and I've asked our technicians to come and fix that before we hear the victims' statements.

MR. GIANFORTI: Okay. Thank you, your Honor.

THE COURT: We're going to adjourn for a moment.

(Recess)

THE COURT: I understand our technician has fixed the problem. And so, we're going to have the victims who wish to speak, speak, and they will be called out by name individually by Ms. Flores.

MR. GIANFORTI: May I put one short thing on the record? I have been informed that one of our victims had a medical procedure, but she's in court today. She may need to stand up and sit down at intervals to accommodate.

THE COURT: That's fine.

MR. GIANFORTI: In case you wondered what was happening, that's what's happening.

THE COURT: I understand.

MR. GIANFORTI: Thank you.

THE LAW CLERK: Minia Diaz.

MS. DIAZ: Good afternoon. My name is Minia Diaz. I'm coming from Virginia. Thank you very much for giving me this opportunity. The reason I'm here is to explain to you all how this has greatly affected me, and not only myself but also the entire Latino community.

I heard about this company Forcount in 2019, which later was called Weltsys, through Ms. Daisy Martinez, who was the right hand of Juan Tacuri, in the area of Maryland, Virginia, and Washington. They were in the habit of having several events where they auctioned off or had raffles for cars. These events were in 2019, and they also raffled off many gifts. They were trying to make the Latino community understand that they were trying to create a new innovation.

At that event, to which I went, there was over 300 people. There were -- I was surprised to see that in those events mostly there were very elderly people. I would ask myself: Why are these people so elderly? Would it be more normal for there to be young people present so they could see that this is something new and innovative that is coming out to the community? And Mr. Tacuri asked: Who has got the money, the old ones or the young ones? Obviously, it was the older people who had the money.

And he had -- he was in the habit of throwing money out and giving money out and giving out gifts, and, you know, making us think that this was the future way for us and what would ensue. And he said that he had a new thing that he was introducing with Bitcoin that was called Mindexcoin, and that this would be the future of Bitcoin and that he was the one that was instituting and bringing this about.

I don't have a lot of experience in these areas, so I started learning and I started to involve myself. I entered the company, and I started listening to all the Zoom meetings that the gentleman would have every day of the week. So I observed there were people from many, many countries. Not only from the United States but also from other countries like Panama, Honduras, El Salvador, Guatemala, Costa Rica, Peru, Bolivia, Ecuador, Colombia, Venezuela. There were many people who were involved.

So I said to myself: You know what? Not everybody can be wrong about this, so I'm going to enter, and I invested quite a bit of money. I invested money in the Mindexcoin and then I invested money in another project that they brought out which was called Ethereum. And they would tell us that the Mindexcoin projects were long projects that would take five to ten years to see the benefit of it. And Ethereum was like halfway -- not long term but halfway term, and that we would see the benefit and the fruits of it in three to five years.

And then he said that if we wanted to see short-term gain, that we should invest in trading and that with the amount of money that I was going to invest, I would see about $ 50 a week. I invested all the money because I wanted to learn all the different processes, and at the same time, I wanted to gain some benefits.

During the course of all this, my family also heard about this through me, and they, too, invested money. In March when I learned how to use the blockchains, I started to try and make withdrawals, and only one time was I able to withdraw the amount of $ 214. At that point, my family was already investing their money, and I, myself, was learning to do all the withdrawals. And then, surely I learned very quickly that I was only allowed to make one single withdrawal for that amount.

So I started asking questions, and then this gentleman, together with his right-hand person, Daisy Martinez from the Maryland area, they said to us that we, the new clients, that everything would go slower with us. But I started worrying because I had already invested a lot of money, not only I but my mother and my siblings as well.

So then the pandemic came along, and I did remain working but my salary was reduced by half. So I was only making 50 percent of what I typically made. I continued asking why I couldn't receive the money for the different withdrawals

that I was making. And then, Mr. Tacuri had a Zoom meeting where he said that instead of us to be there crying and complaining, that we should be grateful because while other people were going bankrupt, our money kept growing and moving.

And then, he said that he what we should be doing was to sell our homes or refinance our homes, and that we were very hard-working people, that we had a lot of friends, and that we should encourage our friends and family members to reinvest and invest more money; that basically, it was the future, and that we would be investing in our futures.

By that point, I was very unhappy because I had not received any money back from all my investment. The only amount of money that I received so far was $ 214. And then, about two hours after the Zoom ended, I received a phone call where I was told you should stop crying and complaining, and you should worry about your daughters, your beautiful daughters, because I had two daughters and a baby. We know where you live; we know your family, so you just better focus on your family, focus on working and do what you are supposed to do.

So then I kept quiet because I received that as a threat to myself and my daughters, my family, but then I continued looking. I called the Federal Trade Commission to report the fraud that I knew I was going on and that was affecting me and my family.

I've had many problems in my family. I am the oldest in my family, and based on that, I've had to pay back my mother, and I've had to pay back my brother a certain amount of money that they invested on account of me. And the reason I did that is because I feel guilty, and I feel bad that it's because of me that they lost all that money. I gave all that money back to them.

I still owe $ 5,000, which I promised my sister that I would pay back those $ 5,000 because I was the one who transmitted -- they transmitted these things to me, and I transmitted these thoughts and things to my family, so I feel responsible. When I entered this program -- you know, I have suffered quite a bit from this whole scheme.

When I entered this program, I had just recently been separated from my husband because my husband had left me. And then, it's been very painful for me on top of all that to have lost all that money that I had for my daughters and myself. I have been to the doctor many times for depression, anxiety, stress, headaches. Because the money that I gave them was money that was for my daughters, and not only that but to have witnessed so much money that was stolen from elderly people.

In January of 2020, they held an event in Chicago, and a man who lives in Peru and who was 80 years old had invested $ 150,000. And then, when I saw all those different situations, not only that man but many elderly people from

different countries who invested all that money. And when I saw all those losses, this has affected me greatly, and today I am asking you to please examine this case carefully because this man deserves 80 years in prison because of all the harm that he has caused our community.

It's a lot of people, your Honor. You have no idea how many people this man involved. They lost money. They lost their family members. Couples who ended up divorcing each other; couples who were happy before this process. And now, all these families, all those homes, have been totally destroyed.

And then, it was very simple. After the pandemic, not pick up the phone and not communicate a word to us. Where is all that money, all that money that we invested? No knowledge, no nothing. I can assure you that many people today, as we speak, are very ill in many hospitals because of this company that this man, Juan Tacuri, opened. For the time being, this is all I want to say.

THE COURT: Thank you.

THE LAW CLERK: Carlos Paz.

MR. PAZ: Good afternoon. My name is Carlos Paz. I am originally from the Bronx. I've lived there for many years, and I describe myself as a businessman. I have always worked very hard, and I have always owned a business since I first came to this country. I've always been a responsible person.

I like to do things the right way, and because of my behavior and the way I conducted myself, my own children always admired me, looked up to me.

From the time that they were young, I always gave them very good examples. The result of that is that I have a 25-year-old daughter who has a masters in mental health, and I have another who is in the police academy in Connecticut. Today as we speak, she's in the police academy, and I have a son who is 14 years old, who is still in school, and we're working with him.

I am telling you all this because of the business that I owned, someone came and spoke to me about the company Forcount. I mentioned this company, and already it was mentioned to you, your Honor, that a lot of people formed this company. The first time I went in with $ 25,000. I also involved my daughters and my wife, which hurts me tremendously, because based on this I had even lost my own credibility from my children, so much so that my family is broken right now.

We have a broken family because my older daughter invested some money. The younger one also invested money, and now they blame me that I introduced them to this company. I have family and friends who trusted me. Some went in with $ 80,000. Some went in with $ 40,000. All these people, my credibility is on the floor, low, low credibility, and they believe me to be a delinquent, a criminal, so much so that I

had to close up the business that I had, which was I would fix cell phones and I would do money transmissions.

I had to close down that business because people would show up to my place of business to tell me that I had to give back the money that I told them to invest, that I had to pay them back. Well, and not too long ago, I timely fixed my immigration status, and I wanted to travel to my country of Peru but I ended up not being able to go because there was a family in Peru that told me if I dared to show up in Peru, they would have me arrested by the authorities for stealing their money because they could not believe that it was this company Forcount that took their money.

And then, after not having seen my mother for 30 years, I had to meet her in Guatemala. After 30 years, I was able for the first time to hug my mother and to explain to her in person what was happening because she, too, was worried about what was happening, and she was hearing about this company Forcount. Mr. Juan Tacuri did not want to pick up the phone for me. I told him I left him a message, a very clear message that I left for Mr. Tacuri. I said to him I will do whatever it takes so that justice can be served with you so that the law can confront you.

Thank God I was able to find some agents from Homeland Security, and I explained the situation to them, especially Officer or Agent Jeff Lopez. And thanks to them, thanks to

Jeff Lopez, and thanks to you, your Honor, and all of you, we now have this man as a delinquent, as a criminal, because he has scammed so, so many people.

I have lost a lot of weight based on this stress. This is not my regular weight. This really hit me hard. So many times that I have even thought of taking my own life. I didn't know what to do, but now, today, I feel satisfied that I can see him there sitting, and I know that you are going to do the right thing. Thank you.

THE COURT: Thank you.

(Pause)

MR. GIANFORTI: Your Honor, if I may, two of the victims who are on your list have asked if they could go now to accommodate their medical situations, including the one I mentioned whose name is Blanca Uchupaella, and if she could then be followed by Wadi Rodriguez.

THE LAW CLERK: I am sorry. What was the name?

MR. GIANFORTI: The first one is Blanca Uchupaella and to be followed by Wadi Rodriguez.

I understand some additional victims have joined us since the proceeding started, your Honor. We're trying to figure out what their names are so we can get them to you in advance, but I think it's three or four additional victims.

THE LAW CLERK: What is the name of the second person?

MR. GIANFORTI: The second person who would like to go

after Ms. Uchupaella?

THE LAW CLERK: Yes.

MR. GIANFORTI: Mr. Wadi Rodriguez.

THE LAW CLERK: How do you spell that?

MR. GIANFORTI: W-A-D-I Rodriguez. He's the man in the wheelchair.

THE LAW CLERK: Okay. We'll hear from of Blanca Uchupaella.

MS. UCHUPAELLA: Good afternoon. Thank you for this opportunity. I, too, was a victim who was acquainted with the company Forcount. I entered the company in 2019. I had a little bit of money saved because I wanted to buy a house. I had the savings that belonged to my daughters, that I had been saving for their schooling.

When I first came to this country, I worked very, very hard. I would work delivering newspapers. I would wake up every morning at 2 a.m., and I worked seven days a week. After that I would go to another company, after finishing with the newspapers, to clean houses. I tried to save my money, and when I became acquainted with this company, I was told that it was much better to invest money in this company rather than to just put it away in the bank.

The first investment that I made was about $ 30,000. I invested all my money. I took out all the money that I had, and I invested all my money in this company and at that time it

was called LyonCoin. And then, Ethereum came into play and then after, Mindexcoin, which was the money or the currency for the company.

You know, we Latinos are very close-knit people, and I would invite my relatives. I would invite my friends. I would invite my neighbors, and we would always have meetings in my house. We all invested money in the company and Mr. Tacuri himself told us not to take out our profit but to reinvest our profit, and that the reason he did that -- and that he himself would do that. That he reinvested his profits, and that he was doing it because that way we would make more money. All the money that I made every week, I continued investing it in the company.

My daughters were not able to finish their schooling. I split up with my significant other. And this happened all the time, and not only that, I had to pay back all the people that I had invited because they were blaming me that because of me they had lost their money. I took advances from my credit card so that I could invest. Today I am in a lot of debt, and this money had -- this is a world-level kind of thing because this man had leaders and right-hand people in other countries like Ecuador, Peru, Venezuela, Colombia, all over the world. He's all over the world.

I also involved my family who lives in Ecuador, and when we tried to get our money back, we were told that we could

not get our money back. And the only thing that happened was we were not allowed to participate in my Zoom meetings, and when we tried calling in, he would just hang up the phone on us.

Your Honor, I am asking for justice. Please help us to get a little bit, at least, of that money back because if you count all the money that I invested together with my daughters' money, I invested about $ 80,000. Thank you.

THE COURT: Thank you. Mr. Gianforti, has any of the money been recovered?

MR. GIANFORTI: I'm just trying to think if we've seized any bank accounts. If we have, it's a trifle compared to the loss, your Honor.

THE LAW CLERK: Wadi Rodriguez.

MR. RODRIGUEZ: Hello, your Honor. My name is Wadi Rodriguez. I have a disability called CMT4D. When I was invited to this company, they told me: Over here, you will have the opportunity to: (1) not depend on the system, which is something that always kind of bothered me being disabled. And getting out of the system is one of my goals. And they said that if you invest here, whatever amount of money, you'll be able to in six months -- and you do the job, you'll be able to be financially free.

At the time, I didn't even have the money to invest and Carlos Paz, which was my neighbor, was the person that

loaned me the money so that I could get in the company, supposedly the opportunity of a lifetime. Now, when I went to an event, which was in LaGuardia Airport, there I met one of Tacuri's -- I don't know if you want to call best friend, right hand, or associate, which was Ramon Perez. He gave me 18 Dash coin, and he supposedly wanted to help me because the two coins that I had wouldn't be enough for me to help bring more people. The intention of him doing that was actually for me to promote the business for them because they saw that in my situation, I would motivate other the people to come and join the company.

So in time, I just saw, you know, something was off. I did see that the Dash coin -- I started learning more and more about blockchain, and I saw that the Dash coin was actually something that should be in your wallet within ten minutes. Every time I tried to withdraw, it would last 24 hours to 48 hours, so something was obviously wrong. The Mindexcoin was what they say that it was supposed to be, the next Bitcoin. You buy, and then you make a -- you wait and it will cost more than $ 100, right.

So I'm breaking this down so you can understand where when I met Mr. Tacuri, and another event that I went, which was in Maryland, he had four rules, which the four rules was: Make a free account, put money into it and then invite some friends, and the fourth one was repeat step one, two, three. It was never about withdrawing. I remember asking what is the benefit

of this company? If I noticed a lot of people, then it's an issue. And then, everybody started kind of pushing themselves away because I was noticing the scam that was going on there.

I have been one of the persons that has, to my knowledge, helped the most in this case, and I'm proud to say it because I see how many people I have helped along the way. A lot of -- majority of them are Hispanic speaking. They are not a U.S. citizen. I, thank God, am, and there were situations where people would tell me, Hey, I am in Colombia. My family is in danger. The family -- one person told me that their life was in danger, too, because the company didn't want to pay them back.

I know a father's situation where a guy in the United States was very sick. And he died because of the fact that when he approached Juan Tacuri to give him some money back for his treatment, Tacuri had no mercy. And this is the type of person that Tacuri is. He does not care whether you are sick, whether you are elderly, whatever the case is. All he cared about was making money and supposedly showing people how to make money, which he never did.

The only one that benefited from that was him and all the leaders on top. With Ramon Perez, my thing about him is that when he gave me those coins saying that he wanted to help me, I noticed that his main intention was just for me to do promotion, do Zooms, of the Forcount company and national wide,

like others has explained, this has been Colombia, Peru; you can say whole Central America, majority of North America, and some even in Europe. This scale, I know there's a lot of scam going on, and this is just the tip of the iceberg, as they say.

Now, the only time that I really lost any money was when it came to the money that's going -- I spoke to another associate of Juan Tacuri, which was Walter Congachi, and he told me, "Hey, the money that's going is going to start going out, so just pay attention." And that's it. That was after I got out of the company.

I invested $ 11,000 that I had in crypto saved, and I invested it into the Mindexcoin, and the Mindexcoin, instead of going up, it went all the way down. The reason for me doing everything I did is because I want justice for everyone. I don't really care about the money that I lost. I just want for these people to understand that they cannot go around the world playing around with peoples' emotion and money and life because that's exactly what they were doing.

So thank you for your time, and that's all I've got. Thank you.

THE COURT: Thank you.

THE LAW CLERK: Rosa Palacios.

MS. PALACIOS: Good afternoon. My name is Rosa Palacios. I come from Ecuador, and I have been in this country for over 20 years.

THE COURT: Come closer to the microphone.

MS. PALACIOS: I just want to let you know how I was affected by this case. Look, we all, as people, understand. We were all economically and emotionally affected, but in my case, I had a small business where I did money transmissions. I had to pay someone to attend the meetings. On many occasions, I lost income because I would have to shut down my business in order to listen to all the promises made by Mr. Tacuri, which were very good and very interesting to, in reality, make some extra money that we all needed.

I invested $ 10,000, which was the product of ten years of work saving that money, but at these meetings, nothing that was ever promised ever happened. I started to insist that my money be given back to me, which then sent me to attend more meetings in far away cities and things that were completely denied to me.

I started, you know, asking my cousin, who is here now present; she, too, entered the group, and she invested money. There was so much pressure that I used against her. She was the person responsible who talked me into -- she found herself to be very stressed, very sick. I, too, I was not doing well, and we broke up our family connection. I got two friends to also enter the group, which that relationship also ended because they were very angry at me.

That is why, at this moment, I am asking you, the full

force of the law on Mr. Tacuri. Let him give the money back to everyone who was affected, including interest, and that he cannot go around hurting people and carrying out such injustices. We can't come to a foreign country to lie, to hurt, to trick, and then still want to win, for which I am requesting that this case be taken to its fullest point of justice. Thank you.

THE COURT: Thank you. Mr. Gianforti, what about the house? Was the house seized?

MR. GIANFORTI: The house, we filed a *lis pendens* on the house, so it will be part of the forfeiture order that you entered when you did the plea. It will be forfeited through that process, but yes, it's encumbered.

THE LAW CLERK: Luis Barrientos.

MR. BARRIENTOS: Good afternoon, your Honor. My name is Luis Barrientos. I am a former police officer in El Salvador. I come to you from the city of Baltimore in Maryland. I came to this country with the idea and the thoughts of giving my family a better life. I would work 120 hours per week. In 2011, I opened up a small construction business.

In 2019, I was given information about Mr. Juan Tacuri. The first event that I attended was in Jessup, Maryland, at a Holiday Inn where a Toyota Corolla was raffled. At that meeting, there were a lot of people from many different

states and different countries that were the leaders of the company that at that time was called Weltsys.

After that, he shared all this information where he told us that we could become millionaires just like him, and I decided to invest my money. When you sent money in, they would give you a username, and they would give you also a password. You were taught that if you brought in more people, you have the ability to make more money.

Then like anything, we know that the Latino community is very united. I started out with my family members, my brothers, my sisters, my brothers-in-law, my friends, and all this happened in a month because I was in other events that happened in Gaithersburg, Maryland. There was another event here at the LaGuardia Hotel here in New York City.

In one month, I was able to gain 20 people who trusted in me based on Mr. Tacuri's promises, because I would show them the videos where he made all of these promises. He mentioned that in six months to a year, he would duplicate the money that you had invested. When you entered, you were given a Bitcoin. You were given Ethereum, and you were given this coin named Mindexcoin, which it really did not exist.

Then they held an event in Chicago, and I drove all the way from Maryland to Chicago because I wanted to learn how he made all these investments. While there, he would go out with all the other leaders to travel throughout the city. He

had made a promise that in Chicago Mr. Francis Da Silva would be there.

While there, they showed Mr. Francis Da Silva on a Zoom meeting and explained that he had not been able to travel to Chicago because he could not find his passport. And the other leaders who were there said that he, Mr. Juan Tacuri, had a family emergency, and therefore, that's why he was not in Chicago but yet he was in a room through video. There's also a video on YouTube where somebody by -- one of the leaders, Israel Lezama, were asking for all their money, and it was at that point where all the security personnel from the hotel had to come to the meeting because of everything that had transpired at that event.

Even then, I spoke to many people that I had encouraged to invest and told them not to do so until they were given what they had been promised that they would be given. There was a leader named Blanca Mirgard when Mr. Tacuri, you know, rewarded. She asked me to come to a meeting in Rockville, Maryland, with Benito Barajas and his wife Melinda Barajas, but they were four Honduran sisters who even said that their husbands had asked them to quit working because they were becoming millionaires with Mr. Tacuri's company.

After that, they sent a group of leaders to El Salvador. There were the ones who went to El Salvador to propose the company Weltsys. I even said to -- I even told

Benito Barajas, as a police officer that I am, "When you get to El Salvador, if this turns out to be a scam, how are you going to face people knowing that this is a scam?" Because I had former colleagues from the police department in El Salvador who also joined Weltsys.

When the pandemic ensued and the people who invested money started asking me for their money back, I even had to pay these people back. I even wrote on the checks that this was on behalf of Weltsys because I always hoped, your Honor, that one day this man would be sitting here in front of you like he is doing now. Mr. Salvador Molina, I even sent him a copy of the checks to show him the wage I was paying, and I told him that I wanted to hold my head up high because I didn't want people going around saying that the only reason I owned a business is because I had stolen the money that they had invested.

THE COURT: Who is Medina?

THE INTERPRETER: I'm sorry, your Honor?

THE COURT: Who is Medina?

MR. BARRIENTOS: Molina. Salvador Molina was the person who was in charge of media for Mr. Tacuri, and he would also appear on the Zoom meetings. He had all the media on Facebook, Instagram, social media. Accordingly, I understand that he has a different name as well.

And all this affected my financial status. And one time my daughter -- please understand that my daughters are

here now. I remember she said to me, "Dad, I need this." Then with a lot of pain, I said to her, "Daughter, I cannot do this for you now. I must pay the rent."

And besides this, your Honor, I know that Mr. Juan Tacuri had a lot of leaders at different national levels. I am hoping, your Honor, that as we know here in the VMD, Maryland, Virginia, and Washington, D.C., we have been thousands of people who have been affected by these two companies, Forcount and Weltsys. I am trusting in the laws of this country that you can make the best decision possible with all these people that were involved in this scam that was used against all these in the Latino community. Thank you, your Honor.

THE COURT: Thank you.

THE LAW CLERK: Sara Cruz.

MR. GIANFORTI: Your Honor, just noting briefly for the record, Salvador Molina, of course, is Mr. Tacuri's codefendant. That was the alias that he used as part of the Forcount scheme.

THE COURT: And where is he now?

MR. GIANFORTI: He is at MDC awaiting sentencing.

MS. CRUZ: Good afternoon. My name is Sara Cruz. I am Salvadoran. I have been in this country for 26 years. From the date that I arrived in this country, I began to work. I learned about Forcount through Daisy Martinez in 2018. I came to the first event here in New York on September 28, 2018,

where they were recording a movie about themselves showing how they had become millionaires or something to that effect.

The first time that I invested money in this company, it was only $ 2,000 because I was doing it behind my husband's back. And then, since I got involved with the Zoom meetings, I started showing my husband the Zooms, and we decided to invest all the money that we had, which was for my daughter's schooling. And as a matter of fact, it was this year when she was supposed to go off to school, and we couldn't send her because we have no money.

I started inviting people and telling them how they would earn money here. Many people invested, all my family and my husband's family. I remember that one of my husband's cousins invested $ 25,000, and since it had been promised that it would be doubled in one year, he demanded that we pay him that money back. We had to take out a loan that as of today we're still paying for. We paid back a lot of people.

We had to start using my husband's credit cards because I had no credit left. My husband did. Many times he ended up in the hospital with anxiety/depression. We are on the verge of divorce because there isn't one day where my husband doesn't throw in my face the issue about the money. I have no way to face these people, and I've had to, you know, stay away from all these people.

I've been threatened. As I told you, as of today,

we're still paying off people who invested many $ 1,000 or $ 2,000. We're still paying them. I have a cousin who, thank God, didn't demand that I pay him back because he knows that it is not our fault, but he invested over $ 50,000, you know. And I know that this wasn't my fault, but I feel guilty that I talked these people into investing money. And even though I did not keep that money, there's a lot of people who think that I kept the money.

I traveled with them to many events. I was even present at the last event in Chicago, which is where I decided not to keep going. And then, when I came back from there, I received a phone call from Francis Da Silva, Tacuri and Ramon Perez for me to continue in the company, and I told them definitely that I wanted nothing to do with it.

My husband, too, was demanding money from me because we had -- we were so indebted. We had invested all our money. And like I said, I would ask for my restitution because I said, "I have no money. I am totally indebted to people and I have no money for my daughters to go to school." Thank you, and I hope you can do the best.

THE COURT: Thank you.

MR. GIANFORTI: Could we bring a box of tissues up to the lectern?

THE COURT: Yes.

MR. GIANFORTI: Two brief matters, your Honor. Would

it be all right if Ms. Iliakostas sits doing the interpreting? I think she's finding it difficult standing this long.

THE COURT: Of course. I understand.

THE INTERPRETER: Thank you. I didn't want to be disrespectful.

THE COURT: That's fine. We've been going a couple hours now. Everyone who wants to speak——those in the courtroom, those on the video conference——is going to have an opportunity to speak no matter how long it takes, but I'm going to give you a ten-minute break at this time.

MR. GIANFORTI: Thank you.

(Recess)

THE COURT: We're going to reconvene. Ms. Flores, you can call the next name.

THE LAW CLERK: Catherine Crespo.

MS. CRESPO: Good afternoon. Thank you for letting me speak. Thank you for allowing me to speak here today. I arrived in this country over 30 years ago. I got here when I was 17 years old, and I always worked hard. I always tried to find a way to help my parents. Then I had a family and I started working hard for my family. I worked in whatever was necessary, anything.

I saved some money because I was going to buy a house, and at that point, somebody started talking to me about the company Forcount. The first time that I heard about it, I

trusted them, and I really believed that I would make money because I had heard a little bit about Bitcoin. The first time that someone spoke to me about the company, I invested $10,000. Likewise with my colleagues who are here present, who also testified, I started telling about it, my family members, my friends, my sister, my brother-in-law. With my friends all together, we all invested in about $30,000 with this company.

A short time after that, the name was changed from Forcount to Weltsys, and you no longer could easily go in with that name. When I saw that you weren't allowed to be paid, when I saw that you couldn't withdraw any money, since I was the person who initiated this contact with my company and who had introduced my family and friends, I started trying to investigate and find out what was going on. I tried to get help. I went to Telemundo. I went to Univision to see if, you know, someone could help me, and they told me that unfortunately they could not help me because they wanted to see proof that we had given cash and there were no receipts. There was no evidence that we had given them our money.

It hurt us mostly in the family aspect; stopped trusting in people. And as it was explained before, you started getting in trouble with your husband, with your significant other, because there are fights. We're indebted. We owe money. There's no money to pay the rent. There's no money to pay the bills that one has to pay in this country.

Going back to the fact that I called Telemundo and Univision and they told me that they couldn't help me, I felt angry, frustrated, and impotent. When I started to think that these people were scamming so many people from so many different countries, countries that have already been mentioned here today, and other countries like Panama. And I'm very grateful to many people here like Wadi, who was the person who notified me that this man here had been apprehended, that he would no longer be able to scam anybody else.

This man robbed us after we had worked so hard to earn this money that it wasn't easy to earn, and he robbed us. He always dressed with the best name brands at the meetings——Louis Vuitton, the most expensive colognes——spending money that he didn't earn. Always scamming people because one of his Ecuadorian compatriots said he had been previously apprehended for scamming people. And on that occasion, nothing was accomplished other than giving him a good beating.

I don't know if this is pertinent or not, but I hope that you make the right decision, your Honor, so that this man remains in jail and can never get out again. Make the right decision. Thank you very much.

THE COURT: Thank you.

THE LAW CLERK: I wanted to make a quick announcement just in case there's anyone in the audience waiting for a proceeding besides this one. All other proceedings have been

adjourned. If you are waiting for the proceeding of Mr. Solomon, Mr. Jones, Ms. Harris, Mr. Smith, those will not be taking place today. We apologize. We're just running over on the sentence.

The next person is Jose Martinez.

MR. MARTINEZ: Good afternoon. My name is Jose Marvin Martinez, and I'm coming here from Washington, D.C. I came to this country over 15 years ago. I came with the hopes of bettering myself and helping my family. I started working two different jobs, 12 to 14 hours a day, and that's something that helped me in starting to be able to save money. As time and years went by, I started a family. Then my children came along. I worked happier with more enthusiasm and more hope, harder, I worked even harder to give them everything that they deserved.

In 2019, I became acquainted with the company Forcount. I was invited to a meeting where Juan Tacuri would be present. I was hopeful with all the testimonies that were given, people were saying how they were making and saving money. In one of them, they promised to double your money in six months to a year. Besides that, they had cryptocurrency, which they had so that one could invest in that.

Right after this, I invested all of my savings, which is an amount of over $30,000. At the beginning, the transactions were being fruitful, were showing up. As time

went by, things started getting difficult and the transactions, and the way that they had picked them to be and how they were supposed to come to fruition were not happening that way. I don't know, but not the promises that they had made.

In my personal life, in my family circle, I went through a separation, which led me to come, or to go to a location such as this, in order to fight for custody for my children as a result of having been fighting with my wife because of the money that had been invested and lost in this company. Money that we had the hopes to use for our children and to purchase a home; something that to this day has not happened because all the money that we had was lost and invested in this company.

When all that started and I began attending these meetings, I would go into these Zoom classes. In these meetings, I heard and they promised that if you shared this information with others, then you would have the ability to make even more money, which led me to share this information with my family, my friends, my acquaintances. And they began to invest this money, and in some way I feel responsible because I'm the one who led them to invest their money.

I came to an agreement with my friends and my family that somehow I would try to start paying them back for the money that they had invested. This led me to a point where I was completely indebted to my credit cards. At one point I

owed more than $40,000 in credit cards. Because of the debts that I had and with the money that I was making, I did not have enough money to pay my rent, buy food, and still manage to pay the debts that I promised that I would pay because I had given them the information.

With all this, you end up having so many problems that are completely associated with this, stress, depression. You know, if people like this man sitting here next to me didn't exist, people like me would not have had that problem. They don't think about their fellow man. They don't think about their family. They don't think about their siblings. They take advantage of people and all they do is evil, and it's not fair. I trust in God and in this jury now present that the decision that is made here today is fair and just with respect to this individual.

Thank you very much. That's all I have to say.

THE LAW CLERK: The next and the last person who will be speaking in person is Marcia Ceciliano.

MS. CECILIANO: Good afternoon. My name is Marcia Ceciliano. I am going to start by saying that I'm here today representing my husband. My husband, as of today, he can't speak for himself because he passed away. He started being motivated by Mr. Tacuri and working with Mr. Tacuri in 2018.

When he started motivating him, my husband at that time had a lot of money. He worked seven days a week in this

country. He owned a construction company, and he worked every day. And when he met this man, he decided to invest money in buying an apartment. We already had a house, but he also wanted to own an apartment. He started investing $25,000 at the beginning, and then, later on, another $25,000.

I must tell you that my husband was someone who was very much loved by everyone, and this man had a very bad reputation. And because of that bad representation, he just couldn't face people. That's the moment when he started using my husband. Because since my husband was so well liked and loved, he started using my husband as a tool to have other people invest money. And this all happened in 2018, and he said, "This is not the first million dollars that Mr. Ceciliano helped me to earn."

On top of that, at the beginning of 2019, my husband was diagnosed with cancer. In March of 2020, my husband dies, but before that, we felt a lot of pressure from different people because my husband moved and motivated over 2,000 people. At this point, they are not going to the person who really took the money. They are confronting me and saying, "You're the one who is guilty. You're the one who took the money. You're the one who has the money. You're the one who started it."

My husband, during that whole year, was ill, and he would cry and he would say to me, you know, "I feel so guilty

because people invested because of me." And I should say that all the money that we lost, or better yet, all the money that we gave this person, we invested the money that we had saved for our children.

And during COVID, when my husband passes away, I didn't have a penny to my name and had to go out and work and do whatever it took, whatever it was. I'm a CNA, and I work 12 hours a day to pay for everything. My son was in depression for one year after his father's passing. This is what I can tell you today. Thank you.

THE COURT: Mrs. Ceciliano, please accept my sympathy for the death of your husband. Thank you.

MS. CECILIANO: Thank you.

THE LAW CLERK: We are moving on to the people on Teams.

MR. GIANFORTI: We have one more person present who would like to speak.

THE LAW CLERK: Okay. We have one more person present who wants to speak, and then we'll move on to the people on Teams. I'm sorry about that.

MS. ORILLANA: Neli Orillana. Good afternoon. I am addressing you with the utmost pain and suffering because I'm very close to Ms. Ceciliano, and I was witness to all the pain and suffering that she endured. I, too, was very personally involved and affected because of the investment that we made

with Mr. Tacuri here, present.

As of today, I am still in trouble because I had surgery. I had knee surgery. Because of all the people that I brought into the company Forcount, I also introduced to the company Forcount, my cousin Rosa Palacios. I also brought in two other people who were not able to be present because I practically broke all ties of friendship with them.

Every day I receive notifications, not really threats but pressure, for me to give back the money. One of them being my cousin. You know, I'm a single mother with four children, so I can't give back any money because my situation is, you know, finally down in the bottom. I lived in this country for over 30 years, and I've invested all the money that I had in order to get my children ahead. All my savings were spent on that, and still my financial situation is at zero.

Not only that, Mr. Tacuri came to my house to hold a meeting and to clear up debts that anyone may have with respect to the investments that were made in the company Forcount. I remember his exact words that he addressed the people who were in my home, who were primarily my family; telling them, "All the savings that you have, invest them with me because you will be able to double them."

I hope your Honor that you will do justice with respect to this man who has cost so much, not only for people in this country but for people all over the world.

That is all, your Honor. Thank you.

THE COURT: Thank you.

THE LAW CLERK: I understand that there's one more person who wants to speak in person. Could I have their name?

MS. CRESPO: Catherine Crespo.

THE COURT: You may commence.

THE DEFENDANT: Good afternoon, your Honor. My name is Catherine Crespo. I am 21. I'm with my mom Blanca. She's in the back. This situation has very -- like hit all of our family because she lost a lot of money that was invested for us, our future. We're five kids. I have two older sisters and two younger siblings. I'm the middle child so I've always helped her.

She didn't really know about technology so when she entered this company in 2019, I was the one who was with her helping her with the technology, the computers, doing the user names, the password, bringing in people that they said in reunions, friends, family. I would be the one who was helping her put them in the company, the user names and passwords. And out of everything, she lost a lot of money. I'm sorry. She lost a lot of money and then she separated with my father.

Out of all of that, they always would be fighting about how much money he also invested, how much money she invested for us in the future. And so, then they separated and then got anxiety. I have anxiety. I also suffered depression

for like about six months out of everything.

We would always go to meetings with him. He would be present there. In the meetings, they would be fun. We would say fun because it was like they would speak about their stories and how they came to this country, him and -- there was many people that we would call like "our leaders." They come from like different ranges, say like diamonds, zafiros, like levels. Like having to address people, you would go by ranges.

There was many people that we would look up to and think they came from nothing, and now they are millionaires and they have so much money. We saw that future for us thinking that we would also be able to do that with this company. And we didn't know it was a scheme until like at the end where -- I believe it was like 2020 when my mom couldn't take out the money that she invested with Mindexcoin, and she asked Wadi for his help to be able to transfer the money outside of Weltsys into a blockchain outside so she would be able to get all the money that she invested.

So she wasn't able to. She would also ask for my help because I wasn't able to because I didn't know, and then, well, the company just closed down and nothing was done until like a few -- like a year ago, I think. We found out that he was now arrested, and well, now we're here. So I just wanted to let you know that we have all been affected with everything that has been going on, all the money that they lost, everybody,

everyone. Justice will serve them. May God bless your soul. Thank you.

THE COURT: Thank you.

THE LAW CLERK: I will now call on the people who joined on Teams. Do the people on teams hear me?

UNIDENTIFIED SPEAKER: Yes.

THE LAW CLERK: Perfect. Please raise your hand if you wish to speak. When called, please speak slowly so the interpreter on Teams and the interpreter in person can interpret for the Court. And once you are done speaking, please mute yourself and lower your hand.

THE INTERPRETER: Please excuse the interpretation. I'm speaking for the interpreting team. We need to make sure that both my voice and my partner, Walter Krochmal's voice are audible to the courtroom.

THE LAW CLERK: Okay. I can hear your voice perfectly. Can Walter speak to see if I can hear him? Walter, you are muted. Can you unmute yourself?

THE INTERPRETER: There was a point where everyone got muted from your end, and I believe a message popped up saying you have to press star six. So I don't know if the mute button alone will unmute Walter. I don't know if that is the issue.

THE LAW CLERK: Walter, I can't unmute you from here. You have to unmute yourself. For now, we can start with Marcia and wait until he is able to unmute himself.

THE INTERPRETER: That's fine. I want to be clear that I don't have the amazing stamina that my colleague that was interpreting for the courtroom witnesses had. And in the interest of preserving an accurate record, at some point, I will need to switch off with Walter.

THE LAW CLERK: Okay. We can start now and give him time to unmute himself. I can talk to him separately, but I think it's best that we start with the people on Teams and you can start interpreting and we can switch.

THE INTERPRETER: Can you please repeat your instructions because I didn't get a chance to interpret those?

THE LAW CLERK: Yes. Please raise your hand if you would like to speak. And when called, please unmute yourself and speak slowly so the interpreter can interpret for the Court, and please raise your hand on Teams. It should be a yellow hand, not your physical hand. I see some people raised your yellow hand. Please keep it raised. Perfect. Thank you.

The first person is Nestor Delgado.

MR. DELGADO: Yes. My name is Nestor Delgado. I'm Venezuelan. I've been living X number of years --

THE INTERPRETER: The interpreter didn't get the audio because it was muted.

MR. DELGADO: Good afternoon. I'm Nestor Delgado. I'm Venezuelan, and I've been living in this country for five years. I met the person that we were contacted by in this

case, whose name was Blanca Mirgard, who discussed the benefits with us. During the conversations with this woman, she indicated what benefits we would be able to derive from this, all of the benefits. And then later on, we were told that we could get more people to invest and make a higher profit.

Luckily, out of the 30 people who I contacted, only six of them agreed to put in their money. Not more than two months went by before people began to notice that there was interest, and after about two months, they switched from Forcount to Weltsys.

And because of the situation, I was forced to contact the person I had given the money to to help clarify the situation and explain to us. We wanted them to explain to us why they were taking so long to get the money to us when it was showing that we were earning monthly interest. This woman, Blanca Mirgard, told us three different times that we should attend the events that were being held by Juan Tacuri and Daisy Martinez, and so we did.

During these events, each one of them, Blanco Mirgard, Juan Tacuri and Daisy Martinez gave us the same answer that we should just wait and that they were fixing the issue, and they just had to change companies and that the new company, Weltsys, would make good on the money. Over time as things dragged on, the people, whose investments I had captured, began demanding money from me, which they were in their rights to do, and

started asking me where their money was.

A third event, Juan Tacuri offered me Ethereum coins to invest in, which I did, but I still didn't get any answer about the Mindexcoin, which was the original currency that we invested in, or about the return of any of the money. When we realized that this was in fact a scam, we felt the need to join together in WhatsApp groups, and formed several WhatsApp groups and thanks to the efforts of Wadi Rodriguez, who also showed us the way that we could lodge complaints and go to the law where we eventually end up having the interviews that we had with law enforcement.

All that we ask, your Honor, is to please give us a satisfactory response because there are so many multiple victims out there, and find a way for us to solve this problem and to wipe out the financial debts that we are in right now after over four years or more. And all I ask, your Honor, and keeping in mind -- on behalf of all of the victims is to just make sure that justice is done and that this situation can be straightened out as soon as possible in order to repay people or rather to remedy the damage that Mr. Juan Tacuri has caused.

That is all. Thank you very much.

THE COURT: Thank you.

THE LAW CLERK: The next person is Emma Ferrusquia.

THE INTERPRETER: I'm trying to determine whether Walter is now able to --

UNIDENTIFIED SPEAKER: Can you hear me? Excuse me, can you hear me?

THE INTERPRETER: I'm sorry. The interpreter is trying to determine if Mr. Krochmal's sound has been figured out.

THE LAW CLERK: He is not responsive. He is frozen on my screen. We can continue with Ms. Ferrusquia, and we can take a break after.

THE INTERPRETER: Okay.

MS. FERRUSQUIA: I'm going to speak in English the most I can because I speak 90 percent English. Good afternoon, your Honor. Good afternoon everyone in the public. My name is Emma Ferrusquia. I was in an accident. I was paralyzed for over seven years with no memory of over seven years that I take to recovery the memory and to this point from 2003 to 2018. In 2008, doctors tell me that I only have three months to be alive.

And I start working with my father since I was six years old, and it's really, really bad because we was a family of 13 kids and my dad and my mom. I used to go load and unload bricks and my hands was full of blood when I finished. And when I was ten years old, I used to unload bags of concrete, but they was 50 kilos. That, in pounds, is 110 pounds. I started to be a student in school of psychologist, but I was sexually abused and I moved out of my parents house when I was

12 years old.

When I moved, I had to finish school by mail, but my diploma never had official -- they didn't have the official thing, so I even work at the schools, part of the schools, because people know me, but the money was so little that I have to come to the United States 40 years ago. I even study economics, technology, nutrition, modeling, and then I have a big accident where I lost my memory. And because I was working all the time two jobs, because my second kid come out with ingrown nails in his toes, but the ingrown nails didn't come on the side and this part of the toes, and I have to pay $76,000. So I was working in construction 12 hours a day, seven days a week, two hours away from my house, and then I have to work in a casino eight hours at night, six days a week. So three years and a half, I don't sleep 10 minutes, 20 minutes. I get the first stroke and the first heart attack when they told me that my kid was okay after $76,000.

I have to work so hard because then I get married, and I have my last daughter. I have to work two and three jobs to support them because my husband left with a woman from the cantina because they tell me I was gonna die in 2008. I have all these problems plus 85 different symptoms. I was unable to smell, taste, focus. I wasn't even able to go poo, to make tears, to make saliva, to sweat. I wasn't even able to do anything. I was dying already.

When I recover a little thing of my memory, I keep researching for medication because in the past I have also 15 years of research of medical procedures to cure myself. In 2018, I wrote a book that if I translated, it's translated as what one step away from death did life occur, but the book is in Spanish.

Then my daughter take me to promote the book. It was only two months that I went out with my daughter to this trip because all the times in the house because I was getting lost everywhere. When I was promoting the book, I meet a woman with a radio station who say that she want to invite me for an interview because I can sell my book, and people can know me. Nobody talked to me about Forcount, about Weltsys, no. The woman told me that she just interview Mr. Juan Tacuri, and he told her that he was going to give me the opportunity to go and put my books for sale on the table, the registration table, and I did.

I went down to take an Uber for $173 round trip. I take five boxes of books, 150, because the woman tell me take a lot of books because you are going to sell a lot. Mr. Tacuri say that he is going to give you the opportunity. So when I went there, he told me that he don't even know nothing about it, but it was in the correlation with Patricia, the woman for the radio station. He told me, Let's do something. I'm going to talk until the end of the meeting, and then you can grab the

phone and talk about the story of your book.

I think that it was seven people. They want to live because over 200 people was left already. Two people was paying attention, but the person who was paying more attention was Mr. Juan Tacuri. There he is right there. I was going to leave after I sold my two books, and I was crying already. And he came all happy and said, Don't leave. Wait for me five minutes because it's something that I want to talk about it.

When he came to me, it wasn't five minutes. It was over an hour. He start telling me I hear your presentation, Ms. Emma, and you know what, you can make a lot of money with your story. And then he start making a lot of questions like he was going to write a book about myself. And I even told him, Are you going to write a book about myself? Don't worry about it, sir, because I have my book right here.

Even he take $20, and he buy my book. He start making with the questions: Do you have a house? Whose name is the house because I said yes. How long have you living in the house?

He start psychologically abusing me, manipulating me to do anything he wants, putting a lot of pressure on me. Then he tell me, I hear your story, Ms. Emma. I said, Mr. Tacuri, I'm a permanent disabled person, and I can't even take decisions myself. My daughter, Teri Calderone, has started taking care of myself since she was five years old, and now

she's a university student.

He starts to tell me, You don't like $10,000 that you can invest? Ms. Ferrusquia, you are going to start making a lot of money. And then, I told him, I don't have anything. I told him talk to my daughter, Teri Calderone, because I can't take decisions. But then I remember that my kids sold a mobile home for $100,000, and they bought different cashier checks. Two was for $10,000, but I opened my big mouth and tell Mr. Tacuri, Oh, we have $10,000 cashier's check. So he said me, who, what is the name on the cashier's check, and I tell him it's my name and my son's name.

He told me get me the check because you can start making a lot of money. I said, No, you have to tell my daughter. He said, Don't tell anybody. Is there anything you want to buy for your daughter, something you wish to buy for her because she take care of you all these years and she's going to graduate from university? And I say like a stupid, yes, I want to buy her a new car.

Then he start calling me and telling me and putting pressure to go cash the check and bring me the money so you can start making a lot of money. And he told me, Tomorrow I'm going to be in another house for somebody who was investing in Forcount for a house. He say, Bring me the money. I said, Why don't I get the check and give it to you, and he said, No. Don't do that because your name and your son's name is on the

check.

The next day he called me again and told me if I was ready to give him the $10,000. And accidentally, days before I found the key that my daughter have in the safety box from the house, but that one was the key from the safety box from the bank. It was so much pressure that he was putting on me that I went to get the $10,000, and I cashed the check to give him in the money, cash. But inside my brain I say it's Michael's money there, too, so I'm going to invest the $10,000 he wants, and I take $1,000 have my pension. I only receive $1,079 for my pension, and I take $1,000.

My daughter rent two rooms before and making her the deposit, $500 that she put me the bills. I grabbed the bills, and I went to the place. The meeting was on sixth story. When I get there I go, Oh, my God. I don't want to give him the money. I don't want to give the money because my son was working and give the down payment for an apartment complex.

He goes like we are going to live on three, Mama, because we are a lot of family. So I was so sad with a lot of -- I was so scared. I don't want to give him the $11,000. When I get there, I got three coins, three coins for $140, $135. I go on my inside. I'm just going to just leave, and when he asks where I am, somebody can tell him she invest already. When I start walking out, he put his hand, do you have the money, Ms. Emma? And like a dumb, stupid woman, I say

just like that, so I take the $11,000 and give it to him. And he start going, yes, $10,000. Hey everybody, give a round of applause to Ms. Ferrusquia. She just invest $10,000. I said, No, they not $10,000. They $11,000.

So he got rid of the money because he really mad because he was trying to hide the money in his dumb portfolio that he always kept for him. When I gave him the money, he said start working on the $50,000, because if you invest $50,000, Ms. Emma, you are going to get a lot of money. So he start telling me, You can go to the bank and ask for a loan using your house.

And then, days after he start calling me, volunteering himself to go with me to the bank to get a loan for $50,000 and I keep telling him no. What he don't even know in the bank was the money for the cashier's checks my kids brought for the down payment of the apartment complex.

He start abusing me mentally, psychologically, and calling me and saying you have to start calling people to invest. I told him since the beginning, I told you, Mr. Juan Tacuri, I'm a permanently disabled person. I don't even know what you guys talk about from the meeting because my brain can't even get all the information at one time.

I'm telling you all I know. It's over 200 people raising the hand. Since the moment that he take that $11,000, he tell everybody, Hey, everybody, Ms. Emma invest this money,

so start looking for people like Ms. Emma because they don't even complain. I never know why he used to say that all the time until my daughter tell me one day. But he start putting so much pressure and telling me if I have the money, if I have the $50,000, he would have other meetings. And then, one day he have a meeting and he came to me and he told me, I need those $50,000, Ms. Emma. Tomorrow I'm going to be in Ontario DoubleTree, so I want to see you there between 10:00 and 11:00.

And I don't even know, out of the building, he came out and tell me, Look, this coin came out. It's a Mindexcoin coin. If you invest $6,000 -- if you invest $6,000 this right now is 6 cents, but in one year it's going to be over a dollar. So he came to me asking me real weird, like he was planning something. So I'm counting on you with $58,500 with you, Ms. Emma, because if you invest $50,000 in Bitcoin, you have to pay $2,500.

But he was so mad and everything. He make me so scared and everything. My brain start getting so swollen because of the strokes that I have. My heart was working real bad, and I was full of panic for him. And he told me, I see you tomorrow at the DoubleTree hotel in Ontario, California, and I want you bring with you $58,500. I'm counting on you, Ms. Emma. And I get so stupid and so scared, and I tell him yes.

The next day, I don't even want to go to the bank to

take out the money from the cashier's checks. I said I want to quit. I have to take the $5,800. He send me a message in WhatsApp telling me because he give me a piece of paper. Make one cashier's check in my name Juan Tacuri, and make a $50,000 check to I don't know what LLC company. But then he send me on WhatsApp again how I have to buy the cashier check.

The next day he start calling me and telling me, Ms. Emma, I'm waiting for you. I tell you between 10:00 and 11:00. I have to go other places because my plane -- because I'm leaving home tonight. I have to go to other places. I'm waiting for you. I went and take $60,000 because in the bank account was like probably 70. So I make the cashier's check, buy the cashier's checks, and put the money in the envelope and right in the middle, the cashier checks. So I went to the place.

I take the Uber, and I don't want to give him my money. I don't want to because I know he's going to steal all my money, but he kept calling me and make me full of panic, so I take the money to give him. When I take the cashier checks from the envelope and I give it to him, he started screaming to me like animal because he looked like hungry animal. Did anybody told me that you have to pay me those $1,500 cash? And I said, No, please, Mr. Tacuri. The money is for my bills and for the --

So he just gets up and grabs the envelope, and he push

it and he take it away. He keep the cashier checks and he gets the money, cash, and he put it in the dumb portfolio that he has. I say, No, please, Mr. Tacuri. Give me my money, please. He start getting real mad and saying, You know what? I'm not going to give you anything because when I get money, I never give it back. When he started walking at the tables from the hotel, he tell the people, Ms. Emma, she invest $60,000, so go and look for people like Ms. Emma because they don't even complain.

I don't know even know nothing about it but $6,000 was Mindexcoin. I didn't even have a penny. I didn't have anything, but some time after, I meet somebody in hospital when I went to emergency. The guy was talking and inviting me to go to a Bitcoin and all that, and I say I'm with somebody already. And when he asked me the name, he got so mad. He told me that rat, Juan Tacuri, stole all my brother money. I said, Why you never report him to the police, and he say, Because my brother pass away already. He said my brother is a permanently disabled person just like you. You are a permanently disabled woman --

THE COURT: Excuse me, Ms. Ferrusquia.

MS. FERRUSQUIA: Yes.

THE COURT: Thank you for everything that you have said. I do want to give an opportunity to everyone to speak, so if could you sum up?

MS. FERRUSQUIA: To make it short, real short, they froze and blocked the account. We can, with the help of Maria Medina and my daughter, we can get some money back, but they froze and blocked the account. But he was telling people he was paying me from his pocket. There were people, and even people from another country; a woman tell me that, Oh, Mr. Tacuri is saying that he is paying you; is that true? I said, No. He is the person who steals the money, and they are not going to give you anything. They say, Oh, too late because I already invest.

So three of the five women who commit, they invest already. But not Weltsys, not Forcount who stole my money. Who stole the money is the person who is right there. I just want to say thank you for the opportunity to talk, but that person don't have to be doing everything that he have to do. And telling people to just get permanent disabled persons to get the money from them. Thank you, your Honor.

THE COURT: Thank you.

MS. FERRUSQUIA: You're welcome.

THE LAW CLERK: The next person is Elmira Castillo.

THE INTERPRETER: The interpreter would like to mention that the AirPods have worn out because they lost the charge, so I'm speaking on a speakerphone. I hope that doesn't affect the quality.

THE LAW CLERK: We can hear you just fine.

MS. CASTILLO: Hello. Can you hear me?

THE LAW CLERK: We can hear you.

THE INTERPRETER: I can hear you. I'm the interpreter.

MS. CASTILLO: Okay. I don't know if the translator is there, but I know my English is not perfect because I want to be brave because I know there's a lot of people who want to take a turn to speak.

THE INTERPRETER: I'm the interpreter.

MS. CASTILLO: You are still there?

THE INTERPRETER: Yes. If I have something you want me to interpret, you can ask me. You can speak in English if you'd like, and then if you have any questions, you can ask me.

MS. CASTILLO: That is something I can say it, but I'm going to try to be brief and not speak too much.

I know there's lots to say, and I want to say that all the peoples testimonies are true because I pass the same thing with them.

My name is Elmira Castillo, by the way. Thank you for the opportunity that you guys tell me that I'm here today. I thought that never going to happen. So I met that person Juan Tacuri in about 2019. He came and promised us a lot of good things. I had been living in Connecticut for about 19 years since that happens. And, you know, I had to move because I involve a lot of people to invest, and Juan Tacuri pressured

me.

So he made me leader when I wasn't a leader, because he has saw in me a lot of potential, that I was very honest person. So I move to this country because I was being sexually abused since I was four years old in my country. And I say, Oh, in this country, I'm safe. You know, I met very good people, and I have my savings.

I made my house in my country, which Juan Tacuri pressured me to sell my house, because I remember when we went to the meeting in Virginia, and he told like all leader have to invest $40,000 in Mindexcoin. If you don't invest that money, you out. And he named me a leader, and I say, How am I supposed to be a leader if I don't know nothing about this? Because in the beginning he said, You don't need to do anything about the system because we are in charge. We are the people who know. We are the people who know all of this. You have to wait and bring you all your savings. Ask people, bring more people, and then we want to duplicate it.

I start with Dash, and then they change. You know, they can do whatever they want in the system, and now I got to move to -- I'm living in Indiana now because I have to move from Connecticut because I invite like 40 friends that I have for like 15 years, and they brought a lot of money. So we lose about $1,000,000, we all together. All these friends know.

I used to work with all American people. I have my

cleaning company. I used to do baby-sitter, driver with very wealthy people who know me, who believe in me for about ten years, and then all my friends came over to my job because they know me. And they told me like, she's not trusting people because I have friends from Philippines, friends from Colombia, friends from all countries, even 80 people. And all my bosses say, Oh, my God we don't know, Elmira, you are that kind of person. So they start cutting my hours. You know don't fire me right away, but then, all, you know -- I'm sorry. So they start cutting hours, and some people, because I used to have like 40 houses that I clean; I had three people that work for me, and I lose my job, you know.

Since I don't have a like a social security number when I asked Juan Tacuri, I say, So I'm going to report this with the police. And he told me, like, You are immigrant. You can't do anything. You don't have anything because they always have me to give the money in cash.

I used to met him in Ohio, where he went used to go Louis boots or to all these expensive stores. And back when I met him, he spend like $40,000 in shoes and clothes and colognes, you know. So this affect me a lot, and I have to move because I have people all over my house like every day. I lose my job and it was so hard, but I know people who drive taxi, who are drivers, and they are -- this person is like, you know, very rotten person. He stole money from a lot of people.

You know, all my transportation go down, so this affect me a lot.

I hope the Judge can take the best decision because we don't want people like Juan Tacuri and all his partners around this country, you know. And thank you.

THE LAW CLERK: The next person is Miguel Vilela.

MR. VILELA: Good afternoon. I have testimony for you. I was deceived by Mr. Juan Tacuri and Mr. Enrique Horna, Leo Baez, and Andres Baez, his brother. These were the people who invited me to Forcount. They held the meeting at my daughter's restaurant, Julia Uribe, and then that's how the meeting start. It continued at Enrique Hornas' home. And I have to withdraw $65,000 I have saved in a pension.

THE INTERPRETER: The interpreter does not have the name of the company for America. It's an investment company.

MR. VILELA: Primerica. I had made the investment and I was supposed to withdraw it after five years, but instead I did it in four years. I was penalized for this, and I was only given $59,000 in change. I am a 67-year-old, and I still have to continue working.

THE INTERPRETER: Interpreter's correction, 77.

MR. VILELA: And the situation I've been in is being forced to continue working. Mr. Tacuri is an abusive person. He abuses people so much, women, and older people. Together with Enrique Hornas and Andres and Leo Baez, they were the

leaders. I texted Mr. Tacuri so many times, and I have the responses that he sent me still in writing.

Mr. Brolio Castillo was also involved. They also defrauded Anna Maria, my daughter, Julia Uribe, my son-in-law, my daughter, also my son and my siblings and one of the restaurant workers who works for my daughter.

I also traveled to Peru on Mr. Enrique Hornas' invitation because he was setting up other meetings in Peru to get more people to invest, and he asked me to travel with him. And I had my nephews or nieces and nephews and my siblings give money, which I then had to return to them, because they were my nephews and siblings.

When I started with Forcount, the currency that they were selling first was Dash. And then, since everyone started to demand their money, they switched over to Weltsys. And we weren't able to get on, and then Mr. Juan Tacuri started charging us a monthly fee of $25. In order for us to see the Mindexcoin app, we had to pay $25 a month. Otherwise, we weren't able to see the statement. Then we were able to log on after that, and we could transfer -- we could make transfers, but once the transfers were made into Weltsys, the accounts would freeze, and the money would disappear.

After that, we were told to go on to IDOC, it's a company. It's a money exchange where you can only make investments with Bitcoin. And then, with Coinbase, we were

buying Mindexcoin with Bitcoin. They had to go on to the IDOC company, and then that company disappeared. They put Bitcoins on the Mindexcoin. And Ms. Castillo said Mr. Tacuri demanded that everyone pay him in cash because he knew that that way there would be no evidence. But there was evidence because when you get money out, you go to the bank. You don't get it from their home.

We hope that Mr. Juan Tacuri and the rest of those who were involved pay the price for their acts and for all of the people that they have defrauded.

THE COURT: Thank you.

MR. VILELA: We hope that the judge can teach these people a lesson and make them pay for everything they have done. Thank you very much.

THE COURT: Thank you.

THE LAW CLERK: The next person is Sulma Paniag.

MS. PANIAG: Good afternoon or good evening. My name is Sulma Paniag, and I live here in the state of Maryland. And I've been living here in the U.S. for over 25 years. And unfortunately, like so much of the testimony that we have heard, so many people have been affected emotionally/psychologically, in terms of their health. They tried to do so many things with these people on a personal level and I would just guess that -- and we're unable to see the legal system doing anything.

And I'm seeing that so many families were affected, children, couples. It affected their bodies, their physical health. It's not a small thing. And I know that all of us are here because we have faith not just that Mr. Juan Tacuri will pay for all the damage that he has caused, but we also have faith that all of the dollars that we have invested will be returned to us and that all of the hours that we spent here will not be in vain.

That's what we believe, and we're all here. We are here with the intention not only to fix all of this whole problem, but also to see that all of the money is returned, at least the amounts that we invested. I'm here because there was a person who is here now, who asked me to be on the Zoom. I actually did not invest that much money myself. I only invested $3,000, but I got my husband in for $3,000 and my mom invested $2,000. My dad invested $3,000, and then my husband got a company where he worked to invest $25,000. And then, those people got even more people involved, so this was in fact a very large-scale scam which affected thousands of people in this heartless thievery.

I only hope that human justice can be done here because no one escapes from God's justice, and the hope of all of us that are here, and which we have faith in, is that the money will be returned to us because no one can undo the psychological damage, the emotional damage, the family

separations, and the children who have been affected and so deep, and all of the damage that has been done so deeply, so, so many people, including someone who even mentioned that they thought of taking their own life.

That can only be solved by God, but we hope that we get the blessing of having our money returned. And my desire is that all of us affected will see justice being done here. I have listened to so much of this testimony. Tears have been shed, and I mention now that so many people now know about this fraud and so many things have happened. So much damage has been done, and so many people have been waiting to confront this man and ask him to return what he took, who want to know why he did this.

And one thing I thank God for is that I did not invest all of my money. I was at the point where I was about to withdraw everything from the bank, and I have a brother-in-law who invested $50,000. Thank goodness he does not blame the family, at least me. At least as far as for my part, I don't even blame the leaders because I think that they were tricked, too. I don't know. I was not that involved. I did not attend that many of the meetings or go on Zoom that much. At least as far as I'm concerned -- everyone has their own way of thinking about this, but in my mind, I do not blame the people that invited me to join in because we all were responsible for our own facts.

I entered this voluntarily, but our wish is that justice be correctly meted out as far as this person goes, and we want all of the money that we invested to be returned to us. At least all of the money that we put into it because the mental and psychological damage cannot be undone. And my wish is that all of this be solved, and that all of the money be returned. And I'm trusting in firstly justice to stop this. Thank you.

THE COURT: Thank you. We're going to take a ten-minute break and then we will come back and hear from more victims.

MR. MAIMIN: And your Honor, we do have another interpreter who has now joined in who will be able to help Marcia out with this.

THE COURT: Wonderful.

(Recess)

(In open court)

THE INTERPRETER: If it's okay with your Honor, I will be taking the next witness, and I will do my best.

THE DEPUTY CLERK: Thank you.

The next person is Juana Lopez -- Ma. Juana Lopez.

MS. LOPEZ-MEDINA: Good afternoon, your Honor, and members of the jury.

I've been in the U.S. for 27 years. My name is Maria Juana Medina. I am a mother of three children. I had a very frustrating divorce, and when I met them, I think I was in a very vulnerable position. I think they abused me, really, but financially I wasn't so well either. I am the victim of a huge fraud.

The first time I met them I was invited by Mr. Enrique Orna and Andres Baez, alias Raul Torres. So when Mr. Tacuri saw there was some potential here, I started to go to Mr. Enrique's house I believe two weeks, every eight days.

The very first investment I made was in two Dash packages, because they were $24,000 each I believe, and I invested into two packages. And I think at that time the dollar was -- $180. So during through all these promotions, we kept getting promotions buy 100, buy another hundred. They always showed us how to buy, but never showed you how to withdraw.

So they were bringing 100, 200. The first package I

had with Mr. Tacuri was 100 Dash, 600 Dash, 700 Dash. So I was one of the people that was taken to Dubai, because of my investments. So Mr. Francis Da Silva said that if one would put in 100 Dash, then they would give you as a gift another hundred Dash. So while we were in Dubai, Mr. Francis Da Silva was also in Dubai, and he would say, if you put in 100 Dash, they will give you 100 Dash. So I put in 300 Dash, and they gave me 300. It was like a game, like one of those slot machine games.

So the next week, Forcount was converted into Weltsys, and they converted the Dash into Mindexcoin.

THE INTERPRETER: And the interpreters is repeating, because the interpreter is unfamiliar with the names.

MS. LOPEZ-MEDINA: So Mr. Tacuri went to a hotel in Ontario where they were still not having open Mindex, and Mr. Tacuri said (Remarks in Spanish,) that they were not going to sell it cheaper.

So Ms. Emma Ferrusquia was also there, and I think he sold -- he said they were for 6 cents. I invested approximately 50,000. Then the Minedex came out, and they were only 3 cents, 2 cents. In any case, he gave us -- he gave me a gift in a bag of approximately he said $4,000.

So they kept on asking that we should have like a hier -- sort of like hierarchy, or a position, so I got my siblings involved, my children involved, my brother-in-law involved, my

closest family. And so, psychologically, they kept on asking us to go up and up and get more involved. Like Mindex, Tacuri would send some people like Baez and Torres, and they would keep talking to us, just invest in Minedex, in Minedex.

So the coins were lost. The Minedex coins were lost. There was a BTC that was $8,900, and if I had it today, it would be $6,500, so I am losing. It's $60,000, so I am losing. And, psychologically, I'm really suffering.

So I was driven by Mr. Tacuri and Mr. Ornas, and I had to sell my house to be able to survive, because I kept investing but there was no returns. So I sold my house, and I was encouraged by Mr. Enrique -- I was invited by Mr. Enrique Ornas to keep investing, and he directed to invest in trading, and I invested $100,000.

So I have the photos and I have all the information. Everything I ever sent to Mr. Tacuri was sent by wire, by air, by Zelle, but I never, ever gave him any cash.

So Minedex, Minedex caused a lot of people to lose their savings, because they kept on asking us to buy, but they would sell it for 16 cents when they were paying a cent for it. So Northern California was really broke because of all of this. It was really broken, because there were many, many other people who were abused.

So Tacuri would speak to Francis, and, anyway, I would, say, put 14,000 and I would put half. I would never get

anything back. So, in the end, half -- they put half of it in Etherium and in the end, they were made -- like 100 in Etherium, and then 80, and then 60 in Etherium.

I gave Ms. Emma Ferrusquia 800,000 to buy some BTC. I bought, and I got it from Minedex, and I gave Mr. Andres Baez $10,000 to purchase more.

There were many other victims. I don't even know all of them. But I know there was this one victim who died of cancer. This man invested $500,000. I think he gave it to Mr. Enrique Baez and Tacuri. And he was an American Anglo-Saxon man who had no money for his treatment when he wanted money back for his treatment, because he invested it with these people.

So I believed in you. I believed in them. I wanted to buy a second home that was smaller, because the house was too big, and when I look at Mr. Tacuri, I look at your eyes and, you know, it's horrible, because I'm not with my children. This is what hurts the most. I don't have my children. I had to separate from them, because I don't have any money. I don't have any money to be able to support a house. I come and go from the U.S. And, you, Mr. Tacuri, took me away from the thing I loved the most, which are my children.

I am coming and going. I'm in Mexico now with my parents, because, unfortunately, my mother has cancer, and I have no way of helping them. I can't help them because

unfortunately, financially, I'm not doing well at all. I've fallen into a horrible depression. I can't even look at the screen shots of all the wires I've sent them of this exorbitant amount. 50,000, and -- to Andres and Enrique, I was one of their largest investors, and I can't even spend $100 now. And I want justice. I want justice for everyone.

Thank you, your Honor, for having listened to me. And I, because I am one of the largest investors, began to receive death threats and threats of all kinds.

THE COURT: Thank you.

Mr. Tacuri, I've been watching you as we've listened to the victims, and when the victims express the greatest degree of anguish, you smile. You have to take that smirk off of your face, because it is very disrespectful.

Please call the next person.

LAW CLERK: The next person is a Nelser Avelar.

MR. AVELAR: Good afternoon.

Yes. Good afternoon. My name is Nelser Avelar.

I'm originally from Honduras, and I'm residing in Maryland. I've been here for around 20 years, and I am originally from Honduras.

My testimony is similar or perhaps even worse than each one of the witnesses who has testified so far. I was invited to one of the Forcount meetings in 2018, and that's when the whole nightmare started, when they started making us

think that it was something happy and that we would all be turned into millionaires.

My first investment with them was for $15,000, and then after that, in each meeting, we would be offered specials. According to them, they were specials, where the coins were being offered at a lower price, and if we bought more coins, we could get them for the reduced price. And I continued investing little by little until I had invested $60,000 with them. 60,000.

Then they told us we had to bring more people in in order to be more successful, and that's what happened. I brought in my whole family and all my friends to invest. Adding together, all of my family and friends, we invested $200,000. This has been so terrible for everyone, especially for me, because I was the one who introduced everyone into this deal, because they kept telling us, "bring in more people. We're going to make you a millionaire, and we're going to make your family and all your friends millionaires." And this has been really difficult for me, because I've had to pay back many of the people who I got to invest in this, because they told me, "it's your fault that we did this," and I was threatened, so I had to pay back the money.

And it got to the point where I had to take out loans and use my credit card in order to pay the money back to these people, and I still have three loans that have not been paid

back to the bank. There was an occasion where the house where I was living caught on fire. I lost everything that was inside of the house. Then I called Juan Tacuri and Francis Da Silva to tell them everything that had happened to me and find out if they could return something to me, but they didn't pay any attention to me. All they did was to block my number and never answer any of my calls again.

And it's been really difficult for me, because I lost all of my money, my house burnt down, and I've gone through a lot of trouble, suffered from depression and anxiety. It's really been very painful for me, to be honest, and I'm here today to just ask that justice be done and that hopefully we can at least get a small amount of the money they stole from us returned.

THE COURT: Thank you.

MR. AVELAR: That's all I have to say. Thank you very much.

THE COURT: Thank you.

THE DEPUTY CLERK: The next person is Daniel.

THE COURT: What about the last name?

MR. CHAVEZ: Last name is Chavez.

So, first of all, I would like to greet everybody who's there, and I'd like to thank you. And I'm sorry that you're all still there, madam, your Honor, and everybody else that is there. I don't think I want to tell you my story,

because I think we've all heard my story and, also, we've all heard the story and the reason that Tacuri is here today.

I just want to say a few words to everyone here and to Tacuri, because you really -- you really made fun of the Latino community or people in general, of love, of the community. And I'm happy you're laughing at this time, because when you end up in jail, we will be laughing. So I hope one day when you get out, because I'm sure you must have a plan for when you get out, I hope that this affects you, because I think you will see many of these people again, and I think your conscience will bother you, and I don't think you will ever find peace.

We know people want their money back, but of course, as we know, most definitely, we know that the money is Bitcoin and it's untraceable, so we know you sent it elsewhere.

I wanted to tell you that it is your fault that this beautiful family was lost, but I do hope you don't lose your family because of this. And if it makes you laugh so much, makes you laugh to -- laugh at the people you've affected, I understand you, because, in the end -- because you used your brother, who is disabled, and if you could use him being disabled, then I understand you are able to use so many more people.

I do wish you the best, and I do hope for justice for everyone.

Thank you.

THE COURT: Thank you.

THE DEPUTY CLERK: The next person is Glenda Marroquin.

THE INTERPRETER: I can do this portion if you want.

MS. MARROQUIN: Hello. Good afternoon or good evening. I'm not sure what time it is where you are.

I believe my heart has never felt such great pain in my heart as I feel right now when I see all these people. We have all been hurt so, so badly psychologically.

(Continued on next page)

Money comes and goes and we might be able to recover that, but people have been damaged psychologically. We can do this by working hard, like Latinos that come to this country work hard. We come to this country to do that, to work very hard. I am so sorry that it is a Latin person who has hurt so many and so much, us Latin people.

The only thing I can tell Mr. Juan Tacuri is that unfortunately, I did send him $6,000, and I do have the receipt. I sent it to Florida. But I don't care about that money anymore. Sometimes I don't care. All I care about is it's God's divine justice and justice on earth that we might find.

I'd like to thank Wadi Rodriguez, who is a great human being and a great person. They didn't even care how much damage they would do to him even though he is in a wheelchair, all the psychological damage that they did to him.

I'd like to also thank Mr. Luis Barrientos. I'd like to thank you for going there on behalf of all of us. You were able to take a day off and go there. I admire you, and I thank you, because I'm in Maryland and I'm part of the people that were affected in Maryland.

I think that that will be all because I think there was so much testimony about this. I think maybe that's enough. I believe that. Thank you so much.

THE COURT: Thank you.

THE LAW CLERK: The next person is Richard B. Could you please state your last name?

MR. BENAVIDES: Good evening, your Honor. My name is Richard Benavides. I'm 53 years old from Pennsylvania. I've been in this country for 33 years. I'm going to be very brief. Please, I beg you, set an example with this man. First, make him repay to all of the victims because we put our savings and hard-earned money in his hands just to lose it like that. Please put him in jail for a long, long, long time.

I'm an Ecuadorian, too, as well as Mr. Tacuri. We are very hardworking and honest people, and this is a shame that he is one of us. I will make sure -- I will spread the news back home so everybody knows, his friends, his family, his neighbors; everybody knows the kind of thief he is. I said, Tacuri, it's enough because I remember you and you want the money and you twist the business. You were laughing. You were joking. You were wearing your fancy clothes, you know, jewelry, all of the stuff that you were spending people's money. But you know what? Right now, it's our turn. You don't see our faces, but we are going to laugh to see you rot in jail. And God have mercy on your soul.

Thank you, your Honor.

THE COURT: Thank you.

THE LAW CLERK: The next person is Conchita. Could you please state your full name?

MS. S. CASTILLO: Hi, good evening. My name is Selene. I just put it down as Conchita.

THE LAW CLERK: Could you please state your last name?

MS. S. CASTILLO: Castillo. I also just want to say that I was with Forcount since 2018 when it began with Francis, with Juan Tacuri, with Ramon Perez, with Coronado, and I did lose money on this occasion, but no one forced me to make these investments. I knew that this was a cryptocurrency deal, and that it was a high-risk investment. Nevertheless, I took the risk, and I did do the deal.

I saw the business collapse, and I also saw the way that Juan Tacuri was setting up accounts for other people to avoid problems. The transfers or wires that went to Juan passed through Francis' hands. I really believe Francis is the person who affected all of us. Although Juan, Ramon, and Coronado were also very involved in the business, and they clearly made a lot of money, much more than everyone else.

All I want to say is everyone is responsible for their own acts. Even if they lost their homes or lost money, each person is responsible for their own acts. No one held a gun to our heads and forced us to sell our home or to sell our car and put all the money into Forcount or Weltsys.

I also lost money, but I am an adult. I'm responsible, and I don't blame anyone else for this because I know what I'm doing.

UNIDENTIFIED SPEAKER: Why are you talking?

MS. S. CASTILLO: That's all I have to say. Thank you very much.

THE COURT: Thank you.

THE LAW CLERK: I do not see anyone else with their hand raised. Is there anyone else that would like to speak via Teams?

Thank you.

MR. MAIMIN: Your Honor, if I may? After having heard hours and hours of victims statements, I think that our original recommendation of at or near the top of the guidelines understates what Mr. Tacuri did here. I think that a sentence of 135 months would not be sufficient to accomplish the goals of 3553(a).

What we have heard here is in my 18 years as a prosecutor, one of the worst recitations of non-stop criminal activity that I've ever heard. As your Honor knows, I have spent most of my time prosecuting murderers, including in front of your Honor, and I haven't seen anybody as psychopathic or frankly evil as Mr. Tacuri other than those cases and even then he ranks up with the worst of them.

What this Court has heard over and over, as one victim said when he said that he didn't want to go into his story because your Honor heard it, is that Mr. Tacuri did the exact same thing over and over. When he would victimize people, he

would victimize them in terrible ways to start. He would go to a disabled man and say, I can finally free you from your reliance on the system if only you give me all your money. He would go to people who worked 12 hours a day seven days a week for entire lives, working themselves to the bone, and say, You have been pursuing this dream your entire lives. If you give me your money, I can make it happen for you. I can give you hope.

When they ran out of money and they went to him saying, We're out of money; we need something else, did he help them? Did he show any regret? Did he do anything to stop the bleeding? No. He would say to them over and over, Ah, but one more thing you can do, you can borrow from your friends. You can take your relatives' money. You can take out credit card debt. You can put your house up on the market. Just give me your money, and I will make it right for you.

You heard over and over that he didn't just take their money away. He took the money away from their friends, from their neighbors, from their relatives, from their communities. He has broken up marriages. He drove one man to the brink of suicide. You heard from a victim who no longer has her children with her because of Juan Tacuri, and he never once hesitated. Your Honor saw in the PSR that this was one of 12 crypto Ponzi schemes that he was involved in. That is paragraph 61. This is what Mr. Tacuri does.

I've been in front of your Honor long enough to know you're going to tell us, as your Honor should, that at sentencing what your Honor has to consider the whole person before you. And sadly, what we have seen over the several other hours that have passed is the whole person that Juan Tacuri is. Juan Tacuri's entire person is a fraudster and a criminal.

I was going to remark before, from whenever I turned back, how cold he was, that he showed no regret or remorse hearing people talk of how he took everything from them, and then he took something more. Your Honor, sitting up there, was able to see more and saw it was beyond that. He would smile from time to time because he's proud of what he did, what he was able to accomplish, taking from others. The reason he has no remorse is he didn't then and he does not now see his victims as people. He saw them as ATM machines from whom he could keep on withdrawing until he bled them dry.

This Court should sentence Tacuri to at least 15 years, if not more, because frankly there are few fraudsters who deserve it as much as someone as cold and calculating and remorseless as Tacuri is.

THE COURT: Mr. Gaviria, I have read very closely the submissions that you've made, but I'm going to permit you, of course, to make whatever argument you may make.

MR. GAVIRIA: Yes, your Honor. If I can use the

podium?

THE COURT: Yes.

MR. GAVIRIA: Okay. These cases are inevitably very difficult. As the Court has heard, there are numerous victims, both present in Court and throughout the Zoom and who are not present, who have been victimized by this fraud. But I want the Court to be clear that -- and I want to ensure that Mr. Tacuri is held responsible for his actions. Because the Court has heard an elaborate scheme that was devised, the brain child, and executed by Mr. Da Silva, who obviously is not present before the Court. He ran the back channel. He ran the whole computer system.

What Mr. Tacuri did——and he has admitted to it——he was a senior promoter of the scheme. He did recruit individuals, entice them to invest money in Forcount, which was fictitiously trading in cryptocurrency, and yes, he did encourage other people to --

THE COURT: So just to be clear, you are admitting on his behalf that there was no cryptocurrency?

MR. GAVIRIA: Correct, your Honor. Yes, and I believe that that would be laid out, ultimately, because it got changed over to Mindexcoin, and Mindexcoin, essentially was fictitious. And nothing that I'm saying here is meant in any way to diminish the harm caused by Mr. Tacuri. He's ultimately going to speak to the Court.

Ultimately we will ask the Court to sentence Mr. Tacuri, who is 46 years old, who has zero criminal history points, to a sentence that will allow him to reenter society at the earliest time possible. We're going to be asking for a sentence below the low end of the sentencing guidelines. It would be sufficient but not greater than necessary to comply with the sentencing goals set forth in 3553.

Mr. Tacuri today will express his sincere remorse, and how he regrets every day, for the rest of his life, his conduct. The sentencing guidelines call for a sentence between 108 and 135 months. The government in its sentencing memorandum, by way of guidance, cites to the AirBit Club prosecution and sentences. This was essentially an identical scheme, an identical way to recruit individuals into the Ponzi scheme, but in that particular case, the loss amount was greater. It was higher than 25. It was between $25 and $65 million, but he used the same playbook as Forcount.

The cofounders of that scheme was an individual Pablo Renato Rodriguez and Gustavo Dos Santos. Judge Daniels sentenced Pablo Renato Rodriguez to 144-months prison. Notably in that case, and also cited in the government's sentencing memorandum, was an individual, a senior promoter, Cecilia Millan. She also scored between 108 and 135 months. Cecilia Millan was sentenced to 60-months prison. In its sentencing submission, the government——and I quote——stated, "Tacuri is

most akin to Millan who caused millions of dollars in losses to the victims who invested in AirBit Club through her." The government notes this to assure the Court that significant sentences imprisonment in crypto Ponzi schemes that resulted in millions in losses are wholly appropriate.

Notably in AirBit, it was the government's estimate that there were thousands of victims worldwide with over 500 submitting impact statements. Through the victims and their testimony, the Court heard the international component of this scheme. Mr. Tacuri took no part in that. He was not able to leave the country. He never went to Dubai, to Mexico. He did all of the recruitment here within the United States. So the defense does agree with the government on both points, Mr. Tacuri's actions are akin to those of Ms. Millan, and we are asking the Court and believe that the Court should sentence Mr. Tacuri to a substantial sentence.

However, the government originally sought that at the higher end——and even today saying before the Court that they are hearing new information, which I find somewhat questionable since they were aware of the victims. The victims have submitted letters before the Court——I believe should be reserved for those that are founders, those who benefited, who received the lion's share of the money in this fraud, which Mr. Tacuri did not. He did benefit. He did receive money. He did lead, for a time period, a lavish lifestyle, but it was the

architects and other promoters, which the Court has also heard of who are not before the Court, who also received money in this particular case.

We acknowledge that a substantial sentence is appropriate, that people have been generally harmed. But Mr. Tacuri has pled guilty. He accepted responsibility. He has not contested that there are individuals that had a financial hardship suffered by the victims. He has agreed that he is a senior promoter, but he is not the founder. We would also point to the Court that the loss amount in particular attributed to Mr. Tacuri is just above the $3.5 million threshold, which is $3.6, which has increased his guideline range.

In conclusion, Mr. Tacuri again comes to the Court, a middle-aged man, zero criminal history points. He will most certainly be deported at the end of the sentence. We're not asking for an insignificant sentence. We acknowledge the harm he has caused, but we're asking for a below-a-guideline sentence to avoid unwarranted disparities among defendants with similar records, as is mentioned in my sentencing submission.

Information from the U.S. Sentencing Commission database provides that during the last five fiscal years, there were 93 defendants whose primary guideline under 2B1.1, with a final offense level of 31 and a criminal history category of I, excluding 5K1.1 sentences; the 93 defendants who received a

sentence of imprisonment, in whole or in part, the average length imposed was 77 months, and the median length imposed was 78 months. That would be the sentence that we would be recommending to the Court, 78 months.

THE COURT: Do you know whether any of those individuals were smiling while the victims were crying in anguish?

MR. GAVIRIA: Your Honor, I do not. Obviously, I was not present for any of those sentencings, and I'm not excusing Mr. Tacuri's conduct at all. I did not personally see it. I know that some people react to stress in different ways sometimes, and maybe his reaction was inappropriate. But sometimes when people are extremely nervous, they smile. But, again, I don't know what is in Mr. Tacuri's head. I know that he is going to have an opportunity to speak, and I hope that he apologizes to the Court with respect to that.

THE COURT: Mr. Tacuri, do you want to say anything?

THE DEFENDANT: Good evening, Judge.

First of all, I am grateful for you giving me the opportunity to speak. It was a long afternoon. I am grateful to everybody who was here, to all the victims, and I apologize for that smile that you saw.

I got up today at 5 a.m. I am diabetic. I was diagnosed with diabetes. I have only eaten two small crackers I arrived here. I went out to drink water on breaks two times.

My body is very loose and I'm shaking, and everything is recorded, the diagnosis of my condition at the jail. I have a strong headache at this moment because due to the sugar, my body is unable to eat any more.

Secondly, I want to say to all the people who are here seeing me and listening to me that I am very remorseful before all of my Latino community. I arrived to this country 27 years ago with a dream similar to each one of theirs. I had a bad influence in my life since back in 2017. I was influenced by making me aware of illicit money. I was told that I would be made a millionaire the same way I was able to say unto others, and I made the mistake of lying to them.

I am from Ecuador, and I'm very remorseful today for everything that I did and having heard everybody, that they've been separated, that they have lost their children, but I want to tell them something. I want to say to you, Judge, you know the truth. And he who knows the truth, that is God. I may be able to lie to you. I can lie to people, but I will never be able to lie to God.

In that same way, I ask of everybody that we be able to understand that it was not entirely my fault because I did not establish the company, and everyone knows it in their hearts because they met the founder of the company. If I had the money in my hands today, I would give them twice that or three times that so that they would no longer suffer.

I just ask God for an opportunity. The day that I may be set free, that I may be able to work, I will not be able to return the money to those same people, but I will be able to work so that I can give back to other people in other parts of the world.

May God bless America. May God bless you, Judge, and may he bless everybody. And may the United States forgive me for having tainted the integrity of this country because it opened itself up to me with a nice embrace, and I have tainted that joy that I was given. Only God knows my heart. Thank you. God bless America.

THE COURT: I'd like the interpreter to step up, and counsel can step up.

(At sidebar)

THE COURT: So maybe I did not hear correctly. I don't know, but Maria is here, who is also a Spanish speaker, but I heard (Spanish spoken); no?

THE LAW CLERK: I thought that was it. I thought the last one was, "God bless me."

THE COURT: Yes, so I am taking issue with your interpretation.

INTERPRETER MITRE: Understood, Judge. I appreciate you letting me know. Can I hear back what you guys heard?

THE LAW CLERK: I heard, "May God bless me."

INTERPRETER MITRE: In Spanish, (Spanish spoken)?

THE LAW CLERK: (Spanish spoken).

THE LAW CLERK: I understood (Spanish spoken).

INTERPRETER MITRE: I apologize, your Honor. I don't have a recollection of having interpreted something that I didn't hear. I didn't catch the mistake myself. If it was in fact a mistake of mine, I apologize. I thought I heard what I interpreted, so I didn't consciously fumble and not just say anything. But I hear what you are saying, and both of you, you heard my colleague say that she did not hear that.

INTERPRETER DE LOS RIOS: I was taking his interpretation as well. Everything that was said, I was taking it. That's why I stood next to him, but I did not hear him say, "May God bless me."

THE COURT: You heard America?

INTERPRETER DE LOS RIOS: I believe so.

INTERPRETER MITRE: My recollection is that he said that twice at two different times, at the very end and one time prior to that.

THE COURT: I just want to take a vote here. Did you hear "America"?

THE LAW CLERK: Like by America, would he say like (Spanish spoken)?

INTERPRETER MITRE: I think he was saying, "America."

THE LAW CLERK: I thought he said (Spanish spoken) and then the last one was "me."

THE COURT: Yes.

THE LAW CLERK: I did not hear "America," but I trust you guys a lot more.

THE COURT: All right. Well --

MR. GAVIRIA: Can we ask him?

THE COURT: I don't want to hear another word from his mouth. And so, there seems to be between myself and——what's your name?

INTERPRETER DE LOS RIOS: Erica De Los Rios.

THE COURT: Okay. There seems to be a disagreement between me and the interpreter. I have a fully bilingual law clerk, Valeria Flores, who is agreeing with me. And your name, sir?

INTERPRETER MITRE: Gabriel Mitre, also staff interpreter, your Honor, and I want to be as helpful as possible. That is why I was asking what utterance you guys heard in Spanish so that I can see, like do the syllables match up where I misheard "America" or something like that. That's why I was asking what the word is that you heard, what your Honor and your law clerk heard in Spanish.

THE LAW CLERK: Well, I think because in Spanish it's (Spanish spoken). I can see how that's lost in translation to (Spanish spoken) because it's (Spanish spoken). I can see that.

INTERPRETER MITRE: And it would also be awkward. I

bring it up because it would also be awkward for someone in Spanish to say that because (Spanish spoken) would be a redundancy. I'm not saying it's impossible that he would have said that, but that's why I'm asking. It would help me establish would that make sense. I'm sorry I can't be more helpful than that, your Honor.

THE COURT: It's okay. Minor point. Thank you.

INTERPRETER MITRE: Of course.

(In open court)

THE COURT: Is there any reason why a sentence should not be imposed at this time?

MR. GIANFORTI: No, your Honor.

MR. GAVIRIA: No, your Honor.

THE COURT: The statutory maximum term of imprisonment for the offense is 20 years. As I stated previously, the guidelines range to be considered is 108 to 135 months in imprisonment. Under the Supreme Court's decision in *Booker* and its progeny, the guidelines range is only one factor that I must consider in deciding the appropriate sentence. I'm also required to consider the other factors set forth in 18, United States Code, Section 3553(a). These include:

First, the nature and circumstances of the offense and the history and characteristics of the defendant; second, the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law and to provide just

punishment for the offense, to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, and to provide the defendant with needed education or vocational training, medical care, or other correctional treatment in the most effective manner; third, the kinds of sentences available; fourth, the guidelines range; fifth, any pertinent policy statements; sixth, the need to avoid sentence disparities among defendants with similar records who have been found guilty of similar conduct; and seventh, the need to provide restitution to any victims of the offense.

Ultimately, I'm required to impose a sentence sufficient but not greater than necessary to comply with the purposes of sentencing that I just mentioned. I've given substantial thought and attention to the appropriate sentence in this case.

Pursuant to section 3553(a), I must consider the history and characteristics of the offender. Mr. Tacuri is 46 years old. He was raised under poor economic conditions in Ecuador and reports having been physically abused by his father who was an alcoholic.

Mr. Tacuri was a key promoterer of the Forcount scheme, a large-scale Ponzi scheme that targeted working-class Spanish speakers. He and his codefendants promised victims that they can double their money by investing in various

cryptocurrency products. This was a blatant lie. The money was never invested in cryptocurrency, but instead used to purchase luxury goods and to further the scheme.

Although Mr. Tacuri has no other criminal convictions, probation reports that he participated in many other cryptocurrency Ponzi schemes before, during, and after his involvement in Forcount. For example, immediately after the Forcount scheme came to an end, Mr. Tacuri began promoting another Ponzi scheme called PayMoney.

Mr. Tacuri's participation in Forcount was calculated and intentional. Victims recall him promoting the scheme at various conferences, encouraging them to sell their homes and take out loans to afford their so-called investments. He pressured the victims to involve their family members, many of whom invested money of their own. Mr. Tacuri personally solicited and obtained tens of thousands of dollars from predominantly elderly victims and spent the money on his flashy lifestyle, which he in turn used as a promotional tool to draw more people into the scheme.

The victims of the Forcount scheme suffered devastating and incalculable losses. I have carefully reviewed the many letters submitted to the Court, and I have listened closely to the testimony offered here today. I am struck by the number of victims who lost much, if not all, of their life's savings and retirement accounts.

Many are immigrants and non-English speakers who trusted Mr. Tacuri to be responsible with their money. Now many worry that they may never be able to retire or will be forced to live in poverty through their later years.

Many of the victims who spoke here today recounted that the money they entrusted to Mr. Tacuri belonged to or had been set aside for the benefit of their children and other loved ones. Entire generations have been financially ruined by Mr. Tacuri's shameless greed. The victims of this scheme may never recover financially from the Forcount scheme. Some are suffering physically having lost the money they needed for medical care. Many have lost the trust of their loved ones, and they will continue to suffer the psychological and emotional repercussions of this crime for many, many years to come. Many victims spoke today about the ruined friendships and fractured families, marriages that have lapsed, and children that have had to go without. Mr. Tacuri has caused immeasurable anguish and suffering.

If there was ever a day in a person's life when he is entitled judged on the basis of his entirety background and contributions, it is a sentencing, and Section 3553(a), in directing the Court to consider the history and characteristics of the offender, is consistent with that. The sentence that I will impose today will reflect the seriousness of Mr. Tacuri's actions and the utter disregard he expressed toward his

victims.

As I stated before, the maximum sentence recommended under the guidelines is 135 months, which is equivalent to about 11 years, but I do not have to follow that recommendation. I have concluded, for all the reasons stated, that an upward variance pursuant to 18, United States Code, Section 3553(a), is warranted for Mr. Tacuri. Under the law, the maximum sentence that I am allowed to impose is 20 years, which is equivalent to 240 months. If the law permitted, I would give Mr. Tacuri a much longer sentence, but I am obligated to obey the law.

Mr. Tacuri, please rise for the imposition of the sentence. Mr. Tacuri it is the judgment of this Court that you are sentenced to 240 months of imprisonment on Count One of the indictment to be followed by one year of supervised release. In other words, I'm imposing the statutory maximum penalty. That is 20-years imprisonment.

There will be no fine because the probation department reports that you are not able to pay one. Although, you must pay the mandatory special assessment totaling $100, which is due immediately. The mandatory and standard conditions of supervised release listed on pages 35 through 37 of the presentence report shall apply.

In addition the following special conditions from the presentence investigation report shall apply. These special

conditions include that you must obey the immigration laws and comply with the directives of immigration authorities. You must provide the improbation officer with access to any requested financial information. You must not incur new credit charges or open any additional lines of credit without the approval of the probation office unless you are in compliance with the installment payment schedule.

You will participate in an outpatient treatment program approved by the United States Probation Office, which program may include testing to determine whether you have reverted to using drugs or alcohol. You must contribute to the cost of services rendered based on your ability to pay and the availability of third-party payments. The Court authorizes the release of available drug treatment evaluations and reports, including the presentence investigation report, to the substance use disorder treatment provider.

You must submit to a search of your person, property, residence, office, vehicle, papers, computers, cell phones and other devices or media used for electronic communications, data storage, cloud storage, or net storage. The probation officer may conduct a search under this condition only when there is reasonable suspicion that you have violated a condition of your supervision or committed a new crime, and that the areas to be searched contain evidence of this violation. The search must be conducted by a United States Probation Officer, although

other law enforcement officers may be present. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation of the release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

Mr. Tacuri, you must make restitution payable in an amount to be determined by the victims identified by the government.

AUSA Gianforti, do you have an update on restitution?

MR. GIANFORTI: Your Honor, in light of the additional victims who have come forward today, we will be compiling a list, or as comprehensive as we can hope to achieve, and we'll submit it to your Honor for final review.

THE COURT: So that the number that I have might rise; is that correct?

MR. GIANFORTI: It could.

THE COURT: So Mr. Tacuri, you must pay restitution in the amount of at least $3,610,718.67. Restitution shall be joint and several with the codefendants pursuant to United States v. Da Silva.

In formulating the payment schedule for restitution, I must consider the factors in 18, United States Code, Section 366(f)(2), which include the financial resources and other assets of defendant, projected earnings and other income of the defendant, and any financial obligations of the defendant,

including obligations to dependents. Restitution must be paid in monthly installments of 10 percent of gross monthly income over a period of supervision to commerce 30 days after your release from custody. The government shall submit a proposed restitution order to my chambers.

I'm also required to remind you, Mr. Tacuri, that you have to forfeiture to the United States a sum of money equal to $3,610,718.67 in U.S. currency, representing proceeds traceable to the commission of the offense charged in Count One of the indictment, and all right, title, and interest in the real property known as 2946 Florida Bay Drive, Orlando, Florida 32824.

Does either attorney know of any legal reason why this sentence should not be imposed as stated?

MR. GIANFORTI: No, your Honor.

MR. GAVIRIA: No, your Honor.

THE COURT: The sentence as stated is imposed. That is the sentence of the Court.

You have a right to appeal your conviction and sentence, except to whatever extent you may have validly waived that right as part of your plea agreement. The notice of appeal must be filed within 14 days of the judgment of conviction.

If you are not able to pay the cost of an appeal, you may apply for leave to appeal *in forma pauperis*. If you

request, the Clerk of Court will prepare and file a notice of appeal on your behalf.

Are there any further applications?

MR. GIANFORTI: Your Honor, the government moves to dismiss the underlying indictment, the S1 indictment; the S2 indictment as this to this defendant; and as to the S3 indictment, Counts Two and Three, as he pled guilty to Count One in full satisfaction of the S3 indictment.

MR. GAVIRIA: Your Honor, I request that the Court make a recommendation that he be housed in the Middle District of Florida where his family.

THE COURT: The prosecution's application with respect to dismissal is granted, and I will make the recommendation that he be housed in that location.

I would like to thank the victims who came forward personally here today and those who participated by video conference. I am so, so sorry to hear about the deep losses that you have suffered, especially the personal relationships. Family unity, in my opinion, is the most important thing in life, and I'm so sorry that so many of you have lost family members because of this. I commend your courage.

That brings this matter to an end. The matter is adjourned.

MR. MAIMIN: Thank you, your Honor.

MR. GIANFORTI: Thank you. (Adjourned)

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DATE FILED: 10/7/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JUAN TACURI,

Defendant.

22 Cr. 622-2 (AT)

ORDER

ANALISA TORRES, District Judge:

Sentencing in this matter is scheduled for **October 15, 2024**, at **2:00 p.m.** Members of the public and press wishing to attend sentencing via teleconference are directed to dial 646-453-4442 and enter access code 444411943.

SO ORDERED.

Dated: October 7, 2024
New York, New York

ANALISA TORRES
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of July, two thousand twenty-six.

United States of America,

Appellee,

v.

Juan Tacuri,

Defendant - Appellant.

ORDER

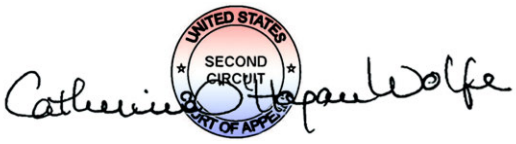
Docket No: 24-2889

Appellant, Juan Tacuri, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc.*

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk



RELEVANT STATUTORY PROVISION

CARES Act, Pub. L. No. 116-136, § 15002, 134 STAT. 281, 527–30 (2020). VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS.

(a) DEFINITION.—In this section, the term ‘‘covered emergency period’’ means the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) and ending on the date that is 30 days after the date on which the national emergency declaration terminates.

(b) VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court), upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, may authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following events:

(A) Detention hearings under section 3142 of title 18, United States Code.

(B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.

(C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.

(D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.

(E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.

(F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.

(G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code.

(H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.

(I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.

(J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the ''Federal Juvenile Delinquency Act''), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

(2) FELONY PLEAS AND SENTENCING.—

(A) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) specifically finds, upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety, and the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available.

(B) APPLICABILITY TO JUVENILES.—

. . . .

(3) REVIEW.—

(A) IN GENERAL.—On the date that is 90 days after the date on which an authorization for the use of video teleconferencing or telephone conferencing under paragraph (1) or (2) is issued, if the emergency authority has not been terminated under paragraph (5), the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall review the authorization and determine whether to extend the authorization.

(B) ADDITIONAL REVIEW.—If an authorization is extended under subparagraph (A), the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall review the extension of authority not less frequently than once every 90 days until the earlier of—

(i) the date on which the chief judge (or other judge or justice) determines the authorization is no longer warranted; or

(ii) the date on which the emergency authority is terminated under paragraph (5).

(4) CONSENT.—Video teleconferencing or telephone conferencing authorized under paragraph (1) or (2) may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.

(5) TERMINATION OF EMERGENCY AUTHORITY.—The authority provided under paragraphs (1), (2), and (3), and any specific authorizations issued under those paragraphs, shall terminate on the earlier of—

(A) the last day of the covered emergency period; or

(B) the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) no longer materially affect the functioning of either the Federal courts generally or the district court in question.

(6) NATIONAL EMERGENCIES GENERALLY.—The Judicial Conference of the United States and the Supreme Court of the United States shall consider rule amendments under chapter 131 of title 28, United States Code (commonly known as the ''Rules Enabling Act''), that address emergency measures that may be taken by the Federal courts when the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall obviate a defendant's right to counsel under the Sixth Amendment to the Constitution of the United States, any Federal statute, or the Federal Rules of Criminal Procedure.

(c) The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.