

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DIONISIO FIGUEROA,
a/k/a “Dionicio,” and
TELESFORO DEL VALLE, JR.,
a/k/a “Ted,”

Defendants.

SEALED INDICTMENT

23 Cr. _____ (____)

The Grand Jury charges:

Overview

1. From at least 2011 through 2022, DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, while employed as a clerk at the United States District Court for the Southern District of New York (the “District Court”), secretly referred more than forty-five defendants in criminal cases pending before the District Court to TELESFORO DEL VALLE, JR., a/k/a “Ted,” a private criminal defense attorney practicing before the District Court, as potential paying clients. In return, DEL VALLE paid FIGUEROA tens of thousands of dollars. While working in the Magistrate Clerk’s Office of the District Court (the “Clerk’s Office”), FIGUEROA abused his position as a District Court employee by encouraging defendants and their families to retain DEL VALLE, claiming in sum and substance, for instance, that DEL VALLE was a good attorney who specialized in particular cases and could get a defendant out of trouble. At times, FIGUEROA also disparaged attorneys already representing defendants that he referred. The majority of defendants whom FIGUEROA referred to DEL VALLE were represented by Court-appointed counsel, free of charge, at the time of the referral, indicating that those defendants could not afford counsel.

Appointment of Counsel

2. Criminal defendants charged in the District Court are entitled to representation by an attorney. Defendants who cannot afford to retain an attorney are entitled to have one appointed to represent them free of charge, pursuant to the Criminal Justice Act of 1964.

3. The District Court has established procedures governing the appointment of counsel. Criminal defendants who complete a financial affidavit demonstrating they cannot afford to retain an attorney are eligible to receive appointed counsel from either the Federal Defenders of New York (the “Federal Defenders”), which consists of attorneys at a non-profit organization who represent indigent defendants in the Southern and Eastern Districts of New York, or from the District Court’s Criminal Justice Act Panel of Private Attorneys (the “CJA Panel”), which is a group of private attorneys who have demonstrated certain experience in and knowledge of relevant legal matters.

4. Pursuant to procedures established by the District Court, at the first court appearance of a defendant eligible for the appointment of counsel, a Magistrate Judge or District Judge in the District Court advises the defendant of his or her right to counsel and, absent any waiver of the right to counsel, promptly appoints counsel for the defendant from the Federal Defenders or the CJA Panel if that defendant is financially unable to secure adequate representation. The District Court does not assist defendants in identifying, retaining, or otherwise hiring their own private attorney.

5. During the period relevant to this Indictment, certain employees in the Clerk’s Office had various duties and responsibilities with respect to the intake and processing of criminal cases in the District Court. Such employees assisted with, among other things, contacting lawyers from the Federal Defenders and/or the CJA Panel who were to be appointed for indigent defendants; scheduling initial court appearances and proceedings; and processing paperwork

related to criminal cases, including arrest documents, appointment of counsel documents (*e.g.*, financial affidavits completed by defendants) and release documents (*e.g.*, appearance bonds).

Relevant Individuals

6. During the period relevant to this Indictment, and since in or about 2002, DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, was employed as a clerk by the District Court. In that capacity, FIGUEROA was responsible for performing duties that included, among other things, making data entries regarding official case events in criminal cases; making summary entries of documents and proceedings on case dockets; and performing inquiries and furnishing information, either in person or by correspondence regarding the status of cases. FIGUEROA also played a role with respect to the intake of criminal cases, including by preparing appearance bonds, advising defendants and their family members about the conditions of such bonds, and ensuring that such bonds were properly executed prior to a defendant’s release.

7. DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, was subject to various rules and policies governing the conduct of District Court employees. Among other things, those rules and policies included prohibitions against outside employment posing a conflict of interest; receiving payments, gifts, or other benefits from persons having business before the District Court; and recommending particular attorneys to members of the public. For example, a personnel policy manual provided to FIGUEROA in or about July 2016 stated, in part, that “[i]t is the policy of this office that employment with an attorney . . . is the type of employment that would pose a conflict of interest[,] and which would reflect negatively on the office and the [District] Court,” and so “[e]mployment in [that] and similar areas will therefore not be allowed while you are an employee of the Clerk’s Office.” Other rules and policies in the same manual set forth further prohibitions, providing, among other things, that:

a. “No employee may in any way attempt to unduly influence others to gain privileges, favors or special benefits.”

b. “No employee may solicit or accept any reward or consideration from anyone having business with the Court.”

c. “No employee shall suggest or recommend to any member of the public the name or names of any person, firm or company as attorney, surety or bondsmen.”

d. “An employee shall not accept a gift from anyone who is seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or non-performance of the employee’s official duties.”

8. DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, also was subject to the United States Courts’ Code of Conduct for Judicial Employees (the “Code of Conduct”). Since at least in or about 1996, the Code of Conduct, which is public, has expressly cautioned judicial employees that “[a] number of criminal statutes of general applicability govern federal employees’ performance of official duties. These include: 18 U.S.C. § 201 (bribery of public officials and witnesses)” Moreover, throughout the period relevant to this Indictment, the Code of Conduct likewise admonished, among other things, that “[a] judicial employee should never influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the court in a manner that improperly favors any litigant or attorney, nor should a judicial employee imply that he or she is in a position to do so.”

9. During the period relevant to this Indictment, TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, was a private attorney who appeared in federal criminal cases pending before the District Court. As a private attorney, DEL VALLE charged clients fees for his services, including, in some cases, tens of thousands of dollars for representing clients in federal criminal cases.

10. As an attorney in the State of New York, TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, was obligated to abide by certain ethical rules and policies governing the

conduct of attorneys, which are reflected in the New York Rules of Professional Conduct. Those rules and policies include, for example, a requirement that, among other things, attorneys refrain from “engag[ing] in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer,” or “engag[ing] in conduct involving dishonesty, fraud, deceit or misrepresentation.” DEL VALLE was further prohibited under those rules from, among other things, “seek[ing] to or caus[ing] another person to influence a judge, official or employee of a tribunal by means prohibited by law or give or lend anything of value to such judge, official, or employee of a tribunal when the recipient is prohibited from accepting the gift or loan.” And DEL VALLE was prohibited under those rules from “enter[ing] into an arrangement for, charg[ing] or collect[ing] . . . a fee prohibited by law or rule of court,” and from “shar[ing] legal fees with a nonlawyer,” with certain limited exceptions that do not concern the conduct alleged herein.

The Criminal Referral Scheme

11. For over twenty-five years, the Code of Conduct that governs the conduct of judicial employees has provided, among other things, that “[a] judicial employee should not engage in any activities that would put into question the propriety of the judicial employee’s conduct in carrying out the duties of the office,” or “use public office for private gain.” Yet for more than a decade, on multiple occasions and in repeated disregard of his official and lawful duties, DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, abused his position as a District Court employee to refer criminal defendants as potential paying clients to TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, in return for cash payments from DEL VALLE.

12. FIGUEROA encouraged defendants to retain DEL VALLE by, among other things, claiming that DEL VALLE was especially equipped to assist those defendants. For example, in or about July 2018, FIGUEROA told a family member of a defendant (“Defendant-1”) waiting to post bail for Defendant-1, in sum and substance, that FIGUEROA knew of a good attorney that could get Defendant-1 out of trouble and who was a specialist in such cases, and FIGUEROA

wrote DEL VALLE's name and phone number on a piece of paper that he gave to the family member of Defendant-1.

13. The majority of defendants that FIGUEROA referred to DEL VALLE were otherwise appointed Federal Defender or CJA Panel attorneys, meaning those defendants submitted financial affidavits indicating they could not afford to pay for an attorney and were entitled to representation free of charge; yet FIGUEROA still encouraged such defendants and their families to retain DEL VALLE instead. For example, in or about February 2020, FIGUEROA provided a business card for DEL VALLE to a family member of a defendant ("Defendant-2"), and, although a CJA Panel attorney had already been appointed to represent Defendant-2, FIGUEROA told Defendant-2's family member, in sum and substance, that if anyone could help Defendant-2, it was DEL VALLE.

14. From at least in or about 2011 through at least in or about 2022, DIONISIO FIGUEROA, a/k/a "Dionicio," the defendant, referred more than forty-five criminal defendants to TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendant, as potential clients, at least twenty of whom ultimately retained DEL VALLE. A number of these referrals were documented by individuals at DEL VALLE's law firm in ledger entries and emails recording referrals of potential clients by FIGUEROA, among other ways. For example, two ledger entries depicting referrals of criminal defendants by FIGUEROA are depicted below:

NAME [REDACTED]				CHARGE TO [REDACTED]			
ADDRESS [REDACTED]				ADDRESS [REDACTED]			
TELEPHONE [REDACTED]				INSURANCE [REDACTED]			
				REF BY <u>Dionicio</u>			

DATE	SERVICE	CHARGE	PAY	BALANCE	DATE	SERVICE	CHARGE	PAY	BALANCE
	USA v. [REDACTED]	30k							
07/23/10	Payment	15k		15k					
08/20/10	Payment	3k		12k					
12/1/10	Payment	3k		9k					
07/28/10	Payment	3k		6k					
09/1/10	Deposit	3k		3k					
10/1/10	Deposit	3k		0.00					
				PAID					

NAME [REDACTED]				CHARGE TO [REDACTED]			
ADDRESS [REDACTED]				ADDRESS [REDACTED]			
TELEPHONE [REDACTED]				INSURANCE [REDACTED]			
				REF BY <u>Dionicio</u>			

DATE	SERVICE RENDERED	CHARGE	PAY	BALANCE
7/31/19	USA v. [REDACTED] (arraignment)	20k	2k	18k
08/02/19	Payment cash		3k	15k
08/02/19	Payment Zelle		2k	13k
09/04/19	Payment in Court		2k	11k
09/05/19	Payment Zelle		2.5k	8.5k
09/06/19	Payment Zelle		2.5k	6k
09/11/19	Payment cash		6k	0.00
				PAID

15. In general, DIONISIO FIGUEROA, a/k/a "Dionicio," the defendant, accomplished these referrals when he spoke to criminal defendants and/or defendants' family members in and around times when defendants appeared in the District Court. Among other things, FIGUEROA recommended during those conversations that defendants retain TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendant, in connection with criminal matters pending in the District Court. In some instances, FIGUEROA provided a defendant and/or a family member with a business card for DEL VALLE, or provided DEL VALLE's name and contact information so the defendant and/or a family member could contact DEL VALLE. In other instances, FIGUEROA called DEL VALLE's law office, and either connected the defendant and/or a family member with an employee in DEL VALLE's law office, or provided DEL VALLE's law office with contact

information for the defendant and/or a family member so that DEL VALLE or his employee could contact them. In still other instances, FIGUEROA called DEL VALLE directly, sometimes leaving voicemail messages in which he referred defendants. A number of referrals to DEL VALLE also were documented in communications between DEL VALLE and his staff. For example, the following is an excerpt from an email exchange between DEL VALLE and an employee in his law office on or about July 31, 2019:

Sent: Wed, 31 Jul 2019 13:10:30 -0400
Subject: Re: New Case
From: "Telesforo del Valle, Jr., Esq." <[REDACTED]@gmail.com>
To: "DEL VALLE & ASSOCIATES" <[REDACTED]@aol.com>

Mr. Dionisio said to please call him when you get out. He wants you to pass by for a new case.

--

[REDACTED]
Del Valle & Associates
445 Park Avenue
New York, NY 10022
Tel: (212) 481-[REDACTED]
Fax: (212) 481-[REDACTED]
E-mail: [REDACTED]@gmail.com

16. In the course of referring criminal defendants to TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendant, in this manner, DIONISIO FIGUEROA, a/k/a "Dionicio," the defendant, at various times conveyed to DEL VALLE information related to pending criminal cases that FIGUEROA had learned in his capacity as an employee in the Clerk's Office. For example, in or about May 2013, FIGUEROA placed a call to DEL VALLE's law office to make a "new referral" of a criminal defendant, during which FIGUEROA stated to one of DEL VALLE's employees, in substance and in part, that "the court appointed lawyer" for a particular defendant ("Defendant-3") "d[id] not want to submit a bail application." FIGUEROA provided DEL VALLE's law office with the name and phone number of Defendant-3's wife.

17. In return for referrals by DIONISIO FIGUEROA, a/k/a "Dionicio," the defendant, and to induce FIGUEROA to continue referring criminal defendants as potential clients, TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendant, paid FIGUEROA cash referral payments totaling at least tens of thousands of dollars over the course of the scheme. DEL VALLE made these payments to FIGUEROA in at least two ways. In some instances, DEL VALLE personally provided cash payments to FIGUEROA. In others, a co-conspirator ("CC-1") retrieved the payments from DEL VALLE's law office on FIGUEROA's behalf. A number of payments to FIGUEROA were documented in communications between DEL VALLE and his staff. For example, the following is an excerpt from an email exchange between DEL VALLE and an employee in his law office on or about May 9, 2011:

Sent: Mon, 9 May 2011 12:06:43 -0300
Subject: Re: message 5-09-11
From: "Telesforo del Valle, Jr., Esq." <[REDACTED]@gmail.com>
To: [REDACTED]@aol.com

Is \$400. I gave **CC-1** \$1,000, you paid me, and there is \$400 left. I will deposit it.

On Mon, May 9, 2011 at 11:56 AM, <[REDACTED]@aol.com> wrote:

[REDACTED]: Please deposit the money from last week (\$800) before leaving today. Thank you. Ted

Regards:
Telesforo Del Valle, Jr.
Attorney at Law

Del Valle & Associates
445 Park Avenue
New York, New York 10022
[REDACTED]@aol.com
T:212-481-[REDACTED]
F:212-481-[REDACTED]

False Statements and Concealment of the Criminal Referral Scheme

18. On or about November 3, 2022, federal law enforcement agents investigating the referral scheme involving DIONISIO FIGUEROA, a/k/a "Dionicio," and TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendants, conducted separate interviews of FIGUEROA and DEL

VALLE. During the course of those separate interviews, federal law enforcement agents specifically warned both FIGUEROA and DEL VALLE that lying to federal law enforcement agents is a federal crime. Despite that warning, both FIGUEROA and DEL VALLE made materially false, fictitious, and fraudulent statements and representations in response to the agents' questions. In particular:

a. FIGUEROA denied making any referrals to DEL VALLE, except on two occasions concerning a close relation and, after being confronted with additional evidence, two other occasions on behalf of friends. Additionally, FIGUEROA denied ever having received payments for any referrals. In particular, FIGUEROA stated, in part, "I don't get no money, I don't have no business with nobody. . . . I don't have nothing to do—I'm not doing business with no lawyer. . . . Never in my life, never in my life. . . . I don't refer no clients to no one."

b. Upon being served with a federal grand jury subpoena requiring the production of certain records forthwith, DEL VALLE denied having any records, whether paper or electronic, reflecting any client referrals from, or payments to, FIGUEROA or any other individuals.

STATUTORY ALLEGATIONS

Count One

(Conspiracy to Bribe and Unlawfully Compensate a Federal Employee)

The Grand Jury further charges:

19. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

20. From at least in or about 2011, through and including at least in or about 2022, in the Southern District of New York and elsewhere, DIONISIO FIGUEROA, a/k/a "Dionicio," and TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each

other to commit offenses against the United States, to wit: (i) bribery of a federal employee, in violation of Title 18, United States Code, Sections 201(b)(1)(C) and (b)(2)(C); and (ii) providing and accepting prohibited compensation for representations in matters affecting the United States, in violation of Title 18, United States Code, Sections 203(a)(1)(B), 203(a)(2), and 216(a)(2).

21. It was a part and an object of the conspiracy that DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, being a public official, directly and indirectly, would and did corruptly demand, seek, receive, accept, and agree to receive and accept something of value personally and for another person and entity, in return for being induced to do an act and omit to do an act in violation of his official duty, in violation of Title 18, United States Code, Section 201(b)(2)(C).

22. It was further a part and an object of the conspiracy that TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, directly and indirectly, would and did corruptly give, offer, and promise something of value to a public official, and offer and promise a public official to give something of value to another person and entity, with intent to induce such public official to do an act and omit to do an act in violation of the lawful duty of such official, in violation of Title 18, United States Code, Section 201(b)(1)(C).

23. It was further a part and an object of the conspiracy that DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, at a time when FIGUEROA was an employee of the United States in the judicial branch of the Government, otherwise than as provided by law for the proper discharge of official duties, directly and indirectly, would and did knowingly and willfully demand, seek, receive, accept, and agree to receive and accept compensation for representational services, as an agent, attorney, and otherwise, rendered and to be rendered personally and by another, in relation to a proceeding, application, request for a ruling and other determination, contract, claim, controversy, charge, accusation, arrest, and other particular matter in which the United States is a party and had a direct and substantial interest, before a department, agency,

court, court-martial, officer, and a civil, military, and naval commission, in violation of Title 18, United States Code, Sections 203(a)(1)(B) and 216(a)(2).

24. It was further a part and an object of the conspiracy that TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendant, directly and indirectly, would and did knowingly and willfully give, promise, and offer to an employee of the United States in the judicial branch of the Government, compensation for representational services as an agent, attorney, and otherwise, rendered and to be rendered personally and by another, in relation to a proceeding, application, request for a ruling and other determination, contract, claim, controversy, charge, accusation, arrest, and other particular matter in which the United States is a party and had a direct and substantial interest, before a department, agency, court, court-martial, officer, and a civil, military, and naval commission, in violation of Title 18, United States Code, Sections 203(a)(2) and 216(a)(2).

Overt Acts

25. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 9, 2011, DEL VALLE caused a cash payment to be provided to CC-1 on behalf of FIGUEROA as compensation in return for FIGUEROA's referral of a criminal defendant to DEL VALLE as a potential client

b. In or about July 2018, DIONISIO FIGUEROA, a/k/a "Dionicio," the defendant, made statements to a family member of Defendant-1 intended to result in Defendant-1 retaining TELESFORO DEL VALLE, JR., a/k/a "Ted," the defendant, in connection with Defendant-1's pending criminal proceeding.

(Title 18, United States Code, Section 371.)

Count Two
(Federal Employee Bribery)

The Grand Jury further charges:

26. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

27. From at least in or about 2018, through and including at least in or about 2022, in the Southern District of New York and elsewhere, DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, being a public official, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept something of value personally and for another person and entity, in return for being induced to do an act and omit to do an act in violation of his official duty, to wit, FIGUEROA agreed to receive and accept, and did receive and accept, payments from TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, in return for referring criminal defendants in pending cases to DEL VALLE as potential clients, in violation of rules and policies governing the performance of FIGUEROA’s official and lawful duties as an employee of the District Court.

(Title 18, United States Code, Sections 201(b)(2)(C) and 2.)

Count Three
(Federal Employee Bribery)

The Grand Jury further charges:

28. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

29. From at least in or about 2018, through and including at least in or about 2022, in the Southern District of New York and elsewhere, TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, directly and indirectly, corruptly gave, offered, and promised something of value to a public official, and offered and promised a public official to give something of value to another

person and entity, with intent to induce such public official to do an act and omit to do an act in violation of the lawful duty of such official, to wit, DEL VALLE gave, offered, and promised payments to DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, in return for FIGUEROA referring criminal defendants in pending cases to DEL VALLE as potential clients, in violation of rules and policies governing the performance of FIGUEROA’s official and lawful duties as an employee of the District Court.

(Title 18, United States Code, Sections 201(b)(1)(C) and 2.)

Count Four

(Illegal Compensation to a Judicial Employee)

The Grand Jury further charges:

30. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

31. From at least in or about 2018, through and including at least in or about 2022, in the Southern District of New York and elsewhere, DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, at a time when FIGUEROA was an employee of the United States in the judicial branch of the Government, otherwise than as provided by law for the proper discharge of official duties, directly and indirectly, knowingly and willfully demanded, sought, received, accepted, and agreed to receive and accept compensation for representational services as an agent, attorney, and otherwise, rendered and to be rendered personally and by another, in relation to a proceeding, application, request for a ruling and other determination, contract, claim, controversy, charge, accusation, arrest, and other particular matter in which the United States was a party and had a direct and substantial interest, before a department, agency, court, court-martial, officer, and a civil, military, and naval commission, to wit, FIGUEROA sought, received, and accepted, and agreed to receive and accept, a portion of compensation paid for representational services rendered

and to be rendered by DEL VALLE as an attorney to criminal defendants in cases pending in the District Court.

(Title 18, United States Code, Sections 203(a)(1)(B), 216(a)(2), and 2.)

Count Five
(Illegal Compensation)

The Grand Jury further charges:

32. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

33. From at least in or about 2018, through and including at least in or about 2022, in the Southern District of New York and elsewhere, TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, directly and indirectly, would and did knowingly and willfully give, promise, and offer to an employee of the United States in the judicial branch of the Government, compensation for representational services as an agent, attorney, and otherwise, rendered and to be rendered personally and by another, in relation to a proceeding, application, request for a ruling and other determination, contract, claim, controversy, charge, accusation, arrest, and other particular matter in which the United States was a party and had a direct and substantial interest, before a department, agency, court, court-martial, officer, and a civil, military, and naval commission, to wit, DEL VALLE gave, promised, and offered to FIGUEROA a portion of compensation paid for representational services rendered and to be rendered by DEL VALLE as an attorney to criminal defendants in cases pending in the District Court.

(Title 18, United States Code, Sections 203(a)(2), 216(a)(2), and 2.)

Count Six
(False Statements)

The Grand Jury further charges:

34. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

35. On or about November 3, 2022, in the Southern District of New York and elsewhere, DIONISIO FIGUEROA, a/k/a “Dionicio,” the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully falsified, concealed, and covered up by trick, scheme, and device a material fact, and made a materially false, fictitious, and fraudulent statement and representation, to wit, FIGUEROA falsely stated to federal agents, in part, the following:

a. FIGUEROA stated that, except for three defendants with whom he had a personal connection, FIGUEROA had not referred any clients to TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant,” claiming, in part, “I don’t get no money, I don’t have no business with nobody. . . . I don’t have nothing to do—I’m not doing business with no lawyer. . . . Never in my life, never in my life. . . . I don’t refer no clients to no one,” when in truth and in fact, FIGUEROA had referred dozens of clients to DEL VALLE over the course of more than ten years.

b. When asked “Has DEL VALLE ever given you money for anything?” FIGUEROA answered, in relevant part, “No,” when in truth and in fact, DEL VALLE had paid FIGUEROA thousands of dollars in bribes and as compensation for FIGUEROA referring clients to DEL VALLE.

(Title 18, United States Code, Section 1001.)

Count Seven
(False Statements)

The Grand Jury further charges:

36. The allegations contained in paragraphs 1 through 18 of this Indictment are repeated and realleged as if set forth fully herein.

37. On or about November 3, 2022, in the Southern District of New York and elsewhere, TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully falsified, concealed, and covered up by trick, scheme, and device a material fact, and made a materially false, fictitious, and fraudulent statement and representation, to wit, DEL VALLE falsely stated to federal agents that no records, whether paper or electronic, existed reflecting client referrals to DEL VALLE or his payment fees in return for such referrals, when in truth and in fact DEL VALLE did possess such records.

(Title 18, United States Code, Section 1001.)

FORFEITURE ALLEGATIONS

38. As a result of committing the offense alleged in Counts One through Three of this Indictment, DIONISIO FIGUEROA, a/k/a “Dionicio,” and TELESFORO DEL VALLE, JR., a/k/a “Ted,” the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

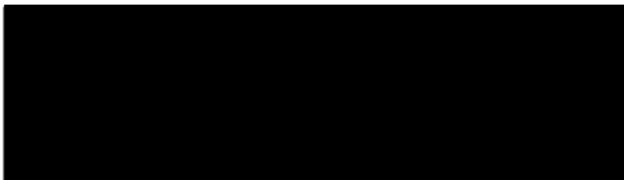
Substitute Asset Provision


39. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853;
Title 28, United States Code, Section 2461.)




DAMIAN WILLIAMS
United States Attorney