

# APPENDICES

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 23-10534

Non-Argument Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

MARIO MAXIMO MEDINA-QUIIJE,

Defendant-Appellant.

---

Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 8:22-cr-00232-VMC-TGW-2

---

Appendix A

Before JILL PRYOR, BRANCH, and GRANT, Circuit Judges.

PER CURIAM:

The United States Coast Guard intercepted a boat transporting 706 kilograms of cocaine in international waters. Mario Medina-Quijje claimed an Ecuadorian registry for the boat but because Ecuador could neither confirm nor deny his claim, the boat became subject to the jurisdiction of the United States under the Maritime Drug Law Enforcement Act. Medina-Quijje now challenges the constitutionality of his prosecution under the Act.

### I.

In June 2022, a United States Coast Guard helicopter identified a boat called a “go-fast vessel” in a known drug-trafficking area 140 nautical miles east of Isla San Cristobal, the Galapagos Islands, Ecuador. The Coast Guard intercepted and boarded the boat, which had no registration documents and did not fly a flag. Mario Medina-Quijje, the master of the vessel, claimed an Ecuadorian registry for the boat, but Ecuador could neither confirm nor deny its nationality. The Coast Guard searched the boat, discovering 706 kilograms of cocaine in a hidden compartment.

Medina-Quijje was indicted for conspiring to possess—and aiding and abetting the possession of—five or more kilograms of cocaine with the intent to distribute it while onboard a vessel subject to the jurisdiction of the United States, in violation of the Maritime Drug Law Enforcement Act. The district court denied

23-10534

Opinion of the Court

3

his motion to dismiss the indictment for lack of jurisdiction, and Medina-Quijje eventually pleaded guilty. The district court sentenced him to 108 months' imprisonment. This is his appeal.

## II.

We review a district court's subject-matter jurisdiction de novo. *See United States v. Alfonso*, 104 F.4th 815, 820 (11th Cir. 2024). We also review de novo the constitutionality of a statute. *Id.*

## III.

The Felonies Clause empowers Congress to “define and punish . . . Felonies committed on the high Seas.” U.S. Const. art. I, § 8, cl. 10. Pursuant to this authority, Congress enacted the Maritime Drug Law Enforcement Act, which criminalizes possessing with intent to distribute controlled substances while on board a vessel subject to the jurisdiction of the United States. 46 U.S.C. § 70503(a), (e). Relevant here, a vessel is subject to the jurisdiction of the United States when it is “a vessel without nationality.” *Id.* § 70502(c)(1)(A). A vessel without nationality includes “a vessel aboard which the master or individual in charge makes a claim of registry and for which the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.” *Id.* § 70502(d)(1)(C).

Medina-Quijje raises three issues on appeal. Because each is squarely resolved by our precedent, we affirm. *First*, Medina-Quijje argues that the Act is unconstitutional because its definition of a stateless vessel conflicts with international law. But “the Felonies Clause is not limited by customary international law.”

*Alfonso*, 104 F.4th at 826. International law, then, “cannot limit Congress’s authority to define ‘stateless vessel’ for purposes of the [Act].” *United States v. Canario-Vilomar*, 128 F.4th 1374, 1381 (11th Cir. 2025).

*Second*, he asserts that the Felonies Clause does not establish a basis for his prosecution because there was no nexus between the go-fast vessel and the United States. This argument fares no better. A nexus to the United States is not a prerequisite to prosecution under the Act. *See United States v. Cabezas-Montano*, 949 F.3d 567, 587 (11th Cir. 2020). The Act “is a valid exercise of Congress’s power under the Felonies Clause as applied to drug trafficking crimes *without* a ‘nexus’ to the United States.” *Id.* (emphasis added); *see United States v. Campbell*, 743 F.3d 802, 810 (11th Cir. 2014).

*Finally*, Medina-Quijje argues that the prosecution violated his due process rights because his offense lacked a nexus to the United States. Not so. The “Due Process Clause of the Fifth Amendment does not prohibit” the “conviction of an alien captured on the high seas while drug trafficking, because the Act provides clear notice that all nations prohibit and condemn drug trafficking aboard stateless vessels on the high seas.” *Campbell*, 743 F.3d at 812.

★ ★ ★

We **AFFIRM** the district court’s judgment.

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:22-cr-232-VMC-TGW  
46 U.S.C. §§ 70503(a) and  
70506(a) and (b)

VIRGILIO LEONARDO MILLIGAN-DELGADO,  
MARIO MAXIMO MEDINA-QUIJIJE, and  
JOEL AUGUSTO GONZALEZ-MILLIGAN

INDICTMENT

The Grand Jury charges:

COUNT ONE

Beginning on an unknown date and continuing through on or about June 16, 2022, while upon the high seas and onboard a vessel subject to the jurisdiction of the United States, the defendants,

VIRGILIO LEONARDO MILLIGAN-DELGADO,  
MARIO MAXIMO MEDINA-QUIJIJE, and  
JOEL AUGUSTO GONZALEZ-MILLIGAN,

did knowingly, willfully, and intentionally combine, conspire, and agree with each

other and other persons unknown to the Grand Jury, to possess with intent to

distribute five (5) kilograms or more of a mixture and substance containing a

detectable amount of cocaine, a Schedule II controlled substance, and one hundred

~~(100) kilograms or more of a mixture and substance containing a detectable amount~~

~~of marijuana, a Schedule I controlled substance;~~ in violation of 46 U.S.C. §§

Appendix B

70503(a), 70506(a) and (b), and punishable under 21 U.S.C. § 960(b)(1)(B)(ii) ~~and (b)(2)(G)~~

**COUNT TWO**

Beginning on an unknown date and continuing through on or about June 16, 2022, while upon the high seas and onboard a vessel subject to the jurisdiction of the United States, the defendants,

VIRGILIO LEONARDO MILLIGAN-DELGADO,  
MARIO MAXIMO MEDINA-QUIJIJE, and  
JOEL AUGUSTO GONZALEZ-MILLIGAN,

did knowingly and intentionally, while aiding and abetting each other and other persons unknown to the Grand Jury, possess with intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, ~~and one hundred (100) kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance~~, in violation of 46 U.S.C. §§ 70503(a) and 70506(a), 18 U.S.C. § 2, and punishable under 21 U.S.C. § 960(b)(1)(B)(ii) ~~and (b)(2)(G)~~

**FORFEITURE**

1. The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of 21 U.S.C. §§ 853 and 881, 46 U.S.C. § 70507, and 28 U.S.C. § 2461(c).

2. Upon their conviction of any of the violations alleged in Counts One ~~or~~ ~~Two~~ of this Indictment, in violation of 46 U.S.C. § 70503, the defendants,

VIRGILIO LEONARDO MILLIGAN-DELGADO,  
MARIO MAXIMO MEDINA-QUIJIJE, and  
JOEL AUGUSTO GONZALEZ-MILLIGAN,

shall forfeit to the United States, pursuant to 46 U.S.C. § 70507, 21 U.S.C. § 881(a),  
and 28 U.S.C. § 2461(c), any and all property described in 21 U.S.C. § 881(a)(1)  
through (11) that was used or intended for use to commit, or facilitate the  
commission of, such offenses.

3. Upon their conviction of any of the violations alleged in Counts One ~~or~~

~~Two~~ of this Indictment, in violation of 21 U.S.C. § 960, the defendants,  
~~57~~

VIRGILIO LEONARDO MILLIGAN-DELGADO,  
MARIO MAXIMO MEDINA-QUIJIJE, and  
JOEL AUGUSTO GONZALEZ-MILLIGAN,

shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property  
constituting, or derived from, any proceeds obtained, directly or indirectly, as a result  
of such offense and any property used, or intended to be used, in any manner or part,  
to commit, or to facilitate the commission of, the offense.

4. If any of the property described above, as a result of any act or omission  
of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or,



e. has been commingled with other property, which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provision of 21 U.S.C. § 853(p), directly and as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL

Foreperson

ROGER B. HANDBERG  
United States Attorney

By: Joseph K. Ruddy  
Joseph K. Ruddy  
Assistant United States Attorney  
Chief, Transnational Organized Crime Section

By: Christopher F. Murray  
Christopher F. Murray  
Assistant United States Attorney  
Chief, Criminal Division South

No.

---

UNITED STATES DISTRICT COURT  
Middle District of Florida  
Tampa Division

---

THE UNITED STATES OF AMERICA

vs.

VIRGILIO LEONARDO MILLIGAN-DELGADO,  
MARIO MAXIMO MEDINA-QUIJIJE, and  
JOEL AUGUSTO GONZALEZ-MILLIGAN


---

INDICTMENT

Violations: 46 U.S.C. §§ 70503(a) and 70506(a) and (b)

---

A true bill.

  
Foreperson

---

Filed in open court this 28<sup>th</sup> day  
of June 2022.

\_\_\_\_\_  
Clerk

---

Bail \$ \_\_\_\_\_

---



**United States Department of State**

*Washington, D.C. 20520*

**September 7, 2022**

**CERTIFICATION FOR THE MARITIME DRUG LAW ENFORCEMENT ACT  
CASE INVOLVING UNKNOWN GO-FAST VESSEL (TWN)  
FEDERAL DRUG IDENTIFICATION NUMBER (FDIN) — 2022679273**

I, Commander Ian M. Starr, USCG, declare as follows:

1. That I have been assigned as the Coast Guard Liaison Officer to the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State, since June 13, 2022.
2. That in my official capacity, I have been designated by the Secretary of State, through the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, to make certifications under 46 U.S.C. § 70502(c)(2) & (d)(2) and 18 U.S.C. § 2237(d).
3. That I make the following statements based upon my personal knowledge and upon information furnished to me in the course of my official duties.
4. I certify the following:

a. On or about June 16, 2022, U.S. law enforcement personnel detected a go-fast vessel in approximate position 00-52 S, 086-42 W, seaward of any State's territorial sea. U.S. law enforcement officials observed the vessel operating in a known drug trafficking area without exhibiting the navigational lights required by the 1972 Convention on the International Regulations for Preventing Collisions at Sea with packages and fuel drums visible on deck. A U.S. law enforcement helicopter employed warning shots, which failed to compel the go-fast vessel crew to stop the vessel, followed by disabling fire that effectively stopped the vessel. U.S. law enforcement officials observed persons onboard the vessel jettisoning items overboard. U.S. law enforcement officials reasonably suspected the vessel of illicit drug trafficking. The vessel displayed "OCEANOFIBRA" on the hull, which was determined to be the make of the vessel. The master made a verbal claim of Ecuadorian nationality for the vessel.

b. On or about June 16, 2022, under the U.S.-Ecuador Operational Procedures for Boarding and Inspecting Vessels Suspected of Illicit Traffic in Narcotic Drugs and Psychotropic Substances and of Smuggling Migrants by Sea, the Government of the United States requested that the Government of the Republic of Ecuador confirm or deny the vessel's registry and, if confirmed, grant authorization to board and search the vessel.

**Appendix C**

22057103-5

# United States of America



## DEPARTMENT OF STATE

*To all to whom these presents shall come, Greetings:*

That Ian M. Starr, whose name is subscribed to the document hereunto annexed, was at the time subscribing the same Commander, U.S. Coast Guard, Maritime Law Enforcement Officer, U.S. Coast Guard Liaison Officer to the Bureau of International Narcotics and Law Enforcement Affairs, Department of State, United States of America, and that full faith and credit are due to his acts in each.

*This certificate is not valid if it is removed or altered in any way whatsoever*



In testimony whereof, I, Antony J. Blinken, Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Assistant Authentication Officer, of the said Department, at the city of Washington, in the District of Columbia, this seventh day of September, 2022.

Secretary of State

By

Assistant Authentication Officer,  
Department of State

Issued pursuant to CHXIV, of  
Sept. 15, 1961 Stat. 68  
USC 2657 USC 2651a;  
301: 28 U.S.C. 33 et. seq.;  
1443(f); Rule of Federal R  
Civil Procedure

c. On or about June 16, 2022, the Government of the Republic of Ecuador replied that it could neither confirm nor deny the vessel's registry or nationality.

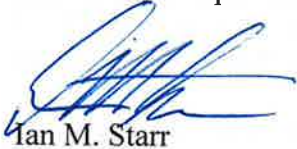
d. During the course of the law enforcement boarding of the suspect go-fast vessel, U.S. law enforcement officials discovered no additional evidence of vessel nationality or registry to corroborate or contradict the master's verbal claim of Ecuadorian nationality for the vessel.

e. Accordingly, the Government of the United States determined that the vessel is subject to U.S. jurisdiction under 46 U.S.C. § 70502(c)(1) and 18 U.S.C. § 2237(e)(3).

f. U.S. law enforcement officials recovered approximately 846 kilograms of contraband, which tested positive as cocaine.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 7, 2022.



Ian M. Starr

Commander, U.S. Coast Guard  
Maritime Law Enforcement Officer  
U.S. Coast Guard Liaison Officer to the Bureau of  
International Narcotics and Law Enforcement Affairs  
U.S. Department of State

Mario Maximo Medina-Quijije  
8:22-cr-232-VMC-TGW

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

Case Number: 8:22-cr-232-VMC-TGW

v.

USM Number: 07572-506

MARIO MAXIMO MEDINA-QUIJIJE

David Christopher Hardy, CJA

JUDGMENT IN A CRIMINAL CASE

Defendant pleaded guilty to Counts One and Two of the Indictment. Defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Numbers</u>
46 U.S.C. §§ 70503(a), 70506(a) and (b) and 21, U.S.C. §960(b)(1)(B)(ii)	Conspiracy to Possess with Intent to Distribute Five Kilograms or More of Cocaine While Aboard a Vessel Within the Jurisdiction of the United States	June 16, 2022	One
46 U.S.C. §§ 70503(a) and 70506(a) and 21, U.S.C. §960(b)(1)(B)(ii) and 18 U.S.C. § 2	Aiding and Abetting to Possess with Intent to Distribute Five Kilograms or More of Cocaine While Aboard a Vessel Subject to the Jurisdiction of the United States	June 16, 2022	Two


Defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS ORDERED** that Defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, Defendant shall notify the Court and United States Attorney of any material change in Defendant's economic circumstances.

Date of Imposition of Judgment:

February 15, 2023

## Appendix D

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

February 16, 2023



Mario Maximo Medina-Quijije  
8:22-cr-232-VMC-TGW

## IMPRISONMENT

Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **ONE-HUNDRED EIGHT (108) MONTHS**. This term consists of a 108-month term as to Counts One and Two, both such terms to run concurrently.

The Court makes the following recommendations to the Bureau of Prisons:

- Defendant be housed at FCI Coleman.
- Defendant be allowed to take an English for Speakers of Other Languages (ESOL) class.
- Defendant be allowed to study for and obtain his GED.
- Defendant be allowed to participate in the UNICOR program.
- Defendant be allowed to participate in welding vocational training, or any additional programs deemed appropriate by the Bureau of Prisons.
- Has been paroled into the United States involuntarily to face prosecution, therefore, he should be entitled to participate in the same programs available to anyone else who is in the United States legally.

Defendant is remanded to the custody of the United States Marshal to await designation at the Bureau of Prisons.

## RETURN

I have executed this judgment as follows:

---



---



---



---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By: \_\_\_\_\_  
Deputy U.S. Marshal

Mario Maximo Medina-Quijije  
8:22-cr-232-VMC-TGW

### **SUPERVISED RELEASE**

Upon release from imprisonment, Defendant will be on supervised release for a term **FIVE (5) YEARS**. This term consists of a 5-year term as to Counts One and Two, both such terms to run concurrently.

### **MANDATORY CONDITIONS**

1. Defendant shall not commit another federal, state or local crime.
2. Defendant shall not unlawfully possess a controlled substance.
3. Defendant shall refrain from any unlawful use of a controlled substance. Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse.
4. Defendant shall cooperate in the collection of DNA as directed by the Probation Officer.

Defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

Defendant shall also comply with the additional conditions on the attached page.



**STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, Defendant shall comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by Probation Officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. Defendant shall report to the Probation Office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the Probation Officer instructs you to report to a different Probation Office or within a different time frame. After initially reporting to the Probation Office, Defendant will receive instructions from the court or the Probation Officer about how and when Defendant must report to the Probation Officer, and Defendant must report to the Probation Officer as instructed.
2. After initially reporting to the Probation Office, you will receive instructions from the court or the Probation Officer about how and when Defendant shall report to the Probation Officer, and Defendant shall report to the Probation Officer as instructed.
3. Defendant shall not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the Probation Officer.
4. Defendant shall answer truthfully the questions asked by your Probation Officer
5. Defendant shall live at a place approved by the Probation Officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), Defendant shall notify the Probation Officer at least 10 days before the change. If notifying the Probation Officer in advance is not possible due to unanticipated circumstances, Defendant shall notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
6. Defendant shall allow the Probation Officer to visit you at any time at your home or elsewhere, and Defendant shall permit the Probation Officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. Defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the Probation Officer excuses you from doing so. If you do not have full-time employment Defendant shall try to find full-time employment, unless the Probation Officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), Defendant shall notify the Probation Officer at least 10 days before the change. If notifying the Probation Officer at least 10 days in advance is not possible due to unanticipated circumstances, Defendant shall notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
8. Defendant shall not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, Defendant shall not knowingly communicate or interact with that person without first getting the permission of the Probation Officer.
9. If you are arrested or questioned by a law enforcement officer, Defendant shall notify the Probation Officer within **72 hours**.
10. Defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. Defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the Probation Officer determines that you pose a risk to another person (including an organization), the Probation Officer may require you to notify the person about the risk and Defendant shall comply

Mario Maximo Medina-Quijije  
8:22-cr-232-VMC-TGW

with that instruction. The Probation Officer may contact the person and confirm that you have notified the person about the risk.

13. Defendant shall follow the instructions of the Probation Officer related to the conditions of supervision.

### **U.S. Probation Office Use Only**

A U.S. Probation Officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Mario Maximo Medina-Quijije  
8:22-cr-232-VMC-TGW

**ADDITIONAL CONDITIONS OF SUPERVISED RELEASE**

1. Should Defendant be deported, he shall not re-enter the United States without the express permission of the appropriate governmental authority. The Court recognizes that Defendant is lawfully in the United States, as he was paroled here for prosecution.
2. Defendant shall cooperate in the collection of DNA, as directed by the Probation Officer.
3. Defendant shall refrain from any unlawful use of controlled substances. The mandatory drug testing provisions of the Violent Crime Control Act are suspended. However, the Court orders Defendant to submit to random drug testing not to exceed 104 tests per year.

Mario Maximo Medina-Quijje  
8:22-cr-232-VMC-TGW

### CRIMINAL MONETARY PENALTIES

Defendant must pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment</u>	<u>JVTA Assessment</u>
\$200.00	N/A	WAIVED	N/A	N/A

### SCHEDULE OF PAYMENTS

Having assessed Defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

Special Assessment shall be paid in full and is due immediately.

Unless the Court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court, unless otherwise directed by the Court, the Probation Officer, or the United States attorney.

Defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, and (9) penalties, and (10) costs, including cost of prosecution and court costs.