IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2026

No. _____

GERMAINE VELEZ-RAMIREZ,
Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

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

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October 21, 2026

QUESTION PRESENTED

In determining the value of a bribe under 18 U.S.C. §666(a)(1)(B), is the value of the transaction to be determined at the time of the bribe, or can factors subsequently arising be considered by the factfinder?

List of Parties

Petitioner: Germaine Velez-Ramirez

Respondent: United States of America

List of All Proceedings

1. United States District Court, Docket No. 17-cr-460-PAD-1

2. United States Court of Appeals for the First Circuit, Docket No. 24-1049

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This case presents an important question of federal law that has not been, but should be, settled by this Court:

In determining the value of a bribe under 18 U.S.C. §666(a)(1)(B), is the value of the transaction to be determined at the time of the bribe, or can factors subsequently arising be considered by the factfinder?

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Petitioner, Germaine Velez-Ramirez ["Velez"], respectfully prays that a writ of certiorari issue to review the judgment and opinion of the First Circuit entered in this proceeding on August 28, 2026.

OPINION BELOW

The decision of the First Circuit, United States v. Velez-Ramirez, 189 F.4th 189 (1st Cir. 2026), appears in the Appendix hereto.

JURISDICTION

The judgment of the First Circuit was entered on August 28, 2026. This petition was timely filed within 90 days of that date. This Court's jurisdiction is invoked under 28 U.S.C. sec. 1254(1).

STATUTE INVOLVED

18 U.S.C. sec. 666:

(a) Whoever, if the circumstance described in subsection (b) of this section exists--
(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof--
(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that--
(i) is valued at $5,000 or more, and
(ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or
(B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of $5,000 or more; or
(2) corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with

any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $5,000 or more; shall be fined under this title, imprisoned not more than 10 years, or both.

(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of $10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(Emphasis supplied)

STATEMENT OF THE CASE

On August 4, 2017, Velez was charged by indictment with Receipt of a Bribe by an Agent of an Organization Receiving Federal Funds, in violation of 18 U.S.C. §666(a)(1)(B). At the close of a jury trial, he was convicted. The court sentenced Velez to 21 months' imprisonment and a one-year term of supervised release. The United States Court of Appeals for the First Circuit affirmed Velez's conviction. Velez-Ramirez, in Appendix hereto.

The evidence at trial, viewed in the light most favorable to the government, showed that on March 25, 2016, Velez, who was a police officer at the time, arrested Eleana Arocho Gadivia ["Arocho"] for possession of a single marijuana cigarette. Velez said he would help her. The following night, the two met up and had sex. After repeatedly saying Velez did not specify how he would help her, Arocho eventually said that prior to having sex, Velez said the case would be dismissed.

However, Velez appeared for, and testified in, Arocho's first court appearance on March 30, 2016, and the court found probable cause for her

arrest. Velez appeared for, and testified in, the preliminary hearing on August 24, 2016, and the court found probable cause for the charge. The case was never in fact dismissed, and Arocho ended up accepting a plea deal in which she pleaded guilty to a misdemeanor with no jail time. She subsequently – after Velez had been indicted – had her record expunged.

REASONS FOR GRANTING THE PETITION

This case presents an important question of federal law that has not been, but should be, settled by this Court:

In determining the value of a bribe under 18 U.S.C. §666(a)(1)(B), is the value of the transaction to be determined at the time of the bribe, or can factors subsequently arising be considered by the factfinder?

The First Circuit, in affirming Velez's conviction, asked "whether there was sufficient evidence that resolving the criminal charge by dismissal was worth at least $5,000 to Arocho under the circumstances she faced." United States v. Velez-Ramirez, 189 F.4th 189, 193 (1st Cir. 2006), slip op. at 9. It considered factors arising after the corrupt exchange of sex for the promise of dismissal to determine value. Because at the time the bribe was made it was not yet worth $5,000, the valuation element was not met and the trial court should have granted Velez's motion for acquittal.

This Court should grant certiorari to make clear that bribery under 18 U.S.C. sec. 666 is not a continuing crime. It is either committed or not at the time of the corrupt exchange. A particular offense should not be construed as a continuing offense "unless the explicit language of the substantive criminal

statute compels such a conclusion, or the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one." Toussie v. United States, 397 U.S. 112, 115 (1970). That is not the case here.

8 U.S.C. §666(a)(1)(B) prohibits the solicitation or acceptance of bribes by state and local officials employed by agencies receiving federal funds. "Bribe" means "anything of value." This includes intangible benefits such as sexual acts. United States v. Townsend, 630 F.3d 1003, 1010 (11th Cir.), *cert. denied*, 563 U.S. 1000 (2011)(collecting cases). The bribe-taker must intend "to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of $5,000 or more." 8 U.S.C. §666(a)(1)(B).

The $5,000 threshold relates to the value of the business, transaction, or series of transactions, and not to the value of the bribe paid. United States v. Fernandez, 722 F.3d 1, 12-13 (1st Cir. 2013). "[T]he subject matter of the bribe must be valued at $5,000 or more; the bribe itself need only be 'anything of value.'" Id. at 13 (citation omitted)(emphasis in original). The bribe amount, however, may be used in determining the value of the bribe's objective, where that objective does not have a fixed price. Id.

So, for example, in United States v. Fernandes, 272 F.3d 938, 944 (7th Cir. 2001), where over $5,000 in bribes were charged by a corrupt prosecutor

to expunge drunk driving convictions, the value of that intangible benefit was found to have exceeded $5,000. In Townsend, a drug dealer bribed a corrections officer to get more freedom while on supervised release. The Court pegged the value of that freedom to the price settled upon by the bribe-giver and bribe-taker: earrings worth $280, and $5,000 cash placed in a McDonald's bag. Id. at 1006-1007. And in United States v. Acevedo-Hernandez, 898 F.3d 150 (1st Cir. 2018), the value of the acquittal in a negligent homicide case was over $5,000, where the bribe-giver repaid the corrupt judge's IRS debt of $3,788, bought him a motorcycle for $1,200, remodeled his house to the tune of $18,720, and purchased additional items for him as well. 898 F.3d at 164.

Here, however, both the bribe (the sex) and the bribe's objective (dismissal of the criminal case) were intangibles. Accordingly, the market-value approach, which uses the price settled upon by the bribe-giver and bribe-taker as a proxy for the value of the promised business or transaction, cannot be used here. That approach, however, is not the only way to set value. See Fernandez, id. at 13 ("the value of the bribe *may* be relevant in determining the value of the bribe's objective")(emphasis provided).

Another method to value the subject matter of the bribe is the 'benefit of the bribe' approach – that is, the value to the bribe-giver if the bribe works. United States v. Owens, 697 F.3d 657, 659 (7th Cir. 2012). For example, in

United States v. Delgado, 984 F.3d 435 (5th Cir. 2021), the defendant was a corrupt judge who accepted four $250 payments to issue personal recognizance bonds with a face value of $5,000 each. The Court held that the fact that individuals were willing to risk forfeiting $5,000 if the terms of release were violated showed that the value of remaining at liberty pending trial was at least that amount. Id. at 448.

Here, of course, the bribe didn't work, so the 'benefit of the bribe' approach is not an easy fit. Instead, the government tried a novel approach. It attempted to show value by showing Arocho's damages – that is, the money it says she expended to defend the criminal case. It elicited evidence that Arocho paid her lawyer $400 per hearing; that there were a total of 18 court dates set; and that she paid a $1,000 fine upon conviction. The government argued from this that the promise of dismissal was worth $8,200 ($400 per hearing x 18 court dates = $7,200 + $1,000 fine).

The First Circuit approved this approach and considered that "Arocho accrued legal fees and fines that she could have avoided had Velez successfully gotten her case dismissed." Arocho-Velez, 189 F.4th at 194, slip op. at 10. These costs were accrued after the exchange of sex for the alleged promise of dismissal. This raises the question – when was this crime committed? Was it when the act was consummated, or when the damages passed the $5,000 mark?

Truth be told, the cost to Arocho of defending the case was both miscalculated and a poor proxy for value. Although there was evidence that a total of 18 court dates were set, many of these were continued. Seven court dates were set for the preliminary hearing, which ultimately was held on August 24, 2016, and 11 court dates were set for the arraignment, trial and sentencing. Arocho did not have a trial because she pleaded guilty, and sentencing took place on the day of the guilty plea.

Arocho testified that "the hearings kept getting changed." She did not recall how much she ended up paying the lawyer. There was no evidence presented about how many court hearings were actually held, nor about how many court dates Arocho's lawyer attended. The government never introduced the docket sheet for the case or the invoice from the lawyer. It defies credulity that in a case arising from the possession of a single marijuana cigarette, there were 18 hearings.

Using Arocho's damages as a measure of value fails for another reason as well: she qualified for a free court-appointed lawyer. She ended up firing that lawyer, and hiring a private attorney. That was her right to do so, but this shows why using damages as a proxy for value makes no sense. Where, as here, the damages are uncertain at the time of the exchange (sex for alleged promise of dismissal), later occurrences such as the defense costs or the fine incurred cannot retroapectively increase the value of the bribe.

The valuation of the subject matter of the bribe – here, the alleged promise of dismissal of the case – cannot rest upon the happenstance of whether and how much a particular defendant has to pay for a lawyer or whether she qualifies for and uses free legal representation. This approach would mean that in some instances, the same exact offer to dismiss the same exact charge would meet the $5,000 threshold, and in others, it would not. It would mean that the solicitation or acceptance of an intangible bribe (such as sex) from an indigent individual would not be a crime, but the acceptance or an intangible bribe from an individual with financial resources would.

And this fact – how much it would cost to defend the case if the bribe were unsuccessful – presumably would be unknown to the bribe-giver at the time of the offer of the bribe (and certainly was unknown to Arocho at the time of the exchange). See United States v. Marmolejo, 89 F.3d 1185, 1194 (5th Cir. 1996), *aff'd sub. nom* Salinas v. United States, 522 U.S. 52 (1997)(noting that to determine if the value of stolen property is $5,000 or more, as required by 18 U.S.C. §2314, courts look at "the price a willing buyer would pay a willing seller *at the time and place the property was stolen*") (emphasis provided). See also Snyder v. United States, 603 U.S. 1, 5 (2024)("bribes are payments made or agreed to *before* an official act in order to influence the official with respect to that future official act")(emphasis in original).

The First Circuit also credited Arocho's testimony about how much she valued the prospect of avoiding jail and keeping a clean criminal record. Velez-Arocho, 189 F.4th at 193-94, slip op. at 9-10. However, the value Arocho may have placed on the dismissal of the case was irrelevant. Value cannot be measured entirely subjectively. There is not a single case that uses the bribe-giver's personal assessment of value, unsupported by any quantifiable evidence, to meet the $5,000 threshold. To do so would effectively vitiate that statutory requirement.

The government argued that to Arocho, maintaining her freedom and clean criminal record was "priceless." The subject matter of the bribe was only 'priceless' in the sense that the government failed to establish that it was valued at $5,000 or more. Accordingly, Velez's conviction and sentence cannot stand, and this Court should grant this Petition and vacate Velez's conviction and sentence.

Conclusion

For the foregoing reasons, Petitioner Germaine Velez-Ramirez respectfully requests that this Petition for Writ of Certiorari be granted.

October 21, 2026

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