

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

FEB 10 2017

UNITED STATES OF AMERICA

v.

IVAN REYES AZARTE,
also known as "La Reina"CASE NUMBER:
UNDER SEAL

17CR

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

084

MAGISTRATE JUDGE MASON

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


From on or about September 1, 2016 to on or about December 31, 2016, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant(s) violated:

*Code Section*Title 18 United States Code, Sections
371 and 1512(c) and (h).*Offense Description*

did conspire with others known and unknown to corruptly obstruct, influence, and impede any official proceeding, and attempt to do so, in violation of Title 18, United States Code, Sections 371 and 1512(c)(2) and (h)

This criminal complaint is based upon these facts:

X Continued on the attached sheet.


JOHN R. GILDEIN
Special Agent, Drug Enforcement Administration
(DEA)

Sworn to before me and signed in my presence.

Date: February 10, 2017City and state: Chicago, Illinois

Judge's signature

MICHAEL T. MASON, U.S. Magistrate Judge
Printed name and Title

COUNTY OF COOK)
)
STATE OF ILLINOIS) SS

I, John R. Gildein, being duly sworn, states as follows:

I. Introduction

1. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration, and have been so employed since September 2012. I am currently assigned to the Chicago Field Division. I have received training and have experience in investigating violations of federal narcotics and money laundering laws including, but not limited to, Title 21, United States Code, Sections 841, 843, 846, 952, 959, and 963, and Title 18, United States Code, Sections 1956 and 1957. I have been involved in various electronic surveillance methods. I have also been involved in the debriefing of defendants, informants, and witnesses, as well as others who have knowledge of the distribution, transportation, storage, and importation of controlled substances. I have been personally involved in dozens of narcotics investigations, and as such I am familiar with the various means and methods used by narcotics traffickers to transport, store and distribute narcotics and narcotics proceeds, including through the use of corrupt government and law enforcement officials in foreign countries.

2. This affidavit is made for the purpose of establishing probable cause in support of the issuance of an arrest warrant against the proposed defendant, as well as for the purpose of establishing probable cause in support of a criminal complaint charging that, from in or about September 2016, to in or about December 2016, at

Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, IVAN REYES AZARTE (a/k/a "La Reina") (hereinafter "REYES"), did conspire with others, known and unknown to corruptly obstruct, influence, and impede any official proceeding, and attempt to do so, in violation of Title 18, United States Code, Sections 371 and 1512(c)(2) and (h).

3. I have not included each and every fact known to me concerning this investigation. I have only set forth the facts necessary to establish probable cause that the defendant committed the offenses alleged in the complaint.

4. The investigation included the use of judicially authorized electronic intercepts and consensually recorded meetings. The summaries of recorded conversations in this affidavit do not include reference to all of the topics covered during the conversations. Further, quoted material as set out in this affidavit is taken from draft summaries, not final transcripts. In some of the paragraphs describing calls and/or meetings, I have included interpretations of the discussion in brackets. These interpretations include meanings attributed to coded language and vague references used by the speakers. My understanding and interpretation of the conversations is based upon the content of the conversations, information provided by the confidential informants, the context of both prior and subsequent intercepted conversations, my knowledge derived from this investigation, my training and experience, and the training and experience of other law enforcement agents, with narcotics trafficking organizations.

5. Based on my training and experience, I am aware that DEA, the

Department of Justice ("DOJ"), and other U.S. law enforcement agencies maintain formal and informal relationships with law enforcement officials in foreign countries in order to foster cooperation and further U.S. efforts at combatting narcotics trafficking, money laundering, and other criminal activities which ultimately affect U.S. interests.¹ Specifically, in Mexico, I am aware that DOJ and DEA maintain a relationship with Mexico's Federal Police ("FP") in which FP officers and agents receive direct training from DEA/DOJ, including training at DEA's training facility located in Quantico, Virginia. DEA, DOJ, and other law enforcement agencies also routinely share information in support of U.S. and Mexican investigations with U.S.-vetted FP personnel assigned to groups generally called Sensitive Investigative Units ("SIU"). These SIU personnel are responsible for multiple collaborative operations in which defendants are ultimately arrested in Mexico and extradited to the United States for prosecution. I am aware that the general security screening for FP SIU personnel includes polygraph examinations administered by U.S. law enforcement personnel designed to ensure that SIU personnel do not engage in corruption by providing information to criminal enterprises or otherwise taking action in exchange for personal benefit against the interest of U.S. and Mexican law enforcement interests. However, I am further aware that, at times, some senior-level FP

¹ Specifically, I am aware that, in 1997, Congress authorized the DEA to initiate a vetted unit program in Bolivia, Colombia, Mexico, and Peru through the passage of "House Report 104-676," which accompanied the FY 1997 Omnibus Appropriations Act. The conceptual basis of this program, which later came to be called the "SIU Program," was to identify and train security-screened DEA foreign counterpart personnel to work on sensitive bilateral investigations.

supervisory personnel have been exempted from the polygraph screening.

6. Based on DEA SIU records, from no later than 2008, through the present, REYES was a Mexican Federal Police Officer, at times assigned to the SIU. In particular, for several years, including the period of September 1, 2016 through November 1, 2016, REYES functioned as the Commander of the SIU, making him the highest ranking officer in the SIU. As explained in further detail below, beginning no later than September 2016, REYES was directly made aware of a pending investigation in the United States led by DEA which targeted narcotics traffickers operating in Mexico. REYES abused the position of trust within the SIU and directly shared information with the targets of a U.S. investigation in an effort to corruptly influence and warn the subjects of the investigation that they were being targeted. REYES was identified as a member of the conspiracy to obstruct the U.S. investigation through judicially authorized intercepts, information provided by cooperating sources, and a voluntary statement during which REYES admitted to meeting with a principal target of the investigation and discussing information that had been provided by a DEA agent to REYES in his capacity as the Commander of the SIU.

II. Facts Supporting Probable Cause

A. Background of Drug Trafficking Investigation

7. In 2015, the United States Attorney's Office for the Northern District of Illinois opened a grand jury investigation into a drug trafficking and money laundering organization operating, in part, in Chicago (15 GJ 597) (the "NDIL

investigation"). During the course of that investigation, law enforcement learned that people engaged in money laundering activities maintained connections to, among others, a transnational drug trafficking organization led by an person named ANGEL DOMINGUEZ RAMIREZ, JR. (the "DOMINGUEZ DTO") operating out of Mexico. Through the use of wiretaps authorized in this district and in a related investigation pending in the Southern District of California (the "SDCA investigation")(collectively, the related NDIL and SDCA investigations are referred to herein as the "U.S. Investigation") and information provided by confidential sources, law enforcement identified a network of high-level members who operated the DTO, including ANGEL DOMINGUEZ RAMIREZ, JR. (a/k/a "Don Emiliano," "Marcelo") (hereinafter, "DOMINGUEZ"), [REDACTED] Defendant 1 (hereinafter "Def 1")

[REDACTED], and [REDACTED]
[REDACTED] Defendant 2 (hereinafter "Def 2")²

8. Based upon ensuing judicially authorized electronic intercepts and information provided by confidential sources, the NDIL investigation revealed that [REDACTED] Def 1 was a narcotics trafficker and leader in the DOMINGUEZ DTO who operated from Mexico and, along with [REDACTED] Def 2, was responsible for negotiating and coordinating the purchase, transportation, and payment of loads of cocaine totaling

² In connection with these investigations, [REDACTED] Def 1, [REDACTED] Def 2, and DOMINGUEZ were charged in narcotics possession and importation conspiracies. Specifically, DOMINGUEZ and [REDACTED] Def 2 were charged by indictment in the Southern District of California in the matter of [REDACTED] and [REDACTED] Def 1 was charged by indictment in the Northern District of Illinois in the matter of [REDACTED] DOMINGUEZ and [REDACTED] Def 2 were listed as unindicted co-conspirators (respectively anonymized as "Individual A" and "Individual B") in the charged NDIL conspiracy.

multiple tons from Colombia to Mexico for ultimate distribution in the United States.

9. The NDIL investigation included the use of court-authorized interceptions of BBM conversations over various cellular telephones used by **Def 1**, and others (Target Devices 26, 36, 50, and 60). **Def 1** was identified as the user of Target Devices 26, 36, 50, and 60 by a cooperating source ("CS-1"), who was directly in contact with **Def 1** over each of these devices.³ In addition, **Def 1**'s known activities identified through surveillance and consensually recorded conversations match the descriptions of **Def 1**'s activities transmitted by the user of Target Devices 26, 36, 50, and 60.⁴

10. The SDCA investigation included the use of court-authorized interceptions of BBM conversations over various cellular telephones used by

³ CS-1 has been cooperating with law enforcement since in or around 2010. CS-1's information has been found to be credible and reliable and has been independently corroborated by consensually recorded conversations, judicially authorized wire and electronic intercepts, and seizures of narcotics and narcotics proceeds. CS-1 has two previous arrests for drugs, but no convictions. CS-1 is cooperating with law enforcement for financial compensation. To date, CS-1 has been paid in excess of \$1,000,000 for his/her cooperation. CS-1 has also received assistance from the government related to the safety of CS-1 and his/her family. CS-1's proactive cooperation in the investigation continued until in or about September 2016 when, as detailed below, law enforcement discovered that a member of the FP SIU with knowledge of this investigation informed **Def 1** of the investigation and disclosed the identity of CS-1 to Dominguez DTO members. These disclosures gave rise to critical security concerns for the safety of CS-1 and, as a result, agents evacuated CS-1 from Mexico and CS-1 ceased all further proactive cooperation.

⁴ Specifically, Chief Judge Rubén Castillo or an Acting Chief Judge in the United States District Court for the Northern District of Illinois authorized thirty-day interception periods from January 2016, through September 2016 for the following PINs:

- 5EFEDC7E ("Target Device 26");
- 7BB5542E ("Target Device 36");
- 7BB1AEFF ("Target Device 50");
- 5EF5F793 ("Target Device 60").

DOMINGUEZ, **Def 2**, and others (BBM-94, BBM-97, BBM-108, BBM-121, BBM-134, BBM-148, and BBM-193).⁵

11. According to multiple cooperating sources (CS-1, "CS-2," and "CS-3"), **Def 1** was formerly a member of a Mexico-based transnational criminal enterprise

⁵ Specifically, the Honorable Michael M. Anello entered orders in the United States District Court for the Southern District of California authorizing thirty-day interception periods from October 2015, through November 2016 for the following PINs:

- 2BFE8798 ("BBM-94")
- 2BFE4A30 ("BBM-97")
- 2C18637F ("BBM-108")
- 2C186302 ("BBM-121")
- 2BF85507 ("BBM-134")
- 2C061B83 ("BBM-148")
- 33600EBF ("BBM-157")
- 33600ECF ("BBM-174")
- 2C12CCA3 ("BBM-193")

DOMINGUEZ was originally identified as the user BBM-94 in the following manner: electronic communications intercepted over BBM-94 contained a photograph of the tombstone of an individual who the user of BBM-94 identified as his father. In his United States passport application, DOMINGUEZ provided identifying information for his father that was consistent with the information contained on the tombstone in the photo passed over BBM-94. Additionally, electronic communications intercepted over BBM-94, and subsequent devices, cooperator information, and information provided by DOMINGUEZ in his United States passport application all describe DOMINGUEZ as a disabled veteran who walks with a limp due to a combat-related injury. DOMINGUEZ was identified as the user of each of the subsequent devices through a common call analysis and through communications that were consistent with those of DOMINGUEZ's previous communications over BBM-94.

commonly called the Beltran Leyva Organization ("BLO").^{6 7} According to information provided independently from CS-1, CS-2, and CS-3, **Def 1** was principally responsible for overseeing the receipt and transportation of cocaine in Mexico from Central and South America, for ultimate distribution in the United States on behalf of the BLO and Sinaloa Cartel. According to CS-1, CS-2, and CS-3, **Def 1** continued to work with the BLO after it split from the Sinaloa Cartel in approximately 2008. According to CS-1 and CS-3, and verified by law enforcement and public source information, **Def 1** was arrested in Mexico in approximately 2009 and released

⁶ CS-2 began cooperating with law enforcement in or around 2012. CS-2 is a former Mexican law enforcement official and high-level leader of the Beltran Leyva Organization. CS-2 was indicted in another district with narcotics trafficking offenses, arrested, in Mexico or around 2010, and extradited to the United States in or around 2012. Prior to his/her arrest, CS-2 had regular, direct contact with Arturo Beltran Leyva and other leaders of the Beltran Leyva Organization and its allied criminal enterprises, including the Sinaloa Cartel before its split with the Beltran Leyva Organization in or around 2008. According to CS-2, as part of his/her role within the BLO, CS-2 had regular contact with corrupt Mexican government and law enforcement officials. CS-2 pled guilty in the district in which he was charged and is cooperating in the hopes of receiving a lesser sentence. CS-2 has no other criminal convictions. CS-2 has provided significant information that has proven reliable in the past and has been independently corroborated by consensually recorded conversations, judicially authorized wire and electronic intercepts, and seizures of narcotics and narcotics proceeds.

⁷ CS-3 began cooperating with law enforcement in or around 2012. CS-3 is a former high-ranking member of the Sinaloa Cartel. Prior to his/her arrest, CS-3 performed many leadership functions for the Sinaloa Cartel, including but not limited to overseeing: shipments of narcotics from Central and South America into Mexico; transportation of narcotics throughout Mexico and into the United States; distribution of narcotics to customers of the Sinaloa Cartel in the United States; and the collection and transportation of cash narcotics proceeds. Prior to his/her arrest in or around 2009, CS-3 had regular, direct contact with other leaders of the Sinaloa Cartel, including Joaquin Guzman Loera ("Chapo"), Ismael Zambada Garcia ("Mayo"), and Arturo Beltran Leyva prior to the BLO's split from the Sinaloa Cartel. CS-3 has been indicted and pled guilty in two federal districts with narcotics conspiracy charges. CS-3 is cooperating in the hopes of receiving a lesser sentence in the cases in which he/she has pled guilty. CS-3 has provided significant information that has proven reliable in the past and has been independently corroborated by consensually recorded conversations, judicially authorized wire and electronic intercepts, and seizures of narcotics and narcotics proceeds. CS-3 has also received assistance from the government related to the safety of CS-3 and his/her family.

sometime prior to 2016. According to CS-1 and verified by judicially authorized electronic intercepts, following his release from custody in Mexico, **Def 1** resumed his former role in overseeing the transportation of cocaine from Central and South America to Mexico, for ultimate distribution in the United States. More specifically, according to CS-1, following **Def 1**'s release from custody, **Def 1** asked CS-1 to introduce him to Colombian cocaine suppliers who would be willing to supply cocaine to **Def 1** on behalf of the Dominguez DTO.

According to CS-1, and corroborated by judicially authorized intercepts and consensual recordings, in or around 2016, CS-1 introduced **Def 1** to multiple sources of cocaine supply in Colombia. To further a relationship with the suppliers, **Def 1** asked CS-1 to bring the sources of supply to Cancun, Mexico to meet with **Def 1** and his associates in order to discuss future cocaine transactions. Under the direction and control of his/her handling agents and in furtherance of his/her cooperation, on or about April 15, 2016, CS-1 arrived in Mexico City and subsequently traveled to Cancun to meet with **Def 1** and his associates. While in Cancun, CS-1 attended a series of consensually recorded meetings with **Def 1**, DOMINGUEZ, **Def 2**, and multiple Colombian sources of cocaine supply during which they discussed the terms of potential future cocaine transactions. According to CS-1 and consensual recordings, a number of these meetings took place in public restaurants in Cancun and other meetings took place in private residences.⁸ In order to gather

⁸ As corroborated by consensual recordings and judicially authorized intercepts, these meetings resulted in multiple loads totaling several tons of cocaine being transported from Colombia to the Dominguez DTO's control in Mexico. These transactions form part of the basis for charges against DOMINGUEZ, **Def 1**, **Def 2**, and others in NDIL and SDCA.

additional evidence of these meetings in support of ultimate prosecutions in the United States, DEA agents based in Mexico requested that members of the FP SIU conduct surveillance of the meetings in the Cancun area which occurred in public locations. FP SIU members performed surveillance of the meetings as requested, including by taking pictures of CS-1 and the people with whom CS-1 met at a restaurant in Cancun.⁹

B. Discovery of Leak Within Mexican Law Enforcement to GAMEZ

12. On or about September 9, 2016, judicially authorized interceptions over Target Device 50, used by [Def 1], revealed that a person believed to be REYES and using the screen-name "Ayala" informed [Def 1] that [Def 1] was the target of a narcotics investigation.¹⁰ REYES expressly informed [Def 1] that [Def 1] needed to discard all communication devices implicated in the investigation. Specifically, on September 9, 2016, beginning at approximately 4:42 p.m., the following conversation was intercepted between [Def 1], using Target Device 50, and Ayala, using PIN

The government took all reasonable steps to conduct enforcement actions on the cocaine shipments, but ultimately did not possess enough information to seize the loads of cocaine in transit from Colombia to Mexico.

⁹ As explained in further detail below, a cropped version of one of the photographs taken by Mexican law enforcement during the surveillance of the April 2016 meetings was transmitted by REYES to [Def 1] in furtherance of an effort to obstruct the NDIL investigation. The photo was cropped by DEA in order to remove CS-1 from the image. REYES later admitted to seeing the same cropped photograph in the possession of DOMINGUEZ, during a meeting between REYES and DOMINGUEZ which took place on or about November 1, 2016 in Mexico City.

¹⁰ As explained in further detail below, based on the totality of the evidence in this matter, I submit that there is probable cause to believe that REYES was the user of PIN 5EEE2E74 that transmitted a warning of the investigation pending against [Def 1] on September 9, 2016.

5EEE2E74 (the "Ayala PIN");¹¹

Def 1: Hello, how are you?

AYALA: Hello, good morning.

Def 1: Good morning.

AYALA: Good, good.

Def 1: That's good, I'm glad.

AYALA: How are you?

Def 1: Good thank you.

AYALA: That's good that's what matters. Listen.

Def 1: I'm here checking in. I'm listening.

AYALA: Regarding yesterday's matter [apparent reference to a discussion which occurred prior to September 9, 2016].¹² Guess what? It's you [**Def 1** is the target of the U.S. Investigation].

Def 1: Which device is it [**Def 1** asked whether one of his communication devices was being intercepted]? Should I get rid of them [discontinue the use of communication devices to avoid detection by law enforcement]?¹³

¹¹ Throughout this Affidavit, I describe various conversations that were intercepted pursuant to court-authorized interceptions of electronic communications. These descriptions often include my understanding of what is being said during such conversations set forth parenthetically. This understanding and interpretation of the conversations is based on (i) the content and context of the conversations, (ii) my experience and my fellow agents' experiences as law enforcement officers, including our experience observing written conversations as a whole, and (iii) the investigation to date. The summaries of the intercepted conversations set forth in this Affidavit are based on draft – not final – transcriptions completed by English/Spanish interpreters contracted by DEA and HSI. Finally, the summaries contained herein do not include all potentially criminal communications intercepted during the periods of interception, or all statements or topics covered during the course of the intercepted conversations.

¹² No prior conversations between the Ayala PIN and **Def 1** were intercepted; therefore, any prior communication likely occurred over a different device or in person.

¹³ Based on my training and experience, I am aware that narcotics traffickers frequently turn off or change their phones and mobile devices to avoid detection by law enforcement.

AYALA: Some ears around there have it [Def 1 's communications were being intercepted].

Def 1 : Oh, I see.

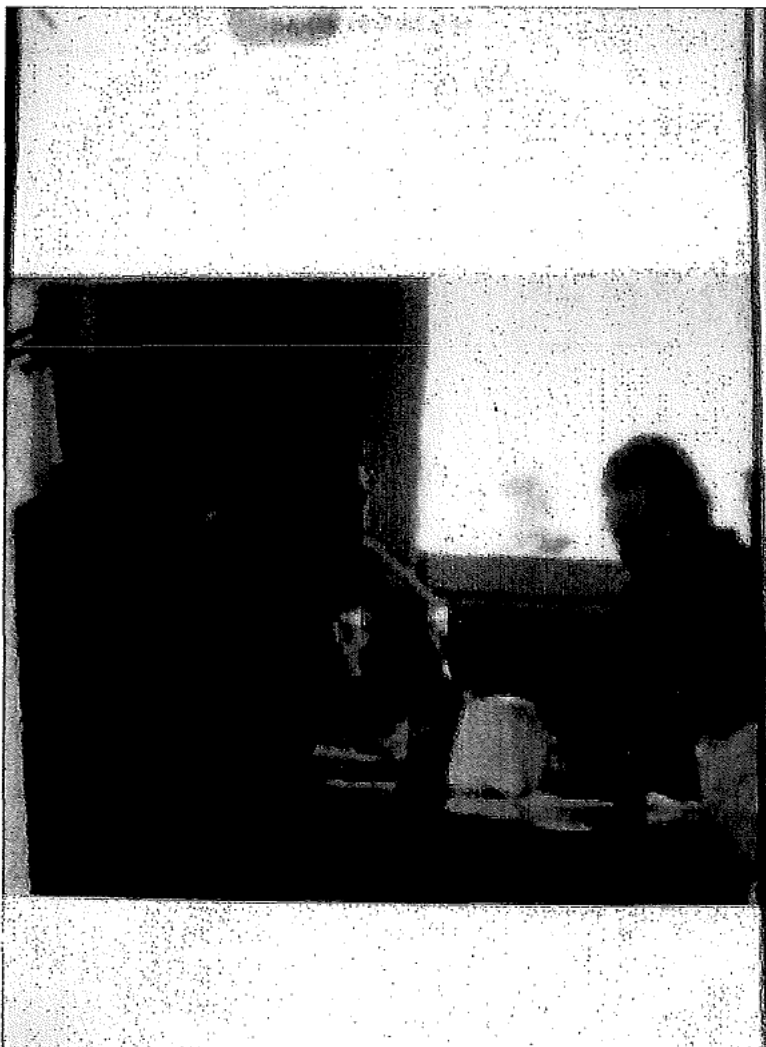
AYALA: Get rid of all [REYES instructed Def 1 to discontinue the use of all communications devices to avoid detection by law enforcement].

Def 1 : Okay, all right.

AYALA: Listen.

Def 1 : I'm listening.

AYALA: [picture sent]



AYALA: It's you [REYES warned **Def 1** that law enforcement conducted surveillance of him as the target of an investigation by sending **Def 1** a photo taken by an FP SIU officer during the surveillance operation]. There's a bad picture because it was taken from a computer.

Def 1: Yes, has it been a while [has the investigation been underway for a long time]?

AYALA: Yes, it's been known since April supposedly [the U.S. Investigation of which **Def 1** is a target has been pending since at least April 2016].

Def 1: Mmmmm I don't know. I can't identify the other two.

AYALA: They know you are here and they want to see who you hangout with [U.S. law enforcement is aware that **Def 1** was in Mexico City and sought to conduct surveillance of **Def 1** in order to identify his co-conspirators]. Don't talk at all [don't talk on phones that can be intercepted].

Def 1: I don't talk to anyone [over the phone].

AYALA: Only through messages [REYES directed **Def 1** to communicate only through text message platforms that REYES believed could not be intercepted by law enforcement].

Def 1: Okay, I'll get rid of all and get new ones [**Def 1** intended to discard all of his communication devices and replace them with new devices to avoid detection by law enforcement]. Thank you.

AYALA: Yesterday a piece of audio [information obtained by law enforcement] arrived where one of the guys who was there said they were on the second level [as described below, this is a reference to information passed by a DEA agent to REYES the day before this communication with **Def 1**].

Def 1: When can we meet to talk about it [the investigation of **Def 1**]? But like I said I never use the audio means of any phone. It couldn't have been my audio [law enforcement could not have intercepted audio communications because **Def 1** does not talk on the phone].

AYALA: Then they are listening to one of the guys who was with you [law enforcement is intercepting one of **Def 1** 's associates who was

present at the April meeting in Cancun].

Def 1: That's possible.

AYALA: Yes, but you were the target [**Def 1** is the target of the U.S. Investigation].

Def 1: Okay, very well. Either way, I'll get rid of them [communication devices] just to be on the safe side [avoid detection by law enforcement].

AYALA: Then be cautious and be on the lookout if you go out. Don't hang out with anyone in public the next few days.

Def 1: Very well. I'll be here whenever you are available to meet up.

AYALA: If you want, I'll let you know tomorrow where, so I can let you know in detail [this message was sent the same day that REYES asked to meet with a DEA agent as set forth below].

Def 1: Or do you recommend for me to leave [leave Mexico City to avoid law enforcement]? Okay, that's fine. Let me know through May's mom and I'll give you a new one [**Def 1** will provide REYES with a new PIN on which REYES can contact **Def 1**].

AYALA: I recommend to wait a bit, get rid of all [communication devices], and if you can move from where you are, do it due to location of the phones you have now [REYES warned **Def 1** that he could be located through his phones], so it's not the same as the new ones and I'll let you know early tomorrow.

Def 1: Okay, okay. Thank you.

AYALA: Take care and we'll be in touch. No worries

13. I am aware that the photograph transmitted by REYES was taken in approximately April 2016 in Cancun, Mexico by an officer assigned to an FP SIU at the request of DEA agents in Mexico City. I am also aware that the people who appear

in the photograph, from left to right, are Individual A,¹⁴ Def 1, and Def 2. The original version of the photograph also depicted CS-1, who was present at the meeting, but was cropped out of the photo before it was provided to REYES by a DEA agent in order to protect CS-1's identity.

C. Identification of IVAN REYES AZARTE as the Source of the Leak of the U.S. Investigation

14. From no later than April 2016 through September 2016, REYES, in his role as the supervisor over the SIU, routinely had contact and worked collaboratively with DEA agents in Mexico City. According to multiple DEA and other U.S. law enforcement personnel interviewed in this investigation, REYES was the principal direct point of contact for information sharing between U.S. and Mexican law enforcement personnel assigned to the SIU. At times, this resulted in REYES being provided with highly sensitive information obtained in U.S. investigations through multiple means, including judicially authorized intercepts and confidential sources. As the leader of the operational portion of the SIU, REYES oversaw operations which resulted in the arrest of numerous high-level members and associates of various organized criminal enterprises in Mexico, including multiple members of the Sinaloa Cartel charged in this district.

15. REYES was first suspected as the source of the leak of the U.S. Investigation when information shared with REYES in his capacity as the leader of the SIU appeared in judicially authorized intercepts occurring over the Ayala PIN in

¹⁴ Based on judicially authorized intercepts, information provided by CS-1, and other information, I am aware that Individual A is a Colombian source of cocaine supply to the Dominguez DTO.

the form of warnings to **Def 1** regarding the U.S. Investigation. The content of those communications mirrored communications that REYES had with DEA agents assigned to the Mexico City Country Office. Additional judicially authorized intercepts between DOMINGUEZ and **Def 2** explicitly identify their source within Mexican law enforcement by the name "Ivan." Those same intercepts identify "Ivan" as a person who had historical ties to the BLO as a corrupt law enforcement official. As set forth below, CS-2, who previously acted as a high-level leader within the BLO, identified REYES as a corrupt Mexican law enforcement agent who received training in the United States and who worked closely with DEA agents. According to CS-2, CS-2 was personally present when REYES provided sensitive information directly to BLO leader Arturo Beltran Leyva, including information which identified a DEA confidential source who was cooperating against the BLO who was subsequently kidnapped and murdered based on the information provided by REYES. According to CS-2, REYES used his powers as a law enforcement official to protect the BLO's interests and regularly received payments totaling millions of dollars in exchange for the corruptive services and information he provided.

16. On or about February 2, 2017, REYES submitted to a voluntary interview at the United States Embassy in Mexico City with DEA Agents and Assistant United States Attorneys assigned to this investigation. During this interview, REYES admitted to meeting with DOMINGUEZ and another person on or about November 1, 2016 in Mexico City to discuss drug trafficking activities in the Mexican state of Tamaulipas and to DOMINGUEZ's possession of the cropped photo

of **Def 1** which was provided by a DEA agent to REYES on or about September 8, 2016. The existence of this meeting is corroborated by judicially authorized intercepts from November 1, 2016 in which DOMINGUEZ had multiple conversations with his co-conspirators about meeting(s) with FP official(s) to receive information on the investigation targeting the Dominguez DTO.

Communications between REYES and DEA Agents

17. On or about September 8, 2016, REYES engaged in a series of electronic communications with a DEA agent assigned to the Mexico City Country Office ("Agent A")¹⁵ regarding the NDIL investigation of **Def 1**. The content of those communications was largely identical to the information that the Ayala PIN transmitted to **Def 1** on September 9, 2016, as set forth above.

18. Specifically, on September 8, 2016, at approximately 6:18 p.m., the day before the Ayala PIN sent the above described message to **Def 1**, Agent A, who is assigned to the investigation into the Dominguez DTO, contacted REYES, using his official FP SIU mobile device (which is separate and distinct from the Ayala PIN), to request his assistance in conducting surveillance of **Def 1**. The agent provided REYES with **Def 1**'s location, as well as the cropped photo above, taken during the April Cancun surveillance, so that REYES could direct FP SIU agents/officers to conduct the surveillance armed with a photo of the person they were tasked to surveil.

¹⁵ Due to the safety risks associated with the work U.S. law enforcement personnel perform in Mexico, Agent A's identity is not disclosed in this affidavit.

Agent A consensually preserved the following messages with Reyes:¹⁶

Agent A: They are meeting at Sanora grill [targets of the U.S. Investigation will be meeting at a restaurant in Mexico City] on the same street as the Audi, it's next to the PF Changs, they meeting soon

Agent A: Sorry, that was in English [according to agents familiar with REYES, REYES largely understands English, however, agents primarily communicate with REYES in his native Spanish].

Agent A: The meeting will start at 6.

REYES: That's fine.

Agent A: Restaurante Sanora Grill close to PF changs

Agent A: On the same street as the Audi dealership.

REYES: Ok

REYES: Ok

REYES: [Agent A], I've already sent people and we're going to do everything we can to get there. When these things come up please tell me. [Individual B, a subordinate to REYES within the FP SIU] is an analyst and they don't do field work.¹⁷

Agent A: Ok

REYES: Do you know if they [Def 1] and others] are already meeting or if they are still there?

Agent A: I think that they are still there.

REYES: Ok, the people are on their way. If you find out anything else please

¹⁶ Reyes was identified as the user of the communication device with which Agent A communicated based on multiple interactions between Agent A and other DEA agents assigned to the Mexico City Country Office and REYES which occurred over that device for a period of multiple years.

¹⁷ As set forth elsewhere herein, this is a reference to Individual B who is the Mexican FP/SIU analyst who had worked on this case since its inception and as a subordinate of REYES. According to DEA records, Individual B works in the same location REYES.

let us know.

REYES: Thank you.

Agent A: Copy.

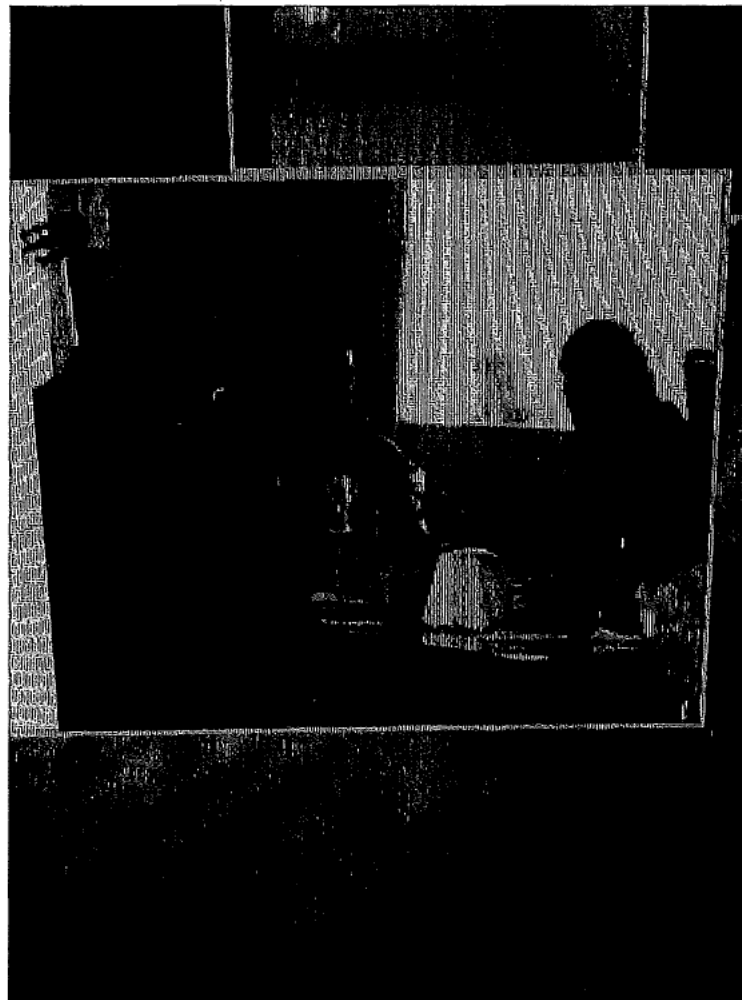
Agent A: Thank you.

Agent A: And here's the apartment for the targets.

Agent A: Calle Lagos Neucathel #12, colonia granada, apartment 901 [address in Mexico City at which, based on information obtained in the U.S. Investigation, **Def 1** and **Def 2** resided]

Agent A: The man in the middle [a reference to **Def 1** in the below photograph] and the one who's on his right [**Def 2**] live there.

Agent A: [picture sent]



Agent A: The photo of them isn't from today, just so you know.

Agent A: It's from a few months ago in Cancun.

Agent A: Then man we know is there at the Sonora Grill now is the one in the middle [Def 1] is depicted in the middle of the photo]

Agent A: White shirt in the photo

REYES: Yes, my people in Cancun took that photo [FP SIU agents/officers under REYES's command performed the Cancun surveillance]

Agent A: Siu [reference to the FP SIU]

Agent A: Yes

Agent A: Exactly

Agent A: That same target lives here [Mexico City] now

REYES: Ok

REYES: [Agent A], do you know anything?

Agent A: I think that they were in the restaurant on the second floor but I don't know if they're still there.

REYES: Ok

19. According to judicially authorized intercepts, as set forth above, much of the information provided to REYES was transmitted to Def 1 by the Ayala PIN, including a reference to the fact that Def 1 and his associates were seen on the second floor of the restaurant as relayed by the DEA agent to REYES in the messages set forth above.

20. In subsequent consensually preserved text messages exchanged with Agent A, between September 9, 2016, and September 13, 2016, REYES, using his SIU mobile device, continued to seek information regarding the Def 1 investigation

from his DEA contacts:

September 9, 2016

Agent A: Hello, good morning.

REYES: What's up [Agent A]?

Agent A: How did the surveillance go last night?

REYES: We didn't manage to find anyone.

REYES: The truth is it took us over two hours to get there.

REYES: When can get together to talk about the case [the U.S. Investigation]?

REYES: I would like to talk to you about his case and also the "Palau" case.

Agent A: Ok

Agent A: Can we get together next week?

REYES: Yes.

September 13, 2016

REYES: How's it going, [Agent A]? When can we meet?

Agent A: Hi Ivan [REYES]. Good evening.

REYES: Good evening.

Agent A: Sorry for the delayed response.

Agent A: Are you available tomorrow?

Agent A: Or Thursday?

REYES: Tomorrow works. 10-10:30 sound good to you?

REYES: Yes. I can go to the Starbucks [adjacent to the United States Embassy in Mexico City].

Agent A: Ok

REYES: To avoid the hassle getting in [avoid the security screening at the United States Embassy]

Agent A: That sounds good.

REYES: Very good. I'll see you there.

Agent A: Yes. I'll see you then.

September 14, 2016

Agent A: Hello. Good morning.

REYES: Good morning.

REYES: I'm almost there. Five minutes.

Agent A: Are you there?

REYES: Yes, I'm still here.

21. According to DEA agents and staff assigned to the U.S. Investigation in Mexico City, prior to September 2016, REYES had no direct role in and had never inquired as to the U.S. Investigation.

Communications between [Def 1] and the Ayala PIN

22. Based on my conversations with DEA personnel assigned to the Mexico City Country Office who have met with REYES on multiple occasions at his office, I am aware that REYES's office is located in Mexico City in a building referred to as [REDACTED]. Between September 10, 2016, and September 14, 2016, [Def 1] was intercepted in a series of communications with the Ayala PIN. Based on my training and experience, conversations with DEA personnel assigned to the Mexico City Country Office who are very familiar with the geography of Mexico City, and analysis

of the intercepted communications between **Def 1** and the Ayala PIN setting up an in person meeting, I believe that the user of the Ayala PIN was present in the building in which REYES's office is located, and the user of the Ayala PIN left directly from to attend a meeting with **Def 1**.

23. For example, on September 12, 2016, beginning at approximately 4:42 p.m., **Def 1**, using Target Device 50, was intercepted in contact with the Ayala PIN in the following conversation discussing a meeting between **Def 1**, the user of the Ayala PIN and a third party, who would provide information to **Def 1** regarding the NDIL investigation into the Dominguez DTO:

AYALA: Good morning. How are you?

AYALA: I have an answer for you already.

Def 1: Good morning. How are you?

AYALA: Good, thank god. How are you all?

Def 1: That's good. And what's next, how do we do it, or what time can we meet up, at 3:00 around where you told me?

AYALA: I already talked to the guy [unidentified third party].¹⁸ He agreed to have a talk [REYES approached the SIU member and he/she agreed to provide information to **Def 1** regarding the U.S. Investigation].

GAMEZ: What does he [unidentified third party] say?

AYALA: I told him [unidentified third party] he would be supported [monetarily compensated], and he said it was fine. The thing is that he went out to work and he doesn't know at what time he will be back.

Def 1: Well, you tell me where and at what time we can meet. Yes, of course, don't worry about that.

¹⁸ Based on the totality of the circumstances, it is believed that the referenced third party is Individual B, an FP SIU intelligence analyst assigned to assist DEA with the **Def 1** investigation.

AYALA: He asked me if it can be at night once we get out [as noted above REYES and Individual B work together at the same location which is consistent with the language used here].

Def 1: Well, I will be awaiting on the time, if it can be today, if not, tomorrow. At any time you all want, there is no problem. Thank you.

AYALA: What do you think if you go near the area around 9:30, and once we get out, we will send you a message, so we can sit down at a place?

Def 1: I will be awaiting. That's fine.

AYALA: Another thing, he asked me for something very important.

Def 1: I will go around there. Go ahead.

AYALA: Don't say anything because he says that the information [about the investigation into **Def 1**] is coming from a source [confidential source cooperating in the U.S. Investigation]. He tells me that the source was sitting with you, the day of the picture [a reference the fact that CS-1 was cropped out of the photo that Ayala sent to **Def 1** on September 9, 2016 as set forth above]. Let's be careful. He will explain it to you there, but he told me that in advance so that you are cautious.

Def 1: Okay, okay. Thank you very much.

AYALA: If anything, I will be awaiting. Have a good day. Take care.

Def 1: Likewise. Have a good day, "L."¹⁹

24. On September 13, 2016, beginning at approximately 1:38 a.m., **Def 1**, using Target Device 50, was intercepted in the following conversation with the Ayala PIN:

Def 1: Good evening. Sorry to bother you. Are we going to meet today? I'm just asking so I can start getting closer.

¹⁹ According to judicially authorized intercepts over Target Phone 50, immediately following this exchange with the Ayala PIN, **Def 1** attempted to contact CS-1 (PID 6812695). Over the course of the next several days and weeks, judicially authorized intercepts revealed that **Def 1**, DOMINGUEZ, **Def 2**, and their co-conspirators became directly aware that CS-1 was cooperating with the U.S. Investigation.

AYALA: Good evening. Yeah, around the area we had agreed on. Same time you told me.

Def 1: Okay.

AYALA: We'll text you when we leave, to see where you are.

Def 1: Yes, around that time.

AYALA: Okay.

Def 1: The thing is, it's a little far for me.

AYALA: Yeah, traffic is heavy. Or however you want. We could do tomorrow at 3:00PM, your call. Whatever is easier for you.

Def 1: Could you come to Perisur [shopping area located near **Def 1**? I really don't like that area to be honest. But I'll go that way. I'm the one who's more interested. Ha ha. Don't worry, I'm going to be around the neighborhood. My brother is going to go with me [based on judicially authorized intercepts in the U.S. Investigation, **Def 2** shared an apartment with **Def 1** at this time and **Def 1** and **Def 2** routinely referred to one another as brothers]. Just so you know he's also concerned about it since he's part of it as well [**Def 2** is also part of the Dominguez DTO and has exposure to the U.S. Investigation]. I have to adapt to whenever you are able.

AYALA: Ha ha..That's fine. If you want, go to a place that you like and we'll see you there.

Def 1: To the shopping mall? Is that okay with you?

AYALA: Yes.

Def 1: There is a store there that has a bar. It could be there if you want. The store where they sell everything. Haha.

AYALA: All set, we'll see you there.

Def 1: See you later.

AYALA: Take care.

Def 1: Thanks.

25. On September 13, 2016, beginning at approximately 2:55 a.m., **Def 1**, using Target Device 50, was intercepted in the following conversation with the Ayala PIN:

Def 1: Hello. I'm already here where we agreed to meet. I'll wait for you inside.

AYALA: We're [believed to be REYES and Individual B] heading out [from [REDACTED] [REDACTED]]. We'll see you in about 15 [this is consistent with the approximate travel time from [REDACTED] to the meeting location]

Def 1: Don't worry, I'll have a drink here

AYALA: Okay.

26. On September 13, 2016, beginning at approximately 3:21 a.m., **Def 1**, using Target Device 50, was intercepted in the following conversation with the Ayala PIN:

Def 1: I'm putting up with it so I can corroborate it. We'll meet here in Peri [Perisur shopping area], at the mall in Samborns [department/convenience store] at the bar. Am I right?

AYALA: No, we're at the one at La Zona [different location near Perisur].

Def 1: So, all the way there where I was this morning? I thought you were taking too long. That's why I called you. Let me go there.

AYALA: We're on the way.

Def 1: Are you coming over here? So I'll wait for you?

AYALA: Yes.

Def 1: Thank you.

AYALA: Your welcome.

Def 1: I apologize for so many inconveniences.

AYALA: Don't worry.

Def 1: Well, I'm here. I'm going to wait for you.

Communications between DOMINGUEZ and **Def 2** identifying "Ivan" as a corrupt law enforcement official

27. In judicially authorized intercepts obtained in the U.S. Investigation, DOMINGUEZ and **Def 2** discussed the status of obtaining information regarding the investigation into the Dominguez DTO, including the identity of the person supplying the information. **Def 2** identified the source of the information as "Ivan," and explained to DOMINGUEZ that Ivan previously provided information to the BLO. For example, on October 17, 2016, at approximately 11:42 a.m., DOMINGUEZ, using PIN 2BE013AD, was intercepted in the following conversation with **Def 2**, who was using PIN 2C12CCA3 (PID: 17175):

Def 2: Ivan is Paloma's people [reference to Ivan having a relationship with another Mexican law enforcement official]

Def 2: That's why we thought of him.

Def 2: The man that we saw already [reference to a previous meeting regarding the investigation into the Dominguez DTO]

Def 2: asked ivan for a meeting [to discuss the investigation of the Dominguez DTO]

DOMINGUEZ: But who is Ivan?

Def 2: The boss [of the FP SIU].

DOMINGUEZ: Theirs [the FP SIU supervisor]?

28. On October 20, 2016, at approximately 10:31 p.m., DOMINGUEZ, using PIN 2BE013AD, was intercepted in the following conversation with **Def 2**, who

was using PIN 2C12CCA3 (PID: 17175):

Def 2 : It seems Ivan is attending a class

Def 2 : That's why he has not seen you [Ivan was then unavailable to meet with DOMINGUEZ]

29. Also on October 20, 2016, at approximately 10:32 p.m., DOMINGUEZ, using PIN 2BE013AD, was intercepted in the following conversation with **Def 2**, who was using PIN 2C12CCA3 (PID 35851):

Def 2 : If the guy doesn't want to

Def 2 : With Lik's [slang for "licenciado," which is Spanish for attorney] help

Def 2 : We can screw ivan [the Dominguez DTO has leverage to ensure that REYES remains loyal to them because the Dominguez DTO possesses information about REYES's past acts of corruption]

Def 2 : Because he comes up in the Bel files [REYES is referenced as a corrupt official in law enforcement investigative files related to the BLO].²⁰

Def 2 : But with a code [the references to REYES are to a codename].²¹

Def 2 : As soon as some assholes declare that as his code, we'll make shit out of him [REYES would be exposed as being corrupted by the BLO by the release of his codename].

Def 2 : If they single him out, that he is that code; and the one who received the check [REYES received payment from the BLO in exchange for his acts to protect BLO interests], he's fucked

²⁰ As detailed below, REYES's previous involvement with the Beltran-Leyva Organization is corroborated by CS-2, currently incarcerated in Houston and cooperating with the DEA.

²¹ Based on my conversations with DEA agents who have worked with the FP SIU and other Mexican law enforcement and military entities that handle cases targeting cartels, I am aware that Mexican law enforcement and military officials routinely use code names in an effort to shield their identities and prevent retaliatory action. According to DEA agents who have worked directly with the FP SIU, REYES routinely used the code name "La Reina" in connection with his SIU activities.

DOMINGUEZ: He's fucked

DOMINGUEZ: With that

Def 2: Oh, okay, well the only thing that my friend told me is that they are checking both apartments. Mine and "bufalin's" [a corrupt Mexican law enforcement official passed information regarding the location of the residences of **Def 2**, **Def 1** and another Dominguez DTO affiliate; as described above, Agent A passed information regarding two apartments in Mexico City to REYES, including an apartment jointly occupied by **Def 2** and **Def 1**]

Def 2: And what we already knew, that you are the primary objective but they want the old man first [DOMINGUEZ is the primary target of the DEA investigation, but DEA is first targeting **Def 1**]

Def 2: They just confirmed what we had concluded [corrupt Mexican law enforcement officials confirmed information regarding the U.S. Investigation]

DOMINGUEZ: Yes, all they have is the dirt bag [reference to DOMINGUEZ's erroneous belief that the U.S. Investigation is predicated solely on the cooperation of CS-1]

Def 2: That's right

DOMINGUEZ: He doesn't have anything else

Def 2: Because of everything the white boys have over there, no one singled you out as it being yours [reference to the belief that no potential cooperators other than CS-1 had identified DOMINGUEZ as the head of the Dominguez DTO]

Def 2: Even if they know

Def 2: That's why they need the old man so they can tie you in directly [reference to the need to tie the U.S. Investigation to tie DOMINGUEZ to **Def 1** through the cooperation of CS-1]

30. On October 23, 2016, at approximately 9:00 p.m., DOMINGUEZ, using PIN 2BE013AD, was intercepted in the following conversation with **Def 2**, who was using PIN 2C12CCA3 (PID 44985):

DOMINGUEZ: What other news[?]

Def 2 : Everything is calm. Let's see if pata can finally see ivan [REYES] this week [to discuss the U.S. Investigation]

DOMINGUEZ: Oh that's good

DOMINGUEZ: Yes, let's see, they're very calm

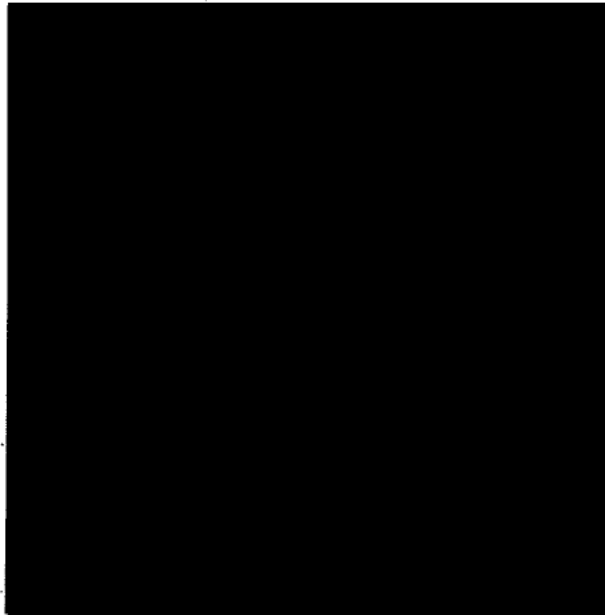
Def 2 : The thing is that he was at a course and gave vacation to lots [reference to the delay in meeting with REYES]

31. On October 26, 2016, at approximately 2:28 p.m., DOMINGUEZ, using 2BE013AD, was intercepted in the following conversation with Def 2 , who was using PIN 2C12CCA3 (PID 55687). Based on this conversation and other evidence obtained in the case, I believe that DOMINGUEZ and Def 2 used information provided by REYES to determine the identity of CS-1 and discussed methods of causing CS-1 to retract his/her cooperation or otherwise be discredited in the U.S. Investigation:

DOMINGUEZ: Look, I'm sending you the photo of the mp who has the case [reference to the Mexican federal prosecutor assigned to the Mexico-based investigation of the Dominguez DTO].

[DOMINGUEZ then sent the following image to Def 2 which depicts the identification credential of a Mexican federal prosecutor; PGR is the Mexican equivalent of the U.S. Department of Justice]²²

²² Based on my training and experience, I am aware that FP SIU investigations conducted in concert with U.S. law enforcement, at times also involve a specialized unit of PGR intended to target organized crime referred to as SEIDO.



Def 2 : Pata called yesterday and said all was well, that Ivan [REYES]'s secretary said it was still over there with the "gueros" [reference to the pending U.S. Investigation]

Def 2 : that everything is calm right now

DOMINGUEZ: And what does that mean?

DOMINGUEZ: Everything alright?

DOMINGUEZ: And I think USB wanted to get money out of us

Def 2 : That he checked in and that upon arrival he'll see you; that he hasn't been able to finish up

DOMINGUEZ: But that dirt bag [CS-1] is over there has been talking shit [CS-1 is providing cooperation to the U.S. Investigation]

DOMINGUEZ: That's all I know

Def 2 : Who located the mp [Mexican federal prosecutor] for you?

DOMINGUEZ: [reference to a Dominguez DTO associate, "Individual C"]

Def 2 : That is where the man's [investigative] file is at

DOMINGUEZ: With this mp [prosecutor]

DOMINGUEZ: [Individual C] is going to see him [the prosecutor] tonight

DOMINGUEZ: See what he wants. But the number for the investigation doesn't come up anywhere buddy [reference to the secrecy of an investigation targeting the Dominguez DTO]

DOMINGUEZ: Unless it's high impact confidential

Def 2: To ask for a copy of the entire investigation [corruptly obtain the entire investigative file of the Dominguez DTO]

DOMINGUEZ: Well that's what we want

DOMINGUEZ: On another note, the prosecutor from seido that investigated on his own said they no longer use that format

DOMINGUEZ: And that when the Americans come... [reference that the U.S. Investigation proceeds independent of any PGR/SEIDO investigation]

Def 2: Because Ivan could have more but what's important is what's at the mp [REYES may possess more information than what is in the investigative file]

DOMINGUEZ: They call them, they don't explain anything and they just arrest you [reference to a belief that the U.S. law enforcement does not generally share information with Mexican law enforcement and instead simply seeks to obtain and execute provisional arrest warrants in Mexico based on U.S. charges]

DOMINGUEZ: Okay

DOMINGUEZ: What they do have fucked is the man [**Def 1**], not us as much but the scum bag [CS-1] is not helping

Def 2: That's why we need to see the [investigative] file first

DOMINGUEZ: If the dirt bag [CS-1] retracts everything [retracts statements made in CS-1's cooperation], that's the only way we can make this work

DOMINGUEZ: Ivan [REYES] should be there waiting for the process, that way he can come with the "gueros" [U.S. law enforcement] to do the work [reference to REYES's access to U.S. law enforcement]

DOMINGUEZ: It could be that the [U.S.] jury doesn't see enough evidence

against us from the scum bag [CS-1]

DOMINGUEZ: They won't be able to proceed [the U.S. government will not be able to charge DOMINGUEZ, Def 2, and Def 1 in the U.S. Investigation]

DOMINGUEZ: Do you understand?

DOMINGUEZ: And since there isn't anything that is seized [reference to an erroneous belief that the U.S. Investigation did not result in seizures of narcotics or narcotics proceeds]

DOMINGUEZ: They are fucked [the targets of the U.S. Investigation will not be successfully prosecuted]

DOMINGUEZ: The American jury needs

DOMINGUEZ: To press charges in order for them to proceed over here [reference to the need to obtain an indictment from a U.S. grand jury before the U.S. government can seek provisional arrest warrants in Mexico]

Def 2: That's what I wanted to talk to lik [attorney] about

Def 2: We should process the scum bag over here [attempt to force CS-1 to retract his/her cooperation]

Def 2: That someone they catch or is arrested with product and weapons should declare it all belongs to him [reference to inserting a fall person to take credit for any seized narcotics or narcotics proceeds to shield the leadership targets of the U.S. Investigation]

Def 2: So if he has a process then his statements are worthless [reference to discrediting CS-1's cooperation in the U.S. Investigation]

Information Provided by CS-2 Regarding REYES's Historical Connections to the Beltran Leyva Organization and the Murder of a Confidential Source

32. On or about January 19, 2016, law enforcement met with CS-2 in a custodial facility in the United States. During this interview, CS-2 identified a photograph of REYES from an array of more than 10 photographs as a corrupt FP officer who previously provided direct support to the BLO. Specifically, according to

CS-2, he/she first met REYES in approximately 2008 or 2009. During this time, CS-2 worked directly for and with Arturo Beltran Leyva as a high-level leader within the BLO. According to CS-2, CS-2 was present for monthly meetings between Arturo Beltran Leyva and other leadership-level BLO members, including Mario and Alberto Pineda Villa,²³ and high-ranking Mexican government and law enforcement officials, including, at times, REYES, Individual D, Individual E, Individual F, and Individual G. According to CS-2, at these meetings Arturo Beltran Leyva paid millions of dollars to those officials, including to directly to REYES, in order to secure the corrupt officials loyalty in protecting the interests of the BLO, including by providing information on U.S. and Mexican law enforcement investigation.²⁴

33. According to CS-2, in approximately 2008, Individual E was the operational head of the Mexican Federal Police who acted as an intermediary between the BLO and corrupt Mexican government and law enforcement officials. At the time, Individual F was a high ranking member of the Mexican Federal Police who reported to Individual E and who often met with BLO leaders on behalf of corrupt members of the Federal Police. According to CS-2, he/she attended multiple meetings during which either Arturo Beltran Leyva or one of the Pineda Villa brothers paid Individual F in exchange for Individual F's efforts to protect the interests of the BLO. According to CS-2, Individual H was generally accompanied by two other high-ranking members

²³ Arturo Beltran Leyva, Mario Pineda Villa, and Alberto Pineda Villa were all separately killed in Mexico in approximately 2009.

²⁴ CS-2's information regarding the positions held by Individuals D, E, F, and G is corroborated by public source information and DEA records.

of the Federal Police who also provided assistance to the BLO in exchange for payment. CS-2 identified photographs of REYES and Individual G as the two corrupt Federal Police officers who generally accompanied Individual F to meetings with the BLO and who provided information and protection to Arturo Beltran Leyva and the BLO in exchange for regular payments, which were directly witnessed by CS-2. According to CS-2, REYES and Individual G worked together.²⁵ CS-2 stated that he/she was aware that either REYES or Individual D went by the nickname of "La Reina," but CS-2 was not sure which of the two specifically used that name since CS-2 generally saw both REYES and Individual G together. According to CS-2, when meeting with REYES and Individuals F and G, Arturo Beltran Leyva and other members of the BLO overtly talked about narcotics trafficking such that REYES and Individuals F and G were directly aware that the payments they received from the BLO constituted narcotics proceeds and that the payments were made with the express understanding that REYES and Individuals F and G accepted the narcotics proceeds in order to further a narcotics trafficking conspiracy.

34. CS-2 further identified REYES by stating that REYES informed CS-2 directly that REYES had received training from the U.S. government at a facility in Virginia.²⁶ According to CS-2, REYES, knowing that CS-2 was himself a former

²⁵ According to DEA agents and other U.S. law enforcement personnel who worked directly with the FP SIU, REYES and Individual G did in fact work together on many issues and investigations.

²⁶ Based on DEA records and interviews with DEA agents and other U.S. law enforcement personnel who worked directly with the FP SIU, REYES has attended training seminars at DEA's academy located in Quantico, Virginia.

Mexican Federal Police Officer, discussed with CS-2 how his position enabled him to have regular contact with DEA agents and other U.S. law enforcement officials.

35. CS-2 further provided specific details regarding a meeting that took place sometime in or around 2009 in Cuernavaca, Mexico between CS-2, Arturo Beltran Leyva, Alberto Pineda Villa, and Mario Pineda Villa on behalf of the BLO, and REYES, and Individuals F and G on behalf of the Mexican Federal Police. According to CS-2, Arturo Beltran Leyva convened the meeting because he was concerned about a series of seizures of multi-ton loads of cocaine. According to CS-2, Arturo Beltran Leyva believed that his organization had been infiltrated by a Colombian individual who was working as an informant to the DEA.

36. According to CS-2, during this meeting, Individual F produced a photograph of a person ("CS-4") and accompanying documents bearing a DEA or U.S. government seal and informed Arturo Beltran Leyva that the person in the photograph was cooperating with the DEA. According to CS-2, Individual F informed Arturo Beltran Leyva that the information regarding CS-4 had been obtained by REYES and Individual G. According to CS-2, REYES and Individual G then further discussed the investigation involving CS-4, including REYES and Individual G's access to DEA agents and information. Specifically, according to CS-2, REYES explained that CS-4 had been arrested in a DEA case in Miami and began cooperating immediately thereafter, including by providing DEA with information to facilitate the seizure of maritime shipments of cocaine from Colombia to the BLO's control in

Mexico.²⁷

37. According to CS-2, after receiving this information from REYES and Individuals F and G, Arturo Beltran Leyva, in the presence of REYES and Individuals F and G, ordered Mario Pineda Villa to have CS-4 kidnapped, tortured, and murdered. According to CS-2, REYES and Individuals F and G were then paid approximately \$3,000,000 in exchange for the information that they provided to the BLO about CS-4. According to CS-2, CS-2 was directly aware from his subsequent conversations with Arturo Beltran Leyva and others that CS-4 was in fact kidnapped, tortured, and murdered in accord with Arturo Beltran Leyva's orders.

D. Admission from REYES to Meeting with DOMINGUEZ

38. With the concurrence of the Mexican Federal Police, on or about February 2, 2017, DEA agents and Assistant United States Attorneys assigned to the U.S. Investigation conducted an interview of REYES in the United States Embassy in Mexico City. Prior to being asked any questions, REYES was informed by an assigned AUSA that he was not under arrest, that he was free to leave at any time, that he was not required to talk to the agents and AUSAs at all, and that he could

²⁷ I am aware that Arturo Beltran Leyva and multiple co-conspirators were indicted in this district in the matter of 09 CR 672 (Guzman, J.). Based on my discussions with AUSAs and agents assigned to the Beltran Leyva investigation, the information provided by CS-4 was instrumental in securing Arturo Beltran Leyva's indictment. The information provided by CS-2 is consistent with evidence obtained in the Beltran Leyva investigation regarding CS-4's kidnapping and murder after being discovered as a cooperator against the BLO. The 09 CR 672 indictment alleged non-specified acts of violence as means and methods in furtherance of the conspiracy. Had Arturo Beltran Leyva proceeded to trial in this district, the government intended to prove the death of CS-4 by a preponderance standard outside the presence of the jury in order to establish that, pursuant to Fed. R. Evid. 804(b)(6), Arturo Beltran Leyva forfeited his ability to object on the ground of hearsay to the introduction of recordings made by CS-4 of unmonitored conversations between CS-4 and Arturo Beltran Leyva.

refuse to answer any individual question. REYES expressly acknowledged that the interview was entirely voluntary and agreed to talk with the agents and AUSAs. Although he was told he was free to leave at any time, REYES was also informed during the interview that he could consult with an American defense attorney and REYES was provided with the number to the Federal Defender's Office in Chicago. At no time during the ensuing interview did REYES state that he wished to end the interview or to consult with an attorney before proceeding.

39. Prior to being asked substantive questions, REYES was confronted with portions of the evidence described in this complaint and directly informed that he was a target of the investigation. REYES denied being the user of the Ayala PIN or otherwise being the source of the leak of the U.S. Investigation. REYES conceded that he was the sole point of contact for the FP SIU regarding the information received from Agent A regarding the September 8 surveillance, including being the only FP SIU member who directly received the version of the photograph of **Def 1** that had been cropped to remove the image of CS-1.

40. REYES admitted to an in-person meeting with DOMINGUEZ and a person REYES only knew as "Lobo" in a neighborhood of Mexico City on November 1, 2016. REYES stated that the meeting was set up by an FP officer who was killed during an arrest operation a few weeks later. According to REYES, REYES did not know in advance that the meeting would be with DOMINGUEZ and that REYES believed that the meeting was to discuss reducing violence in the state of Tamaulipas. REYES further admitted that, based on his conversations with Agent A, at the time

of the meeting, REYES was aware that DOMINGUEZ was a principal target of the U.S. Investigation. According to REYES, during the November 1 meeting, DOMINGUEZ informed REYES that DOMINGUEZ could provide information to FP to facilitate the arrest of the "plaza bosses" [cartel leaders who control a specific city or area] in Tamaulipas so that DOMINGUEZ could replace them with less violent plaza bosses who would be more willing to work with FP. Without providing context, REYES further admitted that DOMINGUEZ showed REYES the cropped version of the photo of **Def 1** above that REYES received from Agent A. REYES acknowledged that DOMINGUEZ's possession of this photo demonstrated that there was a leak within the FP SIU, but REYES denied any knowledge of how DOMINGUEZ received the photo. When asked why REYES did not inform Agent A or any other DEA agents or REYES superiors in FP about the leaked information or the meeting with DOMINGUEZ, REYES stated that he wanted to first investigate the leak on his own and was then placed on leave by FP a few days after his meeting with DOMINGUEZ.

41. REYES's admitted meeting with DOMINGUEZ matches with judicially authorized intercepts from the U.S. Investigation which revealed that, on November 1, 2016, DOMINIGUEZ and his associates discussed meeting with an FP official to obtain a case file. For example, on November 1, 2016, beginning at approximately 1:21 p.m., DOMINGUEZ, using Target Device BBM 193, was intercepted in the following conversation FNU LNU (a/k/a "Juan Jimenez"), who was using PIN 2BD17DBA:

JIMENEZ: But very productive

JIMENEZ: To inform you that next week they will give me a time and date regarding the exam for the guys

DOMINGUEZ: Oh perfect.

JIMENEZ: I'm waiting for information/updates from the pf [waiting to receive information from the Mexican Federal Police]

JIMENEZ: And in the mix with friends from the police [a Mexican Federal Police official is bringing information], buddy

DOMINGUEZ: The thing with the file has been resolved for the most part [reference DOMINGUEZ already being generally aware of the contents of the Mexican Federal Police file; believed to be a reference to DOMINGUEZ's prior knowledge of the U.S. Investigation]

DOMINGUEZ: I'll tell you about it [the Mexican Federal Police file] once I see you

42. In addition, on November 1, 2016, beginning at approximately 7:32 p.m., DOMINGUEZ, using Target Device BBM 193, had a conversation FNU LNU (a/k/a "Jessica Fernandez"), who was using PIN 7B760897:

FERNANDEZ: Good evening buddy and I apologize

DOMINGUEZ: Tell me buddy you don't have to apologize.

FERNANDEZ: It's because the tech has a USB where he has all of the information for the unit [possibly a reference to obtaining information on the U.S. Investigation from a member of the FP SIU]

FERNANDEZ: You asked for

DOMINGUEZ: I am here with my guy in charge that understands all of that [possible reference to DOMINGUEZ being with the head of the FP SIU, REYES, who can help facilitate acquiring information]

DOMINGUEZ: We are here

DOMINGUEZ: I'll greet him shortly

FERNANDEZ: Oh ok. It's because he said they asked him for it but he didn't know whether to give it to him or not but if you are there then it's fine

DOMINGUEZ: Yes I am going to greet him here

DOMINGUEZ: I already sent for him

FERNANDEZ: Oh okay buddy. Everything about the [team] is in the USB so if you keep it don't let anyone make a copy so that nobody has the system you are going to have

DOMINGUEZ: Yes, calm down, the idea is for him to stay permanent with us

FERNANDEZ: Yes bro, that's good

FERNANDEZ: He is ready to go to work

DOMINGUEZ: That's right

FERNANDEZ: Okay buddy, here on the lookout

DOMINGUEZ: Done.

Conclusion

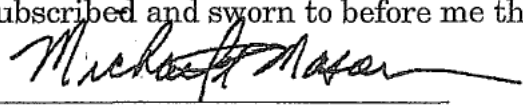
43. Based upon the information contained herein, I respectfully submit that there is probable cause to believe that from in or about September 2016 to in or about December 2016, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, IVAN REYES AZARTE did conspire with others known and unknown to corruptly obstruct, influence, and impede any official proceeding, and attempt to do so, in violation of Title 18, United States Code, Sections 371 and 1512(c)(2) and (h).

FURTHER AFFIANT SAYETH NOT.



JOHN R. GILDEIN
Special Agent, DEA

Subscribed and sworn to before me this ____ day of February, 2017.



MICHAEL T. MASON
Magistrate Judge
United States District Court
Northern District of Illinois

1 Also notably, he admitted himself meeting with
2 Beltran Leyva and meeting with Mario Pineda and meeting with
3 Alberto Pineda, El Borrado. And I'll come back to the
4 significance of that in a moment. But Mr. Villarreal's
5 testimony is also then corroborated by some of Mr. Reyes' own
6 admissions. His nickname, La Reina. Mr. Villarreal knew that
7 and provided that nickname to investigators as far back as
8 2013. He never knew Mr. Reyes by his first name or by his
9 last name. He knew La Reina, and that's the information he
10 provided.

11 Sure enough, defendant admits that's -- that on the
12 street, he is known as La Reina. He admitted that he took
13 those meetings. Notably, in the initial meeting with us, he
14 denied or could not explain why anyone would suggest that he
15 had met with Arturo Beltran Leyva and then sure enough, later
16 in a meeting with Agent Garcia, he says, "Yes. Okay. I met
17 with Arturo Beltran Leyva, and I met with Borrado, and I met
18 with MP."

19 That is a hugely significant admission. And I don't
20 know if the defendant thought about that when he was making
21 it, but the significant -- the significance of the admission
22 that he simply met with Arturo Beltran Leyva, your Honor,
23 cannot possibly be understated for the reasons that both
24 Mr. Villarreal and Agent Sandberg testified to. To a
25 layperson, maybe it wouldn't mean much, but this is the

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	Case No. 17-CR-84
v.)	Honorable Harry D. Leinenweber
)	Judge Presiding
IVAN REYES AZARTE)	

DEFENDANT'S CERTIFICATES IN SUPPORT OF HIS POSITION PAPER

Now Comes the Defendant, IVAN REYES AZARTE, by and through his attorneys,
[REDACTED] and [REDACTED], and submits 14 certificates in support of his position
paper. The certificates represent the following:

1. DEA Sensitive Investigative Unit Training Certification: November 21, 2002
2. Organization of American States, Inter-American Drug Abuse Commission and Royal Canadian Mountain Police Drug Enforcement International Observer Attachment Program: October 3, 2003
3. DEA Certification for Safety Clandestine Laboratory Seminar: July 22, 2005
4. FBI Latin America Law Enforcement Executive Development Seminar: September 5-28, 2007
5. FBI/Los Angeles Sheriff Department Executive Leadership Training Course: September 18 to October 16, 2008
6. DEA Sensitive Investigative Unit Training Program Advanced Course: July 2, 2010
7. DEA Award for Special Act or Service for Dedication to Duty and Outstanding Contributions: August 2011
8. DEA Certificate of Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement: 2012
9. DEA Certificate of Appreciation for Valuable Assistance in Operation "Mama y Papa": December 18, 2013
10. DEA Certificate for Mexican Federal Law Enforcement Analysis Training: May 22, 2014
11. Certificate of Appreciation from New York Organized Crime Drug Enforcement Strike Force: April 2014
12. DEA Certificate for Mexican Federal Law Enforcement Analysis Training: May 22, 2014

13. ICE Certificate for Operation Diablo Express “In Commemoration of our bi-national effort forging friendship for our countries.” January 2016
14. Department of Defense Joint Operations Course Certificate: October 22, 2015
15. International Student Academic Report with Remarks on Academic Performance, Awards, and Other Information: October 2015

Respectfully submitted,

/s/ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



United States Department of Justice

Drug Enforcement Administration

This is to certify that

Ivan Reyes Arzate

has successfully completed the

Sensitive Investigative Unit Training Program

***conducted by the United States Drug Enforcement Administration
International Training Section at***

Quantico, Virginia

*In testimony thereof I subscribe my name
on this 21st day of November 2002*


Administrator, Drug Enforcement
Administration


Special Agent in Charge, Training


Chief, International Training

Supr. Mike GAUDREAU,
Director
Drug Branch
Royal Canadian Mounted Police

Mr. Ihor MALYNSKY,
Chief
Supply Reduction and Control
CICAD / OAS

29 September, 2003 to 3 October, 2003

DRUG ENFORCEMENT
INTERNATIONAL OBSERVER ATTACHMENT PROGRAM
at
Halifax, Nova Scotia
CANADA

Ivan Reyes Arzate

attended the

certify that:

The Organization of American States (OAS)
Inter-American Drug Abuse Control Commission (CICAD)
and the
Royal Canadian Mounted Police (RCMP)





United States Department of Justice Drug Enforcement Administration

This is to certify that

Ivan Reyes Arzate

has successfully completed the
Safety Clandestine Laboratory Seminar

conducted by the United States Drug Enforcement Administration
International Training Section at

La Sede de la Agencia Federal de Investigación
México City, México

In testimony thereof I subscribe my name
on this 22 day of July 20 05

Administrator, Drug Enforcement
Administration

Special Agent in Charge, Training

Chief, International Training



United States
Department of Justice
Federal Bureau of Investigation

Presents this Certificate of Completion to

IVAN REYES ARZATE


In recognition of having successfully completed the

Latin America Law Enforcement
Executive Development Seminar
México

FBI Academy, Quantico, Virginia
September 5-28, 2007


Section Chief Daniel McMullen
FBI Academy, Quantico, Virginia




Legal Attache Raul Corballeo
9139 Mexico City, Mexico

FEDERAL BUREAU OF INVESTIGATION

In conjunction with the

LOS ANGELES SHERIFF DEPARTMENT

Certify that

Ivan Reyes Arzate
has successfully completed

Executive Leadership Training Course

Sept 18, 2008 - October 16, 2008

Los Angeles, California



R. Loeble
Robert Loeble, Legal Attache
Mexico City, Mexico

Dee Baca
Leroy D. Baca, Sheriff
Los Angeles County



United States Department of Justice Drug Enforcement Administration

This is to certify that

Iván Reyes Arzate

has successfully completed the

Sensitive Investigative Unit Training Program Advanced Course

conducted by the United States Drug Enforcement Administration

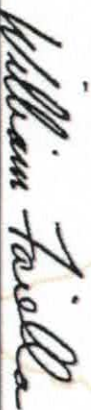
International Training Section at

Río Hato, Panamá

In testimony thereof I subscribe my name
on this 2nd day of July 2010



Administrator, Drug Enforcement
Administration



Special Agent in Charge, Training



Chief, International Training

DRUG ENFORCEMENT ADMINISTRATION


UNITED STATES
DEPARTMENT OF JUSTICE

PRESENTS THIS AWARD FOR

SPECIAL ACT
OR SERVICE
TO

Iván Reyes Arzate

FOR
DEDICATION TO DUTY
AND OUTSTANDING
CONTRIBUTIONS



Michele Leonhart

Michele M. Leonhart
Administrator
August 2011

DRUG ENFORCEMENT ADMINISTRATION

UNITED STATES
DEPARTMENT OF JUSTICE

PRESENTS THIS

CERTIFICATE OF APPRECIATION

TO Iván Reyes Arzate
Comisario

FOR
OUTSTANDING CONTRIBUTIONS
IN THE FIELD OF DRUG
LAW ENFORCEMENT



A handwritten signature in blue ink, reading "Briane M. Grey", is positioned above a horizontal line.

Briane M. Grey 2012
Acting Special Agent in Charge



Drug Enforcement Administration

United States
Department of Justice

PRESENTS THIS

CERTIFICATE *of* APPRECIATION

To

Iván Reyes Arzate

Comisario

FOR

*Your Invaluable Assistance in
Operation "Mamá y Papá"
December 18, 2013*

Paul K. Craine, Regional Director



COMISARIO IVAN REYES-ARZATE
Director General de Investigacion Sensitiva

In appreciation for your dedication into
SIU Op "Mama-Papa"
Mexico City Country Office Op "Class Act"
NYOCDESF Op "Sombrero"

From Your Friends at the
NEW YORK ORGANIZED CRIME
DRUG ENFORCEMENT STRIKE FORCE
GROUP Z-52
April 2014



United States Department of Justice Drug Enforcement Administration

This is to certify that

Joan Reyes Arzate


has successfully completed the

Mexico Federal Law Enforcement Analysis Training

conducted by the United States Drug Enforcement Administration
International Training Section at

Quantico, Virginia

In testimony thereof I subscribe my name
on this 22nd day of May 2014


Michelle Spector
Administrator, Drug Enforcement
Administration


James R. Briggs
Special Agent in Charge, Training


James S. Thompson
Chief, International Training



COMISARIO IVÁN REYES ARZATE

POLICIA FEDERAL, DIVISION ANTI-DROGAS
PHOENIX, ARIZONA / SONOYTA, SONORA

ENERO 2016

*"En conmemoración de nuestro esfuerzo binacional,
forjando seguridad y amistad para nuestros países"*



Department of Defense
Western Hemisphere Institute for Security Cooperation

Be it Known That

COL

Reyes Arzate, Ivan

Has successfully completed
the academic requirements for the

***Joint Operations Course
(JOC)***

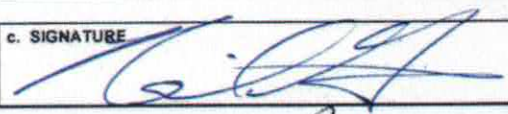
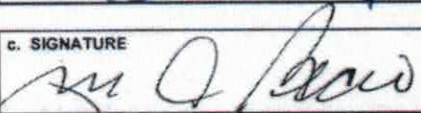
In witness thereof, and by the authority vested in us,
We do award this



Given this 22nd day of October, 2015
Fort Benning, Georgia, USA

ABEL TAVERA
CSM, USA
Command Sergeant Major

KEITH W. ANTHONY
COL, Special Forces
Commandant

INTERNATIONAL STUDENT ACADEMIC REPORT (For International Military Students attending CONUS schools.) (See AR 12-15, AFJI 16-105, and SECNAVINST 4950.4 for forms completion instructions.)					
1. FORWARDING ADDRESS (Subsequent training, if applicable, or country SAO)			2. FROM (Training installation preparing form)		
3. STUDENT NAME (Last, First, Middle Initial) Reyes Arzate, Ivan		4. GRADE/RANK COL	5. COUNTRY Mexico	6. FMS CASE OR IMET FY AND WCN	
7. COURSE TITLE JOINT OPERATIONS COURSE		8. COURSE ID NO. OPME-5	9. COURSE MASL B121430	10. DURATION OF COURSE a. FROM (YYMMDD) 150826 b. TO (YYMMDD) 151022	
11. DID STUDENT COMPLETE COURSE? (X one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Explain in Item 15)		12. STUDENT WAS AWARDED: (X one) <input checked="" type="checkbox"/> a. DIPLOMA/CERTIFICATE OF COMPLETION <input type="checkbox"/> b. CERTIFICATE OF ATTENDANCE <input type="checkbox"/> c. OTHER (Explain in Item 15)		13. ENGLISH COMPREHENSION LEVEL (Enter test score) a. IN-COUNTRY TEST N/A b. CONUS TEST N/A	
14. STUDENT'S ACADEMIC EVALUATION					
a. RATINGS SCALE (Enter in Items 14.b. and 14.c.) 1 EXCEPTIONAL 2 EXCELLENT 3 VERY SATISFACTORY 4 SATISFACTORY 5 UNSATISFACTORY (Explain in Item 15) 6 NOT OBSERVED (Explain in Item 15)		b. LANGUAGE PROFICIENCY (1) COMPREHENSION (2) SPEAKING (3) READING (4) WRITING		c. PERFORMANCE IN CLASS ITEM (1) ATTITUDE AND MOTIVATION (2) ATTENDANCE AND PUNCTUALITY (3) ABILITY TO GRASP INSTRUCTION (4) PERFORMANCE IN PRACTICAL EXERCISES (5) PARTICIPATION IN CLASS ACTIVITIES (6) POTENTIAL AS INSTRUCTOR (If applicable)	
				RATING 1 1 2 2 2 2	
15. REMARKS ON ACADEMIC PERFORMANCE, AWARDS, AND OTHER INFORMATION (Use back if more space is required) During the Joint Operations Course at WHINSEC, COL Reyes' performance can be characterized as excellent, graduating with a grade point average of 3.59, and distinguishing himself for his active participation, dedication, and professionalism. This 255 hour course establishes a common level of understanding in joint operations for all students who will serve in a joint, combined and multinational force and educates and trains senior officers to serve as senior headquarters staff members of commanders who are capable of operating, and employing the Army's operational concept of unified land operations. The mix of senior seasoned military and national police officers in the course provides for an invaluable experience that will pay dividends in terms of regional security cooperation relationships that will last a lifetime. To demonstrate his level of learning, COL Reyes conducted numerous presentations and briefings, exams, written argumentative essays, and actively participated in multiple practical exercises, and daily group dynamics. This course included a 40 hour joint operations professional development exercise in which 8 major joint commands were visited within the US with the opportunity of developing on the ground experiences and further developing the relations of these future leaders of their respective countries and in addition provides for many beneficial cultural opportunities.					
16. REMARKS ON STUDENT'S PARTICIPATION IN EXTRACURRICULAR AND COMMUNITY AFFAIRS (On and off training installation) (Use back if more space is required) COL Reyes participated in the Field Studies Program with the opportunity to visit the City of Atlanta and all its surrounding areas. The course had the opportunity to visit the National Infantry Museum.					
17. EVALUATOR					
a. NAME (Last, First, Middle Initial) GREGORY, NEIL		b. GRADE MAJOR	c. SIGNATURE 		
18. INTERNATIONAL MILITARY STUDENT OFFICER					
a. NAME (Last, First, Middle Initial) Jose A. Recio		b. GRADE GS12	c. SIGNATURE 		

|VZCZCXYZ0004
PP RUEHWEB

DE RUEHME #2531 2382253
ZNR UUUUU ZZH
P 262253Z AUG 09
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 8027
|UNCLAS MEXICO 002531

SIPDIS

WHA/MEX FOR MARY STICKLES

E.O. 12958: N/A
TAGS: PHUM, SNAR, ASEC, MX
SUBJECT: MX 2009-412, DEA LEAHY VETTING REQUEST

1. Action request. Post requests a response within 10 business days (September 11, 2009) per WHA/MEX guidelines for this Leahy vetting request from DEA on Advanced SIU Course, in Aruba, beginning September 14, 2009.

2. Post possesses no credible evidence of gross violations of human rights by the individuals listed below and requests that the department conduct Leahy vetting checks.

3. Name (Father, Mother, First), DOB, National Identification Number, POB, Position, Organization.

Cordero, Jaramillo, Edgar, 6-Jan-68, 6400046172, Mexico City, Distrito Federal, Suboficial, SSP

Enriquez, Alvarez, Efren Hugo, 1-Jun-72, 3420013505, Mexico City, Distrito Federal, Oficial, SSP

Marroquin, Garcia, Leobardo, 19-May-77, 3190167848, Monterrey, Nuevo Leon, Suboficial, SSP

Mendez, Gonzalez, Efrain Abiam, 13-Sep-80, 5090037592, Durango, Durango, Suboficial, SSP

Reyes, Arzate, Ivan, 6-Mar-72, 6350009899, Mexico City, Distrito Federal, Subinspector, SSP

FEELEY

1 not only the indictment in this case, but by the facts
2 reflected in the PSR.

3 Because of that activity, he actually had the
4 possible ability of effectuating the capture and arrest of
5 those two individuals I previously identified, Chapo Guzman
6 and/or Arturo Beltran-Leyva.

7 But the evidence reflects that the Beltran-Leyva
8 cartel appears to have developed at the end -- or the
9 beginning, I should say, of 2008 as a result of a
10 disagreement between Alfredo Beltran-Leyva -- excuse me, as a
11 disagreement between Arturo Beltran-Leyva and his brothers
12 over the capture of Alfredo Beltran-Leyva, the individual
13 that Ms. Hathaway just identified as being subject to the
14 prosecution in Washington, D.C., that Mr. Edgar Valdez was to
15 be a witness against.

16 He had been arrested by Mexican authorities, and of
17 course ultimately he was extradited here, but it took some
18 time. But because of that time frame there became this
19 division.

20 The evidence presented before the Court is that in
21 2008 and into 2009 and into 2010, Edgar Valdez-Villareal
22 communicated via third parties with U.S. law enforcement
23 authorities, and those authorities, based on the documents
24 submitted to the Court, include the Drug Enforcement
25 Administration out of San Antonio, the Drug Enforcement

1 Administration out of Mexico City, the FBI office in McAllen,
2 Texas, the FBI office in the Embassy at Mexico City,
3 Immigration Customs and Enforcement agents in the southwest
4 border area, as well as possibly communications with
5 intelligence services of the United States.

6 And through these communications various activities
7 occurred that have been documented to the Court. I refer to
8 those in addition, some of which are referenced by the
9 government in its 5K motion.

10 THE COURT: But just stopping for second, during
11 the period of time of those communications, wasn't the
12 defendant actively engaged in transporting and arranging for
13 transportation and distribution in the United States --

14 MR. [REDACTED] Yes.

15 THE COURT: -- in Atlanta, Memphis and Mississippi
16 massive amounts of cocaine?

17 So on the one hand he's trying to have these
18 communications. On the other hand, he is in some cases
19 arranging for him and for others tons of controlled
20 substances to be imported into the United States while he's
21 having these side discussions that might benefit him.

22 MR. [REDACTED] That's correct. But they also not
23 only benefit him, but they also benefit the government of the
24 United States and law enforcement, not only in law
25 enforcement, but in national security.

1 MR. [REDACTED] There are two clarifications, just so
2 we don't make -- so I don't make a mistake.

3 THE COURT: Well, I'm in favor of you not making a
4 mistake.

5 MR. [REDACTED] You know, I don't really intend to
6 make mistakes, but sometimes they happen.

7 THE COURT: They do. I have had that experience
8 myself.

9 MR. [REDACTED]: It's a condition of humanity.

10 So one of the things that happened back in '09 was
11 the disclosure by the defendant -- it's identified in the
12 communications that you saw, Your Honor of DEA agents in
13 country -- in the country, and it was -- I expect that

15 getting information from a Mexican intelligence official and
16 that -- or that Edgar Valdez became aware of that because a
17 Mexican intelligence official -- or Mexican officials I
18 should say, corrupt officials, released that information to
19 the cartels: Photographs, names. Real names, not their
20 undercover names.

21 And that was something that was transmitted
22 who then transmitted it to the government. It wasn't
23 something used as a negotiating tool. It was done for all
24 the right reasons, I would argue and will argue, to save
25 lives and to disclose.

1 authorities, keeping in mind the massive amounts of
2 corruption in Mexico.

3 Indeed a *Los Angeles Times* article in 2011
4 identified the Beltran-Leyva cartel as having thoroughly
5 infiltrated and corrupting the Attorney General's Office
6 of Mexico, paying up to \$450,000 a month to the then
7 Attorney General of Mexico back in the '08, '09, '10 time
8 frame.

9 The problem is that any effort by this man in
10 helping the United States that's disclosed to Mexican law
11 enforcement officers who are corrupt is his effort of signing
12 his own death warrant.

13 There could be no effort in keeping that
14 information from the Beltran-Leyva brothers or from Guzman
15 and the Sinaloa cartel or any other cartel, be it the Zetas,
16 the Gulf cartel, whomever, because the greatest problem in
17 the country of Mexico is the lack of integrity in any of its
18 government functions, including its judiciary.

19 So getting back -- and the Court is well aware, and
20 you are absolutely correct, but in that regard, in addition
21 to the activities that have been detailed, one of the
22 significant activities was the disclosure of the existence
23 through information received by this defendant that the
24 cartels had identified undercover DEA agents in various
25 localities within the country of Mexico: Photographs, names,

1 identifications.

2 That information was submitted, caused to be
3 submitted by this defendant through intermediaries to
4 U.S. law enforcement so that those individuals could be
5 protected and removed from harm's way. And in doing that,
6 that also was risky.

7 Everything was risky, I understand that, and that's
8 the point I'm trying to make to the Court.

9 Now, the Court has raised a very central issue
10 here, and the government rightfully raised in their motion,
11 5K motion: Well, why didn't defendant just walk across the
12 border and surrender? Why didn't he just give up, surrender
13 into custody, try to go through the normal process that one
14 would to negotiate a resolution of his criminal problems,
15 which included by then the Atlanta case that this Court has
16 sat on throughout the years?

17 And the answer I represent to you is because,
18 as we know from the publicity and from the events,
19 Arturo Beltran-Leyva was killed in fire fights with
20 Mexican Marines as a result of information that had been
21 delivered by this defendant to U.S. law enforcement
22 authorities.

23 Had the defendant -- and I have represented to
24 the Court as a proffer, had the defendant -- it was
25 discussed by the defendant with his family about

1 THE COURT: Would Mr. Valdez like to speak?

2 MR. [REDACTED]: He would, Your Honor. Would you care
3 for him to remain at the table or --

4 THE COURT: Wherever he's most comfortable.

5 Do you need the interpreter or do you want to speak
6 in English?

7 DEFENDANT VALDEZ-VILLAREAL: Good morning,
8 Your Honor.

9 THE COURT: Good morning.

10 DEFENDANT VALDEZ-VILLAREAL: First, before my
11 letter, about what I was hearing I didn't walk over just to
12 turn myself in, it was my interest to turn myself in, and the
13 government has proof of that, because we sent letters proving
14 that, and they just told me to wait. And we got proof of
15 that.

16 I mean, that is no excuse, what I'm saying, but I'm
17 just saying what the government was saying, that myself,
18 I was going to turn myself in, and there is a letter from the
19 government saying hold off and keep on doing what you got to
20 do.

21 That they want to send a message to the people in
22 the Mexican cartel and all that, I mean, that's true, and
23 they can also send a message that the government is willing
24 to cooperate, so they can stop all this, the drugs and
25 killings there in Mexico.

From: [mailto:]
Sent: Tuesday, May 22, 2018 10:13 AM
To: .com; .com; k .com
Subject: Edgar

Good Morning Buddy I am planning being in Atlanta Thursday, and Friday will you have time to meet?

I have spoken to Edgar and he is firm without exceptions that he will not advance to being sentence without first disputing the probation department enhancements as well as making sure the judge understands exactly the specifics of all the information that he provided to the government while a fugitive in Mexico.

The information provided was not only about cartels, drug routes, drug lords, corrupt Mexican and U.S. officials to say the least but about U.S. national security issues for example weapons from the U.S. armed forces in Mexico as well as a potential threat of a U.S. Embassy being bombed in Mexico. And these were issues that I can confirm I provided INTEL to U.S. law enforcements.

If we are not successful in a reasonable sentencing level it will affect his placement and custody level within the BOP. That is why he wants you to try your best in making sure that the probation department, USDOJ and ourselves are in agreement with the sentencing guidelines starting point. And that the PSI sentencing level is reasonable and that the USDOJ to convince them of such.

Edgar is shooting for 120 month sentence with time already served and considering everything he has done is not unreasonable.

In our meeting I would like to speak about these other issues:

1. Hard time in Mexico where he was tortured mentally and physically and hopefully file a motion to obtain double time.
2. Motion for a minimum and secured facility because currently the prison gangs have a contract for his assassination this can be proven with evidence.
3. Pre-agreement with USDOJ and Judge for a close court proceedings
4. Edgar gave information to the capture of individuals that got arrested and that had a ransom in total minimum 25 million
5. (5) years already served deduction from custody in Mexico must have some type of agreement with USDOJ or the judge before sentencing
ABL, HBL, as well as Alfredo
6. Hopefully have Adrea agreed on all the above.

God Bless...!!

Abel

1 Q That means it had an attachment where grenades would come
2 out of the weapon and explode wherever you aimed it, right?

3 A Yes.

4 Q You could maximize the death that it caused.

5 A Well, you know we were confronting each other, we were
6 facing people who were also shooting at us.

7 Q You had to defend yourself, right?

8 A Of course.

9 Q Some of the AK-47s that were shipped were decorated,
10 specially made, right?

11 A Yes.

12 Q Gold-plated AK-47s for the cartel, right?

13 A Yes.

14 Q These were weapons that were coming from the United
15 States, right?

16 A Some of them, yes.

17 Q Some of them said, property of the United States
18 Government, right?

19 A Yes.

20 Q There were also bazookas that you would acquire, correct?

21 A Something similar to bazookas.

22 Q What is that?

23 A There were, bazookas but those were obsolete already. We
24 had some sort of missiles that those were Russian-made or they
25 came from other countries.

1 control. Not only the airport in Mexico City, but private
2 airports, private planes with a flight plan.

3 Q But you testified that you had the cartel, not maybe you
4 particularly, but the cartel had people bribed all throughout
5 the Mexico City airport; right?

6 A They had control at the Mexico City airport. They,
7 Arturo and Rey had control over the entire Mexico City
8 airport.

9 And when we got together that pooled payment, our
10 opportunities expanded. We were able to work in other
11 airports, not only the Mexico City airport.

12 Q Okay. So your testimony is that you and your fellow
13 cartel bosses are paying millions of dollars to the person
14 right below President Calderón; right?

15 A Yes. Yes, we did get up to that level.

16 Q And you testified that one of the reasons that bribes
17 were paid was for security; right? Meaning, to keep from
18 getting yourselves arrested; right?

19 A Yes, in part. Some of it was to stop the investigations
20 against us.

21 THE COURT: Let me try to speed this up a little.
22 Please tell the witness that if he is asked a question that he
23 can answer yes or no to, he should just answer yes or no.

24 If you can't answer yes or no, just say I can't
25 answer yes or no.

1 that you talked about today?

2 A Yes. They asked me about that one and about several
3 other seizures that we had, yes.

4 Q Okay. And in some of these meetings they specifically
5 asked you about Mexican Government corruption; right?

6 A They were some topics that were treated in a superficial
7 matter, not directly attacking corruption in Mexico.

8 Q Well -- and I'm talking about proffers or meetings that
9 took place between -- well, that took place before 2020, okay?
10 I'm directing your attention to meetings that took place
11 before 2020.

12 A Before 2020?

13 Q Right, before 2020.

14 Isn't it true that you were, at times, in those
15 meetings, asked about Mexican Government corruption and
16 payments to police and that sort of thing?

17 A Yes. As I said, sometimes some of those topics were
18 addressed, yes.

19 Q And, in fact, you provided names of people that you were
20 -- that you had bribed; right?

21 A Well, some, but we didn't go deeply in 2020 about
22 corruption topics or things that were going on in the
23 Government.

24 The topics were on my organization, routes,
25 partners. They were focused on those areas.

J. Zambada Garcia - cross - [REDACTED]

1061

1 (Sidebar ends; in open court.)

2 BY MR. [REDACTED]

3 Q Now showing you what has been changed from Proffer 1 to
4 Defense 75, we had meetings -- you had meetings with the
5 Government April 16, 2012; May 1, 2012; May 2, 2012; May 22,
6 2012; May 23, 2012; May 24, 2012; June 12, 2012; June 13,
7 2012, and you indicated that sounds about right to you,
8 correct?

9 A That's right.

10 MR. [REDACTED]: May I have the exhibit, your Honor?

11 THE COURT: You may use it as a demonstrative.

12 You want to show it to the jury?

13 MR. [REDACTED]: Yes.

14 THE COURT: Okay.

15 MR. [REDACTED]: Thank you.

16 THE COURT: What are you marking it as?

17 MR. [REDACTED]: What the Court wanted, Defense 75.

18 THE COURT: Defense 75 for identification.

19 MR. [REDACTED]: Thank you.

20 (Exhibit published to the jury.)

21 Q Now, again, when you first came here, when you met with
22 the Government, you had your attorney present, correct?

23 A That's right.

24 Q And when you first came here, you knew about the
25 activities of Mayo Zambada Garcia, your brother, correct?

1 because that's the question that I was being asked and that's
2 what we talked about at that time.

3 Q So is your testimony that the reason you never mentioned
4 Mr. Garcia Luna's name in all those years is because you were
5 never asked directly whether you bribed him?

6 A Directly that there wasn't an interest directed to those
7 topics. We talked about those topics very superficially, like
8 Government corruption. We didn't really go deep into it until
9 the time came.

10 Q So even though you were asked questions specifically
11 about the cartel's relationship with Government and Government
12 corruption, Mr. Garcia Luna's name just never happen to come
13 to mind?

14 A Of course it came to mind.

15 Q But you just didn't mention it?

16 A I wasn't asked specifically at that time.

17 Q Okay. There's another name that you never mentioned
18 during all those years when you were asked about corruption.
19 That was Luis Cardenas Palomino.

20 A Yes, that's correct.

21 Q And you testified at length today about Mr. Palomino and
22 how you were present at meetings with him or a meeting with
23 him; correct?

24 A Yes, correct.

25 Q But not a word about him between 2011 and 2020?

Side Bar

1035

1 (Side bar continues.)

2 THE COURT: Is there anything else we need to cover?

3 MS. [REDACTED] Your Honor, while we're up here,
4 yesterday during Mr. [REDACTED]'s cross-examination of the
5 witness, he made personal reference to prosecutors sitting at
6 the counsel table.

7 THE COURT: You should not do that. You should not
8 do that.

9 You didn't object.

10 MS. [REDACTED]: I know and I will going forward.

11 MR. [REDACTED]: I'm sorry. Here's what I believe is
12 going to happen on redirect examination. Ms. [REDACTED] is
13 going to bring him through more recent notes when she was
14 present when he changes his story. I think it's important to
15 show that when certain groups of prosecutors were questioning
16 him, he would respond in a certain way.

17 The second group -- the first time he comes in, he
18 tells chronologically what I believe is the truth. That's in
19 2012. He then is interviewed starting 2014 and 2015 by a
20 second group of prosecutors for the purpose of Alfredo Beltran
21 Leyva's trial and at that point, the information starts to
22 differ from the first time and then eventually when the new
23 target is Guzman. Ms. [REDACTED] starts to go through her
24 trial preparation, it is completely skewed to Guzman unlike
25 the first proffers.

CMH

OCR

RMR

CRR

FCRR

J. Zambada Garcia - cross - [REDACTED]

1055

1 Mr. Valencia?

2 A That's how it was.

3 Q Did you receive information in Mexico about your case,
4 such as your extradition package with affidavits?

5 A That's right, sir.

6 Q Did you discuss with anyone in the federal prison in
7 Mexico about your case?

8 A Well, with my attorney.

9 Q Did he share information with you about the case?

10 A I don't understand your question.

11 Q Did your attorney review with you some of the facts, the
12 allegations against you in Mexico?

13 A In Mexico, yes.

14 Q And you made a decision, based on everything you
15 discussed, that as soon as you came to the United States in
16 2012 you wanted to cooperate with Government counsel, right?

17 A I decided that that was the path that I should take.

18 Q And literally, within a week or two weeks of arriving in
19 the United States, you started meeting with Government
20 counsel; isn't that correct, sir?

21 A That's right, sir.

22 Q Do you recall signing what's called a "proffer
23 agreement" -- that's an agreement to give information to the
24 United States Government -- on April 16, 2012?

25 A Perhaps it was on that date.

INFO	LOG-00	CIAE-00	DNI-00	WHA-00	PERC-00	DS-00	DIAS-00
	H-00	TEDE-00	INR-00	IO-00	LAB-01	CAC-00	ARMY-00
	MFLO-00	MOFM-00	MOF-00	DCP-00	NSAE-00	NIMA-00	GIWI-00
	FMPC-00	SP-00	SSO-00	SS-00	ASDS-00	DSCC-00	PRM-00
	DRL-00	G-00	NFAT-00	SAS-00	SWCI-00	/001W	
				-----F77C82	072315Z	/38	

RELEASED IN PART B1, 1.4(B), 1.4(D)

2. (S) The arrest of seven officials at Mexico's Office of the Attorney General (PGR), announced late last month, were the result of an investigation first reported in the context of the shakeup in PGR leadership in late July (see reftel). This action was neither unexpected nor unwelcome. [redacted]

B1

[redacted] it has been handled professionally [redacted]

[redacted]

B1

4. (S) [redacted]

B1

These actions follow those in late July, when Media Mora asked for the resignation of all of his division directors, replacing two of them, including the SIEDO director.

5. (C) The Attorney General's pick to head SIEDO should help restore confidence in the organization, [redacted]

B1

[redacted] The new director, Marisela Morales Ibanez, is widely respected by the military and other Mexican law enforcement elements. [redacted]

SSP ARRESTS

6. (S) The forced resignation of Federal Police commissioner Victor Gerardo Garay Cadena [redacted]

B1

UNCLASSIFIED U.S. Department of State Case No. F-2011-02923 Doc No. C17647820 Date: 08/06/2012

According to local news reports, Garay resigned on October 31 when derogatory information surfaced after capture of ranking Sinaloa Cartel member Jesus Reynaldo Zambada ("El Rey"). Documents uncovered indicate that three of Garay's aides were working for the Sinaloa cartel and permitting drugs to be smuggled through the Mexico City airport. Garay is not suspected of connections to the cartel, [REDACTED]

B1

[REDACTED] On November 3, Rodrigo Esparza Cristerna was named as Garay's interim replacement. [REDACTED]

MILITARY TAKING ACTION AGAINST CORRUPT SOLDIERS TOO

7. (C) The military, Calderon's spearhead in fighting the cartels, also publicly demonstrated a commitment to go after its own when SEDENA acknowledged October 31 that five servicemen were under investigation for connections to the ABLO. The move was based on intelligence gleaned from the January 21 arrest of Alfredo Beltran Leyva. [REDACTED]

B1

COMMENT

8. (C) [REDACTED] the move to go after the cartel's spy network speaks well of the GOM's efforts to tackle crime from within. [REDACTED]

B1

[REDACTED] End Comment.

Visit Mexico City's Classified Web Site at

NNNN

1 there?

2 A Yes.

3 MR. [REDACTED]: I'd like to show what's in evidence as
4 Government Exhibit 36, please.

5 Q Who is this?

6 A Victor Garay.

7 Q Who is he?

8 A He was a commissioner within the SSP, Mexican Federal
9 Police.

10 Q What kind of stuff did he handle?

11 A He -- durinmy time, he handled operations, he handled --
12 he was a different division from -- from Pequeno and he
13 handled -- there was a unit that did special operations and it
14 was under his -- his division.

15 Q Were they focusing on drug traffickers?

16 A Yes.

17 Q Who did he report to?

18 A To Genaro Garcia Luna.

19 Q Did you ever meet Victor Garay?

20 A I did.

21 Q How many times?

22 A Once.

23 Q Can you tell us about it?

24 A I was conducting interviews at SIEDO pursuant to a
25 corruption case and he was present in the building when I was

Side Bar

1037

1 only way I can do that to refresh his recollection is to have
2 him look at 74 different proffer agreements to agree to the
3 dates.

4 THE COURT: Hopefully, they all don't have relevant
5 details to go over.

6 MR. [REDACTED]: But I have a right to show how many
7 times he met with the government on the issue of credibility.

8 THE COURT: We're going to give you dozens.

9 MR. [REDACTED]: I want 74. I want every single one.

10 THE COURT: Dozens as opposed to 74. What's the
11 difference?

12 MR. [REDACTED]: Because I have never, in 40 years, had
13 any witness who had 74 proffers. And I'm sure the Judge
14 hasn't seen anything like that.

15 MS. [REDACTED]: He's been with us for six years.

16 THE COURT: What is the relevance?

17 MS. [REDACTED]: You can ask how many times did
18 you meet the government.

19 THE COURT: He did. He said many times.

20 MS. [REDACTED]: Right. He can give a range.
21 More than ten, more than 20, these are normal questions.

22 MR. [REDACTED]: I don't have to do more of anything.
23 I can do exactly what I'm saying and I will do it unless the
24 Court stops me.

25 THE COURT: You have a good faith basis --

J. Zambada Garcia - cross - [REDACTED]

1057

1 surrounding you.

2 A Correct.

3 Q And I mentioned before a series of initial debriefings or
4 proffers you had from April 16, 2012 through June 13, 2012.

5 Does that sound about right, the initial proffers?

6 A Yes.

7 Q I'm going to show you just for identification Proffer 1,
8 defense.

9 MS. [REDACTED]: Objection.

10 THE COURT: There's an objection?

11 MS. [REDACTED]: Yes.

12 THE COURT: Overruled.

13 Q Looking at Proffer 1, there's a series of dates.

14 Do those dates appear to accurately reflect the
15 meetings you had with Government counsel from April 16, 2012,
16 through June 13, 2012?

17 A I think so, yes.

18 MR. [REDACTED]: Thank you.

19 I move Proffer 1 into evidence at this time.

20 THE COURT: What are you calling it?

21 MR. [REDACTED]: P1, Proffer 1.

22 MS. [REDACTED]: Your Honor, I just object. It's
23 hearsay.

24 THE COURT: Let me see counsel at sidebar.

25 (Continued on the next page.)

J. Zambada Garcia - cross - [REDACTED]

1063

1 A Of course not.

2 Q And then after these initial meetings, there was a second
3 series of meetings with Government counsel, now in Washington
4 D.C.; do you remember those?

5 A Yes, I remember that it was a series of meetings.

6 Q And I'm now going to show, just for your own eyes,
7 Defense Demonstrative 76.

8 Now, there were a lot of meetings between July 15,
9 2013, and February 4, 2016, correct?

10 A That's correct.

11 Q And just looking at this document, and I know it's four,
12 five years ago, but does this appear to accurately depict the
13 amount of times you met with Government counsel in these
14 proffer meetings?

15 A I think so.

16 MR. [REDACTED]: I would now, for demonstrative
17 purposes, ask that Defense Exhibit 76 be shown to the jury as
18 well, your Honor.

19 THE COURT: Okay.

20 (Exhibit published to the jury.)

21 Q So, you had meetings with Government counsel. I'm not
22 going to read them all, but it looks like 1, 2, 3, 4, 5, 6, 7,
23 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,
24 24, 25, 26, 27, 28, 29, 30, approximately 30 times between
25 July 15, 2013, and February 4, 2016, correct?

J. Zambada Garcia - cross - [REDACTED]

1064

1 A Correct.

2 Q And a lot of those meetings during that time period dealt
3 with a particular person, correct?

4 This person, Alfredo Beltran Leyva.

5 You were preparing to testify in his trial, correct?

6 A Correct.

7 Q You didn't have to testify, correct?

8 A Correct.

9 Q And then, after that, you were taken back here to the
10 Eastern District of New York, correct?

11 A Correct.

12 Q And you began another series of proffers with Eastern
13 District of New York prosecutors, correct?

14 A Correct.

15 MR. [REDACTED]: Just for the witness.

16 Q I'm showing you Defense Demonstrative 77.

17 And these proffers went from May 12, 2017, through
18 September 25, 2018; does that sound about right?

19 A That's right.

20 Q And does this Defense Exhibit 77 appear to accurately
21 depict the number of times you had proffer meetings with the
22 Government?

23 A That's right.

24 Q Thank you.

25 MR. [REDACTED]: I would just ask that the jury be

1 THE COURT: Go ahead.

2 MR. [REDACTED]: We can do that. And then after --
3 it relates to the next witness the Government is calling. I
4 filed a letter on Saturday, I think it was, to which the
5 Government has not responded. I don't have any clarity --

6 THE COURT: Remind me. There were a lot of letters
7 this weekend.

8 MR. [REDACTED]: Yeah, no problem. The issue is the
9 following: That the witness that is coming has met with the
10 Government over 100 times.

11 THE COURT: Right. I remember that issue.

12 MR. [REDACTED]: So there's 48 witness interviews
13 that I can't really find.

14 THE COURT: Right. So what is the Government going
15 to do about that?

16 BY MS. [REDACTED]: Your Honor, we've double
17 checked with -- I have one additional note to provide the
18 defense which is a couple of sentences. But, otherwise, we've
19 provided all the 3500 on that witness. This witness is
20 differently situated -- Your Honor is familiar with this
21 witness. It's Rey Zambada, and he's differently situated from
22 a number of the other witnesses because he's a long-time
23 cooperator in this district.

24 The bottom line is: He told the Government that the
25 defendant was corrupt 10 years ago. There's notes on it from

1 10 years ago. And over time, he's met with the Government on
2 multiple matters, and obviously, he's testified before Your
3 Honor. So a lot of those are prep sessions where there was no
4 need to take notes. And whatever notes we have, we have
5 turned them over. We checked with the Chapo team. We've
6 provided everything that was provided in Chapo, and we've
7 checked with respect to whether any notes since the Chapo
8 trial, and we've provided those, as well as the sentencing
9 transcript and the 5K letters.

10 MR. [REDACTED]: Judge, I've never been in this
11 situation. We're talking about 48 meetings where they're
12 saying not a single paralegal, not a single agent, not a
13 single prosecutor took a note. That flies in the face of
14 their practice in this case. There are witnesses that have
15 testified and 3500, they've provided that have been
16 cooperating for 10 years. And we have all these notes going
17 all the way through.

18 What the 3500 record right now is, is that there
19 isn't one single note -- oh, I'm sorry, my apologies. They
20 provided me two one-page total of notes from 2021, '22, '23.
21 That just is completely implausible in my experience as a
22 former prosecutor, my experience as a defense lawyer. It
23 doesn't make any sense to me.

24 THE COURT: And you're proposed remedy is?

25 MR. [REDACTED] So, you know, number one, the Court

1 (Government Exhibit 402 was received in evidence.)

2 Q What is this again?

3 A That's Campos Elíseos restaurant.

4 Q Now, on the picture it reads to me as Champs Élysées, but
5 you're saying something different. Why is that?

6 A Because we used to say it in Spanish with the informants.

7 Q What's the word in Spanish again?

8 A Campos Elíseos, Champs Élysées.

9 MR. [REDACTED]: Government Exhibit 403 for the witness
10 only, please.

11 Q And what's that?

12 A Same restaurant.

13 Q Does that appear to be a fair and accurate depiction of
14 the restaurant?

15 A It is.

16 MR. [REDACTED]: Your Honor, I ask to move
17 Government Exhibit 403 into evidence.

18 MR. [REDACTED] No objection.

19 THE COURT: Received.

20 (Government Exhibit 403 was received in evidence.)

21 Q I'd like to turn back to what's in evidence as
22 Government Exhibit 19-A. Can you remind us who this is?

23 A Edgar Bayardo.

24 Q Who he is again?

25 A He is a commander within a unit in Mexican Federal

1 Police.

2 Q What kind of information did he give you?

3 A He was providing us information regarding Garcia Luna AKA
4 Barbie, and Harold Poveda Ortega, AKA Conejo.

5 Q At the time, were those individuals associated with the
6 Chapo Mayo faction of the Sinaloa Cartel or the Beltran Leyva
7 fashion of the Sinaloa Cartel?

8 A Beltran Leyva fashion of the Sinaloa -- of the cartel.

9 Q Did he ever tell you the location of Rey Zambada?

10 A Never.

11 Q Did he ever tell you the location of Rey Zambada' son?

12 A No.

13 Q Did he ever tell you the location of warehouses in
14 Mexico City operated by the Sinaloa Cartel?

15 A No.

16 Q Did he ever tell you the location of where shipments of
17 drugs were being transported through the Mexico City Airport
18 by the Sinaloa Cartel?

19 A No.

20 Q Were there times when you shared sensitive law
21 enforcement information with the Federal Police?

22 A Yes.

23 Q What kind of information?

24 A Investigative information.

25 Q And what kind of investigative information?

1 DIRECT EXAMINATION

2 BY MS. [REDACTED] (Continued)

3 Q Now, do you remember the day that you were arrested?

4 A Yes.

5 Q What day was that?

6 A It was a Sunday.

7 Q What month was it?

8 A September.

9 Q And what year?

10 A In 2010.

11 Q And can you tell us about your arrest?

12 A Yes. I was at home with my wife and my children, you
13 know, with my family. A group of Marines came. They knocked
14 in the gate and came in.

15 At that time, I surrendered my weapon to the Marine
16 who arrested me, and I told them it was me that they were
17 looking for and to leave -- to please leave my family out,
18 alone. They stole what they could and they arrested me and
19 took me.

20 Q And after the Marines arrested you, what happened?

21 A I was transferred to an office of the Secretariat of the
22 Navy in Mexico City.

23 Q And what happened there?

24 A I asked an admiral who was -- whose face was covered, he
25 was wearing a hood. I told him that I wanted to speak to DEA

1 agents.

2 Q And without telling us what you said, did you speak with
3 someone from the DEA?

4 A Yes.

5 THE COURT: [REDACTED], any time you want to break now
6 is fine.

7 [REDACTED] This is a good time now, Your Honor.

8 THE COURT: Yes?

9 [REDACTED] Yes.

10 THE COURT: Okay.

11 Ladies and gentlemen, we will take our morning
12 break. Please remember not to talk about the case amongst
13 yourselves. We will see you in 15 minutes.

14 Let's get the government to move the board, please,
15 so that the jury can get out.

16 (Jury exits.)

17 THE COURT: Recess until 11:17.

18 Although, I want to make one more comment about
19 filing. The reason that chambers got messed up about the
20 filing, it is okay for everybody to send courtesy copies to
21 the chambers e-mail address, but you still have to file it on
22 the docket. Okay? If it is confidential, file it under seal.
23 But it has got to be on the docket for a lot of reasons.

24 Okay, thank you.

25 (Recess taken.)

1 A Yes.

2 Q Was this after the death of Arturo Beltran?

3 A Yes.

4 Q Did you ever meet with Sergio Villarreal Barragan in
5 Mexico?

6 A I did.

7 Q When was that.

8 A Shortly after his detention.

9 Q How shortly?

10 A Hours.

11 Q And did you speak with him?

12 A I did.

13 Q Did he provide you any information on Genaro Garcia Luna?

14 A He did.

15 Q What did he say?

16 A He talked about business dealings that they had with him
17 during his time as -- when Sergio was a police officer and
18 later on, a member of the Beltran Leyva organization.

19 Q Who is "they" when you're talking about them?

20 A I apologize, what was that?

21 Q You said the dealings they had with --

22 A Other members of the Beltran Leyva organization.

23 Q Members of the Beltran Leyva organization had dealings
24 with --

25 THE COURT: Okay, you both have to slow down.

1 (In open court.)

2 Q Ambassador, is it fair to say that you were -- and you
3 expected to be briefed about significant events that occurred
4 in law enforcement in Mexico?

5 A Correct.

6 Q And it's also fair to say that no one from law
7 enforcement during the year that you overlapped with
8 Mr. Garcia Luna ever told you that he was corrupt?

9 A Correct.

10 Q Or that he took bribes from drug cartels, right?

11 A Correct.

12 Q Because if you had received such information, that's
13 something that you would have alerted your superiors in
14 Washington about, right?

15 MS. [REDACTED]: Objection.

16 THE COURT: I will allow it.

17 Q Ambassador?

18 A If there were specific credible evidence that bribes had
19 been received, yes, I and everybody would have alerted
20 Washington.

21 Q And you wouldn't have invited delegations to Mexico to
22 meet with him and/or share sensitive information with him,
23 right?

24 A We continued to treat Mr. Garcia Luna and other members
25 of the Mexican security team as important partners in this

1 organized crime, and that there was rivalry in fighting and
2 mistrust that existed between various agencies in Mexico.

3 Q Did you have the impression that the federal police were
4 not going after certain drug cartels?

5 A My team's assessment was that there were -- that certain
6 of these different institutions were not effective against
7 certain cartels. And so they had developed strategies of
8 working more closely with different agencies to go after
9 certain cartels than - - than others.

10 Q Which cartel is the federal police not effective at?

11 A I was briefed that they were not the preferred partner to
12 work against Beltran-Leyva and the Sinaloa Cartels.

13 Q Finally, you were asked about the information that you
14 had when you were ambassador in 2011 and 2012.

15 Did you have access to the witness statements of
16 Sergio Villarreal Barragan.

17 A No.

18 Q Did you have access to the witness statement of
19 Oscar Nava Valencia?

20 A No.

21 Q Did you have access to the witness statements of
22 Jesus Zambada Garcia?

23 MR. [REDACTED] Objection, Your Honor.

24 MS. [REDACTED] I only have a few more,
25 Your Honor.

THE LAW FIRM OF

[REDACTED], P.C.
ATTORNEY AT LAW

The District
[REDACTED]

April 15, 2022

Via E-Mail

[REDACTED]
Assistant United States Attorney
Eastern District of New York
[REDACTED]

Re: *United States v. Genaro Garcia Luna*, 19 Cr. 576 (BMC)

Dear AUSA [REDACTED],

On behalf of Genaro Garcia Luna, we write to request the government provide the defense with: (1) particulars regarding the charges alleged in the indictment as they relate to Mr. Garcia Luna; and (2) materials favorable to the defense pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and Federal Rule of Criminal Procedure 5(f). The indictment in this case alleges an eighteen-year conspiracy dating back to 2001 and provides little to no detail regarding the acts alleged to be committed by Mr. Garcia Luna. Without additional particulars, Mr. Garcia Luna cannot adequately prepare for trial and prevent trial surprises.

The government has produced mountains of documents and materials with little to no guidance as to which materials are relevant. The government has repeatedly stated that evidence of Mr. Garcia Luna's guilt is contained in financial records produced as discovery to the defense. To date, the government has made 14 productions with containing 1,135,199 pages of materials. By our count, of those 1,135,199 pages, 208,173 are financial or business records from a total of 76 entities, consisting of 22 individuals and 54 businesses. The defense, including financial expert members, have not reviewed any financial discovery that supports the government's allegation that Mr. Garcia Luna received millions of dollars in bribes from the Sinaloa Cartel while he was working as a Mexican government official. Notably, the Mexican government has alleged in a lawsuit of which you are aware, that Mr. Garcia Luna acquired millions of dollars from it through a complicated unlawful government contracting scheme. The allegations contained in this lawsuit specifically attribute any wealth amassed by Mr. Garcia Luna to contracts he had with the Mexican government, not bribes from the Sinaloa Cartel.

Additionally, while the Indictment details six specific instances of cocaine distribution violations against Mr. Garcia Luna, there is nothing in the voluminous discovery produced to date that

provides any information about Mr. Garcia Luna's alleged participation, role, or connection in those events. Accordingly, the defense is left with little to no ability to adequately prepare for the case the government intends to present at trial.

Furthermore, the defense is confident that there exists additional *Brady* and Rule 5(f) material in the form of documents, witnesses, and statements not yet identified and produced to the defense to which it is entitled. While the government did, in fact, produce protected materials to the defense pursuant to its obligations under *Brady* and *Giglio v. United States*, 405 U.S. 150 (1972) on March 1, 2021, the government has a continuing duty to disclose *Brady* material to the defense. We believe that there are at least three categories of additional *Brady* material currently in the government's possession that must be produced to the defense. First, during his time as a Mexican government official Mr. Garcia Luna had numerous meetings with politicians and officials in the highest levels of the American government. Prior to those meetings, the American government would have conducted detailed background checks of Mr. Garcia Luna to ensure that such meetings would pose no threat or embarrassment to America. The results thereof and all materials generated in connection with such background checks should be produced to the defense. In light of the fact that these meetings occurred, such background checks must have given United States officials sufficient comfort that Mr. Garcia Luna was not involved or suspected to be involved in any criminal conduct and, thus, constitutes *Brady* material.

Second, the government should produce a list of all individuals (and accompanying materials) who have been interviewed by the government in connection with any investigation (including but not limited to investigations of and related to the following individuals: Joaquín Archivaldo Guzmán Loera, Salvador Cienfuegos Zepeda, and Ivan Reyes Arzate): (1) who participated in or were aware of the conspiracy in which Mr. Garcia Luna is charged and who, when asked about Mr. Garcia Luna, disclaimed any knowledge of him; and (2) where such individuals had knowledge of Mr. Garcia Luna but failed to proffer any information that implicated him in any type of criminal activity. Third, Mr. Garcia Luna applied for American citizenship. In connection with his application, it is likely that the government conducted a fulsome background investigation. The results of such an investigation and any communications concerning Mr. Garcia Luna's application for American citizenship may also constitute *Brady* material.

Not only are these materials necessary for the preparation of Mr. Garcia Luna's defense, but they also constitute material subject to disclosure pursuant to the government's continued disclosure requirements pursuant to *Brady* and Rule 5(f).

I. The Indictment and Lack of Any Illuminating Discovery

The government has charged Mr. Garcia Luna with participating in an eighteen-year international narcotics conspiracy involving more than 50 tons of cocaine. The indictment alleges that Mr. Garcia Luna used his position as a high-level official in the Mexican government to protect and further the drug trafficking activities of the Sinaloa Cartel in exchange for multi-million-dollar bribes. As noted above, while the indictment includes six specific instances of cocaine distribution in which Mr. Garcia Luna is alleged to have conspired, there is nothing in the indictment that sheds any light as to what acts Mr. Garcia Luna allegedly committed that would give rise to any criminal liability on his part.

In meeting its discovery obligations, the government has turned over thousands of voluminous electronic files, financial records, reports, wiretap reports, videos, audios, and photographs. The defense has been diligently making its way through the discovery materials.

The discovery reveals a vast and far-reaching narcotics investigation, delving into the activities of notorious international drug trafficking cartels. The discovery also includes hundreds of thousands of pages of financial records, none of which are indicative of the criminality charged in the indictment. Despite the incredible scope of the government's investigation and breadth of the provided discovery, the defense team has not observed a single item of evidence implicating Mr. Garcia Luna in the charged conduct. After more than twenty-seven months since Mr. Garcia Luna was arrested and detained, the government has not yet produced a single piece of evidence suggesting he undertook any act in furtherance of the conspiracy charged against him beyond the general allegation that he received bribes in exchange for providing some type of assistance to drug traffickers at some point or points during an eighteen-year time period. To date, the government has not produced any evidence of payments, shipments, laundered funds, or even orders given by Mr. Garcia Luna in furtherance of the alleged conspiracy. Without the particular information requested herein, the defense is forced to wait until the disclosure of any CIPA materials and the disclosure of the Section 3500 materials thirty days before trial to learn of the evidence the government intends to use at trial to prove Mr. Garcia Luna guilty of charges against him. By taking this approach, the government is ensuring that the defense is limited to preparing its defense in earnest only thirty days before trial while the government has had years to prepare for trial.

In the absence of *any* particulars provided by the government, and any discovery illuminating Mr. Garcia Luna's role in the alleged conspiracy, it is impossible for the defense to prepare for trial. Moreover, as discussed in greater detail below, the defense is aware of the existence of other information in the possession of the government that undermines and refutes the government's case, and this information has not been provided to the defendant.

The government has produced no information that refutes or calls into question Mr. Garcia Luna's insistence of his innocence.

II. Particulars Needed in Order to Prepare for Trial

As noted above, in the absence of *any* particulars provided by the government, and any discovery illuminating Mr. Garcia Luna's role in the alleged conspiracy, it is impossible for the defense to prepare for trial. The government has produced mountains of documents, hours of audio and other media, with little to no guidance as to its relevance to Mr. Garcia Luna. In fact, in prior conversations with the government, your office has acknowledged that little to none of the produced Rule 16 material will provide any detail or assistance in providing any material details regarding Mr. Garcia Luna's involvement and alleged acts in furtherance of the charged conspiracy. The government should provide the defense with particulars in order to allow us to prepare our defense. *See United States v. Bortnovsky*, 820 F.2d 572, 574, 575 (2d Cir. 1987) ("[t]he Government [does] not fulfill its obligation merely by providing mountains of documents to defense counsel who were left unguided"); *see also United States v. Bin Laden*, 92 F. Supp. 2d 225, 234 (S.D.N.Y. 2000) ("It is no solution to rely solely on the quantity of information disclosed by the government; sometimes, the large volume of material disclosed is precisely what necessitates a bill of particulars."). For purposes of this request, we assume the

government's familiarity with the caselaw regarding its obligations to provide the defense with an ability to prepare its defense and avoid undue surprise, especially in matters where the government's Rule 16 productions have been voluminous and do not contain any sort of materials summarizing or directing the defense to relevant and important materials.

We respectfully request that you provide us, at a minimum, with the following by way of a bill of particulars:

- 1) Alleged Bribes Paid to Mr. Garcia Luna
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the number and specifics details of each alleged bribe Mr. Garcia Luna is alleged to have accepted.
 - c) Identify the names of the individuals who were physically present when Mr. Garcia Luna allegedly received sums of money representing bribes.
- 2) Violation One – September 13, 2008 International Cocaine Distribution of Approximately 5,000 Kilograms of Cocaine
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the individuals Mr. Garcia Luna allegedly conspired with in furtherance of Violation One.
 - c) Detail any agreement allegedly made by Mr. Garcia Luna in furtherance of Violation One.
 - d) Detail any acts allegedly taken by Mr. Garcia Luna in furtherance of Violation One.
- 3) Violation Two – October 30, 2007 International Cocaine Distribution of Approximately 23,000 Kilograms of Cocaine
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the individuals Mr. Garcia Luna allegedly conspired with in furtherance of Violation Two.
 - c) Detail any agreement allegedly made by Mr. Garcia Luna in furtherance of Violation Two.
 - d) Detail any acts allegedly taken by Mr. Garcia Luna in furtherance of Violation Two.
- 4) Violation Three – March 18, 2007 International Cocaine Distribution of Approximately 19,000 Kilograms of Cocaine
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the individuals Mr. Garcia Luna allegedly conspired with in furtherance of Violation Three.
 - c) Detail any agreement allegedly made by Mr. Garcia Luna in furtherance of Violation Three.
 - d) Detail any acts allegedly taken by Mr. Garcia Luna in furtherance of Violation Three.

- 5) Violation Four – January 28, 2003 Cocaine Distribution of Approximately 1,997 Kilograms of Cocaine
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the individuals Mr. Garcia Luna allegedly conspired with in furtherance of Violation Four.
 - c) Detail any agreement allegedly made by Mr. Garcia Luna in furtherance of Violation Four.
 - d) Detail any acts allegedly taken by Mr. Garcia Luna in furtherance of Violation Four.
- 6) Violation Five – August 16, 2002 Cocaine Distribution of Approximately 1,925 Kilograms of Cocaine
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the individuals Mr. Garcia Luna allegedly conspired with in furtherance of Violation Five.
 - c) Detail any agreement allegedly made by Mr. Garcia Luna in furtherance of Violation Five.
 - d) Detail any acts allegedly taken by Mr. Garcia Luna in furtherance of Violation Five.
- 7) Violation Six – May 24, 2002 Cocaine Distribution of Approximately 1,923 Kilograms of Cocaine
 - a) Identify, where in the volumes of discovery thus far produced the defense can find evidence related to this.
 - b) Identify the individuals Mr. Garcia Luna allegedly conspired with in furtherance of Violation Six.
 - c) Detail any agreement allegedly made by Mr. Garcia Luna in furtherance of Violation Six.
 - d) Detail any acts allegedly taken by Mr. Garcia Luna in furtherance of Violation Six.

III. Specific *Brady* and Rule 5(f) Requests

The government has a duty to disclose material evidence favorable to a defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley*, 514 U.S. 419 (1995), and Federal Rule of Criminal Procedure 5(f). The Second Circuit articulated the *Brady* rule in *United States v. Copp*, 267 F.3d 132, 139 (2d Cir. 2001) as a “constitutional duty to disclose favorable evidence to the accused where such evidence is ‘material’ either to guilt or to punishment.” “‘Favorable evidence includes not only evidence that tends to exculpate the accused, but also evidence that is useful to impeach the credibility of a government witness.’ The focus is on whether the exculpatory and impeachment evidence, if suppressed, ‘would deprive the defendant of a fair trial.’” *Id.* at 135 (quoting *United States v. Bagley*, 473 U.S. 667 (1985)).

Ms. Garcia Luna requests all *Brady* and Rule 5(f) material, including but not limited to the following:

- 1) The results of and all materials generated in connection with any and all background checks concerning Mr. Garcia Luna, including but not limited to those conducted in advance of Mr.

Garcia Luna interacting with the below listed individuals¹ around the below listed time periods, conducted by the United States at any point during the years 2001 through 2012.

- a) John David Ashcroft, United States Attorney General: November 2002;
- b) Karen Tandy, Administrator of the Drug Enforcement Administration (DEA): August 2003, February 2007, June 2009;
- c) Robert Swan Mueller, Director of the Federal Bureau of Investigation (FBI): October 2004, November 2008;
- d) Raul Carballido, Head of FBI Operations in Mexico: March 2006, multiple meetings in 2007;
- e) Julie Lyn Myers Wood, Assistant Secretary of Homeland Security for Immigration and Customs Enforcement (ICE): February 2007, August 2007, June 2008;
- f) Michael Chertoff, Secretary of Homeland Security: February 2007;
- g) Uttam Dhillon, Director of the Office of Counternarcotics Enforcement at the United States Department of Homeland Security: May 2007;
- h) Anthony J. Placido, Chief Intelligence Officer for the DEA: November 2007;
- i) David L. Gaddis, DEA Regional Director for Canada, Mexico, and Central America: multiple meetings during the years 2007, 2008, and 2009;
- j) Michael Bernard Mukasey, United States Attorney General: January 2008;
- k) John McCain, United States Senator and Republican Candidate for President: July 2008;
- l) John Michael McConnell, United States Director of National Intelligence: August 2008;
- m) Justin Jackson, Deputy Director of the National Clandestine Service at the Central Intelligence Agency (CIA): January 2009, June 2009;
- n) Hillary Clinton, United States Secretary of State: March 2009, March 2010, April 2011, September 2012;
- o) Eric Holder Jr., United States Attorney General: April 2009, April 2011, January 2012, September 2012;
- p) Barak Obama, President of the United States: April 2009;
- q) Lanny A. Breuer, United States Assistant Attorney General for the Criminal Division: September 2009, October 2010, February 2011, April 2011;
- r) Various CIA Officials: October 2009;
- s) John Morton, Director of ICE: multiple meetings in 2009, November 2010, and May 2011;
- t) Joseph Evans, DEA Regional Director for Canada, Mexico, and Central America: multiple meetings during the years 2009, 2010, 2011, and 2012;
- u) Leon Edward Panetta, Director of the CIA: March 2010;
- v) Michael Morell, Director of the CIA: November 2010;
- w) Rodney G. Benson, Chief of Intelligence at the DEA: July 2011;
- x) Janet Napolitano, United States Secretary of Homeland Security: January 2012, February 2012;
- y) John Andrew Boehner, Speaker of the United States House of Representatives: January 2012; and
- z) David Howell Petraeus, Director of the CIA: January 2012.

¹ All titles listed are of those held by each individual at the time they met with Mr. Garcia Luna.

- 2) A list of all individuals interviewed by the government in connection with any and all investigations, including but not limited to investigations of and related to the below listed individuals, who when asked about Mr. Garcia Luna disclaimed any knowledge of him, and where such individuals had knowledge of Mr. Garcia Luna but failed to proffer any information that implicated him in any type of criminal activity, such statements should be produced in their entirety.
 - a) Joaquín Archivaldo Guzmán Loera;
 - b) Salvador Cienfuegos Zepeda; and
 - c) Ivan Reyes Arzate.
- 3) Documents or statements of any witnesses and identify any witnesses involved in or having knowledge of the alleged conspiracy who have either stated that Mr. Garcia Luna was not involved in the conspiracy or failed to identify Mr. Garcia Luna as a member of the conspiracy. The government has alleged that while he was employed as a high-level official in the Mexican government, Mr. Garcia Luna was a member of an international drug trafficking conspiracy for at least eighteen years. Given the scope of the Government's charging theory and allegations, individuals with familiarity with this alleged conspiracy who have not named Mr. Garcia Luna as being involved constitute *Brady* witnesses and must be disclosed along with notes and memoranda regarding the information they provided.
- 4) Any and all documents in the possession of the United States, regarding Mr. Garcia Luna's application for American Citizenship.

IV. Conclusion

In the Indictment the government has alleged an incredibly broad conspiracy dating back to 2001. The Indictment fails to allege any particularity as to criminal conduct allegedly committed by Mr. Garcia Luna in furtherance of the sweeping alleged conspiracy or otherwise nor does it serve meaningful notice to the defense of the acts in which the government believes Mr. Garcia Luna participated. Furthermore, the voluminous discovery produced by the government pursuant to Rule 16, has provided little to no assistance in identifying the specific conduct in which Mr. Garcia Luna is alleged to have participated. We respectfully request that the government direct the defense to the relevant discovery already produced and provide further particulars as identified above.

Furthermore, the defense is confident that there exists *Brady* and Rule 5(f) material and witnesses not yet identified and produced to the defense to which it is entitled.

Respectfully submitted,

/s/

A black rectangular redaction box covering the signature and name of the attorney.