

EXHIBIT # 1

CRIMINAL INDICTMENT

UNITED STATES DISTRICT COURT

DISTRICT OF PUERTO RICO

CRIMINAL NO. ~~02-383~~ (PAD)

(6) PAGES

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICORECEIVED AND FILED
CLERK'S OFFICE USDC PRUNITED STATES OF AMERICA,
Plaintiff,

v.

[1] Andy Samuel De La Cruz,
[2] Luis Hernández-Caripe,
[3] David Sano-Pérez,
[4] Claudio José Mora-Torres,
a/k/a Claudio José Mora-Roque,
[5] José Céspedes,Defendants.

INDICTMENT 2022 AUG 31 PM3:38

CRIMINAL NO. 22-383(PAD)

VIOLATIONS:

46 U.S.C. §§ 70503(a)(1) &
70506(b)21 U.S.C. §§ 952(a), 960(a)(1) &
(b)(1)(B)(ii), and 96318 U.S.C. § 2
(Four Counts & Forfeiture
Allegations)

THE GRAND JURY CHARGES:

COUNT ONE

Conspiracy to Possess with Intent to Distribute a Controlled Substance
Aboard a Vessel Subject to the Jurisdiction of the United States
46 U.S.C. §§ 70503(a)(1) & 70506(b)

Beginning on a date unknown, but not later than on or about August 25, 2022,
and continuing up to and until the return of this indictment, on the high seas, and
elsewhere within the jurisdiction of this Court,

[1] Andy Samuel De La Cruz,
[2] Luis Hernández-Caripe,
[3] David Sano-Pérez,
[4] Claudio José Mora-Torres,
a/k/a Claudio José Mora-Roque,
[5] José Céspedes,

the defendants herein, did knowingly and intentionally combine, conspire,
confederate, and agree with each other, and other diverse persons known and
unknown to the Grand Jury, to commit an offense against the United States, that is,

to commit an offense defined in 46 U.S.C. § 70503 in that they knowingly and intentionally possessed with intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, aboard a vessel subject to the jurisdiction of the United States. All in violation of 46 U.S.C. §§ 70503(a)(1) & 70506(b).

COUNT TWO

**Possession with Intent to Distribute a Controlled Substance
Aboard a Vessel Subject to the Jurisdiction of the United States
46 U.S.C. § 70503(a)(1) and 18 U.S.C. § 2**

On or about August 25, 2022, on the high seas, and elsewhere within the jurisdiction of this Court,

[1] Andy Samuel De La Cruz,
[2] Luis Hernández-Caripe,
[3] David Sano-Pérez,
[4] Claudio José Mora-Torres,
a/k/a Claudio José Mora-Roque,
[5] José Céspedes,

the defendants herein, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, aboard a vessel subject to the jurisdiction of the United States. All in violation of 46 U.S.C. § 70503(a)(1) and 18 U.S.C. § 2.

COUNT THREE

**Conspiracy to Import a Controlled Substance
21 U.S.C §§ 952(a), 960(a)(1) & (b)(1)(B)(ii), and 963**

Beginning on a date unknown, but not later than on or about August 25, 2022, and continuing up to and until the return of this indictment, from places outside of the United States, including the country of Colombia, Venezuela, and elsewhere,

[1] Andy Samuel De La Cruz,
[2] Luis Hernández-Caripe,
[3] David Sano-Pérez,
[4] Claudio José Mora-Torres,
a/k/a Claudio José Mora-Roque,
[5] José Céspedes,

the defendants herein, did knowingly and intentionally combine, conspire, and agree with each other, and other diverse persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to import into the United States, five (5) kilograms 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. §§ 952(a), 960(a)(1) & (b)(1)(B)(ii), and 963.

COUNT FOUR

Attempt to Importation Controlled Substance

21 U.S.C. §§ 952(a), 960(a)(1) & (b)(1)(B)(ii); 18 U.S.C. § 2

On or about August 25, 2022, from places outside the United States, including the Colombia, Venezuela and elsewhere,

[1] Andy Samuel De La Cruz,
[2] Luis Hernández-Caripe,
[3] David Sano-Pérez,
[4] Claudio José Mora-Torres,
a/k/a Claudio José Mora-Roque,
[5] José Céspedes,

the defendant herein, aiding and abetting each other, did intentionally and knowingly

Attempt to import into the United States, five (5) kilograms or more of a mixture or substance
C6J containing a detectable amount of cocaine, a Schedule II narcotic drug-controlled substance. All in violation of 21 U.S.C. §§ 952(a), 960(a)(1) & (b)(1)(B)(ii), and 18 U.S.C. § 2.

MARITIME DRUG LAW ENFORCEMENT FORFEITURE ALLEGATION

46 U.S.C. § 70507

The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 46 U.S.C. § 70507. Pursuant to 46 U.S.C. § 70507, upon conviction of one or more of the Maritime Drug Law Enforcement offenses alleged in Counts One and Two of this Indictment, [1] Andy Samuel De La Cruz, [2] Luis Hernández-Caripe, [3] David Sano-Pérez, [4] Claudio José Mora-Torres, a/k/a Claudio José Mora-Roque, [5] José Céspedes, the defendants herein, upon conviction of any of the

offenses alleged in those counts, any property described in 21 U.S.C. § 881(a), that is used or intended for use to commit, or to facilitate the commission of, those offenses is subject to forfeiture.

CONTROLLED SUBSTANCES FORFEITURE ALLEGATIONS

21 U.S.C. §§ 853 and 970

The allegations contained in Counts Three and Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 21 U.S.C. §§ 853, and 970. Pursuant to 21 U.S.C. §§ 853 and 970, upon conviction of one or more of the controlled substance offenses alleged in Counts Three and Four of this Indictment, [1] **Andy Samuel De La Cruz**, [2] **Luis Hernández-Caripe**, [3] **David Sano-Pérez**, [4] **Claudio José Mora-Torres**, a/k/a **Claudio José Mora-Roque**, [5] **José Céspedes**, the defendants herein, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, including but not limited to the following:

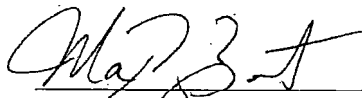
If any of the property described above, as a result of any act or omission of the defendant:

- 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;

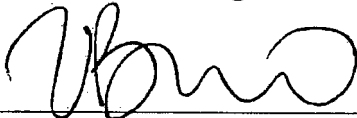
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

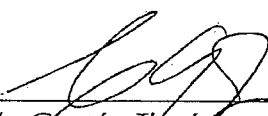
W. Stephen Muldrow
United States Attorney



Max Pérez-Bouret
Assistant United States Attorney, Chief
Transnational Organized Crime Section



Vanessa E. Bonhomme
Assistant United States Attorney, Deputy Chief
Transnational Organized Crime Section



Camille García-Jiménez
Assistant United States Attorney

TRUE BILL

FOREPERSON

Date: August 31, 2022

EXHIBIT # 2

JUDGMENT IN A CRIMINAL CASE
UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO
CASE #3:22-CR-00383-3 (PAD)

(2) PAGES

UNITED STATES DISTRICT COURT

District of Puerto Rico



UNITED STATES OF AMERICA

v.

DAVID SANO-PEREZ (3)

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:22-CR-00383-3 (PAD)

USM Number: 18626-510

Ovidio Zayas-Perez, Esq.

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One (1), Two (2), Three (3), and Four (4) of the Indictment on 3/11/2024.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
46:70503(a)(1), 70506(b)	Conspiracy to distribute controlled substance aboard vessel	8/25/2022	One (1)
46:70503(a)(1), 18:2	Possession to distribute controlled substance aboard vessel	8/25/2022	Two (2)
21:852(a)(1), 960(a)(1)	Conspiracy to import a controlled substance	8/25/2022	Three (3)

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/14/2024

Date of Imposition of Judgment

s/ Pedro A. Delgado-Hernández

Signature of Judge

Pedro A. Delgado-Hernández, U.S. District Judge

Name and Title of Judge

6/14/2024

Date

DEFENDANT: DAVID SANO-PEREZ (3)
CASE NUMBER: 3:22-CR-00383-3 (PAD)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21:952(a), 960(a)(1)	Attempt to import controlled substance	8/25/2022	Four (4)

EXHIBIT # 3
ORDER OF COURT
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT[
NO. 24-1604
(1) PAGE

United States Court of Appeals For the First Circuit

No. 24-1604

UNITED STATES,

Appellee,

v.

DAVID SANO-PEREZ, a/k/a David Sanot Perez,

Defendant - Appellant.

ORDER OF COURT

Entered: November 21, 2025
Pursuant to 1st Cir. R. 27.0(d)

Counsel for defendant-appellant, who was appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, has filed a motion for leave to withdraw. Counsel has concluded that filing a petition for a writ of certiorari in this case would be frivolous. Counsel has certified that counsel has advised appellant of this conclusion and that counsel has further advised appellant of the time in which appellant must apply for a writ if appellant elects to take such action.

Appellant did not notify counsel, or this court, whether appellant wished to apply for certiorari. Accordingly, we grant Attorney Ovidio Zayas-Pérez's motion to withdraw. See 1st Cir. R. 46.5(c). Appellant, however, may, if so inclined, file a pro se petition for a writ of certiorari. That petition must be filed with the clerk of the Supreme Court within ninety days after the entry of the judgment. See Sup. Ct. R. 13. Judgment entered on October 14, 2025. It would appear, therefore, that should appellant choose to file a pro se petition, appellant must do so on, or before, **January 12, 2026**.

By the Court:

Anastasia Dubrovsky, Clerk

cc: Ovidio E. Zayas-Pérez, David Sano-Perez, Max J. Pérez-Bouret, Lisa E. Bhatia Gautier, Juan Carlos Reyes-Ramos, Camille Garcia-Jiménez, Richard Vance Eaton, Gabriella Sofia Paglieri, Carlos Jose Romo-Aledo

EXHIBIT # 4

JUDGMENT OF COURT

UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

NO. 24-1604

(2) PAGES

United States Court of Appeals For the First Circuit

No. 24-1604

UNITED STATES,

Appellee,

v.

DAVID SANO-PEREZ, a/k/a David Sanot Perez,

Defendant - Appellant.

Before

Barron, Chief Judge,
Gelpí and Rikelman, Circuit Judges.

JUDGMENT

Entered: October 14, 2025

Defendant-appellant David Sano-Pérez ("Sano"), a citizen of the Dominican Republic, appeals from the district court's within-guidelines sentence of 135 months' imprisonment for his four counts of conviction -- (1) conspiracy to distribute a controlled substance aboard a vessel in violation of 46 U.S.C. §§ 70503(a)(1), 70506(b); (2) possession to distribute a controlled substance aboard a vessel in violation of § 70503(a)(1), 18 U.S.C. § 2; (3) conspiracy to import a controlled substance in violation of 21 U.S.C. §§ 852(a)(1), 960(a)(1); and (4) attempt to import a controlled substance in violation of §§ 852(a), 960(a)(1). First, because Sano did not object to the district court's sentence below and because his brief merely alludes to the possibility of plain error review without examining his claim within that framework, we deem his claim waived. see United States v. Rodriguez-Monserrate, 22 F.4th 35, 40 (1st Cir. 2021) (waiver for failing to brief plain error with respect to unpreserved claim).

Furthermore, even were we to assume that Sano had properly presented his arguments, he has not established that the district court erred in its analysis of 18 U.S.C. § 3553(a)'s sentencing factors. See United States v. Contreras-Delgado, 913 F.3d 232, 240 (1st Cir. 2019) (while a sentencing court must consider all the incorporated § 3553(a) factors, it 'need not verbalize its evaluation of each and every [§] 3553(a) factor.' (quoting United States v. Reyes-Rivera, 812 F.3d 79, 89 (1st Cir. 2016))); United States v. Madera-Ortiz, 637 F.3d 26, 32 (1st Cir. 2011) ('a defendant does not ensure himself a reduced sentence simply by identifying potentially mitigating

factors."); see also United States v. Turbides-Leonardo, 468 F.3d 34, 41 (1st Cir. 2006) ("district court's statement of reasons for imposing a within-the-range sentence need not be as cogent as its reasons for imposing an outside-the-range sentence"). Accordingly, affirmance is in order.

Affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Ovidio E. Zayas-Pérez
David Sano-Perez
Max J. Pérez-Bouret
Lisa E. Bhatia Gautier
Juan Carlos Reyes-Ramos
Camille Garcia-Jiménez
Richard Vance Eaton
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Carlos Jose Romo-Aledo