UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-CR-20343-KMW

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROGER ALEJANDRO PIÑATE MARTINEZ,

Defendant.

_____/

DEFENDANT ROGER PIÑATE'S RENEWED MOTION TO COMPEL

This Court previously granted Defendant Roger Piñate's Motion to Compel (ECF No. 129) in part, ordering the government to produce its initial Mutual Legal Assistance Treaty ("MLAT") requests to the Philippines, Singapore, and Switzerland, along with Singapore's cover letter transmitting the requested documents.[1] A review of that production has confirmed the central premise of Mr. Piñate's original motion, namely, that he cannot blindly trust the government's tolling calculations and representations. Consider just one example: Singapore's cover letter revealed that it produced all requested documents on November 3, 2022; but the government's "chart" claimed final action was not taken until November 16, 2022—13 days later. *See* ECF No. 146 at 2. Given that the government indicted Mr. Piñate on multiple counts with just days remaining under the statute of limitations, inconsistencies like this could be dispositive. For a foundational defense like the statute of limitations, Mr. Piñate is entitled to review *all* MLAT requests and correspondence to confirm whether there are any additional inconsistencies affecting the government's tolling calculations.

[1] The Court orally pronounced its ruling on October 29, 2025, and the government produced the documents on November 14, 2025.

BACKGROUND

Count 2 of the original indictment, returned on August 8, 2024, charged Mr. Piñate and co-Defendant Jorge Vasquez with a substantive violation of the FCPA for conduct that allegedly took place eight years earlier on August 15, 2016. Counts 4, 5, and 6 charged all named defendants with promotional laundering relying on FCPA and foreign law specified unlawful activities ("SUA") that allegedly occurred a day later.[2] Although the five-year statute of limitations for these offenses had long since run, *see* 18 U.S.C. § 3282, the government claims the indictment was nonetheless timely because it gained three years of tolling under § 3292 by virtue of multiple MLAT requests that alternately supported five different tolling applications.[3] But even under its own math, the government waited until nearly the last possible moment to indict—just days before the extended statute of limitations ran. *See* ECF No. 146 at 7 (acknowledging that even with three full years of tolling, the indictment "was required to be returned prior to August 14, 2024.").

With such a narrow margin, precise calculation of the tolling periods is essential to determining whether the government's prosecution of these counts is time-barred. As noted in Mr. Piñate's original motion, attempting to verify these calculations based only on the government's production of tolling applications and foreign government responses is unworkable—without

[2] For purposes of a statute of limitations analysis as to Mr. Piñate, Counts 2, 4, 5 and 6 of the superseding indictment are substantively identical to their counterparts in the original indictment.

[3] To the extent Counts 4, 5, and 6 are predicated upon an FCPA SUA, the government agrees the statute of limitations is five years. *See* ECF No. 146 at 5. For the notion that a foreign law SUA provides a seven-year statute of limitations, the government is reyling on a December 2022 amendment to 18 U.S.C. § 1956, which extended the previous five-year limitation. *See* National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, 136 Stat. 2395, 3441 (Dec. 23, 2022). However, for this amendment to apply retroactively to Mr. Piñate, the original five-year statute of limitations must not have expired before § 1956's amendment. In other words, the government needed to have properly tolled the five-year statute of limitations as of December 2022.

knowing *what* the government asked for, Mr. Piñate cannot assess whether foreign government production was responsive. It is likewise impossible to verify the government's tolling using *its* proffered timeline. As noted above, the government's claimed date of "final action" with respect to the Singapore MLAT was 13 days off—a fact Mr. Piñate could not have discovered but for his discovery efforts. Same for the government's claim that Switzerland took no action whatsoever until August 2023. Although the government's chart represents that Switzerland was completely unresponsive until that date, Mr. Piñate discovered through unrelated proceedings that HSI Special Agent Colberd Almeida received *some* documents from Switzerland as of December 2021. Inconsistencies like this appear endemic throughout the tolling process.

Accordingly, to determine whether a foreign government took final action—a factor indisputably material to any statute of limitations defense—Mr. Piñate requires all the government's MLAT requests and correspondence. The first three MLAT requests compelled by the Court provide a necessary start, but not a sufficient end.

ARGUMENT

A. Under Rule 16, All MLAT Requests and Correspondence Must Be Produced as Material to the Defense.

Federal Rule of Criminal Procedure 16(a)(1)(E) requires the government to produce to the defendant "any evidence that 'is material to preparing the defense.'" *United States v. Stahlman*, 934 F.3d 1199, 1230 (11th Cir. 2019) (quoting Fed. R. Crim P. 16(a)(1)(E)(i)). This obligation includes producing documents that raise a "shield" to a criminal charge, *see United States v. Thomas*, 548 F. Supp. 3d 1212, 1219 (M.D. Fla. 2021), which is precisely what the statute of limitations accomplishes. *See United States v. Horn*, 129 F.4th 1275, 1290 (11th Cir. 2025) (reaffirming that the statute of limitations is an affirmative defense).

The government's obligation under Rule 16 is to produce the entire category of documents material to the defense, not just to curate a representative selection. Once it is determined that documents fall within Rule 16, the government must produce them. *See United States v. Scrushy*, No. CR-03-BE-530-S, 2004 WL 483264, at *3 (N.D. Ala. Mar. 3, 2004) ("The obligation imposed by Rule 16 is one of discovery, to make certain *categories* [of] documents available to the defense.") (emphasis added).

Here, by ordering the government to produce the first three MLAT requests and the Singapore cover letter, the Court recognized that the documents were material to Mr. Piñate's statute of limitations analysis. This threshold determination ought to resolve any question about the discoverability of the remaining MLAT requests and correspondence. The precise timing of when "final action" occurs under § 3292—defined in this Circuit as a "dispositive response to each item listed in the official request," *United States v. Torres*, 318 F.3d 1058, 1065 (11th Cir. 2003)—cannot be assessed without knowing what the requested items were. And the only way Mr. Piñate can know what documents the government requested (to compare against what documents the foreign governments produced) is to review the MLAT requests themselves. *See, e.g.*, *United States v. Weiss*, 588 F. Supp. 3d 622, 627 (E.D. Pa. 2022) (analyzing final action by comparing the MLAT request, voluntarily produced by the government, with the foreign government's response).

In addition, MLAT requests frequently reference, supplement, or clarify earlier requests. Indeed, in this case, the government characterizes each of its second through tenth MLAT requests to the Philippines as "supplemental" requests. *See* ECF No. 146 at 2-4. A request that initially failed to specify certain information might be supplemented later—or it might remain incomplete throughout. Mr. Piñate cannot meaningfully evaluate whether the Philippines took final action on

any of these supplemental requests (or, for that matter, any other country that received supplemental requests) without the benefit of all MLAT requests and transmittal correspondence.

B. Government Representations Cannot Substitute for the Actual Documents.

The government insists the MLAT requests themselves are unnecessary because it can simply represent to Mr. Piñate what evidence it requested. But that does not discharge the government's obligation under Rule 16 to provide evidence material to the defense. More importantly, the government's representations in this case have proven unreliable.

The Singapore cover letter revealed a 13-day discrepancy in the government's final action calculus, one that Mr. Piñate would otherwise not have known of. The initial MLAT requests to the Philippines and Singapore do not identify the FCPA (or Mr. Piñate), even though the government was simultaneously claiming it was entitled to toll the statute of limitations for that offense. The government's position on whether the Philippines took final action on the first MLAT request has shifted inexplicably, with supporting documentation conspicuously absent (the government cited a letter it purportedly sent to the Philippines identifying outstanding items that it learned of through interviews that took place on February 9, 2023. *See* ECF No. 146 at 6. But that letter was not attached to the government's response—despite being identified as "Ex. A"—nor has Mr. Piñate identified it among the terabytes of document production).[4] And, curiously, SA Almeida made no reference to any outstanding response to the first Philippine MLAT request in

[4] Yet another issue with the government's response is its footnote indicating that the Switzerland and second Philippines MLAT requests cover any gap in tolling based on final action on the first Philippines request. *See* ECF No. 146 at n.8. In that footnote, the government indicates that the "Switzerland Original MLAT" was responded to on November 16, 2022. This appears to be a typographical error, with the footnote intending to reference to the Singapore MLAT. But the fact remains that the government's representations are prone to error.

his February 13, 2023 declaration—the precise time at which one would expect such an issue to have been raised.

At bottom, Mr. Piñate cannot verify the government's representations without the actual MLAT requests and correspondence—which is precisely why Rule 16 requires production of material *documents*, not government summaries.

C. There Is No Compelling Reason the Prosecution Team Cannot Produce the MLAT Requests.

During the October 29, 2025 hearing, the government argued that treaty confidentiality provisions bar disclosure of MLAT requests to the defense. The government's subsequent conduct contradicts this claim: it promptly produced the first three MLAT requests following the Court's order without any indication that such disclosure violated treaty obligations, harmed foreign relations, or required consultation with foreign governments. More importantly, Mr. Piñate is not a third party making a FOIA request out of curiosity—he is a defendant who was indicted with just days to spare under an extended statute of limitations. Unlike a case where a defendant seeks an MLAT request merely to "help understand" the prosecution's theory, *see, e.g.*, *United States v. Hutchnson*, No. 17-CR-124, 2018 WL 1695499, at *1 (E.D. Wis. Apr. 6, 2018), Mr. Pinate requires the MLAT requests verify the government's razor-thin tolling calculations. In the face of this legitimate request to access documents material to a defense, the government cannot invoke treaty confidentiality as a categorical bar—especially where it has already disclosed related MLAT correspondence selectively and the government's own contradictory representations about when foreign governments responded has created the need for the documents. Instead, Rule 16 and constitutional due process concerns require the production of the remaining MLAT requests so that Mr. Pinate can determine, once and for all, whether he has a statute of limitations defense.

CONCLUSION

This Court has already determined that certain MLAT requests and foreign government responses are material to verifying whether the government's tolling calculations are accurate. But because the government secured five different tolling applications relying on at least ten different MLAT requests, Mr. Piñate requires entire *category* of responsive documents, not a just subset and not just a summary. Absent such discovery, Mr. Piñate cannot independently verify when final action was taken on the government's MLAT requests or whether the government timely charged the Count 2's FCPA violation. The Court should accordingly compel the government to produce the entire category of MLAT requests and correspondence.

Dated: December 17, 2025

Respectfully submitted,

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Counsel for Defendant Roger Alejandro Piñate Martinez

CERTIFICATE OF CONFERRAL

Though correspondence and its arguments at the October 29, 2025 hearing, counsel for the government have clearly expressed the government's objection to the discovery sought in this motion.

By: /s/ *Curtis B. Miner*_____
Curtis B. Miner, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via electronic filing using the CM/ECF system with the Clerk of Court which sent an e-mail notification of such filing to all CM/ECF participants on December 17, 2025.

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/s/ *Curtis B. Miner*
Curtis B. Miner, Esq.