

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

LEONARDO SILVA,

Defendant.

Crim. No. 16-69

Magistrate No. 14-712

**FILED**

MAY 18 2016

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

STATEMENT OF OFFENSE AND OTHER CONDUCT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant **LEONARDO SILVA** agrees and stipulates as follows:

RELEVANT PERSONS AND ENTITIES

1. Defendant **LEONARDO SILVA**, at various times during the relevant period, resided in Monterrey, Mexico, and McAllen, Texas. From in or around 2008, through on or about December 9, 2014, he was the Resident Agent in Charge ("RAC") of the Monterrey field office of the Drug Enforcement Administration ("DEA"). As the RAC, **SILVA** was the highest ranking DEA official in the Monterrey field office. **SILVA**'s supervisor was an Assistant Special Agent in Charge in the DEA's field office in Mexico City, Mexico—a field office that was an approximately eleven-hour drive from the Monterrey field office.

2. Person A, who is a Mexican national, is a businessman who has business dealings in the United States and in Monterrey and other parts of Mexico. Person A has access to an 18-passenger private plane. During the relevant period, Person A developed a social relationship with **LEONARDO SILVA**.

3. Person B, who is a U.S. citizen, is a businessman who owned companies that specialized in selling aircraft, leasing aircraft, and brokering charter flights. During the relevant period, Person B developed a social relationship with **LEONARDO SILVA**.

4. Company 1 specialized in selling aircraft, leasing aircraft, and brokering charter flights. From no later than September 30, 2010, through in or around 2012, Person B was a part owner of Company 1.

5. Company 2 specializes in selling aircraft, leasing aircraft, and brokering charter flights. Since in or around 2013, Person B has been a part owner of Company 2.

6. Visa Holder 1 is a Mexican National who resides in, or around, Monterrey, Mexico. Visa Holder 1 is Person A's sister. In and around 2012 and 2013, Person A and Visa Holder 1 were involved in a high-profile dispute over how their deceased father's substantial estate should be split among his children. The estate dispute was the subject of media attention in and around Monterrey, Mexico.

7. Visa Holder 2 is a Mexican National who resides in, or around, Monterrey, Mexico. Visa Holder 2 is Visa Holder 1's husband.

8. Visa Holder 3 is a Mexican National who, during the relevant period, resided in both Mexico and Texas.

9. Foreign nationals who wish to visit the United States generally must have visas to do so. Visas are issued by the U.S. Department of State. There are different types of visas. A Nonimmigrant Visa ("NIV") is for temporary travel to the United States. While NIVs are for temporary travel, a single NIV may be valid for a multi-month, or even multi-year, period, depending on the reason for the travel. The U.S. Department of State retains the ability to revoke a NIV, even after it has been issued to a foreign national.

10. Public Financial Disclosure Reports (“Annual Disclosure Reports”) require those who complete the reports to identify assets and income; liabilities; positions held outside of government; certain agreements or arrangements that raise the possibility of a conflict of interest; and gifts and travel reimbursements received. The instructions in the gifts and travel reimbursement section provide the following guidance:

- Travel-related reimbursements (items such as lodging, transportation, and food) totaling more than \$350 from any one source during the reporting period; include where you traveled, the purpose, and date(s) of the trip
- Any other gifts totaling more than \$350\* from any one source during the reporting period

The purpose of these reports is to give the Agency employing the report filer the ability to identify potential or actual conflicts of interest. Only certain federal employees must file an Annual Disclosure Report. For the duration of the relevant period, **LEONARDO SILVA** was required to file Annual Disclosure Reports.

#### **UNREPORTED FLIGHTS**

11. From on or about September 30, 2010, through on or about November 21, 2014, **LEONARDO SILVA**, for personal travel reasons, flew on private airplanes—owned or operated by foreign nationals and U.S. civilians—to travel between Monterrey, Mexico, and McAllen, Texas. Over a period of approximately four years, SILVA flew on roughly 100 private flights, including 27 flights in 2013. Of the roughly 100 private flights, four were on an aircraft connected to Person A, and approximately twenty-four were on aircrafts connected to Person B.

12. From on or about September 30, 2010, through on or about November 21, 2014, **LEONARDO SILVA** never paid the fair market value of these flights, but did on occasion pay the fuel costs associated with these flights. The fair market value of each of these flights was in excess of the \$350 reporting requirement.

13. From on or about January 24, 2012, through on or about February 18, 2014, **LEONARDO SILVA**, while in Mexico, did willfully and knowingly make the following materially false, fictitious, and fraudulent statements and representations in matters within the jurisdiction of the executive branch of the Government of the United States, by falsely certifying on Annual Disclosure Reports that he did not receive gifts or travel reimbursements totaling more than \$350 from any one source:

Approximate Date of Filing	False Statement in Filing
1/24/2012	No reportable gifts or travel reimbursement.
1/24/2013	No reportable gifts or travel reimbursement.
2/18/2014	No reportable gifts or travel reimbursement.

These certifications were false because, as **SILVA** knew at the time of each of these certifications, he had flown on private flights during the applicable reporting period that each had a fair-market value of over \$350.

### **OTHER CONDUCT**

#### *Mexican National 1's and Mexican National 2's Visa Revocations*

14. On or about November 7, 2012, **LEONARDO SILVA**, as part of an effort to revoke Visa Holder 1's visa, sent an email from Monterrey, Mexico, to a Department of State employee who was also stationed in Monterrey requesting help in cancelling a visa and providing the name and the date of birth of the person whose visa he wanted cancelled. **SILVA** wrote of this person: "[w]e have received information that she is involved in laundering money and purchasing narcotics here in Monterrey. She is an extremely unstable person who has verbally assaulted numerous individuals while on one of her cocaine fueled narcotics binges. I know the DOB indicates that she is 63 years old, but she has been doing this for a while and has yet to be caught. At this point our investigation would be enhanced if her visa were to be cancelled."

15. On or about February 6, 2013, in an email sent from Monterrey, **LEONARDO SILVA** provided additional information to the Department of State about Visa Holder 1, whose visa had not yet been revoked. **SILVA**'s email about Visa Holder 1 claimed "she is involved in the distribution of cocaine in San Pedro and is herself a heavy user." **SILVA** added, "she is working with [a known narcotics-trafficking] organization. She was arrested for a misdemeanor disorderly conduct charge in San Antonio. She berated an employee of Saks in San Antonio and was arrested and banned from the store."

16. On or about February 8, 2013, the Department of State informed **SILVA** that Visa Holder 1's and her husband's visas would be revoked.

17. On or about February 8, 2013—within five hours of receiving notice that Visa Holder 1's and her husband's visas would be revoked—**LEONARDO SILVA** sent an email to Person A stating in Spanish "today I have been talking to the person that has been helping me (sic). Today, they submitted her name and her husband's to cancel the permit. They are fucked!!" Person A responded in Spanish, stating "[t]hanks so much friend, excellent news!!! Warrants a cookout next weekend. A big hug."

18. On or about April 2, 2013, the Department of State added the information that **LEONARDO SILVA** provided about Visa Holder 1 to a Department of State database. Per Department of State procedures, this negative information about Visa Holder 1 resulted in both Visa Holder 1 and Visa Holder 2 having their visas revoked.

19. In and around late April and early May 2013, Visa Holder 1 and Visa Holder 2, who had been notified that their visas had been revoked, contacted the Department of State in an effort to have their visas restored. Their efforts led to the Department of State asking additional

questions of **LEONARDO SILVA**. In response to one of these questions, **SILVA** in a May 9, 2013, email sent from Monterrey, Mexico, wrote, “[t]his lady [Visa Holder 1] and her husband [Visa Holder 2] are bad news. The female is a cocaine addict and is responsible for distributing cocaine to street level dealers in San Pedro.”

20. In and around May 2013, a DEA Agent attempted to corroborate the statements that **LEONARDO SILVA** provided the Department of State. This DEA Agent was unable to corroborate the information **SILVA** provided about Visa Holder 1.

21. On or about May 22, 2013, a Department of State employee reported to **LEONARDO SILVA** and the other DEA Agents that they were unable to locate any record of Visa Holder 1’s arrest despite using both a criminal background check based on Visa Holder 1’s name and a search based on Visa Holder 1’s fingerprints. Accordingly, no later than May 22, 2013, **SILVA** had received notice from both his own organization and the Department of State that the information he provided was inaccurate.

22. On or about May 28, 2013, the DEA Agent who attempted to corroborate **LEONARDO SILVA**’s claims asked him what he wanted to do about the inquiries they were receiving from the Department of State. **SILVA** responded, “I already spoke to [the Consul General] about this. We stand by what we submitted. She will have to reapply and see what happens.” Around this time, Visa Holder 1 and Visa Holder 2 did re-apply for their visas so that they could visit the United States. Their request was denied based on the information **SILVA** added to Visa Holder 1’s file.

23. On or about August 5, 2013, the Department of State entered the following information into one of its databases: “DEA is absolutely positive of their assessment of [Visa Holder 1] as a narcotrafficker and their information rises above the ‘reason to believe’ standard.”

24. On or about February 21, 2014—after retaining counsel and submitting to drug screening and psychological evaluations—Visa Holder 1 was able to get her and Visa Holder 2's visas restored.

*Mexican National 3's Visa Revocations*

25. In and around March 2013, Person B had a business dispute with Visa Holder 3. During a conversation about the dispute, Visa Holder 3 made a statement that Person B interpreted as a threat to physically harm Person B and Person B's family.

26. On or about April 5, 2013, Person B told **LEONARDO SILVA** about Visa Holder 3's statement and Person B's concerns in light of the statement. **SILVA** informed Person B that he would look into Visa Holder 3 and let him know whether there was cause for Person B to be concerned.

27. On or about April 7, 2013, Person B emailed **LEONARDO SILVA** Visa Holder 3's full name and date of birth.

28. On or about April 10, 2013, **LEONARDO SILVA** sent an email from Monterrey to a Department of State employee who was also stationed in Monterrey providing negative information about Visa Holder 3. The email stated:

[R]ecently I interviewed a Source of Information who stated that [Visa Holder 3] is a member of [a known narcotics-trafficking] Cartel who transports US Currency, derived from the sale of narcotics, to [a known narcotics-trafficking] Cartel members in Monterrey. . . . HE travels frequently to the US particularly to Houston and San Antonio, Texas to conduct his illicit activities. We believe that revoking his visa will assist us with our investigation into [a known narcotics-trafficking] Cartel members. We appreciate anything you can do to assist us with this request.

Person B did not provide **SILVA** with the information that **SILVA** reported to the Department of State employee.

29. On or about April 18, 2013, the Department of State employee reported to **LEONARDO SILVA** that her team had reviewed the file and determined that Visa Holder 3's visa should have been revoked because there was a wholly unrelated fraudulent representation in one of his prior applications. The Department of State employee noted that they would add **SILVA'S** information to Visa Holder 3's file. The information was, in fact, added with much of **SILVA's** email simply being added, verbatim, to the file.

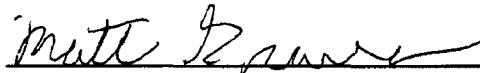
30. In or around April 2013, Person B asked **LEONARDO SILVA** what **SILVA** learned when he looked into Visa Holder 3. **SILVA** informed Person B that there was no reason to be concerned about Visa Holder 3.



*Knowingly False Statements Regarding Visa Holder 1 and Visa Holder 3*

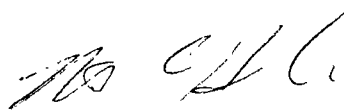
31. When **LEONARDO SILVA** caused the information about Visa Holder 1 and Visa Holder 3 discussed above to be entered into Department of State records, he knew the information to be false.

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