

MARITIME DRUG TRAFFICKER GETS 132 MONTH SENTENCE

On August 20, 2016, the U.S. Coast Guard intercepted the vessel *Cap Caleb* approximately 105 nautical miles from the western coast of Guatemala. When Coast guardsmen approached the *Cap Caleb*, its crew began to jettison neon green bales that later tested positive for cocaine. Five people, including Wuilson Estuardo Lemus Castillo, were aboard the vessel, and all five asserted Guatemalan nationality. The Coast Guard informed Guatemala about the stop, and Guatemala confirmed the nationality of the vessel and gave the Coast Guard permission to board the *Cap Caleb*. Guardsmen then boarded the vessel and transported its crew members to Florida, where they were charged, with the permission of Guatemala, with drug trafficking. Castillo plead guilty as part of a plea agreement. At the sentencing hearing, the district court explained that it could not give Castillo and his codefendants the benefit of a statutory safety valve, which permits relief from a mandatory minimum sentence for other kinds of drug offenses

The Eleventh Circuit Court of Appeals for Florida affirmed defendant's 132 month sentence for drug trafficking under the Maritime Drug Law Enforcement Act. The court held that the Fifth Amendment did not entitle defendant to relief from his mandatory minimum sentence; in light of international concerns, Congress was entitled to mete out hefty sentences to maritime drug runners; the inherent difficulties of policing drug trafficking on the vast expanses of international waters suggested that Congress could have rationally concluded that harsh penalties were needed to deter would-be offenders; circuit precedents foreclosed defendant's arguments about the constitutionality of the Act and its application to him; and defendant's guilty plea foreclosed his constitutional challenges to his detention.