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May 12, 2017

Michael J. Ferrara, Esq.

Assistant United States Attorney

OFFICE OF THE UNITED STATES ATTORNEY

219 South Dearborn Street, Suite 500

Chicago, Illinois 60604

Re: Jesus Raul Beltran-Leon, Case # 09-cr-00383

Dear Mr. Ferrara:

As we have discussed, I am writing today to request specific disclosure in the case of Jesus Raul Beltran-Leon pursuant to Rule 16 of the Federal Rules of Criminal Procedure, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny.

As we also discussed, Mr. Beltran-Leon endured extensive torture when he was arrested on behalf of the United States government in the Republic of Mexico. Historically, I have found that torture-related disclosure requests involve time-consuming investigations, often requiring formal requests under the Mutual Legal Assistance Treaty and coordination with officials in Mexico. In light of the potential for delay, the requests contained in this letter will focus on torture-related issues, and I will provide expanded *Brady* requests at a later date.

**FACTUAL BACKGROUND**

According to the information we have learned to date, at approximately 1:00 a.m., on Sunday, November 16, 2014, a group of heavily armed members of the Mexican Navy (Marines) broke into the Culiacán residence belonging to the parents of Jesus Beltran-Leon, where Jesus and his wife also resided, and seized every member of the family. Jesus' parents were out of town and Jesus' maternal aunt was visiting in order to help care for Jesus' newborn daughter. Jesus and his wife were asleep in their bedroom when the group invaded the room yelling loudly and brandishing heavy weapons. The invaders punched Jesus violently and threatened to kill him. Via lights attached to the intruders' rifles, Jesus was able to distinguish helmets, goggles, ski masks, bulletproof vests and numerous guns. Because none of the invaders identified themselves as government agents or provided any type of warrant, Jesus believed he was being kidnapped. Jesus desperately scanned the room for his wife, but could not locate her.

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The group hurriedly blindfolded Jesus, tied his hands behind his back, and shoved him, wearing nothing but underpants, to the kitchen. While en route to the kitchen, the group repeatedly bludgeoned Jesus on the back of his head and neck with their fists and with hard objects. In the kitchen, Jesus' abductors held him down, placed plastic bags over Jesus' face, and began to asphyxiate him while others punched him in the abdomen, which forced the air in Jesus' lungs to expel faster.

At the same time, Jesus' abductors threatened, "Now, you son of a bitch, are you going to cooperate or do you think that your daughter can withstand a plastic bag?" and threatened to bring Jesus' infant daughter to the kitchen. The abductors repeatedly threatened to gang-rape Jesus' wife, and admonished, "We are going to kill your aunt with a shot to the head or maybe we'll just hang her from a bridge." At that point, desperate to save his family, Jesus would have provided any information his aggressors wanted. The assailants, however, did not attempt to ask Jesus any questions.

Jesus estimates that his captors placed approximately ten plastic bags over his face every two to three minutes, ripping them a bit from time to time to provide a small amount of oxygen. Due to the lack of oxygen and intense pain, Jesus briefly lost consciousness several times. When this occurred, Jesus' captors remained impassive and displayed a disturbing indifference to Jesus' physical condition. This conduct firmly convinced Jesus that his death was imminent. Despite the severity of the physical torture Jesus endured, however, he reported that the most difficult part of the ordeal was not knowing whether his wife, daughter, and aunt were also being subjected to torture, or whether they were, in fact, dead or alive.

Although Jesus necessarily lost track of time, he estimates that the abuse he endured in the kitchen lasted for approximately one hour. Jesus' captors then moved him from the kitchen to the living room, where they removed his blindfold and the plastic bags and ordered him to sit in a chair. There, Jesus' captors demanded that he dress in a polo shirt and jeans they had removed from his closet.

At that point, Jesus was able to scan the room and realized that his house was swarming with people he believed to be Mexican Marines.<sup>1</sup> Jesus estimated that he saw at least forty people, and noted that some of his captors were women, with long hair tucked under ski masks. The majority of the invaders, however, were short men of Hispanic descent. Not all the invaders were masked, and Jesus noted that those who were not masked appeared to be providing orders to the others. The majority of the people who spoke sounded like they had southern accents from Chiapas, Oaxaca, or Guerrero, while some of the others had accents arising from Mexico City.

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<sup>1</sup> Jesus arrived at this conclusion based on the fact that the group was armed with paramilitary gear, appeared to obey orders from a commander, and operated in fashion known to be typical of the Mexican Marines.

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Jesus observed that a man, estimated to be approximately sixty years old with dark skin and white hair, commanded the whole group. The commander was followed by a younger man, who Jesus estimated to be approximately thirty years old, with brown hair and white skin. This man wore glasses and carried a laptop. In addition, Jesus observed three people he believed to be Americans. These men were taller and had white skin. Two of the men had blonde hair, and one had red hair and a red beard. These men whispered in a language that Jesus recognized as American English. One of the Americans stated, "We caught one motherfucker." All of the people Jesus observed were heavily armed with rifles, pistols, and other weapons.

When Jesus was dressed, his captors again blindfolded him. After a short period of time, however, Jesus' abductors lifted the blindfold slightly, and provided him with three cellular telephones. For each phone, Jesus' captors instructed him to enter a particular access code – "blanco" for a white Blackberry phone; "black negro" for a black Blackberry phone; and a similar password for a third Blackberry. The officers then returned the blindfold to Jesus' eyes.

Jesus then briefly heard the voices of his wife, aunt, and daughter in the living room. His family was, however, quickly removed. Immediately thereafter, the abductors' threats recommenced stating, "You know we have your family faggot! If you don't cooperate we are going to kill you! It's up to you if you want us to rape them. We could also kill your daughter." With each statement, Jesus' captors delivered brutal and excruciatingly painful blows to Jesus' head and neck. After each blow, Jesus was asked, "Do you understand?" and "Are you listening to me you son of a bitch?" During this assault, Jesus could hear someone murmuring in English in the background. Jesus also heard the sound of what he believed to be hammers crashing against the walls and furnishings in his home.

Jesus' interrogators then demanded identifying information, such as name, age, marital status, and nationality. Hoping it might somehow help to keep the intruders from murdering him and his family, Jesus explained that he was an American citizen. This information, however, did nothing to deter the force of his captors' onslaught. Instead, Jesus' captors commanded that he was going to tell them where Ivan Archivaldo and Alfredo Guzman Salazar lived, and he was going to take them there, or they would immediately massacre his family. Although Jesus would have literally told his captors anything to save his family, Jesus simply did not know and could not provide this information.

Still blindfolded with his hands tied behind his back, Jesus' abductors removed him from his home and placed him in what was later revealed to be a white Ford SUV Eco Sport. Jesus felt a person on each side of him. Initially, Jesus' abductors pushed his head down between his knees so he would not be visible from outside the vehicle. At a traffic light, however, Jesus' abductors sat him up, uncovered his face, rolled down the windows of the vehicle and played loud rock music. Because it was a weekend, there were many people on the streets of Culiacán who turned to view the proceedings. Jesus believes his captors were mocking him and that he was being exhibited to the people they were passing as a type of trophy. After a period of time, Jesus was again blindfolded and ordered to place his head between his knees. Although he could

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not see outside the vehicle, it was evident that the truck traveled along a dirt road.

When the truck finally stopped, Jesus' captors removed him from the vehicle and angrily threatened that, if he made a sudden move or refused to answer their questions, they would kill him. They removed his blindfold, and Jesus observed what appeared to be a military field. There were approximately forty men and women standing around him. They again demanded Jesus' identifying information, which he provided. Again, Jesus included the fact that he was an American citizen in the hope that he might be provided access to help from the United States embassy. This hope was, however, futile. Jesus also asked to be presented before a District Attorney, but his request was ignored.

While standing in the field, Jesus' captors completed forms, inked his fingers, and placed his fingerprints on the forms. They used a device to take a picture of his eyes. The abductors then removed all of Jesus' clothing to determine whether he had tattoos, moles, and other identifying characteristics. The examiners were indifferent to the many bruises and lacerations that were the result of his abductors' repeated assaults. Jesus concluded that his brutal injuries did not phase his captors because they were part of a death squadron.

While this was occurring the women in the group started to laugh and humiliate Jesus. They repeatedly stated, "He doesn't know all the fucking shit that awaits this Blondie. For sure they're going to rape him." Thereafter, the armed men around Jesus began shouting insults including, "We are going to rape you, son of a bitch. Go fuck your mother. You are going to die, Blondie son of a bitch. This asshole is not going to hang on. Let me fuck him first, chief! I'm going to fuck you up son of a bitch!" They also bellowed alarming remarks about Jesus' wife, among them, "Your wife was so good. I fucked her too. We all did. I think the gringo was the first to rape her! She didn't even yell, that whore!"

When the verbal onslaught began to subside, Jesus asked permission to use a bathroom, and was walked, naked and barefoot, to a port-a-potty. When he returned, his abductors instructed him to redress, blindfolded him and bound his hands, and placed him back into the same white Ford SUV. Three other people also entered the vehicle and were surprisingly friendly; offering Jesus food, political asylum, and other assistance, if he told them where Archivaldo and Alfredo Guzman lived. In response, Jesus explained that, although he had been friends with the men in primary school, he no longer knew where they resided. Jesus' interrogators then removed his blindfold and untied his hands, and he observed boxes of plastic bags on the floor of the car by his feet.

During the ensuing drive, Jesus was able to identify the driver and the front-seat passenger as two of the men who had been present at Jesus' home – the sixty year-old, white haired commander, who had an accent from southern Mexico; and the thirty year-old man who wore glasses, carried a laptop, and had a Mexico City accent. Unsatisfied with Jesus' answers, the people in the car became hostile and threatened to retrieve Jesus' wife, daughter, and aunt, who would pay the price if he failed to cooperate. Suffering intense pain, exhausted, terrified,

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and desperate to protect his loved ones, at this point, Jesus broke into tears and told his abductors that he did not know where Archivaldo and Alfredo lived because they only met at restaurants, discos, or at social events.

Thereafter, three men exited the car and another four got in. These men slowly and skillfully applied feminine sanitary napkins to Jesus' hands and neck, which was designed to eliminate friction burns when Jesus struggled against his restraints. This conduct established that Jesus' captors were skilled in the art of torture. Jesus' captors then began to asphyxiate him with plastic bags while punching him in the stomach. Jesus desperately tried to chew through the plastic bags to obtain oxygen, ultimately damaging eight molars. In response, his persecutors placed bag over bag over Jesus' head, creating more and more pressure until Jesus lost consciousness. Jesus awoke to the feeling of electrodes injecting intense electric shocks to the calves of his legs.

After what seemed an eternity, Jesus' torturers transferred him to an armored Ford heavy-duty truck and changed personnel. Even though Jesus remained blindfolded, he knew that his captors changed personnel based on the manner in which these people changed the restraints on his hands and neck. Thereafter, the vehicle began to move and Jesus felt it traverse a number of hills and speed bumps. During this part of the journey, Jesus' captors were deadly silent and did not engage in conversation or ask questions. Jesus recalls that they played loud heavy metal music. When Jesus told his captors he needed to urinate, they stopped the vehicle and Jesus was able to establish that they were on a dirt road.

After traveling an additional distance, the vehicle stopped and Jesus was transferred to another vehicle. Although still blindfolded, Jesus he was able to identify a great deal through his other senses – the heat of other bodies, which of his captors had bathed, the differences in perfumes and deodorants, as well as the odor of the vehicle. Through this non-visual information, it was clear to Jesus that they transferred him back to the white Ford EcoSport SUV, and that they again changed personnel.

Jesus' new captors then engaged in the same routine – replacing the restraints on Jesus' hands and neck, and placing bag after plastic bag over his head as Jesus fought desperately for breath. Jesus often felt that his lungs were going to burst and frequently succumbed to unconsciousness, only to revive briefly and have to face his merciless captors and the application of more plastic bags. Despite their earlier demands for Jesus' cooperation, during these episodes, his tormentors asked no questions.

Eventually, Jesus' captors transferred him to yet another location, which Jesus later identified as one of the city's oldest parks, Park 87. Jesus was ordered out of the car and his restraints were removed. By this time, Jesus's hopes were beginning to wane that he would be able to survive the nightmare, and he began to succumb to the terror. When his blindfold was removed, Jesus could not bring himself to open his eyes. As he stood trembling and broken, Jesus was again assaulted with loud verbal threats that he would be raped. His captors then

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ordered him to remove all of his clothing.

Once naked, Jesus' abductors tied his hands behind his back with a thicker restraint and wrapped him, mummy-like, from his ankles to his head in cloth. Jesus' captors then dumped him, head-first, into a waiting barrel of water. Jesus lost consciousness. When he regained his senses, Jesus found himself lying face-up on the ground, and realized that some of the cloth binding had been cut off.

At this point, Jesus was able to observe a Marine helicopter, and realized that he was in Park 87. Jesus also realized that there were numerous people passing by on a city street that was situated just meters from his location. Despite the fact that they were able to clearly observe what was happening, the spectators simply looked down and hurried away. Jesus also realized that his cloth bindings were full of excrement and urine, which must have been released while he was unconscious. Angered by this event, Jesus' captors began kicking him and said, "Now for being a shitter, bathe him!" They then removed the remaining cloth restraints and dumped Jesus into the barrel of water, where he again lost consciousness.

Jesus next awoke in the trunk of a car, where he began throwing up water. When his captors opened the trunk, Jesus observed a large number of military people standing around the trunk, laughing at him. His captors warned him that they had orders to inflict water torture all night. Mentally collapsing from fear and physical exhaustion, Jesus begged to speak to whomever was in charge, assuring them that he would fully cooperate.

During the night or early morning hours, Jesus' captors began throwing buckets of cold water on him to wash off the excrement. During this "bath," his abductors continued to taunt Jesus with promises of additional torture, assurances of impending rape, as well as threats to transport and inflict similar torture on Jesus' family.

Eventually, Jesus' assailants ordered him to get dressed. Thereafter, the young white man with glasses arrived, and again asked for the address of Alfredo Guzman. As the reality hit him that he was not in possession of the information his captors sought, Jesus realized that he had nothing at his disposal to save his own life or the lives of his family. When Jesus tearfully explained that he did not know where Guzman lived, the man with glasses threatened to shoot Jesus in the head, and leave a "Z" (the sign of the Zetas organization) on him. In response, Jesus begged to be taken to a police station, where he was prepared to confess to *anything* in order to bring an end to the nightmare.

Rather than transporting Jesus to jail, however, his captors replaced his restraints and blindfold, and placed him in the armored Ford truck. Accompanied by three people, Jesus was again driven through the same hills and speed bumps, with the loud rock music blaring, until they returned to his captors' apparent base of operation. There, the abductors removed Jesus from the vehicle and led him into a military barracks where people were sleeping on the floor. As he was guided through the facility, still blindfolded, Jesus' escort would force him to stumble and fall

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onto the sleeping men and women. Angered by his unexpected presence, the sleeping troops would lash out and kick Jesus or curse at him.

Jesus was escorted to, and seated in, a small black booth that, based on the odor, had been recently painted. There, Jesus captors removed his blindfold and ordered him to read the words on a poster, threatening that if Jesus did not comply, he would murder Jesus and Jesus' family would pay the consequences. A man with a Chicano (American) accent told Jesus to look straight at the camera on his cellular phone or he would break Jesus' arm. This man was muscular and he and his companions wore better-quality sport clothes including Under Armour and new military boots. They did not fit a military profile. Although Jesus did not recognize the man with the Chicano accent as one of the men who invaded his home, Jesus was able to identify the man holding the poster was the white man with glasses who was present at Jesus' home and in the park.

Jesus spoke with the man with the Chicano accent for approximately one an hour. The man wanted to know details about Archivaldo and Alfredo, such as the vehicles they drove, where they ate, and how they communicated. The man wanted to speak only in Spanish, but Jesus replied only in English.

Thereafter, Jesus read the contents of the poster while being filmed on the iPhone. This recitation included alleged admissions that Jesus, Archivaldo Guzman Salazar, and Alfredo Guzman flew from Culiacán to Chiapas to buy cocaine. Jesus further admitted that each man was tasked with a particular job – Jesus loaded the cocaine into the plane, Alfredo stacked the cocaine inside the plane, and Ivan piloted the plane.

After completing the video, Jesus' captors again blindfolded him and removed him from the video booth. At that point, Jesus could hear that the people sleeping on the floor were beginning to waken, and heard several voices. Jesus' abductors then placed him face down on a cot, pulled his pants down to his ankles, and threatened to rape him. Jesus heard someone say, "bring the board." As this was being done, Jesus' tormentors told him they were going to hit him with the board forty times, as was the Marine tradition. [REDACTED]

[REDACTED] After each contact occurred, Jesus' captors struck him forcefully across the buttocks with a board. Jesus resistance was also countered with painful blows to the head. Following this agony, Jesus was rendered exhausted and withdrawn, and did not resist when his abductors placed a variety of firearms into Jesus' hands, presumably in order to transfer his fingerprints to the weapons.

Still blindfolded, Jesus was later removed from the building and placed in what felt like a truck, where he was ordered to sit on a three-legged camping stool. There, Jesus was questioned by someone with an unmistakable American accent regarding the whereabouts of Ivan Archivaldo, Alfredo Guzman, and Victor Felix. In response to each question, Jesus honestly responded that he did not know. Jesus also told his interrogator that he was a U.S. citizen. In

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response, the American interrogator confirmed, in Spanish, that he was aware of Jesus' citizenship, and also knew that Jesus was going to be extradited to the United States for money laundering.

In Spanish, the man with the Chicano accent also asked whether Jesus "knew about the three letters." When Jesus asked which three letters, his interrogator answered, "D.E.A." In response, Jesus explained that he knew nothing about the D.E.A.; that he did not have any reason to be worried about the D.E.A., and that he had no reason to believe he was in any trouble. The man with the Chicano accent stated that he was, in fact, with D.E.A. He went on to talk, in a bragging manner, about how great D.E.A. was, and that they knew about everything that went on. The man stated that he knew about a time when Jesus was detained in the Los Angeles International Airport, and said that the person who had interrogated Jesus there was his friend from San Diego. He also told Jesus that he was aware of the fact that Jesus had once been detained in Las Vegas by an ICE agent. During this conversation, Jesus described, in English, the nature and intensity of the torture to which he had been subjected, but his interrogator departed without another word.

Jesus' captors then transferred him to what he believed was the armored heavy-duty Ford truck. There, Jesus met with the white-haired commander, who had been present during Jesus' abduction from his home. The commander removed Jesus' blindfold and untied his hands, then explained that he was just doing his job and that he was only following orders. The commander stated they were going to take Jesus to the airport. He further warned that, if Jesus did not honor his agreement to say he was guilty of the charges, they would kill his wife and daughter, as well as the rest of his family. As night began to fall, Jesus' captors delivered him to another group of Marines, who loaded him onto a Hercules airplane and transported him from Culiacán to the Federal District in Mexico City. While en route, the Marines again warned Jesus that failure to admit guilt would result in the death of his wife and daughter.

According to records in Mexico, the Hercules airplane landed in Mexico City at 23:15 on November 16, 2014. According to Jesus, upon arrival, he was turned-over to a fresh group of abusive Marines who delivered swift punches and brutally kicked Jesus while wearing heavy combat boots. These men also screamed verbal insults in Jesus' face and told him they would prefer to kill him than to take him to prison. Jesus was then escorted to a waiting armored truck. Jesus recalls that the truck's back seats swivelled 360 degrees and that his captors demanded that Jesus only focus his eyes on the floor. When the truck arrived at its destination, Jesus and his captors remained outside for a long period of time. Eventually, Jesus was escorted to the top floor of an office building. While en route, Jesus observed that the building was full of video cameras. He also observed numerous people stacking file boxes to block the cameras' view of certain parts of the building.

Jesus was ordered to sit, face down, at a desk. There, he heard the unmistakable sounds of another man being viciously tortured. Jesus heard the man crying and yelling for help, and he heard the interrogator ask about the Ford EcoSport in which Jesus had been tortured. When the



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man finally succumbed to his agony and lost consciousness, the torturers carried the man to another room. Later, additional people arrived and recommenced choking the man with plastic bags – an unmistakable sound in light of the fact that Jesus had been the victim of the same treatment just hours before.

Jesus later learned that he was being held in the offices of SEIDO (Subprocuraduría Especializada en Investigación de Delincuencia Organizada) – the organized-crime division of Mexico's Office of the Attorney General. During the time when the man within earshot of Jesus was being tortured, various employees, including secretaries and attorneys, arrived at the office and went about their daily business. None of these people registered the slightest concern about the fact that a human being was being tortured, possibly to death, in their presence. For them, it was simply a normal business day. Jesus found this realization shocking and deeply disheartening.

According to records in Mexico, Jesus was examined by Itzel Dayana Garcia Dominguez, a lieutenant in the Navy and a certified doctor. The examination was alleged to have commenced at 11:47 p.m., on November 16, 2014, and concluded at 12:36 a.m., on November 17, 2014. Despite the fact that Jesus' body displayed numerous deep bruises, cuts, and abrasions, the doctor's report indicated there were no signs of torture. Reports in Mexico further indicate that Jesus was examined by two SEIDO forensic medical experts – Maria Bautista Garcia and Karla Corrales Gonzalez. These women noted that Jesus displayed injuries (which included scratches on both forearms and underneath his naval), but concluded that the injuries were not life-threatening and would require less than fifteen days to heal. Fearing for his life and the lives of his family, and in light of the impunity with which the people in the Attorney General's Office committed such horrific torture, Jesus did not believe it was safe to complain to his examiners about the abuse he had endured.

Thereafter, Jesus was delivered to a man he believed to be a District Attorney, who said he was from Sinaloa and was present to assist Jesus. The District Attorney provided Jesus with documents that, he said, were provided by Jesus' attorneys. The documents may have included a confession, an agreement to waive extradition proceedings, or other written instruments that were against Jesus' interest. Mustering every ounce of his remaining strength, Jesus refused to sign anything until he could have contact with a trusted attorney. Upon his refusal, Jesus' captors recommenced physical torture. Thereafter, Jesus was subjected to a repeating cycle in which Jesus was told he needed to sign the documents and, upon his refusal, Jesus' captors recommenced their abuses.

At one point, a woman from the United States Embassy briefly visited Jesus. During this visit, Jesus told the woman about the physical and psychological torture to which he had been subjected. He also explained that he believed he could die while in custody and desperately feared for the safety of his family. In response, the woman indicated that "they were recording" and said she could do nothing to help Jesus.

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At 12:21 p.m., on November 18, 2014, Jesus's attorneys filed an "Amparo Indirecto" on his behalf against the authorities who seized and tortured him.<sup>2</sup> In this document, Jesus' attorneys claimed violations of his civil rights and described the manner in which Jesus was tortured, asphyxiated, blindfolded, beaten, whipped, and tied. It further described the manner in which Jesus had been punched and beaten, and challenged the veracity of the officers who refused to attest to the fact that Jesus suffered obvious physical injury as a result of the abuses he suffered. The document further requested that the court send a representative to visit Jesus at SEIDO in order to create a record of the injuries Jesus sustained at the hands of his captors.

At 7:30 p.m., on November 20, 2014, Jesus was transferred to the Federal Center of Social Rehabilitation #11, in Sonora, Mexico. Upon arrival, Jesus' escort from SEIDO angrily instructed the guards to give Jesus "special attention." Following his arrival, Jesus spend nearly three months in solitary confinement.

At 12:05 p.m., on November 21, 2014, Jesus appeared before a judge without counsel. During this court appearance, Jesus described the fact that he was tortured and asphyxiated by the Navy officials (Marines) who abducted him from his home. Jesus further explained that, while he was at SEIDO, he did not provide a statement regarding the abuses he endured because he was overwhelmed and intimidated by what his captors had done and threatened to continue to do to him and to his family. The record from this proceeding includes evidence of purple bruising, approximately seven centimeters in length on Jesus' right abdomen. It also includes puncture wounds, approximately one centimeter in length, on the calves of both legs.

At 11:05 a.m., on November 24, 2014, Jesus appeared before a judge with his attorney and provided an extended statement regarding his abduction and torture at the hands of the Mexican Marines.

At 1:53 p.m., on November 25, 2014, attorney Omar Alejandro Gonzalez Vazquez filed a court document in which he asked for it to be noted on the record that Jesus sustained human rights violations at the hands of his captors. These violations included the fact that Naval officers held Jesus for more than twenty hours without notifying anyone of his whereabouts. This prolonged secret detention made it possible for the officers to intimidate and torture Jesus. In addition, it was alleged that the Naval officers failed to immediately notify the United States Embassy when they were informed that Jesus was a United States citizen. According to the document, these violations should be reported to the American Convention on Human Rights.

At 2:00 p.m., on November 25, 2014, Jesus' wife, Brianda Lizbeth Felix Beltran, provided a statement regarding events that transpired when the Mexican Marines stormed into their home on November 16, 2014, and tortured and abducted her husband.

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<sup>2</sup> In Mexico, the "writ of amparo" is a remedy for the protection of constitutional rights.

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On November 26, 2014, a judge filed a determination on Jesus' "Amparo Indirecto" in which Jesus had made numerous allegations involving torture-related civil rights violations. Finding the medical examination results from SEIDO influential, the judge refused to grant Jesus' request for relief.

On December 4, 2014, Jesus' attorneys filed a legal document captioned "Dar Vista." This document was an obligation to legally deliver a copy of a request for a public minister to commence an investigation into the crime of torture.

On January 27, 2015, an appellate court issued an order to release Jesus from imprisonment in Sonora, Mexico. This order was predicated on the fact that there was insufficient evidence to support the charges that were levied against Jesus in that venue. In its resolution, the appellate court ordered the Attorney General's representative in Sonora to open an investigation involving the acts of torture that were inflicted upon Jesus in connection with his arrest on November 16, 2014. This order, however, was never acted upon because, upon his release from custody in Sonora, Jesus was returned to the Federal District in Mexico City to address the extradition request from the United States.

On December 7, 2015, Mr. Beltran-Leon submitted a letter to the United States Embassy requesting the United States' assistance. In the letter, Jesus explained that, during his arrest, he was abused by members of the Mexican Navy, as well as agents from the United States' Drug Enforcement Administration. The letter further explained that Jesus filed a complaint with the Office of Services for American Citizens of the United States Consulate in Hermosillo, Sonora, Mexico. That office informed Jesus that his complaint would be forwarded to the United States Embassy. Lastly, the letter requested information regarding the status of Jesus' complaint.

### **SIMILAR CASE**

The Mexican National Commission of Human Rights has recently verified an allegation of torture remarkably similar to that made by Jesus Beltran-Leon. That decision, issued February 7, 2017, is attached to this letter, and can also be found at [http://www.cndh.mx/sites/all/doc/Comunicados/2017/Com\\_2017\\_044.pdf](http://www.cndh.mx/sites/all/doc/Comunicados/2017/Com_2017_044.pdf).

The Commission's report to the Secretariat of the Navy (SEMAR), Vidal Francisco Soberón Sanz, involved the illegal search, arbitrary detention, illegal retention and torture of an unspecified man in Culiacán, Sinaloa. The man was later acquitted of criminal wrongdoing, as was Mr. Beltran-Leon.

According to the complaint, on November 14, 2014, at approximately 3:00 a.m. (two days before the events of Mr. Beltran-Leon's case), members of the Navy, their faces concealed with ski masks, violently burst into the victim's home without a judicial order, and called him by a nickname he did not recognize. They demanded that he tell them where "the others" were. The

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demands were accompanied by beatings and threats.

One of the uniformed men slapped the man's wife twice, in the presence of her one year-old daughter, for asking why they were beating her husband. Other uniformed persons removed the victim's other two children, aged two and seven, from the bedroom.

The uniformed men transported the detained man in a white van, took his belongings, and tied his hands and feet. Shouting profanities, they struck the victim's head and threatened to beat him with a stick.

The Navy officers showed the victim photographs on a tablet computer and drove him to several addresses around the city, where he was ordered to identify the homes of the people they were seeking. When he did not provide the information they wanted, the victim's abductors took him to a house where he was tortured by suffocation with plastic bags, in addition to burning and tearing the skin on the soles of his feet.

The man was then transferred to a detachment of the Navy, near the Ernesto Millán Escalante Park in Culiacán. There he was taken to another truck where, over several hours, they beat and threatened him repeatedly.

The Navy personnel later ordered the man to say that his injuries had been caused by a fall. A female Naval medical officer later examined the victim and cared for his wounds. Another Naval officer told him that he would see to it that the man would stay in jail for several years because he did not cooperate. Nine hours after his detention, at 12:20 p.m. on November 14, 2014, the man was taken to the offices of the Attorney General of the (PGR) and was eventually presented to the Federal Public Ministry.

On November 27, 2014, the Sinaloa State Human Rights Commission forwarded a complaint written by the victim's wife to the CNDH. After completing its investigation, the CNDH found that the National Army did not participate in these events, and instead determined that the human rights violations were attributable to members of the Navy.

Based on these findings, the Human Rights Commission recommended that the Navy pay full compensation to the victim for damages to himself, his wife, and his three children, including medical and psychological care. It also recommended that the Navy cooperate in the follow-up of the preliminary investigation by the PGR, and in the processing and follow-up of the complaint against the Naval agents that the Commission was submitting to the Inspection and Comptroller General of the Navy.

The facts and findings underpinning that case are remarkably similar to the torture inflicted upon Mr. Beltran-Leon. The cases occurred just two days apart in the same city, involved a raid on the suspect's home at approximately the same time of night by Naval personnel, were intent upon finding out where certain people lived. They both involved beatings

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and suffocation with plastic bags, some of which took place in a public park near a military facility. Indeed, one wonders whether Mr. Beltran-Leon's home was one of those they were seeking. In any event, this verified case strongly indicates a pattern of conduct by the Mexican authorities in Mr. Beltran-Leon's city to do exactly what he reported was done to him.

### **APPLICABLE LAW**

Based on the foregoing facts, the defense reasonably believes the government or its agents are in possession or control of evidence to which the defense is entitled.

- I. *Brady v. Maryland*, and its progeny, as well as Rule 16 of the Federal Rules of Evidence, mandate the disclosure of evidence involving Mr. Beltran-Leon's arrest and concomitant torture.

In *Brady*, the Supreme Court held that the "suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87. Evidence is material if "there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *United States v. Bagley*, 473 U.S. 667, 682 (1985).

The *Brady* obligation extends to all government actors, not just the individual prosecutor assigned to the case. *Kyles v. Whitley*, 514 U.S. 419, 437 (1995) ("[T]he individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police"); *Youngblood v. West Virginia*, 547 U.S. 867, 869-70 (2006) (per curiam) (*Brady* violation occurs when the government fails to turn over evidence "known only to police investigators and not to the prosecutor"); *Moldowan v. City of Warren*, 578 F.3d 351, 381 (6th Cir. 2009) (due process guarantees recognized in *Brady* also impose an analogous or derivative obligation on the police to disclose exculpatory materials); *United States v. Monroe*, 943 F.2d 1007, 1011 n.2 (9th Cir. 1991) (prosecution must disclose any *Brady* information within the possession or control of law enforcement personnel); *United States v. Blanco*, 392 F.3d 382, 388 (9th Cir. 2004) ("A prosecutor's duty under *Brady* necessarily requires the cooperation of other government agents who might possess *Brady* material").

A *Brady* violation can occur where the Government's failure to disclose certain specifically-requested evidence would tend to cause detriment to the defense case, and reviewing court may consider "any adverse effect that the prosecutor's failure to respond might have had on the preparation or presentation of the defendant's case." *Bagley*, 473 U.S. at 682. See also *United States v. Ogden*, 685 F.3d 600, 605 (6th Cir. 2012) (evidence is discoverable under *Brady* when it will lead to admissible evidence, not merely when it is admissible at trial), citing, *United States v. Phillip*, 948 F.2d 241, 249-50 (6th Cir. 1991).

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"No *Brady* violation exists where a defendant knew or should have known the essential facts permitting him to take advantage of any exculpatory information." *Abdur'Rahman v. Colson*, 649 F.3d 468, 474 (6th Cir. 2011), *citing*, *United States v. Clark*, 928 F.2d 733, 738 (6th Cir. 1991) (per curiam). This holding suggests that, because Mr. Beltran-Leon is aware of his own torture, *Brady* does not require disclosure. The error in this postulate, however, lies in the fact that evidence necessary to corroborate Mr. Beltran-Leon's torture rests exclusively in the hands of the officials in Mexico and the United States who requested, paid for, organized, participated in, and benefitted from Mr. Beltran-Leon's arrest and confession. The defense simply has no means through which to access this corroborating information. In contrast, the United States government can obtain the evidence through its powers under international treaty. "*Brady* simply recognizes the disparity in resources between the defendant and the State and attempts to level the playing field to some extent." *O'Guinn v. Dutton*, 88 F.3d 1409, 1419 (6th Cir. 1996) (Merritt, C.J., concurring).

At this point in time, it is anticipated that disclosure involving Mr. Beltran-Leon's arrest and torture will support a number of pretrial defense motions – some of which have the potential to be dispositive – as well as his defense at trial. As discussed, *infra*, these motions include a motion to dismiss the indictment due to outrageous government conduct; a motion to suppress statements due to lack of voluntariness; and a motion to suppress statements due to the violation of Mr. Beltran-Leon's *Miranda* rights. It is beyond question that the disclosure requirements of *Brady* apply to pretrial proceedings as well as trial and sentencing. *Biles v. United States*, 101 A.3d 1012, 1020 (D.C. App. 2014) (government's failure to disclose material information that affects the success of a defendant's pretrial suppression motion constitutes a *Brady* violation); *Smith v. Black*, 904 F.2d 950, 965-66 (5th Cir. 1990) (*vacated on other grounds*, 503 U.S. 930 (1992) (applying *Brady* disclosure requirements to a motion to suppress); *United States v. Barton*, 995 F.2d 931, 935 (9th Cir. 1993) (holding that *Brady* applied to a suppression hearing involving a challenge to the truthfulness of allegations in an affidavit for a search warrant); *United States v. McElroy*, 697 F.2d 459, 465 (2d Cir. 1982) (applying *Brady* to undisclosed information relating to a *Miranda* violation).

The items requested below are also discoverable under Rule 16 of the Federal Rules of Criminal Procedure, which provides that:

Upon a defendant's request, the government must permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the government's possession, custody, or control and: (I) the item is material to preparing the defense . . .

Fed.R.Crim.Pro. 16(a)(1)(E).

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- A. It is anticipated that, based on the barbaric torture Mr. Beltran-Leon endured, the defense will raise a motion to dismiss the indictment based on outrageous government conduct.

It is well-established that the use of torture, physical coercion, psychological coercion, or other forms of brutality can render evidence obtained thereby inadmissible, and can result in the dismissal of an entire case for outrageous government conduct. *Haynes v. Washington*, 373 U.S. 503 (1963). The authority to dismiss a federal indictment rests upon the federal courts' supervisory powers over the administration of criminal justice, as first outlined by the Supreme Court in *McNabb v. United States*, 318 U.S. 332, 340-41 (1943). This power includes dismissal for outrageous government conduct, such as torture. *United States v. Russell*, 411 U.S. 423, 431-32 (1973) (if the government's conduct were so outrageous that it shocks the conscience, the government would be barred from obtaining a conviction); *Hampton v. United States*, 425 U.S. 484, 489 (1976) (plurality opinion with five justices leaving open the possibility of dismissal where government conduct violates a protected right of the defendant). See *United States v. Payne*, 962 F.2d 1228, 1231 (6th Cir. 1992).

Outrageous government conduct is not a defense *per se*, but rather "a claim that government conduct in securing an indictment was so shocking to due process values that the indictment must be dismissed." *United States v. Williams*, 547 F.3d 1187, 1199 (9th Cir. 2008). Although the Sixth and Seventh Circuits have held that outrageous government conduct does not warrant dismissal in the context of entrapment, *United States v. Tucker*, 28 F.3d 1420, 1428 (6th Cir. 1994); *United States v. Smith*, 792 F.3d 760, 766-68 (7th Cir. 2015), entrapment is not at issue in the present case.

In the context of extradition and torture, the Fifth Circuit impliedly recognized the potential for dismissal under a Due Process rationale in *United States v. Toscanino*, 500 F.2d 267 (2d Cir. 1974). See *Ex rel. Lujan v. Gengler*, 510 F.2d 62, 69 (2d Cir. 1975) (Anderson, J., concurring) (explaining that *Toscanino* "rest[ed] solely and exclusively upon the use of torture and other cruel and inhuman treatment"). In order for a court to grant such a dismissal in the context of a foreign arrest, the proponent must demonstrate that "representatives of the United States participated or acquiesced in the alleged misconduct of the [foreign] officials," or that the arresting officers of the foreign country "were acting as agents of the United States in arresting or mistreating [the defendant] or that United States representatives were aware of such misconduct." *United States v. Lira*, 515 F.2d 68, 70-71 (2d Cir. 1975); *United States v. Pelaez*, 930 F.2d 520, 525-26 (6th Cir. 1991) (*Toscanino* inapplicable where defendant has not alleged involvement by U.S. officials, or alleged torture, brutality or physical force).

In this case, the evidence indicates that Mr. Beltran-Leon's arrest was carried out at the behest of the United States Government, and that the Mexican officials were acting as agents of the United States Government. The evidence further indicates that representatives of the United States were present during all or part of the torture and coercion; condoned it; and may, in fact, have actively participated in it. At a minimum, the United States Government was well-aware of

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the fact that Mexican law enforcement officials regularly employ torture with full impunity.<sup>3</sup> Evidence involving the United States' involvement in, and/or awareness of, Mr. Beltran-Leon's torture is further relevant because Mr. Beltran-Leon is a citizen of the United States and literally begged for the intervention of the United States consulate and embassy in an effort to end his suffering.

B. The defense anticipates motions to suppress Mr. Beltran-Leon's statements because they were involuntary and because Mr. Beltran-Leon was not provided with *Miranda* warnings.

1. Suppression based on involuntariness.

It is appropriate for a court to suppress a confession, on Due Process grounds, when the confession is obtained by the use of torture – even when that torture occurs in another country. *See Bram v. United States*, 168 U.S. 532, 561-66 (1897), *overruled on other grounds*, *Arizona v. Fulminante*, 499 U.S. 279, 285 (1991); *United States v. Cotroni*, 527 F.2d 708, 712 n.10 (2d Cir. 1975) (“where the conduct of foreign police is so reprehensible as to shock the conscience,” application of the exclusionary rule can be warranted); *United States v. Maturo*, 982 F.2d 57, 60–61 (2d Cir.1992) (noting that courts have suggested that the “shocks the conscience” standard can apply to the exclusion of evidence even when it was obtained by agents of a foreign country through methods legal there); *United States v. Angulo–Hurtado*, 165 F.Supp.2d 1363, 1370 (N.D. Ga. 2001)(citing, *United States v. Rosenthal*, 793 F.2d 1214, 1230–31 (11<sup>th</sup> Cir. 1986)) (suppression warranted where “the foreign officers' conduct is so egregious that it ‘shocks the conscience’ of the American court”); *United States v. Nagelberg*, 434 F.2d 585, 587 n.1 (2d Cir. 1970) (suggesting that “rubbing pepper in the eyes” or other shocking conduct by a foreign officer could warrant the exclusion, on Due Process grounds, of any admissions obtained as a result of such conduct); *United States v. Abu Ali*, 395 F.Supp.2d 338, 380 (E.D. Va. 2005). *See also Culombe v. Connecticut*, 367 U.S. 568, 602 (1961) (“The ultimate test” for determining whether a statement was coerced is “the test of voluntariness”).

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*See United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2009*, available at <https://www.state.gov/j/drl/rls/hrrpt/2009/wha/136119.htm> (detailing events known to the United States government involving murders committed by Mexican government security forces, as well as an increase in complaints involving cruel or degrading treatment and torture in 2009 as compared to 2008; few of which resulted in punishment); *United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014* at 4-5, available at <https://www.state.gov/documents/organization/236914.pdf> (discussing the hundreds of complaints involving torture, as well as the report of the United Nations Special Rapporteur for Torture, who observed that the torture of detainees usually occurred within hours after arrest).



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The voluntariness test requires the Court to ask whether “the confession is the product of an essentially free and unconstrained choice by its maker,” or whether “his will has been overborne and his capacity for self-determination [has been] critically impaired . . . .” *Schneckloth v. Bustamonte*, 412 U.S. 218, 225-26 (1973). The answer to this question is determined by considering “the totality of all of the surrounding circumstances – both the characteristics of the accused and the details of the interrogation.” *Id.*, at 226.

2. Suppression based on the failure to provide *Miranda* warnings.

Although *Miranda* warnings are generally not required for statements made to foreign police officers abroad, *Miranda* warnings are mandatory where United States law enforcement agents, as part of a “joint venture,” actively participate in the questioning of the defendant or the foreign officials act as agents or virtual agents of the United States. In such cases, the absence of *Miranda* warnings can render the statement inadmissible. *United States v. Straker*, 800 F.3d 570, 615 (D.C. Cir. 2015); *United States v. Suchit*, 480 F.Supp.2d 39, 56 (D.D.C. 2007); *United States v. Karake*, 281 F.Supp.2d 302, 308 (D.D.C. 2003); *Maturo*, 982 F.2d at 61.

As set forth in the factual recitation above, the arrest and interrogation of Mr. Beltran-Leon were committed by Mexican authorities at the behest of the United States government. The close working relationship between the United States government and the Mexican torturers is further indicated by the fact that United States officers were physically present when the torture occurred.

### **DISCLOSURE REQUESTS**

Based upon the facts and law set forth above, the defense requests that the Government disclose any and all evidence of torture, brutality, physical coercion, and/or psychological coercion that was employed upon Mr. Beltran-Leon, his wife, and/or any member of his family. It further includes the torture, brutality, physical coercion, and/or psychological coercion that was employed upon any person who is expected to be, or may become, a witness against Mr. Beltran-Leon. This request for evidence involves actions by agents and authorities of the United States; actions by agents and authorities of the Republic of Mexico and any other government, whether or not their actions were known to, or approved by, the United States government; and actions by any other person acting, arguably, as a “free agent.”

The requests for disclosure contained in this letter specifically include, but are not limited to information regarding:

- (1) the use of any form of suffocation or other coercion in which a person is made to feel that he or she cannot breathe, for example, by placement of a plastic bag over the head;

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- (2) immersion of the person in water or other liquid to inflict the feeling of drowning, and to inflict suffering from cold;
- (3) any beating, punching, kicking, slapping, hair pulling, electric shock, and any other attempt to inflict physical pain;
- (4) attempts to inflict suffering in other forms, such as exposure to loud noise, being held without food or water, exposure to uncomfortable temperatures, solitary confinement, sexual abuse, degrading living conditions, and the prevention of normal sleep;
- (5) psychological coercion including death threats and threats involving imminent pain and suffering, rape, extended incarceration, or the loss of contact with family members including children;
- (6) threats to harm a family member or other loved on of the person; and
- (7) promises of assistance or beneficial treatment, including the opportunity to end physical or psychological suffering.

The requests for disclosure contained in this letter encompass evidence in all forms including, but not limited to, police reports, notes, audio and videotapes, electronic recordings, transcripts, emails, texts, photographs, and anything else of a tangible or electronic nature. If the government is aware of evidence that has been communicated orally, I request that the information be reduced to written memoranda and disclosed. Further, should the government have already disclosed the information requested in this letter, and in light of the anticipated large volume of the government's disclosure, I request that you provide the location of the evidence within the government's disclosure by Bates stamp number. Lastly, should you question the need to disclose particular evidence, I request that you preserve the evidence in a form that will permit later disclosure, should the District Court so order.

In addition to the broad requests detailed above, I make the following specific requests for discovery.

#### **PRE-ARREST**

A. The origin of Mr. Beltran-Leon's arrest:

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- (1) Copies of any formal or informal documents<sup>4</sup> in which United States authorities<sup>5</sup> requested the arrest of Mr. Beltran-Leon, his wife, his daughter, or his aunt.
- (2) Copies of any formal or informal documents in which an authority other than the United States, including but not limited to, Mexican authorities,<sup>6</sup> authorized or ordered the arrest of Mr. Beltran-Leon or his wife, daughter or aunt.
- (3) If the following information is not included in items (1) and (2) of this subsection, I request:
  - a. The names, positions held, and last known business addresses for the United States authorities who requested that Mexican authorities detain and/or arrest Mr. Beltran-Leon.
  - b. The names, positions held, and last known business addresses for the Mexican Authorities who received the detention request from the United States authorities.
  - c. Information regarding whether the detention request was made orally or in writing.
  - d. The date of the United States' detention request.
  - e. The court and case number for any United States' case upon which Mr. Beltran-Leon's arrest was predicated.
  - f. Evidence regarding whether electronic surveillance methods were employed in investigating Mr. Beltran-Leon, such as wire intercepts, "intel-T-III," pen registers, GPS trackers, whether initiated by law enforcement authorities of the United States or any other country.

B. Pre-arrest United States – Mexico communications:

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<sup>4</sup> The word "document" includes any letter, statement, note, video or audio recording, email, text message, or any form of memorialized communication.

<sup>5</sup> "United States authorities," as used herein, includes any law enforcement agent, member of a prosecuting authority, diplomat or other State Department employee, or any other person authorized to act on behalf of the United States government or any subpart thereof.

<sup>6</sup> "Mexican authorities," as used herein, includes any law enforcement agent, diplomat, member of a prosecuting authority, or other person authorized to act on behalf of the Republic of Mexico or any sub-part thereof.

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- (1) Documents, reports, memoranda, email messages, text messages, and other communications to and/or from the United States Embassy regarding Mr. Beltran-Leon.
- (2) Communications between United States authorities and Mexican authorities discussing the proposed arrest of Mr. Beltran-Leon, including plans for when and where it would occur.
- (3) Requests from the United States authorities to the Mexican authorities regarding information the United States hoped the Mexican authorities would elicit from Mr. Beltran-Leon and/or his family upon their apprehension. This request includes, but is not limited to, the identity of particular people, lists of names, information about particular events, the location of particular people, or the possession of real and personal property.
- (4) For each communication included in (1) through (3) of this subsection, I request:
  - a. The date for each communication.
  - b. The form of each communications (e.g., written, telephonic, email).
  - c. The identity of the correspondents in either Mexico and the United States, their current professional positions, and their last known business addresses. This request specifically includes people who received copies of the communications.
  - d. Information regarding which party was the sender, receiver, and copied recipient.
  - e. Information regarding the existence of records memorializing the communication (e.g., copies of letters, emails, audio recordings).

#### ARREST

- A. All records, reports, memoranda or other documents indicating the time of day or night that Mexican authorities first entered the residence where Jesus Beltran-Leon was at on the night he was arrested (believed to be Sunday, November 16, 2014).
- B. The names of the leaders or commanders of the force that arrested Mr. Beltran-Leon, including but not limited to the man described above as a commander, approximately sixty years old, with white hair and an accent from southern Mexico, and a thirty year-old man who wore glasses, carried a laptop, and had a Mexico City accent.

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- C. The names and job titles of all U.S. Authorities, law enforcement personnel or other United States persons who were present during the arrest of Jesus Beltran-Leon or his family members on that night.
- D. Any communications in which Mexican Authorities notified U.S. Authorities within 24 hours after the apprehension of Mr. Beltran-Leon that he had been apprehended.
  - 1. In the event that the documents requested above in Item A cannot be disclosed, or if they do not fully and accurately contain the information requested in items (a) through (d) below, then disclosure of the following facts regarding such communications:
    - a. The date and time of the communication;
    - b. The names and job titles of the sender and receiver of the communication, as well as all others who received copies of or otherwise participated in the communication;
    - c. Was the communication originated by the United States authority, or originated by the Mexican authority?
    - d. For each communication between U.S. authorities and Mexican Authorities regarding the arrest of Mr. Beltran-Leon, provide information requested above in items (5)(b) through (e).
- E. The complete reports, notes and memoranda authored by Mexican Marines, or law enforcement personnel involved in the apprehension or arrest of Mr. Beltran-Leon;
- F. The names and complete reports, notes and memoranda of all U.S. Authorities or other law enforcement personnel involved in the apprehension or arrest of Mr. Beltran-Leon;
- G. The names and job titles or assignments of any Mexican Authorities who notified any U.S. Authorities that Mr. Beltran-Leon had been apprehended;
- H. The date and time at which the Mexican Authorities notified any U.S. Authorities that Mr. Beltran-Leon had been apprehended, including the name and job title or assignment of the U.S. Authority who was notified;
- I. Copies of any communications in which any Mexican Authorities notified any U.S. Authorities that Mr. Beltran-Leon had been apprehended;
- J. Did Mr. Beltran-Leon offer to bribe any Mexican law enforcement officers? If so, to whom, and at what time, was that offer made?

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- K. Any photographs or video taken during the arrest/apprehension and transportation of Mr. Beltran-Leon, of his arrest, or transportation to police offices including, but not limited to, photographs or video recordings from cellular telephone cameras, dashboard cameras, body cameras, cameras affixed to buildings or other structures near the site of the arrest, and cameras affixed to structures housing the offices of Mexican law enforcement authorities.

### **DETENTION**

- A. A detailed recitation of each place where Mexican Authorities took Jesus Beltran-Leon on the night of Sunday, November 16, 2014 and next morning, including but not limited to who transported him to each place, and what activities involving Mr. Beltran-Leon occurred there, specifically including each and every act inflicting torture, brutality, pain, fear, and physical or psychological coercion upon Mr. Beltran-Leon.
- B. All records of military personnel, or any military base or installation, indicating that Mr. Beltran-Leon was taken to a military base or installation on or about Sunday, November 16, 2014.
- C. A detailed recitation of each place to which Mexican Authorities took Jesus Beltran-Leon after transporting him to the Federal District in Mexico City on Monday, November 17, 2014, including, but not limited to, who transported him to each place, and what activities involving Mr. Beltran-Leon occurred there, specifically including each and every act inflicting torture, brutality, pain, fear, and physical or psychological coercion upon Mr. Beltran-Leon.
- D. The date and time(s) when Mr. Beltran-Leon arrived at each place he was taken to in the Federal District in Mexico City following his arrest.
- E. The time when U.S. Authorities arrived at, and departed from, any location Mr. Beltran was held after his arrest.

### **INTERROGATION AND TORTURE**

- A. The specific dates and times that each forms of torture, brutality, physical coercion, or psychological coercion occurred, and the duration that each of these events lasted.
- B. A full description of the activity constituting each act of torture/coercion.
- C. A statement of what charges Mr. Beltran-Leon was being held on in the first 24 hours after his arrest, whether charges by the United States government or any component

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- thereof, or charges by the Republic of Mexico or any component thereof, including all of the identifying information for those charges, such as the name of the court in which they were pending, the case number, the date and time filed, the name or type of each charge, and all other related information.
- D. A statement of whether Mr. Beltran-Leon was informed after his arrest that he had a right not to answer any questions, and had a right to have an attorney present during questioning.
- E. A statement of whether any person employed by, or associated with, the United States Government questioned Mr. Beltran during or after his arrest, but before his presentment to a prosecutor in Mexico City, including the dates and times such questioning occurred, and the names and job titles of the U. S. persons who participated in, or were present during, the questioning.
- F. With regard to each act of torture/coercion, disclosure of whether Mr. Beltran-Leon was told or directed what to say in response to questions, or told what he was expected to say, or had to say either orally or in writing in order to avoid infliction of further torture/coercion. If so, then the defense requests disclosure of what he was directed to say or not to say.
- G. For each act of torture/coercion that took place, disclosure of the date and time when any person working for or on behalf of the United States Government first learned that such coercion had occurred.
- H. Disclosure of any and all recordings of such torture, brutality, physical coercion, or psychological coercion, including any and all video recordings, audio recordings, or any other kind of electronic or other recording.
- I. Disclosure of any and all notes, or other memorializations regarding any torture, brutality, physical coercion or psychological coercion that was used, whether made by persons present at the activities, or at any other time.
- J. Disclosure of the names of any and all personnel who were involved in inflicting any such torture, brutality, physical coercion, or psychological coercion, whether or not they are now or ever have been associated with the government of the United States of America.
- K. Disclosure of whether personnel associated with the government of the United States of America were physically present in the same place or building where such torture/coercion was occurring, during the time it was taking place, even if no personnel associated with the government of the United States of America physically participated in such torture/coercion.

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- L. Disclosure of the name and job title of each person associated with the United States or any agency or subdivision thereof who was present in a building where Mr. Beltran-Leon was located during the torture/coercion activity in relation to where such torture/coercion activity was occurring, and also disclosure of whether any such personnel were able to see, hear or otherwise observe in any way the torture/coercion activities.
- M. In the event that any personnel employed by, or otherwise associated with, the government of the United States of America or any agency or subdivision thereof knew of the use of the torture, brutality, or coercion activities set forth above, then the defense requests disclosure of the names of each such person, and in what capacity they are employed by, or otherwise associated with the United States government.
- N. A full and complete description of what each such person knew in advance of such torture/coercion regarding whether torture, brutality, or coercion would be used, what that person saw, heard and/or otherwise discerned while the torture/coercion activity was occurring, and what such person learned about the torture/coercion activities after they occurred.
- O. Whether any person employed by or associated with the United States government questioned Mr. Beltran-Leon, his wife, or any other person in this matter after that person was subjected to torture, brutality, or other physical or psychological coercion, but at a location different from the location where the torture/coercion took place, and if so, whether the person employed by the United States was aware of the torture/coercion before the questioning.
- P. Any standing orders or standing requests by the U.S. government to the Mexican government or any of its officials or agents, regarding how prisoners apprehended at the behest of the U.S. Government are to be treated by the Mexican law enforcement agents.
- Q. Any special or individualized orders or requests from the US government to the Mexican government or any of its officials or agents, as to how the U.S. government requested that Mr. Beltran-Leon be treated by the Mexican law enforcement agents.
- R. Any report containing any information that United States law enforcement personnel, embassy personnel, prosecutors, or members of the United States Department of Justice were informed that Mr. Beltran-Leon was going to be subjected to torture or other enhanced interrogation methods.

**VIDEO(S)**

- A. The video recording made on an iPhone, in which Jesus Beltran-Leon read the contents of a poster board, and also any other video recording or recordings of Mr. Beltran-Leon speaking during his arrest and interrogation, including the chain of custody from the time



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the video recording was made up to and including the time it was disclosed.

- B. The names of all U.S. and Mexican authorities who were in the building(s) where the video recording(s) of Mr. Beltran-Leon were made.
- C. The names and job titles of all witnesses to the pre-video interrogation.

### **MEDICAL RECORDS**

As to any medical examination of Mr. Beltran-Leon by Dr. Itzel Dayana Garcia Dominguez, or any other medical examinations conducted on Mr. Beltran-Leon before, during or after his interrogation:

- A. The name(s) of the person or persons who conducted such medical examination(s);
- B. The credentials of the person(s) who conducted the examinations;
- C. The identity of the person, organization, or agency that employed the person(s) who conducted such examinations;
- D. A complete record of any complaints that have been registered against the person(s) who conducted such examination(s);
- E. The complete record of any criminal convictions of the person(s) who conducted such examination(s);
- F. The location and time of the examination(s);
- G. The complete report(s) of the medical examination(s);
- H. All rough notes recorded in the process of those examinations, or afterward;
- I. All photos, video, or other recordings of such examinations;
- J. All reports or other communications indicating that the Mexican authorities administered any kind of drug or medicine to Mr. Beltran-Leon, that would make him more cooperative in answering questions, or that such drugs, or medicines were found to have been in the body of Mr. Beltran-Leon, upon medical examination.

Finally, this request is meant to be all-inclusive in regard to the coercion inflicted on Mr. Beltran-Leon and his family and to the voluntariness and reliability of any statement made by him, his wife, his aunt, his daughter or any other witness in this matter. The defense therefore

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requests any information concerning torture, or physical or psychological coercion of any kind that is not described above that bears upon those questions, so as to permit the defense to determine what actions the defense must take to remedy the government's conduct in this matter.

Please maintain other evidence: Please complete, assemble, and maintain the continued integrity of any notes, reports, memoranda, logs, and/or any other record of any surveillances conducted in conjunction with this case or in anticipation thereof. We request the production of these materials as soon as possible. If you obtain any future statements from any co-defendant or other person through any "free talk," debriefing, conference, or from any other source, we request that all such proceedings be tape recorded. Tape recording those proceedings will insure an accurate record of what statements are actually made by any defendant, informer, concerned citizen, or other witness who is cooperating with you in furnishing information. It will enable all parties, the Court and any jury, to have an accurate, thorough record of what statements are made at various times during single or multiple debriefings, conferences, etc. We request the production of these materials as soon as possible. Even if you do not believe that these materials are required to be produced, we would urge you to make such tape recordings so that accurate records for the judge and jury can be maintained and so that these records are later available for production should a judge order them to be disclosed.

We would also appreciate your maintaining knowledge of the whereabouts of any and all material witnesses in this case at all times should it become necessary to interview them in the future or to require their appearance at any Court proceeding.

### CONCLUSION

If you do not believe that I am entitled to receive any of the specific items set forth in this letter, I ask that you notify me of that fact for each item and the reason(s) therefore. I would like to at least know whether the information exists (if you are declining to produce it) so that a proper motion can be raised to the Court, if necessary.

Finally, we note that disclosure of information in some of the categories above may present the need for further disclosure requests, depending on what is disclosed.

Please contact me if you need any additional information in response to our requests. I thank you for your attention to this matter.

Sincerely,

/s/ Stephen Ralls  
STEPHEN G. RALLS  
Attorney for Mr. Jesus Beltran-Leon