

U.S. v Jean Fourcand  
10-20062-cr-JEM

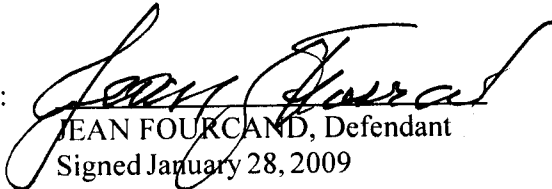
FACTUAL AGREEMENT

If this matter had gone to trial, the United States would prove beyond a reasonable doubt that on or about February 20, 2002, the defendant Jean Fourcand ("Fourcand"), did knowingly engage in a monetary transaction involving criminally derived property, that is a deposit of a check in the amount of \$18,500 US dollars, drawn from the JD Locator Services, Inc., ("JD Locator") bank account at Kislak National Bank in Florida, into a bank account in the name of Fourcand Enterprises Inc., ("Fourcand Enterprises") at First Union National Bank in Florida, which account was solely under Fourcand's control. Fourcand knew that this JD Locator check he deposited was the proceeds of criminally derived property derived from the following specified unlawful activities: felony violations of the Foreign Corrupt Practices Act, 15 United States Code, Section 78dd-2(a); violations of the criminal bribery laws of Haiti, the Republic of Haiti's Penal Code Article 137 and 140; and wire fraud, Title 18, United States Code, Section 1343. This monetary transaction of Fourcand depositing the check for \$18,500 affected interstate and foreign commerce and was by, through, or to a financial institution. All of the financial institutions whose accounts were used during the monetary transaction were federally insured and regulated.

From in or around November 2001, through August 2002, Florida based telecommunications Corporations sent bribe payments to Juan Diaz of JD Locator; Juan Diaz through his JD Locator bank account, then sent bribe payments to Fourcand for the benefit of Robert Antoine ("Antoine") and others. Robert Antoine was the Director of International Relations of Telecommunications D'Haiti ("Haiti Teleco"). Haiti Teleco is the Republic of Haiti's state-owned national telecommunications company. The Florida companies were paying bribes to Antoine in an effort to induce Antoine into conferring benefits upon the companies that they were not entitled to. The bribe payments included a check from JD Locator to Fourcand Enterprises in the amount of \$18,500, that was deposited by Fourcand into the Fourcand Enterprises bank account on or about February 20, 2002. This check contained a fake invoice number, "Inv 020769", to make the payment appear to be for a legitimate business transaction. Fourcand knew that this invoice number was included to make the check appear to be a legitimate business transaction. These proceeds were later used by Fourcand in a real estate transaction on or about April 15, 2002, which property was subsequently sold on or about June 21, 2005. Both real estate transactions were for the benefit of Fourcand and Antoine.

All of the aforementioned events took place in the Southern District of Florida, and do not include each and every act or action taken in furtherance of the crime articulated above. The facts articulated in this document serve as a basis for the entry of my plea of guilty to the charged crime.

By:

  
JEAN FOURCAND, Defendant  
Signed January 28, 2009

By:

  
CHRISTOPHER LYONS, Esq.  
Attorney for Defendant Jean Fourcand