

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE SILVA-RENTAS,

Defendants.

Crim. No. 14-754-2 (DRD)

OPINION AND ORDER

Pending before the Court is Defendant Jose Silva-Rentas' ("Defendant") *Motion to Suppress Evidence* seized from his person on May 29, 2014. See Docket No. 1004. The evidence Defendant is moving to suppress was ruled inadmissible by the Hon. Pedro A. Delgado, who held Defendant's arrest lacked probable cause and the seized evidence was "fruit of the poisonous tree." See 14-cr-387 (PAD), Docket No. 185. In light of Judge Delgado's ruling, Defendant posits the United States is precluded, or collaterally estopped, from using the evidence against him at trial or relitigating the admissibility of that evidence.

The United States opposed Defendant's motion on two separate grounds. See Docket No. 1183. First, the United States asseverates that based on all the circumstances surrounding Defendant's arrest and post-arrest search and seizure, the previously suppressed evidence is, in fact, admissible. Alternatively, the government argues that Judge Delgado's ruling on the admissibility of the evidence in question was not incidental to the eventual dismissal of the charges against Defendant in 14-cr-387 and, therefore, collateral estoppel does not apply herein. The Government misses the mark with this argument.

The collateral estoppel doctrine, or "issue preclusion," provides that "when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the

same parties in any future lawsuit.” *United States v. Bravo-Fernandez*, 790 F.3d 41, 45 (1st Cir. 2015)(internal citations omitted). The doctrine applies equally to both criminal and civil cases. *See, e.g., Ashe v. Swenson*, 397 U.S. 436, 444–45 (1970). Generally, a party seeking to invoke the doctrine of collateral estoppel must establish” that (1) the issue sought to be precluded in the later action is the same as that involved in the earlier action; (2) the issue was actually litigated; (3) the issue was determined by a valid and binding final judgment; and (4) the determination of the issue was essential to the judgment.” *Ramallo Bros. Printing v. El Dia, Inc.*, 490 F.3d 86, 90 (1st Cir. 2007); *see also* § 4416 Issue Preclusion in General, 18 Fed. Prac. & Proc. Juris. §4416 (2d ed.)(citing a collection of cases). The Court discusses these factors below.

The First Circuit has not decided the issue of whether collateral estoppel bars the United States from relitigating the admissibility of previously suppressed evidence. However, in cases addressing the issue, the Circuit Court has discussed at length a Second Circuit decision which did hold that “collateral estoppel principles prohibit a government entity from relitigating a pretrial suppression order in a criminal case.” *See United States v. Bonilla Romero*, 836 F.2d 39, 42 (1st Cir. 1987)(citing and discussing *United States ex rel. DiGiangiemo v. Regan*, 528 F.2d 1262, 1265–67 (2d Cir.1975)). Although the Circuit declined to address the issue of collateral estoppel, it did hold, however, that the reason the Federal government was permitted to introduce use evidence suppressed in a state proceeding against a federal defendant was because the state and federal government were not the “same party” as required by the collateral estoppel doctrine. Specifically, the Circuit found the following:

While recognizing the merits of Judge Friendly's argument [in *DiGiangiemo*], **we find it unnecessary to decide this important constitutional issue at this time inasmuch as the requirements of collateral estoppel are not satisfied by the facts of this case.** The requirements of that doctrine include, *inter alia*, that the party to be precluded from relitigating an issue decided in a previous litigation was either a party or in privity with a party to that prior litigation. *Bonilla Romero*, 836 F.2d at 43 (emphasis ours).

In light of the First Circuit's holding and the wording of the opinion, logic would dictate that the First Circuit would find evidence suppressed during a prior federal case is inadmissible in a subsequent proceeding against the same defendant if the federal government is the prosecuting entity in both proceedings. Thus Defendant's motion must be granted if the Court finds the parties in the two proceedings in question are identical and the remaining requirements for collateral estoppel are met.

Here, the prosecuting entities in the case before Judge Delgado and the case at bar are identical. Federal prosecutors litigated Defendant's prior suppression motion and prosecutors from the same office are litigating the instant motion. Further, both parties had a full and fair opportunity to be heard on the matter during the prior case as the *Motion to Suppress* was filed on December 30, 2014 (14-cr-387, Docket 126) and the matter was not fully disposed of until August 27, 2015 when Judge Delgado denied the United States' *Motion for Reconsideration* of the Court's ruling suppressing the evidence (14-cr-387, Docket No. 209).¹ Between the two dates, Judge Delgado analyzed the parties' briefs, held an evidentiary hearing, and published a detailed opinion with findings of both fact and law. See 14-cr-387, Docket No. 176. Thus, the parties were fully heard on the issue and the Court adjudicated the matter through a valid and final on the merits.

The issue in dispute is whether the ruling on Defendant's *Motion to Suppress* by Judge Delgado was a "determination . . . essential to the judgment." *Rodriguez-Garcia v. Miranda-Marin*, 610 F.3d 756, 770 (1st Cir. 2010)(listing the requirements of collateral estoppel). However, in his prior case, Defendant was indicted on several charges relating to possession of weapons by a convicted felon and possession of a machine gun. See 14-cr-387, Docket No. 19. Soon after the ruling suppressing the search and seizure which yielded weapons on Defendant's person, the United States moved to dismiss all charges against Defendant. See *id.*, Docket No. 272. For the Court to now find that Judge Delgado's detailed ruling suppressing all firearms seized from a defendant charged with possession of said firearms is not essential

¹ The United States never appealed Judge Delgado's ruling to the First Circuit Court of Appeals.

to the judgment of dismissal would be nonsensical. Accordingly, the Court finds this element has, too, been satisfied.

The Court finds the elements of collateral estoppel are met herein and the United States is barred from introducing the evidence seized from Defendant on May 29, 2014 against Defendant in the instant case. To hold to the contrary would imply that the United States is afforded infinite opportunities to use previously suppressed evidence against a defendant in subsequent proceedings in separate cases. This would also allow the United States to reargue admissibility of evidence in perpetuity until they find a judge that holds the evidence admissible. Obviously, that would not be in tune with the Constitution's protections against Double Jeopardy nor the Fourth Amendment's prohibition against unreasonable searches and seizures. Accordingly, Defendant's *Motion to Suppress* (Docket No. 1004) is hereby **GRANTED**.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 20th day of December, 2016.

/s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE