

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

UNITED STATES OF AMERICA

*Plaintiff*

v.

[1] FÉLIX VERDEJO-SÁNCHEZ

*Defendant*

CRIMINAL NO. 21-161 (PAD)

**MOTION FOR NEW TRIAL PURSUANT TO**  
**FED. R. CRIM. P. 33 AND *BRADY V. MARYLAND***

TO THE HONORABLE COURT:

COMES NOW defendant FÉLIX VERDEJO-SÁNCHEZ [1], through the undersigned attorneys and respectfully requests that this Honorable Court VACATES his Judgment and grants him a new trial, for the reasons set forth below.

**I. INTRODUCTION**

Félix Verdejo-Sánchez was charged in a Four-Count Superseding Indictment (“**Indictment**”) filed on May 5, 2021.<sup>1</sup> The 25-day jury trial against Verdejo-Sánchez concluded on July 28, 2023.<sup>2</sup> After three days of deliberations, the Jury returned a *partial* Verdict and found Mr. Verdejo-Sánchez *guilty* as to Counts 2 and 4 of the Indictment, but could not reach a unanimous agreement as to Counts 1 and 3.<sup>3</sup> Verdejo-Sánchez was sentenced for his counts of conviction on November 3, 2023.<sup>4</sup>

---

<sup>1</sup> DE 130

<sup>2</sup> See DE 824.

<sup>3</sup> DE 825

<sup>4</sup> DE 897

At trial, the government presented witness testimony of, *inter alia*, Eliz Marie Santiago-Sierra<sup>5</sup> (“**Santiago-Sierra**”), Ricardo Cádiz-Martínez<sup>6</sup> (“**Ricardo Cádiz**”), and Luis Antonio Cádiz-Martínez<sup>7</sup> (“**Luis Cádiz**”). Although these three witnesses provided testimony about various matters, they all testified as to one particular topic: events that transpired between April 30, 2021 and May 1, 2021 with, and/or in relation to, attorney Edwin Prado-Galarza (“**Prado-Galarza**”).

After the trial concluded, the defense found new evidence that goes directly to the culpability or innocence of Verdejo-Sánchez. Specifically, we found statements made by Prado-Galarza in three interviews with the media addressing the above-mentioned witnesses’ trial testimony about him and their interactions with him. Prado-Galarza’s statements contradict the testimony of Luis Cádiz and Ricardo Cádiz and constitute exculpatory evidence favorable to Verdejo-Sánchez.

These statements are newly discovered evidence that warrants a new trial for Mr. Verdejo-Sánchez pursuant to the holding in Brady<sup>8</sup> and under Rule<sup>9</sup> 33. Therefore, we respectfully request that this Honorable Court orders a new trial for Mr. Verdejo-Sánchez based on newly discovered evidence, for the reasons and arguments stated below.

## II. APPLICABLE LAW: NEW TRIAL

Rule 33 provides that upon motion from the defendant, the court may vacate a judgment and grant a new trial if the interest of justice so requires. Rule 33(a). One of the

---

<sup>5</sup> Testified on days 8 (DE 619) and 9 (DE 620) of trial.

<sup>6</sup> Testified on days 9 (DE 621) and 10 (DE 638, DE 693) of trial.

<sup>7</sup> Testified on days 11 (DE 647, DE 666) and 12 (DE 677, DE 682) of trial.

<sup>8</sup> Brady v. Maryland, 373 U.S. 83 (1963)

<sup>9</sup> References to “Rule” throughout this motion refer to the Federal Rules of Criminal Procedure, unless otherwise specified.

reasons that may warrant a new trial is the discovery of new evidence. Rule 33(b)(1). Moreover, a defendant may also move for a new trial under Brady, which requires the government to produce exculpatory and impeachment evidence in its custody, control, and possession.

To grant a new trial based on newly discovered evidence, the defendant requesting the new trial must show the following: (1) the evidence was unknown or unavailable to him at the time of trial, (2) failure to learn of the evidence was not due to his lack of diligence, (3) the evidence is material, and not merely cumulative or impeaching, and (4) the evidence would probably produce an acquittal upon retrial of the defendant. *United States v. Lenz*, 577 F.3d 377, 380 (1<sup>st</sup> Cir. 2009) (citing *United States v. Wright*, 625 F.2d 1017, 1019 (1<sup>st</sup> Cir. 1980)). The main difference between a motion for new trial based on Brady violations or a Rule 33 motion are the third and fourth requirements. *United States v. Josleyn*, 206 F.3d 144, 151 (1<sup>st</sup> Cir. 2000).

“For Rule 33 motions, ‘the evidence must create an **actual probability** that an acquittal would have resulted if the evidence had been available’.” *Id.* (citing *United States v. Sepúlveda*, 15 F.3d 1216, 1220 (1<sup>st</sup> Cir. 1993)). Whereas non-disclosure of Brady evidence warrants a new trial if the evidence is material; that is, “if there is a **reasonable probability** that the evidence would have changed the result”. *Id.* (citing *United States v. Bagley*, 473 U.S. 667, 682 (1985)) (emphasis added). “A ‘reasonable probability’ is a probability sufficient to undermine confidence in the outcome.” Bagley, 473 U.S. at 682 (citing Strickland v. Washington, 466 U.S. 668, 694 (1984)). “The standard applied to new trial motions based on Brady violations is thus more favorable to defendants”. *Josleyn*, 206 F.3d 152.

Notably, “[i]n considering such a motion [for new trial], the court has broad power to weigh the evidence and assess the credibility of both the witnesses who testified at trial and those whose testimony constitutes “new” evidence”. *Wright*, 625 F.2d 1019; *United States v. Leach*, 427 F.2d 1107, 1111 (1<sup>st</sup> Cir. 1970). “In considering the motion for a new trial, [the Court] must carefully consider the strength of the government’s case in light of the new evidence.” *United States v. Hernández-Rodríguez*, 443 F.3d 138, 147 (1<sup>st</sup> Cir. 2006).

### **III. NEWLY DISCOVERED EVIDENCE**

#### ***i. Procedural Background***

At trial, the government presented testimony by Santiago-Sierra, Ricardo Cádiz, and Luis Cádiz. Of particular importance, Ricardo Cádiz and Luis Cádiz testified that on April 30, 2021, they spoke with Prado-Galarza to retain his services as counsel related to the facts of the instant case. They also testified that on May 1, 2021, they went to Prado-Galarza’s office for Luis Cádiz to meet with him. Although the brothers’ testimonies were not entirely consistent with regards to their communications with Prado-Galarza on April 30<sup>th</sup>, one crucial matter is certain: Santiago-Sierra, Ricardo Cádiz, and Luis Cádiz were simultaneously in Prado-Galarza’s office on May 1, 2021.

Specifically, Ricardo Cádiz testified that on Friday, April 30, 2021, his brother confessed his participation in KRO’s disappearance and death; and, consequently, his children’s aunt told him that she had a lawyer that could help them.<sup>10</sup> The lawyer was Prado-Galarza. Ricardo Cádiz testified that he then called Prado-Galarza from his cellphone because he wanted him to be his brother’s attorney.<sup>11</sup> He stated that he told Prado-Galarza

---

<sup>10</sup> DE 621: at page 63

<sup>11</sup> DE 621: at pages 63 and 77

that he could pay for his services “in any way”, including with drugs; and he offered Prado-Galarza to pay him with cocaine.<sup>12</sup> Ricardo Cádiz testified that on Saturday, May 1, 2021, he and Luis Cádiz went to Prado-Galarza’s office at around 7:00 or 8:00pm, where his brother met with Prado-Galarza and the FBI<sup>13</sup>; and there, he saw Santiago-Sierra with her father, Miguel Santiago-Laiz (“Santiago-Laiz”)<sup>14</sup>, who he saw pay Prado-Galarza in cash<sup>15</sup>. Whereas Santiago-Sierra testified that on May 1<sup>st</sup>, she went to Prado-Galarza’s office with her father and there she saw Ricardo Cádiz.<sup>16</sup>

In sum, Ricardo Cádiz testified that: (i) he was negotiating attorney’s fees with Prado-Galarza, (ii) that he offered to pay Prado-Galarza with money or cocaine, (iii) but that Prado-Galarza was never paid. He also testified that due to the lack of payment, he *assumed* that Prado-Galarza was upset with him.<sup>17</sup>

*On the other hand*, Luis Cádiz testified that on April 30, 2021, he spoke, in his room, with the aunt of his nephew’s mother, Ricardo Cádiz and his girlfriend, about what he had done to KRO; the aunt of his nephews’ mother, who was a police officer, then told him she wanted to help him find him an attorney.<sup>18</sup> Luis Cádiz testified that on that same date, April 30<sup>th</sup>, he spoke with Prado-Galarza through the aunt of his nephew’s mother; that they spoke on the phone and Prado-Galarza told him to call him on a private application.<sup>19</sup> In their

---

<sup>12</sup> DE 621: at pages 63 and 75 (lines 16-21); DE 638: at pages 68 and 69

<sup>13</sup> DE 621: at pages 70-71; DE 638: at page 67 (line 23)

<sup>14</sup> DE 638: at page 47

<sup>15</sup> DE 638: at page 71

<sup>16</sup> DE 620: at pages 36 (lines 8-25) and 37 (lines 1-7)

<sup>17</sup> See DE 621: at pages 74-75, 77 (lines 13-16); DE 638: at pages 45-46 and 69.

<sup>18</sup> DE 647: at pages 38-39; DE 682: at pages 15-17

<sup>19</sup> DE 674: at pages 39-40

conversation, Prado-Galarza told Luis Cádiz to ask Verdejo-Sánchez for \$25,000.00; as such, Luis Cádiz allegedly sent a message to Verdejo-Sánchez asking him for the money, but he did not respond.<sup>20</sup> Luis Cádiz then told Prado-Galarza that Verdejo-Sánchez did not respond to his request, to which Prado-Galarza told him that they would talk the next day and that his lack of response meant that Verdejo-Sánchez would “snitch” on him.<sup>21</sup>

According to Luis Cádiz’s trial testimony, on May 1, 2021, at around 8:00 or 9:00pm, he went to Prado-Galarza’s office; present there were Ricardo Cádiz, his nephew’s mother, and the aunt of his nephew’s mother, who had *put him in contact* with Prado-Galarza.<sup>22</sup> Luis Cádiz met only with Prado-Galarza in his office; they “talked about the case” and Luis Cádiz made the decision to cooperate.<sup>23</sup> As such, later that night, Luis Cádiz went with Prado-Galarza to the U.S. Attorney’s office and met with prosecutors and federal agents, when he and Prado-Galarza, as his attorney, signed a proffer letter from the government at around 10:00pm<sup>24</sup>; in this first meeting, Luis Cádiz gave an alleged confession to the government and provided incriminatory statements against Verdejo-Sánchez.<sup>25</sup>

He was again interviewed by the government and FBI agents on May 3<sup>rd</sup> and gave additional details about KRO’s disappearance. Luis Cádiz then testified before a Grand Jury on May 6<sup>th</sup> for the first time; he was accompanied by Prado-Galarza.

---

<sup>20</sup> DE 647: at pages 40-41; DE 677: at page 73

<sup>21</sup> DE 647: at page 41; DE 677: at page 74

<sup>22</sup> DE 647: at pages 41-42; DE 682: at page 19

<sup>23</sup> DE 647: at pages 41-42; DE 677: at page 75

<sup>24</sup> DE 677: at pages 76 and 88; Trial Defense Exhibit F

<sup>25</sup> DE 647: at page 42

Nevertheless, Luis Cádiz admitted during trial that he had intentionally lied to the government on that May 1<sup>st</sup> meeting.<sup>26</sup> Most importantly, Luis Cádiz testified that in that meeting he lied to the government and the FBI because Prado-Galarza, who was his attorney, told him what to say and told him to lie, to hide some things, so that all the guilt would be on Verdejo-Sánchez.<sup>27</sup> For example, Luis Cádiz testified that he told Prado-Galarza that he fired the gun, but that Prado-Galarza told him not to say that, but instead, to say that it had been Verdejo-Sánchez<sup>28</sup>; he also testified that Prado-Galarza told him to lie about the location of KRO's vehicle and his specific actions and participation in the charged kidnapping<sup>29</sup>. Not only did Luis Cádiz lie to the prosecutors on May 1<sup>st</sup>, but he also lied on the Grand Jury on May 6, 2021; once again, Luis Cádiz testified that he lied on the Grand Jury because Prado-Galarza told him to do so, because Prado-Galarza asked him to lie.<sup>30</sup>

Another important detail from Luis Cádiz's trial testimony is that he stated that on May 1<sup>st</sup>, he called 911 and anonymously reported the location of KRO's body near the Teodoro Moscoso Bridge, so that it could be found; and not that he told Prado-Galarza the body's location so that he would relay the information to the FBI.<sup>31</sup>

Due to the trial testimony by Santiago-Sierra, Ricardo Cádiz, and Luis Cádiz related to their communications and meetings with Prado-Galarza between April 30<sup>th</sup> and May 1<sup>st</sup>, Verdejo-Sánchez's defense decided to seek Prado-Galarza's testimony as a defense witness. Consequently, Mr. Verdejo-Sánchez's defense prepared a *subpoena to testify at a trial in a*

---

<sup>26</sup> DE 647: at page 45; DE 677: at page 85

<sup>27</sup> DE 647: at pages 46-48; DE 677: at page 86

<sup>28</sup> DE 677: at pages 65-66; DE 682: at page 18

<sup>29</sup> DE 682: at page 18

<sup>30</sup> DE 677: at page 86; DE 682: at pages 53-57

<sup>31</sup> DE 682: at pages 17-18 and 22

*criminal case* directed to Prado-Galarza. He filed a motion requesting an order to the U.S. Marshals (“USMS”) for service of the subpoena<sup>32</sup>, which was granted by the Court<sup>33</sup>. As such, on July 6, 2023, the USMS served the subpoena upon Prado-Galarza.<sup>34</sup>

Moreover, on July 8, 2023, Prado-Galarza filed a *Motion to Quash Subpoena and Motion for Protective Order* (DE 650) and a *Supplemental Motion* (DE 652) (jointly referred to as “Motions to Quash”). To which the Court ordered Verdejo-Sánchez and the government to respond.<sup>35</sup> Verdejo-Sánchez filed a *Response in Opposition* to Prado-Galarza’s Motions to Quash (DE 663)<sup>36</sup>, and the government filed a *Motion in Compliance* (DE 667). Prado-Galarza also filed a reply to his Motions to Quash (DE 681 and 683). Whereas Verdejo-Sánchez opposed the government’s motion in compliance (DE 694), to which the government filed a Reply (DE 701).

In his Motions to Quash, Prado-Galarza requested that he not be required to testify as a witness for Verdejo-Sánchez arguing two initial main reasons: (i) the subpoena was improperly served, and (ii) attorney-client privilege with Santiago-Sierra and Santiago-Laiz precluded him from testifying; although Prado-Galarza then requested that a protective order be issued to address communications not waived by Luis Cádiz. In further requesting Prado-Galarza’s testimony, Verdejo-Sánchez argued that the USMS properly served the subpoena and that his claim of attorney-client privilege was untimely and premature, as the defense had not informed the nature and topics of his examination.

---

<sup>32</sup> DE 641

<sup>33</sup> DE 643

<sup>34</sup> “**Exhibit 4**” of this motion is the subpoena with proof of service by the USMS.

<sup>35</sup> DE 660

<sup>36</sup> The government filed a response to our opposition at DE 663 (DE 675).

Moreover, the government argued against Prado-Galarza's testimony for the defense claiming that his testimony constituted collateral impeachment and was thus, inadmissible. Mr. Verdejo-Sánchez further argued that Prado-Galarza's testimony was not collateral, but was intrinsic as the defense's questions were to be directed mainly towards Luis Cádiz's utterances regarding his instructions to lie to the government and the Grand Jury. Ultimately, the Court denied Verdejo-Sánchez's motion requesting an order requiring Prado-Galarza to comply with the subpoena holding that it was persuaded with the government's motions<sup>37</sup> and, as such, Prado-Galarza was not required to testify as a witness for Mr. Verdejo-Sánchez.

### *ii. New Evidence*

After Verdejo-Sánchez's trial concluded, Prado-Galarza participated in at least three interviews with the press and media in which he provided statements that constitute new evidence in Verdejo-Sánchez's case. The statements were made in two recorded interviews which depict Prado-Galarza himself and in one newspaper article. The two recordings and the article depicting Prado-Galarza's statements were made and published in the Spanish language. Therefore, we are including as attachments to this motion certified English transcripts and translations.

On August 1, 2023, the Puerto Rican television program *Lo Sé Todo* published in the platform YouTube a segment<sup>38</sup> titled "Attorney Edwin Prado Breaks the Silence After the Controversy that Arose in the Case of Félix Verdejo"<sup>39</sup>; this segment contained an interview

---

<sup>37</sup> DE 717

<sup>38</sup> Referred to in this motion as "**the Lo Sé Todo interview**".

<sup>39</sup> The segment's original title is in the Spanish language and is as follows: "*EL LCDO. EDWIN PRADO ROMPE EL SILENCIO TRAS LA CONTROVERSIA QUE SURGIÓ EN EL CASO DE FÉLIX VERDEJO*".

to Prado-Galarza conducted by journalist Eliezer Ramos-Navarro (“**Ramos-Navarro**”).<sup>40</sup> On October 23, 2023, an article authored by Fernando Vélez-Rivera (“**Vélez-Rivera**”) titled “‘It’s a very aggressive cancer’: Edwin Prado wages two wars after receiving terrible diagnosis”<sup>41</sup> was published in the newspaper *Metro*. This article contains statements made by Prado-Galarza in an interview to Vélez-Rivera.<sup>42</sup> Furthermore, on February 13, 2024, a third interview to Prado-Galarza was published in the YouTube channel *MoluscoTV*<sup>43</sup> by media and radio personality Jorge Pabón-Ocasio, who conducted the interview.<sup>44</sup>

Most importantly, in the three interviews, Prado-Galarza made statements regarding his role and involvement in Verdejo-Sánchez’s case. Notably, the *Lo Sé Todo*<sup>45</sup> and *MoluscoTV* interviews constitute the two video recordings<sup>46</sup> depicting Prado-Galarza himself making the statements. While the newspaper article depicts statements made by Prado-Galarza to Vélez-Rivera, who attested that the contents of the article reflect his interview to Prado-Galarza.<sup>47</sup>

---

<sup>40</sup> A certified English transcript and translation is included with this motion as “**Exhibit 1**”. The original recorded interview is available at: <https://www.youtube.com/watch?v=fUbkHkkrWKY&t=102s>.

<sup>41</sup> The article’s original title in the Spanish language is as follows: “‘*Es un cáncer bien agresivo*’: Edwin Prado enfrenta dos guerras tras recibir el terrible diagnóstico”.

<sup>42</sup> A certified English translation is included with this motion as “**Exhibit 2**”. The original article in the Spanish language is available at: <https://www.metro.pr/entretenimiento/2023/10/23/es-un-cancer-bien-agresivo-edwin-prado-enfrenta-dos-guerras-tras-recibir-terrible-diagnostico/>.

<sup>43</sup> Referred to in this motion as “**the MoluscoTV interview**”.

<sup>44</sup> A certified English transcript and translation is included with this motion as “**Exhibit 3**”. Notably, this recording is one hour and 23 minutes long; however, we transcribed and translated the portions of the interview that specifically depict Prado-Galarza’s statements regarding this case. The interview is available at: <https://www.youtube.com/watch?v=PRaxO24vtWg&t=654s>.

<sup>45</sup> “**Exhibit 1-A**” of this motion is an Unsworn Statement pursuant to 28 U.S.C. § 1746 submitted by Ramos-Navarro attesting that he is the reporter who conducted the interview to Prado-Galarza and the contents of the published video reflect his interview to him.

<sup>46</sup> We convey that we will be filing and submitting to the Clerk of Court a physical USB drive containing the transcribed and translated portions of the videos of Exhibits 1 and 3, for this Court’s convenience and review. Once submitted, we will electronically file a *notice of filing exhibits* to that effect.

<sup>47</sup> “**Exhibit 2-A**” of this motion is an Unsworn Statement pursuant to 28 U.S.C. § 1746 submitted by Vélez-Rivera to that effect.

Prado-Galarza's statements constitute new evidence of the kind that warrants a new trial for Verdejo-Sánchez. *First-* The statements made by Prado-Galarza constitute new evidence as they were made after the trial concluded; and thus, were unavailable at the time of trial. *Second-* It results, then, that failure to learn about these statements was not due to Verdejo-Sánchez's lack of diligence. *Third-* This evidence is not merely impeachment or cumulative evidence; it goes directly to Verdejo-Sánchez's alleged culpability and his defense. *Fourth-* The evidence will probably result in an acquittal upon retrial. *See Wright*, 625 F.2d 1019.

Precisely because this Court ruled that Prado-Galarza did not need to testify on Verdejo-Sánchez's behalf, although he *subpoenaed* Prado-Galarza to do so, his statements in these interviews constitute new evidence as they were made unavailable to Defendant. There is no question that the first two requirements under *Wright* for a new trial are met in this case. We thus emphasize the third and fourth requirements.

**In the *Lo Sé Todo* interview**, Prado-Galarza directly addressed the statements that Ricardo Cádiz offered to pay him with drugs, by stating that if Ricardo Cádiz "said that, he's lying".<sup>48</sup> He also stated that it is absurd "to bring a person they just met to cooperate with authorities to then tell them to break the law", "obstructing the very thing we're working to clarify"<sup>49</sup>; suggesting that it is untrue that he had asked Luis Cádiz to lie to the government, the FBI, and the Grand Jury, like Luis Cádiz testified numerous times during Verdejo-Sánchez's trial.

---

<sup>48</sup> Exhibit 1, at pages 2-3

<sup>49</sup> Exhibit 1, at page 2

Whereas **Prado-Galarza's statements in the MoluscoTV interview** are even more relevant to our arguments. Prado-Galarza stated that the day KRO disappeared and was killed, he received a call from people, including Ricardo Cádiz, linked to Luis Cádiz and asked him for a consult; he gave them an appointment and had a virtual meeting in which he learned that Luis Cádiz was allegedly Verdejo-Sánchez's "accomplice". Then, Prado-Galarza asked them very specific questions: if KRO "was alive or dead" and "whether she was under water or on land"; to which "*they* answered" that "she was dead and that she was under water".<sup>50</sup> According to Prado-Galarza, he knew that KRO was not alive and was under water 24 to 36 hours, 2 days before her body was found on Saturday May 1<sup>st</sup>.<sup>51</sup> This specific statement is particularly interesting and relevant because 24 to 36 hours, 2 days, prior to the early afternoon on May 1<sup>st</sup>, means around the morning of, or even before, Friday April 30<sup>th</sup>; which is before Prado-Galarza even spoke with Luis Cádiz for the first time.

According to Prado-Galarza, in the morning of Saturday, May 1<sup>st</sup>, he called the federal authorities and spoke with [*presumably*] AUSA Jonathan Gottfried<sup>52</sup> to inquire on whether the federal government had any interest in assuming jurisdiction over the investigation in this case and if so, that he could produce Luis Cádiz for his cooperation. The prosecutor requested that Prado-Galarza tell him "where the body is", to which Prado-Galarza told him to "search the Teodoro Moscoso Bridge, there are supposed to be recordings, because, what they told me, they had gone, they had returned", "there must be a

---

<sup>50</sup> Exhibit 3, at page 2

<sup>51</sup> Exhibit 3, at pages 2-3

<sup>52</sup> Although Prado-Galarza does not directly name AUSA Gottfried, he implies the communication was with him, as he expressed adjectives that fit AUSA Gottfried's description; to wit: "prosecutor ... head of a division", "the prosecutor who tried the case, the lead prosecutor". Exhibit 3, at pages 3 and 4.

recording”.<sup>53</sup> About an hour later, according to Prado-Galarza, the government called him and informed that they had found the body and asked to meet with him and Luis Cádiz.

On that same day, May 1<sup>st</sup>, Prado-Galarza met with Luis Cádiz in his office for less than two hours before heading together to the U.S. Attorney’s office. In their meeting, Prado-Galarza gave Luis Cádiz, who already decided was going to be a cooperator, specific instructions to “tell the truth”, to “tell the whole truth”. Present in the meeting in the U.S. Attorney’s office were numerous FBI agents and AUSA Gottfried with Luis Cádiz and Prado-Galarza. However, after Luis Cádiz told his story to the government, Prado-Galarza “realized that he was missing something essential”, that he had left out a part of his version of events; and thus, Prado-Galarza spoke with Luis Cádiz out of the presence of the agents and instructed him to tell them the story that he had told him in his office prior to this meeting.<sup>54</sup> Luis Cádiz returned to the meeting and told the entire story, including the part he had left out initially.

Therefore, according to Prado-Galarza, Luis Cádiz omitted details of the events, but he instructed him to tell the government the entire story, and Luis Cádiz did. Thus, **explaining that at no moment did Prado-Galarza instruct Luis Cádiz to lie to the FBI and the prosecutor on the May 1<sup>st</sup> meeting, contrary to what was testified during Verdejo-Sánchez’s trial.**

After the May 1<sup>st</sup> meeting with the government, Prado-Galarza did not speak to Luis Cádiz again until the day he went to the Grand Jury, which was on May 6, 2021. Before Luis Cádiz began testifying, Prado-Galarza told him to “be consistent with what you said before,

---

<sup>53</sup> Exhibit 3, at page 3

<sup>54</sup> Exhibit 3, at page 4

that's all you have to say".<sup>55</sup> Thus, **according to Prado-Galarza, he did not instruct nor ask Luis Cádiz to lie in the Grand Jury, contrary to what was testified during Verdejo-Sánchez's trial.** Prado-Galarza did not have any other contact with Luis Cádiz after the Grand Jury proceedings and was not involved in the case, as he did not assume Luis Cádiz's legal representation.

According to Prado-Galarza, he learned that Luis Cádiz had said that he instructed him to lie to authorities when he testified in Verdejo-Sánchez's trial. Prado-Galarza "had no further contact with [Luis Cádiz] until [he] found out about all the nonsense he said there". At which point, Prado-Galarza found the testimony about him "funny", and all he did was "laugh" when he read what Luis Cádiz and Ricardo Cádiz had testified about him in Verdejo-Sánchez's trial, because they made things up, those "people are just making up this movie" with their testimony.<sup>56</sup>

Prado-Galarza noted that Luis Cádiz lied to the government and made a fool of himself. He suggested that Luis Cádiz testified that he changed his version of events *because Prado-Galarza told him to do so* as a mere tactic to avoid having his plea agreement withdrawn and to justify his lies to the Court at his eventual sentencing hearing; that they lied about Prado-Galarza "to justify themselves, because somehow, they're going to go the day of sentencing to say why they changed their story".<sup>57</sup>

---

<sup>55</sup> Exhibit 3, at pages 4-5

<sup>56</sup> Exhibit 3, at page 5

<sup>57</sup> Exhibit 3, at pages 5 and 6

Prado-Galarza further stated:

“let’s put this in perspective, a guy that I just met, to a certain extent, I’m giving a service to the federal government, to help them solve a crime ... I mean, am I going to take this person that I just met, and throw away 30 years of my career for him? For the murder of a pregnant woman, for God’s sake. ... That’s what the most perverse mind that could exist would believe, because **you have to be stupid to come to the federal government, help it in a proceeding, and then obstruct justice, why? No, man, no.**”<sup>58</sup>

“What need, you tell me, what need did I have to get myself in this hot mess? Or to help a person, to defend the indefensible, which is to kill a pregnant woman?”<sup>59</sup>

Prado-Galarza also stated that he knows “his story – the truth, and the judge was the one who did not let [him] testify”.<sup>60</sup> Most importantly, Prado-Galarza stated that if he was obligated to appear at Verdejo-Sánchez’s trial and testify, what he was “going to do is disprove you, disprove the guy”<sup>61</sup>; clearly referring to Luis Cádiz, as he consistently held that he did not instruct Luis Cádiz to lie to the federal government, contrary to what was testified at trial.

Similarly, **in his interview with Vélez-Rivera**, Prado-Galarza stated that it “would be preposterous of [him] having helped in the clarification of such a vile crime and leading [himself] to obstruct justice, it is ludicrous”<sup>62</sup>; that “everything that was said was nonsense”<sup>63</sup>, that they were *talking crap* about him<sup>64</sup>, and told many lies<sup>65</sup>, referring to the

---

<sup>58</sup> Exhibit 3, at page 5

<sup>59</sup> Exhibit 3, at page 6

<sup>60</sup> Exhibit 3, at page 6

<sup>61</sup> Exhibit 3, at page 7

<sup>62</sup> Exhibit 2, at page 17

<sup>63</sup> Exhibit 2, at page 20

<sup>64</sup> Exhibit 2, at page 18

<sup>65</sup> Exhibit 2, at page 20

trial testimony. Prado-Galarza further stated that it is preposterous that people gave credibility to two cooperating ex-convicts, who he knew for just a few hours and who “had just killed a pregnant woman” over his professional “track record of more than 32 years”.<sup>66</sup> Importantly, Prado-Galarza stated that “to do what the guy accused me of is to throw away my 31 years as a professor at the University of Puerto Rico, my 32 years as a litigator in Puerto Rico, New York and Florida, for a guy I just met, that is preposterous, for God’s sake”.<sup>67</sup>

**In sum**, Prado-Galarza’s statements constitute new evidence that warrants a new trial under both standards: under Brady and under Rule 33. Prado-Galarza’s statements are not *merely* impeachment evidence, although they certainly fall under the definition of impeachment evidence. The statements go directly towards Verdejo-Sánchez’s alleged culpability. The statements made by Prado-Galarza constitute exculpatory testimony favorable to Verdejo-Sánchez. Particularly because they also address Luis Cádiz’s allegations against him. And without Luis Cádiz’s testimony, Verdejo-Sánchez’s conviction simply cannot stand. Luis Cádiz was the only witness who directly implicated Mr. Verdejo-Sánchez in the offense conduct and there was no other evidence that directly implicated Verdejo-Sánchez. Thus, it cannot be concluded that his testimony was insignificant to the case in general, and much less to Verdejo-Sánchez and the jury’s findings.

Prado-Galarza’s new statements not only belie and contradict Luis Cádiz’s testimony, but they provide an entirely different spectrum of possibilities and information that is favorable to Verdejo-Sánchez and that he could have investigated or used at trial, had they

---

<sup>66</sup> Exhibit 2, at pages 19 and 20

<sup>67</sup> Exhibit 2, at page 20

had been available before. If the jury would have been able to evaluate and consider Prado-Galarza's statements to that effect, the result would have certainly been different for Verdejo-Sánchez. If the jury assessed Prado-Galarza's credibility and found that he was more credible than Luis Cádiz, then there would have been absolutely no evidence implicating Verdejo-Sánchez with the offense charged.

If the jury would have heard Prado-Galarza's statements and it deemed his statements credible, his testimony would greatly undermine the charges against Verdejo-Sánchez. The government premised its case against Verdejo-Sánchez on the notion that Luis Cádiz participated in the charged offenses along with Verdejo-Sánchez and that his recount of events was accurate and truthful. Thus, if the jury were to believe Prado-Galarza's statements that Luis Cádiz lied in his testimony, the government's theory begins to unravel. Given the government's emphasis on the importance of Luis Cádiz's testimony, Prado-Galarza's testimony would go to the heart of each showing presented by Luis Cádiz.

The government's case against Verdejo-Sánchez was, at the most, sufficient but underwhelming; it relied largely in circumstantial evidence, and mostly on Luis Cádiz's testimony. Notably, a determination "that certain evidence is sufficient to support a verdict does not eliminate the possibility that, if new evidence is later presented, a court may grant a motion for a new trial". *Hernández-Rodríguez*, 443 F.3d 147. And this is precisely the case at hand.

Prado-Galarza's statements are credible testimony that constitute new evidence that could lead to a different outcome for Verdejo-Sánchez. *Id.* (citing *United States v. Montilla-Rivera*, 115 F.3d 1060, 1066 (1<sup>st</sup> Cir. 1997)) (Holding that "where the government's case against a defendant is 'sufficient, but underwhelming,' new, credible testimony 'could lead to

a different outcome”). Prado-Galarza’s testimony and credibility are of great import in the disposition of this case because a reasonable jury would not convict Verdejo-Sánchez if it were to find Prado-Galarza’s testimony credible. *See Hernández-Rodríguez*, 443 F.3d 147.

Furthermore, according to Prado-Galarza, it was him who “clarified the crime” for the federal government, when on Saturday, May 1<sup>st</sup>, he called, AUSA Gottfried and told him where to find KRO’s body; the body was then found thanks to the information Prado-Galarza gave the prosecutor, which was relayed from what Luis Cádiz told him.<sup>68</sup> Clearly, then, the government knew that Luis Cádiz’s statement that he called 911 and was the person who reported the location of KRO’s body, was a lie.

Yet, the government allowed Luis Cádiz to testify at trial, knowing that he would perjure himself, without disclosing to the defense that said claim was false. The government knew that Prado-Galarza was the person who informed the location of KRO’s body and not Luis Cádiz. But trial testimony, which was what was evaluated by the jury, showed that it was Luis Cádiz who did so by placing an anonymous 911 call to that effect.

Notably, the government had a duty to disclose this information to Verdejo-Sánchez’s defense, yet it did not. This evidence was not collateral or irrelevant, we are facing exculpatory material and information that could have been used for impeachment. But the government failed to comply with its disclosure obligations, especially considering that the obligation even extends to information known to other members of the prosecution team such as federal and state police officers; and, in this case, the information was known to the prosecutors themselves and federal agents alike. *Giglio v. United States*, 405 U.S. 150, 154 (1972).

---

<sup>68</sup> Exhibit 3, at page 3

The government's non-disclosure of this evidence certainly constituted a Brady violation warranting new trial. The government precluded Verdejo-Sánchez's defense from having an opportunity to make effective use of the evidence in preparing his case and at trial, including an opportunity to investigate the information. *See United States v. Delgado-Marrero*, 744 F.3d 167, 199 (1<sup>st</sup> Cir. 2014); *United States v. Pérez-Ruiz*, 353 F.3d 1, 8 (1<sup>st</sup> Cir. 2003).

The four requirements for a new trial motion under Rule 33 and under Brady are met in this case. Precisely because Prado-Galarza's newly discovered statements are crucial direct and impeachment evidence, they constitute new evidence warranting a new trial under Rule 33 and under Brady. If the statements newly made by Prado-Galarza would have been presented to the jury in Verdejo-Sánchez's trial, there is an **actual and a reasonable probability** that an acquittal would have resulted if the evidence had been available. At the very least, this evidence provides for a probability sufficient to undermine confidence in the outcome. **Therefore, this Honorable Court should vacate Verdejo-Sánchez's judgment and order a new trial based on newly discovered evidence under Rule 33 and under Brady.**

#### IV. CONCLUSION AND REQUEST

The statements made by Prado-Galarza are testimony constituting new evidence. This newly discovered evidence did not exist and/or was not available to the defense prior to the conclusion of Verdejo-Sánchez's jury trial. Furthermore, the newly discovered evidence was also unavailable due to the prosecution's failure to disclose information favorable to the defense, failing to comply with its obligations under Brady. The newly discovered evidence is central to Verdejo-Sánchez's defense, as it goes to directly to the issue of guilt or

innocence. This new evidence is not merely impeachment or cumulative evidence. Most importantly, there is an **actual and a reasonable probability** that an acquittal would result upon retrial given the new evidence. Thus, the newly discovered evidence warrants a new trial under Brady and under Rule 33. For the reasons stated above, we respectfully request that this Honorable Court vacates the Judgment against Verdejo-Sánchez and orders a new trial.

**WHEREFORE**, it is respectfully requested that this Honorable Court **GRANTS** this motion, **VACATES the Judgment**, and **ORDERS a new trial for FÉLIX VERDEJO-SÁNCHEZ** pursuant to Fed. R. Crim. Proc. 33 and Brady.

**I HEREBY CERTIFY** that on this date, this motion was filed using the CM/ECF system, which will send notification of such filing to all counsel of record.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on September 13, 2024.

***S/ Gabriela José Cintrón Colón***  
**GABRIELA JOSÉ CINTRÓN-COLÓN**  
USDC-PR No. 306614  
255 Ponce de León Ave.  
MCS Plaza, Ste. 1210  
San Juan, PR 00917  
787-448-2113  
gcintroncolon@gmail.com

***S/ Jason González Delgado***  
**JASON GONZÁLEZ-DELGADO**  
USDC-PR NO. 217814  
P.O. Box 191365  
San Juan, PR 00919-1365  
787-536-5306  
jasonfed@gmail.com