

February 23, 2008

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000
Website: www.BrazilBoycott.org

LAWRENCE MURRY HERRMANN, Attorney
37-51 76th Street
Second Floor
Jackson Heights, NY 11372
Tel. (718) 779-6630
LEAD ATTORNEY

LINDA GEORGE, Attorney
505 Main Street, Suite 214
Hackensack, NJ 07601
Tel. (201) 487-5225
Attorney to be Noticed

RE: USA vs. MANUEL FELIPE SALAZAR-ESPINOSA, Criminal Docket No. 1:05-cr-517-LAK-1
(U.S. District Court for the Southern District of New York (Foley Square))

Dear Attorney's of Record:

On February 06, 2008, USA TODAY wrote a short article as to the sentencing of your client SALAZAR-ESPINOSA, in the above entitled action, thus leading me to you via the first few pages of the docket sheet.

I was illegally extradited from Brazil to the USA in 1992, after being tortured by both US and Brazilian Agents. Also, it is my understanding that the US, Brazilian Authorities and my Brazilian Attorney's conspired to not honor my request to dismiss my indictment and resubmit same on lesser charges that carried maximum stences of no more than thirty (30) years. Brazil and Colombia both have maximum sentences of thirty (30) years. I received a MANDATORY LIFE SENTENCE WITHOUT PAROLE at sentencing that was clearly spelled out within my extradition request. See, U.S. vs. LAMBROS, 65 F.3d 698 (8th Cir. 1995).

Since my illegal extradition from Brazil I have established a website exposing the illegal activities of the USA and foreign countries when extraditing persons to the USA. A few facts that I would like to share with you that may assist in lowering his current sentence of thirty (30) years:

1. SALAZAR-ESPINOSA could only receive a **TOTAL OF 30 YEARS**. SALAZAR-ESPINOSA was probably sentenced to a 30-year sentence with x-year term of supervised release, at least 5 years on first offense and at least 10 years if a prior conviction existed. See, Title 21 USC §841(b)(1)(A). Thus, your client received at least a 35-year term because of the term of supervised release which is not possible under the 30-year maximum sentence dictated by the Colombia Supreme Court.

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See, U.S. vs. ROBERTS, 5 F.3d 365, 368-369 (9th Cir. 1993)(Rule 11 requires that the Judge advise the defendant of the "MAXIMUM POSSIBLE PENALTY" before excepting his guilty plea. Robert received a potentially longer sentence than the maximum he was advised of. At sentencing, Roberts received the twenty year maximum PLUS a three year term of supervised release. If Roberts violates the conditions of his supervised release, the court may revoke his supervised release and send him back to prison for up to three more years. Thus, Robert's maximum sentence is at least twenty-three years, not twenty years. Because of the term of supervised release, Roberts received a potentially longer sentence than he was apprised of at his plea hearing.)

SALAZAR-ESPINOSA could not have received a sentence longer than the thirty (30) year sentence ordered by the extradition documents of the Colombian Supreme Court, which specified that, if extradited and convicted, SALAZAR-ESPINOSA must not be sentenced to prison for more than thirty (30) years, the maximum sentence allowed under Colombia's criminal code. See, U.S. vs. GALLO-CHAMORRO, 48 F.3d 502, 503 (11th Cir. 1995); U.S. vs. ABELLO-SILVA, 948 F.2d 1168, 1174 (10th Cir. 1991)(Extradition of individuals occurs subject to any limitation either country imposes).

If you raise the above issue within SALAZAR-ESPINOSA's direct appeal or his 28 USC §2255, as in U.S. vs. ROBERTS, please forward copy of your argument so I may review same. I truly believe you can lower SALAZAR-ESPINOSA sentence by the number of years he was given for his term of supervised release, at least 5 or 10 years.

The docket sheet states that U.S. Assistant Attorney Eric James Snyder represented the USA. Please advise as to the following:

2. Did Attorney Snyder sign the indictment in this action that was submitted to Colombia for SALAZAR-ESPINOSA extradition? If not, who signed the indictment within the U.S. Attorney's Office.
3. Was a "PENALTY SHEET" for SALAZAR-ESPINOSA attached to the extradition request delivered to the Colombian Supreme Court. If so, who within the U.S. Attorney's Office signed same? Also, what was the MAXIMUM PENALTY of incarceration stated within same?

MEXICO DOES NOT ALLOW EXTRADITION FOR CRIMES CARRYING A MAXIMUM SENTENCE OF OVER FORTY (40) YEARS:

Attached as an exhibit is the Sunday, January 20, 2002, Minneapolis "STAR TRIBUNE" article "MEXICAN RULING LIMITS EXTRADITION - Those facing life won't go to U.S.", that was reprinted from the New York Times.

Of interest is the ruling by Mexico's Supreme Court that blocks the extradition of more than 70 high-profile defendants facing life sentences in the United States

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on drug trafficking and murder. The decision is rooted in Mexico's constitution, which says that all people are capable of rehabilitation. A life sentence, the court ruled, flies in the face of that concept. The maximum sentence in Mexico is 40 years, although sometimes a 60-year term may be imposed.

Also, the article stated, "Now it appears that in order to extradite him, Arizona may have to dismiss the case and try him on lesser charges." "Similarly, the indictment against Villanueva,, will have to be redrawn if he is ever to face justice in the United States, officials said."

Thank you in advance for your consideration in this most important matter and please forward a copy of this letter to your client SALAZAR-ESPINOSA for his review and file.

Sincerely,



John Gregory Lambros

c:
File

Mexican ruling limits extradition

Those facing life won't go to U.S.

New York Times

MEXICO CITY — Mexico's Supreme Court has blocked the extradition of criminal suspects facing life sentences in the United States, confounding U.S. authorities seeking to convict defendants accused of drug trafficking and murder.

The ruling, handed down in October but published in full last month, has stopped the extradition of more than 70 high-profile defendants.

The decision is rooted in Mexico's constitution, which says that all people are capable of rehabilitation. A life sentence, the court ruled, flies in the face of that concept. The maximum sentence in Mexico is 40 years, although sometimes a 60-year term may be imposed.

The prisoners for whom extradition has been barred include a former state governor, Mario Villanueva, indicted in New York on charges of smuggling 200 tons of cocaine into the United States. Another is Augustin Vazquez Mendoza, who was on the FBI's list of the 10 most-wanted fugitives, charged with the 1994 murder of an undercover drug-enforcement officer in Arizona.

The Drug Enforcement Administration (DEA) spent six years and more than \$1 million pursuing Vazquez before his arrest in July 2000. Now it appears that, in order to extradite him, Arizona may have to dismiss the case and try him on lesser charges.

Similarly, the indictment against Villanueva, a fugitive for two years before his arrest in May 2001, will have to be re-drawn if he is ever to face justice in the United States, officials said.

The court, in a 6-2 ruling, said a life sentence negated the Mexican constitution's provisions for rehabilitation. "It would be absurd to hope to rehabilitate the criminal if there were no chance of his returning to society," Justice Roman Palacios wrote for the majority.

Trafficking

The decision was a bitter pill for U.S. officials, who cite the Villanueva and Vazquez cases as crucial for establishing a foundation of justice in matters between the countries.

Villanueva, governor of the state of Quintana Roo from 1993 to 1999, is the highest-ranking Latin American politician to face drug charges filed in a U.S. court since the arrest of Gen. Manuel Noriega, the dictator of Panama, in 1989. Villanueva is accused of working with traffickers to import cocaine into the United States, taking a \$500,000 bribe for every major shipment that passed through his state in the mid-1990s.

The charges against him filed in U.S. District Court in New York City — two counts of running a "continuing criminal enterprise" — carry a maximum sentence of life in prison for each charge and a \$4 million fine. Law enforcement officials in Mexico said the U.S. attorney's office in New York might have to seek a new indictment on lesser charges, carrying a maximum 20-year sentence, against Villanueva, 55.

Vazquez, 31, is charged as the mastermind in the 1994 killing of Richard Fass, a U.S. DEA agent working undercover, in Glendale, Ariz.

The state of Arizona charges that Vazquez ordered that Fass be killed to recoup a 22-pound shipment of methamphetamine and the \$160,000 that Fass had brought along to pay for it. After six years as a fugitive, and a national manhunt, he was arrested by Mexican authorities 18 months ago.

But last week, a judge ruled that the recent Mexican Supreme Court decision barred his extradition. Arizona has two hard choices if it wants to try Vazquez: drop the murder charge or promise Mexico that he will receive a fixed sentence of 60 years or less if convicted.