

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

Joaquin Archivaldo Guzman Loera

JUDGMENT IN A CRIMINAL CASE

Case Number: 09-cr-00466 (S-4) (BMC)

USM Number: 89914-053

Jeffrey H. Lichtman, Esq.

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) _____
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) 1 through 10 of the fourth-superseding Indictment
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§848(a),(b)(c)	Continuing Criminal Enterprise	9/1/2014	1 (S-4)
21 U.S.C. §§959(a);	International Cocaine, Heroin, Methamphetamine and marijuana Manufacture and Distribution Conspiracy	9/1/2014	2 (S-4)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 2,3,4 & underlying indictments is are dismissed on the motion of the United States.*
Counts 2, 3 & 4 of (S-4) were vacated as lesser-included offenses of Count 1 (S-4), the CCE charge, on the condition that the CCE conviction is upheld.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

* Counts 2, 3 & 4 are dismissed without prejudice.

7/17/2019
Date of Imposition of Judgment

Digitally signed by Brian M. Cogan
Signature of Judge

BRIAN M. COGAN
Name and Title of Judge

7/17/2019
Date

DEFENDANT: Joaquin Archivaldo Guzman Loera
CASE NUMBER: 09-cr-00466 (S-4) (BMC)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§952(a);	Cocaine Importation Conspiracy	9/1/2014	3 (S-4)
21 U.S.C. §§952(a);	Cocaine Importation Conspiracy	9/1/2014	4 (S-4)
21 U.S.C. §959(a);	International Distribution of Cocaine	12/1/2008	5 (S-4)
21 U.S.C. §959(a);	International Distribution of Cocaine	9/1/2004	6 (S-4)
21 U.S.C. §959(a);	International Distribution of Cocaine	9/1/2004	7 (S-4)
21 U.S.C. §959(a);	International Distribution of Cocaine	3/1/2004	8 (S-4)
18 U.S.C. §924(c)(1)(A);	Use of Firearms	9/1/2014	9 (S-4)
18 U.S.C. §§ 1956(a)(1);	Conspiracy to Launder Narcotics Proceeds	9/1/2014	10 (S-4)

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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

- Counts 1, 5, 6, 7 and 8: LIFE to run concurrently.
- Count 9: 30 years to run consecutively to counts 1, 5, 6, 7 and 8.
- Count 10: 240 months to run concurrently to counts 1, 5, 6, 7 and 8.

The court makes the following recommendations to the Bureau of Prisons:

The defendant remain at MCC- NY for sixty days for counsel to discuss appeal.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Joaquin Archivaldo Guzman Loera
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 700.00	\$	\$	\$

- The determination of restitution is deferred until 10/17/2019. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	_____ 0.00	\$	_____ 0.00
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- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 ** Findings for the total amount of losses are recorded under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 1,000.00 due immediately, balance due
- not later than _____, or
- in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
Forfeiture in the amount of \$12,666,191,704.00 approved and annexed to judgment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

SLR:LDM:BGK
F.#2009R01065 / OCDETF#: NY-NYE-0616

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

JOAQUIN ARCHIVALDO GUZMAN LOERA,
also known as “El Chapo,” “El Rapido,”
“Chapo Guzman,” “Shorty,” “El Senor,”
“El Jefe,” “Nana,” “Apa,” “Papa,” “Inge,”
and “El Viejo,”

Defendant.

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ORDER OF FORFEITURE

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

WHEREAS, on or about February 12, 2019, JOAQUIN ARCHIVALDO GUZMAN LOERA, also known as “El Chapo,” “El Rapido,” “Chapo Guzman,” “Shorty,” “El Senor,” “El Jefe,” “Nana,” “Apa,” “Papa,” “Inge,” and “El Viejo” (the “defendant”), was convicted after a jury trial of Counts One through Ten of the above-captioned Superseding Indictment, charging violations of 21 U.S.C. §§ 848(c), 846, 959 and 963, and 18 U.S.C. § 1956(h);

WHEREAS, the Court has determined that, pursuant to 21 U.S.C. §§ 853(a) and 970, the defendant must forfeit the amount of \$12,666,191,704.00 (the “Drugs Forfeiture Money Judgment”), as: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the defendant’s violations of 21 U.S.C. §§ 848(c), 846, 959 and 963; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses; (c) any interest in, claims against,

and property or contractual rights affording a source of control over, the continuing criminal enterprise; and/or (d) substitute assets, pursuant to 21 U.S.C. § 853(p); and

WHEREAS, the Court has determined that, pursuant to 18 U.S.C. § 982(a)(1), the defendant must forfeit the amount of \$12,666,191,704.00 (the "Money Laundering Forfeiture Money Judgment") as any property, real or personal, involved in such offense, or any property traceable to such property, and/or as substitute assets, pursuant to 21 U.S.C. § 853(p) as incorporated by § 982(b)(1).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The defendant shall forfeit to the United States the sum of \$12,666,191,704.00, pursuant to 21 U.S.C. §§ 853(a), 853(p) and 970, and the sum of \$12,666,191,704.00, pursuant to 18 U.S.C. §§ 982(a)(1) and 982(b)(1), and 21 U.S.C. § 853(p). The Drugs Forfeiture Money Judgment and the Money Laundering Forfeiture Money Judgment (collectively, the "Forfeiture Money Judgments") are concurrent.

2. All payments made by the defendant toward the Forfeiture Money Judgments shall be made by a money order, or a certified or official bank check, payable to the "U.S. Marshals Service," with the criminal docket number noted on the face of the check. The defendant shall cause said check(s) to be delivered by overnight mail to Assistant United States Attorney Brendan G. King, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201. The Forfeiture Money Judgments shall be due at the defendant's sentencing (the "Due Date").

ordering” of the Order.

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Order of Forfeiture

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9. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

10. The Clerk of the Court is directed to send, by interoffice mail, five (5) certified copies of this executed Order to the United States Attorney's Office, Eastern District of New York, Attn: William K. Helwagen, FSA Senior Law Clerk, 271-A Cadman Plaza East, 7th Floor Brooklyn, New York 11201.

Dated: Brooklyn, New York
July 17, 2019

SO ORDERED:



HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK