

FAULKNER & FAULKNER
Attorneys-at-Law
Suite 500
701 Fourth Avenue South
Minneapolis, Minnesota 55415
Telephone: (612) 337-9573
Telecopier: (612) 338-0218

Charles W. Faulkner
Sheila Regan Faulkner

November 17, 1992

Mr. John Lambros
Anoka County Jail
325 East Jackson St
Anoka, MN 55303

Re: United States v John Lambros

Dear John,

X
Attached please find the results of our negotiations for a plea agreement in your case. It allows you considerable latitude to argue that you ought to be treated in the same range as the other defendants and it avoids the mandatory life count. I think it is reasonable to conclude that the Government won't go much further than this and that they would relish the possibility of telling Judge Murphy that you were made a fair offer and rejected it, thus sending you up for a life term without possibility of parole.

My best information is that the witnesses against you are available and willing to testify in a trial. The case against you is one without a chance of success either on the legal or factual issues. The agents would prefer you go to trial and get life.

My best advice given all the circumstances is that you should accept this offer. You must contact me to do so before November 23, 1992.

Sincerely,


Charles W. Faulkner



U.S. Department of Justice

United States Attorney
District of Minnesota

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234 United States Courthouse
110 South Fourth Street
Minneapolis, Minnesota 55401

612548-1568
FTS/DTT-1568

November 16, 1992

Charles W. Faulkner, Esq.
Suite 500
701 Fourth Avenue South
Minneapolis, MN 55415

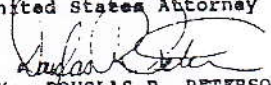
Re: United States v. John Gregory Lambros
Criminal No. 4-89-82(5)

Dear Mr. Faulkner:

Enclosed please find the government's written plea proposal consistent with our discussions within the last ten days. This offer will remain outstanding until Monday, November 23, 1992. If it is acceptable, please contact Mary Kay Conery, Judge Murphy's calendar clerk, to schedule entry of the plea.

Very truly yours,

THOMAS B. HEFFELFINGER
United States Attorney


BY: DOUGLAS R. PETERSON
Assistant U.S. Attorney

DRP:ac

Enclosure

cc: Dick Ripley, DEA

EXHIBIT C.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION
Criminal No. 4-89-82(5)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOHN GREGORY LAMBROS,)
)
Defendant.)

PLEA AGREEMENT AND
SENTENCING GUIDELINES
RECOMMENDATIONS

The parties to the above-captioned case, the United States of America, by its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota, and Douglas R. Peterson, Assistant United States Attorney, and the defendant John Lambros, and his attorney, Charles Faulkner, Esquire, hereby agree to dispose of this case on the following terms and conditions:

FACTUAL BASIS

The parties agree that on or about December 22, 1987, the defendant arranged for an associate, George Angelo a/k/a "Rapid Rick", to pick up approximately two kilograms of cocaine at the Sheraton Northwest at Brooklyn Park, Minnesota. This cocaine was distributed by Lawrence Randall Pebbles through his courier, Tracy Panrod. Subsequent to delivery, Lambros paid Pebbles with cash delivered by Angelo to Panrod.

PLEA AGREEMENT

1. The defendant will enter a plea of guilty to Count VIII of the Indictment which charges him with the possession with intent to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B).

2. The defendant understands that because of his prior convictions, the Count VIII charge carries a maximum potential penalty of:

- a. Life imprisonment without parole;
- b. A \$4,000,000 fine;
- c. A term of supervised release of life;
- d. A mandatory special assessment fee of \$50; and
- e. The assessment to the defendant of the cost of prosecution, supervision and imprisonment.

3. The defendant also understands that because of his prior criminal record, the Count VIII charge carries a mandatory minimum term of imprisonment of ten years without parole and a mandatory minimum term of supervised release of eight years.

4. The government agrees to dismiss Counts I, V, and VI at the time of sentencing. Counts V and VI carry the same maximum potential penalties as the Count VIII charge. Conviction on the Count I charge, however, would carry a mandatory term of imprisonment of life without parole and a fine maximum of \$8 million. The government will also reconfirm its prior agreement to dismiss Count IX pursuant to the agreement entered into between the governments of the United States and Brazil at the time of the defendant's extradition.

5. The defendant agrees he is competent to enter into this plea agreement and he waives any right he may have to challenge the competency finding of the Honorable Franklin L. Noel, United States Magistrate, dated October 30, 1992.

6. Likewise, the defendant waives any right to upset his

plea or otherwise challenge his prosecution based upon a challenge to the extradition process which brought the defendant from Brazil to the United States.

GUIDELINE RECOMMENDATIONS

7. The defendant understands that his sentence on the Count VIII charge will be determined and based upon the applicable sentencing guidelines under the Sentencing Reform Act of 1984. The proper application of those guidelines is a matter solely within the discretion of the Court. The defendant understands that he will not be entitled to withdraw from the plea agreement in the event the Court calculates the guidelines differently from the defendant, the government and/or the probation office.

8. Under this agreement, the defendant is not bound to any particular guideline recommendations and will be free to dispute any guidelines calculation which may be found applicable to his case. The defendant will also be free to argue for a downward departure from the applicable guideline range.

9. For its part, the government will take the following position with respect to the sentencing factors applicable to Count VIII:

- a. Because the government's investigation links the defendant to the receipt of approximately six kilograms of cocaine, it will argue that the applicable base offense level is level 32 under U.S.S.G. § 2D1.1(c)(6);
- b. Although the Count I conspiracy charge involves larger quantities of cocaine, the government agrees to waive its right to argue that additional quantities of cocaine should be attributed to the defendant under U.S.S.G. §§ 1B1.3 and 2D1.4;

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- c. There should be no adjustment for role in the offense as contemplated by U.S.S.G. § 3B1.4;
 - d. Because of the defendant's flight to Brazil, the two level enhancement for obstruction of justice under U.S.S.G. 3C1.1 is applicable;
 - e. Although the government agrees that the defendant is entitled to a two level adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1, the defendant's flight to Brazil does not entitle him to the additional one point reduction available as of November 1, 1992; and
 - f. The government's position results in a combined offense level of 32.

10. The defendant understands that his criminal history includes two drug trafficking charges from the District of Minnesota and one assault charge from this district. Given that the defendant was on parole from these offenses, the parties estimate that the defendant will receive 8 criminal history points, leaving him within Category IV. Investigation concerning the defendant's criminal history continues. The defendant understands that if the presentence investigation reveals any prior adult or juvenile sentences which should be included within his criminal history under the sentencing guidelines, then the guideline range outlined in this agreement will be adjusted to reflect the range appropriate for the criminal history of the defendant.

11. The government will be free to argue that the defendant's criminal history makes him a career offender under U.S.S.G. § 4B1.1. If the Court deems the defendant to be a career offender, the applicable offense level would be level 35 (level 37 less the acceptance of responsibility reduction) and the defendant's

applicable guideline range would be 292 to 365 months. Absent a career offender finding, the government's guideline calculations (level 32-Category IV) find the applicable guideline range to be 168 to 210 months.

The foregoing accurately sets forth the full extent of the plea agreement and sentencing stipulations in the above-captioned case.

Respectfully submitted,

Dated:

THOMAS B. HEFFELFINGER
United States Attorney

BY: DOUGLAS R. PETERSON
Assistant U.S. Attorney
Attorney ID Number 14437X

Dated:

CHARLES FAULKNER, Esq.
Attorney for Defendant

Dated:

JOHN GREGORY LAMBROS
Defendant