

January 7, 2012

John Gregory Lambros
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Johanna Markind, Assistant General Counsel
U.S. Parole Commission
90 K Street N.E.
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Washington, DC 20530

RE: JOHN GREGORY LAMBROS' TORTURE BY AUTHORITIES WHILE IN BRAZILIAN CUSTODY

Dear Johanna Markind:

I am requesting your assistance in opening an investigation as to my torture in Brazil by Brazilian authorities after being arrested by both U.S. and Brazilian authorities in May 1991 due to pending U.S. charges.

The Eighth Circuit stated that:

"Evidence established that defendant [Lambros] was not tortured in Brazil with complicity of American officials while he awaited extradition, despite district court's FAILURE TO MAKE SPECIFIC FINDING ON QUESTION OF WHETHER DEFENDANT HAD BEEN TORTURED AND, THUS, DEFENDANT WAS NOT DENIED DUE PROCESS; ..."

See, U.S. vs. LAMBROS, 65 F.3d 698, 699 - Head Note 5 (8th Cir. 1995).

On December 1, 2011, your agency made a finding that American citizen Shohn Huckabee, 24, was "**tortured in foreign custody**" after his arrest on drug charges. See, "U.S. Says Mexico Tortured American in Custody" by Nicholas Casey - THE WALL STREET JOURNAL, December 7, 2011, Page A15:

"The parole board reduced the five-year sentence given to him [Shohn Huckabee] by a Mexican judge, and released him with 'time served,' or 26 months, under a treaty signed between the two countries. The commission didn't comment on the marijuana charges."

The article also refers to your statement:

"Johanna Markind, assistant general counsel of the parole commission, said that in cases involving international transfers such as Mr.

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Lambros' letter to Johanna Markind, U.S. Parole Commission

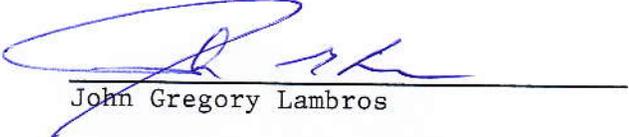
RE: LAMBROS' TORTURE BY BRAZILIAN AUTHORITIES

Huckabee, the foreign government provides documentation of the case, but is not typically asked for its version of events even if there is an allegation such as torture."
(emphasis added)

Please inform me as to documents you need that will assist in your investigation as to my torture in Brasilia, Brazil, during my extradition proceedings to the United States.

Thank you in advance for your consideration in this most important matter.

Respectfully submitted,



John Gregory Lambros

Attachments:

1. The article "U.S. Says Mexico Tortured American in Custody", by Nicholas Casey, December 7, 2011, Page A15, THE WALL STREET JOURNAL.
2. U.S. vs. LAMBROS, 65 F.3d 698, 699 (8th Cir. 1995).

c:

Lambros family

File

U.S. Says Mexico Tortured American in Custody

By NICHOLAS CASEY

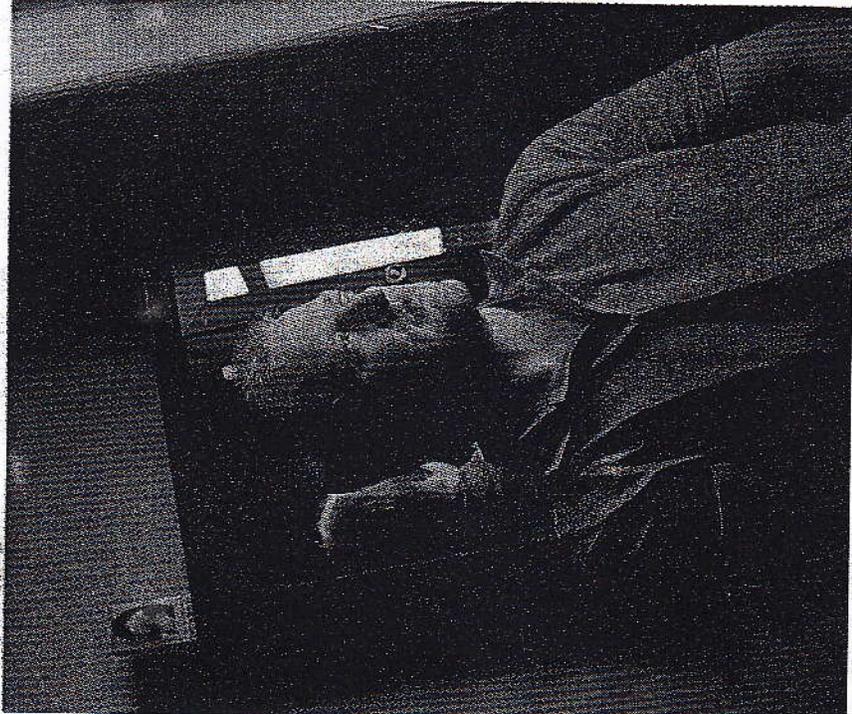
The U.S. Justice Department has determined that an American convicted in Mexico of drug trafficking was tortured by authorities while in Mexican custody, a move that immediately freed him from prison and added troubling official allegations of abuse in Mexico's drug war.

The Department's Parole Commission, an agency that sets release dates for Americans convicted of crimes abroad and transferred home, said that Shohn Huckabee, 24, was "tortured in foreign custody" after Mexican soldiers said they discovered marijuana in his car. Mr. Huckabee denies the charges.

The parole board reduced the five-year sentence given to him by a Mexican judge, and released him with "time served," or 26 months, under a treaty signed between the two countries. The commission didn't comment on the marijuana charges.

"I'm definitely happy to be back with my family but the two years lost were very hard, both for me and for our family, and there's no recouping the time," said Mr. Huckabee Tuesday from his home near El Paso, Texas.

The Dec. 1 finding could raise tensions between Washington and Mexico City over how Mexico is pursuing the drug war. Un-



The U.S. released Huckabee, shown Tuesday at his home near El Paso.

ing," and asked that it "investigate the reported torture of Shohn Huckabee."

The finding adds credibility to mounting accusations by rights groups that the Mexican army and police forces have resorted to tactics like torture and disappearances in pursuing drug cartels and trying to stop the country's spiraling violence.

Last week, Human Rights Watch, a New York-based advocacy group, issued a report on Mexico's conduct of the drug war saying it found credible evidence of the participation of security forces in at least 170 cases of torture.

Mexican President Felipe Calderón's office has said it is investigating allegations of rights abuse, but insists that rights groups should be focusing their accusations against drug gangs themselves, who routinely kill rivals and innocent victims.

The torture, allegations, reported in a 2010 Wall Street Journal article, stem from a December 2009 incident in which Mr. Huckabee and his friend Carlos Quijas were arrested while returning home after a day spent across the border.

The Mexican military, who stopped the men just as they were reaching a border bridge, said they found two suitcases of marijuana in their vehicle. After

briefly questioning the men at a barracks, the pair was taken to be booked by civil authorities, the military said at the time.

The Americans offer a different account. They say the military planted the marijuana in their vehicle after stopping them. The men say they were then taken to the military base, where they were beaten, subjected to electric shocks and threatened with death.

During the trial, three window washers who witnessed the arrest testified that they had seen the army put suitcases into their vehicle; a doctor's report indicated that they had been bruised while in military custody. Nonetheless, a Mexican civilian court convicted the two men.

Mr. Huckabee was transferred to the U.S. to serve out his sentence in September, and Mr. Quijas is awaiting a similar transfer.

In a statement last year the army said it didn't harm the men. The Mexican president's office declined to comment.

Johanna Markind, assistant general counsel of the parole commission, said that in cases involving international transfers such as Mr. Huckabee, the foreign government provides documentation of the case, but is not typically asked for its version of events even if there is an allegation such as torture.

tomers can replace free of charge any purchased 850-gram cans of powdered milk for infants that have

in Parliament on Wednesday that the cabinet's recent decision to al-

same as in November, to 4.25%.
James Glynn

stricted trade finance, destabilizing capital flows, and persistent or re-

expanded 2.1% in the third quarter compared with the 2010 third

WORLD WATCH

parole, where Sentencing Guidelines, which abolished parole, took force before conspiracy was completed.

3. Criminal Law ⇨1202.2

Career offender provisions of Sentencing Guidelines were applicable to defendant's conviction of conspiracy to distribute cocaine. U.S.S.G. § 4B1.1, 18 U.S.C.A.

4. Criminal Law ⇨1201.1

Career offender provisions of Sentencing Guidelines were applicable to defendant's conviction for possession of cocaine with intent to distribute, even though at time of conviction, career offender provisions only applied to convictions for "trafficking in a controlled substance"; ten weeks after "trafficking in a controlled substance" clause went into effect, Sentencing Commission eliminated it and clarified that career offender provisions would apply to any "controlled substance offense," and since change was clarifying rather than substantive change, the latter language controlled. U.S.S.G. § 4B1.1, 18 U.S.C.A.

5. Constitutional Law ⇨255(6)

Criminal Law ⇨36.6

Evidence established that defendant was not tortured in Brazil with complicity of American officials while he awaited extradition, despite district court's failure to make specific finding on question of whether defendant had been tortured and, thus, defendant was not denied due process; defendant's testimony which claimed he had been tortured was unreliable because defendant perjured himself in other regards at trial and because testimony was fantastic, federal agents who arrested defendant testified that they had no knowledge of mistreatment, and psychologist's evaluation indicated that defendant had not been tortured and that his alleged symptoms were completely fictitious. U.S.C.A. Const.Amend. 5.

6. Criminal Law ⇨625.15

Evidence sustained finding that defendant was competent to stand trial on drug charges, despite his claim that he believed electronic devices were implanted in his brain during his captivity in Brazil prior to his extradition; substantial medical testimo-

ny indicated defendant understood charges he faced and had ability to assist in his own defense, and defendant was accomplished advocate for his own interests, even lucidly explaining in pro se brief exactly how his claimed delusions were affecting his defense.

7. Criminal Law ⇨1319

Sentencing enhancement for obstruction of justice was warranted, despite district court's failure to find that defendant's perjury was willful as required by Sentencing Guideline; record showed unequivocally that defendant's trial testimony was insincere, cynical, and calculated. U.S.S.G. § 3C1.1, 18 U.S.C.A.

Colia Ceisel, St. Paul, MN, argued, for appellant.

Douglas Ray Peterson, Assistant U.S. Attorney, Minneapolis, MN, argued, for appellee.

Before WOLLMAN, Circuit Judge, ROSS, Senior Circuit Judge, and MORRIS SHEPPARD ARNOLD, Circuit Judge.

WOLLMAN, Circuit Judge.

John Gregory Lambros, who was extradited from Brazil, appeals his conviction of four cocaine charges on various grounds. Because the district court erred in applying a mandatory life sentence on one count, we remand.

I

Lambros was indicted in May 1989 of multiple counts stemming from a cocaine importing conspiracy. Count I, the overarching conspiracy-to-distribute count under 21 U.S.C. §§ 841(a)(1), 846 charged a conspiracy end date of February 27, 1988. The other three counts of possession-with-intent-to-distribute charge conduct in July, October and December of 1987.

Lambros fled the country, and was arrested in Brazil in May 1991. After contesting extradition, he was remanded to United States custody in June 1992, and convicted of all four counts in January 1993. Lambros