



**BALAREZO LAW**

CRIMINAL DEFENSE

June 5, 2018

Richard P. Donoghue, Esq.  
United States Attorney – EDNY

Arthur G. Wyatt, Esq.  
NDDS

Benjamin G. Greenberg, Esq.  
United States Attorney – SDFL

Andrea Goldberg, Esq.  
Gina Parlovecchio, Esq.  
Amanda Liskamm, Esq.  
Adam Fels, Esq.  
Assistant United States Attorneys  
United States Attorney's Office for the  
Eastern District New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

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

Counsel:

I write in response to your five-page letter dated June 4, 2018, wherein you disclose, “out of an abundance of caution,” forty-one (41) separate items of exculpatory information pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). You also disclosed alleged statements by Mr. Guzmán. The exculpatory information, if credited by a jury, either mitigates Mr. Guzmán’s role in the alleged conspiracies, defeats the allegations of a so-called “Federation” or outright exonerates Mr. Guzmán.

Mr. Guzmán made very specific requests for this very information on January 31, 2017 (Doc. # 25) and on September 19, 2017 (Doc. # 141). He also made general requests for this material on October 17, 2017 (Doc. # 154). Your belated disclosure of this material, made in a vague and non-specific manner, is highly troubling and indicative of your desire to game the system to the government’s benefit and to prevent Mr. Guzmán from having a fair trial. It is inexcusable, especially because you possessed some of this information since 1993. In any event, you possessed all the information since before Mr. Guzmán’s extradition and you should have disclosed the exculpatory information long ago.

400 SEVENTH STREET NW STE 306 WASHINGTON, DC 20004

We are now less than three months from trial and are awaiting your production of thousands of pages of *Jencks* material, which we expect will be made on the eve of trial. In addition, we are still wading through the continuing document dump you call discovery – over 400,000 documents for which you did not extend the courtesy of providing an index or other information that identifies to what the documents relate.

Mr. Guzmán demands that you immediately produce the following with respect to the 41 items of exculpatory information:

- a. the name(s) of the individual(s) that provided the information to the government;
- b. the circumstances under which the government obtained the information;
- c. the name(s) of the person(s) to whom the information was provided;
- d. the exact date, location and time when the government obtained the information;
- e. any and all reports, summaries, recording, videos or other memorialization containing or describing the information;
- f. any other information that supports or corroborates the information obtained by the government.

With respect to the statements that you allege Mr. Guzmán made, Mr. Guzmán demands that you immediately produce the following:

- a. the exact statements that you allege Mr. Guzmán made;
- b. the exact date, location and time of the alleged statements;
- c. the person(s) to whom the statements were made;
- d. any and all reports, summaries, recording, videos or other memorialization containing or describing the alleged statements;
- e. whether or not you assert that Mr. Guzmán waived his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966).

Mr. Guzmán requests that you produce the items described above by close of business June 8, 2018.

Finally, the Protective Order governing discovery in this case defines protected material as witness statements under 18 U.S.C. § 3500; information that could lead to the identification of potential witnesses; information relating to ongoing investigations; and information related to sensitive law enforcement techniques. None of these categories are implicated by the information you stated in your letter. Please explain why you consider the above-referenced letter “Protected Material” necessitating filing under seal.

If you do not intend to provide the requested material by close of business June 8, please inform me immediately so that we can address these issues with the Court.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Eduardo Balarezo', with a long horizontal flourish extending to the right.

A. Eduardo Balarezo

*Counsel for Joaquín Guzmán Loera*