

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2621

UNITED STATES OF AMERICA

v.

SANTINO BELLUCCI,
Appellant

On Appeal from the U.S. District Court, M.D. Pa.
Judge Robert D. Mariani, No. 3:23-cr-00083-003

Before: RESTREPO, MONTGOMERY-REEVES, AND MCKEE, *Circuit Judges*
Submitted: Sept. 9, 2026; Filed: Sept. 22, 2026

NONPRECEDENTIAL OPINION*

MONTGOMERY-REEVES, *Circuit Judge*.

Santino Bellucci appeals his criminal conviction and sentence, arguing he should have been granted a downward departure or allowed to withdraw his guilty plea. But Bellucci knowingly and voluntarily agreed to waive his right to appeal his conviction and sentence. And enforcing this appellate waiver would not cause a miscarriage of justice. Thus, we will affirm.

I. BACKGROUND

Bellucci pleaded guilty to conspiracy to distribute and possess with intent to distribute oxycodone and fentanyl resulting in death under 21 U.S.C. §§ 846 and 841(b)(1)(B). The plea agreement stated that Bellucci knowingly waived the right to

*This is not an opinion of the full Court and, under 3d Cir. IOP 5.7, is not binding precedent.

appeal his conviction and sentence. And the plea agreement gave the Government discretion to move for a downward departure under section 5K1.1 of the 2024 version of the U.S. Sentencing Guidelines Manual or 18 U.S.C. § 3553(e) if Bellucci provided substantial assistance. The Government concluded he did not provide substantial assistance and did not move for a downward departure. So Bellucci sought to compel the Government to move for a downward departure, which the District Court denied after an evidentiary hearing. Bellucci then moved to withdraw his guilty plea, which the District Court also denied after another evidentiary hearing. Thereafter, the District Court sentenced Bellucci to 252 months' imprisonment and four years of supervised release. Bellucci timely appealed.

II. ANALYSIS¹

On appeal, Bellucci argues the District Court erred by denying his motion to compel the Government to move for a downward departure and by denying his motion to withdraw his guilty plea. But the plain language of the appellate waiver precludes these types of challenges. So, as a threshold question, we must decide whether to enforce the appellate waiver provision of Bellucci's plea agreement.²

¹ The District Court had jurisdiction under 18 U.S.C. § 3231. We have jurisdiction under 18 U.S.C. § 3742(a) and 28 U.S.C. § 1291.

² We review the enforceability of an appellate waiver provision de novo. *United States v. Khattak*, 273 F.3d 557, 560 (3d Cir. 2001). We review Sentencing Guidelines departure decisions and denials of guilty plea withdrawal motions for abuse of discretion. *United States v. Abuhouran*, 161 F.3d 206, 209 (3d Cir. 1998); *United States v. Rivera*, 62 F.4th 778, 786 (3d Cir. 2023).

“This Court will enforce an appellate waiver and decline to review the merits of an appeal where . . . the issues . . . on appeal fall within the scope” of an appellate waiver provision to which the defendant “knowingly and voluntarily agreed,” unless “enforcing the waiver would work a miscarriage of justice.” *Rivera*, 62 F.4th at 784 (citation modified). The parties focus their arguments on whether enforcing the waiver works a miscarriage of justice, so we will too.

The Supreme Court recently held that a waiver may be set aside to avoid a miscarriage of justice “only if the sentence is marred by the kind of egregious error that would bring the judicial system into disrepute. The error must be obvious—not one a judge could reasonably make.” *Hunter v. United States*, 608 U.S. ----, 146 S. Ct. 1702, 1713 (2026). This “hard-to-meet standard” is a “substantial barrier” that can only be overcome in “rare” and “[e]xtreme cases.” *Id.* at 1714. “[S]tandard-fare errors . . . cannot cancel an appeal waiver.” *Id.* at 1713. Examples of such extreme errors include when a judge sentences a defendant to a sentence exceeding the statutory maximum, bases a sentence on a constitutionally impermissible factor like race, or imposes a constitutionally infirm supervised-release condition (such as barring a defendant from becoming pregnant). *Id.* at 1714. Also appealable are sentences imposed without “some minimum of civilized procedure,” such as sentencing a defendant without a hearing or drawing a sentence from a hat. *Id.* at 1712, 1714 (quoting *United States v. Mezzanatto*, 513 U.S. 196, 204 (1995)); see also *United States v. Adkins*, 743 F.3d 176, 192–93 (7th Cir. 2014).

The two errors Bellucci asserts are not similarly egregious. First, Bellucci argues

that the District Court erroneously held that the Government made a good-faith determination that he did not offer substantial assistance. He contends that the Government declined to move for a downward departure in bad faith and sought to influence his choice of counsel. But the record reflects that the Government had a good-faith basis to conclude that Bellucci offered no useful assistance. Further, nothing in the record suggests that the Government interfered with Bellucci's right to counsel of his choice.

Second, Bellucci contends that the District Court erred in holding that he did not establish actual innocence warranting withdrawal of his guilty plea. Bellucci argues that the decedent could have ingested fentanyl from another source, which shows his actual innocence. But he admitted to the charged conduct under oath at his plea hearing and maintains he sold the decedent fentanyl the day before the decedent's overdose death.

Bellucci argues the District Court abused its discretion in both these circumstances by making an erroneous assessment of the evidence. But even assuming *arguendo* that such errors occurred, they would be "standard-fare" errors and would not "bring the judicial system into disrepute" as would choosing a sentence out of a hat or basing a sentence on a defendant's race. *Hunter*, 146 S. Ct. at 1713. Enforcing the appellate waiver therefore would not work a miscarriage of justice.

* * * * *

Because enforcing Bellucci's appellate waiver will not work a miscarriage of justice, we do so and AFFIRM the judgment of conviction and sentence.