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U.S.

El Chapo Conviction Upheld by Federal Appeals Court

Lawyer for the Mexican drug lord had asked for new trial based on alleged juror misconduct



Authorities escorted Mexican drug lord Joaquín ‘El Chapo’ Guzmán, center, in Ronkonkoma, N.Y., in 2017.

PHOTO: U.S. LAW ENFORCEMENT/ASSOCIATED PRESS

By [James Fanelli](#) [Follow](#)

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A federal appeals court on Tuesday upheld the conviction of Mexican drug lord Joaquín “El Chapo” Guzmán Loera, rejecting claims of juror misconduct and

arguments that his pretrial treatment in jail hampered his defense.

The ruling, by a three-judge panel on the Second U.S. Circuit Court of Appeals, means Mr. Guzmán will continue serving a life sentence. A federal jury in Brooklyn found him guilty in 2019 of 10 criminal counts in connection with leading the Sinaloa drug cartel.

The Second Circuit found that the presiding federal judge “conducted the three-month trial with diligence and fairness, after issuing a series of meticulously crafted pretrial rulings.”

Mr. Guzmán’s legal team mounted a series of challenges to his conviction, including the claims of juror misconduct, citing allegations in a story that Vice Media Group published days after the conviction.

Vice anonymously quoted a juror saying that several jurors disobeyed a judge’s instructions to avoid news reports during the trial. Juries are routinely instructed of the rules to ensure the defendant gets a fair and impartial trial.

The juror told Vice that some members of the jury read stories about allegations made by a government witness that were deemed inadmissible at trial. The juror also said that several jurors lied to U.S. District Judge Brian Cogan, who presided over the trial, when asked if they had read about the allegations.

Judge Cogan ruled in July 2019 that the alleged misconduct didn’t merit an inquiry, even if the juror’s comments to the Vice story were true. The amount of evidence against Mr. Guzmán would have led a juror to convict Mr. Guzmán of the charges, the judge said.

Judge Cogan during the trial questioned jurors about exposure to news articles and concluded they remained impartial.

The Second Circuit said that none of the allegations in the Vice story showed that any juror harbored a bias toward Mr. Guzmán. The overwhelming evidence against Mr. Guzmán also made any possible prejudice against him harmless, the panel said.

Guzmán lawyer Marc Fernich said Tuesday that the alleged juror misconduct should have been better investigated.

“While respecting the Court’s ruling, we’re disappointed that substantial allegations of grave jury misconduct continue to be swept under the rug and left wholly unexamined in a case of historic proportion—all, it appears, because of the defendant’s matchless notoriety,” he said.

Mr. Fernich had also argued that Mr. Guzmán’s pretrial conditions in a federal jail in New York were draconian, making it difficult for him to help prepare a proper defense. Because of security concerns, Mr. Guzmán was confined to a small, windowless cell for most of each day.

The Second Circuit panel said that while the conditions were harsh, they didn’t affect his conviction.

Mr. Guzmán is serving his sentence in a federal maximum-security prison in Colorado.

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