

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

[1] WANDA VAZQUEZ GARCED,
[2] JULIO M. HERRERA VELUTINI,
[3] MARK T. ROSSINI,

Defendants.

CRIMINAL NO. 22-cr-342 (SCC)

UNITED STATES' NOTICE OF EXECUTIVE GRANTS
OF CLEMENCY FOR DEFENDANTS AND REQUEST
FOR CERTIFICATION OF ACCEPTANCE BY DEFENDANTS

The United States of America informs the Court that on January 15, 2026, the President of the United States issued executive grants of clemency for Defendants Wanda Vazquez-Garced, Julio M. Herrera-Velutini, and Mark Rossini in Case Number 3:22-cr-342 (SCC). Specifically, each pardon grants, for each respective defendant, a full and unconditional pardon “[f]or those offenses against the United States individually enumerated and set before me for my consideration” in Case. No. 3:22-cr-342 (SCC). Copies of the pardons are attached as Exhibits 1, 2, and 3.

Article II, Section 2 of the United States Constitution provides that “[t]he President ... shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.” U.S. Const. art. II, § 2, cl. 1. However, for a pardon to be valid, the person to whom the pardon is tendered must accept the pardon. United States v. Burdick, 236 U.S. 79, 90 (1915). The power of

pardon conferred by the Constitution upon the President is otherwise unlimited, and may be exercised at any time after the commission of a crime, either before legal proceedings are taken or during their pendency, or after conviction and judgment. In re Garland, 71 U.S. 333 (1866).

Once a pardon is accepted, Courts must give it effect and cannot proceed once it is operative. United States v. Wilson, 32 U.S. 150, 163 (1833). See United States v. Flynn, 507 F. Supp. 3d 116 (D.D.C. 2020) (dismissing case against pardoned defendant as “moot” and not dismissing pursuant to Rule 48(a) Fed.R.Crim.P.). Therefore, the United States requests that Defendants Vazquez-Garced, Herrera-Velutini, and Rossini each file a notice with the Court certifying that they have accepted the Presidential pardon in the above-captioned case. Following the filing of the certifications, the Court may dismiss as moot and close the above-captioned case.

The United States anticipates that additional Presidential executive grants of clemency (pardons) will be forthcoming as to Defendants Vazquez-Garced, Herrera-Velutini, and Rossini, in each of the pending cases to which each entered guilty pleas and which remain pending – Case Nos. 3:25-cr-296 (SCC), 3:25-cr-297 (SCC), and 3:25-cr-298 (SCC). The United States would request a similar process whereby, following issuance of each pardon, each defendant certify to the Court that it has been accepted by the defendant. The cases could then be dismissed and closed as moot.

WHEREFORE, the United States respectfully requests that the Court take notice of the above, that each defendant file a notice certifying as to whether the defendant accepts the Presidential pardon, and, if so certified, the court dismiss and close each case as moot, and for such other and further relief as is just and proper.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, on January 19, 2026.

s/ W. Stephen Muldrow
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Seth Erbe

Seth Erbe

Assistant United States Attorney