No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ANTONIO SANTONASTASO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the First Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Section 1001(a)(2) of title 18 only criminalizes the making of *material* false statements in a matter within the jurisdiction of the United States government. In light of this Court's redefinition of materiality for 8 U.S.C. § 1425(a) prosecutions in *Maslenjak v. United States*, 582 U.S. 335 (2017), does this new materiality standard also apply in prosecutions under § 1001(a)(2)?

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The Federal Reporter has published the opinion of the court of appeals at 100 F.4th 62 (1st Cir. 2024). The text of the opinion is reproduced in the Appendix at 19.

JURISDICTION

On April 29, 2024, the First Circuit entered its judgment affirming Mr. Santonastaso's convictions and sentence out of the U.S. District Court for the District of Massachusetts. This Court has jurisdiction under 28 U.S.C. § 1254(1) to review the circuit court's decision on a writ of certiorari.

STATUTORY AND REGULATORY PROVISIONS INVOLVED

I. 8 U.S.C. § 1451(a)

(a) Concealment of material evidence; refusal to testify

> It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any district court of the United States in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: Provided, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at

the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

II. 18 U.S.C. § 1001(a)

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

STATEMENT OF THE CASE

The case arises from the Government's prosecution of Defendant-Appellant Antonio Santonastaso for offenses related to his operation of a helicopter from his home in East Brookfield and the ensuing investigation. The Government charged Mr. Santonastaso with four offenses. The following table outlines the charged offenses of the indictment:

Count	Description	Statute
1	Serving as an Airman without an Airman Certificate	49 U.S.C. § 46306(b)(7)
2	False Statements	18 U.S.C. § 1001(a)(2)
3	False Statements	18 U.S.C. § 1001(a)(2)
4	Attempted Witness Tampering	18 U.S.C. § 1512(b)(3)

Count 2 relates to alleged statements that Mr. Santonastaso "was not involved in the theft of a helicopter from Norwood Airport in May 2000." Count 3 relates to alleged statements made in connection to an airman medical certificate. Count 4 relates to alleged communications with Ronald Plouffe.

I. The FAA oversees pilots and the certification requirements to operate aircraft, such as helicopters.

The Federal Aviation Administration (FAA) is the federal agency under the Department of Transportation that issues rules related to aviation. Within the FAA, the Flight Standards Service oversees pilots (and others) to ensure compliance with the applicable regulations. The Office of Aviation Medicine, also within the FAA, oversees the medical requirements for pilots.

To become a pilot and receive an airman certificate, the FAA standards require three basic things: the prospective pilot needs to obtain a medical certification, receive a certain amount of training, and pass a "practical check" or check ride. To fly a helicopter, it is also necessary to obtain a rotorcraft rating, which requires additional training and practical checks.

To enforce these regulations, the FAA and its divisions investigate and prosecute potential noncompliance. For noncompliance, the FAA can suspend or revoke airman certificates. License revocation requires a pilot to "go back to square one essentially and apply for a student pilot license, fly with an instructor, get an instructor to endorse them to take another flight check, et cetera." After revocation, the FAA also issues a "stop order" to notify the FAA's airman certification division in Oklahoma City that the revocation has occurred.

II. The FAA revoked Mr. Santonastaso's airman certificate for allegedly flying without the appropriate medical certificate and rotorcraft rating.

In or around the summer of 2000, the FAA began investigating Mr. Santonastaso for violating the FAA regulations requiring the appropriate medical certificate and aircraft class rating. The alleged violation arose in connection with the reported theft of a Robinson R22 helicopter that Mr. Santonastaso was flying on May 28, 2000. On August 11, 2000, the FAA issued an emergency order of revocation of Mr. Santonastaso's airman certificate. This notice listed four violations that formed the basis of the revocation:

1. having no valid medical certificate at the time of the flight,
2. having no rotorcraft rating on his airman certificate,
3. operating carelessly or recklessly by carrying a passenger during a May 28, 2000 flight despite lacking the appropriate medical certificate and rotorcraft rating, and
4. failing to promptly notify the FAA of a change in Mr. Santonastaso's permanent mailing address.

Notably, the reason for the revocation did not hinge on why Mr. Santonastaso was flying the helicopter.

Two years after the revocation of his airman certificate, Mr. Santonastaso pleaded guilty to the helicopter theft in Norfolk County Superior Court.

III. Neighbors accuse Mr. Santonastaso of flying a helicopter out of his property.

In or around 2018, Karl Bjorkland noticed that his neighbor Mr. Santonastaso was flying a helicopter out of Mr. Santonastaso's property in East Brookfield. He reported these flights to the local police, who in turn reported the matter to the FAA.

Aidan Seltsam-Wilps, an aviation safety inspector for the FAA, undertook the investigation. Mr. Seltsam-Wilps tasked Mr. Bjorkland with documenting when Mr. Santonastaso was flying, which Mr. Bjorkland was able to do. Meanwhile, Mr. Seltsam-Wilps checked the FAA's files for Mr. Santonastaso's flight qualifications. Through his review of those files, Mr. Seltsam-Wilps found that Mr. Santonastaso had held an airman certificate in the past, but that the certificate had since been revoked. It was thus clear to Mr. Seltsam-Wilps that Mr. Santonastaso had no privileges to fly a helicopter.

Mr. Seltsam-Wilps also initiated an investigation into the air-worthiness of the helicopter Mr. Santonastaso was allegedly flying. He concluded that the helicopter was air worthy.

IV. Seltsam-Wilps interviews Mr. Santonastaso, during which Mr. Santonastaso claims that the helicopter theft was "a big misunderstanding."

Mr. Seltsam-Wilps contacted Mr. Santonastaso about the helicopter's air-worthiness, and he arranged a meeting at Mr. Santonastaso's residence to inspect the helicopter, a Robinson R22.

The visit occurred on April 18, 2018. Mr. Seltsam-Wilps and another inspector arrived and spoke with Mr. Santonastaso and inspected the helicopter. For the visit, Mr. Seltsam-Wilps specifically intended to speak with Mr. Santonastaso about his revoked airman certificate. During the course of their conversation, Mr. Seltsam-Wilps told Mr. Santonastaso that he had video,

photographs, and eyewitnesses to prove that Mr. Santonastaso had been flying his helicopter solo without an airman certificate. Mr. Seltsam-Wilps informed Mr. Santonastaso that also lacked a valid medical certificate. Mr. Santonastaso responded by showing Mr. Seltsam-Wilps a pilot's logbook showing an expired temporary airman certificate and an expired logbook endorsement showing that Mr. Santonastaso had completed the specific training requirements for the Robinson R22 helicopter. Mr. Santonastaso also provided a document that appeared to be part of a medical qualification.

Mr. Santonastaso initially denied have received any notice of revocation of his airman certificate, but later stated that it must have happened when he was "out of the country working for the State Department." When asked, Mr. Santonastaso responded in an "illogical" manner, stating that he was "part of a team of operatives" working with the CIA and DEA. He stated that the "whole story about the stolen helicopter and the jail time involved was all a cover-up; and once he spoke with the remaining members of his team of operatives, he would be able to clear this whole matter up." Put simply, it was "all a big misunderstanding."

Mr. Seltsam-Wilps did not have any way to verify Mr. Santonastaso's story about working with the CIA and DEA, but he did not take the story seriously because "it has no bearing on the fact that he still does not hold an airman's certificate."

V. The Town of East Brookfield initiates a lawsuit against Mr. Santonastaso, and he stops flying.

Several months later, on November 8, 2018, the Town of East Brookfield sued Mr. Santonastaso in the Worcester County Superior Court concerning his operation of the helicopter. The complaint and a notice to appear were sent to Mr. Santonastaso the next day.

After November 11, 2018, Mr. Santonastaso stopped flying altogether.

On November 30, 2018, the Town obtained a preliminary injunction against Mr. Santonastaso, preventing him from flying any aircraft from his property.

VI. Other investigators continue the investigation, and the state-court case ends in a permanent injunction.

On April 17, 2019, special agent Marybeth Roberts and another special agent with the Department of Transportation visited Mr. Santonastaso and interviewed him. They asked him concerning suspected false statements he had made in a medical certificate application, which Mr. Santonastaso denied completing.

Later, on May 2, 2019, a default judgment entered in the Worcester County Superior Court civil action against Mr. Santonastaso. The default judgment permanently enjoined Mr. Santonastaso from flying out of his property. Notice of the permanent injunction was mailed to Mr. Santonastaso the next day.

On May 6, 2019, Ms. Roberts and another special agent visited a friend of Mr. Santonastaso's at an airport in Woodstock, Connecticut, to interview him about Mr. Santonastaso. The special agents then traveled to Southbridge airport to speak with Robert Plouffe, the airport manager

there. Mr. Plouffe told the special agents that he had seen Mr. Santonastaso fly in and out of the airport. During this conversation, Mr. Plouffe received a phone call on the airport manager's line from Mr. Santonastaso. Mr. Santonastaso told Mr. Plouffe that a woman was "asking questions about me. She's asked questions at other airports. Don't tell her anything." Mr. Plouffe asked why, and Mr. Santonastaso said that his neighbor was angry that Mr. Santonastaso had been flying his helicopter in the backyard. Mr. Santonastaso told Mr. Plouffe that there was "a lawsuit between he and his neighbors," that "there is an injunction that prevented him from flying," and "that he could be fined approximately a thousand dollars if he did fly out of his yard."

Mr. Santonastaso never threatened Mr. Plouffe.

VII. At trial, the Government obtains convictions on three of the four charged counts, and the First Circuit affirmed.

At the close of the Government's evidence, Mr. Santonastaso raised challenges to the sufficiency of the evidence on counts two, three, and four pursuant to Fed. R. Crim. P. 29. Mr. Santonastaso renewed his Rule 29 motion at the close of all evidence. The district court denied the motion.

The jury ultimately returned guilty verdicts on counts one, two, and four, and a verdict of not guilty on count three. On these verdicts, the district court imposed a sentence of eight months imprisonment, with a one-year term of supervised release afterward.

VIII. The First Circuit affirms the judgment.

Judgment entered on November 30, 2022. Mr. Santonastaso filed a timely notice of appeal for an appeal to the First Circuit Court of Appeals pursuant to the jurisdictional granted in 28 U.S.C. § 1291. The case was entered in the First Circuit Court of Appeals on December 9, 2022.

In a published decision, the First Circuit affirmed the judgment of conviction. *See infra* at 19. The Court rejected Mr. Santonastaso's arguments concerning the application of *Maslenjak* to his case and the sufficiency of

REASONS FOR GRANTING THE PETITION

Mr. Santonastaso requests that this Court grant his petition to resolve whether the *Maslenjak* materiality standard should apply in § 1001(a) prosecutions for three reasons. First, the lower courts need guidance on the impact of *Maslenjak* on the definition of materiality in criminal statutes to avoid potentially inconsistent results. Second, materiality arises so frequently in criminal statutes that this Court should prioritize setting forth its guidance on the impact of *Maslenjak*. Third, Mr. Santonastaso's case serves as an ideal vehicle for this Court's decision on the matter because of its simple fact pattern and the clear evidence that Mr. Santonastaso's charged statements had no bearing on the Government's decisionmaking or investigation.

A central issue in Mr. Santonastaso's appeal was whether the Government proved that Mr. Santonastaso's statements were material under § 1001(a). To sustain a conviction for false statements under § 1001(a), the Government must prove beyond a reasonable doubt that (1) the defendant made the statement, (2) the statement was false, (3) the statement was material, (4) the defendant made the statement knowingly and willfully, and (5) the defendant made the statement in a matter within the jurisdiction of the United States government. *See United States v. Gaudin*, 515 U.S. 506, 509 (1995); *United States v. Gonsalves*, 435 F.3d 64, 72 (1st Cir. 2006). In affirming Mr. Santonastaso's conviction under § 1001(a), the First Circuit erred by declining to apply the

materiality standard that this Court announced in *Maslenjak v. United States*, 582 U.S. 335, 348 (2017), applying instead the older standard from *Kungys v. United States*, 485 U.S. 759, 772 (1988). Mr. Santonastaso asks this Court to enforce the application of this new materiality standard in § 1001(a) prosecutions.

I. Review is warranted to resolve disparities in how the lower courts determine materiality for violations of 18 U.S.C. § 1001.

Materiality is a fundamental component of many crimes of fraud and false statements, and this Court has repeatedly addressed materiality in its recent cases. These cases have shifted the framework for the Courts of Appeals and District Courts handling fraud and false-statement cases, and without further Supreme Court guidance—particularly concerning the materiality standard in 18 U.S.C. § 1001 prosecutions—there is a risk of inconsistent lower courts face will simplify and unify the lower courts' treatments of materiality.

This case raises the issue of whether the materiality standard of *Maslenjak* applies in § 1001 prosecutions. The Circuit Courts of Appeals have long applied a test for materiality reflected in the Supreme Court's decision in *Kungys*, which defined the materiality requirement under 8 U.S.C. § 1451(a) governing revocation of naturalization. *Kungys v. United States*, 485 U.S. 759, 772 (1988). *See, e.g.*, *United States v. Phillipos*, 849 F.3d 464, 473 (1st Cir. 2017); *United States v. Mehanna*, 735 F.3d 32, 54 (1st Cir. 2013); *United States v. Sebaggala*, 256 F.3d 59, 65 (1st Cir. 2001). In *Kungys*, the Supreme Court defined false statements to be material if "they had a natural tendency to influence the decisions of" the "decisionmaking body to which [they were] addressed." *See Kungys*, 485 U.S. at 770, 772. Thus the proper inquiry would be "not whether the tendency to

influence bears upon a particular aspect of the investigation but, rather, whether it would bear upon the investigation in the abstract or in the normal course." *Phillipos*, 849 F.3d at 473. *Accord United States v. Chen*, 998 F.3d 1, 10 (1st Cir. 2021); *United States v. Rivera-Ortiz*, 14 F.4th 91, 100 (1st Cir. 2021).

In 2017, the Supreme Court revisited the definition of materiality in *Maslenjak* and expanded it: not only did the false statements need to be capable of influencing decisionmakers, but there must also be a direct causal connection between the false statements and potential outcomes in the investigation. *Maslenjak v. United States*, 582 U.S. 335, 348 (2017). For example, in the context of *Maslenjak*'s § 1425(a) prosecution, the Supreme Court noted that misrepresentations about facts that are themselves disqualifying for citizenship would be material, as would misrepresentations of facts that could have otherwise "led to the discovery of other" disqualifying facts. *Id.* (citing *Chaunt v. United States*, 364 U.S. 350, 352–53 (1960), and *Kungys*, 485 U.S. at 774–77). By contrast, any false statement that "has no bearing at all on the decision to award citizenship" is immaterial. *Maslenjak*, 582 U.S. at 345.

First, there is value in using a uniform definition for materiality. Within a single statute, our courts have emphasized that a single word should be "given the same meaning." *T-Mobile S., LLC v. City of Roswell, Ga.*, 574 U.S. 293, 306 n.5 (2015) (citing *Taniguchi v. Kan Pacific Saipan, Ltd.*, 566 U.S. 560, 571 (2012)). When concerning a term of art, our courts have similarly tended to apply uniform definitions. *Accord United States v. Wells*, 519 U.S. 482, 489–90 (1997) (assuming that the same definition of materiality would apply in different contexts); *United States v. Turley*, 352 U.S. 407, 411 (1957) ("We recognize that where a federal criminal statute uses a common-law term

of established meaning without otherwise defining it, the general practice is to give that term its common-law meaning."); *but see Moskal v. United States*, 498 U.S. 103, 115 (1990) (discussing a context where there are divergent common-law definitions). For "materiality," "[t]he federal courts have long displayed a quite uniform understanding," *Kungys v. United States*, 485 U.S. 759, 770 (1988), and the definition of materiality in § 1001 prosecutions has matched the definition of materiality in various immigration-related statutes, such as 8 U.S.C. § 1451(a). *See Kungys v. United States*, 485 U.S. 759, 772 (1988); *United States v. Gaudin*, 515 U.S. 506, 509 (1995) (applying the *Kungys* materiality definition in a § 1001 prosecution).

Second, the similarities between the language in 8 U.S.C. § 1451(a), which resulted in *Kungys*, and the language in 18 U.S.C. § 1425, which resulted in *Maslenjak*, suggests that the materiality definition of *Maslenjak* should apply wherever the materiality definition of *Kungys* has been applied. In *Kungys*, the Supreme Court interpreted the language "procured by concealment of a material fact or by willful misrepresentation" to require that misrepresentations and concealments be both material and willful. *Kungys*, 485 U.S. at 767. In *Maslenjak*, the Supreme Court interpreted the language "knowingly procure[], contrary to law, the naturalization of any person" to require that the action "contrary to law" be material in the sense that the "act played some role in her naturalization." *Maslenjak*, 582 U.S. at 338, 346. The word "procure," which appears in both statutes, thus imports a materiality requirement that otherwise, grammatically, does not exist in either. In the case of § 1451, the word material appears but only grammatically modifies the word "fact" in the phrase "concealment of a material fact." *See Kungys*, 485 U.S. at 767. Legally, however, "materiality" also applies to misrepresentations. *Id. Maslenjak* makes it clear that such

an interpretation arises not necessarily because of the word "material," but because of the word "procure." *Maslenjak*, 582 U.S. at 346. As the Supreme Court implied in *Maslenjak*, "procure" in combination with the other words in the phrase creates a materiality requirement. *Id.* As a consequence, this Court should view *Maslenjak* as modifying the *Kungys* view of materiality and adopt *Maslenjak* wherever *Kungys* had been applied, such as here in the § 1001 context.

Finally, adopting the *Maslenjak* formulation of materiality would clarify the circumstances in which § 1001 applies, reducing the risk of prosecutions where the statute is unconstitutionally vague as applied. *Cf. Phillipos*, 849 F.3d at 477. With a materiality test based on potential causation, the line between legal and illegal conduct would become that much clearer.

II. Applying the *Maslenjak* materiality standard in Santonastaso's case would result in an acquittal.

The Court should grant Mr. Santonastaso's petition because applying the *Maslenjak* materiality standard here would yield a different result from the First Circuit's decision. The testimony made clear that any agent in Mr. Seltsam-Wilps's shoes would not care whether Mr. Santonastaso was involved in a May 2000 helicopter theft because any statement about it would not have caused any different outcome in the investigation of his flight qualifications. There was no evidence about whether a helicopter theft would qualify or disqualify a pilot from obtaining the necessary airman certificate to fly a helicopter; instead, the evidence demonstrated the opposite, that the helicopter theft did not cause the revocation of Mr. Santonastaso's airman certificate. Notably, the Government did not allege that Mr. Santonastaso claimed to have not flown a helicopter on May 28, 2000—such a statement would be material because if he had in fact not flown a helicopter,

the FAA may have lacked the factual basis to revoke Mr. Santonastaso's airman certificate. But because Mr. Santonastaso only claimed not to have stolen the helicopter, he could not have led Mr. Seltsam-Wilps or any other investigator astray—the question would still be whether Mr. Santonastaso had a valid airman certificate. Because the statement would not have and did not cause the investigators to take any different action than they did, the statement is immaterial, and the evidence is insufficient to satisfy the materiality element of § 1001(a)(2). *See Maslenjak*, 582 U.S. at 346. The Court should therefore grant Mr. Santonastaso's petition to apply the proper legal standard.

CONCLUSION

For the foregoing reasons, the Court should issue a writ of certiorari to review the judgment of the U.S. Court of Appeals for the First Circuit entered in this case, or in the alternative to to issue a writ of certiorari, vacate the judgment of the U.S. Court of Appeals for the First Circuit, and remand to the U.S. Court of Appeals for the First Circuit to apply *Maslenjak*'s definition of materiality.

Respectfully submitted,
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By his attorney

Date: July 25, 2024

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APPENDIX

100 F.4th 62
United States Court of Appeals, First Circuit.

UNITED STATES of America, Appellee,
v.
Antonio SANTONASTASO,
Defendant, Appellant.

No. 22-1944
|
April 26, 2024

Synopsis

Background: Following denial of defendant's motion for judgment of acquittal and his request for a materiality instruction, defendant was convicted in the United States District Court for the District of Massachusetts, Timothy S. Hillman, J., of serving as an airman without an airman certificate, making a false statement to federal investigators, and attempted witness tampering. Defendant appealed.

Holdings: The Court of Appeals, Montecalvo, Circuit Judge, held that:

sufficient evidence established defendant's false statement was material, supporting his conviction of making a false statement to federal investigators, and

sufficient evidence established specific intent element of witness tampering, supporting defendant's conviction of attempted witness tampering.

Affirmed.

***65** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS [Hon. Timothy S. Hillman, U.S. District Judge]

Attorneys and Law Firms

Jin-Ho King, with whom Milligan Rona Duran & King LLC was on brief, for appellant.

Mark T. Quinlivan, Assistant United States Attorney, with whom Joshua S. Levy, Acting United States Attorney, was on brief, for appellee.

Before Montecalvo, Thompson, and Rikelman, Circuit Judges.

Opinion

MONTECALVO, Circuit Judge.

Defendant-appellant Antonio Santonastaso appeals the judgment following a jury verdict finding him guilty of making a false statement to federal investigators and attempted witness tampering. Santonastaso contends that the government's evidence was insufficient to prove his guilt on these charges and that the district court erred by declining to give a materiality instruction based on the Supreme Court's decision in Maslenjak v. United States, 582 U.S. 335, 137 S.Ct. 1918, 198 L.Ed.2d 460 (2017). For the reasons explained below, we affirm Santonastaso's convictions.

I. Background

A. The 2000 Helicopter Theft and Revocation of Santonastaso's Airman Certificate

In the summer of 2000, Santonastaso was investigated by the Federal Aviation Administration ("FAA") for allegedly stealing a helicopter and flying the helicopter without appropriate certifications. The FAA revoked Santonastaso's airman certificate after finding, in relevant part, that he: (1) lacked a valid medical certificate while flying the helicopter; (2) failed to obtain the necessary rotorcraft-helicopter rating on his airman certificate before flying the helicopter; (3) operated the helicopter carelessly or recklessly by carrying a passenger when he lacked proper certifications; and (4) failed to notify the FAA of his address change.

As Santonastaso emphasizes on appeal, the FAA did not list his alleged involvement in the helicopter theft as a reason for revoking his airman certificate. But in 2002, Santonastaso pled guilty in Massachusetts state court to stealing the helicopter.

B. The FAA's 2018 Investigation

Nearly two decades later, in 2018, Santonastaso's neighbor reported to local police that he saw Santonastaso flying a helicopter from his backyard around the area. The police alerted the FAA, and the FAA assigned Aidan Seltsam-Wilps, an aviation safety inspector, to investigate Santonastaso. At Seltsam-Wilps's instruction, Santonastaso's neighbor provided the FAA with written logs of when he saw Santonastaso flying and photographs of Santonastaso in the helicopter.

After obtaining the logs and photographs from Santonastaso's neighbor, Seltsam-Wilps checked FAA records to assess what certifications Santonastaso possessed and whether the helicopter he was flying was airworthy (i.e., compliant with federal regulations and safe to fly). Seltsam-Wilps's research revealed that Santonastaso previously held an airman certificate, but the FAA revoked his certificate, meaning that Santonastaso did not have privileges to fly the helicopter. And by searching for the helicopter's tail number ***66** to obtain its registration information, Seltsam-Wilps found that the helicopter appeared airworthy.

Based on this preliminary investigation, Seltsam-Wilps sent Santonastaso a letter requesting that he provide records to confirm the helicopter's airworthiness. Seltsam-Wilps found Santonastaso's responses to be inadequate and arranged to visit Santonastaso to see the helicopter in person.

On April 18, 2018, Seltsam-Wilps -- accompanied by an FAA maintenance inspector and a local police officer -- met Santonastaso at his home. At first, Santonastaso denied illegally flying the helicopter. But after Seltsam-Wilps told him that the FAA had photographic evidence of him flying, Santonastaso changed course to assert that he had the requisite certifications to fly. Similarly, when Seltsam-Wilps summarized the FAA records showing that his airman certificate had been revoked, Santonastaso "seemed very confused," but then told Seltsam-Wilps that he had a valid license to fly. Santonastaso presented Seltsam-Wilps with a logbook containing an expired temporary airman certificate issued in 1985 and expired logbook endorsements (statements issued by certified flight instructors permitting students with specific training to conduct certain types of flight operations) showing that he had completed the training requirements for the Robinson R22 helicopter he had been flying. Santonastaso also showed Seltsam-Wilps what he purported to be a medical certification but was actually an inapplicable physician's checklist.

When Seltsam-Wilps inquired about Santonastaso's awareness that his airman certificate had been revoked, Santonastaso initially stated that he never received notice from the FAA about the revocation. But he later told Seltsam-Wilps that the notice must have been sent to him "when [he] was out of the country working for the State Department." Seltsam-Wilps asked Santonastaso about this supposed State Department work, to which Santonastaso responded that he had been "part of a team of operatives, and it's black ops sort of stuff," involving members of the CIA and DEA. Santonastaso further explained that the "whole story about the stolen helicopter and [his] jail time ... was all a cover-up; and once he spoke with the remaining members of his team of operatives, he would be able to clear [the] matter up," as it was "all a big misunderstanding."

At the end of this meeting, Seltsam-Wilps instructed Santonastaso to stop flying the helicopter, citing the serious consequences that could result if the FAA found that he had violated federal regulations. Later that day, Santonastaso called Seltsam-Wilps to reiterate that he had an airman certificate and medical certification, and "indicated that he had no intention of [refraining from] flying the helicopter."

True to his word, Santonastaso continued flying, and the FAA received documentation from his neighbor of approximately 85 flights that he piloted in the helicopter between April and November 2018. But in November 2018, the Town of East Brookfield sued Santonastaso in Massachusetts state court and eventually obtained a permanent injunction barring him from flying the helicopter.

C. The U.S. Department of Transportation's 2019 Investigation

While the FAA's investigation of Santonastaso was administrative in nature, the Office of the Inspector General of the U.S. Department of Transportation ("DOT-OIG") later opened a criminal investigation into Santonastaso's conduct. In the spring of 2019, the DOT-OIG received a complaint ***67** from the U.S. Attorney's Office regarding Santonastaso's alleged operation of a helicopter without an airman certificate. DOT-OIG Special Agent Marybeth Roberts obtained a copy of the FAA's investigation file and started the DOT-OIG's criminal investigation into Santonastaso's conduct.

On April 17, 2019, Roberts and another DOT-OIG special agent met with Santonastaso at his home. As part of her introduction, Roberts identified herself as a federal law enforcement officer, informed Santonastaso of his right to not speak with her, and explained that lying to a federal law enforcement officer is a criminal offense. Roberts also gave Santonastaso her business card, which listed her position as a DOT-OIG special agent.

Like Seltsam-Wilps, Roberts questioned Santonastaso about the revocation of his airman certificate. Santonastaso told Roberts that he found out about the revocation during his 2018 meeting with Seltsam-Wilps and that the revocation was related to a stolen helicopter. Roberts then showed Santonastaso a copy of the revocation notice that was sent to him in 2000, and Santonastaso confirmed that the mailing address was where he lived at the time. Unlike in his interview with Seltsam-Wilps, Santonastaso did not mention working for the State Department, CIA, DEA, or any undercover operation. Santonastaso also clarified to Roberts that he was not currently flying because his helicopter needed maintenance. And when Roberts asked for his flight logbook, he told Roberts that he kept the logbook in Woodstock, Connecticut.

On May 6, 2019, Roberts and DOT-OIG Special Agent Dwight Schwader went to Woodstock to meet Roland Toutant, the manager of Toutant Airport, and learned that Toutant was friends with Santonastaso. Based on information from Toutant, Roberts and Schwader proceeded to interview Ronald Plouffe, the manager of a nearby airport in Southbridge, Massachusetts. While being interviewed by Roberts and Schwader, Plouffe received a call from Santonastaso. Plouffe clandestinely signaled to the agents that Santonastaso was on the line, and Schwader leaned in closely to the phone receiver to take notes on the call. Santonastaso told Plouffe that a woman was "asking questions" about him at "other airports" because "his neighbor was mad" about him flying his helicopter. Of particular relevance here, Schwader's notes from the call indicated that Santonastaso referred to the woman as "a girl from MA DOT," presumably shorthand for the Massachusetts Department of Transportation. During the call, Santonastaso instructed Plouffe to say that he did not know Santonastaso or anything else in response to the woman's questions. Santonastaso also referenced the permanent injunction that prohibited him from flying and the potential consequences of doing so.

D. The Federal Criminal Proceedings Against Santonastaso

On May 30, 2019, a federal grand jury indicted Santonastaso on four counts:

- Count 1: Serving as an airman without an airman certificate when flying the helicopter in 2018 in violation of 49 U.S.C. § 46306(b)(7);
- Count 2: Making false statements to federal investigators by denying culpability in the 2000 helicopter theft during the FAA's 2018 investigation in violation of 18 U.S.C. § 1001(a)(2);
- Count 3: Making false statements denying his illegal operation of a helicopter in 2018 and purporting to have medical certification during the DOT-OIG's 2019 investigation in violation of 18 U.S.C. § 1001(a)(2); and
- Count 4: Attempted witness tampering involving his call to Plouffe during ***68** the DOT-OIG's 2019 investigation in violation of 18 U.S.C. § 1512(b)(3).

Before Santonastaso's trial began, and as will be explained in further detail, Santonastaso's counsel requested a jury instruction that incorporated the materiality standard adopted by the Supreme Court in Maslenjak. See 582 U.S. at 338, 350, 137 S.Ct. 1918. The district court declined to give Santonastaso's proposed instruction.

In late March 2022, the government proceeded to try its case against Santonastaso on the same four counts from the grand jury indictment. At the close of the government's case-in-chief, Santonastaso made a motion for judgment of acquittal under Federal Rule of Criminal Procedure 29 and renewed the motion at the close of evidence. The court denied the motion. Santonastaso's counsel noted his objection to the court's denial. After a five-day trial, the court charged the jury, and Santonastaso's counsel objected to the court's rejection of his preferred materiality instruction.

The jury found Santonastaso guilty on Counts 1, 2, and 4, and not guilty on Count 3. Santonastaso filed a post-judgment motion for judgment of acquittal on Counts 2 and 4. On May 25, 2022, the district court entered a one-line text-only order denying the motion.

On November 30, 2022, after the sentencing hearing, the district court entered judgment against Santonastaso. Santonastaso then filed this timely appeal challenging his conviction on Counts 2 and 4 only.

II. Discussion

The parties agree that Santonastaso has preserved his challenges to the sufficiency of the evidence on Counts 2 and 4 and to the alleged instructional error.

This court reviews a preserved challenge to the sufficiency of evidence to sustain a criminal conviction under a de novo standard. See United States v. Mendoza-Maisonet, 962 F.3d 1, 11 (1st Cir. 2020). Our de novo review requires us to "examine the evidence, both direct and circumstantial, in the light most favorable to the prosecution and decide whether that evidence, including all plausible inferences drawn therefrom, would allow a rational factfinder to conclude beyond a reasonable doubt that the defendant committed the charged count or crime." United States v. Cruz-Díaz, 550 F.3d 169, 172 n.3 (1st Cir. 2008). This approach does not allow us to "view each piece of evidence separately, re-weigh the evidence, or second-guess the jury's credibility calls." United States v. Acevedo-Hernández, 898 F.3d 150, 161 (1st Cir. 2018). We will "revers[e] only if the defendant shows that no rational factfinder could have found him guilty." United States v. Rodríguez-Torres, 939 F.3d 16, 23 (1st Cir. 2019).

As for preserved claims of instructional error, we deploy "a bifurcated framework." United States v. Sasso, 695 F.3d 25, 29 (1st Cir. 2012). "We review de novo questions about whether the instructions conveyed the essence of the applicable law and review for abuse of discretion questions about whether the court's choice of language was unfairly prejudicial." Id. We will not reverse the district court's decision to reject the defendant's preferred instruction "unless the proposed instruction is itself substantively correct, was not covered (at least in substance) in the charge as given, and touched upon a salient point (such that the refusal so to instruct seriously undercut the proponent's ability to mount a particular claim or defense and caused substantial prejudice)." United States v. Simon, 12 F.4th 1, 50 (1st Cir. 2021).

***69** We begin with Santonastaso's arguments relative to Count 2 before turning our attention to his protestations about Count 4 and note that "if [Santonastaso] prevails on the insufficiency argument, then we need not explore any of the other trial errors raised" because the Double Jeopardy Clause would attach and preclude a second trial. United States v. Pérez-Greaux, 83 F.4th 1, 12 (1st Cir. 2023); see also United States v. Orlandella, 96 F.4th 71, 83 n.19 (1st Cir. 2024).

A. Sufficiency of the Evidence on Count 2 (False Statements Regarding the 2000 Helicopter Theft)

To prove Santonastaso's guilt on Count 2, the government presented evidence that, during the FAA's 2018 investigation, Santonastaso told Seltsam-Wilps that he was part of an undercover team who used the 2000 helicopter theft as a "cover-up" and thus falsely denied culpability for stealing the helicopter. To establish a violation of 18 U.S.C. § 1001(a), "the government must prove that the defendant (1) made a material, false statement (2) in a matter within the jurisdiction of the government (3) knowing that the statement was false." United States v. Vázquez-Soto, 939 F.3d 365, 371 (1st Cir. 2019).

Santonastaso's appeal focuses on challenging the government's proof on the materiality element. First, and related to his jury instruction challenge, Santonastaso argues that the Supreme Court's decision in Maslenjak required the government to prove a more concrete causal connection between his false statement denying culpability for the 2000 helicopter theft and the FAA's 2018 investigation. Second, even if this court declines to adopt Maslenjak in the § 1001(a) context, Santonastaso insists that the government's materiality evidence was still insufficient under this Circuit's existing standards because his false statement "ha[d] no bearing whatsoever" on the FAA's 2018 helicopter operation investigation.

We take these two sufficiency-of-the-evidence arguments in turn, beginning with a discussion of Maslenjak. Because we ultimately conclude that the evidence was sufficient to support Santonastaso's conviction on Count 2, we then proceed to address Santonastaso's instructional error claim, which also centers around Maslenjak and the § 1001(a) materiality standard.

1. Whether Maslenjak Applies to § 1001(a) Prosecutions

Santonastaso urges us to read Maslenjak's materiality standard into § 1001(a), enhancing the government's burden to establish a causal relationship between his false statement

regarding the helicopter theft and the course of the FAA's investigation. But as will become clear, the law-of-the-circuit doctrine forecloses such a move.

In Maslenjak, the Supreme Court addressed the standard for obtaining a conviction premised on false statements to immigration officials under 18 U.S.C. § 1425(a), the statute prohibiting the commission of an "illegal act in connection with naturalization." 582 U.S. at 341, 137 S.Ct. 1918. Maslenjak became a naturalized citizen several years after obtaining refugee status and immigrating to the United States. Id. at 339, 137 S.Ct. 1918. But immigration officials later discovered that Maslenjak made false statements when she applied for refugee status. Id.

Maslenjak was then charged with, and convicted of, violating § 1425(a) based on the government's proof that she lied on her naturalization questionnaire in attesting that she never gave false information "to a government official while applying for an immigration benefit" or to gain entry to the United States. Id. In vacating ***70** Maslenjak's conviction, the Court summarized that "the District Court told the jury that it could convict based on any false statement in the naturalization process ... , no matter how inconsequential to the ultimate decision." Id. at 352, 137 S.Ct. 1918. The Court held that such an instruction was in error because § 1425(a) requires proving that the false statement had a "causal influence" on the naturalization decision. Id. at 346–47, 137 S.Ct. 1918.

The Maslenjak Court then outlined a "two-part showing" for materiality under § 1425(a). Id. at 349, 137 S.Ct. 1918. The government must first "prove that the misrepresented fact was sufficiently relevant to ... [a] naturalization criterion that it would have prompted reasonable officials ... to undertake further investigation"; and second, the government must demonstrate that further "investigation 'would predictably have disclosed' some legal disqualification." Id. at 349–50, 137 S.Ct. 1918 (emphases added) (citations omitted).

As Santonastaso notes, this Circuit has not addressed whether Maslenjak's materiality holding applies to prosecutions under § 1001(a). The government points us to the law-of-the-circuit doctrine because, in two § 1001(a) cases post-dating Maslenjak (United States v. Rivera-Ortiz, 14 F.4th 91 (1st Cir. 2021), and United States v. Chen, 998 F.3d 1 (1st Cir. 2021)), we adhered to our prior approach to assessing materiality under § 1001(a) without adopting Maslenjak's more stringent materiality standard. Santonastaso responds that Rivera-Ortiz and Chen do not trigger the law-of-the-circuit doctrine at all. Indeed, the question of whether Maslenjak's materiality holding applies to § 1001(a) was not squarely before the court in either case nor did we address the issue sua sponte.

But because the law-of-the-circuit doctrine "is rooted in the need for consistency[,] ... its force does not depend on a prior panel's use of talismanic phrases." United States v. Lewis, 517 F.3d 20, 24 (1st Cir. 2008). In other words, "[s]o long as a prior panel, in a holding directly or closely on point, makes clear its choice of a rule of law, that choice is binding on newly constituted panels within the circuit, subject only to the isthmian exceptions noted in our earlier decisions." Id.

Here, Santonastaso correctly points out that no post-Maslenjak cases in this Circuit have directly confronted Maslenjak's applicability to § 1001(a) prosecutions. Nonetheless, the panel decisions in Rivera-Ortiz and Chen implicitly made this court's "choice of a rule of law" clear. By continuing to rely on the pre-Maslenjak materiality standard in § 1001(a) cases without any consideration of Maslenjak as new binding authority, we are bound by our prior panels' interpretations of the § 1001(a) materiality element.[1] See Rivera-Ortiz, 14 F.4th at 100; Chen, 998 F.3d at 10.

1 Aside from stating the obvious that § 1425 is a different statute than § 1001, we note that the two vary significantly in terms of text and structure. In addition, none of our sister circuits have addressed Maslenjak's applicability to the § 1001(a) materiality element. Accordingly, we cannot fault our prior panels for not identifying and relying upon Maslenjak as on-point binding precedent in this context.

Santonastaso makes no attempt to argue that either of the two exceptions to the law-of-the-circuit doctrine apply, see United States v. Barbosa, 896 F.3d 60, 74 (1st Cir. 2018) (describing exceptions), so we will not address them. We are therefore bound by the law-of-the-circuit doctrine, and we rely on the materiality standard for § 1001(a) as articulated in our pre- and post-Maslenjak cases to assess Santonastaso's sufficiency challenge on Count 2.

***71 2. Whether the Government Presented Sufficient Evidence of Materiality**

Under this court's materiality standard for § 1001(a) prosecutions, a false statement is material where it is "of a type which would have a 'natural tendency' to influence an investigation in the 'abstract.' " Chen, 998 F.3d at 10 (quoting

United States v. Phillipos, 849 F.3d 464, 473 (1st Cir. 2017)). Importantly, "the statement need not actually have influenced the governmental function." United States v. Mehanna, 735 F.3d 32, 54 (1st Cir. 2013). Instead, "[i]t is enough that the 'statement could have provoked governmental action.' " Id. (emphasis added) (quoting United States v. Sebaggala, 256 F.3d 59, 65 (1st Cir. 2001)). Accordingly, a statement "is material regardless of whether the agency actually relied upon it," Sebaggala, 256 F.3d at 65, and "the knowledge of the interrogator is irrelevant to the materiality of the defendant's false statements," Mehanna, 735 F.3d at 54. Similarly, "where a defendant's statements are intended to misdirect government investigators, they may satisfy the materiality requirement of section 1001 even if they stand no chance of accomplishing their objective." Id. at 55.

Santonastaso argues that his statements denying culpability for the helicopter theft in 2000 were immaterial for two main reasons. First, he maintains that the FAA's 2018 investigation was solely intended to discern whether he had proper qualifications to fly the helicopter and whether the helicopter was airworthy, such that the helicopter theft in 2000 had nothing to do with either investigatory purpose. Second, he relies on the fact that in revoking his airman certificate in 2000, the FAA did not identify helicopter theft as a reason for the revocation. So, in Santonastaso's view, even to the extent that the 2018 investigation tangentially encompassed his airman certificate revocation in 2000, any statements he made about the helicopter theft could not possibly have been material.

The government responds that Santonastaso's statements were material to the FAA's 2018 investigation because "one of the purposes of the inspectors' visit with Santonastaso was to determine if the information in the FAA database might be erroneous." Furthermore, the government emphasizes that "FAA safety inspectors do not have access to lists of persons who work for the CIA or other agencies in an undercover capacity," meaning Seltsam-Wilps had no way to corroborate Santonastaso's story without deeper investigation.

Although Santonastaso raises valid points about the facial irrelevance of his involvement in the helicopter theft with respect to the 2018 investigation, he falls short of the high bar to show that no reasonable jury could have convicted him under § 1001(a). A reasonable jury could have found that Santonastaso's false statement was material -- even if it was largely unrelated to the investigation at hand and his story was genuinely incredible -- by concluding that he intended to misdirect investigators. See Mehanna, 735 F.3d at 55.

And in Rivera-Ortiz, this court held that a plausible explanation for how a federal investigation "would be impacted by the false statements" was "sufficient" to show materiality. 14 F.4th at 100. Here, the government presented testimony from Seltsam-Wilps that his investigation involved confirming the accuracy of the FAA's database on revocations and he could not have readily verified Santonastaso's alleged undercover work. In the light most favorable to the government, a reasonable jury could find that, by falsely denying involvement in the 2000 helicopter theft, Santonastaso could have provoked ***72** the FAA to further investigate his purported undercover work or the accuracy of its database. While the government's evidence for materiality was not particularly plentiful, it was sufficient for a reasonable jury to have found Santonastaso's statements to be material. We thus affirm the jury's guilty verdict on Count 2.

B. Instructional Error on the Materiality Standard

Having found the evidence sufficient to sustain Santonastaso's conviction on Count 2, we turn to his instructional error claim. In line with his arguments for applying Maslenjak's materiality holding to § 1001(a) prosecutions, Santonastaso requested a jury instruction that incorporated Maslenjak's formulation of the materiality standard. Santonastaso's proposed instruction provided, in relevant part: "A statement is not material if it could have influenced the decisionmaker. The government must prove, beyond a reasonable doubt, that the statement would have influenced the decisionmaker."

The court rejected Santonastaso's proposed instruction. At the close of evidence, the court gave the following instruction modeled after First Circuit Pattern Instruction 4.18.1001: "A statement is material if it has a natural tendency to influence or be capable of influencing the decision of the decisionmaker to which it was addressed, regardless of whether the agency actually relied upon it. A statement is also material if it provokes government action."

The district court did not err in declining to give Santonastaso's proposed instruction because, as explained, this Circuit has not adopted Maslenjak's materiality holding for § 1001(a) prosecutions. And as given, the court's instruction correctly stated the controlling law on materiality.

In fact, aside from urging us to determinatively hold that Maslenjak applies to § 1001(a) prosecutions, Santonastaso does not point to any other substantive legal error or prejudice caused by the district court's chosen instruction. Therefore, his instructional error claim fails.

C. Sufficiency of the Evidence on Count 4 (Attempted Witness Tampering Involving Plouffe)

The government charged Santonastaso with attempted witness tampering based on his call to Plouffe instructing him not to speak with a woman who was investigating him, all while DOT-OIG special agents were incidentally present to interview Plouffe regarding Santonastaso. A person who "knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to ... hinder, delay, or prevent the communication to a law enforcement officer ... of information relating to the commission or possible commission of a Federal offense," is guilty of witness tampering under 18 U.S.C. § 1512(b)(3).

Santonastaso argues that the government failed to prove the specific intent element of witness tampering because Santonastaso "acted with state-law matters in mind and without any intent in connection with any potential federal offense." In particular, Santonastaso describes that approximately two weeks after DOT-OIG agents met with him in April 2019, he received notice of the permanent injunction barring him from flying that was issued by the Worcester County Superior Court. And just four days after the permanent injunction was issued, Santonastaso called Plouffe while DOT-OIG agents were present. Contending that he had "state-law matters in mind," Santonastaso characterizes his conversation with Plouffe as centering around the recent state court proceedings ***73** with no mention of the federal investigation. Additionally, he points out that DOT-OIG Special Agent Schwader's notes reflect that Santonastaso told Plouffe that "a woman from the '[MA] DOT' " was investigating him, while DOT-OIG Special Agent Roberts explicitly introduced herself as a federal agent and gave Santonastaso a business card identifying her as a federal agent.

In United States v. Baldyga, 233 F.3d 674 (1st Cir. 2000), we "dispel[led] any notion that the defendant's intent to hinder communication must include an awareness of the possible involvement of federal officials." Id. at 680. There, we explained that "Section 1512 explicitly does not require proof of the defendant's state of mind with respect to whether the officials involved were federal officers." Id. As such, "the evidence may be sufficient to support a conviction under § 1512(b)(3) even if the defendant had no knowledge that the witness threatened had even contemplated communicating with a federal official." Id. at 680–81.

Presumably to evade the clear rule we set in Baldyga, Santonastaso appears to argue that he lacked specific intent to interfere with an investigation into a "potential federal offense," rather than knowledge that federal agents were involved in the investigation. But in Baldyga, we emphasized that "[a]ll that § 1512(b)(3) requires is that the government establish that the defendants had the intent to influence an investigation that happened to be federal." 233 F.3d at 681 (quoting United States v. Applewhaite, 195 F.3d 679, 687 (3d Cir. 1999)); see also Applewhaite, 195 F.3d at 687 (summarizing that in a § 1512(b)(3) prosecution, "[t]he government did not have to establish that the defendants specifically intended to interfere with a federal investigation"). Likewise, we held in United States v. Byrne, 435 F.3d 16 (1st Cir. 2006), that "a defendant may be held strictly liable under [§ 1512(b)(3)] for the happenstance that a federal law enforcement agent rather than, say, a local police officer or internal affairs specialist investigated his conduct." Id. at 25. Consequently, for specific intent purposes under § 1512(b)(3), there is no meaningful distinction between intent related to the federal status of the investigating agents and the federal nature of the crime being investigated.

Under the standards we have adopted in Baldyga and Byrne, we must uphold the jury's guilty verdict on this record. In addition, we note that the government presented detailed evidence related to Santonastaso's knowledge of the involvement of federal officials in a federal investigation. For example, as the government highlights, Santonastaso did not limit his discussion with Plouffe to complaining about the state court proceedings. Instead, Santonastaso told Plouffe that a woman investigating his helicopter flying was asking questions about him at airports. And in fact, after interviewing Santonastaso and informing him of her status as a federal agent, Roberts visited Toutant, Santonastaso's friend, at an airport just before meeting Plouffe at the Southbridge Airport. Moreover, Santonastaso instructed Plouffe to avoid revealing any information if asked by the female investigator.

Although Santonastaso did not refer to Roberts by name and Schwader's notes implied that Santonastaso said that

the woman worked for the Massachusetts DOT, a rational jury could have inferred that Santonastaso had Roberts in mind. And, again, because Santonastaso had recently been interviewed by Roberts, who was indeed investigating a federal crime and clearly explained to Santonastaso that she was a federal agent, the jury could sensibly deduce that he was specifically ***74** thinking of the federal investigation when he called Plouffe. Therefore, the jury reasonably concluded that Santonastaso knowingly attempted to influence Plouffe during a federal investigation conducted by federal law enforcement agents, and we affirm its guilty verdict on Count 4.

III. Conclusion

For the foregoing reasons, we conclude that the evidence was sufficient for the jury to find Santonastaso guilty of making a false statement to federal investigators and attempted witness tampering, and the district court did not commit instructional error in rejecting Santonastaso's proposed materiality instruction. We therefore affirm the underlying convictions for those charges against Santonastaso.

All Citations

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