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**From:** Blanco, Kenneth  
**To:** Wyatt, Arthur  
**Sent:** 3/31/2011 1:17:31 PM  
**Subject:** RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

thanks

*Kenneth A. Blanco*  
*Deputy Assistant Attorney General*

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**From:** Wyatt, Arthur  
**Sent:** Thursday, March 31, 2011 9:17 AM  
**To:** Blanco, Kenneth; Fruchterman, George; McMillen, Jerold; Cobar, Marlon  
**Subject:** RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

Bob is getting us an answer.

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**From:** Blanco, Kenneth  
**Sent:** Thursday, March 31, 2011 9:14 AM  
**To:** Wyatt, Arthur; Fruchterman, George; McMillen, Jerold; Cobar, Marlon  
**Subject:** RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

ODAG wants to know the basis for the PA defense. We need to call the AUSA back and get that information.

*Kenneth A. Blanco*  
*Deputy Assistant Attorney General*

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**From:** Wyatt, Arthur  
**Sent:** Thursday, March 31, 2011 9:04 AM  
**To:** Blanco, Kenneth; Fruchterman, George; McMillen, Jerold; Cobar, Marlon  
**Subject:** RE: Mexican HVT defendant in NDIL filed a notice of public authority defense

Bob Cryne reached out to the AUSA, and below is his response. In light of this response, I recommend that we take no further action, unless ODAG has any further concern. Obviously, we'll keep tabs on this and, should the defense be reasserted at the June 15 status conference, we'll notify you.

-----Original Message-----

**From:** Cryne, Robert  
**Sent:** Thursday, March 31, 2011 8:25 AM  
**To:** Fruchterman, George  
**Subject:** RE: Fw: Mexican HVT defendant in NDIL filed a notice of public authority defense

George:

First thing this morning, I called and spoke with the lead AUSA Tom Shakeshaft (NDIL) at home about this. He is fully aware of it and asked that we not pursue the matter at this time. He advised me of several things:

1. He was surprised that the defense even filed this notice because they had actively been having settlement discussions. He speculates that it was done to preserve options in the event settlement talks break down; 2. The parties had a closed status conference with the judge yesterday afternoon during which the defense reasserted its desire to pursue cooperation and settlement discussions. To that end, the court excluded the time between now and the next status conference (June 15, 2011) from the speedy trial clock. The court further directed that the government need not file any reply to defendant's public authority notice until and unless the defense re-asserted the matter at the next status conference. In that event, the court would give the government additional time to reply; 3. Tom knows the basis of the alleged public authority, has evaluated it and believes the assertion entirely frivolous.

Accordingly, he did not want us beating the bushes on this; 4. Should the defendant reassert the public authority defense at the June 15 status conference, Tom will reserve the option of asking us to check with the agencies referred to in the notice.

I recommend no further action at this time.  
Bob

ROBERT FRANCIS CRYNE  
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**From:** Blanco, Kenneth  
**Sent:** Thursday, March 31, 2011 8:52 AM  
**To:** Wyatt, Arthur; Fruchterman, George; McMillen, Jerold; Cobar, Marlon  
**Subject:** FW: Mexican HVT defendant in NDIL filed a notice of public authority defense

Gets, please see below. ODAG wants us to run this down and find out as much as we can. Please coordinate among you how to do this.

*Kenneth A. Blanco*  
*Deputy Assistant Attorney General*

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**From:** Raman, Mythili  
**Sent:** Thursday, March 31, 2011 7:52 AM  
**To:** Johnston, Deborah A. (ODAG) (SMO); Goldberg, Stuart (ODAG) (SMO); 'DJohnston@usa.doj.gov'; Axelrod, Matthew (ODAG) (SMO); Wilkinson, Monty (OAG) (SMO)  
**Cc:** Blanco, Kenneth  
**Subject:** Re: Mexican HVT defendant in NDIL filed a notice of public authority defense

Yes, we're trying to run down the details.

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**From:** Johnston, Deborah A. (ODAG) <Deborah.A.Johnston@usdoj.gov>  
**To:** Raman, Mythili; Goldberg, Stuart (ODAG) (SMO); Johnston, Deborah (USAMD) <DJohnston@usa.doj.gov>; Axelrod, Matthew (ODAG) (SMO); Wilkinson, Monty (OAG) (SMO)  
**Cc:** Blanco, Kenneth  
**Sent:** Thu Mar 31 07:48:06 2011  
**Subject:** Re: Mexican HVT defendant in NDIL filed a notice of public authority defense

Has crim reached out to the USAO, and the LEAs for details?

Debbie

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**From:** Raman, Mythili (CRM)  
**Sent:** Wednesday, March 30, 2011 08:34 PM  
**To:** Goldberg, Stuart (ODAG); Johnston, Deborah A. (ODAG); Johnston, Deborah (USAMD); Axelrod, Matthew (ODAG); Wilkinson, Monty (OAG)  
**Cc:** Blanco, Kenneth (CRM)  
**Subject:** Fw: Mexican HVT defendant in NDIL filed a notice of public authority defense

FYI, thought you should see this, given our recent discussions re Osiel Cardenas.

**From:** Pope, Amy  
**To:** Raman, Mythili; Weinstein, Jason; Blanco, Kenneth  
**Sent:** Wed Mar 30 20:13:05 2011  
**Subject:** Fw: Mexican HVT defendant in NDIL filed a notice of public authority defense

FYI

Amy E. Pope | U.S. Department of Justice | Deputy Chief of Staff and Counselor to the Assistant Attorney General | Criminal Division | ☎ (202) 514-0770

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**From:** McMillen, Jerold  
**To:** Swartz, Bruce; Lurie, Adam; Pope, Amy; Sweeney, Laura (SMO)  
**Cc:** Warlow, Molly; Garcia, Anthony; Snyder, Christopher A (Mexico City) <SnyderCA@state.gov>; Ryan, Monica; Rodriguez, Mary  
**Sent:** Wed Mar 30 19:59:58 2011  
**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#](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