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SENT VIA ELECTRONIC MAIL-DELIVERY

Thuylieu Kazazian
Associate Legal Advisor
Government Information Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
5201 Leesburg Pike, Mail Stop 5907
Falls Church, VA 22041

Re: United States v. Joao Malago, Case number 12-CR-20031-SCOLA

Dear Thuylieu Kazazian,

Please be advised that you are hereby put on notice that the testimony of the following individuals along with supporting documents has been subpoenaed for the above listed case:

1. Special Agent Mike Hatfield
2. Special Agent Charles M. Fuss
3. Marcy M. Former, Former Director of the Office of Investigations for ICE
4. James Dinkins, Executive Assoc. Director Homeland Security Investigations
5. Records Custodian, Department of Homeland Security Immigration Customs and Enforcement

The testimony for these individuals on the above listed case pertains to the following areas:

1. All knowledge regarding Mr. Malago's status as a confidential informant for Agent Hatfield and Agent Fuss while they were employed by the Department of Homeland Security, Immigration and Customs Enforcement Office in Tampa, Florida.
2. All knowledge regarding the dates of Mr. Malago's status as a confidential informant for Agent Hatfield, Agent Fuss, and the Department of Homeland Security, Immigrations and Customs Enforcement.
3. The correspondence and communications from Mr. Malago to Agent Hatfield and Agent Fuss and from them to Mr. Malago regarding his cooperation as a confidential informant.

4. All knowledge regarding travel to Brazil regarding Operation Mayan Jaguar and/or Mr. Malago.
5. All knowledge regarding the specific planes involved with Mr. Malago's cooperation or plane transactions conducted with the knowledge of Department of Homeland Security, Immigration and Customs Enforcement.
6. Exculpatory statements concerning Mr. Malago given to Agent Hatfield and/or Agent Fuss by Larry and Lisa Peters.
7. Any and all documents pertaining to ICE Operation Mayan Jaguar from the dates of 2004 until 2011.
8. Any and all documents pertaining to the ICE investigation and crash of Plane N987SA in Mexico in September 2007.
9. Any and all documents pertaining to Immigration Customs and Enforcement's confidential source Joao Malago
10. Any and all documentation pertaining to ICE Agent Michael Hatfield in connection with Joao Malago and /or Operation Mayan Jaguar
11. All documentation regarding Joao Malago and his cooperation as an informant in Operation Mayan Jaguar.
12. All documentation pertaining to the investigation of Luis Alberto Urrego-Contreras and the purchase and sale of Plane N192SA
13. All documentation and knowledge regarding Mr. Malago's status as a confidential informant for the Department of Homeland Security, Immigration and Customs Enforcement Office in Tampa, Florida.
14. All documentation and knowledge regarding the dates of Mr. Malago's status as a confidential informant for the Department of Homeland Security, Immigrations and Customs Enforcement.
15. The correspondence and communications from Mr. Malago to any ICE Agents and from any ICE Agents to Mr. Malago regarding his cooperation as a confidential informant.
16. All in country travel permission requests and documentation to Brazil, to and from agents operating under the Mayan Jaguar investigation from 2004 through 2011.
17. All knowledge regarding the specific planes involved with Mr. Malago's cooperation or plane transactions conducted with the knowledge of Department of Homeland Security, Immigration and Customs Enforcement.

Pursuant to 6 C.F.R. 5.45, the relevance of the information sought is as follows:

1. The government has indicted Mr. Malago for a time period beginning in 2007 through 2011. (See attached Indictment). In connection with this indictment, the government has provided discovery of plane transactions, including reports by ICE Agents, plane contract agreements, and documents pertaining to the transfer of money regarding these plane transactions that involve plane transactions which Mr. Malago specifically undertook as part of his cooperation as a confidential informant in connection with Operation Mayan Jaguar under the direction of Special Agent Mike Hatfield and Special Agent Charles M. Fuss.

- a. Specifically discovery regarding Plane N192SA and N987SA in connection with Mr. Malago and his cooperation has been provided by the government.
2. The government has also released discovery of recorded phone calls and recorded meetings between Mr. Malago (acting as a confidential source and the direction of Agents Hatfield and Agent Fuss) and targets of Operation Mayan Jaguar during the time period of the indictment. These meetings and targets were located in Brazil and undertaken with the cooperation of Brazilian law enforcement and DHS-ICE.
3. Mr. Peters was also a confidential informant for ICE and operation Mayan Jaguar for a time period that coincides with Mr. Malago's cooperation as a confidential informant. In fact, Mr. Peters and Mr. Malago were brought in by ICE agents at approximately the same time and signed up as sources at approximately the same time. The government has released discovery of confidential source documentation from ICE pertaining to both Mr. Malago's and Mr. Peters' official status as confidential sources.
4. In connection with this prosecution, there also exists an investigation by The Office of the Inspector General (hereafter OIG). As part of this investigation, DHS-ICE has already provided some if not all of the documentation requested in the above listed paragraphs. The government, in connection with the above litigation, has also provided many of those OIG reports pertaining to the OIG investigation and DHS-ICE's Operation Mayan Jaguar.
5. The government has also provided information pertaining to defendants who were charged with plane transactions which occurred under Operation Mayan Jaguar and of which Mr. Malago was involved as a confidential source. Information regarding Operation Mayan Jaguar and its methods has, therefore, already been released in conjunction with other prosecutions of other defendants. See *United States v. Jorge San Martin Giraldo*, 11-CR-20347 in the Southern District of Florida and *United States v. Luis Alberto Urrego-Contreras*, 8:10-CR-243-T-30-EAJ, Middle District of Florida.
6. The government has provided discovery regarding communications between Ms. Marcy M. Forman, Director Office of Investigations for ICE, and Mr. Michael Braun, Assistant Administrator Chief of Operations for DEA, pertaining to a disagreement as to the methods and procedures used in conducting Operation Mayan Jaguar as well as information about specific plane transactions involving Mr. Malago as a confidential source and undertaken under the auspices of Operation Mayan Jaguar during the time period of the indictment, including Plane N987SA and Plane N192SA.
7. Lastly, the government has provided 9 reports of investigation authored by special agent Mike Hatfield. These reports are dated from September 28, 2007 until April 1, 2008, regarding activity undertaken with confidential source Mr. Malago and Operation Mayan Jaguar.

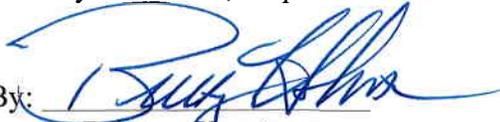
Pursuant to 6 C.F.R. 5.48(a) and (b), the information requested should be provided:

1. As DHS-ICE has already provided much, if not all, of the requested documentation for this investigation, reproducing such information would not be unduly burdensome. Since the existence of an investigation by OIG and information pertaining to Operation Mayan Jaguar has already been released in discovery in conjunction with the litigation and the source of publicly filed motions in that litigation, providing the requested information would no longer negatively effect any interests of law enforcement.
2. Additionally, in a report authored by Agent Mike Hatfield himself, he states that Operation Mayan Jaguar is closed down. Therefore, Operation Mayan Jaguar is not longer an on-going investigation.
3. The information sought is in relation to litigation between the United States government and a private individual, not between two private litigants.
4. The government has a substantial interest in this litigation that directly relates to its ability to continue its mission and performance. It directly involves the prosecution of an individual who was working as a confidential source for DHS-ICE but who is now being prosecuted by the DEA for a time period and for acts which he was protected from prosecution. The government has a substantial interest in making sure that the operations of one agency do not conflict with or are not undermined by the operations of another agency. Furthermore, DHS-ICE has a substantial interest in making sure its sources are legally protected from acts undertaken at the behest of its own agents.
5. Without release of this information, there is no other avenue available to Mr. Malago to address both the circumstances and legal protections surrounding the phone recordings and transactions revealed in the government's discovery. Severe prejudice to Mr. Malago would result without access to information pertaining to his own actions as a confidential source with DHS-ICE.

Therefore, pursuant to the applicable regulations addressed above, the above listed individuals have been subpoenaed for trial in the above-referenced case and the requested testimony and documentation should be provided as requested.

Regards,

Brittney Horstman, Esq.

By: 
Brittney Horstman