EXTINCIÓN DE DOMINIO

Y

COOPERACIÓN INTERNACIONAL

Proceso Juridico EEUU

- La autoridad para el decomiso a evolucionado a traves de los anos, pero siempre obtiene su base en los estatutos o codigos.
- En un principio todos los decomisos eran de caracter civil; el decomiso jurídico criminal es relativamente reciente.

Proceso Jurídico Estadounidense Contra Bienes Malhabidos

- Administrativa

- Jurídico Civil: *in rem*, solo los bienes son procesados.

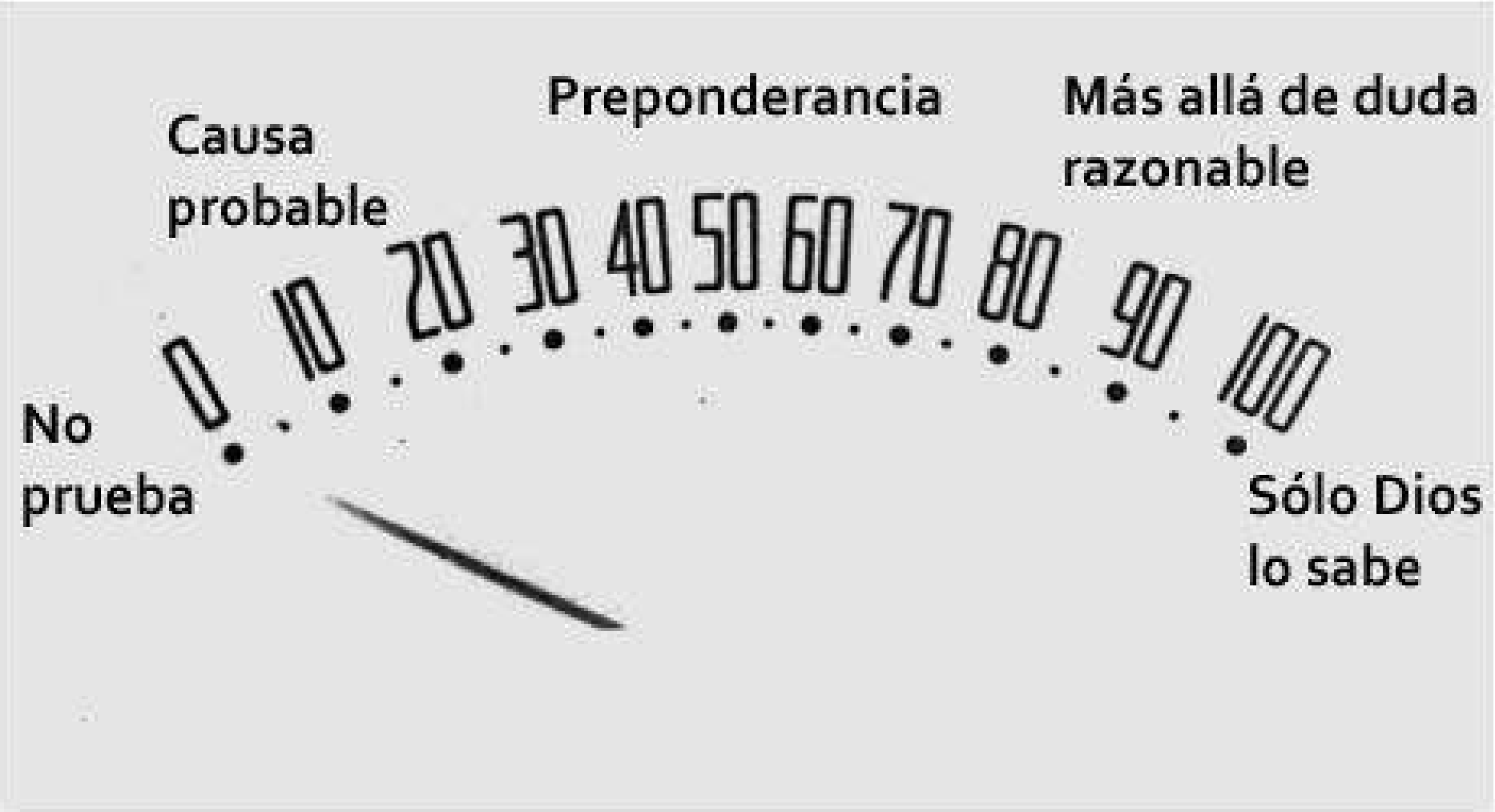
- Jurídico Criminal: los bienes son enjuiciados en conjuncto con el acusado; el decomiso ocurre una vez demonstrada la culpabilidad del individuo.

Penal v. Civil (Systema EEUU)

- Decomiso Penal
- requiere de una convicción

- el proceso decomiso comienza una vez demonstrada la culpabilidad del individuo

- puede decomisar bienes que no están involucrados en el delito (sustituto)


No prueba
Causa probable
Preponderancia
Más allá de duda razonable
Sólo Dios lo sabe
0
10
20
30
40
50
60
70
80
90
100

Penal v. Civil (cont.)

-
- Decomiso Civil
- Casi de naturaleza criminal
- Sobre la base de leyes penales
- *in rem*, solo los bienes son procesados
- Puede resultar en una causa penal
- Puede proceder aunque el dueño es un fugitivo

Penal v. Civil (cont.)

-
- Decomiso civil
- Solamente puede afectar bienes involucrados o envueltos (proveniente) en el delito
- Pero no tiene que demostrar que el acusado cometió un delito
- Tanto el decomiso procedimiento criminal y civiles uso reglas de procedimiento CIVILES

ACTIVIDADES ILEGALES ESPECIFICADAS

Estas actividades incluyen, por ejemplo:

- Narcotráfico
- Terrorismo
- Corrupción pública
- Fraude
- Trafico de Personas …

NACIONES UNIDAS
Oficina contra la Droga y el Delito

CONVENCIÓN DE LAS NACIONES UNIDAS CONTRA LA DELINCUENCIA ORGANIZADA TRANSNACIONAL Y SUS PROTOCOLOS

NACIONES UNIDAS

DELINCUENCIA ORGANIZADA TRANSNACIONAL (Palermo)

- Se aplica a los delitos graves (delito castigado con al menos cuatro años de prisión)
- Cometidas en más de un Estado
- Al grupo organizado de tres o más

DELINCUENCIA ORGANIZADA TRANSNACIONAL (Palermo)

- Asistencia disponible

- Evidencia
- Servicio de Proceso
- Los registros y decomisos
- La recuperación de activos

Nación.cl BETA

Caso Riggs: descubren en Miami cuenta secreta de Lucía Pinochet

Los antecedentes fueron aportados por las autoridades del estado de Florida, en Estados Unidos, y se refieren a una cuenta corriente no reclamada a nombre de la hija de Augusto Pinochet Ugarte. La Fiscalía Nacional decidió enviar inmediatamente los antecedentes al juez que investiga las cuentas secretas y el origen de la fortuna del ex dictador.

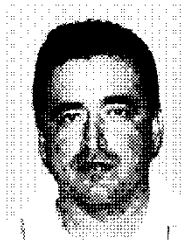
VIERNES 20 DE JULIO DE 2012| POR UPI- FOTO: UPI

La Fiscalía Nacional informó que enviará al ministro en visita de la **Corte de Apelaciones de Santiago, Manuel Valderrama,** los antecedentes aportados por las autoridades del **estado de Florida, en Estados Unidos, sobre una cuenta corriente no reclamada a nombre de Lucía Pinochet Hiriart**, hija de **Augusto Pinochet Ugarte.**

U.S. Department of Justice
United States Marshals Service

WANTED FOR MEDICARE FRAUD
By U.S. MARSHALS

Name: BENITEZ, LUIS ENRIQUE
Alias: GONZALEZ, LUIS ENRIQUE
Sex..... MALE
Race..... WHITE
Date of Birth..... 6/6/1966
Place of Birth..... CUBA
Height..... 5'11"
Weight..... 200 pounds
Eyes..... BROWN
Hair..... BLACK
Social Security Number..... 595-47-9499



SUBJECT WANTED FOR MEDICARE FRAUD: Luis Enrique Benitez was the co-owner of at least eleven Miami healthcare corporations purportedly involved in the HIV infusion business. From January 2001 through November 2004, Benitez and his coconspirators billed the Medicare Program for approximately $110 million in fraudulent claims for HIV infusion services that were never provided and for services that were not medically necessary, and then laundered millions of dollars in criminal proceeds. On May 22, 2008, a Grand Jury sitting in the Southern District of Florida handed up an indicted charging Benitez with multiple counts of Medicare fraud related to his eleven HIV infusion clinics and multiple counts of money laundering. If convicted, Benitez faces up to 155 years in federal prison. A warrant was issued for Benitez's arrest on May 22, 2008. He has not been seen since he was indicted on federal charges. Benitez is known to travel regularly to the Dominican Republic and Cuba and owns several companies and properties in the Dominican Republic.

ANY INFORMATION CONTACT THE LOCAL UNITED STATES MARSHALS SERVICE 305-536-4628

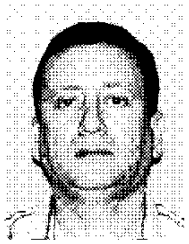
http://www.usdoj.gov/marshals

NOTICE TO ARRESTING AGENCY: Before arrest validate warrant through National Crime Information Center (NCIC). If arrested or whereabouts known, contact the nearest United States Marshal's Office or call the United States Marshals Service headquarters at 1-877-WANTED2.

U.S. Department of Justice
United States Marshals Service

WANTED FOR MEDICARE FRAUD
By U.S. MARSHALS

Name: BENITEZ, CARLOS
Alias: GONZALEZ, CARLOS M. BENITEZ
Sex..... MALE
Race..... WHITE
Date of Birth..... 8/3/1961
Place of Birth..... CUBA
Height..... 5'9"
Weight..... 225 pounds
Eyes..... BROWN
Hair..... BLACK
Social Security Number..... 590-51-0616



SUBJECT WANTED FOR MEDICARE FRAUD: Carlos Benitez was the co-owner of at least eleven Miami healthcare corporations purportedly involved in the HIV infusion business. From January 2001 through November 2004, Benitez and his coconspirators billed the Medicare Program for approximately $110 million in fraudulent claims for HIV infusion services that were never provided and for services that were not medically necessary, and then laundered millions of dollars in criminal proceeds. On May 22, 2008, a Grand Jury sitting in the Southern District of Florida handed up an indicted charging Benitez with multiple counts of Medicare fraud related to his eleven HIV infusion clinics and multiple counts of money laundering. If convicted, Benitez faces up to 155 years in federal prison. A warrant was issued for Benitez's arrest on May 22, 2008. He has not been seen since he was indicted on federal charges. Benitez is known to travel regularly to the Dominican Republic and Cuba and owns several companies and properties in the Dominican Republic.

ANY INFORMATION CONTACT THE LOCAL UNITED STATES MARSHALS SERVICE 305-536-4628

http://www.usdoj.gov/marshals

NOTICE TO ARRESTING AGENCY: Before arrest validate warrant through National Crime Information Center (NCIC). If arrested or whereabouts known, contact the nearest United States Marshal's Office or call the United States Marshals Service headquarters at 1-877-WANTED2.

U.S. Department of Justice
United States Marshals Service

WANTED FOR MEDICARE FRAUD
By U.S. MARSHALS

Name: BENITEZ, JOSE MANUEL
Alias: GONZALEZ, JOSE MANUEL BENITEZ
Sex..... MALE
Race..... WHITE
Date of Birth..... 2/29/1964
Place of Birth..... CUBA
Height..... 5'11"
Weight..... 170 pounds
Eyes..... BROWN
Hair..... BLACK
Social Security Number..... 589-51-9888

SUBJECT WANTED FOR MEDICARE FRAUD: Jose Manuel Benitez was the co-owner of a Miami healthcare corporation purportedly involved in the HIV infusion business. From January 2001 through November 2004, Benitez billed the Medicare Program for approximately $10 million in fraudulent claims for HIV infusion services that were never provided and for services that were not medically necessary, and then assisted his coconspirators in laundering millions of dollars in criminal proceeds. On May 22, 2008, a Grand Jury sitting in the Southern District of Florida handed up an indicted charging Benitez with Medicare fraud related to his HIV infusion clinic and with money laundering. If convicted, Benitez faces up to 40 years in federal prison. A warrant was issued for Benitez's arrest on May 22, 2008. He has not been seen since he was indicted on federal charges. Benitez is known to travel regularly to the Dominican Republic and Cuba and owns several companies and properties in the Dominican Republic.

ANY INFORMATION CONTACT THE LOCAL UNITED STATES MARSHALS SERVICE 305-536-4628

http://www.usdoj.gov/marshals

NOTICE TO ARRESTING AGENCY: Before arrest validate warrant through National Crime Information Center (NCIC). If arrested or whereabouts known, contact the nearest United States Marshal's Office or call the United States Marshals Service headquarters at 1-877-WANTED2.

Carlos, Luis y José Benítez acusado el 22 de mayo de 2008, por la organización, planificación y dirección de una fraude (VIH infusión) de 110 millones dólares

*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-21429

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIV - HUCK

MAGISTRATE JUDGE
O'SULLIVAN

[illegible] (1) [illegible], TAX ID NUMBER [illegible], TWENTY-FOUR (24) PARCELS OF REAL ESTATE IN THE COMMONWEALTH MARIANA ISLANDS, FIFTY (50) PARCELS OF REAL ESTATE IN MIAMI-DADE COUNTY AND BROWARD COUNTY, FLORIDA, OPAL [illegible] IN THE DOMINICAN REPUBLIC, TWENTY-SEVEN (27) VEHICLES, TWO (2) TRAILERS, AND THREE (3) VESSELS, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A HEREIN,

Defendants.

U.S. Department of Justice

Criminal Division
Office of International Affairs

182-31206 Washington, D.C. 20001

August 5, 2009

TO: The Central Authority of the Dominican Republic

SUBJECT: Request for Assistance in the Prosecution of Carlos Benitez, Luis Benitez, and Jose Benitez and Forfeiture of Assets Connected with the Benitez Brothers

The Central Authority of the United States requests the assistance of the appropriate authorities in the Dominican Republic, pursuant to the United Nations Convention Against Transnational Organized Crime, to which both the United States and the Dominican Republic are signatories. The United States Department of Justice, Criminal Division, and the U.S. Attorney for the Southern District of Florida are prosecuting Carlos Benitez, Luis Benitez, and Jose Benitez ("the Benitez Brothers") for conspiracy to defraud the United States, submitting false claims for federal health care benefits under Medicare, paying kickbacks in connection with the fraud scheme, and laundering the proceeds generated from the fraud scheme. Proceeds derived from the health care fraud scheme were used to purchase items of real and personal property located in the Dominican Republic.

Procuraduría General de la República
Unidad Antilavado de Activos
INMUEBLE
INCAUTADO
Tel.: 809-533-3522 Ext. 179

Procuraduría General de la República
Unidad Antilavado de Activos
INMUEBLE
INCAUTADO
Tel.: 809-533-3522 Ext. 179

Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between August 8, 2009 and September 6, 2009. Below is a summary report that identifies the uptime for each day within the 30-day period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. U.S. v. ONE HELICOPTER, TAIL NO. N17JT, et al.

Court Case No: 09-CIV-21429-PCH
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	08/08/2009	23.5	Verified
2	08/09/2009	23.5	Verified
3	08/10/2009	23.5	Verified
4	08/11/2009	23.5	Verified
5	08/12/2009	23.5	Verified
6	08/13/2009	23.5	Verified
7	08/14/2009	23.5	Verified
8	08/15/2009	23.5	Verified
9	08/16/2009	23.5	Verified
10	08/17/2009	23.5	Verified
11	08/18/2009	23.5	Verified
12	08/19/2009	23.6	Verified
13	08/20/2009	23.6	Verified
14	08/21/2009	23.5	Verified
15	08/22/2009	23.5	Verified
16	08/23/2009	23.6	Verified
17	08/24/2009	23.5	Verified
18	08/25/2009	23.6	Verified
19	08/26/2009	23.5	Verified
20	08/27/2009	23.5	Verified
21	08/28/2009	23.5	Verified
22	08/29/2009	22.4	Verified
23	08/30/2009	23.5	Verified
24	08/31/2009	23.5	Verified
25	09/01/2009	23.5	Verified
26	09/02/2009	23.5	Verified
27	09/03/2009	23.5	Verified
28	09/04/2009	23.5	Verified
29	09/05/2009	23.1	Verified
30	09/06/2009	23.5	Verified

Ratifica decomiso de bienes Hnos. Benítez

El tribunal acogió una petición de homologación hecha por el Procurador

FEDERICO MÉNDEZ
REDACTOR SENIOR

SANTO DOMINGO. El juez de la Segunda Sala de la Cámara Civil y Comercial del Juzgado de Primera Instancia del Distrito Nacional homologó una sentencia de decomiso de 20 bienes propiedad de los fugitivos hermanos Benítez, quienes están acusados de sustraer US$110 millones del sistema de seguridad social de los Estados Unidos.

El magistrado Pedro Reynaldo Vásquez Lora acogió una petición del procurador general de la República, Radhamés Jiménez Peña, quien solicitó validar la sentencia rendida por el Tribunal Federal del Distrito Sur de Florida, que ordena el decomiso de los bienes propiedad de Carlos Manuel, José Manuel y Luis Enrique Benítez González.

Asimismo, decretó la ejecución de la sentencia estadounidense en contra de los hermanos cubanos y ordenó el decomiso de un helicóptero marca Ribonson con matrícula No. N17JT.

También los inmuebles ubicados en Higüey, conocidos como los lotes 4 y 5 de la manzana 177, donde se encuentra un lugar llamado "La casa de la virgen María", donde se halla ubicado un solar con una extensión de 645 metros cuadrados y otro de 903 metros cuadrados.

Además, una porción de terreno con un a extensión superficial de 6,400 metros cuadrados, dentro del ámbito de la parcela No. 67-B-370-C, distrito catastral No. 11/3era, del municipio de Higüey.

Igualmente, una porción de terreno con una extensión superficial de 2,000 metros cuadrados, dentro de la misma parcela.

Centro de la Abogacía Nacional

Delaney's
Music Pub & Eatery
GREAT FOOD

y

el secreto del éxito?

Compañeros!

Compartiendo Activos

PARQUE
AVROPEAN

CABAÑAS

SUPER PARADOR
COLON

Lecciones Aprendidas

- Relaciones y Comunicaciones
- Correo Electronico

Gracias por su Atención

Mark Lester
Assistant U.S. Attorney
West Palm Beach, Florida
561-820-8711
Mark.Lester@usdoj.gov

U.S. v. Ramos

Asset / Item ID	Description	Seizure Date	Seizure/Alland No
02-FBI-002923	$3,016,093.57 PROCEEDS TRACEABLE		3460020099
02-FBI-002924	BANK ACCT#0920003788 AT WAUCHULA STATE BANK		3460020100
02-FBI-002925	BANK ACCT#0920005098 AT WAUCHULA STATE BANK		3460020101
02-FBI-002926	Real Property located at 201 Dal Hall Blvd. Lake Placid, Fl		3460020113
02-FBI-002928	Real Property located at 181 Sarasota St. Highlands County		3460020114
02-FBI-002930	REAL PROPERTY LOCATED AT 128 SARASOTA ST. HIGHLANDS COUNT		3460020115
02-FBI-002931	Real Property Located at 180 Sarasota St. Highlands County		3460020116
02-FBI-002933	Furniture; All stock assets/inventory of business		3460020117
02-FBI-002935	Fixtures; All stock assets/inventory of business		3460020118
02-FBI-002936	BANK ACCT#0908747119 AT WAUCHULA STATE BANK		3460020102
02-FBI-002937	Computer Hardware/Software Assets/Inventory of Business		3460020119
02-FBI-002938	Cash/Currency in lieu of 1987 FORD BUS	09/25/2002	3460020103
02-FBI-002939	Cash/Currency in lieu of 1988 FORD BUS	09/25/2002	3460020104
02-FBI-002940	Office Equipment/Assets/Inventory of Business		3460020120
02-FBI-002941	1988 FORD BUS/VIN:1FDNJ75PCJVA35431		3460020105
02-FBI-002942	Citrus Harvesting Equip./Assets/Inventory of Business		3460020121
02-FBI-002943	Cash/Currency in lieu of 1985 FORD BUS	09/25/2002	3460020106
02-FBI-002944	Cash/Currency in lieu of 1988 FORD BUS	09/25/2002	3460020107
02-FBI-002945	1988 FORD BUS		3460020108
02-FBI-002946	Cash/Currency in lieu of 1988 FORD BUS	09/25/2002	3460020109
02-FBI-002947	1987 FORD TRUCK		3460020110
02-FBI-002948	Cash/Currency in lieu of 1989 FORD VAN	09/25/2002	3460020111
02-FBI-002949	Cash/Currency in lieu of 1990 FORD VAN	09/25/2002	3460020112
02-FBI-005341	Real Property located at 309 Highlands Blvd, Lake Placid, Fl		3460030095
02-FBI-005342	Real Property located at 112 N. Main St., Lake Placid, Fl		3460030096
02-FBI-005343	Real Property located at 203 Suwannee St., Lake Placid, Fl		3460030097
02-FBI-005344	Real Property located at 248 Grape Rd., NW, Lake Placid, Fl		3460030098
02-FBI-005345	Real Property located at 246 Grape Rd., NW, Lake Placid, Fl		3460030099
02-FBI-005346	Real Property located at 144 Sarasota St., Lake Placid, Fl		3460030100
02-FBI-005347	Real Property located at 221 Sarasota St., Lake Placid, Fl		3460030101
02-FBI-005348	Real Property located at 206-208 Rachard Blvd. Lake Placid		3460030102
02-FBI-005350	Real Property located at 184 Park Land Dr., Lake Placid, Fl		3460030105
02-FBI-005351	Real Property located at 132 Commerce St., Lake Placid, Fl		3460030106
02-FBI-005352	Real Property located at 134 Commerce St., Lake Placid, Fl		3460030107
02-FBI-005353	Real Property located at 136 Commerce St. Lake Placid, Fl		3460030108
02-FBI-005354	Real Property located at 141 Grove St., Lake Placid, Fl		3460030109
02-FBI-005355	Real Property located at 131 Grove St., Lake Placid, Fl		3460030110
02-FBI-005356	Real Property located at 112 Commerce St., Lake Placid, Fl		3460030111
02-FBI-005357	Real Property located at 114 Commerce St., Lake Placid, Fl		3460030112
02-FBI-005358	Real Property located at 116 Commerce St., Lake Placid, Fl		3460030113

Lecciones Aprendidas

Lecciones Aprendidas

-
- Planificación antes del incautación!

Solicitud Formal Extranjeros

- (AUSA nombrado como Comisario)
- Investigar (entrevistas, declaraciones juradas, declaraciones, citaciones, alquiler de expertos)
- Presentar pruebas
- Los Registros y decomisos
- La Recuperación de Activos
- EE.UU. decomiso continuación, la repatriación

?>

?>

Nación.cl BETA

Caso Riggs: descubren en Miami cuenta secreta de Lucía Pinochet

Los antecedentes fueron aportados por las autoridades del estado de Florida, en Estados Unidos, y se refieren a una cuenta corriente no reclamad hija de Augusto Pinochet Ugarte. La Fiscalía Nacional decidió enviar inmediatamente los antecedentes al juez que investiga las cuentas secretas y fortuna del ex dictador.

VIERNES 20 DE JULIO DE 2012| POR UPI - FOTO: UPI

La Fiscalía Nacional informó que enviará al ministro en visita de la Corte de Apelaciones de Santiago, Manuel Valderrama, los antecedentes aportados por las autoridades del estado de Florida, en Estado corriente no reclamada a nombre de Lucía Pinochet Hiriart, hija de Augusto Pinochet Ugarte.

SOLICITUD EXTRANJERA INFORMALES

- (discusión informal y presentación de pruebas)
- (Abrir una investigación federal)
- (Presentar una demanda penal o civil
- EE.UU. decomiso continuación, la repatriación

Gracias por su Atención

Mark Lester
Assistant U.S. Attorney
West Palm Beach, Florida
561-820-8711
Mark.Lester@usdoj.gov