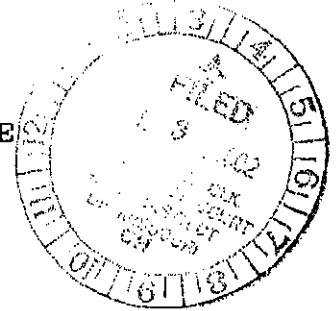


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION



UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD K. HALFORD,)
)
 Defendant.)

No. 01-00221-01-CR-W-~~1~~50^W

MOTION FOR DOWNWARD DEPARTURE

Comes now the United States of America and moves the Court to depart downward from the Sentencing Guidelines range applicable in this case. This motion is pursuant to the plea agreement and U.S.S.G. § 5K1.1.

SUGGESTIONS IN SUPPORT

The United States respectfully submits the following in support of its motion:

1. On August 3, 2001, the defendant pleaded guilty, pursuant to a plea and cooperation agreement with the government, to a four-count Information charging conspiracy to violate the Foreign Corrupt Practices Act by agreeing to pay a bribe to Costa Rican officials, a felony, and three misdemeanor counts of failing to pay taxes in three separate tax years. Sentencing is currently scheduled for July 9, 2002.

2. The defendant was a member of a conspiracy that included Stephen Kingsley, Albert Reitz, Robert Richard King, and Pablo Barquero. Prior to 2000, Kingsley and Barquero used investor funds

ORIGINAL

DOCUMENT 11

to make various payments to Costa Rican officials in the form of political contributions and payoffs for the purpose of generating "political support" for the "Costa Rica Project," a new port and resort on the Caribbean coast of Costa Rica. In addition, all of the conspirators agreed to raise funds for and to pay a larger bribe of between \$1,000,000 and \$1,500,000 to the leading political parties and high-ranking officials in the Costa Rican government to obtain the concession for the land on which the Costa Rica Project was to be built. The conspirators variously referred to this bribe as "kiss," "toll," and "closing cost."

3. Kingsley died in October 2000, after cooperating with the government for approximately six months and making tapes of the conspirators, including the defendant, discussing the payment of the final "closing cost" bribe to the Costa Rican politicians. The government subsequently executed search warrants on various locations in and around Kansas City, including the defendant's home and notified the defendant that he was a target of the government's investigation.

4. In January 2001, the defendant and his lawyer came to the FBI and reviewed excerpts from the tapes recorded by Mr. Kingsley. The defendant immediately agreed to cooperate with the government. As the defendant's agreement was virtually simultaneous with that of his co-conspirator, Albert Reitz, the government has agreed to consider both individuals as having been "first in."

5. The defendant was subsequently debriefed by the FBI and the IRS and provided information concerning several matters, including:

- i) investor fraud and bribery involving the Costa Rica Project;
- ii) discussions of plans to attempt the bribery of a law enforcement official in connection with pending investigations of both the Costa Rica Project and another matter; and
- iii) his own failure to pay taxes in certain tax years.

6. Based in part upon the information provided by the defendant, the grand jury returned an indictment against Robert Richard King and Pablo Barquero Hernandez in June 2001 (*United States v. Robert Richard King and Pablo Barquero Hernandez* (No. 01-190-Cr-W-1)). In June 2002, the defendant testified at King's trial before U.S. District Judge Scott O. Wright. Following a one-week trial, the jury convicted Mr. King of conspiracy and four counts of violations of the Foreign Corrupt Practices Act. Defendant Barquero, a Costa Rican national, remains a fugitive, but the government expects that the defendant will testify in Mr. Barquero's trial if he comes into the custody and jurisdiction of the United States.

7. The United States is not aware of any information that would indicate that the defendant's cooperation and testimony has

been anything other than complete and truthful. Accordingly, the United States believes that the assistance rendered by defendant has been significant and substantial.

For the above reasons, the United States submits that a downward departure from the sentencing range prescribed by the Sentencing Guidelines is consistent with the policies of the Guidelines and is in the interests of justice. Accordingly, the United States moves this Honorable Court to exercise its authority pursuant to U.S.S.G. § 5K1.1 to depart below the guideline range which would otherwise be established by the total offense level.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for a Departure was served by facsimile transmission on Bruce Houdek, Esq., counsel for the defendant, at 816.842.6463, on this the 3rd day of July, 2002.

Linda Parker Marshall

Linda Parker Marshall # 24954