

Twitter Thread by Inner City Press

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OK - now in Honduras narco-case including Prez JOH & brother Tony, now Geovanny Fuentes Ramirez has a proceeding before Judge Castel - Inner City Press will live tweet, thread below



The US Attorney's Office has asked for "Witness-1" to testimony under a pseudonym, and for jurors and "venire" (prospective jurors) be left unnamed, due to threats of retaliation and "inability of Honduran government to protect witness." Or unwillingness?

Judge Castel: I presided over the Hernandez Alvarado trial, but this one will be different. Defense?

Defendant's counsel: I understand reading between the lines what your Honor is saying [about corruption in Honduras] and the alleged homicide...

Defense counsel: There have been public statements from the government of Honduras that this is all false. We could get that testimony even if the witnesses did not come here, using letters rogatory.

Defense lawyer: Either the jury will believe my client important tons of cocaine or not - whether he gave political campaign contributions in Honduras is a sideshow."

[To him, maybe]

Defense: The evidence should be kept out.

Judge Castel: The government says it has evidence defendant bribed CC-3 for information to protect his drug lab... Then he bribed CC-10, a high ranking judge in Honduras to avoid arrest. And in 2013 to CC-4's campaign for presidency for protection

Judge Castel: These are acts that were conducted in furtherance of the conspiracy, the US says.

Judge Castel: The US says these individuals were receptive to bribetaking. Presumptively, that evidence is admissible. Turning to the US' 2d motion in limine, these are co-conspirator statements....

Judge Castel: So what is Witness-1 going to say about CC-4 soliciting campaign contributions from Owner-1, who is not a co-conspirator?

Assistant US Attorney: He was in the presence of CC-4 and Owner-1 when the statements were made.

Judge Castel: So this shows the receptiveness of CC-4 to campaign contributions for a corrupt purpose?

AUSA: They spurred assistance and allowed CC-4 to conduct monetary negotiations. It shows why CC-4 would have meetings about drug trafficking at Business-1

AUSA: It would both in furtherance, and important background. We cite some cases on this.

Judge Castel: Business-1 was allegedly used by the defendant to launder drug money. Was that the case when CC-4 was soliciting campaign contributions?

AUSA: Yes, Your Honor.

Defense lawyer: I don't have much to add except, if the Court is to allow these statements in, we need to be able to attempt to take the testimony of the alleged recipient, who denies being corrupt.

[JOH - to have testimony taken?]

Judge Castel: The statements are coming in. Let me put one thing to rest: there are procedures for obtaining disclosure under Rules 16 and 17 and the fact that the government plans to offer evidence puts a defendant on notice and the need to investigate

Judge Castel: The defense will not be allowed, during the trial, to say it is going to investigate. Are we going to move on to the third motion in limine?

Defense lawyer: We didn't know this was going to be part of the trial. We knew there were allegations, but...

Defense lawyer: Until they raised it, we didn't have to say, we're going to Honduras.

AUSA: Corruption and violence, we identified from early in the case as relevant to the case. We made early 3500 production.

Judge Castel: Now, statements to Lionel Rivera...

Defense: The witness known as Medro, his statements to Mr. Rivera, they are big part of the US' case. It is outrageous. Mr. Rivera made the witness unavailable by murdering him.

As the argument about Lionel Rivera continues, here's from US Attorney's filings, about CC-4 (JOH)

V. The Defendant Engages In Drug-trafficking Under the Protection of National Party Leaders and the Honduran Military

By late 2013, the defendant partnered directly with CC-4 and high-ranking officials in the Honduran military. At this time, CC-4 was pursuing election as the President of Honduras as a member of the *Partido Nacional de Honduras* (the "National Party"). Leonel Rivera will testify

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that they and other drug-traffickers were paying massive bribes to CC-4 in exchange for protection

Defense lawyer: We understand that Lionel Rivera has admitted to participating in 78 murders. His brother Javier, in 48 murders.

Judge Castel: And defendant's participation?

Defense lawyer: This is more extreme than the situation with the political corruption

More on JOH, from US filings

that they and other drug-traffickers were paying massive bribes to CC-4 in exchange for protection from law enforcement and extradition to the United States. Among other things, and as established at Tony Hernandez's trial, in about 2013, CC-4 accepted approximately \$1 million in drug-trafficking proceeds that was provided to his brother by the former leader of the Sinaloa Cartel, Joaquín Guzmán Loera ("Chapo").

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On a number of occasions in late 2013, CC-4 attended meetings at a business in the Cortés Department ("Business-1"). The owner of that business ("Owner-1") was a large financial supporter of the National Party. The defendant also had a longstanding relationship with Business-1 and Owner-1, and the defendant used Business-1 to launder drug-trafficking proceeds. On a periodic basis between about 2004 and 2015, the defendant provided large amounts of U.S. currency to employees at Business-1 who would, at Owner-1's direction, deposit the money in

Judge Castel: The extent to which the murders are dependent on the credibility of cooperating witnesses, this presents an opportunity for the defendant. The thrust of the US' case is that law enforcement could not be relied upon

Yes, more on JOH from US filings

Business-1's bank accounts. In exchange, the defendant received checks from Business-1.

During meetings at Business-1 involving CC-4 and Owner-1 in 2013, at least some of which were observed by a lay witness ("Witness-1"), CC-4 solicited large campaign contributions from Business-1. CC-4 also discussed widespread public corruption by himself and the National Party, including that CC-4 was embezzling aid money provided by the United States through fraudulent non-governmental organizations and stealing money from Honduras's social security system. On a number of occasions, CC-4 was given checks from Business-1 at the direction of Owner-1 in the amount of approximately 250,000 lempiras on each occasion.

Around this time, the defendant also had two meetings with CC-4 at Business-1. During the meetings, the following occurred, in substance and in part: (i) the defendant gave CC-4 approximately tens of thousands of dollars in exchange for an ongoing promise of protection by

Best line (more to come) - "as CC-4 put it, the defendant & CC-4 wanted to "shove the drugs right up the noses of the gringos" by flooding the United States with cocaine. The defendant believed that with his powerful allies he could operate with total impunity."

...g... (iv) CC-4 said the Attorney General of Honduras would help protect the defendant's drug-trafficking activities; (iv) CC-4 said that Tony Hernandez was managing drug-trafficking activities in Honduras, that the defendant should report directly to Tony Hernandez for purposes of drug trafficking, and CC-4 provided the defendant with Tony Hernandez's phone number; and (v) CC-4 said that he wanted to make the U.S. Drug Enforcement Administration think that Honduras was fighting drug trafficking, but that instead he was going to eliminate extradition and "shove the drugs right up the noses of the gringos," referring to flooding the United States with cocaine. The defendant, in substance and in part, was excited to have CC-4's protection and agreed to work with CC-4 and his brother to import cocaine into the United States.

Judge Castel: The fact that someone has a permit for a handgun does not mean it cannot be a tool of a narcotics conspiracy. The fact that the photos are on the defendant's phone goes to the weight of the evidence. He can argue that it not entitled to great weight

Judge Castel: There is also some electronic messages with a Honduran military official described as "Comanche" and a law enforcement official identified as a Commissioner Martinez or something along those lines. Is there an objection?

Defense lawyer: Yes, your Honor. The government speculates as to who these people are. They don't have a name for Comanche, nor what his role was in the military and if he is still in the military. Same with the Commissioner.

Defense lawyer: Until they identify these people, the messages are irrelevant.

Judge Castel: There are communications about Lopez Canabria. That murder was covered. So remarking about the death doesn't have much probative value.

Assistant US Attorney: It shows that the defendant was linked with the Honduran military in furtherance of his drug trafficking activities. And with the Los Valles cartel, even after its leaders were arrested.

[An aside: When shall we expect Narcos Honduras??]

AUSA: Comanche was discussing the drug trafficking. So it's relevant. With the Commissioner, it will corroborate the defendants corrupt connections with law enforcement. They are adoptive admissions.

Defense lawyer: It's not different than them discussing the murder the person connected to the Tony Hernandez trial. It was publicly known, people talked about it. As to why the defendant was asking for a particular kind of software, we don't know.

AUSA: Comanche says, "It's not just anyone, they're going to get f*cked up, you'll see."

This was not people discussing news reports about a murder. The Commissioner refers to being hounded by prosecutors. The Defendant wanted info about this case.

Judge Castel: I'm reserving decision on the issue. The defense argues that statements induced by the government, through a cooperating witness, are inadmissible without the protections of Miranda.

Defense lawyer: It's inconceivable that Lionel Rivera is in the same [prison] unit as the defendant. Why no separation order? My client's Sixth Amendment rights have been violated.

Defense lawyer: Lionel Rivera was told, Don't talk to defendant you are cooperating against. But he did.
Assistant US Attorney Gutwillig: "Did it again" is not accurate. The episode with Freddy Najara was different.

AUSA: On the day the defendant arrived at the MCC, we put in our separation order.

Judge Castel: There is not evidence of government inducement so I'm not going to exclude the evidence at this juncture. But I'll keep an open mind.

Judge Castel: There are statements by CC-7, a Central American drug trafficker, to Lionel Rivera. Is the US offering these?

AUSA: We've identified those statements we intend to use.

Defense lawyer: They cherry pick from my client's lengthy post arrest statement.

Judge Castel: This is not an uncommon situation. The defendant admitted, he knows someone.

Defense: We've seen the new SDNY order that people will have to wear 2 masks or N-95. I'm not sure I can be heard that way.

[Note: they put the lawyers in plexiglass box]

Judge Castel: I am able to shed light on this. Due to a position that I hold within the court relative to jury trials. So, the court will provide a second mask to jurors during voir dire process. However, once seated they will be given KN95 masks, or can 2bl mask

Judge Castel: I've conducted two jury trials during the pandemic.

[Inner City Press covered both of them]

"We have constructed and tested a booth with a HEPA filter. You will only wear a mask when at counsel table.

Judge Castel: We are adjourned.

Story soon on <https://t.co/3AcCBJNU41> and <https://t.co/mmos6LonY0>

Here's story: In Drug Trafficking Case Against Geovanny Fuentes Ramirez, #Honduras President JOH / CC-4 Information Will Be Shown To Jurors, Nameless & Double Masked & @SubstackInc <https://t.co/KdVuVObGLA>