

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <https://www.djreprints.com>.

<https://www.wsj.com/articles/el-chapo-lawyer-seeks-new-trial-over-alleged-jury-misconduct-11635191879>

U.S.

El Chapo Lawyer Seeks New Trial Over Alleged Jury Misconduct

A Vice news article quoted an anonymous juror who said many jurors followed the news during the trial and then lied to the judge about it



A federal jury found Joaquín ‘El Chapo’ Guzmán guilty in 2019 of 10 criminal counts in connection with leading the Sinaloa drug cartel.

PHOTO: JANE ROSENBERG/REUTERS

By [James Fanelli](#)

Oct. 25, 2021 3:57 pm ET

A lawyer for Mexican drug lord Joaquín “El Chapo” Guzmán Loera asked a federal appeals court in Manhattan on Monday to grant him a new trial, saying a media report of alleged juror misconduct was reason to overturn his conviction for running a narcotics empire.

Mr. Guzmán is currently serving a life sentence after a federal jury in Brooklyn found him guilty in 2019 of 10 criminal counts in connection with leading the Sinaloa drug cartel.

Days after the conviction, Vice Media Group published a story anonymously quoting one of the jurors 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 Vice story quoted the anonymous juror saying some of the jurors read stories about allegations by a government witness that were deemed inadmissible at the trial. The witness alleged that Mr. Guzmán had drugged and sexually abused underage girls. The juror told Vice that several jurors also lied to U.S. District Judge Brian Cogan, who presided over Mr. Guzman’s trial, when he asked them if they had read the story.

Judge Cogan ruled in July 2019 that the alleged misconduct didn’t merit an inquiry, even if the juror’s comments in the Vice story were true. The “mountain range of evidence” introduced at the trial would have led a rational, average juror to convict Mr. Guzmán of the charges, the judge said in his opinion at the time.

Marc Fernich, Mr. Guzmán’s lawyer, said Monday during oral arguments before a panel of three judges of the Second U.S. Circuit Court of Appeals that the media articles could have colored jurors’ impression of his client. He argued that a

hearing should be held to determine whether the juror's allegations in the story were true, Mr. Fernich said.

"That is not something we can just slough off," the lawyer said.

Assistant U.S. attorney Hiral Mehta told the judges that a hearing isn't merited because there was no clear evidence that the alleged misconduct biased jurors. Jurors also deliberated for six days before convicting Mr. Guzman, showing that they weren't prejudiced toward him, Mr. Mehta added.

A representative for Vice Media didn't immediately respond to a request for comment.

Mr. Fernich also said because of security concerns, Mr. Guzmán spent 2½ years before the trial in solitary confinement with little access to the outside world. The restrictions prevented Mr. Guzmán from investigating allegations and properly preparing a defense, according to Mr. Fernich.

Assistant U.S. Attorney Brett Reynolds said the judge worked to address the restrictions, including allowing Mr. Guzmán to meet with his lawyers for up to 20 hours a week before the trial.

Copyright © 2021 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <https://www.djreprints.com>.