

United States Court of Appeals For the First Circuit

No. 20-2129

UNITED STATES,

Appellee,

v.

ALEXANDRIA ANDINO-RODRÍGUEZ,

Defendant, Appellant.

No. 20-2183

UNITED STATES,

Appellee,

v.

KATERIN MARTÍNEZ-ALBERTO,

Defendant, Appellant.

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

[Hon. Francisco A. Besosa, U.S. District Judge]

Before

Kayatta, Lynch, and Thompson,
Circuit Judges.

Juan F. Matos-De Juan for appellant Andino-Rodríguez.
Tina Schneider for appellant Martínez-Alberto.

Jonathan E. Jacobson, with whom W. Stephen Muldrow, United States Attorney, Mariana E. Bauzá-Almonte, Assistant United States Attorney, Chief, Appellate Division, and Julia M. Meconiates, Assistant United States Attorney, were on brief, for appellee.

August 21, 2023

THOMPSON, Circuit Judge. Experience has taught us drugs are trafficked in many ways, with drug runners using assorted transportation methods and various concealment techniques to move their narcotics. Today's drug-trafficking case comes by sea, via the Black Wolfpack, a boat that ferried cocaine smugglers and their product between Caribbean islands. Specifically, the players in this scheme undertook voyages from Puerto Rico to St. Thomas to acquire and package bricks of cocaine for transport back to Puerto Rico, where they would then receive compensation for their efforts. That came to an end in January 2018, though, when federal agents intercepted the Black Wolfpack off the coast of St. Thomas and, with it, four of the trafficking enterprise's participants.

What resulted was a multi-defendant indictment charging drug conspiracy crimes. While four co-conspirators entered guilty pleas, our appellants -- co-defendants Katerin Martínez-Alberto ("Martínez") and Alexandria Andino-Rodríguez ("Andino") -- each exercised their trial rights. Following a joint eight-day jury trial, both were convicted for their roles in the trafficking venture.

Now, in these consolidated appeals, Martínez and Andino, alleging trial and sentencing errors, ask us to reverse what happened below. But for reasons we'll explain, we affirm in toto.

BACKGROUND

Facts

Drawing from the record to tell this tale -- and doing so in the light most favorable to the jury's verdict, see, e.g., United States v. Ciresi, 697 F.3d 19, 23 (1st Cir. 2012) (citing United States v. Mitchell, 596 F.3d 18, 20 n.1 (1st Cir. 2010)) -- we begin by laying out the facts of the drug-trafficking scheme in which our appellants were embroiled, providing a good bit of saga up front in order to facilitate the gentle reader's understanding of how this all transpired. We will fill in more detail later, when additional factual and procedural particulars become necessary to our analysis.

Back on January 27, 2018, in the Crown Bay Marina in St. Thomas, a Customs and Border Protection ("CBP") marine interdiction agent had eyes on the Black Wolfpack, a vessel suspected of trafficking drugs to and from Puerto Rico.¹ Walking towards the Black Wolfpack, carrying luggage, boxes, and a cooler, were two men and two women, later identified as Maximiliano Figueroa-Benjamín ("Maximiliano"), Emiliano Figueroa-Benjamín

¹ Information had been relayed to CBP by the FBI after it learned from a source of information that a vessel would soon depart Puerto Rico for St. Thomas, pick up cocaine there, then return with the kilos to Puerto Rico. As a result, the CBP agent was called into action "to be on the lookout" that day.

("Emiliano"),² Martínez, and Andino. All aboard, the Black Wolfpack departed the St. Thomas marina towards Puerto Rico, but, about halfway through what became a hazardous return journey,³ it was intercepted and escorted back to St. Thomas by law enforcement.

Over the course of their searches that day, federal agents seized from the Black Wolfpack several items, including the four individuals' identifications as well as their cell phones.⁴ Also found and retrieved inside a hidden compartment were 55 bundles of what was believed (and subsequently confirmed) to be cocaine. Two days later, agents further searched the Black Wolfpack, this time finding 56 bundles of suspected cocaine under a table bolted to the vessel's floor.⁵ Among the 111 total bundles seized, there were various stickers and insignia affixed to the

² Given these first two co-defendants have the same last name, we use their first names to avoid confusion, no disrespect intended.

³ The weather that day wasn't exactly ideal for a leisure trip between the islands: Agents testified the waves were between 10 and 15 feet high (some of the worst one agent had seen), forcing the experienced seafaring agents to debate the safety of pursuing the Black Wolfpack before ultimately deciding to give chase.

⁴ Andino and Maximiliano consented to the searches of their phones. Martínez did not, but after the seizure of her phone from the arrested Black Wolfpack, federal agents extracted the information used by the government in its prosecution case. The record suggests warrants were obtained for the search of and extraction from each of the phones, but it is not crystal clear. Regardless, no one has challenged the propriety of the searches on appeal.

⁵ Of the various federal agencies involved, the FBI was designated the seizing agency.

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