



September 5, 2017

**Filed Under Seal**

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

Re: *United States v. Joaquín Archivaldo Guzmán Loera*  
Case No. 09-CR-466(S-4) (BMC)

Dear Judge Cogan:

I have entered my appearance on behalf of Mr. Guzmán and submit this letter to notify the Court of a potential conflict of interest of which I have made Mr. Guzmán aware. Out of an abundance of caution, I am requesting to file this letter under seal. However, I do not object to its unsealing should the Court determine that it is appropriate. I respectfully request that the Court hold a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2<sup>nd</sup> Cir. 1982) where the Court can determine whether there exists a potential conflict of interest, whether it is waivable and whether Mr. Guzmán chooses to make an informed and knowing waiver of the potential conflict.

In late 2015, a Mexican attorney holding himself out as counsel for a then co-defendant contacted me about separately representing the co-defendant and a relative. In late March 2016, the Mexican attorney provided me with retainer agreements purportedly signed by the co-defendant and the relative.

As part of my representation, I facilitated one brief meeting between the Mexican attorney and three of the prosecutors handling the co-defendant's case during which the Mexican attorney posed several hypothetical questions to the prosecutors that related to the co-defendant and the relative. For several months after that meeting, my discussions with the Mexican attorney and the government concerned issues specifically pertaining to the relative, who is not charged in this case. Eventually, due to reasons concerning the relative's representation, the Mexican attorney informed me that the co-defendant and the relative no longer required my services.

I never personally met with, spoke to nor otherwise discussed any matters with the co-defendant or the relative. Neither did I communicate directly with them in any other way. I did not obtain any information that may be at issue in this case directly or indirectly from the co-defendant or the relative. All my communications were through the Mexican lawyer. Neither the co-defendant, the relative nor any third party paid me for any services rendered and I never entered an appearance here on the co-defendant's behalf, or anywhere else on behalf of the relative. Finally, the co-defendant and his relative are not in the United States.

I have informed Mr. Guzmán of the potential conflict.<sup>1</sup>

Considering the aforementioned, I respectfully request that the Court re-appoint *Curcio* counsel to advise Mr. Guzmán concerning this potential conflict and to inform the Court whether Mr. Guzmán is prepared to waive it.

Respectfully submitted,

**BALAREZO LAW**

By: \_\_\_\_\_

A. Eduardo Balarezo, Esq.

*Counsel for Joaquín Archivaldo Guzmán Loera*

cc: The Parties (via ECF)

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<sup>1</sup> The government and the Federal Defenders, who currently also represent Mr. Guzmán, are aware of the potential conflict and of the identity of the co-defendant and the relative.