



BALAREZO LAW

CRIMINAL DEFENSE

April 30, 2018

UNDER SEAL

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:

I respectfully write in reference to my letter of April 26, 2018, wherein I requested a protective order and a modification of the SAMs in relation to a telephone call I received that caused security concerns relevant to Mr. Guzmán's case.

As the Court is aware, on April 26, 2018, I submitted a letter advising the Court of a voice message received in my office from a person claiming to be Mr. Guzmán's son and alleging to be planning to get Mr. Guzmán "out." (Doc. 222). Although I believed the call to be a hoax, out of ethical, legal and security concerns I sought to disclose this information to the Court, the government (firewall counsel) and the United States Marshals Service, which is tasked with providing security for this case.

Due to logistical issues, I initially could not file the letter on ECF and emailed it to chambers. When I was finally able to file it on ECF, I mistakenly filed it publicly.¹ Immediately realizing my mistake, I contacted chambers and one of your staff kindly assisted me and refiled the letter under seal. Unfortunately, AUSA Andrea Goldberg had already received the ECF bounce and read the letter that was not meant for the government's eyes.² I spoke with AUSA Goldberg and she agreed to direct her colleagues not to read the letter and also to not discuss the contents of the letter with them.

¹ I had visited Mr. Guzmán earlier that day and was at Penn Station waiting for the train back to Washington, DC. Due to the crowding at the station, someone bumped into me causing me to mistakenly hit the "send" button before I could review whether the filing was correct.

² To AUSA Goldberg's credit, she called me immediately upon reading the letter and realizing it was meant to be filed under seal.

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In response to my letter, the Court issued an Order directing firewall counsel to show cause why Mr. Guzmán should not be granted a modification of the SAM so that counsel can discuss the message with and disclose it to Mr. Guzmán. The Court also directed defense counsel, firewall counsel and the U.S. Marshals Service to keep the fact and content of the message confidential and not disclose it to any other party until further order.³


Considering my inadvertent public filing of the letter that was read my AUSA Goldberg, and notwithstanding her agreement, I respectfully request the Court to direct AUSA Goldberg to keep the fact and content of the message confidential and not disclose it to any other party until further order.

Thank you in advance for your consideration of this request.

Respectfully submitted,

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By: _____


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cc:

AUSA Andrea Goldberg
(via email)

³ Counsel has shared the initial letter and the subsequent Order with firewall counsel Walter Norkin and DUSM Dolores Garza.