

"Appendix A" shows the First Circuit's orders denying motions challenging
Lack of Subject-Matter Jurisdiction in this case.

"APPENDIX A"

United States Court of Appeals For the First Circuit

No. 25-1020

UNITED STATES,

Appellee,

v.

FÉLIX VERDEJO-SÁNCHEZ,

Defendant - Appellant.

ORDER OF COURT

Entered: February 24, 2025

Defendant's counsel seeks to withdraw in this appeal from the denial of defendant's motion for a new trial, noting that new counsel was appointed for defendant in No. 23-1964, his appeal from his convictions, and requesting the appointment of the same counsel for purposes of this appeal. The motion to withdraw is granted and the request for new counsel is also granted. Attorney Ignacio Fernández-De-Lahongrais is appointed to represent defendant in this appeal. Defendant's motion for summary dismissal of the indictment is denied without prejudice to assertion of any relevant argument in defendant's brief; defendant is represented by counsel in this appeal and should proceed through counsel.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Jason González Delgado, Ignacio Fernández-De-Lahongrais, Gabriela José Cintrón-Colón, Félix Verdejo-Sánchez, Mariana E. Bauzá Almonte, Jeanette M. Collazo-Ortiz, Jonathan L. Gottfried, Gregory Bennett Conner, Edwin Prado-Galarza,

"Appendix A"

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO. 23-1964; 25-1020

UNITED STATES OF AMERICA

Plaintiff/ Appellee,

v.

FELIX VERDEJO-SANCHEZ

Defendant/ Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO

MOTION TO REMOVE DEFENSE COUNSEL
AND TO APPOINT A NEW ONE

TO THE HONORABLE COURT:

Appellant, Félix Verdejo Sánchez, pro-se, Respectfully Requests that this Honorable Court Grant this Motion for the following reasons:

On 01/27/2025, The Appellant gave notice to this Honorable Court that the only real reason that caused the Appellant to move for pro se filling a motion pursuant to Fed. R. Crim. P. 12(b)(2) was due to the fact that the counsel, Ignacio Fernández, did not take into account his right, which, subsequently, caused Appellant to proceed forward pro-se. Afterward this Court on 02/24/2025 decided to Deny without prejudice the pro-se motion with the only reason being that the Appellant is currently assisted by a counsel and such motion should have been made by the counsel Ignacio Fernández. Once the Appellant was made aware of this denial, he contacted his counsel demanding him to file such a motion as it was Ordered by this Honorable Court. But, he answered that he was just going to be focused on the Direct Appeal, which the Appellant was not in accord with, because if the Federal Court Lacks Jurisdiction no other issue has to be reviewed. In this case the federal jurisdiction has not been proven. Therefore the only issue to solve is jurisdicción, nothing else. The Supreme Court under United States v. Cotton, 535 U.S.625. Held:

"Consequently, defects in Subject-matter jurisdiction require correction regardless of whether the error was reased in District Court. See, e.g., Louisville & Nashville R. CO. V Mottley, 211 US 149, 53 L Ed 126, 29 S Ct42 (1908)."

CONCLUSION

The Appellant respectfully prays this Honorable Court Grant this motion and to stay the case dealing with any matter distinct of jurisdiction. It would be a waste of time examining other matters. If there is a Lack of jurisdiction any proceeding without federal jurisdiction would be void. This honorable Court may be exercising it's supervisory power is able to determine if the district court acted with Lack of jurisdiction. Therefore, since current counsel refuses to follow Appellants specific commands for his own defense, Appellant respectfully requests counsels immediate removal and replacement. Current counsel is fired and no longer retained. Or, this honorable Court could order current council to follow the commands of the Appellant instead of ignoring Appellant and striking out on his own. All this shows that council has demonstrated a complete lack of desire or will to defend Appellant's full constitutional rights in his case. In so doing counsel violates Appellant's Sixth and Fourteenth Amendment due process and good representation rights. Finally the Appellant Respectfully prays that this Honorable Court make its own independent determination to inquire sua sponte into the original court's subject matter jurisdiction in this case.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing MOTION TO REMOVE DEFENSE COUNSEL AND TO APPOINT A NEW ONE is here in included on this 16 day of Sept, 2025.

United States Attorneys Office
District of Puerto Rico
Torre Chardon Suite 1201
350 Chardon Avenue
San Juan, Puerto Rico 00918

Respectfully submitted,
Felix Verdejo Sanchez

Felix Verdejo-Sanchez

#51145-069

PRO SE DECLARATION

The Petitioner declares under penalty of perjury that he is a layman in the law and the complex issues involved in this case and should be held to a less stringent standard than an attorney under Haines v. Kerner, 404, U.S. 519, 30 L. Ed 2d 652, 92 S. Ct. (1972), and its progeny cases.

DECLARATION UNDER THE MAILBOX RULE

I declare under the penalty of perjury that this filing was placed in the hands of the prison authorities during the legal mail call during afternoon at USP POLLOCK, pursuant to Houston v. Lack, this 16 of Sept, 2025.

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez #51145-069

"Appendix B", cases (1), (2), and (3), shows to this Court the Records and Discoveries of Facts that these cases are within local jurisdiction of the Commonwealth of Puerto Rico.

"APPENDIX B"

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Favio Rodríguez, Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, (ATF) being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so since April 2017. I have a Bachelor's Degree in Business Administration and another Bachelor's Degree in Information Systems, both from the University of Puerto Rico. I also have a Master's Degree in Open Systems Language Programming and Database Administration from the Interamerican University of Puerto Rico.
2. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7). I am therefore an officer of the United States who is empowered by law to conduct investigations and to make arrest for the offenses enumerated in Title 18, United States Code, Section 2516.
3. I am currently assigned to ATF San Juan where I conduct investigations of federal firearms violations and other related federal violations. Through my training and experience, I have taken part in cases relating to the trafficking of firearms, the unlawful possession of firearms, the use and possession of firearms by persons prohibited by law, and the possession of illegal firearms. My participation has included the collection of evidence, interviews of witnesses, informants, and those involved in illegal activity, as well as the execution of search and arrest warrants.
4. The details and information stated herein are based on my training, experience, personal observations and participation in the events below, and discussions and interviews of other

law enforcement Agents. I have drafted this affidavit for the limited purpose of establishing probable cause for certain violations of law by Elvin Castro Perez. Therefore, I have not included all of the facts of this investigation.

FACTS IN SUPPORT OF PROBABLE CAUSE

5. On or about January 17, 2023, Puerto Rico Police Department (PRPD) agents of the Ponce Criminal Intelligence Unit received an anonymous tip about Elvin Castro-Perez, including the following: a description of where Castro-Perez lived, that Castro-Perez had a prior federal case, that Castro-Perez was armed with a chipped firearm, and that Castro-Perez rode in a grey Tacoma with license plate number 1094671.
6. PRPD agents were assigned to investigate the information, conducted surveillance on or about January 17, 2023, from approximately 11AM into the afternoon hours, but did not observe activity pertinent to this limited affidavit.
7. On or about January 18, 2023, at approximately 5:45PM, PRPD agents conducted a second surveillance of Castro-Perez. Castro-Perez was driving a vehicle registered to his mother, a grey in color, Toyota Tacoma, bearing Puerto Rico license plate 1094671, and matching the description provided in the anonymous tip.
8. PRPD Agents proceeded to follow the Toyota Tacoma and, when then vehicle was in the Tocado Sector, Juana Diaz Ward, Road 149, it parked in the emergency lane. Another vehicle, a white Toyota Corolla with an unknown number of occupants, also parked in the emergency lane.
9. PRPD Agents observed Castro-Perez exit the Toyota Tacoma to talk with the occupants of the Toyota Corolla. PRPD Agents observed when Castro-Perez lifted his shirt and showed

a firearm in his waistband and a box of ammunition in his pocket to the occupants of the Toyota Corolla. Castro Perez returned to the driver seat of the Tacoma.

10. PRPD Agents notified their supervisors and continued following the Tacoma as it continued to travel in direction to Cidra. The PRPD Agents' supervisors informed that back-up units were in position to assist in stopping the Tacoma.
11. PRPB Agents in a marked patrol car gave commands and illuminated sirens to pull over the Tacoma. The driver of Tacoma, believed to be Castro-Perez, ignored the commands and kept driving.
12. PRPB Agents observed the passenger window of the Tacoma lowered and observed what PRPB Agents described as a firearm being thrown out of the window.
13. PRPB Agents then pinned the Tacoma from the front and rear to detain the vehicle, leaving the driver of the Tacoma with no room to continue to flee.
14. PRPB Agents observed Castro-Perez was the driver at the time of the stop, read him his Miranda rights, and detained Castro-Perez. The passenger of the Tacoma was determined to be a family member of Castro-Perez.
15. PRPB Agents recovered a firearm that was less than approximately ten feet from the vehicle stop. PRPB Agents believe the firearm was the same firearm thrown out of the Tacoma, described as:
 - a. One Glock pistol, black in color, model 19, gen 4, 9mm caliber, and bearing serial number BGZY240. This Glock was loaded with a twenty-four round capacity Glock magazine bearing a Bart Simpson cartoon character sticker and containing twenty-four rounds of ammunition in the magazine.
16. A full search of the Tacoma revealed the following items:

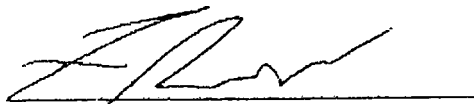
- a. Four Glock magazines each with twenty-four round capacity;
- b. One Glock magazine with thirty round capacity;
- c. Two boxes of 9MM ammunition containing a total of eighty-three rounds of ammunition;
- d. Forty-three additional rounds of 9mm ammunition distributed in the aforementioned magazines and the vehicle;
- e. One Lacoste blue satchel;
- f. One Versace black bag;
- g. One CK Black wallet;
- h. One digital scale;
- i. One vial containing a red pill;
- j. One notebook;
- k. Drug paraphernalia;
- l. Marijuana cookies;
- m. Three cellular devices; and
- n. \$14,478 USD.

17. Further, a criminal history check revealed that Castro-Perez was previously convicted of a crime punishable for more than one year of imprisonment. (*See* 19-CR-761 (RAM)). Castro-Perez is currently serving 36 months of supervised release.

CONCLUSION

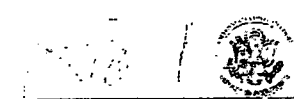
18. Based on the facts set forth above, I hereby submit that there is probable cause that Elvin Castro-Perez committed offenses in violation 18 U.S.C. § 922(g)(1) (prohibited person in possession of a firearm).

I hereby declare that the foregoing is true and correct based on my knowledge of the investigation and the information provided by the state officers in this matter.



Favio T. Rodríguez Velazquez
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms & Explosives

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 at 12:53 pm
by telephone, this 20th day of January, 2023.



Digitally signed
by Hon. Giselle

Hon. Giselle López-Soler
United States Magistrate Judge
District of Puerto Rico

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

United States of America

v.

Elvin Castro-Perez

Case No.

23-MJ-059

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 18, 2023 in the county of -- in the
District of Puerto Rico, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

prohibited person in possession of a firearm

This criminal complaint is based on these facts:

See attached affidavit in support. Reviewed by AUSA Jawayria Z. Auchter.

The United States requests temporary detention pending further proceedings.

☒ Continued on the attached sheet.



Complainant's signature

Favio T. Rodríguez Velazquez, TFO ATF

Printed name and title

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 AT 12:53 PM

Date: January 20, 2023

City and state:

San Juan, Puerto Rico

Digitally signed
by Hon. Giselle
Lopez-Soler
Hon. Giselle López-Soler, US Magistrate Judge

CLERK OF DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

2023 JAN 26 PM 3:04

UNITED STATES OF AMERICA
Plaintiff,

v.

Elvin Castro-Perez

Defendant,

INDICTMENT

Criminal No: 23-032(ADC)

VIOLATIONS:

18 U.S.C. § 922(g)(1)

(ONE COUNT)

COUNT ONE

Possession of Firearm and Ammunition by a Prohibited Person
(Title 18, United States Code, Section 922(g)(1))

THE GRAND JURY CHARGES:

On or about January 18, 2023, in the District of Puerto Rico and within the jurisdiction of this Court,

Elvin Castro-Perez

the defendant herein, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year did knowingly possess one Glock pistol bearing serial number BGZY240 and one hundred and fifty rounds of 9mm caliber ammunition. Said firearm and ammunition having been shipped and transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Section 922(g)(1).

INDICTMENT

United States v. Elvin Castro-Perez

Page 2

Firearms and Ammunition Forfeiture Allegation

(18, United States Code, Section 924(d) & 28, United States Code, Section 2461(c))

The allegation contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c). Upon conviction of the offenses in violation of Title 18, United States Code, Section 922(g)(1) set forth in Count One of this Indictment, the defendant, **Elvin Castro-Perez** shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section, 2461(c), any firearms and ammunition involved or used in the commission of the offense, including, but not limited to: one Glock pistol bearing serial number BGZY240 and one hundred and fifty rounds of 9mm caliber ammunition. 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 pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28,

INDICTMENT

United States v. Elvin Castro-Perez

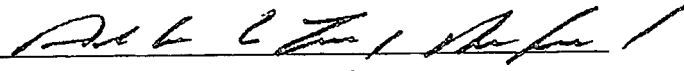
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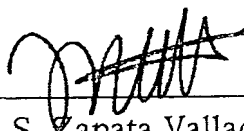
United States Code, Section 2461(c). All pursuant to 18 United States Code, Section 924(d) and 28 United States Code, Section 2461(c).

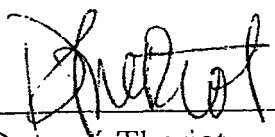
TRUTH

Date: 20 JAN 2023

W. STEPHEN MULDROW
United States Attorney


Alberto R. Lopez Rocafort
Assistant United States Attorney
Chief, Gang Section


Teresa S. Zapata Valladares
Assistant United States Attorney
Deputy Chief, Gang Section


Damaré Theriot
Assistant United States Attorney
Gang Section

"Appendix B", cases (1), (2), and (3), shows to this Court the Records and Discoveries of Facts that these cases are within local jurisdiction of the Commonwealth of Puerto Rico.

"APPENDIX B"

Report of Investigation


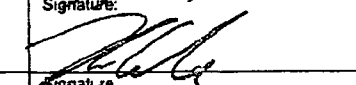

Title of Investigation: BORGES-MELENDZ Arnaldo M.	Investigation Number: 764080-23-0019	Report Number: 1
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SUMMARY OF EVENTS:

PRPB Agent Interview: On April 22, 2023, at approximately 11:00 A.M, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Task Force Officers (TFO's) Luis R. Fernandez, Charlies Vega and Gerald Burgos interviewed, Puerto Rico Police Bureau (PRPB), Carolina Motorcycle Unit (CMU) Agent Idelfonso Carrion-Vera #36260, in reference to the events that led to the arrest of Arnaldo Miguel **BORGES-MELENDZ** (WM, HISPANIC, DOB 06/15/1993, [REDACTED]) in the municipality of Trujillo Alto, PR.

NARRATIVE:

1. On April 22, 2023, at approximately 11:00 A.M, ATF TFO's Luis R. Fernandez, Charlies Vega and Gerald Burgos interviewed, PRPB, CMU, Agent Idelfonso Carrion-Vera, in reference to the events that led to the arrest of Arnaldo Miguel **BORGES-MELENDZ** (WM, HISPANIC, DOB 06/15/1993, [REDACTED]) in the municipality of Trujillo Alto, PR.
2. This report serves to memorialize the fact that the interview of PRPB, Agent Carrion-Vera by ATF TFO's, Luis R. Fernandez, Charlies Vega and Gerald Burgos was conducted on April 22, 2023 at the CMU station, in the municipality of Trujillo Alto PR. This report is intended to provide a summary of the substance of the interview. Agent Carrion-Vera stated, in summary and not verbatim, as follows:
3. That On April 22, 2023, at approximately 1:00 a.m., him and agent Pedro Torres-Melendez were conducting preventive patrol in a marked patrol vehicle in the municipality of Trujillo Alto, Puerto Rico, when they observed a red Hyundai Accent, bearing Puerto Rico license plate JCV-270, with its emergency lights on and blocking the traffic lane on Municipal Road 848.
4. The agents parked their vehicle behind the Hyundai Accent and approached its occupants to investigate. Agent Carrion-Vera approached the individual in the driver's seat, later identified as Arnaldo **BORGES-MELENDZ**, while Torres-Melendez approached the individual in the passenger seat (hereinafter referred to as "Passenger"). Carrion-Vera asked **BORGES-MELENDZ** for his driver's license and vehicle registration and asked why they were blocking the road. **BORGES-MELENDZ** responded that "they were looking for a missing cellphone".

Prepared by Luis R. Fernandez-Correa	Title: Task Force Officer, Puerto Rico III Field Office	Signature: 	Date:
Authorized by Humberto L. Colon	Title: Resident Agent in Charge, Puerto Rico III Field Office	Signature: 	Date: May 24, 2023
Second level reviewer (optional) Christopher A. Robinson	Title: Special Agent in Charge, Miami Field Division	Signature: 	Date:

magazine that contained 27 rounds of ammunition. An examination of the firearm and preliminary field test performed by ATF TFO's without ammunition indicated that the firearm is likely able to fire more than a single round of ammunition per a single function of the trigger, which meet the legal definition of a machinegun. Furthermore, the above-mentioned examination also revealed a plastic backing plate with a protruding weldin spot holding a metal "chip", clearly visible to anyone handling the firearm, which allows the firearm to fire more than a single round of ammunition per single function of the trigger. It should be noted that the observe backing plate is not the standard use by the Glock pistol, model 26, 9mm caliber.

14. The investigation revealed that no firearms and ammunition, including the types described above, are manufactured in Puerto Rico and therefore the aforementioned firearm and ammunition had been shipped or transported in interstate or foreign commerce.

10. Investigation Continues.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

ARNALDO MIGUEL BORGES MELENDEZ,
Defendant.

INDICTMENT

Criminal No. 23 - 177 (P40)

Violations:

21 U.S.C. § 846
21 U.S.C. § 841(a)(1)
18 U.S.C. § 924(c)(1)(A)
18 U.S.C. § 922(o)

Forfeitures:

18 U.S.C. § 924(d)
21 U.S.C. § 853
28 U.S.C. § 2461(c)

(FOUR COUNTS)

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Possess with Intent to Distribute Controlled Substances)

On or about April 22, 2023, in the District of Puerto Rico and within the jurisdiction of this Court,

ARNALDO MIGUEL BORGES MELENDEZ,

the defendant herein, knowingly and intentionally combined, conspired, confederated, and agreed with other persons, known and unknown, to commit an offense against the United States, that is: to possess with intent to distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of 21 U.S.C. § 841(a)(1).

All in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B)(ii).

COUNT TWO
(Possession with Intent to Distribute Cocaine)

On or about April 22, 2023, in the District of Puerto Rico, and within the jurisdiction of this Court,

ARNALDO MIGUEL BORGES MELENDEZ,

the defendant herein, did knowingly and intentionally possess with intent to distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance.

All in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(ii).

COUNT THREE
(Possession of a Machinegun in Furtherance of a Drug Trafficking Crime)

On or about April 22, 2023, in the District of Puerto Rico and within the jurisdiction of this Court,

ARNALDO MIGUEL BORGES MELENDEZ,

the defendant herein, did knowingly possess a firearm, that being a machinegun, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, a violation of 21 U.S.C. §§ 846 and 841(a)(1), as charged in Counts One and Two of the Indictment, which are realleged and incorporated by reference herein.

All in violation of 18 U.S.C. § 924(c)(1)(A) and (B)(ii).

COUNT FOUR
(Illegal Possession of a Machinegun)

On or about April 22, 2023, in the District of Puerto Rico and within the jurisdiction of this Court,

ARNALDO MIGUEL BORGES MELENDEZ,

the defendant herein, did knowingly possess a machinegun,—that is, a Glock pistol, model 26, 9mm caliber, bearing serial number REN-125; which was modified to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

All in violation of 18 U.S.C. §§ 922(o) and 924(a)(2).

NARCOTICS FORFEITURE ALLEGATION

The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 21 U.S.C. § 853. Upon conviction of the offenses in violation of 21 U.S.C. §§ 846 and 841(a)(1), set forth in Counts One and Two of this Indictment, the defendant,

ARNALDO MIGUEL BORGES MELENDEZ,

shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violations, including but not limited to the following: (a) all rights, titles, and interest in all property constituting, or derived from, any proceeds defendants obtained, directly or indirectly, as a result of the offenses described in Counts One and Two of this Indictment and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations alleged in Counts One and Two of this Indictment; and (b) a sum of money in United States currency equal to the amount of proceeds obtained as a result of the offenses described in Counts One and Two of this Indictment.

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 pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to 21 U.S.C. § 853.

FIREARMS FORFEITURE ALLEGATION

The allegations contained in Counts Three and Four of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c). Upon conviction of the offenses in violation of 18 U.S.C. §§ 924(c)(1)(A) and 922(o), set forth in Counts Three and Four of this Indictment, the defendant,

ARNALDO MIGUEL BORGES MELENDEZ,

shall forfeit to the United States, any firearm and ammunition involved or used in furtherance of the commission of the offenses enumerated in Counts Three and Four, including, but not limited to: a black Glock pistol, Model 26, 9mm caliber, bearing serial number REN-125; and eighty seven (87) rounds of 9mm caliber ammunition.

TRUE BILL

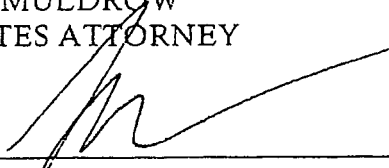
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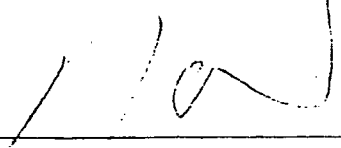
DATE:



5/3/23

W. STEPHEN MULDROW
UNITED STATES ATTORNEY


Jonathan L. Gottfried
Assistant United States Attorney
Chief, Violent Crimes & National Security Unit


José A. Contreras
Assistant United States Attorney



GOBIERNO DE PUERTO RICO

POLICIA

360° Report Plus

Run as estadisticasw Run on Apr 22 2023

DTOP

Run on: Apr 22, 2023
Run as: estadisticasw

Driver

License #: [REDACTED]
Licensee: BORGES - MELENDEZ, ARNALDO M

Birth Date: 12/15/1988
Age/Skin Color/Sex: 34/MEDIO MARRON/M
Height/Weight: 71 /140 lb

Home Address: APTO APTO TRUJILLO ALTO 00976
Postal Address: DESCONOCIDO

Vehicle Count: 1
Ticket Count: 1

Department of Justice History

Defendant

Complaint # / Incident # : 10832

Defendant Name: [REDACTED]

Arrest Date: 10/17/2009

Birth Date: 12/15/1988

Age/Sex: 34/M

Height/Weight: 71/140 lb

Driver's License #: 4938341

Home Address: TRUJILLO ALTO

Charges

Charged Crime	Disp. Crime	Disposition	Conviction	Resolution	Sentence
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1 Ley para la Prevención e Intervención con la Violencia		DESISTIMIENTOS		DESCONOCIDO	
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Convictions

Run on: Apr 22, 2023
Run as: estadisticasw

Convict

Case File #: E1080571

Prisoner #: [REDACTED]

Convict Name: ARNALDO BORGES MELENDEZ

Birth Location: [REDACTED]

Crime Date: Jan 1 1900 12:00:00 AM

Birth Date: Dec 15, 1988

Sex: MALE

Driver's License: 4938341

Charges

Seq	ID	Description	Disposition	Sentence	Sentence DT	Exterminated DT
1	V905662	LEY 54 ART. 32	ARCHIVADO		Jan 13 2010 12:00:00 AM	Jul 9, 2010 2:39:42 PM

ANPE

Run on: Apr 22, 2023
Run as: estadisticasw

Convict

Incident #: 0

Case File #: E1080571

Convict Name: BORGES MELENDEZ, ARNALDO M

Disposition Date: Jan 19, 2011

Birth Date: Dec 5, 1988

Sex: MALE

Driver's License: 4938341

Charges

Seq	Law	Law Description	Sentence	Disposition	Status
1				ARCHIVADO	ARCHIVADO E

Firearm Licensees

Run on: Apr 22, 2023
Run as: estadisticasw

Firearm Licensee

Licensee: BORGES MELENDEZ, ARNALDO M

Birth Date: 12/15/1988

Age/Race/Sex: 34/

Height/Weight: 72" /102 lb

Home Phone: [REDACTED]

Work Phone: [REDACTED]

Cell Phone: 9392805161

Home Address: CIUDAD UNIVERSITARIA CALLE 245 #17 TRUJILLO ALTO

00976

Postal Address: CIUDAD UNIVERSITARIA CALLE 245 #17 TRUJILLO ALTO

00976

License #	Type	Issue Date	Expiry Date	Serial #	Reg #	Type	Make	Model	Caliber	Owner Type	Status	City
131424	CONCESSIONARY ARMA	10/15/2021	12/15/2026	BFGH770	1,409,461	GLOCK	26				LEGALMENTE EN PODER	
				SDP039	1,916,845	GLOCK	G23				LEGALMENTE EN PODER	

Corrections

Run on: Apr 22, 2023
Run as: estadisticasw

Corrections Person

ID: [REDACTED]

Relax: Prisoner

Name: [REDACTED]

Prisoner #: 8705-38725

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Birth Date: 12/15/1988

Age/Sex/Race: 34/M/M

Characteristics

Description: [REDACTED]

BIENVENIDO, Ruby Cruz Quinones

Identificables | Vehículos | [Satur]



Esta Transacción Tiene Multas sin pagar

Información de Identidad

[Regresar a Página de Búsqueda](#)

Nombre: Borges Melendez Amaldo Miguel
Dirección Residencial: CIUDAD UNIVERSITARIA
S17 CALLE 24
TRUJILLO ALTO, PR 00976
Dirección Postal: CIUDAD UNIVERSITARIA
S17 CALLE 24
TRUJILLO ALTO, PR 00976-2129
Fecha de Nacimiento: 15 dic 1988
Número de Teléfono: (939)280-5361

Identificación

Número: [REDACTED]
Tipo: [REDACTED]

Licencia

Número: 4938341
Categoría: Conductor (3)
Expiración: 15 dic 2024
Emisión: 09 ene 2019

Gravámenes

No tiene gravámenes.

Memos

26 feb 2019 DEBE PRESENTAR CERT DE PAGO
26 feb 2019 SE REACTIVAN MULTAS POR CERT DE HACIENDA
ALTERADA
22 ene 2013 SE RESTAURAN BOL CONTRIB TIENE QUE TRAER
CERTIFICACION CORRECTA
08 ene 2013 SE CANC BOL EN COL 1186 VARIAS FECHAS

Datos Personales

Género: Masculino
Estatura: 6'07"
Peso: 202 lbs

Tez: Clara
Ojos: Marrones
Pelo: Marrón

Tipo de Sangre: N/A
Donante de Órganos: Y
Lugar de Nacimiento: Puerto Rico

Información de Multas (49)

Fecha	Núm. Multa	Descripción	Municipio	Cantidad	Puntos
15 abr 2023	90460002326	Rebasar luz roja luego de detenerse	Luquillo	\$300.00	6
09 feb 2022	40260295	Rebasar luz roja luego de detenerse	Trujillo Alto	\$300.00	6
13 nov 2021	41455570	REBASAR LUZ ROJA SIN DETENERSE	San Juan	\$500.00	6
13 nov 2021	41455571	Arrojar basura poco volumen	San Juan	\$100.00	3
28 oct 2021	90124001826	DESPROVISTO DE DOS FOCOS TRASEROS CON LUZ ROJA	Rio Grande	\$100.00	0
28 oct 2021	90124001828	DESPROVISTO DE LUCES DE FRENOS	Rio Grande	\$100.00	0
28 oct 2021	90124001825	Transitar sin tabilla o no conservarla legible	Rio Grande	\$100.00	0
28 oct 2021	90124001827	DESPROVISTO DE LUCES DIRECCIONALES	Rio Grande	\$100.00	0
30 sep 2021	90023003630	TRANSITAR CON UN VEHICULO DE MOTOR QUE NO ESTÁ AUTORIZADO	Trujillo Alto	\$100.00	0
15 jul 2021	90091000982	TRANSITAR CON UN VEHICULO DE MOTOR QUE NO ESTÁ AUTORIZADO	San Juan	\$100.00	0

Página 1 de 4 - [Regresar a Página](#)

Información de Violaciones (0)

No tiene violaciones.

Información de Vehículos

[Regresar a Página de Búsqueda](#)

Registro	VIN	Tabilla	Descripción	Marbete	Título
5306782	JM1BC1413W0182648	CWA966	1998 MAZDA PROTEGE DX/LX/ES MARRON CLARO	29983325	2362204
3499341	1F0JF37G3CNA69047	777488	1982 FORD F350 ROJO OSCURO	19039704	565797
6025333	JM1BG2245R0735361	FGH541	1994 MAZDA PROTEGE DX BLANCO	108953505	3080388
7178965	JS2YC412696202889	HLG735	2009 SUZUKI SX4 GRIS CLARO	0032857600	4230140

Nombre: ARNALDO M BORGES MELENDEZ

NO EXISTE CONVICCION



Fecha de Nacimiento: 05/12/1988

PRIN:08002470

Lugar de Nacimiento HUMACAO

Núm. FBI

Seguro Social:

NICS

Núm. Licencia Cond.: 4938341

Dirección

CIUDAD UNIVERSITARIA C/24 S-17
Alto PR 000000000

Trujillo

Alias

Arreglo de Foto



Tipo: Frontal Cara



GOBIERNO DE PUERTO RICO

Negociado de la Policía de Puerto Rico



Perfil del Ciudadano

Nombre ARNALDO M BORGES MELENDEZ
SSN [REDACTED]
Género Masculino
Estado Civil Soltero
Fecha Nacimiento Thu, 15 Dec 1988
Lugar Nacimiento HUMACAO
Peso 202 Lbs
Estatura 6' 0"
Color Ojos Negros
Licencia Conducir 4938341
Teléfono Celular 939-280-5361
Teléfono Residencial
Teléfono del Trabajo
Dirección Residencial CUIDAD UNIVERSITARIA CALLE 245 #17 Trujillo Alto, Puerto Rico 00976
Dirección Postal CUIDAD UNIVERSITARIA CALLE 245 #17 Trujillo Alto, Puerto Rico 00976

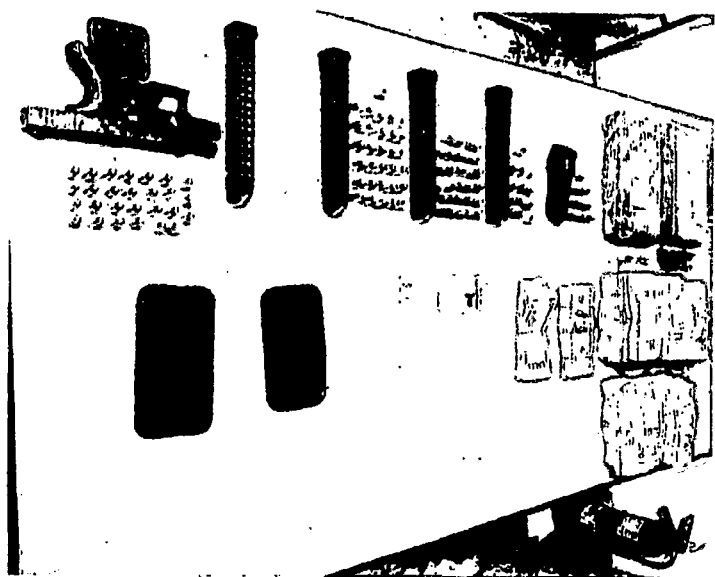


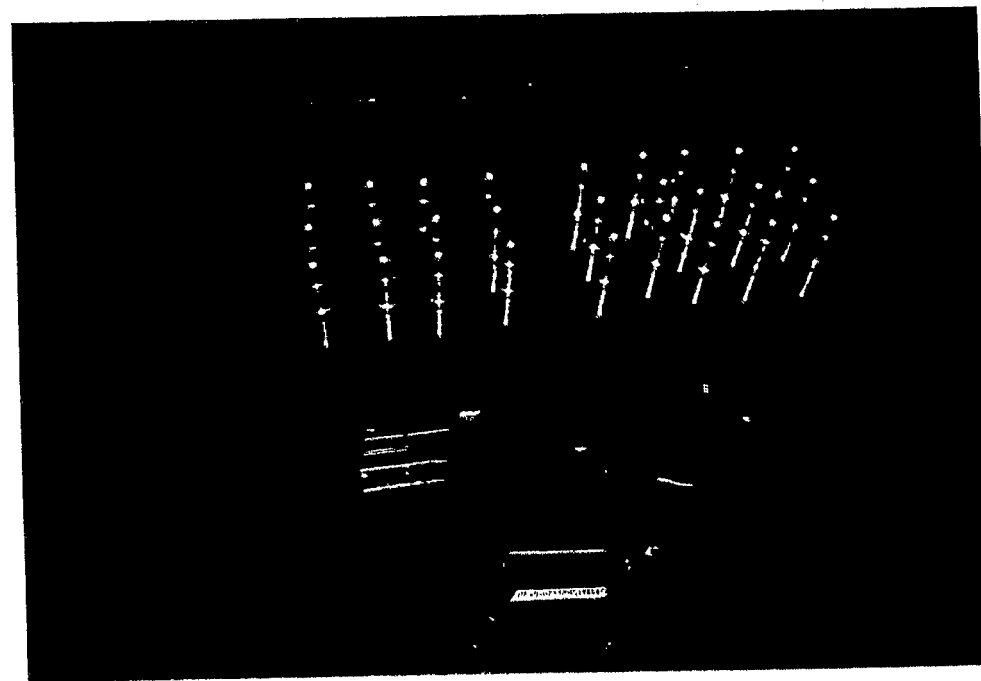
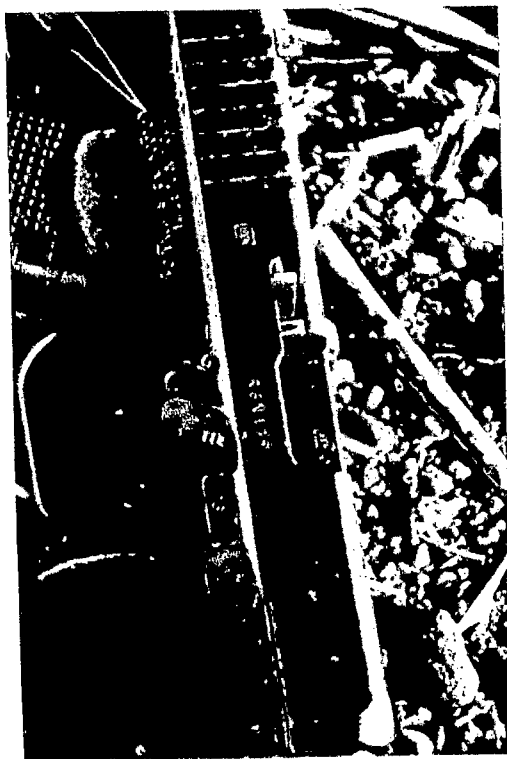
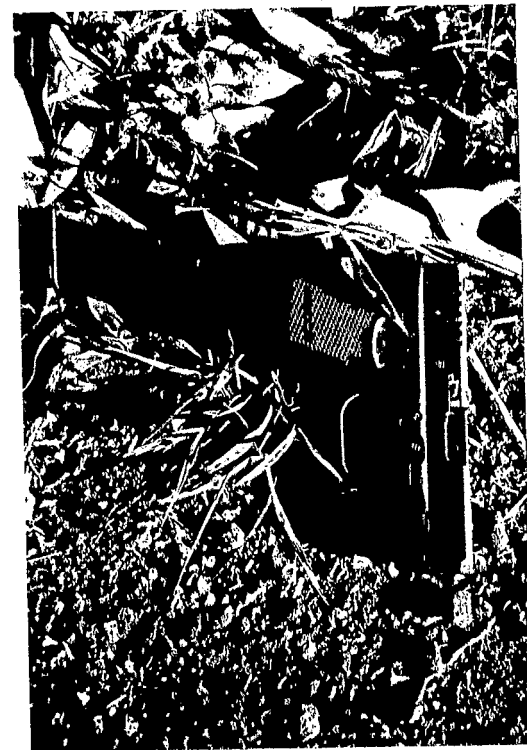
Información de Licencia de Armas y/o Certificados

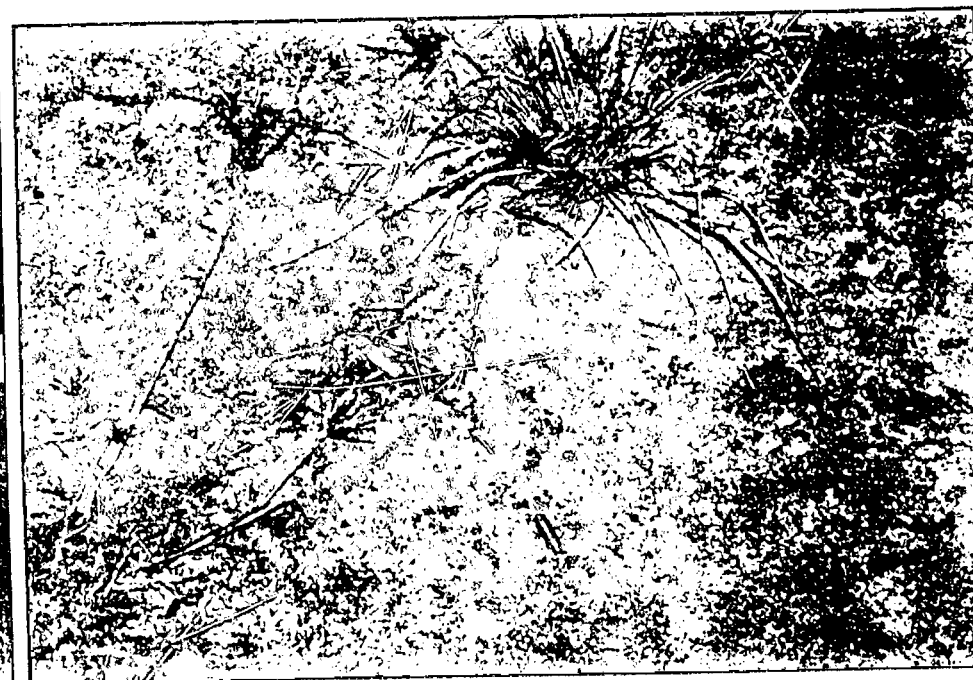
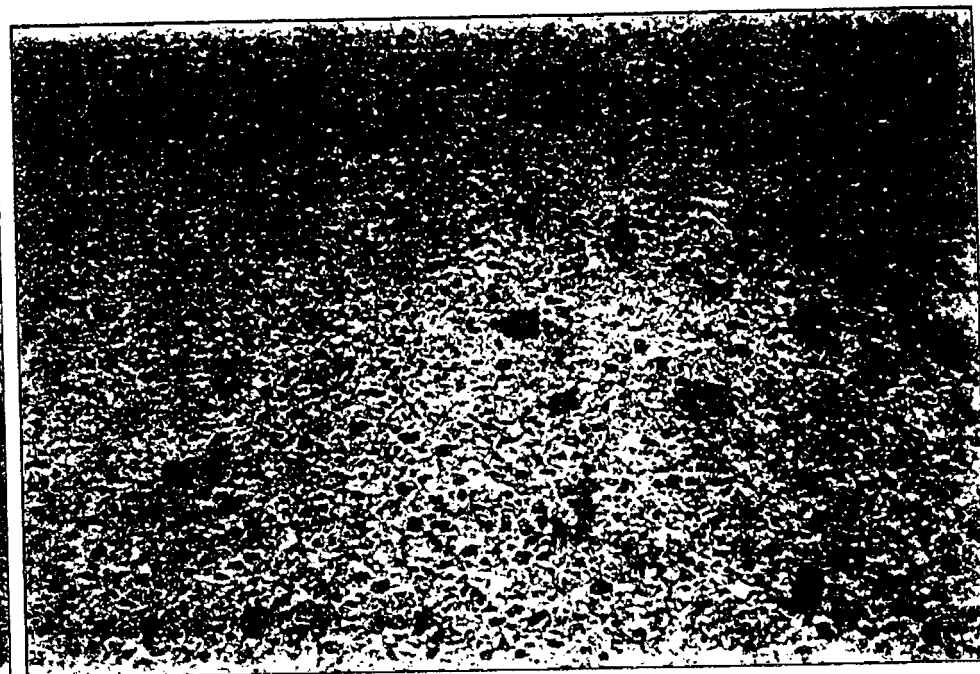
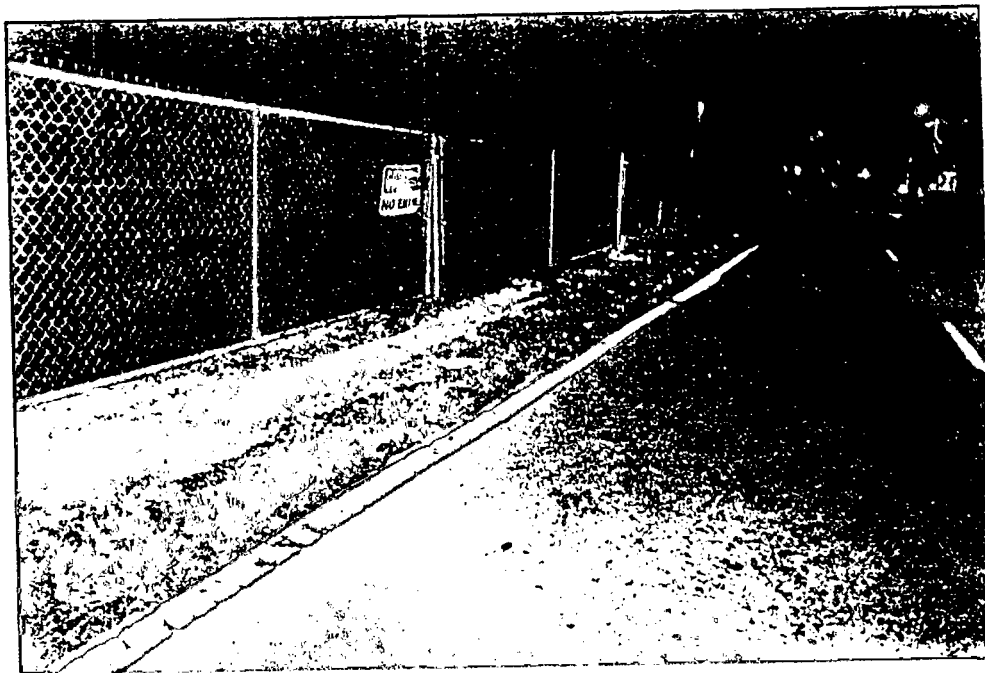
Número Licencia	Tipo Licencia	Fecha Expedición	Fecha Expiración	Estatus
155434	Licencia De Armas (Ley-168)	15 Oct 2021	15 Dec 2026	Activa

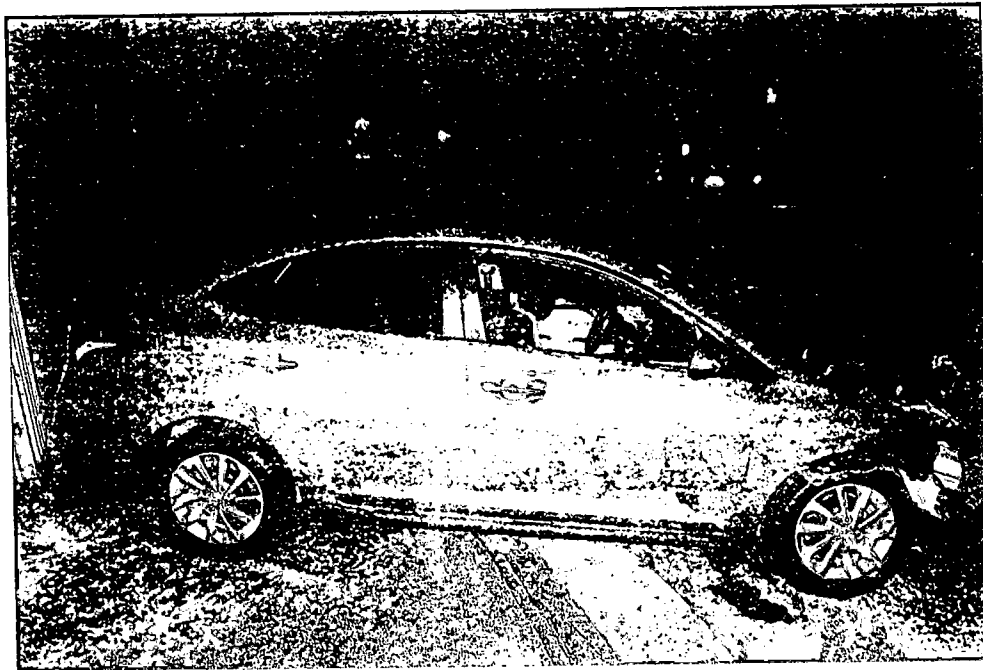
Información de Permisos

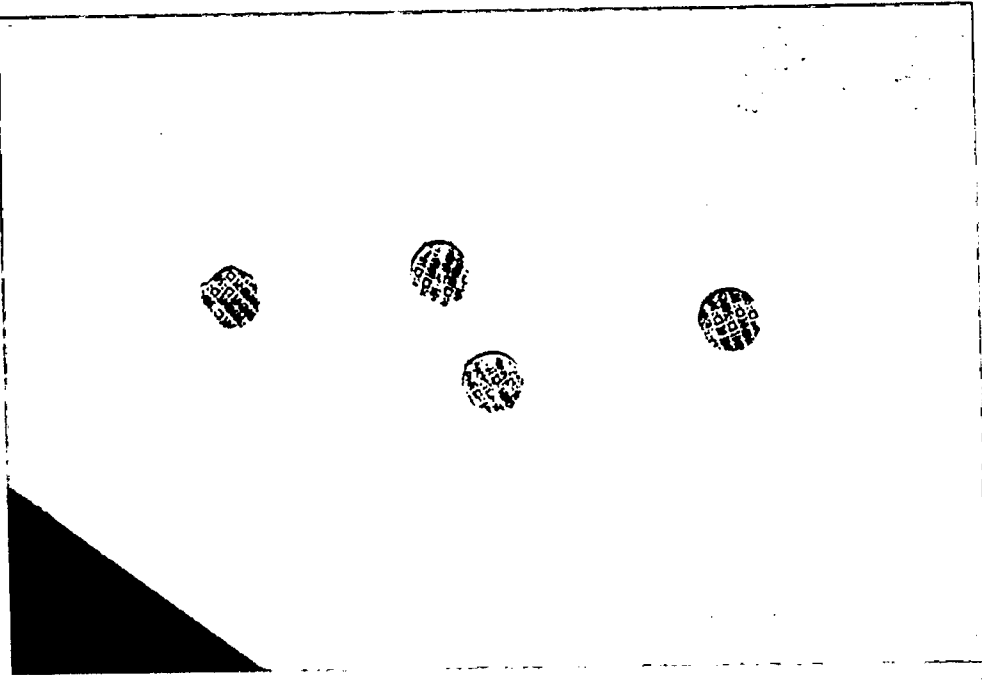
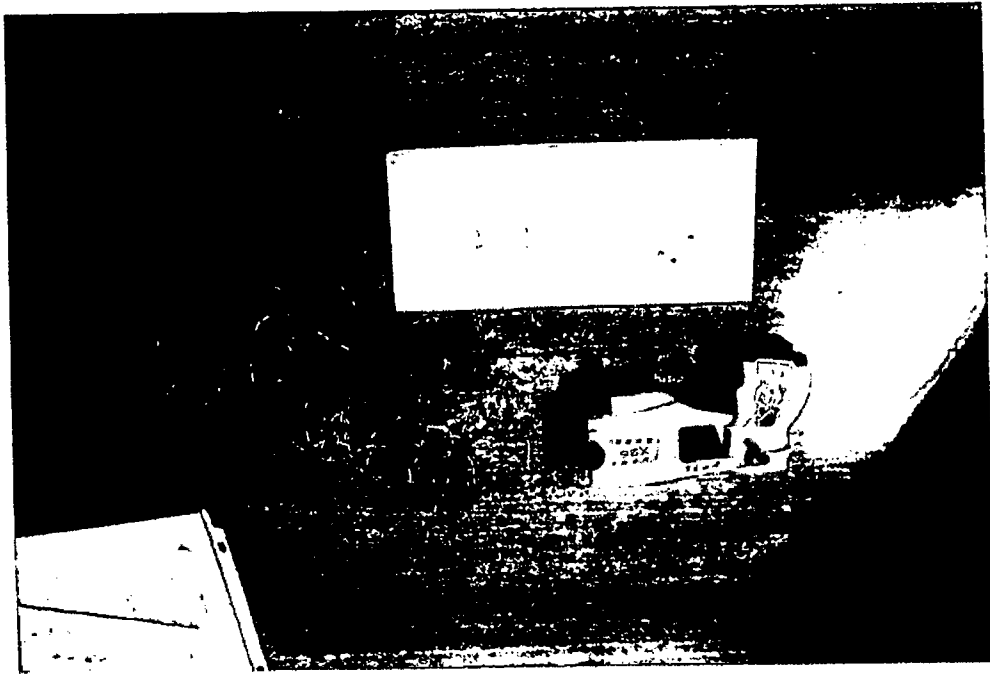
Número Permiso	Tipo Permiso	Fecha Expedición	Fecha Expiración	Estatus
197565	Tiro Al Blanco	12 Jul 2018	11 Jul 2023	Cancelado



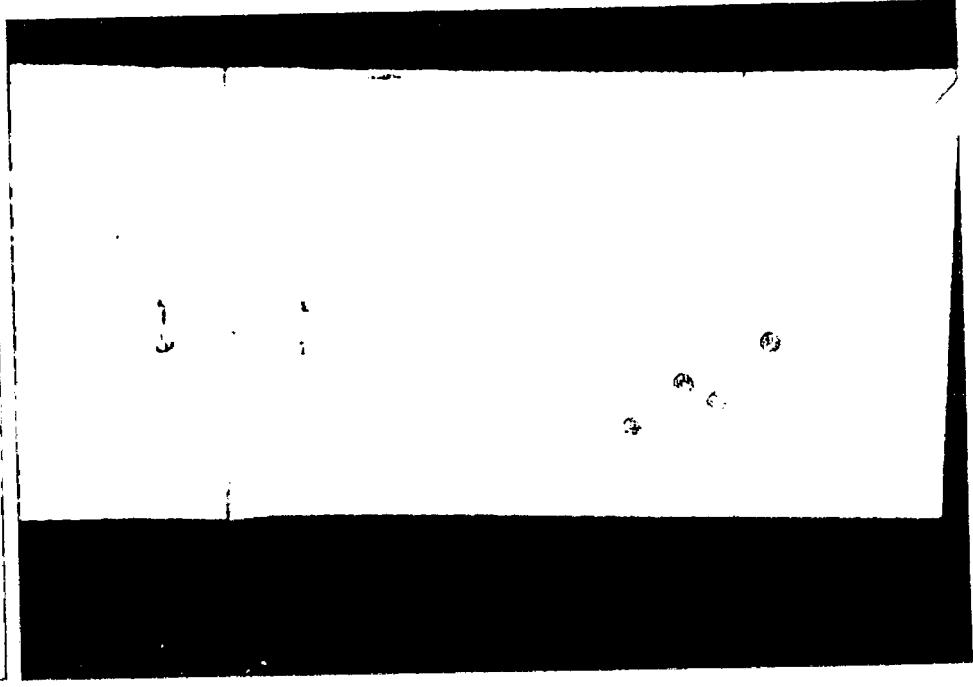








GOBIERNO DE PUERTO RICO		Negociado de la Policía de Puerto Rico	
Registro Fotográfico			
1. Fecha	2. Hora (Millas)	3. Número de Caso	
28 de Ago 1972	10:13	672	
4. Dirección del lugar donde se fotografía:			
31-13 St. José de la U. de P. R. S. A. A.			
5. Operado	6. Nombre del Agente de Servicios Técnicos		
223 UN 274 C. 274	AGTE. ISMAEL AGUILAR CARMONA #21482		
7. C. Incidente: Uso de fuerza			
8. Delito que motivó la investigación:			
H. Delitos adicionales			
CERTIFICADO CORRECTO			
10. Cantidad de Fotos tomadas		11. Firma y Puesto de Agente de Servicios Técnicos	
CADENA DE CUSTODIA			
12. Nombre persona (es) que la tomó memoria			
13. Firma y Puesto			
14. Fecha			
15. Hora y Lugar			



GOBIERNO DE PUERTO RICO
Negociado de la Policía de Puerto Rico

Registro Fotográfico

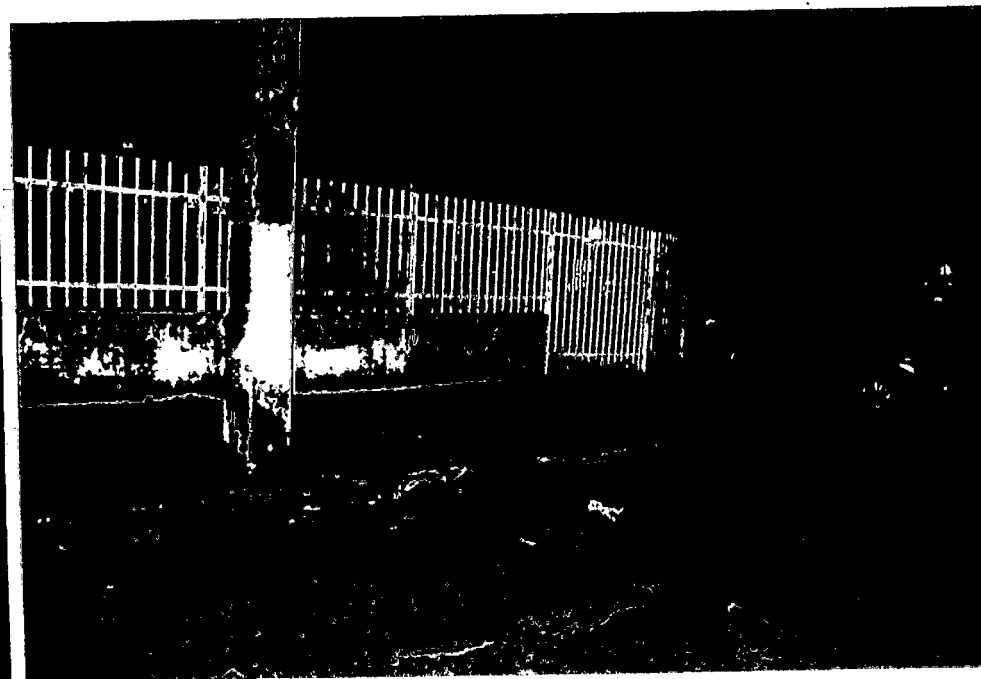
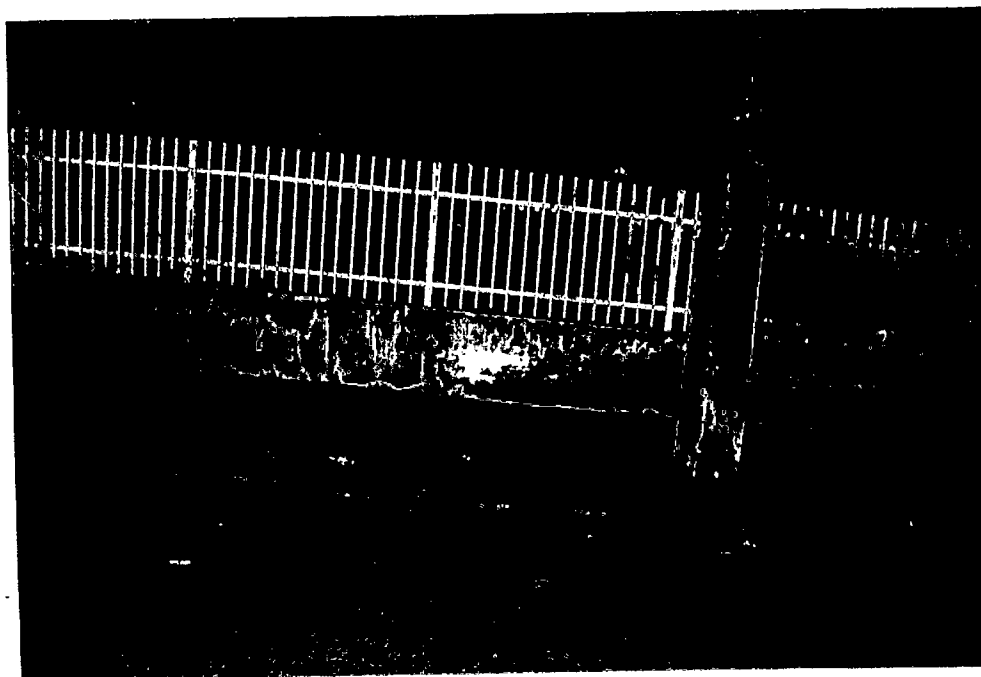
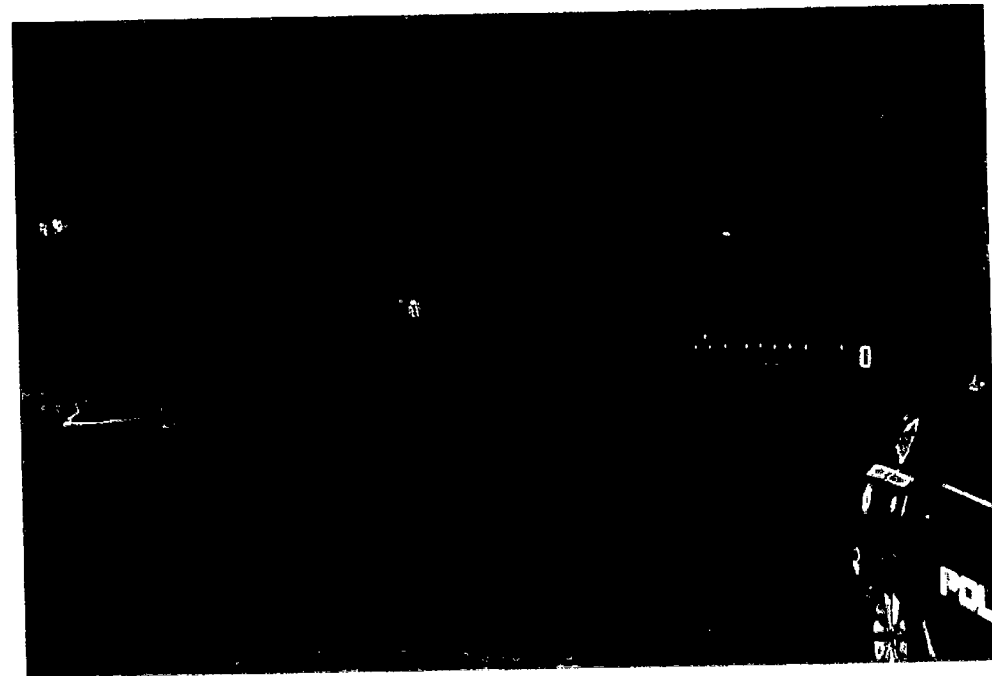
1. Fecha	2. Hora (Militar)	3. Número de Caso
12/11/2013	02:50	839
4. Dirección del lugar donde se investigó: Calle 197a entre Calle 198a y Calle 199a, Trujillo Alto		
5. Cuartel		6. Nombre del Agente de Servicios Técnicos
201 de 497 02:50:15		AGTE. REY FERNANDEZ FIDELDA #34528
7. <input type="checkbox"/> Incidente Uso de fuerza		
8. Detenido este motivo la intervención: Documento con 197 de Anna		
9. Datos adicionales		

CERTIFICADO CORRECTO

10. Cantidad de Fotos tomadas	11. Firma y Placa del Agente de Servicios Técnicos

CADENA DE CUSTODIA

12. Nombre persona recibe la evidencia	13. Firma y Placa
14. Fecha	15. Hora Militar





GOBIERNO DE PUERTO RICO
Asociación de la Policía de Puerto Rico



Registro Fotográfico

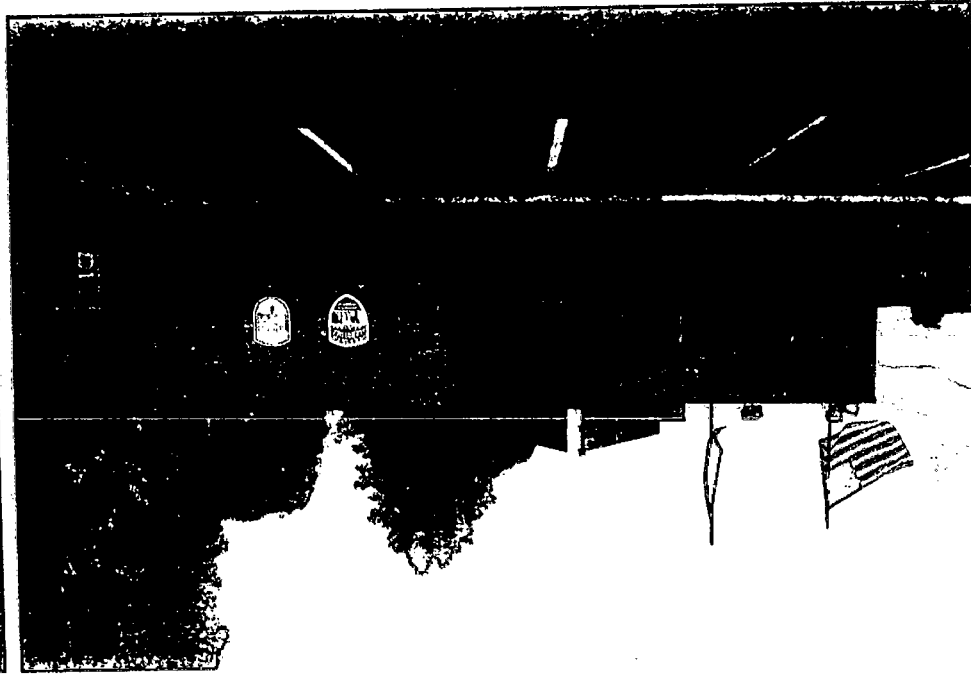
1. Fecha 2012 Jul 03 2013	2. Hora [Militar] 1013	3. Número de Caso 652
4. Dirección del lugar donde se fotograficó: Calle 34g, P.R. 00941, B. S.A.T.		
5. Evidencia 7/27 03:10:45		
6. Nombre del Agente de Servicios Técnicos AGTE. ISMAEL AGUILAR CARRIONA #21482		
7. <input type="checkbox"/> Incidente <input type="checkbox"/> Uso de fuerza		
8. De qué cosa trata la fotografía: Calle 34g y 34b		
9. Datos adicionales:		

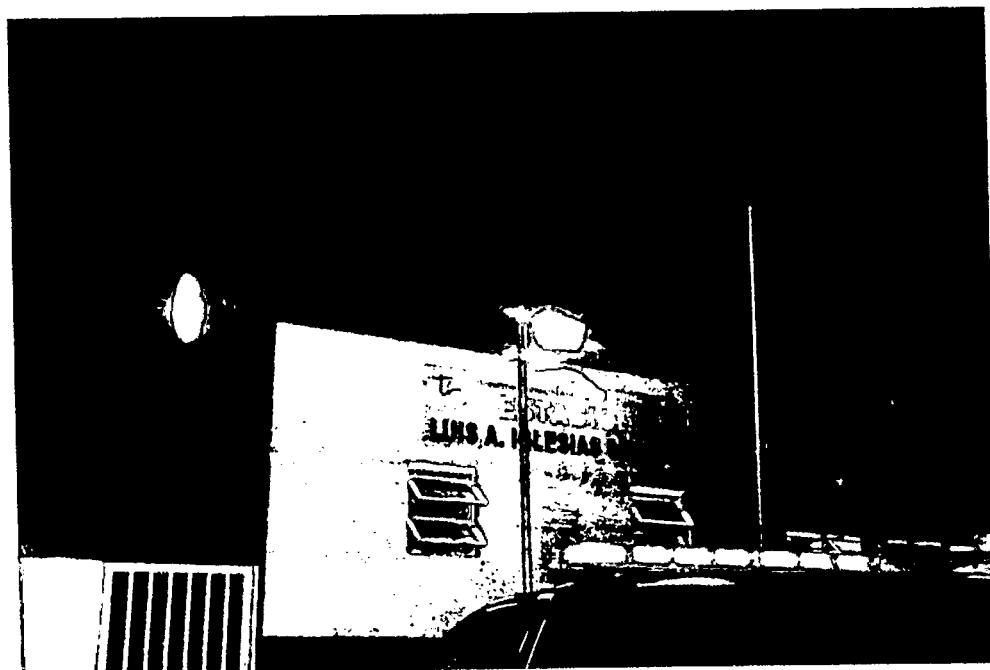
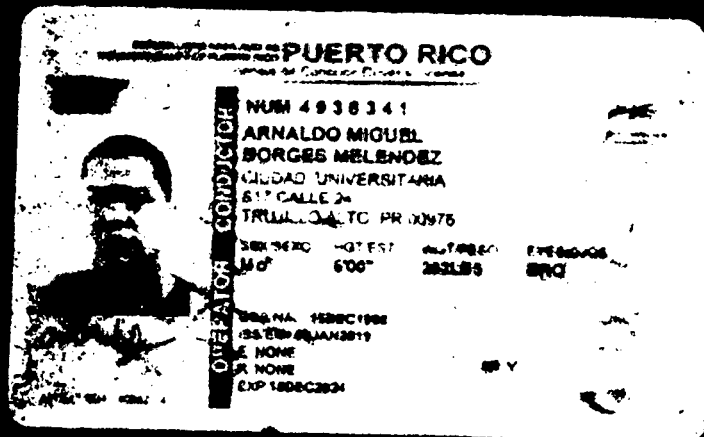
CERTIFICADO CORRECTO

10. Entregado a: 22	11. Firmado por el Agente de Servicios Técnicos: [Signature]
------------------------	---

CADENA DE CUSTODIA

12. Fecha y hora de entrega a la evidencia:	13. Firma y Puesto:
14. Fecha:	15. Hora y Puesto:





GOBIERNO DE PUERTO RICO
 Reglamento de la Policía de Puerto Rico

Registro de Investigación

1. Fecha 12. Hora y Lugar 13. Nombre de Caso

4. Dirección del lugar donde se realizó el suceso

5. Nombre del Agente de Seguridad

6. Nombre del Agente de Seguridad

7. Nombre del Agente de Seguridad

8. Nombre del Agente de Seguridad

9. Nombre del Agente de Seguridad

CERTIFICADO CORRECTO

10. Cantidad de bienes incautados 11. Hora y Lugar del Asalto de Seguridad

CADENA DE CUSTODIA

12. Nombre persona o entidad a la que se entregó 13. Fecha y Hora

14. Fecha 15. Hora y Lugar

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER
Phone: (800) 788-7133 Fax: (800) 578-7223



Print Date: May 25, 2023

FIREARMS TRACE SUMMARY

Trace Number: T20230227157 Request Date: May 04, 2023 Completion Date: May 12, 2023

ARNALDO FERNANDEZ-CARABALLO
PUERTO RICO III FIELD OFFICE
350 CARLOS CHARDON AVE STE 301
SAN JUAN, PR 00918
PHONE: (787) 344-8939 Ext:
FAX (787) 773-3301

Badge No:

Investigation No: 764080-23-0019

FIREARM INFORMATION

Manufacturer: GLOCK GMBH

Model: 19GEN5

Caliber: 9

Serial Number: BGVG872

Type: PISTOL

Country: AUSTRIA

Importer: GLOCK INC, SMYRNA GA

Obliterated:

Identifying Marks:

MBIN:

Gang Name:

RECOVERY INFORMATION

Recovery Date: 04/22/2023

Time to Crime: 1785 days

RD NE MUNICIPAL ROAD 846 RD

TRUJILLO ALTO, PR 00976

Possessor: ARNALDO BORGES-MELENDEZ

DOB:

POB: UNITED STATES

DEALER INFORMATION

FFL: 54202087

RHINE GROUP LLC

2409 NE 17TH ST

ANKENY, IA 50021

Phone: (515) 710-9743
Ext:

Ship-To-Date: 05/14/2018

PURCHASER INFORMATION

Purchase Date: 06/02/2018

NICHOLAS ADAM FORNEY

506 10TH ST

SPIRIT LAKE, IA 51360

DOB: 09/13/1985

POB: SPIRIT LAKE, IA UNITED STATES

Race: WHITE

Height: 5 ft 8 in

Sex: Male

Weight: 170 lbs

ID 1: IA DRIVER'S LICENSE: 510YV2685

ID 2: IA CONCEALED WEAPON PERMIT: 100KNB43H

Contact the local ATF office for additional information.

ADMINISTRATIVE INFORMATION

764080-23-0019

000001

LRFERNAND

2861210

SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER. FOR ANY QUESTIONS, PLEASE CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

Additional Remarks:

The information in this report must be validated prior to use in any criminal proceedings.

United States District Court

FOR THE DISTRICT OF PUERTO RICO

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Oscar Dones, a Task Force Officer with the United States Drug Enforcement Administration, Department of Justice, hereinafter referred to as DEA being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a law enforcement officer employed by the Drug Enforcement Administration (DEA), as defined by Title 21, United States Code, and Section 878(a). As such, I am empowered to conduct criminal investigations, arrests, searches, seizures, and any other law enforcement duties in furtherance of enforcing Title 21, United States Code. I have been a Task Force Officer with the DEA for approximately two (2) years, and I am currently assigned to the DEA Caribbean Division, San Juan District Office.
2. During the affiant's law enforcement career, the affiant has become familiar with the trafficking of illegal drugs and its proceeds, and with the drug trafficking organizations operating in Puerto Rico. As part of the affiant's official duties, the affiant has conducted arrests of persons engaged in illegal drug activities and its proceeds; the affiant has executed search warrants of homes and property of persons engaged in drug trafficking activities; and, the affiant has participated in seizures of property and currency, which constituted proceeds of illegal drug trafficking activity.
3. Moreover, the affiant has interviewed persons involved in the drug trafficking, debriefed confidential sources, and cooperating defendants regarding the habits and practices of people engaged in the illegal trafficking of drugs. Through the affiant's

training and experience, the affiant has become familiar with the *modus operandi* of drug traffickers and their methods of communication and maintains records of their illegal activities.

4. I have drafted this affidavit for the limited purpose of establishing probable cause for the violations as listed on the attached criminal complaint and therefore have not included all of the facts of this investigation. Based upon my personal knowledge and information furnished to me by other State Law Enforcement Officers, I am fully aware and alleged the following facts to be true and correct:

FACTS ESTABLISHING PROBABLE CAUSE

5. On February 16, 2018 at 7:20 ^{PM} approximately, I get a call from my Task Force Officer supervisor Omar O. Melendez. TFO Melendez informed that Agents from Puerto Rico Police Department (PRPD) FURA, Intel unit executed a search warrant in Naguabo. I arrived at FURA preceint in Ceiba and interviewed the Agents from PRPD FURA, Intel unit. PRPD agents informed me that they had executed a state search warrant on the residence located at the Fanduca Beach in Bo. Hucares in Naguabo, PR. When PRPD FURA agents arrived at the above mentioned residence, PRPD agents observed Edwin VAZQUEZ-QUINONES and a female later identified as Angelisse PADRO-CORDERO in the area of the second level balcony smoking marijuana. Both are the persons that PRPD agents saw in the surveillance of the state search warrant.
6. PRPD agents saw VAZQUEZ-QUINONES run to the left side of the house with a white bag in hand, around the rear of the residence and throw the white bag to the back of the first floor. PRPD agents went to the place they saw VAZQUEZ throw the

white bag. PRPD agents seized the white bag containing a Glock model 23 caliber .40
caliber handgun charged with a 28 round high capacity magazine loaded with 13 rounds and 1 in the
chamber. The weapons serial number was mutilated and it had a crudely fashioned
"CHIP" attached to the rear end of the slide which modifies the handgun to fire
automatically. Said "CHIP" ^{and mutilated serial number} was clearly visible from a simple inspection of the
weapon. PRPD Agents also found a transparent bag with a pressure seal containing
rice and two bags containing white powder, which later field tested positive to
cocaine. The agents also seized a box of Red brand Heavy Kitchen bag with different
universal pressure seal bags.

7. PRPD agents seized inside the residence in the main room a small plastic sealed bag
bearing a photo of the reggaeton singer of BAD BUNNY, which contained what later
field tested positive to marijuana and from a drawer a digital scale, a box of matches
with a sealed pressure bag with blue shade containing a white powder that from their
experience was cocaine and a white box with a clear plastic seal which is used to seal
kilos of drugs. In another room PRPD agents found a gun cleaning kit.


8. VAZQUEZ QUIÑONES and PADRO-CORDERO were taken to the FURA
Headquarters for processing. Later, DEA Agents read VAZQUEZ-QUIÑONES his
Miranda rights. ^{VAZQUEZ QUIÑONES} ~~SOTO-HERALDO~~ understood his rights and agreed to speak with the
agent. He indicated that he was a marijuana user of and had last smoked that morning.
He then asked for an attorney and the interview was terminated. DEA Agents read
PADRO-CORDERA her Miranda rights, which she understood and declined to speak
to the agents without a lawyer present.

9. The investigation further revealed that no firearms, including this type, are manufactured in the Commonwealth of Puerto Rico and therefore, the investigation concluded this firearm was shipped or transported in interstate or foreign commerce
10. Based upon my training, experience, and my participation in this investigation, I respectfully believe that sufficient probable cause exists to show Edwin VAZQUEZ-QUINONES and Angelisse PADRO-CORDERO violated federal law. Specifically Title 18, United States Code, Section 922(o) Possession of a machinegun, Title 18, United States Code, Section 922(g)(3) Drug user in possession and Title 18, United States Code, Section 922(k) Possession of firearm with obliterated serial number

Date: 02-17-2018


TASK FORCE OFFICER

Sworn to before me this 17th day of February of 2018, in San Juan, Puerto Rico.


UNITED STATES MAGISTRATE JUDGE

GOBIERNO DE PUERTO RICO
TRIBUNAL GENERAL DE JUSTICIA
TRIBUNAL PRIMERA INSTANCIA
SALA DE HUMACAO

EL PUEBLO DE PUERTO RICO

VS.

**AUTO: HONDA, MODELO CIVIC EX, AÑO 1996,
COLOR VERDE CLARO, TABLILLA HWW-307.**

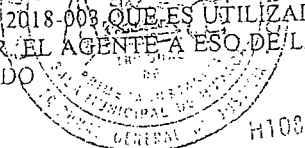
ORDEN DE REGISTRO Y/O ALLANAMIENTO

EL PUEBLO DE PUERTO RICO, AL JEFE DE LA POLICIA Y/O CUALQUIER OTRO AGENTE DEL ORDEN PÚBLICO, HABIÉNDOSE EN ESTE DIA PRESENTADO PRUEBA POR MEDIO DE DECLARACION JURADA Y FIRMADA POR EL AGTE. ERIC J. COTTO MATOS # 34563 QUIEN FUE EXAMINADO POR MÍ DE QUE:

EL AGTE. ERIC J. COTTO MATOS # 34563, TRABAJA PARA LA POLICIA DE PUERTO RICO, ADSCRITO A LA DIVISION DE INTELIGENCIA DE LAS FUERZAS UNIDAS DE RAPIDA ACCION (F.U.R.A.) BAJO LA DIRECCION DEL TNTE. II ÁNGEL M. GARCÍA MARTÍNEZ 7-13644.

EL LUNES 5 DE FEBRERO DE 2018, EN HORAS DE LA MAÑANA EL TNTE. II ANGEL M. GARCIA MARTINEZ 7-13644 LE ASIGNO LA QUERELLA ESPECIAL #2018-003. PARA QUE LA INVESTIGARA. LA QUERELLA DICE QUE EN EL BARRIO HUCARES, CERCA DE LA PLAYA LA FANDUCA EN NAGUABO HAY VIVIENDO UN TIPO QUE SE ESTA ESCONDIENDO POR QUE LO QUIEREN MATAR. EL NO ES DEL BARRIO, ES FLACO, PELO NEGRO, TIENE TATUAJES, ALTO, MEDIO TRIGUEÑO Y TIENE UNA PISTOLA. AL PARECER TIENE UNA MESA DE DROGAS EN LA CASA QUE SE LA TRABAJA A OTRA PERSONA DE OTRO PUEBLO. CASI NO SALE DE LA CASA Y SE PASA MUCHO TIEMPO BREGANDO CON EL CARRO. VIVE PASANDO EL NEGOCIO CERRADO DE LA FANDUCA QUE SE LLAMA, BAJO UN PALMAR A LA IZQUIERDA. DESPUES HAY OTRO NEGOCIO A LA IZQUIERDA QUE ES NUEVO SIGUES LA CARRETERA EN LA PROXIMA CALLE A LA IZQUIERDA, SI LA PASARAS RAPIDO TE QUEDA EL PARQUE A LA IZQUIERDA Y TE PASASTE. EN LA ENTRADA A LA IZQUIERDA HAY CASAS EN AMBOS LADOS AHÍ MISMO DOBLAS A LA IZQUIERDA CUENTAS DOS CASAS A LA DERECHA Y LA CASA ES LA SEGUNDA DE DOS PISOS PINTADA DE CREMA Y BROWN. EN LA MARQUESINA HAY UN HONDA CIVIC COLOR VERDE CON LA TABLILLA HWW-307 ES EL CARRO QUE USA EL TIPO. EL VIVE EN EL SEGUNDO PISO SOLO.

EL MARTES 6 DE FEBRERO DE 2018 TOMO SERVICIO A LAS 9:00AM. A ESO DE LAS 11:00AM DECIDIO COMENZAR CON LA INVESTIGACION DE LA QUERELLA ESPECIAL 2018-003. SE DIRIGIO HACIA EL PUEBLO DE NAGUABO AL BARRIO HUCARES CERCA DE LA PLAYA LA FANDUCA PARA UBICAR LA RESIDENCIA DE DOS NIVELES. EN UN VEHICULO OFICIAL NO ROTULADO, UN RADIO PORTATIL CON EL NUMERO DE PROPIEDAD 282365 Y UNOS BINOCULARES DE SU PROPIEDAD. A ESO DE LAS 12:20PM UBICO LA RESIDENCIA A INVESTIGAR, PUDO OBSERVAR QUE EN EL AREA DE LA MARQUESINA HAY UNA GUAGUA COLOR ROJO CON LA TABLILLA 608-370. A ESO DE LAS 12:40PM SE UBICO EN UN LUGAR ESTRATEGICO DONDE TENIA PLENA VISIBILIDAD A LA ESTRUCTURA DE DOS NIVELES BAJO INVESTIGACION. A ESO DE LAS 2:50PM OBSERVÓ QUE SE ABRIÓ LA PUERTA DE ENTRADA DEL PRIMER NIVEL SALIENDO DEL INTERIOR DE LA RESIDENCIA UN INDIVIDUO CALVO, DE TEZ TRIGUEÑA, FORNIDO, ALREDEDOR DE CINCO PIES Y SIETE PULGADAS DE ESTATURA, CON BARBA, SIN CAMISA, PANTALON CORTO A LA RODILLA TIPO TRAJE DE BAÑO, COLOR BLANCO CON DISEÑO DE COLORES. EL INDIVIDUO COMENZO A TENDER ROPA EN UN TENEDERO QUE HAY COLGANDO CERCA DE LA MARQUESINA. EL INDIVIDUO ENTRABA Y SALIA DE LA RESIDENCIA DEL PRIMER NIVEL HASTA QUE TERMINO DE TENDER LA ROPA. A ESO DE LAS 3:00PM ENTRO EL INDIVIDUO A LA RESIDENCIA DEL PRIMER NIVEL CERRANDO LA PUERTA DE ENTRADA PERDIENDOLO DE VISTA. EL SEGUNDO NIVEL QUE ES LA RESIDENCIA BAJO INVESTIGACION ESTABA CERRADA LA PUERTA DE ENTRADA Y NO VISUALIZO NADA DELICTIVO EN EL LUGAR. EL AUTO HONDA CIVIC COLOR VERDE CON LA TABLILLA HWW-307 Y MENCIONADO EN LA QUERELLA ESPECIAL 2018-003 QUE ES UTILIZADO POR EL INDIVIDUO EN INVESTIGACION NO ESTABA EN EL LUGAR. EL AGENTE A ESO DE LAS 3:30PM DECIDIO MARCHARSE DEL LUGAR PARA NO SER DETECTADO.



EL MIER ES 7 DE FEBRERO DE 2018 TOMO SERVICIO A LAS 6:00AM Y DECIDIO CONTINUAR CON LA INVESTIGACION DE LA QUERRELLA ESPECIAL 2018-003. SE DIRIGIO EN UN VEHICULO OFICIAL NO ROTULADO, UN RADIO PORTATIL CON EL NUMERO DE PROPIEDAD 282365 Y UNOS BINOCULARES DE SU PROPIEDAD HACIA EL BARRIO HUCARES, CERCA DE LA PLAYA LA FANDUCA EN EL PUEBLO DE NAGUABO. A ESO DE LAS 7:00AM SE UBICO EN UN LUGAR ESTRATEGICO DONDE TENIA PLENA VISIBILIDAD A LA ESTRUCTURA DE DOS NIVELES BAJO INVESTIGACION. EN LA MARQUESINA EN EL PRIMER NIVEL HAY ESTACIONADOS DOS AUTOS LA MISMA GUAGUA ROJA CON LA TABLILLA 608-370 QUE HABIA VISTO EN LA PRIMERA VIGILANCIA Y AL LADO ESTABA EL HONDA CIVIC COLOR VERDE, TABLILLA HWW-307 Y SIENDO LA MISMA TABLILLA BRINDADA EN LA QUERRELLA ESPECIAL 2018-003. A ESO DE LAS 7:34AM, PUDO OBSERVAR QUE SE ABRIO LA PUERTA PRINCIPAL DE LA RESIDENCIA DEL SEGUNDO NIVEL QUE ES LA RESIDENCIA QUE ESTA BAJO INVESTIGACION. SALIO UN INDIVIDUO DELGADO, CABELLO COLOR NEGRO PEGADO ARRIBA, CON MUCHO CABELLO CERCANO AL AREA DEL CUELLO, DE TEZ TRIGUENO CLARO, ALREDEDOR DE CINCO PIES Y SEIS PULGADAS DE ESTATURA, BARBA, VESTIA PANTALON CORTO A LA RODILLA COLOR NEGRO CON LINEAS ROJAS EN AMBOS LADOS, SIN CAMISA, TIENE TATUAJES EN EL BRAZO DERECHO Y EN EL COSTADO DERECHO. EN EL AREA DEL CUELLO TENIA COLGANDO UN PEDAZO DE TELA COLOR NEGRO. PUDE OBSERVAR QUE EN EL AREA DE LA CINTURA TENIA PINCHADO CON EL PANTALON CORTO UNA PISTOLA COLOR NEGRO, CIERRA LA PUERTA Y COMIENZA A BAJAR LA ESCALERA HACIA EL PRIMER NIVEL. LO QUE TENIA EN EL CUELLO COLOR NEGRO ERA UN ABRIGO EL CUAL SE PUSO ANTES DE ABRIR EL PORTON DE ENTRADA A LA ESTRUCTURA TAPANDO LA PISTOLA. ABRIO LA PUERTA DEL AUTO HONDA CIVIC SE MONTO MARCHANDOSE DEL LUGAR, PERDIENDOLO DE VISTA. A ESO DE LAS 8:00AM OBSERVO EL AUTO HONDA CIVIC REGRESAR A LA ESTRUCTURA Y LO ESTACIONO EN EL MISMO LUGAR DE DONDE SALIO. SE BAJO DEL AUTO EL INDIVIDUO ANTES DESCRITO BUSCO UNA MANGA DE AGUA, SE QUITO EL ABRIGO COLOR NEGRO LO ENGANCHO EN EL PASAMANO DE LA ESCALERA Y COMENZO A LAVAR EL AUTO. A ESO DE LAS 8:35AM OBSERVO QUE SE ABRIO LA PUERTA DE LA RESIDENCIA DEL PRIMER NIVEL SALIENDO DEL INTERIOR EL MISMO INDIVIDUO CALVO SIN CAMISA QUE OBSERVO EN LA PRIMERA VIGILANCIA. MIRA HACIA LOS LADOS Y ENTRA A LA RESIDENCIA DEL PRIMER NIVEL CERRANDO LA PUERTA PERDIENDOLO DE VISTA. A ESO DE LAS 9:00AM EL INDIVIDUO BAJO INVESTIGACION TERMINO DE LAVAR EL AUTO HONDA ABRIO EL BAUL DEL AUTO DEL INTERIOR SACO UN BULTO COLOR NEGRO TIPO MOCHILA, SE LO ENGANCHO EN LA ESPALDA Y CIERRA EL BAUL. Y COMIENZA A SUBIR LAS ESCALERAS HACIA EL SEGUNDO NIVEL SIN CAMISA. ABRIO LA PUERTA PRINCIPAL DE ENTRADA DEL SEGUNDO NIVEL ENTRO AL INTERIOR PERDIENDOLO DE VISTA. A ESO DE LAS 9:30AM DECIDIO MARCHARSE DEL LUGAR PARA NO SER DETECTADO. EN ESTA VIGILANCIA OBSERVO QUE EL INTEGRANTE DE LA RESIDENCIA DEL PRIMER NIVEL NO TIENE VINCULOS CON EL INDIVIDUO QUE RESIDE EN EL SEGUNDO NIVEL QUE ES LA RESIDENCIA INVESTIGADA.

EL JUEVES 8 DE FEBRERO DE 2018 TOMO SERVICIO A LAS 8:00AM Y A ESO DE LAS 10:30AM DECIDIO CONTINUAR CON LA INVESTIGACION DE LA QUERRELLA ESPECIAL 2018-003. SE DIRIGIO EN UN VEHICULO OFICIAL NO ROTULADO, UN RADIO PORTATIL CON EL NUMERO DE PROPIEDAD 282365 Y UNOS BINOCULARES DE SU PROPIEDAD HACIA EL BARRIO HUCARES, CERCA DE LA PLAYA LA FANDUCA EN EL PUEBLO DE NAGUABO. A ESO DE LAS 12:00PM SE UBICO EN UN LUGAR ESTRATEGICO DONDE TENIA PLENA VISIBILIDAD A LA ESTRUCTURA DE DOS NIVELES BAJO INVESTIGACION. EN LA MARQUESINA DEL PRIMER NIVEL ESTAN ESTACIONADOS LOS MISMOS VEHICULOS DE LAS PASADAS VIGILANCIAS. A ESO DE LAS 12:25PM SE ABRIO LA PUERTA DE LA RESIDENCIA BAJO INVESTIGACION EN EL SEGUNDO NIVEL, DEL INTERIOR SALIO EL MISMO INDIVIDUO QUE LAVABA EL AUTO HONDA EN LA VIGILANCIA ANTERIOR SIN CAMISA, PANTALON CORTO A LA RODILLA COLOR GRIS, CON UNA PISTOLA COLOR NEGRO PINCHADA CON EL PANTALON. EL INDIVIDUO BAJO LAS ESCALERAS Y ABRIO EL BAUL DEL VEHICULO HONDA CIVIC COLOR VERDE TABLILLA HWW-307 SACO ALGO DEL INTERIOR, CIERRA EL BAUL Y SUBIO POR LAS ESCALERAS HACIA LA RESIDENCIA DEL SEGUNDO NIVEL CON UNA BOLSA TRANSPARENTE SELLADA A PRESION QUE EN SU INTERIOR CONTENIA UNA MASA DE COLOR VERDE Y MARRON COMPACTADA QUE POR SU EXPERIENCIA SABIA QUE SE TRATABA DE LA SUSTANCIA CONTROLADA CONOCIDA COMO MARIHUANA. ENTRO A LA RESIDENCIA BAJO INVESTIGACION Y CIERRA LA PUERTA PERDIENDOLO DE VISTA. A ESO DE LAS 12:35PM OBSERVO QUE SE ABRIO LA PUERTA DEL SEGUNDO NIVEL DEL INTERIOR SALE EL MISMO INDIVIDUO CON LA PISTOLA PINCHADA EN SU PANTALON Y CON EL SALIO UNA DAMA DE TEZ TRIGUENA, BAJITA, CABELLO COLOR NEGRO LARGO, CON UN PANTALON CORTO COLOR BLANCO Y BLUSA COLOR GRIS. LA DAMA BAJO LAS ESCALERAS SALIENDO POR EL PORTON DE ENTRADA, CAMINO POR LA CALLE Y LA PERDIO DE VISTA. EL INDIVIDUO CON LA PISTOLA ENTRA A LA RESIDENCIA DEL SEGUNDO NIVEL, CIERRA LA PUERTA PERDIENDOLO DE VISTA. A ESO DE LAS 1:30PM DECIDIO MARCHARSE DEL LUGAR PARA NO SER DETECTADO. LUEGO DE MARCHARSE DEL LUGAR NO LE QUEDO DUDA DE LO QUE OBSERVO EL MIERCOLES 7 Y EL JUEVES 8 DE FEBRERO DE 2018;

no existe nombre de la
Sobers. Posee un Arma
Ilegal

QUE EL INVESTIGADO PORTABA UN ARMA DE FUEGO SIN POSEER LA LICENCIA DE ARMAS OTORGADA POR EL SUPERINTENDENTE DE LA POLICIA DE PUERTO RICO, LO QUE HACE EL ARMA ILEGAL. POSEIA LA SUSTANCIA CONTROLADA MARIHUANA LA CUAL NO ES LEGAL EN PUERTO RICO. CONSULTO LO OBSERVADO CON EL TNT. II ANGEL M. GARCIA MARTINEZ 7-13644 DONDE LE INDICO LO OBSERVADO EN LAS VIGILANCIAS Y ESTE LO INSTRUYO QUE REALIZARA EL ESCRITO PERTINENTE PARA LIBERAR UNA ORDEN DE REGISTRO Y ALLANAMIENTO PARA LA RESIDENCIA DEL SEGUNDO NIVEL Y EL VEHICULO HONDA CIVIC CON LA TABLILLA HWW-307. LA RESIDENCIA ESTA UBICADA EN EL BARRIO HUCARES EN EL PUEBLO DE NAGUABO PR, CERCA DE LA PLAYA LA FANDUCA.

ESTE MAGISTRADO ENTIENDE QUE DE DICHAS DECLARACIONES Y DE EXAMEN DE LOS DECLARANTES, EXISTE CAUSA PROBABLE PARA LIBRAR ESTA ORDEN Y SE LE ORDENA POR LO TANTO, QUE DURANTE LAS HORAS DE DÍA O DE NOCHE PROCEDA INMEDIATAMENTE AL REGISTRO DE:

**AUTO: HONDA, MODELO CIVIC EX, AÑO 1996,
COLOR VERDE CLARO TABLILLA HWW-307.**

Este magistrado entiende que de dichas Declaraciones y de examen de los declarantes, existe causa probable para librar esta Orden y se le ordena por lo tanto, que durante las horas de día proceda inmediatamente al registro de:

En busca de:

A) Todo lo relacionado al almacenamiento, venta y distribución de sustancias controladas y/o armas de fuego.

Librada bajo mi firma hoy, 14 de febrero de 2018

Hora: 2:40 pm

Aff: 588

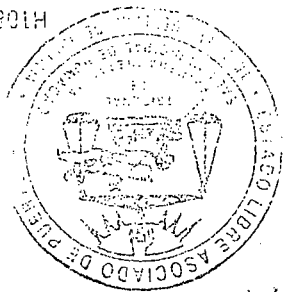
Maria Del Rosario Rojas Delgado
FIRMA

María Del Rosario Rojas Delgado

JUEZ



COM 2014



SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

October 3, 2025

Felix Verdejo-Sanchez
#51145-069
USP Pollock
PO Box 2099
Pollock, LA 71467

RE: Verdejo-Sanchez v. United States
USAP1 No. 23-1964, 25-1020

Dear Mr. Verdejo-Sanchez:

The above-entitled petition for writ of certiorari was postmarked September 16, 2025 and received September 13, 2025. The papers are returned for the following reason(s):

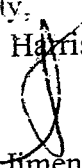
The petition appears to seek review of case No. 23-1964 and 25-1020 which remain pending in the Court of Appeals for the First Circuit. To the extent the petition seeks review before judgment under Rule 11, the statement of jurisdiction must expressly invoke Rule 11. The statement of jurisdiction should not specify a date of an order at this time if the petition is to be filed under Rule 11 before judgment.

Per our phone conversation, a declaration of timely filing pursuant to Rule 29.2 should be included in which the date of initial filing is indicated.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By: 
Angela Jimenez
(202) 479-3392

Enclosures

"Appendix C" shows the first motion challenging Subject-Matter Jurisdiction on 01/27/2025.

"APPENDIX C"

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO. 23-1964; 25-1020

UNITED STATES OF AMERICA

Plaintiff/ Appellee,

v.

FELIX VERDEJO-SANCHEZ

Defendant/ Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO

MOTION FOR SUMMARY JUDGEMENT FOR DISMISSAL OF
INDICTMENT PURSUANT TO FED. R. CRIM. P. 12(b)(2)

TO THE HONORABLE COURT:

“ Appendix C”

STATEMENT OF FACTS

On May 2, 2021, the Appellant was indicted by a federal grand jury charging him for violation of 18 U.S.C.S. § 2119(3) and (2); Id. 18 U.S.C.S. § 1201(a)(1) and (2); Id. 18 U.S.C.S. § 1841 and 2; Id. 18 U.S.C.S. § 924(c)(1)(A)(i).

On May 6, 2021, he was arrested.

On May 11, 2021, he had initial appearance.

On June 20, 2023, the trial commenced.

On July 28, 2023, the jury's verdict was

(1) Violation of 18 U.S.C.S. § 2119(2) and (3) NOT GUILTY

(2) Violation of Id. 18 U.S.C.S. § 924(c)(1)(A)(i) NOT GUILTY

(3) Violation of Id. 18 U.S.C.S. § 1201(a)(1) and (2) GUILTY

(4) Violation of Id. 18 U.S.C.S. § 1841 and 2 GUILTY

On November 3, 2023, Appellant was sentenced to two life sentences.

During the prosecution and all the way through sentencing the Appellant did not have knowledge that his case should have been judged by a Commonwealth of Puerto Rico's Court and that his constitutional right to due process had been violated. Now that he has the knowledge, he is claiming his constitutional right to due process, therefore he prays this honorable Court to judge pursuant to the U.S. Constitution. Because, *United States v. Figueroa Rios*, 140 F. Supp.

376(1956) states:

"If only to be consistent, Congress would not have applied a section for the policing of areas with a classical territorial form of government, directly under Congressional government to an area with its own constitution, subject to no supervision, in local matters, by the Federal government."

The Appellant, pro se, moves to dismiss the indictment, Charging him with violating 18 U.S.C.S. § 2119(3) and (2); Id, 18 U.S.C.S. § 924(c)(1)(k)(1); Id, 18 U.S.C.S. § 1201(a)(1) and (2); Id, 18 U.S.C.S. § 1841 and 2, for failure to state facts to constitute an offense under the laws of the United States where the language in the statutes did not include the Commonwealth of Puerto Rico. In support of this motion, the Appellant states the following:

Pursuant to Fed.R.Crim.P. 12(b)(2), "may be raised for the first time on appeal". See *United States v. Disanto*, 86 F.3d 1238, 1244 (1st Cir. 1996).

This Court must consider the contents of this motion for summary judgement to determine that there is a genuine issue of material fact rather than one of law. In this case the federal law is inapplicable due to the fact that it is the Commonwealth of Puerto Rico's law that maintains precedence because there is no interstate or foreign commerce nexus. Neither occurred in the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C.S § 7(1).

"(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State." See exhibit 1

Thus, it is proven that the federal court lacks jurisdiction and support for this. The Appellant states the following reasons:

1. The Commonwealth of Puerto Rico must be considered a sovereign state, therefore the federal law is, in this case, inapplicable being Puerto Rico's law is the only one to apply, "the Commonwealth legislature and governor reign supreme over all matters of local concern," *United States v. Figueroa Rios*, 140 F. Supp. 376; 1956.

2. The U.S. attorney fails to move that the charges against the Appellant were in violation of federal law because it never found an interstate or foreign commerce, Neither occurred in special maritime and territorial jurisdiction of the United States, which is essential to establish federal jurisdiction, therefore, the jurisdiction is of the Commonwealth of Puerto Rico, the federal government violated 18 U.S.C.S. 3231 when it took away and impair the Commonwealth of Puerto Rico's jurisdiction being such jurisdiction is the only one that is applicable in this case, Also, the federal government violated the due process clause contained in the Fourteenth Constitutional Amendment showing disregard for the Constitution when it knowingly and intentionally prosecuted the accused, being all facts direct evidence of a local activity in the Commonwealth of Puerto Rico, Because of this, Congress enacted clearly 18 U.S.C.S. & 3231 as follows:

"Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the law thereof."

3. The facts prove that the accused was under the Commonwealth of Puerto Rico's jurisdiction, the crime use to accuse the Appellant was purely local without affecting interstate or foreign commerce, Nor did it occur in the special maritime and territorial jurisdicción of the United States, therefore, the crime charged ast be judged by a State Court not a Federal Court, the federal statute proves federal lack of jurisdiction in this case as follows:

The 18 U.S.C.S. &2119(2) and (3) (carjacking)states and defines transport in interstate or foreign commerce, for the purposes of the chapter thus: the term interstate or foreign commerce' means commerce between any State. Here there was not, whatsoever, any

transport neither interstate, nor foreign commerce, See 18 U.S.C. § 921(a)(2), ("Definitions") and none of the facts occurred within the special maritime and territorial jurisdiction of the United States. The accused, in a trial was found not guilty by a jury. *United States v. Figueroa Rios*, 140 F.Supp.376,381(D.P.R 1956); *United States v. Mercado-Flores*, 312 F.Supp.3d 249(2015).

The 18 U.S.C.S. § 1201(a)(1) and (2) (Kidnapping) states and defines:

"Transported across a State boundary, or the offender travels in inter-state or foreign commerce in committing or in furtherance of the commission of the offense; (2) Any such act against the person is done within the special maritime and territorial jurisdiction of the United States."

The Commonwealth of Puerto Rico CEASED to be a U.S. territory since 1952. Therefore, in this case, the one and only applicable law is the local one which is (Spanish version): title 33, section 5223 de las leyes estatales delito de secuestro esta regulado en este titulo y cómo parte de esta añadieron la (Ley Num. 146-2012) y esta relacionado con los delitos contra la persona, específicamente el secuestro agravado. *United States v. Maldonado-Burgos*, 844 F.3d 339(1st Cir., December 21, 2016).

The 18 U.S.C.S. § 1841 and 2 (Protection of Unborn Children):

"Provides that if the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under § 1841(a)(2)(A), be punished as provided under 18 U.S.C.S. §§ 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being. 1841(a)(2)(C). This provision plainly punishes the killing of an unborn child the same as the killing of a human being under § 1111."

Once more as in all other statutes that were applied to the Appellant this one is also inapplicable in the Commonwealth of Puerto Rico as it is provided by 18 U.S.C.S. § 1111(b), because the facts occurred were not in the special maritime and territorial jurisdiction of the United States. Because in this case being a public notice in the whole Commonwealth of Puerto Rico clearly in trail all evidence and testimony shows plural local activity within the

Commonwealth of the Puerto Rico and the federal government purposely acted with bad faith against the Appellant, and creating great prejudice against him, trying to accuse him with inapplicable statutes which in their own language were never in agreement with the case facts. (Spanish version) Aquí el artículo 93 de las leyes de estatales de Puerto Rico es el delito de protección a un no nacido y está regulado en este título 146-2012. (English version) of the law states crime of protection of unborn children is regulated in this title 146-2012. Both of these sections apply and are state law covered in Puerto Rico.

The 18 U.S.C.S. 924(c)(1)(A) violation was also charged and the jury found the accused not guilty.

The Judge Cancio, D.J. in the case, *Liquilux Gas Services of Ponce, Inc., v. Tropical Gas Co., Inc.*, 303 F. Supp. 414; 1969., agrees with Judge Ruiz-Nazario as follows:

"In *United States v. Figueroa Rios*, 140 F.Supp.376(D.P.R.1956), Judge Ruiz-Nazario handed down a landmark decision relating to the [1969 U.S. Dist. LEXIS 13] interpretation of Section 9 of the Federal Relations Act and applicability of pre-Commonwealth statutes in Puerto Rico. He held that Section 9 has acquired such a vitality after the establishment of the Commonwealth that it may be safely accorded, as regards the applicability to the Commonwealth of the statutory laws of the United States, a function which is substantially similar to the Interstate Commerce Clause of the Constitution, as regards the relations between the Federal Government and the governments of the different states of the Union. 140 F.Supp.376 at 381.

Although the *Figueroa Rios* case deals with the Federal Firearms Act, it has direct applicability to the present case. The Firearms Act made it a federal crime for a convict or a fugitive to transport a firearm 'in interstate or foreign commerce,' which was defined to include commerce 'within any Territory or possession' under the Robinson-Patman Act. In *Cases v. United States*, 131 F.2d 916(1st Cir.1942), it had been held that the Firearms Act applied to the transportation of firearms solely within [1969 U.S. Dist. LEXIS 14] Puerto Rico. In *Figueroa Rios*, however, the question was raised whether that Act continued to apply to transportation wholly within Puerto Rico after Commonwealth status.

After an exhaustive and careful consideration of Puerto Rico's status, the Court held the Firearms Act inapplicable to commerce within Puerto Rico. It stated that if Congress had foreseen the Commonwealth of Puerto Rico, it would have so varied the [Firearms Act definition of 'interstate and foreign commerce'] as to exclude it from the intra-territorial operation of the

Firearms Act....If only to be consistent, Congress would not have applied a section for the policing of areas with a classical territorial form of government, directly under Congressional government, to an area with its own constitution, subject to no supervision, in local matters, by the Federal government. Thus, I must conclude that so much of [the Firearms Act] as defines 'interstate or foreign commerce' as commerce 'within any Territory or possession' is now locally inapplicable in Puerto Rico. 140 F.Supp. at 381.

This Court has had several recent occasions in antitrust cases to make clear that activity solely within [1969 U.S. Dist. LEXIS 15] Puerto Rico does not ipso facto satisfy the commerce requirements of the Sherman Act. In *David Cabrera v. Union de Choferes y Duenos*, 256 F.Supp. 839 (D.P.R. 1966), this Court pointed out that the Sherman Act applied in Puerto Rico with the same force and effect as in the United States, noting that the Act applied to any restrictive activities having a substantial effect upon interstate commerce. However, because the plaintiff in that case failed to show that the defendant's activity substantially affected interstate commerce, the Court dismissed the case for lack of jurisdiction. Implicit in this disposition was a holding that commerce solely within Puerto Rico is not automatically Commerce within the meaning of the Sherman Act, for if it were there would have been no need to consider whether the defendant's activities affected commerce." See *United States v. Bass*, 404 U.S. 336, 339, 92 S.Ct. 515, (1971).

"It is the duty of the United States Supreme Court to make its own independent examination of the record when federal constitutional deprivations are alleged, the duty resting on the court's responsibility for maintaining the Constitution inviolate." See *Napue v. Illinois*, 360 U.S. 246.

Moreover, the U.S. Supreme Court held in *U.S. v. Morrison*, 529 U.S. 598, that the U.S. should only, "regulate non-economic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce."

The U.S. cannot intervene in local affairs that are not related to interstate or foreign commerce.

The Congress had explicitly identified as the sources of federal authority for 18

U.S.C. § 2119; Id. § 1201; Id. § 1841 and Id. § 924(c), which can be sustained under

Congress' commerce power as a regulation of activity that substantially affects interstate

commerce. But in this case, clearly all facts used to accuse the Appellant are intrastate, what is

truly local and not national. See *Bond v. United States*, 572 U.S. 844 (June 2, 2014) opinion by:

Roberts.

Moreover, under *United States v. Mercado-Flores*, 312 F.Supp.3d 249, by opinion of District Court Judge Gustavo A. Gelpi (2015), states as follows:

"The Court flatly disagrees with the Government's contention that it is not well-settled law that Puerto Rico is no longer a mere unincorporated territory of the United States for purposes of statutory interpretation. Without repeating the thorough discussion in its Opinion and Order, the court reiterates that following 1952, the Supreme Court and the First Circuit have consistently recognized the significant change in the degree of autonomy exercised by Puerto Rico in light of the many Congressional actions that transformed the island from a mere territory to that of the unique status of a commonwealth. (See Docket No. 46 at 4-11.) In response to this legislative history and in line with the established principle that the question of '[w]hether and how a federal statute applies to Puerto Rico is a question of Congressional intent,' *Antilles Cement Corp. v. Fortuno*, 670 F.3d 310, 320 (1st Cir. 2012), the Supreme Court and courts within [2015 U.S. Dist. LEXIS 6] the First Circuit have repeatedly held that Puerto Rico constitutionally is a State for purposes of statutory interpretation and that statutes governing actions wholly within any territory of the United States do not apply to Puerto Rico. See, e.g., *Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 663, 670-76, 94 S.Ct. 2080, 40 L.Ed.2d 452 (1974) (holding Puerto Rico is considered a state for purposes of the three-judge court statute and noting that before 1952, the statute did not apply to the island); *Cordova & Simon Pietri Ins. Agency Inc. v. Chase Manhattan Bank N.A.*, 649 F.2d 36, 41 (1st Cir. 1981) (holding that intra-territory application of section three of the Sherman Act does not apply to Puerto Rico); *Trigo Bros. Packing Corp. v. Davis*, 159 F.Supp. 841, 842-43 (D.P.R. 1958), vacated on other grounds sub nom., *Davis v. Trigo Bros. Packing Corp.*, 266 F.2d 174 (1st Cir. 1959) (holding that Puerto Rico's commonwealth status rendered the language 'or commerce within any Territory or the District of Columbia' contained in the Federal Alcohol Administration Act, 27 U.S.C. § 201, inapplicable to intra-commonwealth acts in Puerto Rico); *United States v. Figueroa Rios*, 140 F.Supp. 376 (D.P.R. 1956) (holding that Puerto Rico's commonwealth status rendered the language 'or within any Territory or possession or the District of Columbia' referring to the transportation of a firearm in 15 U.S.C. § 901(2) inapplicable to the transportation within the Commonwealth of Puerto Rico of any firearm or ammunition under that Act.)..

Although the Government argues that the First Circuit's holding in *Cordova* can only be applied [2015 U.S. Dist. LEXIS 7] narrowly to cover section three of The Sherman Act, the court finds the analysis and reasoning to be directly applicable to the statute at bar. After recognizing that 'Puerto Rico's status changed from that of a mere territory to a unique status Commonwealth,' the court explained that '[t]he significance of this change from the point of view of the Sherman Act arises out of the fact that, as a general matter, the Sherman Act ceases to apply to purely local affairs once territories become states' *Cordova*, 649 F.2d at 41-42. Therefore, the court stated that there is no discernible reason why the Sherman Act should apply to Puerto Rico differently, given the Congressional intent to grant the island state-like autonomy. Id. at 41. Accordingly, the court held that it is fair to assume that the framers of the Sherman Act would have intended that Puerto Rico be treated as a State under the Act had

they known about the commonwealth status of the island. Id. [312 F.Supp.3d 253] Similar to how the Sherman Act does not apply to purely local affairs of the States, the federal government does not generally impede upon the core police powers of the States that grants them authority to define criminal law and to protect the health, safety, [2015 U.S. Dist. LEXIS 8] and welfare of their citizens. See *McDonald v. City of Chicago*, Ill., 561 U.S. 742, 901, 130 S.Ct. 3020, 177 L.Ed.2d 894 (2010). Therefore, as a general matter, there is an 'assumption that the historic police powers of the States were not to be superseded by [a federal act] unless that was the clear and manifest purpose of Congress,' *Jones v. Rath Packing Co.*, 430 U.S. 519, 525, 97 S.Ct. 1305, 51 L.Ed. 2d 604 (1977). For mere unincorporated territories of the United States, Congress exercises the full extent of its police powers to implement 'its usual policy of extending legislation based on the commerce power to the same substantive acts taking place wholly within the [territory].' *United States v. Beach*, 324 U.S. 193, 195, 65 S.Ct. 602, 89 L.Ed. 865 (1945). Although the limits of the Tenth Amendment do not apply to Puerto Rico, see *Franklin California Tax-Free v. Commonwealth of Puerto Rico*, F.3d, No. 15-1218, 805 F.3d 322, 2015 U.S.App. LEXIS 11594 at *80 (1st Cir. June 6, 2015), it logically follows that because Congress granted to Puerto Rico under its constitution significant power to govern its internal affairs, Congress thus limited the extent of the exercise of its powers over areas of local autonomy. See *Cordova*, 649 F.2d at 41 ('[T]he federal government's relations with Puerto Rico changed from being bounded merely by the territorial clause to being bounded by the United States and Puerto Rico Constitutions, [Public Law 600, the Puerto Rican Federal Relations Act and the rights of the people of Puerto Rico] as United States citizens.').

CLOSING OF ARGUMENT AND FACTS

For the foregoing reason the Government of the United States violated 18 U.S.C. § 3231 taking away the jurisdiction of the courts of the Commonwealth of Puerto Rico where the Defendant should be prosecuted in Centra Judicial de PR Court, (Puerto Rico State Court), Because it is the government's burden of proof to establish its jurisdiction, and in that, in this case, it did not prove that the crime was committed in federal territory or that it was a product of interstate or foreign commerce in violation of federal law, The Federal courts lack jurisdiction on criminal cases where the local criminal law is applicable unless the crime is affecting substantially the interstate or foreign commerce or it is committed within special maritime and territorial jurisdiction as defined in 18 U.S.G. § 7. Also, by opinion of Scalia, J., concurring, stated in *Fowler v. United States*, 563 U.S. 668, 684, 131 S.Ct. 2045, 179 L.Ed.2d 1099 (2011) that, "cautioning

against construing a federal statute's mens rea requirement in a way that would 'federalize crimes' that lack a federal nexus," Definition of 'nexus'; (Connection or link.) See Black's Law Dictionary(pg,1255),

In this case, it was not proven Federal jurisdiction, on the contrary, it is proven Commonwealth of Puerto Rico's jurisdiction, Therefore, the Defendant proves lack of Federal jurisdiction as follows:

1. According to the facts the offense that the Defendant is accused occurred in the city San Juan, on the bridge Teodoro Moscoso and in the lagoon San Jose, all located within the Commonwealth of Puerto Rico's territory, Therefore, the subject matter is its jurisdiction and it is not a Federal one.

Furthermore, this Court held in Warner v. Dunlap, 532 F.2d 767 (March 29, 1976) as follows:

"The term 'bay' appearing in §211 is not defined by that statute. However, the term has been subject to judicial definition. It is clear that bays are among those 'bodies of water which join the open sea' and are to be distinguished from 'interior water such as lakes and rivers.' United States v. California, 381 U.S. 139, 162, 14 L.Ed.2d 296, 85 S.Ct. 1401 (1956)"

Which clearly means that in this case it has to be distinguished between what is meant by

"special maritime and territorial jurisdiction of the United States" as it is defined in 18 U.S.C.S. 7

and a lagoon that is completely inside of the Commonwealth of Puerto Rico's territorial

jurisdiction, as all other interior waters. Therefore, this Court should judge to determine as in

Warner v. Dunlap between 'bodies of water which join the open sea' and are to be

distinguished from 'interior waters such as lakes and rivers'. Just as San Jose Lagoon in Puerto

Rico.

2. The Government failed to prove any interstate or foreign commerce nexus, thus there is not Federal Personal Jurisdiction over the Defendant.

"For nearly two centuries it has been clear that, lacking a police power, Congress cannot punish felonies generally. A criminal act committed wholly within a state cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (Roberts, Ch. J., joined by Kennedy, Ginsburg, (Breyer, Sotomayor, and Kagan, JJ.) " See *Bond v. United States*, 572 U.S. 844 June 2, 2014. Moreover, in this case, *U.S.A. v. Cotton*, the Supreme Court holds as follows: "3. Because the current concept of a Federal District Court's subject-matter jurisdiction involves the Court's power to hear a case, such jurisdiction can never be forfeited or waived. Consequently, defects in subject-matter jurisdiction requires correction, regardless of whether the error was raised in the District Court." See *U.S. v. Cotton*, 535 U.S. 625.

CONCLUSION

It has been proven the federal court lacks jurisdiction in this case. Therefore, the Appellant Respectfully prays this honorable Court grants this Motion to Dismiss the two counts for lack of jurisdiction pursuant to Fed.R.Crim.P.12(b)(2) and refer the case to Commonwealth of Puerto Rico's authorities. See opinion by Judge Cancio, D.J. as follows:

"In dismissing the two counts for lack of jurisdiction, the court held that Puerto Rico should deal with purely local transactions under its own constitution and laws. Furthermore, the court noted that to hold otherwise would frustrate the very purpose for which the Commonwealth was created."

See case: *Liquilux Gas Services of Ponce, Inc., et al. Plaintiffs v. Tropical Gas Co., Inc. et al Defendants*, 303 F. Supp. 414; 1969.

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez. #51145-069

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Motion for.

Summary Judgement for Dismissal of Indictment Pursuant to Fed. R. Crim. P. 12(b)(2), on
this 24 day of 01, 2025.

United States Attorneys Office

District of Puerto Rico

Torre Chardon Suite 1201

350 Chardon Avenue

San Juan, Puerto Rico 00918

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez

#51145-069

PRO SE DECLARATION

The Petitioner declares under penalty of perjury that he is a layman in the law and the complex issues involved in this case and should be held to a less stringent standard than an attorney under Haines v.Kerner ,404,U.S.519, 30 L.Ed 2a 652,92 S.Ct.(1972),and its progeny cases.

DECLARATION UNDER THE MAILBOX RULE

I declare under the penalty of perjury that this filing was placed in the hands of the prison authorities during the legal mail call during afternoon at USP POLLOCK, pursuant to Houston v. Lack, this 24 of 01, 2025.

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez #51145-069

"Appendix D" shows the second motion challenging Subject-Matter Jurisdiction on 03/24/2025.

"APPENDIX D"

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO. 23-1964; 25-1020

UNITED STATES OF AMERICA

Plaintiff/ Appellee,

v.

FELIX VERDEJO-SANCHEZ

Defendant/ Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO

MOTION FOR SUMMARY JUDGEMENT FOR DISMISSAL OF
INDICTMENT PURSUANT TO FED. R. CRIM. P. 12(b)(2)

TO THE HONORABLE COURT:

“ Appendix D”

Once again, the Appellant, Felix Verdejo Sánchez, is moving, this time pro se, to present the following issue:

STATEMENT OF FACTS

On May 2, 2021, the Appellant was indicted by a federal grand jury charging him for violation of 18 U.S.C.S. §2119(3) and (2); Id. 18 U.S.C.S. §1201(a)(1) and (2); Id. 18 U.S.C.S. §1841 and 2; Id. 18 U.S.C.S. §924(c)(1)(A)(i).

On May 6, 2021, he was arrested.

On May 11, 2021, he had initial appearance.

On June 20, 2023, the trial commenced.

On July 28, 2023, the jury's verdict was

(1) Violation of 18 U.S.C.S. §2119(2) and (3) NOT GUILTY

(2) Violation of Id. 18 U.S.C.S. §924(c)(1)(A)(i) NOT GUILTY

(3) Violation of Id. 18 U.S.C.S. §1201(a)(1) and (2) GUILTY

(4) Violation of Id. 18 U.S.C.S. §1841 and 2 GUILTY

On November 3, 2023, Appellant was sentenced to two life sentences.

During the prosecution and all the way through sentencing the Appellant did not have knowledge that his case should have been judged by the Commonwealth of Puerto Rico's Court and that his constitutional right to due process had been violated. Now that he has the knowledge, he is claiming his constitutional right to due process, therefore he prays this honorable Court to judge pursuant to the U.S. Constitution. Because, *United States v. Figueroa Rios*, 140 F. Supp. 376 (1956) states:

"If only to be consistent, Congress would not have applied a section for the policing of areas with a classical territorial form of government, directly under Congressional government to an area with its own constitution, subject to no supervision, in local matters, by the Federal government."

The Appellant moves to dismiss the indictment, Charging him with violating 18

U.S.C.S. § 2119(3) and (2); Id, 18 U.S.C.S. § 924(c)(1)(k)(1); Id, 18 U.S.C.S. § 1201(a)(1) and (2); Id, 18

U.S.C.S. § 1841 and 2, for failure to state facts to constitute an offense under the laws of the

United States where the language in the statutes did not include the Commonwealth of Puerto

Rico, In support of this motion, the Appellant states the following:

Pursuant to Fed.R.Crim.P. 12(b)(2), "may be raised for the first time on appeal". See *United States v. Disanto*, 86 F.3d 1238, 1244 (1st Cir. 1996). On the other hand this court may rise the issue sua sponte in order to keep the Constitution and Laws inviolate.

This Court must consider the contents of this motion for summary judgement to determine that there is a genuine issue of material fact rather than one of law. In this case the federal law is inapplicable due to the fact that it is the Commonwealth of Puerto Rico's law that maintains precedence because there is no interstate or foreign commerce nexus. Neither occurred in the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C.S § 7(1).

"(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State." See exhibit 1

Thus, it is proven that the federal court lacks jurisdiction and support for this. The Appellant states the following reasons:

1. The Commonwealth of Puerto Rico must be considered a sovereign state, therefore the federal law is, in this case, inapplicable being Puerto Rico's law is the only one to apply, "the

Commonwealth legislature and governor reign supreme over all matters of local concern,"
United States v. Figueroa Rios, 140 F. Supp. 376; 1956.

2. The U.S. attorney fails to move that the charges against the Appellant were in violation of federal law because it never found an interstate or foreign commerce, Neither did it occur in special maritime and territorial jurisdiction of the United States, which is essential to establish federal jurisdiction, therefore, the jurisdiction is of the Commonwealth of Puerto Rico, which the federal government violated in 18 U.S.C.S. 3231 when it took away and impaired the Commonwealth of Puerto Rico's jurisdiction being such jurisdiction is the only one that is applicable in this case, Also, the federal government violated the due process clause contained in the Fourteenth Constitutional Amendment showing disregard for the Constitution when it knowingly and intentionally prosecuted the accused, being all facts direct evidence of a local activity in the Commonwealth of Puerto Rico, Because of this, Congress enacted clearly 18 U.S.C.S. & 3231 as follows:

"Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the law thereof."

3. The facts prove that the accused was under the Commonwealth of Puerto Rico's jurisdiction, the crime used to accuse the Appellant was purely local without affecting interstate or foreign commerce, Nor did it occur in the special maritime and territorial jurisdiction of the United States, therefore, the crime charged must be judged by a State Court not a Federal Court, the federal statute proves federal lack of jurisdiction in this case as follows:

The 18 U.S.C.S. & 2119(2) and (3) (carjacking) states and defines transport in interstate or foreign commerce, for the purposes of the chapter thus: the term interstate or foreign

commerce' means commerce between any State. Here there was not, whatsoever, any transport neither interstate, nor foreign commerce, See 18 U.S.C. § 921(a)(2), ("Definitions") and none of the facts occurred within the special maritime and territorial jurisdiction of the United States. The accused, in a trial was found not guilty by a jury. *United States v. Figueroa Rios*, 140 F.Supp.376,381(D.P.R 1956); *United States v. Mercado-Flores*, 312 F.Supp.3d 249(2015).

The 18 U.S.C.S. § 1201(a)(1) and (2) (Kidnapping) states and defines:

"Transported across a State boundary, or the offender travels in interstate or foreign commerce in committing or in furtherance of the commission of the offense; or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense; (2) Any such act against the person is done within the special maritime and territorial jurisdiction of the United States."

The Commonwealth of Puerto Rico CEASED to be a U.S. territory since 1952. Therefore, in this case, the one and only applicable law is the local one which is (Spanish version): title 33, section 5223 de las leyes estatales delito de secuestro esta regulado en este titulo y cómo parte de esta añadieron la (Ley Num. 146-2012) y esta relacionado con los delitos contra la persona, específicamente el secuestro agravado. *United States v. Maldonado-Burgos*, 844 F.3d 339(1st Cir., December 21, 2016). Moreover the Appellant, knowing that Title 18 U.S.C.S. Sec. 1201 also considers use of mail or any means, facility or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense. Here none of the foregoing items were proven, because, according to the government's witness's testimony, Luis Cádiz, the "instrumentality", a cell phone, supposedly used to call the victim on the day of the facts was from a prepaid phone that was never proven to be Appellant's property, nor that the call had occurred, or that the government proved that the local call had crossed the border line in interstate or foreign commerce. Because, that call, according to Luis Cádiz's testimony, was

made from the prepaid phone as a regular call without using any application whatsoever, or the internet that could by any means be considered a call in interstate or foreign commerce nexus.

See 18 U.S.C.S 875 (c) "whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another," .

Also, this court in it's opinion in this case United States v. Fisher, 494 F. 3d. 5, 2007 U.S. App.

LEXIS 16755 (1st Cir. 2007) states:

"There was evidence that when Defendant was in Maine, he called individual at home and on his cell phone in attempt to learn witness's name and there was testimony by government agent that individual was Canadian national and that he was charged in Canada and Vermont with related drug trafficking conspiracy; that evidence strongly supported reasonable inference that individual lived in Canada and was in Canada when he spoke to Defendant, and that Defendant therefore made cross border calls to contact him; evidence was more than sufficient to sustain Defendant's conviction under 18 U.S.C.S Sec. 1958 (a), and district court therefore properly denied Defendant's motion for acquittal. United States v. Fisher, 494 F. 3d. 5, 2007 U.S. App. LEXIS 16755 (1st Cir. 2007)"

In this case, According to the government witness Luis Cádiz in his testimony testifies that there was a call using a prepaid phone, but it was not proven that it was the Appellant's phone. Furthermore, the government did not prove that said call contained in the testimony had been a cross border call, therefore, it is not interstate or foreign commerce."

2. Once again the Appellee failed in the jury trial to prove that the charges, which the Appellant continues declaring himself innocent of, would affect minimally or substantially interstate or foreign commerce, as it is proven in the record during the trial. In light of the facts in this case the Appellant never should have been prosecuted by the federal government, but by the Commonwealth of Puerto Rico. One; because the trial jury never found a nexus between

any instrumentality or evidence which affected minimally or substantially interstate or foreign commerce at the very moment of use of any instrumentality to perform the alleged crime.

Also, the Supreme Court held in *Bond v. United States*, 572 U.S. 844 (June 2, 2014) opinion by Roberts:

"In *Bass*, we interpreted a statute that prohibited any convicted felon from 'receiving, possessing, or transporting in commerce or affecting commerce... any firearm.' *Id.*, at 337, 92 S. CT. 515, 30 L. Ed. 2d. 488. ('The government argued that the statute barred felons from possessing all firearms and that it was not necessary to demonstrate a connection to interstate commerce'). We rejected that reading, which would 'render traditionally local criminal conduct a matter for federal enforcement and would also involve a substantial extension of federal police resources. *Id.*, at 350, 92 S. CT. 515, 30 L. Ed. 2d. 488. We instead read the statute more narrowly to require proof of a connection to interstate commerce ('in every case'), thereby 'preserving as an element of all the offenses a requirement suited to federal criminal jurisdiction alone. *Id.*, 351, 92 S. CT. 515, 30 L. Ed. 2d. 488."

Where the federal government, in each case, has to prove a nexus that makes the case prosecutable under federal jurisdiction.

This Court has shown two cases in *United States v. Djokich*, 693 F.3d 37 August 29, 2012 (First circuit) with a manufactured federal jurisdiction establishing as follows:

"*Djokich* relies largely on *United States v. Archer*, 486 F. 2d. 670 (2d Cir. 1973), in which the Second Circuit reversed convictions under the Travel Act, 18 U.S.C. sec. 1952, because evidence showed that a federal agent had (2012 U.S. App. LEXIS 17) crossed state lines to place a telephone call to one of the Defendants "for the precise purpose of transforming a local bribery offense into a federal crime." *Id.* at 681; see also *United States v. Coates*, 949 F. 2d. 104, 105-06 (4th Cir. 1991) (dismissing an indictment where jurisdiction was founded solely on one interstate phone call placed by a federal agent with no affirmative link between the federal element and the Defendant's action)."

But, in the present case, the Appellant suffered a bad faith action perpetrated by the federal government because all facts and testimonies reflected clearly that the federal statutes used are inapplicable, because, in any moment, according to the facts, it was never found that the offense occurred across state lines by a local phone call that was mentioned in trial by the

governments witness, Luis Cádiz. See *Perez v. United States* 91 SCT 1357, 28 LED2D 686, 402 US 146 that state as follows:

"[2] The Commerce Clause reaches, in the main, three categories of problems. First, the use of channels of interstate or foreign commerce which Congress deems are being misused, as, for example, the shipment of stolen goods (18 USC § 2312-2315) or of persons who have been kidnaped (18 USC § 1201). Second, protection of the instrumentalities of the interstate commerce, as, for example the destruction of an aircraft (18 USC § 32), or persons or things in commerce, as, for example, thefts from interstate shipments (18 USC § 659). Third, those activities affecting commerce. It is with this last category that we are here concerned.

Chief Justice Marshall in *Gibbons v Ogden*, 9 Wheat 1 , 195 , 6 L Ed 23, 70, said:

"The genius and character of the whole government seem to be, that its action is to be applied to all the external concerns of the nation, and to

[402 US 151]

those internal concerns which affect the State generally; but no to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general power of the government. The completely internal commerce of a State, then, may be considered as reserved for the State itself."

Moreover, the Appellant Respectfully addresses this honorable Court about the importance and seriousness of taking action, because the Commonwealth of Puerto Rico's jurisdiction was taken away in violation of 18 U.S.C. sec. 3231. In accordance with the facts and Luis Cádiz's testimony there is not a single piece whatsoever of evidence of interstate or foreign commerce, but just evidence of a purely local crime. The government failed to establish an interstate or foreign commerce nexus as the record shows. Finally, what the Appellant has affirmed is that Puerto Rico, being considered a State sovereign of the United States, is a separate sovereign from the federal government and from others thus, as the Supreme Court affirms:

"Under that approach, the state are separated sovereigns from federal government and from one another. Because state rely on "authority originally belonging to them before admission to the Union and preserved to them by the Tenth Amendment," state prosecutions have their roots in an "inherent sovereignty" unconnected to the U.S. Congress." See Sánchez-Valle, 579 U.S. 59, June 9, 2016.

Therefore, the federal government violated its statute 18 U.S.C.S. 3231 that provides:

"Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the law thereof."

All this is because in this case there is no criminal offense against the law's of the United States committed in Puerto Rico. Therefore, the federal statutes, in this case, is not applicable.

The 18 U.S.C.S. §1841 and 2(Protection of Unborn Children):

"Provides that if the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under §1841(a)(2)(A), be punished as provided under 18 U.S.C.S. SS 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being. 1841(a)(2)(C). This provision plainly punishes the killing of an unborn child the same as the killing of a human being under §1111."

Once more as in all other statutes that were applied to the Appellant this one is also inapplicable in the Commonwealth of Puerto Rico as it is provided by 18 U.S.C.S. §1111(b), because the facts occurred were not in the special maritime and territorial jurisdiction of the United States. Because in this case being a public notice in the whole Commonwealth of Puerto Rico clearly in trail all evidence and testimony shows plural local activity within the Commonwealth of the puerto rico and the federal government purposely acted with bad faith against the Appellant, and creating great prejudice against him, trying to accuse him with inapplicable statutes which in their own language where never in agreement with the case facts. (Spanish version) Aquí el artículo 93 de las leyes de estatales de Puerto Rico esta el delito de protección a un no nacido y esta regulado en este titulo 146-2012. (English version) of the law

states crime of protection of unborn children is regulated in this title 146-2012. Both of these sections apply and are state law covered in Puerto Rico.

The 18 U.S.C.S. 924(c)(1)(A) violation was also charged and the jury found the accused not guilty.

The Judge Cancio, D.J. in the case, *Liquilux Gas Services of Ponce, Inc., v. Tropical Gas Co., Inc.*, 303 F. Supp. 414; 1969., agrees with Judge Ruiz-Nazario as follows:

"In *United States v. Figueroa Rios*, 140 F.Supp.376(D.P.R.1956), Judge Ruiz-Nazario handed down a landmark decision relating to the [1969 U.S. Dist. LEXIS 13] interpretation of Section 9 of the Federal Relations Act and applicability of pre-Commonwealth statutes in Puerto Rico. he held that Section 9 has acquired such a vitality after the establishment of the Commonwealth that it may be safely accorded, as regards the applicability to the Commonwealth of the statutory laws of the United States, a function which is substantially similar to the Interstate Commerce Clause of the Constitution, as regards the relations between the Federal Government and the governments of the different states of the Union. 140 F.Supp.376 at 381.

Although the *Figueroa Rios* case deals with the Federal Firearms Act, it has direct applicability to the present case. The Firearms act made it a federal crime for a convict or a fugitive to transport a firearm 'in interstate or foreign commerce,' which was defined to include commerce 'within any Territory or possession' under the Robinson-Patman Act. In *Cases v. United States*, 131 F.2d 916(1st Cir.1942), it had been held that the Firearms Act applied to the transportation of firearms solely within [1969 U.S. Dist. LEXIS 14] Puerto Rico. In *Figueroa Rios*, however, the question was raised whether that Act continued to apply to transportation wholly within Puerto Rico after Commonwealth status.

After an exhaustive and careful consideration of Puerto Rico's status, the Court held the Firearms Act inapplicable to commerce within Puerto Rico. It stated that if Congress had foreseen the Commonwealth of Puerto Rico, it would have so varied the [Firearms Act definition of 'interstate and foreign commerce'] as to exclude it from the intra-territorial operation of the Firearms Act.... If only to be consistent, Congress would not have applied a section for the policing of areas with a classical territorial form of government, directly under Congressional government, to an area with its own constitution, subject to no supervision, in local matters, by the Federal government. Thus, I must conclude that so much of [the Firearms Act] as defines 'interstate or foreign commerce' as commerce 'within any Territory or possession' is now locally inapplicable in Puerto Rico. 140 F.Supp. at 381.

This Court has had several recent occasions in antitrust cases to make clear that activity solely within [1969 U.S. Dist. LEXIS 15] Puerto Rico does not ipso facto satisfy the commerce' requirements of the Sherman Act. In *David Cabrera v. Union de Choferes y Duenos*, 256 F.Supp.839 (D.P.R.1966), this Court pointed out that the Sherman Act applied in

Puerto Rico with the same force and effect as in the United States, noting that the Act applied to any restrictive activities having a substantial effect upon interstate commerce. However, because the plaintiff in that case failed to show that the defendant's activity substantially affected interstate commerce, the Court dismissed the case for lack of jurisdiction. Implicit in this disposition was a holding that commerce solely within Puerto Rico is not automatically 'Commerce' within the meaning of the Sherman Act, for it it were there would have been no need to consider whether the defendant's activities affected commerce." See *United States v. Bass*, 404 U.S. 336, 339, 92 S.Ct. 515, (1971).

"It is the duty of the United States Supreme Court to make its own independent examination of the record when federal constitutional deprivations are alleged, the duty resting on the court's responsibility for maintaining the Constitution inviolate." See *Napue v. Illinois*, 360 U.S. 246.

Moreover, the U.S. Supreme Court held in *U.S. v. Morrison*, 529 U.S. 598, that the U.S. should only, "regulate non-economic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce."

The U.S. cannot intervene in local affairs that are not related to interstate or foreign commerce.

The Congress had explicitly identified as the sources of federal authority for 18

U.S.C. § 2119; *Id.* § 1201; *Id.* § 1841 and *Id.* § 924(c), which can be sustained under

Congress' commerce power as a regulation of activity that substantially affects interstate

commerce. But in this case, clearly all facts used to accuse the Appellant are intrastate, what is

truly local and not national. See *Bond v. United States*, 572 U.S. 844 (June 2, 2014) opinion by:

Roberts.

Moreover, under *United States v. Mercado-Flores*, 312 F.Supp.3d 249, by opinion of District

Court Judge Gustavo A. Gelpi (2015), states as follows:

"The Court flatly disagrees with the Government's contention that it is not well-settled law that Puerto Rico is no longer a mere unincorporated territory of the United States for purposes of statutory interpretation. Without repeating the thorough discussion in its Opinion and Order, the court reiterates that following 1952, the Supreme Court and the First Circuit have consistently recognized the significant change in the degree of autonomy exercised by Puerto Rico in light of the many Congressional actions that transformed the island from a mere territory to that of the unique status of a commonwealth. (See Docket No. 46 at 4-11.) In response to this legislative history in line with the established principle that the question of

'[w]hether and how a federal statute applies to Puerto Rico is a question of Congressional intent,' *Antilles Cement Corp. v. Fortuno*, 670 F.3d 310, 320 (1st Cir. 2012), the Supreme Court and courts within [2015 U.S. Dist. LEXIS 6] the First Circuit have repeatedly held that Puerto Rico constitution State for purposes of statutory interpretation and that statutes governing actions wholly within any territory of the United States do not apply to Puerto Rico. See, e.g., *Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 663, 670-76, 94 S.Ct. 2080, 40 L.Ed.2d 452 (1974) (holding Puerto Rico is considered a state for purposes of the three-judge court statute and noting that before 1952, the statute did not apply to the island); *Cordova & Simon pietri Ins. Agency Inc. v. Chase Manhattan Bank N.A.*, 649 F.2d 36, 41 (1st Cir. 1981) (holding that intra-territory application of section three of the Sherman Act does not apply to Puerto Rico); *Trigo Bros. Packing Corp. v. Davis*, 159 F.Supp. 841, 842-43 (D.P.R. 1958), vacated on other grounds sub nom., *Davis v. Trigo Bros. Packing Corp.*, 266 F.2d 174 (1st Cir. 1959) (holding that Puerto Rico's commonwealth status rendered the language 'or commerce within any Territory or the District of Columbia' contained in the Federal Alcohol Administration Act, 27 U.S.C. § 201, inapplicable to intra-commonwealth acts in Puerto Rico); *United States v. Figueroa Rios*, 140 F.Supp. 376 (D.P.R. 1956) (holding that Puerto Rico's commonwealth status rendered the language 'or within any Territory or possession or the District of Columbia' referring to the transportation of a firearm in 15 U.S.C. § 901(2) inapplicable to the transportation within the Commonwealth of Puerto Rico of any firearm or ammunition under that Act.)..

Although the Government argues that the First Circuit's holding in *Cordova* can only be applied [2015 U.S. Dist. LEXIS 7] narrowly to cover section three of The Sherman Act, the court finds the analysis and reasoning to be directly applicable to the statute at bar. After recognizing that 'Puerto Rico's status changed from that of a mere territory to a unique status Commonwealth,' the court explained that ' [t]he significance of this change from the point of view of the Sherman Act arises out of the fact that, as a general matter, the Sherman Act ceases to apply to purely local affairs once territories become states' *Cordova*, 649 F.2d at 41-42. Therefore, the court stated that there is no discernible reason why the Sherman Act should apply to Puerto Rico differently, given the Congressional intent to grant the island state-like autonomy. *Id.* at 41. Accordingly, the court held that it is fair to assume that the framers of the Sherman Act would have intended that Puerto Rico be treated as a State under the Act had they known about the commonwealth status of the island. *Id.* [312 F.Supp.3d 253] Similar to how the Sherman Act does not apply to purely local affairs of the States, the federal government does not generally impede upon the core police powers of the States that grants them authority to define criminal law and to protect the health, safety, [2015 U.S. Dist. LEXIS 8] and welfare of their citizens. See *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 901, 130 S.Ct. 3020, 177 L.Ed.2d 894 (2010). Therefore, as a general matter, there is an 'assumption that the historic police powers of the States were not to be superseded by [a federal act] unless that was the clear and manifest purpose of Congress,' *Jones v. Rath Packing Co.*, 430 U.S. 519, 525, 97 S.Ct. 1305, 51 L.Ed. 2d 604 (1977). For mere unincorporated territories of the United States, Congress exercises the full extent of its police powers to implement 'its usual policy of extending legislation based on the commerce power to the same substantive acts taking place wholly within the [territory].' *United States v. Beach*, 324 U.S. 193, 195, 65 S.Ct. 602, 89 L.Ed. 865 (1945). Although the limits of the Tenth Amendment do not apply to Puerto Rico, see

Franklin California Tax-Free v. Commonwealth of Puerto Rico, F.3d, No. 15-1218, 805 F.3d 322, 2015 U.S.App.LEXIS 11594 at *80 (1st Cir. June 6, 2015), it logically follows that because Congress granted to Puerto Rico under its constitution significant power to govern its internal affairs, Congress thus limited the extent of the exercise of its powers over areas of local autonomy. See Cordova, 649 F.2d at 41 ("[T]he federal government's relations with Puerto Rico changed from being bounded merely by the territorial clause to being bounded by the United States and Puerto Rico Constitutions, [Public Law 600, the Puerto Rican Federal Relations Act and the rights of the people of Puerto Rico as United States citizens."]

CLOSING ARGUMENT AND FACTS

For the foregoing reason the Government of the United States violated 18 U.S.C. § 3231 taking away the jurisdiction of the courts of the Commonwealth of Puerto Rico where the Defendant should be prosecuted in Centra Judicial de PR Court, (Puerto Rico State Court), Because it is the government's burden of proof to establish its jurisdiction, and in that, in this case, it did not prove that the crime was committed in federal territory or that it was a product of interstate or foreign commerce in violation of federal law, The Federal courts lack jurisdiction on criminal cases where the local criminal law is applicable unless the crime is affecting substantially the interstate or foreign commerce or it is committed within special maritime and territorial jurisdiction as defined in 18 U.S.C. § 7. Also, by opinion of Scalia, J., concurring, stated in *Fowler v. United States*, 563 U.S. 668, 684, 131 S.Ct. 2045, 179 L.Ed.2d 1099 (2011) that:

"cautioning against construing a federal statute's mens rea requirement in a way that would 'federalize crimes' that lack a federal nexus,"

Definition of 'nexus'; (Connection or link.) See Black's Law Dictionary (pg. 1255),

In this case, it was not proven Federal jurisdiction, on the contrary, it is proven Commonwealth of Puerto Rico's jurisdiction, Therefore, the Defendant proves lack of Federal jurisdiction as follows:

1. According to the facts the offense that the Defendant is accused occurred in the city San Juan, on the bridge Teodoro Moscoso and in the lagoon San Jose, all located within the Commonwealth of Puerto Rico's territory, Therefore, the subject matter is its jurisdiction and it is not a Federal one.

Furthermore, this Court held in Warner v. Dunlap, 532 F.2d 767 (March 29, 1976) as follows:

"The term 'bay' appearing in §211 is not defined by that statute. However, the term has been subject to judicial definition. It is clear that bays are among those 'bodies of water which join the open sea' and are to be distinguished from 'interior water such as lakes and rivers.' United States v. California, 381 U.S. 139, 162, 14 L.Ed.2d 296, 85 S.Ct. 1401 (1956)"

Which clearly means that in this case it has to be distinguished between what is meant by

"special maritime and territorial jurisdiction of the United States" as it is defined in 18 U.S.C.S. 7

and a lagoon that is completely inside of the Commonwealth of Puerto Rico's territorial

jurisdiction, as all other interior waters. Therefore, this Court should judge to determine as in

Warner v. Dunlap between 'bodies of water which join the open sea' and are to be

distinguished from 'interior waters such as lakes and rivers'. Just as San Jose Lagoon in Puerto

Rico.

2. The Government failed to prove any interstate or foreign commerce nexus, thus there is not Federal Personal Jurisdiction over the Defendant.

"For nearly two centuries it has been clear that, lacking a police power, Congress cannot punish felonies generally. A criminal act committed wholly within a state cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (Roberts, Ch. J., joined by Kennedy, Ginsburg, (Breyer, Sotomayor, and Kagan, JJ.) " See Bond v. United States, 572 U.S. 844 June 2, 2014. Moreover, in this case, U.S.A. v. Cotton, the Supreme Court holds as follows: "3. Because the current concept of a Federal District Court's subject-matter jurisdiction involves the Court's power to hear a case, such jurisdiction can never be forfeited or waived.

Consequently, defects in subject-matter jurisdiction requires correction, regardless of whether the error was raised in the District Court." See U.S. v. Cotton, 535 U.S.625.

CONCLUSION

It has been proven the federal court lacks jurisdiction in this case. Therefore, the Appellant Respectfully prays this honorable Court grants this Motion to Dismiss the two counts for lack of jurisdiction pursuant to Fed.R.Crim.P.12(b)(2) and refer the case to the Commonwealth of Puerto Rico's authorities. See opinion by Judge Cancio, D.J. as follows:

"In dismissing the two counts for lack of jurisdiction, the court held that Puerto Rico should deal with purely local transactions under its own constitution and laws. Furthermore, the court noted that to hold otherwise would frustrate the very purpose for which the Commonwealth was created."

See case: Liquilux Gas Services of Ponce, Inc., et al. Plaintiffs v. Tropical Gas Co., Inc. et al Defendants, 303 F. Supp. 414; 1969.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing MOTION FOR SUMMARY
JUDGEMENT FOR DISMISSAL OF

INDICTMENT PURSUANT TO FED. R. CRIM. P. 12(b)(2) is here in included on this 21 day
of March, 2025.

United States Attorneys Office
District of Puerto Rico
Torre Chardon Suite 1201
350 Chardon Avenue
San Juan, Puerto Rico 00918

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez

#51145-069

PRO SE DECLARATION

The Petitioner declares under penalty of perjury that he is a layman in the law and the complex issues involved in this case and should be held to a less stringent standard than an attorney under Haines v. Kerner, 404, U.S. 519, 30 L. Ed 2d 652, 92 S. Ct. (1972), and its progeny cases.

DECLARATION UNDER THE MAILBOX RULE

I declare under the penalty of perjury that this filing was placed in the hands of the prison authorities during the legal mail call during afternoon at USP POLLOCK, pursuant to Houston v. Lack, this 21 of March, 2025.

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez #51145-069

"Appendix E" shows the Motion Asking the Court to Exercise Its Supervision Power to Determine Subject-Matter Jurisdiction Defect in this case.

"APPENDIX E"

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO. 23-1964; 25-1020

UNITED STATES OF AMERICA

Plaintiff/ Appellee,

v.

FELIX VERDEJO-SANCHEZ

Defendant/ Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO

MOTION TO INVOKE THIS COURT'S SUPERVISORY POWER

TO THE HONORABLE COURT:

Appellant, Félix Verdejo Sánchez, pro-se, Respectfully Requests that this Honorable Court Grant this Motion for the following reasons:

Reason #1

On 01/27/2025, The Appellant gave notice to this Honorable Court that the only real reason that caused the Appellant to move for pro se filling a motion pursuant to Fed. R. Crim. P. 12(b)(2) was due to the fact that the counsel, Ignacio Fernández, did not take into account his right, which, subsequently, caused Appellant to proceed forward pro-se. Afterward this Court on 02/24/2025 decided to Deny without prejudice the pro-se motion with the only reason being that the Appellant is currently assisted by a counsel and such motion should have been made by the counsel Ignacio Fernández. Once the Appellant was made aware of this denial, he contacted his counsel demanding him to file such a motion as it was Ordered by this Honorable Court. But, he answered that he was just going to be focused on the Direct Appeal, which the Appellant was not in accord with, because if the Federal Court Lacks Jurisdiction no other issue has to be reviewed. In this case the federal jurisdiction has not been proven. Therefore the only issue to solve is jurisdicción, nothing else. The Supreme Court under United States v. Cotton, 535 U.S.625. Held:

"Consequently, defects in Subject-matter jurisdiction require correction regardless of whether the error was reased in District Court. See, e.g., Louisville & Nashville R. CO. V Mottley, 211 US 149, 53 L Ed 126, 29 S Ct42 (1908)."

Reason #2

Moreover, this Honorable Court may be exercising its supervisory power is able to determine if the district court acted with Lack of jurisdiction.

"The court's authority to entertain a particular controversy is commonly referred to as subject matter jurisdiction. "In the absence of jurisdiction, a court is powerless to act." *Am. Fiber & Finishing, Inc. v. Tyco Healthcare Group. LP*, 362 F.3d 136, 138 (1st Cir. 2004).

"Federal courts are courts of limited jurisdiction and hence, have the duty to examine their own authority to preside over the cases assigned. "It is black-letter law that a federal court has an obligation to inquire sua sponte into its own subject matter jurisdiction." *McCulloch v. Velez*, 364 F.3d 1, 5 (1st Cir. 2004). See also, *Bonas v. Town of North Smithfield*, 265 F.3d 69, 73 (1st Cir 2001)("Federal 2009 U.S. Dist. LEXIS 3 courts of limited jurisdiction, have an affirmative obligation to examine jurisdictional concerns on their own initiative.") "The objection that a federal court lacks subject-matter jurisdiction. . . may be raised by a party, or by a court on its own initiative, at any stage in the litigation, even after trial and the entry of judgment." *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 506, 126 S. Ct. 1235, 163 L. Ed. 2d 1097 (2006). Also, "The requirement that a federal courts jurisdiction be established as a threshold matter (1) springs from the nature and limits of the judicial power of the United States, and (2) is inflexible and without exception." and "Every federal Appellate court has a special obligation to satisfy itself not only of its own jurisdiction, but also that of the lower court in a cause under review, even though the parties are prepared to concede the issue." See; *Steel Co. V. Citizens for Better Env*, 523 U.S. 83 (March 4, 1998). Moreover, "Courts, including the United States Supreme Court, have an independent obligation to determine whether subject-matter jurisdiction exists, event in the absence of a challenge from any party." See; *Arbaugh v. Y&H Corp*, 546 U.S. 500 (February 22, 2006).

CONCLUSION

For the foregoing reasons, the Appellant, respectfully, requests this motion be granted exercising court's supervisory power to examine the original district court's evident lack of subject-matter jurisdiction pursuant to Fed. R. Crim. P. 12(b)(2).

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing MOTION TO INVOKE THIS
COURT'S SUPERVISORY POWER is here in included on this 21 day
of March, 2025.

United States Attorneys Office
District of Puerto Rico
Torre Chardon Suite 1201
350 Chardon Avenue
San Juan, Puerto Rico 00918

Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez

#51145-069

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The Petitioner declares under penalty of perjury that he is a layman in the law and the complex issues involved in this case and should be held to a less stringent standard than an attorney under Haines v. Kerner, 404, U.S. 519, 30 L.Ed 2a 652, 92 S.Ct. (1972), and its progeny cases.

DECLARATION UNDER THE MAILBOX RULE

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Respectfully submitted,

Felix Verdejo Sanchez

Felix Verdejo-Sanchez #51145-069

"Appendix F" shows the two Appellee/Respondent motions asking (1) Stay the Response Schedule, (2) Extend Time to File Response on 04/10/2025 and Motion to Strike Pleading.

"APPENDIX F"

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

APPEALS NO. 23-1964, 25-1020

UNITED STATES,
Appellee,

v.

FÉLIX VERDEJO-SÁNCHEZ,
Defendant-Appellant.

UNITED STATES' MOTION TO STRIKE THE APPELLANT'S
MOTIONS CHALLENGING JURISDICTION

TO THE HONORABLE COURT:

In a quartet of *pro se* filings, Félix Verdejo-Sánchez moved this Court to (i) remove Attorney Ignacio Fernández de Lahongrais as his counsel on appeal, (ii) stay the briefing schedule, (iii) “invoke” its “supervisory power,” and (iv) dismiss his indictment. *See* Motions, *United States v. Verdejo-Sánchez*, No. 23-1964, 25-1020 (1st Cir. Mar. 24, 2025). The United States now moves to strike Verdejo’s latter two requests.

Verdejo’s attempts to dismiss the indictment underlying his convictions – by challenging federal jurisdiction – contravene an Order of this Court. Earlier this year, Verdejo, proceeding *pro se*, moved this Court to dismiss

his indictment on the same grounds. See Motion, *United States v. Verdejo-Sánchez*, No. 23-1964, 25-1020 (1st Cir. Jan. 27, 2025). This Court denied that motion “without prejudice to assertion of any relevant argument *in defendant’s brief*.” Order, *United States v. Verdejo-Sánchez*, No. 23-1964, 25-1020 (1st Cir. Feb. 24, 2025) (emphasis added). So, this Court expressly instructed Verdejo to assert his jurisdictional arguments via an opening brief rather than via pre-briefing motions. Because Verdejo’s renewed motions flout that Order, this Court should strike them.¹

If more were needed, this Court in February also admonished Verdejo that he was “represented by counsel in this appeal and should proceed through counsel.” Order, *United States v. Verdejo-Sánchez*, No. 23-1964, 25-1020 (1st Cir. Feb. 24, 2025). Verdejo as of now remains represented by Attorney Fernández and should be held to comply with this Court’s directive to proceed through him when raising substantive arguments attacking his convictions.²

¹ In the alternative, Verdejo can cure his noncompliance if he asks that the Court construe these filings as his opening brief.

² This holds true even though Verdejo moved to remove Attorney Fernández as his counsel and the latter subsequently moved for leave to withdraw as counsel too. See Motion, *United States v. Verdejo-Sánchez*, No. 23-1964, 25-1020 (1st Cir. Mar. 23, 2025); Motion, *United States v. Verdejo-Sánchez*, No. 23-1964, 25-1020 (1st Cir. Mar. 25, 2025). Attorney Fernández is Verdejo’s counsel of record until this Court orders otherwise.

Verdejo's jurisdictional challenge to the indictment underlying his convictions is thus not rightly before this Court. His motions to that effect should accordingly be stricken from the record.

Nevertheless, Verdejo's arguments are without merit.³ Federal courts have jurisdiction to adjudicate a criminal charge so long as "the indictment alleges an offense under U.S. criminal statutes." *United States v. Prado*, 933 F.3d 121, 134 (2d Cir. 2019). *See* 18 U.S.C. § 3231 ("The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States."). "[T]he standard for the sufficiency of an indictment is not demanding," *United States v. Balde*, 943 F.3d 73, 89 (2d Cir. 2019), and requires little more than that the indictment "track the language of the statute charged and state the time and place (in approximate terms) of the alleged crime," *United States v. Stringer*, 730 F.3d 120, 124 (2d Cir. 2013). *See United States v. Vega-Martinez*, 949 F.3d 43, 49 (1st Cir. 2020) (stating that an indictment must provide enough to inform a defendant of the charges against them). The superseding indictment here, which tracks the language of

³ The United States reserves the right to contest Verdejo's arguments in detail when he properly raises them or at any time that this Court orders it to. To that effect, the United States will file a separate motion to stay the deadline for responding, or extend the time to respond, to Verdejo's jurisdictional challenge motions pending resolution of this Motion to Strike.

the charged offenses and lays out the pertinent facts, plainly meets that standard.

WHEREFORE, it is respectfully requested that this Honorable Court of Appeals strike Verdejo's renewed motions seeking to dismiss his indictment on jurisdictional grounds.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3rd day of April 2025.

W. Stephen Muldrow
United States Attorney

Mariana E. Bauzá-Almonte
Assistant United States Attorney
Chief, Appellate Division

/s/ Ricardo A. Imbert-Fernández
Assistant United States Attorney
United States Attorney's Office
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Tel. (787) 766-5656
Fax (787) 771-4050

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to counsel for the appellant.

/s/ Ricardo A. Imbert-Fernández
Assistant United States Attorney