



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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September 8, 2017

By Hand and ECF

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Juan Ángel Napout, et al.
Criminal Docket No. 15-252 (S-2) (PKC) (RML)

Dear Judge Chen:

On March 10, 2017, the government filed a bill of particulars pursuant to the Court's February 17, 2017 Order ("Order") granting in part and denying in part defendant Juan Ángel Napout's motion for a bill of particulars and directing the government to list "the transactions—for example, the marketing contracts, broadcasting contracts, tournament hosting designations, etc.—that the Government will seek to prove were tainted by an unlawful conspiracy of which Napout was a part." (Bill of Particulars, ECF Dkt. No. 550; Order, ECF Dkt. No. 542, at 21.) In accordance with the Order, the government hereby submits an amended bill of particulars, which identifies the particular tournaments, tournament editions, and related contracts that were tainted by the conduct of the three trial defendants.¹ See Fed. R. Crim. Proc. 7(f) ("The government may amend a bill of particulars subject to such conditions as justice requires."); United States v. Salazar, 485 F.2d 1272, 1277 (2d Cir. 1973) (affirming district court's acceptance of supplemental bill of particulars). (See also Bill of Particulars, at 3 (reserving right to amend)).

¹ As detailed in its Motion To Admit Certain Racketeering Evidence (ECF Dkt. No. 622), the government anticipates offering evidence of transactions tainted by the unlawful conduct of others as direct proof of the charged enterprise and corruption thereof, relationships of trust among the co-conspirators, and the nature and continuity of the charged racketeering conspiracy, as well as the defendants' other conduct evidencing knowledge, intent, and identity with respect to the charged crimes. See United States v. Baez, 349 F.3d 90, 93 (2d Cir. 2003) ("It is well settled that in prosecutions for racketeering offenses, the government may introduce evidence of uncharged offenses to establish the existence of the criminal enterprise.").

Defendants Juan Ángel Napout, Manuel Burga, and José Maria Marin each directly participated in the following tainted transactions:

Years/Cycles²	Tournaments & Matches	Contracts³
2015 2016 2019 2023	Copa América and Copa América Centenario	FIFA00176776-76786 FIFA00013412-13456
2010 – 2022	Copa Libertadores Copa Sudamericana Recopa Sudamericana	FIFA00013580-13586 FIFA00013752-13772 FIFA00014062-14076

Defendant Napout also directly participated in the following tainted transactions:

Years/Cycles	Tournaments & Matches	Contracts
2010 World Cup 2014 World Cup 2018 World Cup	Asociación Paraguaya de Fútbol – World Cup Qualifier Matches	FIFA12949499-49541 FIFA12949756-49771

Defendant Marin also directly participated in the following tainted transactions:

Years/Cycles	Tournaments & Matches	Contracts
2015 – 2022	Copa do Brasil	FIFA00055856-55870
2018 World Cup 2012 – 2022 Friendlies	Confederação Brasileira de Futebol – World Cup Qualifier and Friendly Matches	FIFA00056212-56227 FIFA12990071-90147 FIFA00055799-55806 FIFA00056160-56173

² The “Years/Cycles” indicated in each chart reflects the period covered by the contracts tainted by the specified defendant’s conduct.

³ As an aid to the defendants’ review of discovery, the Bates ranges specified in the “Contracts” column reference contracts tainted by the specified defendant’s involvement in the payment or receipt of bribes or agreement to pay or receive bribes. In many instances, these contracts were later supplemented and amended, which supplements and amendments also were tainted, as were other related contracts. Many of the contacts at issue were produced from various sources and thus appear in multiple Bates ranges in the discovery, not all of which are listed here.

The government reserves the right to amend this bill of particulars.

Respectfully submitted,

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cc: Clerk of Court (PKC) (by ECF)
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