

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOHNNY-JOE FIGUEROA-MANGUAL,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

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QUESTIONS PRESENTED

Whether it was a violation to the Fifth, Sixth and Eighth Amendment of the U.S. Constitution, the sentencing factors enshrined in 18 U.S.C. 3553 (a) and written Plea Agreement to upward depart for a total of thirty-two (36) months, for a total of one hundred and eight (108) months of incarceration.

PARTIES TO THE PROCEEDINGS

The Parties to the Instant Proceedings Are Contained in the Caption of the Case.

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In the Supreme Court of the United States

No. _____

JOHNNY-JOE FIGUEROA-MANGUAL,
PETITIONER

v.

UNITED STATES OF AMERICA,
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

The Petitioner, Johnny-Joe Figueroa-Mangual respectfully petitions for a writ of certiorari to review and vacate the judgment of the U.S. Court of Appeals for the First Circuit.

OPINION BELOW

The Judgment below was entered by the Court of Appeals for the First Circuit in United States v. Johnny-Joe Figueroa-Mangual, No. 24-1566, in September 10, 2025, after affirming Judgment by the United States District Court for the District of Puerto Rico, in Cr. 23-390-01(FAB), in October 25, 2023.

JURISDICTION

After a judgment was entered, no petition for rehearing was filed in this case. The jurisdiction of this Court rests on 28 U.S.C. 1254 (1). The District Court had jurisdiction pursuant to 18 U.S.C. 3231, and the Court of Appeals had jurisdiction pursuant to 28 U.S.C. 1291.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Amendment to the U.S. Constitution provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . . nor be deprived of life, liberty, or property, without due process of law . . .

The Sixth Amendment to the US Constitution provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation . . .

The Eighth Amendment to the U.S. Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

STATEMENT OF THE CASE

District Court Proceedings

On October 21st, 2023 Criminal Complaint No. 23-1155 was filed against the Petitioner in the United States District Court for the District of Puerto Rico for violations to U.S.C. 922(g)(1), 924(c) and 21 U.S.C. 841 (a)(1). On October 25th, 2023 an Indictment was returned by a Grand Jury sitting in the District of Puerto Rico for violations on September 25th, 2023 to 18 U.S.C. 924 (c)(1)(A)(i), (d)(1); 18 U.S.C. 922(g)(1); 21 U.S.C. 841(a)(1) and 28 U.S.C. 2461(c).

On January 4th, 2024 a Plea Agreement was filed pursuant to F.R.Cr.P. 1(c) (1)(A) and (B). It recommended, as to Count One, a five years prison sentence, the minimum statutory penalty for the 18 U.S.C. 841 (a)(1), and as to Count Three, a joint recommendation at the higher end of the applicable U.S.S.G. Total Offense Level of Ten (10) and a Criminal History Category (CHC) to be determined by the Court, yielding sixteen (16) months, consecutively with the sixty (60) months for Count One. On May 13th, 2024, the Honorable Francisco A. Besosa, U.S. Senior District Judge, imposed Judgment, imposing seventy-eight (78) months for Count One and eighteen (18) months for Count Three, for a total of ninety-six (96)

months of imprisonment. The judgment amounted to an upward variance of twenty (20) months of imprisonment.

The sentencing Court considered, arguably in conformity to 18 U.S.C. 3553 (a)(1), as aggravating factors, precisely the very same conduct reflected in the Complaint and the prior state violations in the Criminal History Category III in the PSI. Minor previous state felonies (a weapons charge, attempted larceny and larceny) that jumped the Criminal History Category to Category III were contemplated in the Plea Agreement. The existing Rule 11(c)(1)(A) and (B) written plea agreement somehow lost its relevance. For the Petitioner, said plea agreement was in the nature of a Contract, but not for the sentencing Court or the Court of Appeals for the First Circuit.

A 30 years old Petitioner, self-surrendered, first offender in the federal jurisdiction, was imposed Judgment over twenty (20) months over the jointly recommended term of imprisonment. The Petitioner, an orphan on the paternal side, a life-long resident of a public housing project, with barely a G.E.D. obtained in a local prison, and work experience on menial jobs, such a washing vehicles.

Appellate Proceedings

On September 10th, 2025 the Court of Appeals for the First Circuit, No. 24-1566, C.J. Montecalvo, Rikelman and Aframe, entered Judgment finding that the Sentencing Court did not abuse the substantive and procedural reasonableness of the U.S. Sentencing Commission Guidelines by suggesting a term of

incarceration of seventy-six (76) months. Furthermore, the Court of Appeals found nothing freasons to suggest that the sentencing Court explanation for the sentence was wanting. The Court of Appeals found that the sentencing Court tied its upwardly varying sentence to the specific facts of the case, specifically relying on the number of firearms and the amount of drugs involved.

The Court of Appeals found, additionally, that there is nothing to suggest that the sentencing court improperly weighed the 18 U.S.C. (a) factors or otherwise erred in considering potentially mitigating factors. The Court of Appeals has to consider the 18 U.S.C. 3553(a) factors, it is not require an express weighing of mitigating and aggravating factors or that each factor be individually mentioned, citing Court of Appeals jurisprudence. BOP Inmate Locator reflects a release date for October 20, 2030.

The Court of Appeals further found that there is nothing to suggest that the sentencing court improperly weighed the 18 U.S.C. (a) factors or otherwise erred in considering potentially mitigating factors. The Court of Appeals is to consider the factors set forth in 18 U.S.C. 3553 (a), there is no requirement for an express weighing of mitigating and aggravating factors, nor is there a requirement for each factor to be mentioned individually, citing Court of Appeals case law. BOP Inmate Locator reflects a release date for October 20, 2030.

The Court of Appeals for the First Circuit has authored a long string of jurisprudence upholding variances and upward sentences within the statutory minimum and U.S.S.G. Guidelines sentences. The Court of Appeals rendered *United States v. Flores Nater* (II), No. 23-1911(1st Cir. July 24, 2025), holding that when varying much from a Guidelines sentence, the sentencing Court needs at least cogently reveal whether and why it rejects a defendant's principal and substantial argument from greater leniency in the sentencing. Flores Nater was vacated and remanded for resentencing.

Again, the only 18 U.S.C. 3553(a) factors considered by the sentencing Court were merely the contents of the seized weapons and drugs, as listed in the Criminal Complaint, and the prior (minor) state felony convictions present on the P.S.I. in calculating the Criminal History Category (CHC) of III. (prior state felony (misdemeanor) convictions present on the PSR)

REASONS FOR GRANTING THE PETITION

Petitioner Johnny-Joe Figueroa-Mangual appeared before local prosecutors in Puerto Rico after being summoned to appear. Petitioner was indicted and arrested in the U.S. District Court late October 2023. On early January 2024 he entered a Rule 11(A)(B) written Plea Agreement, suggesting sixty (60) months sentence for a 18 U.S.C. 924 (c)(1) violation, and an sixteen (16) months sentence for the 21 U.S.C. 841 (a)(1), for a total of a term of imprisonment of seventy-six (76) months.

Minor previous state felonies, a weapons charge, attempted and actual larceny, jumped the Criminal History Category of III, was contemplated in the Plea Agreement. The sentencing Court imposed Judgment, bringing the 18 U.S.C. 924 (c)(1) Count One to a ninety-six (96) months of imprisonment, in addition to the recommended eighteen (18) months of imprisonment for the 21 U.S.C. 841 (a)(1) violation, for a total sentence of imprisonment of one hundred and eight (108) months of imprisonment, a thirty-two (32) months upward sentence. The sentencing Court considered, arguably in conformity to 18 U.S.C. 3553 (a)(1), as aggravating factors, precisely the very same conduct reflected in the Complaint and the Indictment. The existing Rule (A)(B) written plea agreement lost somehow its relevance. For the Petitioner it was in the nature of a Contract, not for the sentencing Court or the Court of Appeals for the First Circuit.

A 30 years old Petitioner, first offender in the federal jurisdiction, that self-surrendered, is imposed Judgment of 32 months over the jointly recommended term of imprisonment.

CONCLUSION

Petitioner's U.S.D.Judge sentencing and U.S. Court of Appeals' Judgment should be vacated and remanded for resentencing, in conformity with the Plea Agreement and applicable case law.

RESPECTFULLY SUBMITTED.

At San Juan, Puerto Rico, this 22nd day of November, 2025.

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