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

-oOo-

THE UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 3:15-CR-00138-PAD
)	
-vs-)	
)	
ALEXIS JUELLE-ALBELLO,)	
)	
Defendant.)	
_____)	

TRANSCRIPT OF PROCEEDINGS
CHANGE OF PLEA HEARING
HELD BEFORE THE HONORABLE PEDRO A. DELGADO-HERNANDEZ
UNITED STATES COURTHOUSE, HATO REY, PUERTO RICO
MONDAY, AUGUST 12, 2019

A P P E A R A N C E S

FOR THE UNITED STATES OF AMERICA:
AUSA Dennise N. Longo Quinones
SAUSA Camille Garcia-Jimenez

FOR THE DEFENDANT:
Melanie Carrillo-Jimenez, Esq.

1 (Proceedings commenced at 9:57 a.m.)

2 -oOo-

3 THE COURT: Okay. Next case.

4 THE CLERK: Criminal Case Number 15-138, the United
5 States of America versus Alexis Juelle-Albello. On behalf of
6 the government, AUSA Dennise Longo. On behalf of defendant,
7 Attorney Melanie Carrillo. Defendant is present in court and
8 will not need the assistance of the court interpreter.

9 MS. LONGO-QUINONES: Your Honor, the government is
10 ready to proceed. We have Special Assistant United States
11 Attorney Camille Garcia also present for the proceedings.

12 THE COURT: Good morning, ma'am.

13 Good morning, ma'am.

14 MS. CARRILLO-JIMENEZ: Good morning, Your Honor.
15 Once again, Attorney Melanie Carrillo on behalf of Alexis
16 Juelle-Albello. We are ready to proceed.

17 THE COURT: Good morning, ma'am.

18 What is the purpose of the defendant's appearance in
19 court this morning?

20 MS. CARRILLO-JIMENEZ: It's for a change of plea
21 hearing, Your Honor.

22 THE COURT: Thank you.

23 The clerk shall take the oath of the defendant.

24 MS. CARRILLO-JIMENEZ: Your Honor, if I may. Before
25 we begin, could we have a sidebar, Your Honor?

1 THE COURT: Yes.

2 (Sidebar conference commenced.)

3 MS. CARRILLO-JIMENEZ: Good morning, Your Honor.

4 Your Honor, we are ready for a change of plea
5 hearing. There is just an issue that has just come up.

6 We were talking to the prosecutor as to the position
7 as to the defendant remaining on bail or not, and she has
8 informed us that they will be requesting detention today
9 because the defendant has not made any payments towards the
10 debt, not towards the child support. Child support has been
11 paid on time since he was released. It's as to the amount that
12 was owed.

13 Once I got that, I've been in contact with the
14 attorney for the civil case of the child support. And I don't
15 have all of the documents needed to put the Court in a position
16 to argue as to release.

17 I only have a court order that says -- but it's in
18 Spanish; I just got it -- that says that as soon as the amount,
19 the debt -- the amount of, the quantity of the debt is imposed,
20 then they're going to talk about all of the interest.

21 So there is only this document that states that there
22 is an issue as to the amount that's owed at this time. Here is
23 the court order. But it's in Spanish so I cannot submit
24 it, but it is here.

25 My argument would be that the issue why no payment

1 has been done towards the debt, it's because it's an issue at
2 local court, the amount that's actually owed. There is a
3 credit for over \$300,000.

4 That evidence had been provided to the government.
5 That is not in ASUME, so it's part of that. And there is also
6 a hearing that will be set, that is set, where the parties will
7 provide evidence as to payments that have been done and credits
8 that are being requested by the defendant in this case.

9 So my issue is as to that, if this is enough for the
10 Court to be able to make a determination or if, in that case, I
11 would have to ask for a continuance for me in order to be able
12 to be in a better position to present the arguments to the
13 Court.

14 This defendant, as the Court knows, this is a case
15 that has a statutory maximum of two years. He already served
16 over three months of imprisonment. He qualifies for probation.
17 He is paying the child support. If he is detained today, that
18 payment will stop because, if he can't pay for it.

19 So I am really concerned as to that as not being
20 able, the Court not being able to make a determination because
21 I am not prepared. I wasn't expecting this as to, this
22 argument of not being paid anything towards it.

23 But it is an issue, and this is a court order that
24 says that there is an issue. And there is an evidentiary
25 hearing to be set as to the credits that are pending. That's

1 why nothing has been paid towards that amount that's in issue.

2 But he has been paying child support. So I wanted to
3 bring this to the Court's attention. He has been compliant
4 with every condition of release, every single condition of
5 release. I don't think there is any issue as to that.

6 But I would beg the Court to indicate how the Court
7 wants us to proceed as to this.

8 THE COURT: Ma'am?

9 MS. LONGO-QUINONES: Your Honor, as the Court may be
10 aware, this case is a case of evading the jurisdiction in order
11 not to pay outstanding child support obligations. In this
12 case, the outstanding child support obligations, the principal
13 has been calculated at close to \$1.9 million. As defense
14 counsel indicates, the defendant has a claim presented before
15 the local court for a credit of merely \$363,000, which is a
16 mere portion of the amount of the outstanding debt.

17 So it is undoubted that the defendant has an
18 outstanding debt of more than a million dollars, as to which he
19 has made no payment since June 2013. And we are now in August
20 of 2019, so it's been six years since he has made a single
21 payment towards his outstanding debt.

22 The statute that we're dealing with, 18 U.S.C. 228,
23 is a continuing offense statute. For that reason, at the time
24 of sentencing, restitution is imposed at the amount of the
25 outstanding debt at the time of sentencing.

1 In this particular case, the defendant's refusal to
2 make any type of payment to the outstanding debt, not to the
3 current or prospective child support obligations, but to the
4 outstanding debt, is a continuing offense. It means that,
5 every month, he continues to commit the charged offense.

6 The government is requesting detention because the
7 defendant is using the fact that he is disputing a partial
8 credit of the debt not to make a single payment in this case.
9 He continues to defy the local court and this Court by deciding
10 that he will withhold his child support obligation until
11 somebody condones most of it.

12 MS. CARRILLO-JIMENEZ: Your Honor, if I may. And
13 obviously that is -- well, I would definitely need to have a
14 continuance if that would be -- if the Court deems more
15 evidence needed. His attorney in that case is not present in
16 court, but I have been present in many hearings.

17 What Sister Counsel is saying about barely \$300,000,
18 that is not true. \$300,000 were checks paid to the mother of
19 the kids that are not, that were not presented in ASUME.

20 As to the rest, we're talking about \$1.4 million that
21 are going to be under evidence, and there is an evidentiary
22 hearing to be held that, of credits that belong to the --

23 THE COURT: When?

24 MS. CARRILLO-JIMENEZ: There is an issue of the date
25 because the mother of the kids keeps postponing because of this

1 case. And she doesn't want to answer the (speaking in a
2 non-English language).

3 THE COURT: Interrogatories.

4 MS. CARRILLO-JIMENEZ: The interrogatories. She
5 doesn't want to answer. She doesn't want to be part of the
6 deposition that has been requested, and until the last hearing,
7 which said: You know what, you have to set a deposition within
8 the next 30 days.

9 I am hoping that before this case goes to sentencing,
10 that amount is already determined. If not, we're going to have
11 to have an evidentiary hearing in which she would have to take
12 the stand, and my client would have to take the stand, as to
13 all of the credits and payments that have been done.

14 So in that scenario, we're talking about 1.4. I
15 believe here it's probably an amount of being owed around
16 \$500,000. That is a realistic number in this case. I do
17 understand that is a big amount.

18 But as to that, in the local court, the instructions
19 from his local attorney say: We are in hold in this case.
20 That's why the state attorney, the other attorney, has not made
21 any motions requesting that anything be paid towards that
22 amount.

23 There is no motion, petition filed in the court since
24 his arrest saying he hasn't paid anything, because they cannot
25 file it because that is an issue as to the amount. So once he

1 gets that determined, he will have the restitution. And he
2 knows. And he even made an offer of paying, I believe it was
3 around \$200,000, in local court, for the debt, and it was
4 rejected from the other party.

5 So there is an issue as to the amount of debt. I
6 believe that -- and hopefully within the next three months, if
7 the other party doesn't keep on postponing and impeding that,
8 you know, the evidence comes in and goes out, we are going to
9 be able to have an amount.

10 Because if it was today, then he would have a
11 restitution of 1.9, where there is documentary evidence of over
12 \$300,000 that the government received, that has not been made
13 part of the ASUME, in checks. There is no dispute as to that.

14 There is this whole other amount which is credit that
15 belongs to him. Because the argument over there is like: If
16 she didn't pay for defendant's life insurance, which was made
17 part of the testimony of the \$14,000, then she cannot receive
18 credit for that because she never paid it.

19 So that's his argument saying: We have to put all of
20 this that was not paid. If we had vacations that were taken --
21 and didn't take them, you cannot ask credit for them. So that
22 is something that has to be done.

23 I believe that the person that has to do that is at
24 local court. But if it comes to a point that we have to have
25 an evidentiary hearing, we will have one. And I think probably

1 the Court will have the power of having the government make
2 them provide the evidence as to all of the payments that were
3 done in order to have a real number.

4 THE COURT: For restitution purposes.

5 MS. CARRILLO-JIMENEZ: Of course, for restitution
6 purposes, because there is no way that we can -- and my issue
7 is right now, if we detain him because he has not "being" paid,
8 that is an issue. I think it's not fair for him that, that
9 he's trying to make -- and all the motions saying:

10 There is an issue. I need interrogatories to be
11 completed. I need you to go into this position. I need to
12 have that evidence.

13 The other party is like: No, I'm not giving you
14 anything. No, I'm not giving you anything.

15 So how is he in a position, and you still want me to
16 pay to that debt that we don't know the amount? He does
17 recognize it's over 300, around \$500,000. That's the number
18 that he believes, and he believes it's a lot of money.

19 But asking him, saying, You know what, you're going
20 to be detained today because you haven't made anymore payments
21 as to that debt, he's paying child support completely. He has
22 a job. He's earning \$450 a week. That's 1800, and he's paying
23 \$800 of that toward child support right now, which is the
24 amount imposed by the Court. So he is paying.

25 So my concern, my position -- and to me, is kind of

1 mind-blowing -- okay. Fine. This is an issue, and punishment
2 has to be set. But sending him to jail, you are actually
3 depriving the minor of receiving the \$800 that she is receiving
4 right now.

5 And my, my issue is -- I'm not the attorney
6 litigating that case. I can provide all of the documentations,
7 if the Court needs them, to see the documents, besides what I
8 just got by email, texting the legal assistant, saying: I need
9 something that can establish for the Court to see that the
10 amount of debt is an issue right now.

11 So defendant is ready here. His mother is here. His
12 wife -- well, wife, you know, it depends, but consensual
13 partner is here. And the mother and father are here in support
14 because he was going to plead.

15 But having this issue and not, me being prepared to
16 present that, we can have a whole evidentiary hearing as to
17 see. Then the Court can determine if it's so terrible, that he
18 hasn't made any payments towards that because he didn't care,
19 all the documents saying, that had been filed.

20 And I believe that the attorney here for the mother
21 of the child is here, and she can say that: Yes, motions have
22 been filed, and there is an issue. They believe there is no
23 debt; I believe there is a debt, so let's have a hearing.

24 But they keep repeating that here, and they keep
25 repeating the position --

1 THE REPORTER: You're going to have to slow down.

2 MS. CARRILLO-JIMENEZ: I'm sorry.

3 So I do not know what's the Court's position, if the
4 Court wants to have a change of plea and believes that the
5 determination can be done with what's been presented or if the
6 Court wants to continue the change of plea in order for me to
7 be able to gather all the documentation and probably have the
8 other attorney present in court that can give light to that.

9 I think that if the defendant remains under the
10 conditions of release right now, we can have that whole
11 evidentiary hearing. Maybe within the next three months, it
12 can be done. I mean, if it's not done by the local court, we
13 might as well do it here.

14 MS. LONGO-QUINONES: Your Honor, if we may. This is
15 a case of the defendant's failure to meet a past-due
16 obligation, an obligation that has been ordered to be paid by
17 the local court. The local court has issued multiple orders
18 telling him to satisfy the debt in full and establishing what
19 that debt is.

20 As of July of 2018, there is a valid executable order
21 at the local court saying that the debt is \$1.8 million and
22 requiring that he pay it in its totality. There is no question
23 in this case as to how much the defendant owes.

24 He has posited in the local court a claim, an
25 outstanding claim for credits. But there is a valid order of

1 the court that establishes the debt as of today. That he may
2 in the future receive or not receive a modification of that
3 amount does not change the fact that he owes "those" money
4 today, and that he has, for the last six years, failed to make
5 a single payment.

6 It is correct, as defense counsel has indicated to
7 the Court, that during that time he has made multiple offers to
8 the Court, and to the children and their mother, to make
9 lump-sum payments to try to get condonation of debt or to try
10 to get a passport issued so he could continue to pursue
11 business opportunities throughout the world.

12 That is evidence of the fact that he knows that he
13 owes, and that he -- every time that people do not accept
14 everything that he wants, he says, Okay, well, then I won't pay
15 anything, which is the pattern that this defendant has
16 continued to engage in.

17 And today we see it here once again. Because he
18 disputes what he owes, he chooses not to pay. That is the
19 violation. That is the crime for which we're here today, and
20 that is the crime that he continues to commit every single
21 month.

22 The statute under 18 U.S.C. 228 recognizes that it
23 could be possible that he can't pay the totality, but he has an
24 obligation to pay that which he can pay. And if he makes an
25 offer to make a lump-sum payment of \$400,000, it means that he

1 can make a substantive payment towards his obligation.

2 And in order to pay, all he has to do is deposit the
3 money in ASUME, and that would be a credit to what, all he
4 owes. And what he in the future litigates with the Court would
5 be credited against it.

6 So if he doesn't challenge a debt of close to
7 \$600,000, then he should pay that \$600,000. He chooses,
8 however, not to make a single payment, in violation of his
9 conditions of release, which require that he obey all laws.

10 In this case, an arrest warrant was issued for him in
11 February 10th of 2012, because he was not meeting his
12 outstanding child support obligations. He left the
13 jurisdiction to avoid payment, and he has not paid since.

14 For that reason, Your Honor, we understand that his
15 conduct is a conduct that is brazen, in violation of his
16 conditions of release; that it's brazen in violation of the
17 statute. And we do not understand how an individual who
18 refuses to meet his obligations and to -- refuses to abide by
19 the local court's orders and by these Court's orders, continues
20 to be on release.

21 MS. CARRILLO-JIMENEZ: Your Honor, if I may.

22 THE COURT: Well, has the local court --

23 MS. LONGO-QUINONES: Has not obeyed the order.

24 THE COURT: -- held him in contempt?

25 MS. LONGO-QUINONES: They have held him in contempt,

1 and they issued an arrest warrant.

2 MS. CARRILLO-JIMENEZ: 2012.

3 MS. LONGO-QUINONES: In 2012 and 2011. And that's
4 when they issued the arrest warrant.

5 THE COURT: But now there are ongoing disputes before
6 the Court of First Instance of Puerto Rico, based on what I've
7 heard today, right now.

8 MS. LONGO-QUINONES: Your Honor, that doesn't change
9 that he has an order to pay and an obligation and a debt that
10 is acknowledged. And defense counsel here acknowledges that he
11 at least admits to owing \$500,000.

12 Your Honor, you know what? He can pay \$500 a month.
13 He needs to pay \$500 a month.

14 THE CLERK: One at a time, please.

15 MS. LONGO-QUINONES: Your Honor, an individual who
16 has a 20 percent interest in a real estate business that has
17 been valued at more than \$600,000 --

18 THE COURT: Wait. Wait. Wait. One at a time.

19 MS. LONGO-QUINONES: That admits to having that
20 interest, that offered that interest in order to settle his
21 debt as part of the motions that were prepared and marked as
22 designated evidence in this case, that individual has the
23 capacity to pay. He just chooses not to pay in order to force
24 credits and in order to force condonation of the debt.

25 That's why we're here, Your Honor. That is what this

1 case is all about. That's what he would be admitting to today.

2 Our position is that somebody who is under those
3 conditions needs to start abiding by court orders and make
4 payments towards the debt. He just refuses to make any payment
5 towards the debt.

6 THE COURT: The way I see it, Number 1, I'm not
7 acquainted with all of the details of those ongoing disputes
8 before the Court of First Instance of Puerto Rico. I have not
9 reviewed the file. I have not reviewed the motions. I have
10 not studied the arguments.

11 Now, the issue right now is whether, once the Court
12 accepts a straight plea, a change of plea from not guilty to
13 guilty, in this particular case, he should be immediately
14 incarcerated. That's the issue we're dealing with.

15 MS. CARRILLO-JIMENEZ: That is correct.

16 THE COURT: The government says yes, and the
17 defendant says no.

18 From what I heard, the defendant is not ignoring
19 local procedures. He wants the local court to make a ruling.
20 He's not just ignoring that court.

21 An arrest warrant was issued back in 2012. That's
22 seven years ago. But not now. I mean, local courts can hold
23 people in contempt for nonpayment, but that's not what is
24 occurring right now, from the description I heard.

25 MS. LONGO-QUINONES: Your Honor, the reason it's not

1 occurring right now is because the federal government
2 coordinated the extradition of the defendant into this
3 jurisdiction in July of 2018. We brought him into the
4 jurisdiction so that he could face his obligations before --

5 MS. CARRILLO-JIMENEZ: The order of arrest was issued
6 at local court, and this defendant was not released on bail.
7 He was not released on bail until he appeared in local court.
8 And in local court, he was released at local court, and that
9 order of arrest was not issued.

10 The order we're talking about, July 2018, this
11 defendant had not been arrested by that time. That is why the
12 local court has not been forcing that request of paying the
13 lump sum, because there is an issue as to the amount.

14 And I want to clarify, Your Honor, because I don't
15 want the Court to be induced into error in no way in my
16 presence, is that they held that he -- that he presented for
17 the \$400,000. It's not his. It's his father, who's sitting
18 right behind there, that he has a house that he was willing to
19 make a mortgage into that house.

20 And it was not approved because he's over 75 years
21 old, Your Honor. So he does not have the \$400,000.

22 And as to the 20 percent, I want the government to
23 provide me legal documentation right now, if they're going to
24 present that, that this defendant has a 20 percent in that
25 property, because according to him, according to his relatives,

1 he has no participation in that property, Your Honor. So this
2 defendant, saying that he has all that money, that is not true.

3 Your Honor, there is an issue. To me, it's crazy
4 that the animosity between the families, it's so big that it
5 contaminates everyone around us.

6 I believe that, in this case, it's -- what he's
7 pleading guilty, which is not what the government stated, it's
8 the elements of the offense, which are leaving the jurisdiction
9 with the intent -- with the purpose of not paying child support
10 over \$5,000. We're not accepting the amount in this case
11 because we are not the ones that, to be determining that
12 amount.

13 And I think that has to be done in a just way.
14 What's right is right, and what's wrong is wrong. If it's more
15 or if it's less, that's the amount. It's a number case as to
16 the amount.

17 He's not pleading guilty as to anything else, Your
18 Honor. He's not pleading as to -- he has been moving the court
19 constantly to be able to determine the amount that's being
20 owed.

21 Right now a payment plan cannot be set in local court
22 because they cannot set it over a debt that is in question. If
23 that was already determined, they could go to ASUME and say: I
24 need a payment plan.

25 And then they can do it. But right now, if they go,

1 they say you can't do a payment plan because there is, there is
2 a question as to the amount that's being requested. And the
3 fact that the government is requesting this defendant be
4 detained today, like I told her, that girl that's sitting right
5 there, the minor, does not need the \$800 that they're
6 requesting because they're requesting for him to be detained as
7 punishment.

8 THE COURT: Wait. Wait. Wait. One at a time.
9 Otherwise, the reporter won't be able to secure an accurate
10 transcript.

11 MS. CARRILLO-JIMENEZ: Like the attorney for the
12 mother stated in local court to the other attorney, in my
13 presence, saying: Your client is going to jail. I'm making
14 sure. That's all I want, is punishment.

15 And, in this case, if he goes to jail, Your Honor --
16 this defendant already served three months. The statutory
17 maximum here is two years. If he goes to jail, he won't be
18 able to appear in court to make sure that the amount of the
19 debt is finally made.

20 Because the Court knows there is issue as to
21 transferring. It's going to be way more difficult for him to
22 meet with his attorney, to determine that amount, to appear in
23 depositions, to do what he has to do in order to be here in a
24 sentencing hearing and provide all of the documentation that's
25 needed, Your Honor.

1 Plus, he won't be able to work, and nothing is going
2 to be done as to the debt. And the debt is really going to
3 increase because every month he stays in jail is a month less
4 he's going to pay.

5 So, Your Honor, to me, having him go to jail today,
6 it's another way of impeding the issue of the amount that is
7 owed, be actually clarified and determined. This defendant has
8 accepted responsibility. This is a case in which it's a
9 two-year sentence.

10 Like I told him: You know what -- and I'm going to
11 tell the Court, and they know that -- I was recommending you go
12 to trial.

13 That was my recommendation: You go to trial in this
14 case.

15 And he said: I'm accepting responsibility. I want
16 to plead guilty.

17 Not because that's my recommendation, but because
18 that was his recommendation. And he's willing to accept
19 responsibility and get it over with and determine the amount
20 and pay whatever he has and get a payment plan.

21 Right now, he was offering to pay, basically whatever
22 was left, as a payment plan. He can't give more than what he's
23 earning. At a certain point in time in his life, he had a lot
24 of money, and his family had a lot of money.

25 And that's not the case. His father does not have a

1 lot of money. Maybe one of the siblings have more money. But
2 he cannot -- we cannot force the brother to give him money to
3 pay anything that's his own personal responsibility.

4 So he is trying, and he's willing. But being
5 incarcerated right now is just going to make a whole other
6 issue and impede that, by the time of sentencing, that we're
7 here, we can maybe provide the documentation and get that case
8 resolved, which is what I'm hoping, at local court, Your Honor.

9 And maybe, you know, the government can talk to the
10 other party and say: You know what, it would be good for you
11 to provide the information, fill out the interrogatories that
12 have been sent, in order for us to be able to determine.

13 Because, if not, the Court won't be in a position to
14 do a sentencing hearing, Your Honor, or can sentence the
15 defendant, but not exclude a restitution amount. So there is
16 as much as, our side, the defendant can do, but the other part
17 needs to respond. And obviously --

18 MS. LONGO-QUINONES: Your Honor, if I may.

19 MS. CARRILLO-JIMENEZ: -- there is a bigger interest
20 of him being detained than anything else. Let's have him
21 detained. Let's have him incarcerated and have him serve the
22 two years. What if he serves the two years? What are we going
23 to do afterwards?

24 THE REPORTER: You're going to have to slow down,
25 please.

1 THE COURT: Go ahead, ma'am.

2 MS. LONGO-QUINONES: Your Honor, if we may. We
3 submit we can move forward with the change of plea today. The
4 government will submit motions seeking the revocation of
5 conditions of bail, where we will detail the information, and
6 we can have a hearing to address that motion --

7 THE COURT: All right.

8 MS. LONGO-QUINONES: -- at a later date.

9 THE COURT: Very well.

10 The Court's not inclined at this point to incarcerate
11 him today, after he changes his plea from not guilty to guilty.
12 There are good arguments running on both sides, pulling
13 different directions, but at the end of the day, I do not -- I
14 cannot conclude that this defendant is ignoring, as we speak,
15 local court proceedings.

16 There are motions. There are disputes. At some
17 point, the Court of First Instance will have to make up its
18 mind and will have to issue whatever ruling is appropriate
19 under the circumstances.

20 Of course, from what I heard, that ruling is going to
21 be appealed to the Appeals Court of Puerto Rico, and maybe cert
22 filed with the Puerto Rico Supreme Court. I do not know how
23 much time it's going to take.

24 But at the end of the day, I am not inclined to
25 incarcerate this defendant today. That's my ruling.

1 Let me be more clear. I'm not going to incarcerate
2 him today.

3 MS. CARRILLO-JIMENEZ: So we can continue with the
4 change of plea hearing, Your Honor.

5 THE COURT: Yes.

6 MS. CARRILLO-JIMENEZ: Okay.

7 THE COURT: The arguments have been made. They're
8 preserved.

9 MS. CARRILLO-JIMENEZ: Thank you, Your Honor.

10 (Sidebar conference concluded.)

11 THE COURT: The clerk shall take the oath of the
12 defendant.

13 THE CLERK: Please raise your right hand.

14 (Defendant sworn.)

15 THE CLERK: So help you God.

16 THE COURT: Good morning.

17 THE DEFENDANT: Good morning.

18 THE COURT: You know that you are now under oath?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You know that if you answer any of my
21 questions falsely, your answers may later be used against you
22 in a prosecution for perjury or for making a false statement?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Before I accept your petition to enter a
25 plea of guilty, I have to determine that you are competent to

1 make a plea and that your petition is completely knowing and
2 voluntary.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: What is your full name?

6 THE DEFENDANT: Alexis Fernando Juelle-Albello.

7 THE COURT: Where were you born?

8 THE DEFENDANT: In San Juan, Puerto Rico.

9 THE COURT: How old are you?

10 THE DEFENDANT: 52.

11 THE COURT: How far did you go in school?

12 THE DEFENDANT: Until third year of college.

13 THE COURT: Were you employed at the time that you
14 were arrested in this case?

15 THE DEFENDANT: No, sir.

16 THE COURT: Have you been treated recently for any
17 mental illness?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you been treated recently for
20 addiction?

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you been hospitalized recently?

23 THE DEFENDANT: No, sir.

24 THE COURT: Have you used any narcotic within the
25 past 48 hours?

1 THE DEFENDANT: No, sir.

2 THE COURT: Are you currently taking any type of
3 medication?

4 THE DEFENDANT: Any?

5 THE COURT: Any type of medication?

6 THE DEFENDANT: No. No, sir.

7 THE COURT: Have you drunk any alcoholic beverage
8 within the past 48 hours?

9 THE DEFENDANT: No, sir.

10 THE COURT: Can you concentrate?

11 THE DEFENDANT: Yes. Yeah, I can concentrate.

12 THE COURT: Have you understood the proceedings so
13 far?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Ms. Carrillo, do you have any doubts as
16 to Mr. Juelle's competence to make a knowing, voluntary and
17 willful plea of guilty at this time?

18 MS. CARRILLO-JIMENEZ: No, Your Honor, I do not.

19 THE COURT: Ms. Longo, do you have any doubt as to
20 the defendant's competence to make a knowing, voluntary and
21 willful plea of guilty at this time?

22 MS. LONGO-QUINONES: We do not.

23 THE COURT: Based on counsels' representations and
24 the defendant's answers to my questions, and on the defendant's
25 appropriate demeanor, I find the defendant, Alexis Juelle, to

1 be competent to enter a plea of guilty.

2 Mr. Juelle, did you receive a copy of the indictment
3 with the charge against you in this case?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand the charge?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You have an attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: The attorney is Melanie Carrillo?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Ms. Carrillo is here with you today?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did you discuss the charge with her?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did you discuss with her the discovery
16 that she received in this case?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did she explain to you your rights?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Have you made a conscious decision to
21 plead guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did you discuss with Ms. Carrillo your
24 decision to plead guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Did you discuss with her the potential
2 consequences of pleading guilty?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you fully understand those
5 consequences?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you fully satisfied with Ms.
8 Carrillo's services, representation and advice?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Ms. Carrillo, was Mr. Juelle's initial
11 plea not guilty?

12 MS. CARRILLO-JIMENEZ: That is correct, Your Honor.

13 THE COURT: Mr. Juelle, your initial plea was not
14 guilty?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you know that you have the right to
17 maintain that plea of not guilty?

18 THE DEFENDANT: I know, yes.

19 THE COURT: Did you know that if you maintain the
20 plea of not guilty, you would have the right to challenge the
21 validity of your arrest?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did you know that if you maintain the
24 plea of not guilty, you would have the right to challenge the
25 voluntariness of any statement you may have made to law

1 enforcement officers?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Did you know that if you maintain the
4 plea of not guilty, you would have the right to challenge the
5 seizure of any incriminating evidence that otherwise may be
6 used against you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Did you know that if you maintain the
9 plea of not guilty, you would have the right to a public speedy
10 trial by jury, during which you would be presumed innocent; the
11 government will have to prove your guilt beyond a reasonable
12 doubt, and you would have the right to assistance of counsel;
13 and if necessary, have the Court appoint counsel at trial and
14 at every other stage of the proceedings?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you know that in a trial, you would
17 have the right to see and hear all witnesses that testify and
18 to have them cross-examined, the right on your own part to
19 decline to testify, unless you voluntarily elected to do so,
20 and that no inference of guilt may be made if you do not
21 testify?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did you know that in a trial, you do not
24 have to present evidence or witnesses, unless you decide to do
25 so, but that you will have the right to the issuance of

1 subpoenas or compulsory process to compel the attendance of
2 witnesses to testify on your behalf?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Did you know that in a trial, you would
5 be entitled to have your case decided by a jury composed of 12
6 live persons selected at random, and that the jury will have to
7 agree unanimously before it can return a verdict of guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Did you know that by entering a plea of
10 guilty, if I accept your plea, there will be no trial?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you know that, in that case, you
13 would have waived your right to a trial, as well as those other
14 rights associated with a trial that I just described to you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you know that by entering a plea of
17 guilty, you waive your right not to incriminate yourself?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did you know that the reason for that
20 waiver is because I have to ask you questions about what you
21 did in order for me to be satisfied that you are guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You know that you will have to
24 acknowledge your guilt?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Did you know that the offense to which
2 you would be pleading guilty is a felony offense?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Did you know that if your plea is
5 accepted, you will be found guilty of that felony offense?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you a citizen of the United States?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Did you know that adjudication of guilt
10 may deprive you of some valuable civil rights?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you know that those rights include
13 the right to hold public office, the right to serve on a jury,
14 the right to legally possess any type of firearm and the right
15 to vote if you move to a jurisdiction in the United States that
16 is not Puerto Rico and that jurisdiction did not recognize the
17 right to vote to those with a conviction?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Ms. Carrillo, it is my understanding that
20 Mr. Juelle will be pleading guilty to Count One of the
21 Indictment. Is my understanding correct?

22 MS. CARRILLO-JIMENEZ: Yes, Your Honor, it is.

23 THE COURT: Mr. Juelle, Count One charges that on or
24 about May 2011, that exact date being unknown to the grand
25 jury, in the District of Puerto Rico, you traveled in

1 interstate commerce with the intent to evade a court-imposed
2 child support obligation, and that said obligation has remained
3 unpaid for a period longer than one year and is greater than
4 \$5,000, in violation of 18 U.S.C. 228(a)(2).

5 Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Is this the charge that you would be
8 pleading guilty to?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: For that charge, you could be sentenced
11 to a term of imprisonment of no more than two years, a term of
12 supervised release of no more than one year, a fine not to
13 exceed \$250,000, a special monetary assessment of \$100 and
14 restitution in an amount equal to the total unpaid support
15 obligation as it exists at the time of sentencing.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Counsel, did you discuss with Mr. Juelle
19 the advisory sentencing guidelines and how they may apply to
20 him?

21 MS. CARRILLO-JIMENEZ: Yes, Your Honor, I did so.

22 THE COURT: Mr. Juelle, did you -- did your counsel
23 explain to you how the sentencing guidelines might apply to
24 your case?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Did you understand what she explained to
2 you in that regard?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Counsel, did you explain to Mr. Juelle
5 the meaning of the term "supervised release?"

6 MS. CARRILLO-JIMENEZ: Yes, Your Honor, I did so.

7 THE COURT: Mr. Juelle, during a term of supervised
8 release, you would be under the supervision of a probation
9 officer, and you will have to comply with certain conditions.
10 Do you understand that?

11 THE DEFENDANT: Yes, sir, I understand.

12 THE COURT: Did you know that you may be given
13 additional time in prison if the Court finds that you violated
14 in any way the terms and conditions of supervised release?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you know that the Court will not be
17 able to determine the guideline sentence for your case until
18 after a presentence report has been completed by the probation
19 officer?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you know that the sentence imposed
22 may be affected by your criminal history?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Did you know that even after your
25 sentencing guideline range has been determined, the Court has

1 the authority, in some circumstances, to depart or vary from
2 the guidelines and impose a sentence on you that is more severe
3 or less severe than the sentence called for by the guidelines,
4 within the limits established in the law?

5 THE DEFENDANT: Yes.

6 THE COURT: Did you know that even if the Court
7 imposes a sentence that is more severe than what the guidelines
8 recommend or suggest, you would not be able to withdraw your
9 plea of guilty for that reason alone?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Did you know that the sentence here may
12 or may not be consecutive to any other sentence that you may be
13 facing?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did you know that parole has been
16 abolished in the federal system in the United States, and that
17 if you are sentenced to prison, you would not be released on
18 parole?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Mr. Juelle, has anyone attempted in any
21 way to force or coerce you to enter a plea of guilty?

22 THE DEFENDANT: No, sir.

23 THE COURT: Has anyone promised you or guaranteed you
24 that you are going to receive a specific sentence if you enter
25 a plea of guilty?

1 THE DEFENDANT: No, sir.

2 THE COURT: You are pleading guilty of your own free
3 will because you are guilty?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Ms. Longo, has the United States provided
6 full and complete discovery to the defendant's counsel?

7 MS. LONGO-QUINONES: We have, Your Honor.

8 THE COURT: Mr. Juelle, in a few moments, I will be
9 asking the prosecutor to provide a summary of the evidence that
10 the government claims it would have presented at trial, had
11 this case gone to trial, to prove your guilt beyond a
12 reasonable doubt. Please listen carefully to what the
13 prosecutor will say, because once she concludes, I will be
14 asking you whether you admit that summary as true.

15 Do you understand what I just said?

16 THE DEFENDANT: Yes.

17 THE COURT: Ms. Longo, please provide a summary of
18 the facts to be presented to prove that the defendant is
19 guilty; that is, if a trial were to be held.

20 Go ahead.

21 MS. LONGO-QUINONES: Your Honor, the United States
22 submits the following statement of facts and posits that the
23 same are a true and accurate summary of the facts leading to
24 the defendant, Alexis Juelle-Albello's, acceptance of criminal
25 responsibility for violation of Title 18, United States Code,

1 Section 228(a)(2).

2 If this case had proceeded to trial, the United
3 States would have proven the following facts beyond a
4 reasonable doubt through the presentation of documentary
5 evidence, photographs and the testimony of family members,
6 government officers and law enforcement agents:

7 On or about May 2011, and at various times
8 thereafter, the defendant, Alexis Juelle-Albello, traveled in
9 interstate and foreign commerce with the intent to evade a
10 child support obligation, which had remained unpaid for a
11 period longer than one year and was greater than \$5,000, in
12 violation of Title 18, Section 228(a)(2).

13 Juelle-Albello married Diana Umpierre in Carolina,
14 Puerto Rico, on November 8, 1991. During this marriage,
15 Juelle-Albello resided in Puerto Rico and had two children:
16 Alexis M. Juelle Umpierra and Diana M. Juelle Umpierre.

17 On June 26, 2007, the trial court of Bayamon, Family
18 and Minors Part, issued a judgment of divorce. Pursuant to the
19 terms and conditions of the Bayamon Court's orders in the
20 divorce proceeding, the mother was given custody of the
21 children and child support obligations were imposed on
22 Juelle-Albello. Juelle-Albello's child support obligations
23 included, among other conditions, the payment of a monthly
24 stipend of \$13,893.81 through the Puerto Rico Child Support
25 Administration, commonly known as "ASUME."

1 On or about April 1st, 2011, the Bayamon Court issued
2 an order advising Juelle-Albello that his failure to comply
3 with several orders requiring that he pay the children's school
4 tuition debt would result in his arrest without further
5 hearings. On April 6th, 2011, Juelle-Albello sought a driver's
6 license from the State of Florida where he reported his
7 residential address to be in Weston, Florida, and he setup
8 residence with his new wife and child: Clara Ines Mejias and
9 Isabelle Juelle Mejias, in the Brickell community in Miami,
10 Florida. He also took two trips to Mexico, on April 20th and
11 June 4th, 2011, seeking business opportunities in Mexico.

12 In the meantime, Juelle-Albello continued to
13 disregard the Bayamon Court's orders, and on May 19, 2011, the
14 Bayamon Court found him in contempt and ordered his arrest.
15 Despite the contempt order, Juelle-Albello failed to pay his
16 child support obligations, and, therefore, on December 13,
17 2011, the Bayamon Court issued another order recognizing that
18 as of September 2011, Juelle-Albello had a child support
19 obligation of \$207,298.80 in arrears. On December 28, 2011,
20 after giving Juelle-Albello multiple opportunities to pay the
21 child support owed and to express himself, without a response
22 by Juelle-Albello, the Bayamon Court gave Juelle-Albello an
23 additional 10-day term to comply before issuing an arrest
24 warrant. Absent payment and compliance by Juelle-Albello, on
25 February 10th of 2012, the Bayamon Court issued a warrant for

1 his arrest.

2 On February 21st, 2012, Juelle-Albello filed a pro se
3 motion, notarized in Florida, where he admitted knowledge of a
4 debt of \$200,000 due to arrears in child support obligations.
5 He also admitted the capacity to pay and the ownership of real
6 estate interests in F.A.O.S.E valued in excess of \$600,000. He
7 failed, however, to make any payment to satisfy his outstanding
8 debt. After that filing, in June 2012, his U.S. passport book
9 expired.

10 Therefore, sometime in 2014, Juelle-Albello traveled
11 in interstate and foreign commerce by leaving the United States
12 while traveling by car from San Antonio, Texas, into Mexico.
13 Juelle-Albello chose to travel by car because to exit the
14 United States that way, instead of by airplane, he would not
15 have to present a valid passport. He then relocated
16 permanently to Queretaro, Mexico.

17 From 2014 through 2017, Juelle-Albello made multiple
18 filings in the Bayamon Court seeking the renewal of his
19 passport because the U.S. Department of State would not renew
20 his passport on account of his outstanding child support
21 obligations. In the motions filed, Juelle-Albello offered
22 increasing amounts to the Court in exchange for an order
23 authorizing the issuance of a passport.

24 On January 27, 2014, he offered to make payments of
25 \$3,000 per month. On May 23, 2014, he offered a \$30,000

1 lump-sum payment alongside the monthly payments of \$3,000. On
2 August 22nd, 2014, he offered a lump-sum payment of 20% of the
3 outstanding debt of approximately \$1.2 million, which lump-sum
4 payment would have equaled approximately \$248,000. On May 17,
5 2017, he offered to make payments of \$4,000 per month in
6 exchange for the renewal of his passport. All of these offers
7 to pay in exchange for the renewal of his passport so he could
8 pursue further business opportunities around the world
9 evidenced Juelle-Albello's capacity to pay his outstanding
10 child support obligations, at least in some part, and his
11 willful choice not to meet those obligations in any way.

12 In his motions seeking a renewal of his passport,
13 Juelle-Albello also sought a modification of his child support
14 obligations and the crediting of claimed amounts. He failed,
15 however, to appear before the Bayamon Court to prosecute these
16 requests because, as he admitted in the motion filed on
17 November 7th, 2014, he was trying to avoid execution of the
18 arrest warrant for failure to pay his outstanding child support
19 obligations that had been issued by the Bayamon Court.

20 The Bayamon Court rejected Juelle-Albello's offers to
21 make partial payments in exchange for renewal of his U.S.
22 passport and ordered him, instead, to make immediate payment of
23 the totality of the outstanding debt to ASUME, an amount which
24 the Bayamon Court established in July 2018 to be in excess of
25 \$1.8 million. Juelle-Albello has made no payments to address

1 his outstanding debt to ASUME from July 2013 through the
2 present.

3 Juelle-Albello only appeared in this jurisdiction in
4 July 2018 after Mexican Immigration authorities deported him
5 and delivered him to U.S. authorities pursuant to a federal
6 arrest warrant issued in the case subjudice.

7 The defendant was provided full discovery.

8 THE COURT: Thank you, ma'am.

9 Mr. Juelle, did you hear the summary of the facts
10 that has been given by the prosecutor?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you still want to plead guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, what is it that the defendant is
15 going to accept?

16 MS. CARRILLO-JIMENEZ: Your Honor, defendant is only
17 accepting the elements of the offense in this case, Your Honor.

18 THE COURT: What are those elements, ma'am?

19 MS. CARRILLO-JIMENEZ: That he knowingly and
20 voluntarily left the jurisdiction with the intent to evade a
21 child support obligation that exceeded the \$5,000 and that had
22 not been paid for a period of over a year.

23 THE COURT: Thank you.

24 Mr. Juelle, you heard what your counsel just said?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you agree with her?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Juelle, how do you plead to the
4 charge before the Court? Guilty or not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: You admit that you knowingly and
7 intentionally committed the offense to which you pled guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. It is the finding of the
10 Court, in the case of the United States versus Alexis Juelle,
11 that Mr. Juelle is fully competent and capable of entering an
12 informed plea; that he is aware of the nature of the charge and
13 the consequences of the plea and that his plea of guilty is a
14 knowing and voluntary one, one supported by an independent
15 basis in fact containing each of the essential elements of the
16 offense. The plea of Mr. Juelle is, therefore, accepted, and
17 he is now adjudged guilty of the offense to which he pled
18 guilty.

19 Sentencing in this case is set for January 9th, 2020.
20 The Court orders a presentence investigation report.

21 I should say January 9th, 2020, 9:00 a.m.

22 The Court orders a presentence investigation report
23 to be prepared by the probation office to assist the Court in
24 sentencing. The defendant and his counsel shall meet with the
25 probation officer for the required interview on a date agreed

1 with the probation officer. Counsel may accompany the
2 defendant during, and help him with, the interview with the
3 probation officer assigned to the case.

4 If the defendant and his counsel do not comply, the
5 probation officer shall submit the presentence report to the
6 Court without the benefit of the defendant's interview. The
7 Court may then consider denying the defendant points for
8 acceptance of responsibility.

9 The presentence report, along with any revisions or
10 addenda to which the government and the defense may arrive,
11 shall be filed with the Court on the day provided by Local Rule
12 132. Counsel are reminded of their responsibilities to the
13 Court and to their clients in complying with Rule 132. More
14 specifically, I point out the following:

15 First, the probation office will make available the
16 presentence report to counsel at least 35 days before the date
17 set for sentence;

18 Second, within 14 days of receipt of the report,
19 counsel shall file with the Court and the probation office
20 their written objections, if any, to the report. It is the
21 obligation of the complaining party to look for informal
22 resolution of any objection prior to the filing of objections
23 to the report. Any objection not presented in this fashion may
24 not be raised by any party and will not be considered by the
25 Court at the sentencing hearing;

1 Finally, the defense and the government each shall
2 file a sentencing memorandum not later than 10 days prior to
3 the sentencing hearing, including all arguments and
4 recommendations to be made at the sentencing hearing, with
5 reference to supporting case law authorities. That will
6 provide the Court with the opportunity to meaningfully review
7 relevant materials prior to sentencing.

8 Mr. Juelle and his counsel will be permitted to
9 address the Court during the sentencing hearing.

10 Are there any items any of the parties wish to bring
11 to the Court's attention at this time?

12 MS. LONGO-QUINONES: Your Honor, just for the purpose
13 of the record, the government would have moved in this
14 particular case to seek the detention of the defendant. The
15 government's position is that the defendant's refusal to make
16 any payments towards the outstanding debt continues to be a
17 continuing offense, and that every month that he chooses
18 willfully and volitionally not to make any payment towards the
19 outstanding debt, he violates the statute of Title 18, Section
20 228.

21 THE COURT: Thank you.

22 Ma'am?

23 MS. CARRILLO-JIMENEZ: As stated at sidebar, we are
24 requesting the release of this defendant; that he remains on
25 the same conditions of release as -- and presenting all of the

1 arguments again that were presented at the sidebar, Your Honor,
2 in support of our request.

3 THE COURT: Based on the arguments raised at sidebar,
4 the Court denies the government's request. The defendant shall
5 remain under the same conditions of bail imposed by the
6 magistrate judge until the sentencing date.

7 Any other items at this point?

8 MS. CARRILLO-JIMENEZ: Nothing further, Your Honor.
9 Permission to withdraw.

10 THE COURT: Ms. Longo?

11 MS. LONGO-QUINONES: Nothing further, Your Honor.

12 MS. CARRILLO-JIMENEZ: Thank you, Your Honor.

13 THE COURT: Thank you all for having been in court
14 this morning.

15 Thank you.

16 The Court adjourns until 1:30 p.m. today.

17 (Proceedings concluded at 10:52 a.m.)

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1 UNITED STATES DISTRICT COURT)
 2 DISTRICT OF PUERTO RICO) ss.

3
4 **REPORTER'S CERTIFICATE**

5
6 I, CINDY LEE BROWN, Federal Official Court Reporter
 7 for the United States District Court for the District of Puerto
 8 Rico, appointed pursuant to the provisions of Title 28, United
 9 States Code, Section 753, do hereby certify that the foregoing
 10 is a true and correct computer-aided transcript of proceedings
 11 had in the within-entitled and numbered cause on the date
 12 herein set forth; and I do further certify that the foregoing
 13 transcript has been prepared by me or under my direction.

14
15 Dated this 2nd day of September, 2019.

16
17
18 /s/ Cindy Lee Brown

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