



**BALAREZO LAW**

CRIMINAL DEFENSE

December 15, 2017

The Honorable Brian M. Cogan  
United States District Judge  
for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States v. Joaquín Archivaldo Guzmán Loera*  
Case No. 09-CR-0466(S-4)(BMC)

Dear Judge Cogan:

Although the Court has already issued its Memorandum Decision and Order (DE 176) concerning the government's request for delayed production of Fed. R. Crim. P. discovery, I respectfully write to respond to certain allegations made by the government in its reply in support of its application to defer disclosure of materials that identify cooperating witnesses. (DE 174).<sup>1</sup>

Specifically, the government states:

DE 174 at 3 (emphasis added). The government's allegations concerning defense counsel are unfounded, troubling and in effect, allege a violation of the Special Administrative Measures imposed on Mr. Guzmán.

<sup>1</sup>

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First, the only person reaching out on behalf of Mr. Guzmán to any possible witness has been undersigned counsel, who has not passed along messages from Mr. Guzmán to these persons, let alone mentioned anything resembling a threat. Counsel has made direct contact with various persons and requested to meet with them. Those persons with whom counsel has spoken, with the exception of one, have agreed to a meeting. Counsel's staff have made contact with relevant Bureau of Prisons facilities to schedule legal calls, but have not spoken directly to any potential witness. If there are persons claiming to act on behalf of defense counsel, counsel has not requested nor authorized such communications and the government should refrain from making such baseless allegations.

Second, while the government concedes that it is entirely permissible and appropriate for defense counsel to attempt to contact individuals who might be willing to assist the defense, the government's baseless allegation of defense counsel passing on messages to third parties that have been interpreted as a threat is nothing more than a not-so-subtle attempt at chilling the defense. Mr. Guzmán may be subject to Special Administrative Measures and other draconian conditions; however, he has a constitutional right to effective assistance of counsel and the defense will not be deterred in its representation of Mr. Guzmán.

Respectfully submitted,

**BALAREZO LAW**

By: \_\_\_\_\_

  
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