

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

UNITED STATES OF AMERICA,  
Plaintiff,

Criminal No. 13-538 (FAB)  
13-539 (FAB)

v.

[3] SAMUEL TORRES CRESPO,  
Defendant.

**PLEA AGREEMENT**  
**(Pursuant to Rule 11(c)(1)(A) and (B) FRCP)**

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through its attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico, [REDACTED], [REDACTED], First Assistant United States Attorney, and [REDACTED] Special Assistant United States Attorney, and the defendant, SAMUEL TORRES CRESPO, and defendant's counsel, [REDACTED], and pursuant to Rule 11(c)(1)(A) and (B) of the Federal Rules of Criminal Procedure, state to this Honorable Court, that they have reached an agreement, the terms and conditions of which are as follows:

*R*  
*101*

**1. COUNT TO WHICH DEFENDANT PLEADS GUILTY**

The defendant agrees to plead guilty to Count Three of the Indictment in Criminal Case No. 13-538 (FAB), and Count Three of Criminal Case No. 13-539 (FAB), both of which charge the defendant, SAMUEL TORRES CRESPO, with having made a materially false, fictitious, and fraudulent statement and representation to the Social Security Administration, on November 29, 2012, and June 5, 2012, respectively, in violation of Title 42, United States Code, §408(a)(3). The false statements were

made in connection with an Adult Function Report and a Disability Report in support of Disability Insurance Benefit applications for "Person B" and "Person A", respectively. The reports misrepresented the medical condition of Person B and Person A, in order to maximize the possibility that Person B <sup>and Person A</sup> obtained the benefits, to which they were not entitled, in violation of Title 42, U. S. C. §408(a)(3).

## 2. STATUTORY PENALTIES

The statutory penalty for each count of Title 42, United States Code, §408(a)(3), is a term of imprisonment of no more than five years, a fine of not more than two hundred fifty thousand dollars (\$250,000.00), or both, and a term of supervised release of not more than three (3) years in addition to any term of incarceration.

## 3. SPECIAL MONETARY ASSESSMENT

Defendant understands that the Court must impose a mandatory penalty assessment of one hundred dollars (\$100.00) per count of conviction, for a total of two hundred dollars (\$200.00) to be deposited in the Crime Victim Fund, pursuant to Title 18, United States Code, Section 3013. Prior to or at the time of sentencing, the defendant shall pay the special monetary assessment pursuant to Title 18, United States Code, Section 3013(a).

## 4. FINES AND RESTITUTION

The defendant is aware that the Court may, pursuant to Section 5E1.2(i) of the Sentencing Guidelines, Policy Statements, Application, and Background Notes, order the defendant to pay a fine sufficient to reimburse the government for the costs of any imprisonment, probation or supervised release. Because Persons B and A were

working in conjunction with law enforcement in the investigation of this case, no losses inured to the Social Security Administration.

5. **SENTENCING GUIDELINE CALCULATIONS**

Defendant acknowledges that the Court may impose a sentence in accordance with the applicable provisions of the Sentencing Guidelines, Title 18, United States Code, Section 3551, et. seq. (hereinafter Guidelines) as Guidelines are advisory in nature. Furthermore, the defendant acknowledges to be aware that parole has been abolished and that the imposition of sentence may not be suspended.

The United States and the defendant agree that the following Sentencing Guidelines calculations are reasonable for the imposition of sentence in this case:

<b>SENTENCING GUIDELINES CALCULATION TABLE</b>	
BASE OFFENSE LEVEL [ U.S.S.G. § 2B1.1]	6
SPECIFIC OFFENSE CHARACTERISTIC (Between \$120,000 and \$200,000 <b>intended loss</b> )	10
ACCEPTANCE OF RESPONSIBILITY [U.S.S.G. § 3E1.1]	- 3
TOTAL OFFENSE LEVEL (12 - 18 months)	13

*SR*  
*her*

6. **RULE 11(c)(1)(A) and (B)**

The defendant is aware that the sentence is within the sound discretion of the sentencing judge and may be imposed in accordance with the United States Sentencing Guidelines, Policy Statements, Application, and Background Notes, which are advisory. The defendant is aware that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for the offense to which the defendant pleads guilty. If the Court should impose a sentence up to the maximum established by statute, the defendant cannot, for that reason alone, withdraw a guilty plea, and will remain bound to fulfill all of the obligations under this plea agreement.

**7. SPECIFIC SENTENCE RECOMMENDATION**

The government will not make a specific sentencing recommendation and will ask that the court exercise its sound discretion and sentence the defendant within the range of 12 – 18 months, as contemplated in the plea agreement. The defendant reserves the right to argue for any sentence under the U.S.S.G. <sup>and 18 U.S.C. § 3553 (a)</sup> including a departure or a variance.

**8. STIPULATION AS TO CRIMINAL HISTORY CATEGORY**

The parties do not stipulate to Criminal History Category.

**9. SATISFACTION WITH COUNSEL**

The defendant represents to the Court he is satisfied with counsel, [REDACTED]

[REDACTED] and indicates that counsel has rendered effective legal assistance.

**10. RIGHTS SURRENDERED BY DEFENDANT THROUGH GUILTY PLEA**

Defendant understands that by entering into this agreement, defendant surrenders certain rights as provided in this agreement. Defendant understands that the rights of criminal defendants include the following:

a. If the defendant had persisted in a plea of not guilty to the charges, defendant would have had the right to a speedy jury trial with the assistance of counsel. The trial may be conducted by a judge sitting without a jury if the defendant, the United States and the judge agree.

b. If a jury trial is conducted, the jury would be composed of twelve lay persons selected at random. The defendant and the defendant's attorneys would assist in selecting the jurors by removing prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges. The jury would have to agree, unanimously, before it could return a

verdict of either guilty or not guilty. The jury would be instructed that the defendant is presumed innocent, and that it could not convict the defendant unless, after hearing all the evidence, it was persuaded of the defendant's guilt beyond a reasonable doubt, and that it was to consider each charge separately, if there were multiple charges.

c. If a trial is held by the judge without a jury, the judge would find the facts and, after hearing all the evidence and considering each count separately, determine whether or not the evidence established the defendant's guilt beyond a reasonable doubt.

d. At a trial, the United States would be required to present its witnesses and other evidence against the defendant. The defendant would be able to confront those witnesses and defendant's attorney would be able to cross-examine them. In turn, the defendant could present witnesses and other evidence on defendant's own behalf. If the witnesses for the defendant would not appear voluntarily, defendant could require their attendance through the subpoena power of the Court.

e. At a trial, the defendant could rely on the privilege against self-incrimination to decline to testify, and no inference of guilt could be drawn from the defendant's refusal to testify. If the defendant desired to do so, the defendant could testify on the defendant's own behalf.

#### 11. **STATEMENT OF FACTS**

The accompanying Statement of Facts signed by the defendant is hereby incorporated into this Plea Agreement. Defendant adopts the Statement of Facts and agrees that the facts therein are accurate in every respect and, had the matter proceeded to trial, that the United States would have proven those facts beyond a reasonable doubt.

**12. LIMITATIONS OF PLEA AGREEMENT**

Defendant understands that this plea agreement extends only to the United States Attorney's Office for the District of Puerto Rico and the defendant; it does not bind any other federal district, state or local authorities.

**13. ENTIRETY OF PLEA AGREEMENT**

This written agreement constitutes the complete Plea Agreement between the United States, the defendant, and the defendant's counsels. The United States has made no promises or representations except as set forth in writing in this plea agreement and deny the existence of any other terms and conditions not stated herein.

**14. AMENDMENTS TO PLEA AGREEMENT**

No other promises, terms or conditions will be entered unless in writing and signed by all of the parties.

**15. VOLUNTARINESS OF GUILTY PLEA**

The defendant understands that the defendant is entering into this plea agreement without compulsion, threats, or any other promises from the United States Attorney or any of its agents. The defendant acknowledges that no threats have been made against the defendant and that the defendant is pleading guilty freely and voluntarily because the defendant is guilty.

**16. WAIVER OF APPEAL**

The defendant hereby agrees that if this Honorable Court accepts this agreement and sentences her according to its term, conditions and recommendations, defendant waives and surrenders his right to appeal the judgment and sentence in this case.

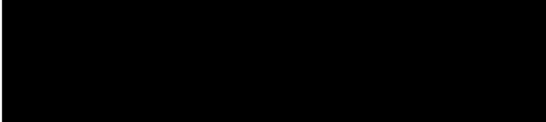
ROSA EMILIA RODRIGUEZ-VELEZ  
United States Attorney



First Assistant U.S. Attorney  
September 26, 2014



Special Assistant U. S. Attorney  
September 26, 2014




Counsel for Defendant  
September 26, 2014

SAMUEL TORRES CRESPO  
Defendant  
September 26, 2014

I have consulted with my counsel and fully understand all of my rights with respect to the Indictment pending against me. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines, Policy Statements, Application, and Background Notes which may apply in my case. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I fully understand this agreement and I voluntarily agree to it.

Date: 9/29/2014

  
\_\_\_\_\_  
SAMUEL TORRES CRESPO  
Defendant

I am the attorney for the defendant. I have fully explained to the defendant his rights with respect to the pending Indictment. Further, we have reviewed the provisions of the Sentencing Guidelines, Policy Statements, Application, and Background Notes, and I have fully explained to the defendant the provisions of those guidelines which may apply in this case. I have carefully reviewed every part this Plea Agreement with the defendant. To my knowledge, the defendant is entering into this agreement voluntarily, intelligently and with full knowledge of all consequences of defendant's plea of guilty.

Date: 9/29/14



Counsel for Defendant

**GOVERNMENT'S VERSION OF THE FACTS**

In conjunction with the submission of the accompanying Plea Agreement in this case, the United States of America submits the following statement setting forth the United States' version of the facts leading to the defendant's acceptance of criminal responsibility for defendant's violations of Title 42, United States Code, §408(a)(3).


Persons A and B were represented by SAMUEL TORRES CRESPO, in their efforts to apply for and obtain Social Security Disability Benefits. In reality, Persons A and B were working with law enforcement agents as part of a collaborative investigation spearheaded by the Social Security Administration OIG, and the Federal Bureau of Investigation, to identify beneficiaries, physicians, and others, who were involved in the process of filing fraudulent applications for Social Security Disability Benefits. The benefits provided by SSA include wage loss and medical benefits, if the employee is unable to work due to a disability. If the disability remains unchanged, then these tax-free benefits will continue until the beneficiary attains his/her retirement age, and will then be converted to retirement benefits.

Persons A and B were selected for this covert role due to the fact that they were in good physical health, and sound mental health, and would not legitimately qualify for disability benefits. SAMUEL TORRES CRESPO, who was retired from the SSA, worked as a non-attorney representative. In connection with his representation of Person A, on June 5, 2012, the defendant indicated on an Adult Disability Report that Person A was unable to speak or write English, and suffered from depression, anxiety, deep sadness, was vulnerable, irritable, frustrated and anxious, had crying episodes, felt hopeless, and alone, and had difficulty concentrating, difficulty with memory, and insomnia, all of which interfered with his ability to work. With respect to Person B, on April 29, 2012, the defendant indicated that she suffered from back problems, cervical conditions, Carpal Tunnel Syndrome, numbness in the legs and arms, intense


cervical pain, and was limited in her ability to function on a daily basis, and that Person B was also suffering from depression, anxiety, fatigue, psychomotor retardation, difficulties with concentration and memory, loss of interest in daily activities, loss of appetite, and insomnia.

In fact, Persons A and B were not suffering from any disabling medical or psychiatric conditions.

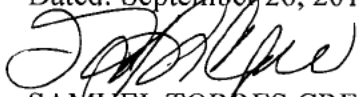
Had this case gone to trial, the government would have introduced the testimony of Persons A and B, who would have testified that they were not disabled, as well as videos of the appointments of Persons A and B with TORRES. The government would have further introduced copies of the reports submitted by the defendant to the Social Security Administration, and the testimony of an agency representative to testify with respect to the materiality and importance of these documents for SSA.



First Assistant U.S. Attorney  
Dated: September 26, 2014



Counsel for Defendant  
Dated: September 26, 2014

  
SAMUEL TORRES CRESPO, ~~MD~~  
Defendant  
Dated: September 26, 2014