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*Via ECF*

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

Re: *United States v. Garcia Luna* 19 Cr. 576 (BMC)  
**Upcoming Witness 18 U.S.C. § 3500 Material**

Dear Judge Cogan,

I write to alert the Court as to an issue regarding the 18 U.S.C. § 3500 material, or lack thereof, relating to the government's next witness and for which the defense may seek a remedy.

I expect that tomorrow morning the government will call its final substantive cooperating witness, [REDACTED]. The defense has received § 3500 material that relates to 69 government proffers prior to his sentencing in March 2020. However, in its 5K letter as well as in its oral remarks at the witness's sentencing, the government informed the sentencing court that he had been debriefed by the government *more than* 100 times. This raises at least the following two questions: (1) Are their notes from the at least 31 other meetings?; and (2) If so, where are the notes and why have they not been produced?

I raised this discrepancy with the government yesterday, and it appears that it is trying to get to the bottom of the issue but has yet to provide a definitive answer. It has acknowledged the discrepancy and provided details regarding meetings *following* the witness's sentencing (April 2020 to Present).

The government says it has met with the witness 18 times in 2022 and 2023 and yesterday evening provided the defense with two pages of § 3500 relating to 2 of those 18 meetings (one in November 2022 and the other on January 17, 2023). Accordingly, the government has only produced notes from 3 meetings with the witness since Mr. Garcia Luna's arrest in 2019.

Therefore, based on the government's disclosures to date, its next witness appears to have met with them 47 times without a single note being taken by prosecutors, agents, or paralegals. If this were the case, that would fly in the face of government's general practices and in the practice it has employed with all the other potential witnesses for which it has disclosed § 3500 material in connection with this investigation.

Respectfully submitted,

/s/

César de Castro  
Valerie Gotlib  
Florian Miedel  
Shannon McManus  
*Counsel for Genaro Garcia Luna*

Cc: government counsel of record (*via* ECF and email)