
From: Wyatt, Arthur
To: Blanco, Kenneth
Sent: 3/31/2011 5:22:26 PM
Subject: RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

I've spoken to Bob Cryne, who spoke at length with the AUSA. Please call and I can fill you in.

From: Blanco, Kenneth
Sent: Thursday, March 31, 2011 9:19 AM
To: McMillen, Jerold; Sweeney, Laura (SMO); Swartz, Bruce; Lurie, Adam; Pope, Amy; Wyatt, Arthur; Fruchterman, George
Cc: Warlow, Molly; Garcia, Anthony; 'Snyder, Christopher A (Mexico City)'; Ryan, Monica; Rodriguez, Mary
Subject: RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

NDDS/SOD is reaching out to the AUSA to get more specifics on the basis for the defense.

Kenneth A. Blanco
Deputy Assistant Attorney General

From: McMillen, Jerold
Sent: Thursday, March 31, 2011 9:14 AM
To: Sweeney, Laura (SMO); Swartz, Bruce; Lurie, Adam; Pope, Amy; Blanco, Kenneth; Wyatt, Arthur; Fruchterman, George
Cc: Warlow, Molly; Garcia, Anthony; Snyder, Christopher A (Mexico City); Ryan, Monica; Rodriguez, Mary
Subject: RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

In light of ODAG's interest in this, NDDS contacted the lead AUSA this a.m. and was told that they do not intend to file a response before the next status conference. The AUSAs also believe that there's no merit in the defense, and that the defense may even back off it in the near future as part of their ongoing plea negotiations. After a closed status conference yesterday, the judge indicated that the government could respond after the next status conference, if the defense reasserts the defense at that time.

Jerry

From: Sweeney, Laura (SMO) [mailto:Laura.Sweeney2@usdoj.gov]
Sent: Thursday, March 31, 2011 8:59 AM
To: McMillen, Jerold; Swartz, Bruce; Lurie, Adam; Pope, Amy
Cc: Warlow, Molly; Garcia, Anthony; Snyder, Christopher A (Mexico City); Ryan, Monica; Rodriguez, Mary
Subject: RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

Thanks very much Jerry. Will we file any responses to the defense filing before the next status hearing?

From: McMillen, Jerold (CRM)
Sent: Wednesday, March 30, 2011 8:00 PM
To: Swartz, Bruce (CRM); Lurie, Adam (CRM); Pope, Amy (CRM); Sweeney, Laura (SMO)
Cc: Warlow, Molly (CRM); Garcia, Anthony (CRM); Snyder, Christopher A (Mexico City); Ryan, Monica (CRM); Rodriguez, Mary (CRM)
Subject: Mexican HVT defendant in NDIL filed a notice of public authority defense

OIA recently learned that HVT Vicente Zambada Niebla (son of CPOT Ismael Zambada Garcia, alias "El Mayo" and close associate of CPOT "Chapo" Guzman), who was extradited from Mexico to face drug trafficking charges in NDIL, filed a notice of a public authority defense. The Mexican press has picked up on this issue, and has run with a story that Zambada Niebla is claiming that the U.S. government, including DEA, FBI, and ICE agents, were complicit in his drug trafficking activities in Mexico and elsewhere. The link to the Mexican press story, with the headline "El Vicentillo: Mas rapido y mas furioso" (More fast and more furious) is pasted below. The public authority defense filing is attached to this email.

http://www.vanguardia.com.mx/el_vicentillo:_mas_rapido_y_mas_furioso%E2%80%A6684413.html#

There was a status conference in NDIL this afternoon on the Zambada Niebla case. The public authority issue was not discussed in open court and a next status date was set for June 15. We spoke with the lead AUSA who told us that they had no idea the defense was going to file the notice, especially since they have been in negotiations since Zambada Niebla arrived in the U.S. regarding a potential cooperation agreement. The defendant has five attorneys, who apparently don't all agree on a coordinated defense strategy.

The AUSA also reported that there has not been any mainstream media coverage of the public authority defense issue, and a quick Google search only reveals a US-based blog that mentions the Mexican press coverage. However, according to the AUSA, there were two reporters from the Spanish-language press in the courtroom today, and their press office has received one press inquiry from a media outlet in Sinaloa.

Given the issues we're dealing with regarding Operation "Fast and Furious" issues, Molly asked that we alert you to this news.

DP

DP

Please let us know if you have any questions or want us to follow up with the Embassy or NDIL on any further issues.

Jerry