

# The Florida Bar Inquiry/Complaint Form

PART ONE: (Read instructions on reverse side.)

Your Name: <u>JOHN G. LAMBROS</u>	Attorney's Name: <u>ANDREA G. HOFFMAN</u>
Address: <u>P.O. Box 1000</u>	Address: <u>11200 N.W. 20th St.</u>
City: <u>Leavenworth</u> State: <u>Kansas</u>	City: <u>Miami</u> State: <u>Florida</u>
Phone: <u>Do Not Have</u> Zip Code: <u>66048</u>	Phone: <u>(305)715-7646</u> Zip Code: <u>33172</u>
ACAP Reference No. _____	

PART TWO: (See reverse, part two.) The specific thing or things I am complaining about are:

PREVENTING ENFORCEMENT OF UNITED STATES CRIMINAL STATUTE(S) AS DEFINED BY THE U.S. CONGRESS AND PUNISHMENTS PRESCRIBED THEREFOR. Also see, Title 18 USC § 1510; 1001; 1018; 2381; and violations of the Florida Rules of Conduct.

PART TWO (2) is SUPPLEMENTED WITH LAMBROS' APRIL 5, 2007 attached letter to the FLORIDA BAR - four (4) pages in length with EXHIBITS A, B. & C.

PART THREE: (See reverse, part three.) The witnesses in support of my allegations are: [see attached sheet].

PART FOUR: (See reverse, part four.)

did /  did not (circle one or the other) attempt to use ACAP to resolve this situation.  
To attempt to resolve this matter, I did the following:

On March 27, 2007 Lambros wrote Attorney HOFFMAN. See, EXHIBIT B.

PART FIVE (See reverse, part five.): Under penalty of perjury, I declare the foregoing facts are true, correct and complete.

Signature

JOHN - GREGORY LAMBROS

April 05, 2007

Date

April 5, 2007

John Gregory Lambros  
Reg. No. 00436-124  
U.S. Penitentiary Leavenworth  
P.O. Box 1000  
Leavenworth, Kansas 66048-1000  
**Web site: [www.BrazilBoycott.org](http://www.BrazilBoycott.org)**

**THE FLORIDA BAR**

Rivergate Plaza  
Suite M-100  
444 Brickell Ave.  
Miami, Florida 33131  
**Web site: [www.FloridaBar.org](http://www.FloridaBar.org)**  
**U.S. CERTIFIED MAIL NO. 7002-2410-0001-3730-3917**

**RE: ATTORNEY ANDREA G. HOFFMAN, Court ID# A5500885 - LAWYER MISCONDUCT**

Dear Florida Bar:

This is a request for the Florida Bar to investigate the ethical conduct of Florida lawyer ANDREA G. HOFFMAN, Court ID# A5500885, U.S. Assistant Attorney in Miami, Florida.

I JOHN GREGORY LAMBROS, declare under penalty of perjury that the following is true and correct. See, Title 28 USC § 1746.

**STATEMENT OF FACTS:**

1. Attorney ANDREA G. HOFFMAN, is an Assistant U.S. Attorney and represents the United States of America in Criminal and Civil actions. Attorney HOFFMAN's mailing address is 11200 N.W. 20th Street, Miami, Florida 33172 and may be reached by telephone at (305)-715-7646. Attorney HOFFMAN's Court ID # is A5500885.
2. Attorney HOFFMAN is listed as the LEAD ATTORNEY in USA vs. PABLO JOAQUIN RAYO-MONTANO, et al., Criminal Docket No. 06-20139, U.S. District Court for the Southern District of Florida, for the USA, according to the Docket Sheet. Also, Attorney HOFFMAN has signed the "CERTIFICATE OF TRIAL ATTORNEY" in this action.
3. Attorney HOFFMAN signed the indictment in USA vs. RAYO-MONTANO on or about March 3, 2006 and the SUPERSEDING INDICTMENT in this action on or about May 5, 2006.
4. RAYO-MONTANO was arrested in Brazil on or about May 17, 2006, by U.S. Drug Enforcement Agents as per the above-entitled indictments.
5. Attorney HOFFMAN requested Brazil to EXTRADITE RAYO-MONTANO to the USA in USA vs. RAYO-MONTANO.

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6. The U.S. Department of State delivered Attorney HOFFMAN's request for extradition of RAYO-MONTANO to the Brazilian Supreme Court. The request included a copy of the indictment in USA vs. PABLO JOAQUIN RAYO-MONTANO, et al, No. 06-20139. It is Lambros' belief, as Brazilian sources can not confirm, that copy of Attorney HOFFMAN's "**PENALTY SHEET**" for RAYO-MONTANO was attached to the extradition request delivered to the Brazilian Supreme Court. Attorney HOFFMAN filed the "**PENALTY SHEET**" for RAYO-MONTANO and all the other defendants in this action when the indictment was filed with the clerk of the Court.

7. Attorney HOFFMAN's filed "**PENALTY SHEET**" for RAYO-MONTANO clearly states the the **MAXIMUM PENALTY** of incarceration, not including fines, restitution, special assessment, PAROLE TERMS, or forfeitures that may be applicable, are:

- a. Count One (1): **LIFE IMPRISONMENT.**
- b. Count Two (2): **LIFE IMPRISONMENT.**
- c. Count Three (3): **LIFE IMPRISONMENT.!**
- d. Count Four (4): **Twenty (20) Years.!**

8. On August 13, 2006, Lambros notified his "BOYCOTT BRAZIL SUPPORTERS" as to Attorney HOFFMAN's attempt to extradite RAYO-MONTANO from Brazil for crimes that require a **MANDATORY LIFE SENTENCE** for RAYO-MONTANO if found guilty in Counts 1, 2, or 3, due to RAYO-MONTANO's relevant conduct which is based on a point system contained within the U.S. FEDERAL SENTENCING GUIDELINES. See, U.S. vs. BOOKER, 160 L.Ed.2d 621 (2005). See, EXHIBIT A.

9. Exhibit A has been public information from on or about September 21, 2006, as it has been posted within the "BOYCOTT BRAZIL" web site: www.BrazilBoycott.org in PDF FORMAT and indexed within all major search engines globally.

10. The maximum criminal sentence in Brazil is thirty (30) years. The 1988 **CONSTITUTION** of Brazil reaffirmed Article 5, Clause XLVII(b), that there will **NO LIFE SENTENCE IN BRAZIL** and the legal norm consolidated by Article 75 of the Brazilian Criminal Code, which limits the maximum prison sentence to thirty (30) years. See, STATE OF WASHINGTON vs. MARTIN SHAW PANG, 940 P.2d 1293, 1345 & 1352 (Supreme Court of Washington, En Banc 1997).

11. The DUE PROCESS clause of the U.S. Constitution's Fifth Amendment applies to all "PERSONS" within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent. See, ZADVYDAS vs. DAVIS, 150 L.Ed.2d 653, 669 (2001).

12. Brazil also incorporates a DUE PROCESS clause within their 1988 Constitution and applies to all "PERSONS" within Brazil, including aliens, whether

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their presence is lawful, unlawful, temporary, or permanent. See, STATE vs. PANG, where Brazilian Supreme Court Justice CORREA stated, "... which prohibits life sentences. Now, if that is the case, how can we GIVE UP A CONSTITUTIONAL PRECEPT in face of a request for the extradition of an individual who one way or another, subjects hims lf to BRAZILIAN LAW?" (emphasis added) PANG, at 1346. "I'm not worried about the treaty. It can say what it wants, but it CANNOT OVERRIDE THE CONSTITUTIONAL BAN, WHICH DOES NOT ALLOW LIFE SENTENCES IN THIS COUNTRY, and for that very reason the Alien who lives here [is protected by it], and extradited he may be, but it will have to be with the restriction of a life sentence in the Country where he will serve his sentence." STATE vs. PANG, 940 P.2d at 1346. (emphasis added)

13. The CONGRESS OF THE UNITED STATES MAKES THE NATION'S LAWS. Congress consists of two (2) bodies, the SENATE and the HOUSE OF REPRESENTATIVES. The U.S. Constitution gives Congress "all legislative powers" of the federal government. Article I, Section 8 contains an ELASTIC CLAUSE that gives Congress authority to "make all laws which shall be necessary and proper" to carry out the delegated powers. The elastic clause grants Congress IMPLIED POWERS to deal with many matters not specifically mentioned in the Constitution. - The U.S. Supreme Court may declare a law passed by Congress to be unconstitutional and may also shape laws through their interpretations of them.

14. ONLY CONGRESS has the power to define FEDERAL CRIMINAL OFFENSES AND PRESCRIBE THE PUNISHMENTS THEREFOR. See, WHALEN vs. U.S., 63 L.Ed.2d 715 (1980). And where properly enacted within the limits of Congressional power, a FEDERAL CRIMINAL STATUTE may be neither enlarged nor diminished by a state statute or a foreign law. See, U.S. vs. PATMORE, 475 F.2d 752 (10th Cir. 1973); WILLIAMS vs. U.S., 90 L.Ed. 962 (1946). The measure of punishment within a STATUTE is an ELEMENT entering into the construction of a criminal statute. In fact, the U.S. Supreme Court "has stated repeatedly of late that in any case concerning the interpretation of a STATUTE the 'starting point' must be the language of the STATUTE ITSELF." See, LEWIS vs. U.S., 63 L.Ed.2d 198, 206 (1980). (emphasis added)

15. Attorney HOFFMAN is requesting the Brazilian Supreme Court to AMEND and/or SUPPLEMENT the legislative powers of the Congress of the United States by diminishing the maximum penalty within the following Federal Criminal Statutes:

- a. Title 21 USC § 963;
- b. Title 21 USC § 846; and
- c. Title 46 USC § 1903(j);

to not allow a LIFE SENTENCE and/or THIRTY (30) YEAR MAXIMUM PENALTY, as per Brazilian law. This action is clearly unlawful and proves Attorney HOFFMAN is trying to commit legal fraud and fraud on the Brazilian Supreme Court system by negotiating an illegal extradition of RAYO-MONTANO on crimes that only allow RAYO-MONTANO's sentencing of life.

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16. On March 27, 2007, Lambros wrote Attorney HOFFMAN, via U.S. Certified Mail # 7002-2410-0001-3730-3795, and explained his dissatisfaction as to Attorney HOFFMAN's refusal to uphold criminal law and abide by the Rules Regulating The Florida Bar. See, EXHIBIT B.

17. EXHIBIT C: Exhibit C is copy of "THE FLORIDA BAR INQUIRY/ COMPLAINT FORM," that has been completed by Lambros.

18. Lambros believes Attorney HOFFMAN is guilty and could be punished for violations of the following U.S. Criminal Codes:

a. Title 18 USC § 1001: Fraud and False Statements - An attorney may be convicted of AIDING AND ABETTING the making of false statements if he prepares documents in reckless disregard of whether the statements made are true or with a conscious effort to avoid learning the truth. See, U.S. vs. SARANTOS, 455 F2d 877 (2nd Cir. 1972).

b. Title 18 USC § 1018: OFFICIAL CERTIFICATES OR WRITINGS - A public official of the U.S. can be guilty of giving a certificate or writing that he/she knows is false.

c. Title 18 USC § 2381: TREASON/SEDITION - "Preventing the Execution of law" - "Conspiracy to altogether prevent enforcement of STATUTE OF THE UNITED STATES is conspiracy to commit treason by levying war against United States. See, BRYANT vs. U.S., 257 F. 378 (5th Cir. 1919).

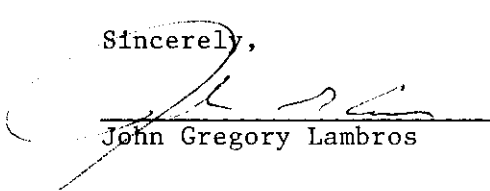
19. Lambros believes Attorney HOFFMAN has a duty to notify the Brazilian Supreme Court as to the fraud she is requesting the Court to enter into, the extradition of RAYO-MONTANO to the United States for crimes that allow a **STATUTORY MAXIMUM SENTENCE OF LIFE**. Brazilian law clearly does not allow life sentences. Also, the Brazilian Supreme Court may not amend and/or supplement a clearly defined Federal Criminal Statute that was prescribed by the U.S. Congress.

20. I John Gregory Lambros states that his INQUIRY/COMPLAINT is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needlessly increase the cost of any litigation.

21. I JOHN GREGORY LAMBROS declare again, under penalty of perjury that the above is true and correct. See, Title 28 USC § 1746.

Thank you in advance for your consideration in protecting the public by providing a means to address lawyer misconduct.

Sincerely,

  
\_\_\_\_\_  
John Gregory Lambros

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