



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

GMP:BCR
F. #2009R01065

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 23, 2019

By ECF

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

Re: United States v. Joaquin Archivaldo Guzman Loera
Criminal Docket No. 09-466 (S-4) (BMC)

Dear Judge Cogan:

The government writes to submit a proposed verdict sheet, supplement its proposed jury instructions (Dkt. No. 533), and provide notice in relation to two predicate violations of the continuing criminal enterprise (“CCE”) count and one substantive count charged in the above-captioned case.

The government’s proposed verdict sheet is attached hereto. It draws from final verdict sheets in other CCE cases in this district, such as United States v. Barret, No. 10-CR-809 (KAM) (Dkt. No. 463) and United States v. Rosemond, No. 11-CR-424 (ENV) (Dkt. No. 128).

The government also attaches hereto a supplement to its proposed jury instructions regarding venue.

Finally, the government provides notice that it will not proceed on Violations One and Seventy-Two of Count One of the Fourth Superseding Indictment (the “Indictment”), nor on Count Fifteen (which matches Violation Seventy-Two of Count One), and will not argue those violations or that count to the jury.¹ The government will proceed on the

¹ Violation Seventy-Two of Count One had been re-numbered as Violation Fourteen and Count Fifteen had been re-numbered as Count Nine in the government’s proposed jury

remaining 27 violations of the CCE count, as well as the remaining nine counts in the Indictment. To avoid confusion, the government previously proposed to re-number the violations and counts so that they appear sequentially in the verdict form, final jury instructions, and any other documents provided to the jury. The proposed verdict sheet and indictment attached hereto reflects this re-numbering effort.

Respectfully submitted,

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

ARTHUR G. WYATT, CHIEF
Narcotic and Dangerous Drug Section
Criminal Division,
U.S. Department of Justice

OF COUNSEL:

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY
Southern District of Florida

Counsel for the United States of America

cc: Clerk of the Court (BMC) (by ECF)
Counsel for Defendant (by ECF)

instructions, following the government's earlier notice that it would not proceed on certain CCE violations and substantive counts.

REQUEST NO. 30

(Venue)

As you have heard throughout the trial, many of the acts alleged to have taken place occurred outside the United States. Nevertheless, American law provides that the defendant may be prosecuted here in the Eastern District of New York if you find, by a preponderance of the evidence, that the defendant was first brought into the United States in connection with these charges within the Eastern District of New York. It does not matter if the defendant was brought to the United States involuntarily or in the custody of law enforcement officers. The Eastern District of New York encompasses the boroughs of Brooklyn, Queens, and Staten Island, as well as Nassau and Suffolk Counties on Long Island.

To prove something by a preponderance of the evidence means to prove that it is more likely true than not true. It is determined by considering all of the evidence and deciding which evidence is more convincing. If the evidence appears to be equally balanced, or if you cannot say upon which side it weighs heavier, you must resolve this question against the government.

Proof by preponderance of the evidence is a lower standard than proof beyond a reasonable doubt. This is the only time in this case that you may use the preponderance of the evidence standard to find that a legal element has been established.

Authority: adapted from the charge in United States v. Al Farekh, 15-CR-268 (BMC) (E.D.N.Y.); 18 U.S.C. § 3238; United States v. Miller, 808 F.3d 607, 619 (2d Cir. 2015) (Section 3238 is “not restricted to offenses wholly committed outside the jurisdiction of the United States”).

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

VERDICT SHEET
09 CR 466 (BMC) (S-4)

JOAQUIN ARCHIVALDO GUZMAN LOERA,

Defendant.

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Count One (Engaging in a Continuing Criminal Enterprise)

Verdict on Count One:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Indicate below which three or more violations you have unanimously found beyond a reasonable doubt were part of a continuing series of violations:

International Cocaine Distribution with the Norte del Valle Cartel

Violation One (International Distribution of Cocaine – 3,200 kilograms – January 2005)

Proven _____ Not Proven _____

Violation Two (International Distribution of Cocaine – 12,000 kilograms – August-September 2004)

Proven _____ Not Proven _____

Violation Three (International Distribution of Cocaine – 10,500 kilograms – August-September 2004)

Proven _____ Not Proven _____

Violation Four (International Distribution of Cocaine – 10,000 kilograms – July 2004)

Proven _____ Not Proven _____

Violation Five (International Distribution of Cocaine – 10,000 kilograms – May-June 2004)

Proven _____ Not Proven _____

Violation Six (International Distribution of Cocaine – 800 kilograms – April 2004)

Proven _____ Not Proven _____

Violation Seven (International Distribution of Cocaine – 10,000 kilograms – March-April 2004)

Proven _____ Not Proven _____

Violation Eight (International Distribution of Cocaine – 8,000 kilograms – January-March 2004)

Proven _____ Not Proven _____

Violation Nine (International Distribution of Cocaine – 6,465 kilograms – January 2004)

Proven _____ Not Proven _____

Violation Ten (International Distribution of Cocaine – 6,000 kilograms – November-December 2003)

Proven _____ Not Proven _____

Violation Eleven (International Distribution of Cocaine – 3,600 kilograms – August-September 2003)

Proven _____ Not Proven _____

Violation Twelve (International Distribution of Cocaine – 7,300 kilograms – April 21, 1993)

Proven _____ Not Proven _____

International Distribution of Cocaine with the Cifuentes-Villa Organization

Violation Thirteen (International Distribution of Cocaine – 450 kilograms – December 2008)

Proven _____ Not Proven _____

Violation Fourteen (International Distribution of Cocaine – 8,300 kilograms – October 2009)

Proven _____ Not Proven _____

Violation Fifteen (International Distribution of Cocaine – 7,500 kilograms – February 2009)

Proven _____ Not Proven _____

International Distribution of Cocaine with Other South American Suppliers

Violation Sixteen (International Distribution of Cocaine – 4,716 kilograms – September 2008)

Proven _____ Not Proven _____

Violation Seventeen (International Distribution of Cocaine – 5,000 kilograms – September 2008)

Proven _____ Not Proven _____

Violation Eighteen (International Distribution of Cocaine – 19,000 kilograms – March 2007)

Proven _____ Not Proven _____

Violation Nineteen (International Distribution of Cocaine – 403 kilograms – January 2014)

Proven _____ Not Proven _____

Distribution of Cocaine, Heroin, and Marijuana

Violation Twenty (Distribution of Cocaine – 1,997 kilograms – January 2003)

Proven _____ Not Proven _____

Violation Twenty-One (Distribution of Cocaine – 1,952 kilograms – August 2002)

Proven _____ Not Proven _____

Violation Twenty-Two (Distribution of Cocaine – 1,923 kilograms – May 2002)

Proven _____ Not Proven _____

Violation Twenty-Three (Distribution of Cocaine – 1,100 kilograms – September 1999)

Proven _____ Not Proven _____

Violation Twenty-Four (Distribution of Marijuana – 409 kilograms – January 2012)

Proven _____ Not Proven _____

Violation Twenty-Five (Distribution of Heroin – 20 kilograms – November 2008)

Proven _____ Not Proven _____

Violation Twenty-Six (Distribution of Cocaine – 926 kilograms – May 1990)

Proven _____ Not Proven _____

Answer the following question only if you have found the defendant guilty of Counts Two, Three, or Four.

Violation Twenty-Seven (Conspiracy to Commit Murder – January 1989-September 2014)

Proven _____ Not Proven _____

Answer the following questions only if you have found the defendant guilty of Count One.

Has the government proved beyond a reasonable doubt that at least one violation that you have determined to be proven involved at least 150 kilograms of cocaine?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that the enterprise received \$10 million or more in gross receipts during at least one 12-month period from the manufacture, importation, or distribution of cocaine?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that the defendant was one of several principal administrators, organizers, or leaders of the enterprise?

Yes _____ No _____

Count Two (International Cocaine, Heroin, Methamphetamine and Marijuana Manufacture and Distribution Conspiracy)

Verdict on Count Two:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that the offense involved one kilogram or more of heroin?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that the offense involved 500 grams or more of methamphetamine?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that the offense involved 1,000 kilograms or more of marijuana?

Yes _____ No _____

Count Three (Cocaine Importation Conspiracy)

Verdict on Count Three:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Count Four (Cocaine Distribution Conspiracy)

Verdict on Count Four:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Count Five (International Distribution of Cocaine)

Note: This is the same offense charged as Violation Thirteen in Count One.

Verdict on Count Five:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Count Six (International Distribution of Cocaine)

Note: This is the same offense charged as Violation Two in Count One.

Verdict on Count Six:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Count Seven (International Distribution of Cocaine)

Note: This is the same offense charged as Violation Three in Count One.

Verdict on Count Seven:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Count Eight (International Distribution of Cocaine)

Note: This is the same offense charged as Violation Eight in Count One.

Verdict on Count Eight:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that the offense involved five kilograms or more of cocaine?

Yes _____ No _____

Count Nine (Use of Firearms)

Note: Only consider this charge if you have found the defendant guilty of one or more of the charges in Counts One through Four.

Verdict on Count Nine:

Guilty _____ Not Guilty _____

Answer the following question only if you have found the defendant guilty of this count.

Has the government proved beyond a reasonable doubt that one or more of the firearms at issue in Count Nine was brandished?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that one or more of the firearms at issue in Count Nine was discharged?

Yes _____ No _____

Has the government proved beyond a reasonable doubt that one or more of the firearms at issue in Count Nine was a machinegun?

Yes _____ No _____

Count Ten (Conspiracy to Launder Narcotics Proceeds)

Verdict on Count Ten:

Guilty _____ Not Guilty _____

Dated: Brooklyn, New York
February __, 2019

Foreperson

GMP:MPR/PEN
F.# 2009R01065/OCDETF# NY-NYE-616

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

– against –

JOAQUIN ARCHIVALDO GUZMAN LOERA,
also known as “El Chapo,” “El
Rapido,” “Chapo Guzman,”
“Shorty,” “El Senor,” “El
Jefe,” “Nana,” “Apa,” “Papa,”
“Inge” and “El Viejo,” and
ISMAEL ZAMBADA GARCIA,
also known as “El Mayo,” “Mayo
Zambada,” “Doctor,” “La Doc,”
“Doctora,” “El Lic,” “Mike”
and “Mayo El Senor,”

Cr. No. 09-466(SLT)(S-4)
(T. 21, U.S.C., §§ 841(b)(1)(A)(ii)(II),
846, 848(a), 848(b), 848(c),
853(a), 853(p), 959(a),
959(c), 960(a)(3),
960(b)(1)(A), 960(b)(1)(B)(ii),
960(b)(1)(G), 960(b)(1)(H),
and 963; T. 18, U.S.C., §§ 2,
924(c)(1)(A)(i), 924(c)(1)(A)(ii),
924(c)(1)(A)(iii), 924(c)(1)(B)(ii),
924(d), 982, 1956(h), 3238 and 3551
et seq.)

Defendants.

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THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

1. Since the late 1980s, the Mexican Federation (the “Federation”) existed as an organized crime syndicate founded upon longstanding relationships between Mexico’s major drug trafficking kingpins. The Federation functioned as a council with representatives from the respective drug trafficking organizations of its principal leaders, including the

defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” and others. During the late 1980s and 1990s, the members of the Federation were hired by Colombian sources of supply to transport drugs through Mexico and into United States.

2. In the early 2000s, JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA formed a partnership that led to the transformation of the Federation into the Sinaloa Cartel, which became the largest drug trafficking organization in the world. The Sinaloa Cartel had a structure that included thousands of members, including:

- (a) the leadership of the Sinaloa Cartel, who were the ultimate decision makers in the organization with respect to its drug trafficking and money laundering activities, as well as its corruption and enforcement activities undertaken to preserve and protect its illegal activities;
- (b) security personnel, who protected the leadership of the Sinaloa Cartel and engaged in violent acts to further the goals of the organization;
- (c) plaza bosses, who controlled certain territories for the Sinaloa Cartel and were responsible for transporting drugs through those territories;
- (d) transporters, such as boat and submarine crews, pilots and truck drivers, who transported drugs from Colombia through Mexico and into the United States; and
- (e) money launderers, who funneled drug proceeds from the United States back to Mexico. While at times there have been rifts and infighting among the leaders of the Sinaloa Cartel, they generally coordinated their criminal activities, shared and controlled Mexico’s trafficking

routes, resolved conflicts over territory, minimized inter-organization violence and ensured the Sinaloa Cartel received official or non-official protection.

3. The Sinaloa Cartel operated through cooperative arrangements and close coordination with South American cocaine sources of supply. The defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA and other leaders of the Sinaloa Cartel directed a large scale narcotics transportation network involving the use of land, air and sea transportation assets, shipping multi-ton quantities of cocaine from South America, through Central America and Mexico, and finally into the United States. In addition, the Sinaloa Cartel manufactured and imported multi-ton quantities of heroin, methamphetamine and marijuana into the United States. The vast majority of drugs trafficked by the Sinaloa Cartel were imported into United States, where the drugs were consumed. The Sinaloa Cartel used corruption as a means and method of achieving the goals of their drug trafficking enterprise.

4. The Sinaloa Cartel's drug sales in the United States generated billions of dollars in profit. The drug proceeds were then laundered back to Mexico; often the drug money was physically transported from the United States to Mexico in vehicles containing hidden compartments and through other clandestine means.

5. The defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA and other leaders of the Sinaloa Cartel also employed "sicarios," or hitmen, who carried out hundreds of acts of violence, including murders, assaults, kidnappings, assassinations and acts of torture at the direction of the defendants. The

defendants directed and ordered these acts of violence for a variety of reasons, including but not limited to:

(a) Promoting and enhancing the prestige, reputation and position of the Sinaloa Cartel with respect to rival criminal organizations;

(b) Preserving and protecting the power, territory and criminal ventures of the Sinaloa Cartel, including but not limited to the Sinaloa Cartel's control over drug trafficking routes over the U.S.-Mexico border;

(c) Enforcing discipline amongst its members and associates by punishing disloyalty and failure; and

(d) Protecting members of the Sinaloa Cartel from arrest and prosecution by silencing potential witnesses and retaliating against anyone who provided information or assistance to law enforcement authorities.

COUNT ONE
(Continuing Criminal Enterprise)

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as "El Chapo," "El Rapido," "Chapo Guzman," "Shorty," "El Senor," "El Jefe," "Nana," "Apa," "Papa," "Inge" and "El Viejo," and ISMAEL ZAMBADA GARCIA, also known as "El Mayo," "Mayo

Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA committed violations of Title 21, United States Code, Sections 841(a), 846, 959(a) and 960(a), including Violations One through Eighty-Five set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA, in concert with five or more other persons, with respect to whom the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA occupied supervisory and management positions, and were each one of several principal administrators, organizers and leaders of the continuing criminal enterprise, and from which continuing series of violations the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA obtained substantial income and resources, and which enterprise received in excess of \$10 million in gross receipts during one or more twelve-month periods for the manufacture, importation and distribution of cocaine. The violations involved at least 300 times the quantity of a substance described in Section 841(b)(1)(B) of Title 21, United States Code, to wit: 150 kilograms or more of a substance containing cocaine. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), includes the following violations set forth below:

Violations One Through Eleven
(International Cocaine Distribution with the Norte del Valle Cartel)

8. On or about the dates listed below, all dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offenses involved a substance containing cocaine, a Schedule II controlled substance, in the amounts listed below, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2:

VIOLATION NUMBER	APPROXIMATE AMOUNT OF COCAINE	DATE(S) OF OFFENSE
1	3,200 Kilograms	January 2005
2	12,000 Kilograms	August 2004 – September 2004
3	10,500 Kilograms	August 2004 – September 2004
4	10,000 Kilograms	July 2004
5	10,000 Kilograms	May 2004 – June 2004
6	800 Kilograms	April 2004
7	10,000 Kilograms	March 2004 – April 2004
8	8,000 Kilograms	January 2004 – March 2004
9	6,465 Kilograms	January 2004

VIOLATION NUMBER	APPROXIMATE AMOUNT OF COCAINE	DATE(S) OF OFFENSE
10	6,000 Kilograms	November 2003 – December 2003
11	3,600 Kilograms	August 2003 – September 2003

Violation Thirteen

(International Cocaine Distribution with the Cifuentes-Villa Organization)

9. On or about the dates listed below, all dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offenses involved a substance containing cocaine, a Schedule II controlled substance, in the amounts listed below, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2:

VIOLATION NUMBER	APPROXIMATE AMOUNT OF COCAINE	DATE(S) OF OFFENSE
13	450 Kilograms	December 2008

Violations Sixteen Through Eighteen

(International Cocaine Distribution with Other South American Suppliers)

10. On or about the dates listed below, all dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully

imported into the United States from a place outside thereof, which offenses involved a substance containing cocaine, a Schedule II controlled substance, in the amounts listed below, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2:

VIOLATION NUMBER	APPROXIMATE AMOUNT OF COCAINE	DATE(S) OF OFFENSE
16	4,716 Kilograms	September 13, 2008
17	5,000 Kilograms	September 9, 2008 – September 12, 2008
18	19,000 Kilograms	March 18, 2007

Violations Twenty Through Twenty-Three
(Cocaine and Heroin Distribution)

11. On or about the dates listed below, all dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA, together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, which offenses involved (i) a substance containing cocaine, a Schedule II controlled substance, and (ii) a substance containing heroin, a Schedule I controlled substance, in the amounts listed below, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(i) and 841(b)(1)(A)(ii)(II), and Title 18, United States Code, Section 2:

VIOLATION NUMBER	JURISDICTION	APPROXIMATE AMOUNT OF CONTROLLED SUBSTANCES	DATE(S) OF OFFENSES
20	Eastern District of New York	1,997 Kilograms of cocaine	January 28, 2003
21	Northern District of Illinois	1,925 Kilograms of cocaine	August 16, 2002
22	Eastern District of New York	1,923 Kilograms of cocaine	May 24, 2002

23	Western District of Texas	1,100 Kilograms of cocaine	September 15, 1999
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Violation Twenty-Seven

(Murder Conspiracy – Persons Who Posed a Threat to the Sinaloa Cartel)

12. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA and ISMAEL ZAMBADA GARCIA, together with others, while engaged in one or more offenses punishable under Sections 841(b)(1)(A) and 960(b)(1) of Title 21 of the United States Code, to wit: the crimes charged in Counts Two through Four, did knowingly and intentionally conspire to kill and cause the intentional killing of one or more persons, to wit: persons who posed a threat to the Sinaloa Cartel, and such killings did result, contrary to Title 21, United States Code, Section 848(e)(1)(A), in violation of Title 21, United States Code, Section 846.

(Title 21, United States Code, Sections 848(a), 848(b) and 848(c) ; Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT TWO

(International Cocaine, Heroin, Methamphetamine and Marijuana Manufacture and Distribution Conspiracy)

13. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

14. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN

LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally conspire to manufacture and distribute one or more controlled substances, which offense involved: (a) a substance containing cocaine, a Schedule II controlled substance; (b) a substance containing heroin, a Schedule I controlled substance; (c) a substance containing methamphetamine, a Schedule II controlled substance; and (d) a substance containing marijuana, a Schedule I controlled substance, intending and knowing that such substances would be unlawfully imported into the United States from a place outside thereof, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3). The amount of cocaine involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least five kilograms or more of a substance containing cocaine. The amount of heroin involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least one kilogram or more of a substance containing heroin. The amount of methamphetamine involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least 500 grams or more of a mixture or substance containing methamphetamine. The amount of marijuana involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of other

conspirators reasonably foreseeable to them, was at least one thousand kilograms of a substance containing marijuana.

(Title 21, United States Code, Sections 960(b)(1)(A), 960(b)(1)(B)(ii), 960(b)(1)(G), 960(b)(1)(H) and 963; Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT THREE
(Cocaine Importation Conspiracy)

15. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

16. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 952(a) and 960(a)(1). The amount of cocaine involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 960(b)(1)(B)(ii) and 963; Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR
(Cocaine Distribution Conspiracy)

17. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

18. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine involved in the conspiracy attributable to the defendants as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIVE

(International Distribution of Cocaine –
Approximately 450 Kilograms of Cocaine)

19. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

20. In or about December 2008, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT SIX

(International Distribution of Cocaine –
Approximately 12,000 Kilograms of Cocaine)

21. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

22. In or about September 2004, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El

Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT SEVEN

(International Distribution of Cocaine –
Approximately 10,500 Kilograms of Cocaine)

23. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

24. In or about August 2004 and September 2004, both dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully

imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT EIGHT

(International Distribution of Cocaine –
Approximately 8,000 Kilograms of Cocaine)

25. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

26. In or about and between January 2004 and March 2004, both dates being approximate and inclusive, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT NINE

(Use of Firearms)

27. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

28. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more drug trafficking crimes, to wit: the crimes charged in Counts One through Four, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crimes, one or more of which firearms was brandished and discharged and one or more of which firearms was a machinegun.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 2 and 3551 et seq.)

COUNT TEN

(Conspiracy to Launder Narcotics Proceeds)

29. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

30. In or about and between January 1989 and September 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge” and “El Viejo,” and ISMAEL ZAMBADA GARCIA, also known as “El Mayo,” “Mayo Zambada,” “Doctor,” “La Doc,” “Doctora,” “El Lic,” “Mike” and “Mayo El Senor,” together

with others, did knowingly and intentionally conspire to: (i) conduct one or more financial transactions in and affecting interstate and foreign commerce, to wit: the transfer and delivery of United States currency, which transactions in fact involved the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Sections 841(a)(1), 846, 848, 952(a), 959 and 963, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, (a) with the intent to promote the carrying on of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(A)(i), and (b) knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, and to avoid one or more transaction reporting requirements, contrary to Title 18, United States Code, Section 1956(a)(1)(B); and (ii) transport, transmit and transfer monetary instruments and funds from a place in the United States to and through one or more places outside the United States, to wit: Mexico and Colombia, (a) with the intent to promote the carrying on of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(2)(A), and (b) knowing that the funds represented the proceeds of some form of unlawful activity and knowing that the transportation, transmission and transfer were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, and to avoid one or more transaction reporting requirements, contrary to Title 18, United States Code, Section 1956(a)(2)(B).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT ONE
(Continuing Criminal Enterprise)

31. The United States hereby gives notice to the defendants that, upon conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, and any of their interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise, including but not limited to at least approximately a sum of money equal to \$14 billion in United States currency.

32. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable

property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWO THROUGH EIGHT

(Cocaine, Heroin, Methamphetamine and/or Marijuana Trafficking)

33. The United States hereby gives notice to the defendants that, upon conviction of any of the offenses charged in Counts Two through Fifteen, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses including but not limited to at least approximately a sum of \$14 billion in United States currency.

34. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT NINE
(Use of Firearms in Furtherance of Drug Trafficking)

35. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count Sixteen, the government will seek forfeiture in accordance with Title 21, United States Code, Section 924(d), which requires any person convicted of such offense to forfeit any firearm or ammunition involved in or used in any knowing violation of such offense.

36. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(p) and 924(d))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT TEN
(Money Laundering)

37. The United States hereby gives notice to the defendants that, upon conviction of the offense charged in Count Seventeen, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in such offense, and all property traceable to such property, including but not limited to at least approximately a sum of \$14 billion in United States currency.

38. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982, to

seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982)

A TRUE BILL

FOREPERSON

ROBERT L. CAPERS
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

ARTHUR G. WYATT, CHIEF
NARCOTIC & DANGEROUS DRUG
SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

OF COUNSEL:

WIFREDO A. FERRER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA