

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:09-CR-284-T-17TBM

ERIK ORLANDO PAYES SANDOVAL.

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ORDER

This cause is before the Court on:

Dkt. 119 Motion for Reconsideration

Defendant Erik Orlando Payes Sandoval, pro se, argues that the United States lacked jurisdiction to stop, board, arrest, extradite convict and sentence Defendant Sandoval.

On August 27, 2009, the Government filed the Amended Notice of Maximum Penalty, Elements of Offense, Personalization of Elements and Factual Basis. The Amended Notice explained that the contraband and the GFV's crew members were subject to the jurisdiction of the United States pursuant to Title 46, U.S.C., Sec. 70503(a), which defines a vessel subject to the jurisdiction of the United States as "a vessel without nationality or a vessel assimilated to a vessel without nationality." (Dkt. 36). See 46 U.S.C. Sec. 70502(c)(1)(A)(B).

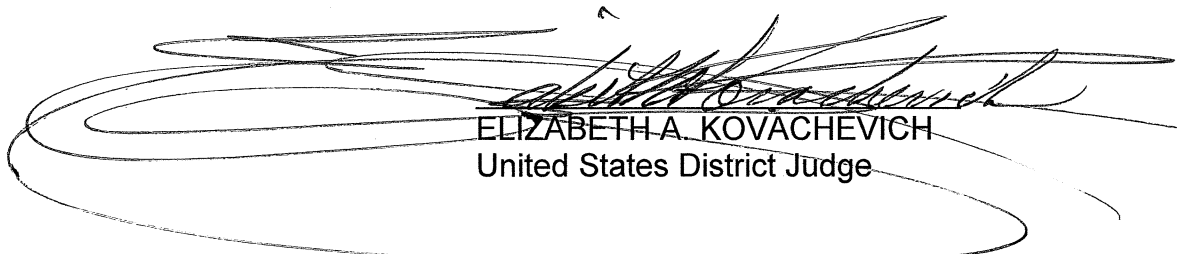
After Defendant Sandoval entered a straight up plea on August 27, 2009, Defendant Sandoval was sentenced on December 17, 2009. (Dkts. 58, 69).

The Court notes that Defendant Sandoval raised the issue of the Court's jurisdiction in Defendant's Sec. 2255 Petition. The Court denied Defendant Sandoval's Petition. (Dkt. 93). The Court explained the basis of the Court's jurisdiction. (Dkt. 93, pp. 4-7). For purposes of federal jurisdiction, Defendant Sandoval and his crewmates committed their crime outside Honduras territorial waters and inside international waters. A Judgment was entered on April 17, 2013 in Case No. 8:13-CV-57-T-17TBM. Defendant Sandoval did not appeal the Judgment.

After consideration, the Court adopts and incorporates the prior ruling, and denies Defendant Sandoval's Motion for Reconsideration. Accordingly, it is

**ORDERED** that Defendant Erik Orlando Payes Sandoval's Motion for Reconsideration (Dkt. 119) is **denied**.

**DONE and ORDERED** in Chambers in Tampa, Florida on this 5<sup>th</sup> day of April, 2018.



ELIZABETH A. KOVACHEVICH  
United States District Judge

Copies to:  
All parties and counsel of record

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