

CERTIFICATE OF SERVICE

LAMBROS vs. U.S.A., CIVIL NO. 99-CV-28 (Judge Rosenbaum): Criminal No.
6-89-CR-82(5)

FOR FILING:

I hereby state under the penalty of perjury that a true and correct copy of the following:

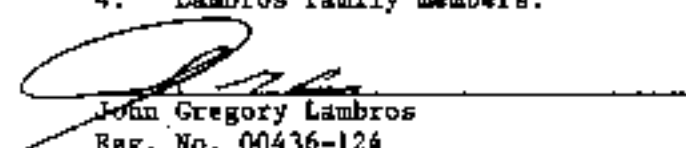
1. "MOTION TO DISCLOSE CURRENT INVESTIGATION BY THE MINNESOTA OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY." Dated: January 02, 2001.

was served on the following this 2nd day of January, 2002, via U.S. Mail through the U.S. Penitentiary Leavenworth mailroom/legal mailbox, to:

1. CLERK OF THE COURT
District of Minnesota
U.S. Federal Courthouse
116 North Robert Street
St. Paul, Minnesota 55101
U.S. CERTIFIED MAIL NO. 7001-0320-0003-3596-9194

One (1) original and one (1) copy for FILING.

2. U.S. Attorney's Office
District of Minnesota
U.S. Federal Courthouse, Suite 600
300 South 4th Street
Minneapolis, Minnesota 55415
3. INTERNET RELEASE TO ALL "BOYCOTT BRAZIL" SUPPORTERS AND HUMAN RIGHTS GROUPS GLOBALLY FOR REVIEW, COMMENT, AND RELEASE. Web site: www.brazilboycott.org
4. Lambros family members.


John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA
Web site: www.brazilboycott.org

1. OR
FILE

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN GREGORY LAMBROS,	*	CIVIL FILE NO. 99-28 (RGR)
Petitioner,	*	Criminal File No. 4-89-82(05)
Vs.	*	<u>AFFIDAVIT FORM</u>
UNITED STATES OF AMERICA,	*	JAMES M. ROSENBAUM, U.S. District Chief Judge.
Respondent.	*	

**MOTION TO DISCLOSE CURRENT INVESTIGATION
BY THE MINNESOTA OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY.**

NOW COMES the Petitioner, JOHN GREGORY LAMBROS, (hereinafter Movant) discloses to this Court the current investigation by the Minnesota Office of Lawyers Professional Responsibility, Minnesota Judicial Center, 25 Constitution Avenue, Suite 105, St. Paul, Minnesota 55155-1500, Telephone (651) 296-3952, as to the actions of Minnesota attorneys:

- a. Colia F. Geisel; (Minnesota Registration No. 15891)
- b. Douglas Peterson; (Minnesota Registration No. 14437)
- c. David L. Lillehaug,

as to there actions on February 10, 1997, the day Movant was RESENTENCED before the Honorable Robert G. Renner, Senior United States District Judge, in the criminal matter entitled U.S. vs. LAMBROS, Criminal File 4-89-82(05).

Movant believes it is his duty to disclose all "PARALLEL LITIGATION AND/OR INVESTIGATION" in this above-entitled matter.

EXHIBITS ATTACHED:

Attached for this courts review and file are the following letters from John Gregory Lambros to the Minnesota Office of Lawyers Professional Responsibility and letters from the Minnesota Office of Lawyers Professional Responsibility to

John Gregory Lambros:

1. October 30, 2001, Lambros' letter to Minnesota Office of Lawyers Professional Responsibility;
2. November 21, 2001, Kenneth L. Jorgensen, First Assistant Director of the Minnesota Office of Lawyers Professional Responsibility to Lambros, as to Attorney DOUGLAS R. PETERSON;
3. November 21, 2001, Kenneth L. Jorgensen, First Assistant Director of the Minnesota Office of Lawyers Professional Responsibility to Lambros, as to Attorney DAVID L. LILLEHAUG;
4. November 26, 2001, Kenneth L. Jorgensen, First Assistant Director of the Minnesota Office of Lawyers Professional Responsibility to Lambros, as to Attorney COLIA F. CEISEL;
5. November 28, 2001, Lambros' "LETTER OF APPEAL" to Minnesota Office of Lawyers Professional Responsibility, as to Attorney LILLEHAUG and Attorney PETERSON;
6. December 3, 2001, Lambros' "LETTER OF APPEAL" to Minnesota Office of Lawyers Professional Responsibility, as to Attorney CEISEL;
7. December 12, 2001, Candice M. Hojan, Senior Assistant Director, Minnesota Office of Lawyers Professional Responsibility letter to Lambros, regarding appeal of action against Attorney LILLEHAUG;
8. December 12, 2001, Candice M. Hojan, Senior Assistant Director, Minnesota Office of Lawyers Professional Responsibility letter to Lambros, regarding appeal of action against Attorney CEISEL;
9. December 12, 2001, Candice M. Hojan, Senior Assistant Director, Minnesota Office of Lawyers Professional Responsibility letter to Lambros, regarding appeal of action against Attorney PETERSON.

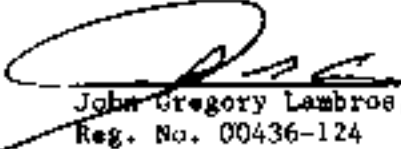
CONCLUSION:

Movant Lambros believes that the above exhibits will assist this Court

in evaluating the "FULL RECORD" in this above entitled action, as required by the Eighth Circuit Court of Appeals. See, IN RE FEDERAL SKYWALK CASES, 680 F.2d 1175, Head Note B (8th Cir. 1982), cert. denied, 74 L.Ed.2d 383 (1982); and IN RE WIREBOUND BOXES ANTITRUST LITIGATION, 724 F.Supp. 648 (D.Minn. 1989)(Head Note 3).

I declare under penalty of perjury that the foregoing is true and correct, as per Title 28 U.S.C.A. §1746.

EXECUTED ON: January 2, 2002



John Gregory Lambros, Pro Se
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA
Web site: www.brazilboycott.org

October 30, 2001

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA
Web site: www.brazilboycott.org

Edward J. Cleary, Director
Office of Lawyers Professional Responsibility
Minnesota Judicial Center
25 Constitution Avenue
Suite 105
St. Paul, Minnesota 55155-1500
Tel. (651) 296-3952
U.S. CERTIFIED MAIL NO. 7001-0320-0003-3596-6667

RE: FILING OF COMPLAINT AGAINST MINNESOTA ATTORNEYS:

- a. Colia F. Ceisel; (Attorney Registration No. 15891)
- b. Douglas Peterson; (Attorney Registration No. 14417)
- c. David L. Lillehaug;

Dear Mr. Cleary:

On February 10, 1997, a resentencing hearing was held before the HONORABLE ROBERT G. KENNER, Senior United States District Judge, District of Minnesota, in the criminal matter entitled United States vs. John Gregory Lambros, 4-89-82(05)(D. Minn. 1994), as to the September 8, 1995, Eighth Circuit Court of Appeals decision vacating the life sentence imposed on John Gregory Lambros. See, U.S. vs. LAMBROS, 65 F.3d 698 (8th Cir. 1995).

Attorney Colia F. Ceisel represented John G. Lambros at the February 10, 1997, hearing and Assistant U.S. Attorney Douglas Peterson and U.S. Attorney David L. Lillehaug represented the U.S. Government.

On April 20, 2001, I served a motion in U.S. vs. LAMBROS, Civil No. 99-28(DGM) as to Criminal File No. 4-89-82(05) entitled "MOTION TO VACATE ALL JUDGMENTS AND ORDERS BY UNITED STATES DISTRICT COURT JUDGE ROBERT G. KENNER PURSUANT TO RULE 60(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE FOR VIOLATIONS OF TITLE 28 U.S.C.A. § 455." Dated April 13, 2001.

As you know, Title 28 U.S.C. § 455 does not allow an United States District Court Judge to adjudicate a case that he or she as United States Attorney began. See, U.S. vs. ANPRIESTER, 37 F.3d 466 (9th Cir. 1994); KENDRICK vs. CARLSON, 995 F.2d 1440, 1441, Head Note 3 (8th Cir. 1993), "United States Attorney serves as counsel to government in ALL PROSECUTIONS brought in his district while he is in office and, therefore, he is PROHIBITED FROM LATER PRESIDING OVER THOSE PROSECUTIONS AS JUDGE. 28 U.S.C.A. § 455(b)(3)."

Robert G. Renner was the United States Attorney for Minneapolis, Minnesota from 1969 to 1977, thus responsible in the indictment of JOHN G. LAMBROS in the following

5
04.2

October 30, 2001

Lambros' letter to E.J. Cleary, Office of Lawyers Professional Responsibility
RE: **FILING OF COMPLAINT - Attorneys Ceisel, Peterson, & Lillehaug.**

criminal proceedings in the District of Minnesota, Minneapolis/St. Paul:

- a. CR-3-75-128, with judgment entered on June 21, 1976;
- b. CR-3-76-17, with judgment entered on June 21, 1976;
- c. CR-3-76-54, with judgment entered on March 7, 1977.

United States District Court Judge Robert G. Renner used the above 1975 and 1976 criminal convictions to INCREASE John Gregory Lambros' sentence on February 10, 1997, based on technical applications of the U.S. Sentencing Guidelines and the statute LAMBROS was sentenced under. The same crimes that Judge Renner investigated and prosecuted LAMBROS on in 1976 and 1977.

ATTORNEYS CEISEL, PETERSON, & LILLEHAUG KNEW JUDGE RENNER PROSECUTED LAMBROS IN 1976:

Due to the fact that Lambros' sentence was increased due to his 1975 and 1976 indictments and convictions and the governments' filing of Title 21 U.S.C.A. Section 851, PROCEEDINGS TO ESTABLISH PRIOR CONVICTIONS, the law states that the Government BEARS THE BURDEN of proving BEYOND REASONABLE DOUBT THAT DEFENDANT [Lambros] WAS IN FACT CONVICTED OF THE OFFENSE. See, U.S. vs. LUNA, 768 F.Supp. 705 (N.D.Cal. 1991). Therefore, Attorneys CEISEL, PETERSON, and LILLEHAUG reviewed the indictments, docket sheets and judgment orders in Lambros' 1975 and 1976 prior federal convictions.

Attached for your review is the March 24, 1976 INDICTMENT in CR-3-76-17 which is SIGNED by United States Attorney ROBERT G. RENNER and the first page of the docket sheet in CR-3-76-17 which clearly states that ROBERT G. RENNER was the U.S. Attorney.

I am also offering for your review and file "via the internet" a copy of the April 13, 2001, served April 20, 2001 "MOTION TO VACATE ALL JUDGMENTS AND ORDERS BY UNITED STATES DISTRICT COURT JUDGE ROBERT G. RENNER PURSUANT TO RULE 60(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE FOR VIOLATIONS OF TITLE 28 U.S.C.A. § 455." This motion is available in PDF FORMAT (exact copy as submitted to the court) through my BOYCOTT BRAZIL web site: www.brazilboycott.org I've attached page 25 of the BOYCOTT BRAZIL index homepage to assist you in locating the motion. Also note that I have a search engine built into the BOYCOTT BRAZIL web site on the first or second page to assist you in going straight to the motion by entering April 13, 2001 and/or the title of the motion.

LAMBROS RAISES A SUBSTANTIAL QUESTION AS TO ATTORNEYS FITNESS AS A LAWYER:

I John Gregory Lambros believe that a substantial likelihood existed as to Minnesota Attorneys CEISEL, PETERSON, and LILLEHAUG conspired and/or committed a violation of the Rules of Professional Conduct as to the lawyer's honesty, trustworthiness or fitness as a lawyer, in not requesting JUDGE RENNER TO DISQUALIFY HIMSELF IN THE FEBRUARY 10, 1997, RESSENTENCING OF LAMBROS.

Thanking you in advance for your investigation into the above matter. I declare under penalty of perjury that the foregoing is true and correct. Title 28 USCA §1746.

Executed on: October 30, 2001


John Gregory Lambros

R.L.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

UNITED STATES OF AMERICA

v.

JOHN G. LAMEROS

CR 3-76-17

INDICTMENT

(18 U.S.C. 5511 and 11A)

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT I

On or about the 26th day of February, 1976, in the State and District of Minnesota, the defendant,

JOHN G. LAMEROS,

knowingly, intentionally, and by means and use of a deadly and dangerous weapon, that is, a Browning .9 mm semi-automatic pistol, did forcibly assault, resist, oppose, impede and interfere with Deputy United States Marshal James L. Protopatrick, and Special Agents Donald E. Nelson and James P. Brueck of the Federal Drug Enforcement Administration while the said officers were engaged in the performance of their official duties; in violation of Title 18, United States Code, Sections 111 and 114.

COUNT II

On or about the 26th day of February, 1976, in the State and District of Minnesota, the defendant,

JOHN G. LAMEROS,

knowingly, intentionally, and by means and use of a deadly and dangerous weapon, that is, a Browning .9 mm semi-automatic pistol, did forcibly assault, resist, oppose, impede and interfere with Deputy United States Marshal Leon A. Cheney while the said officer was engaged in the performance of his official duty; in violation of Title 18, United States Code, Sections 111 and 114.

MAR 24 1976

Filed _____
Harry A. Alton, clerk

A TRUE BILL
[Signature]
United States Attorney
[Signature]
Prosecutor

A true copy in 2 sheet (s)

of the record in my custody.

CERTIFIED 2/24/76

Richard O. Sleban, Clerk

By: *[Signature]*
Deputy Clerk

CR 3-76-17

PG
 JUDGE/MAGISTRATE Assigned U.S.
 MO
 6406
 CHOR W/S
 Chap. Sentence
 FE-ONY Fel
 863
 3
 (LAST, FIRST MIDDLE)

LAMEROS, John G.

Case Filed
 Mo. Day
 09 24
 No. of Dets
 * 1

76 - 178 - 1

JUVENILE

U.S. MAG. CASE NO.
 Bail - Release
 AMT Tugtha
 Demac Sel Parp. Recog
 \$25,000 PSA
 Date Conditions
 Bail Not Made Collateral
 Status Changed (See Docket) Pny-Cur Other

U.S. DISTRICT SECTION
 18 USC 111 and 114
 OFFENSES CHARGED
 Knowingly, intentionally, and by means and use of a deadly and dangerous weapon, that is Browning .9 mm semi-automatic pistol, did forcibly assault resist, oppose, impede and interfere with officers engaged in performance of their official duties
 ORIGINAL COUNTS
 2

II. KEY DATES & INTERVALS

ARREST or 3-9-76
 High Risk Case
 INDICTMENT 3-21-76
 Inclusion Waiver
 In Charging District
 SUPERSEDING COUNTS
 TRIAL
 Your Date
 Trial Begun
 Trial Ended

SENTENCE
 Disposition of Charges
 Convicted On All Charges
 Acquitted On Letter of Dismissal
 Dismissed WOP: WOP
 On Government Motion

5-76

SEARCH WARRANT: Issued, Return, Issued, Served
 ARREST WARRANT: Issued, Served
 COMPLAINT
 OFFENSE (in Complaint)
 MAGISTRATE
 INITIAL APPEARANCE DATE
 PRELIMINARY EXAMINATION OR REMOVAL HEARING
 WAIVED NOT WANTED INTERVENING INDICTMENT
 INITIALING: OUTCOME
 DISMISSED
 HELD FOR G. OR OTHER PROCEEDING IN THIS DISTRICT
 HELD FOR G. OR OTHER PROCEEDING IN DISTRICT BELOW

U.S. Attorney or Agent
 Robert G. Kemner, U. S. Attorney
 Joseph T. Walbran, A.U.S.D.A.

ATTORNEYS
 Defense C.A. Rep. Retired Det. Clerical Other O.P.O. O.C.C.

A true copy is in my custody of the record in my custody
 CERTIFIED
 Richard D. Starnes
 Deputy Clerk

* Enter all names and birth numbers of other defendants on same indictment/indictments

DATE	DOCUMENT NO.	PROCEEDINGS	EXCLUDABLE DELAY
3-24-76	1.	INDICTMENT (Devitt-J CR. 188)	
	2.	TRANSMITTAL ORDER directing that deft. be cont. on \$25,000 C/S JEC. Also has \$25,000 C/S bond in CR. 375-128 (Lodged in CR. 3-76-16)	
3-31-76	3.	Placed ORDER REDUCING BAIL filed 3-9-76 at Minneapolis in JEC 76 49M in file reducing bail to \$25,000 cash or surety which is in addition to bail previously set in narcotics case 2. Condition of bail that deft. report in person at the office of the U. S. Marshal every weekday no later than 9 A.M., that he not possess firearms and that he turn in his passport to the U. S. Marshal. (J. Earl Cudd, U. S. Mag. 3-9-76)	
	4.	APPEARANCE BOND \$25,000 CASH executed 3-9-76 at Minneapolis. On 3-10-76 placed \$25,000.00 cash Bail in Registry of Court JEC 76-49M 4th Div.	
4-22-76	5.	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING MARCH 3, 1976 at Minneapolis	
	6.	MINUTES OF PROCEEDINGS: Deft. arraigned on Ct. I and Plea of Guilty entered. Bond cont'd. Imp. of sent. of impr. deferred and matter is referred to the prob. Office for pre-sent. invest. and report. Count II to be dismissed at time of sentencing. (Devitt-J) (Anderson-Reporter)	
6-21-76	7.	DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEAS (copy-original in CR. 3-75-128)	

4.8

November 20, 1996 letter from Lambros to Federal Judge Renner and Lambros's attorney requesting that Dr. Criqui be subpoenaed to testify at the re-sentencing, and that he be paid by the government.

▶ ROBERT G. RENNER, UNITED STATES DISTRICT COURT JUDGE, AS TO VIOLATIONS OF TITLE 28 U.S.C. § 455(a) AND § 455(b) (3). DISTRICT OF MINNESOTA.

April 13, 2001, "MOTION TO VACATE ALL JUDGMENTS AND ORDERS BY UNITED STATES DISTRICT COURT JUDGE ROBERT G. RENNER PURSUANT TO RULE 60(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE FOR VIOLATIONS OF TITLE 28 U.S.C.A. § 455." This document was filed in U.S. vs. LAMBROS, Civil File No. 99-28 (RGR), Criminal File No. 4-89-82(05) and is a **TOTAL OF 57 PAGES** with some of the exhibit pages containing two (2) pages that have been reduced to assist in lowering coping costs to the courts. Therefore, what you are reviewing in PDF format is an exact copy of the document as presented to the court on April 20, 2001 via U.S. Certified Mail with Return Receipt Requested. Please note that Lambros has numbered each page, in longhand, in the lower right hand corner so his readers are assured that they don't mix-up exhibit order as they maybe confusing. [CLICK HERE](#) to view these pages in PDF format. **THE FREE ADOBE READER MAY BE DOWNLOADED FROM ADOBE SYSTEMS BY [CLICKING HERE](#).**

 [DOWNLOAD APRIL 13, 2001 JUDGE RENNER DOCUMENT HERE IN PDF](#)


The above April 13, 2001, "MOTION TO VACATE ALL JUDGMENTS AND ORDERS BY U.S. DISTRICT COURT JUDGE ROBERT G. RENNER PURSUANT TO RULE 60(b)(6) OF FEDERAL RULES OF CIVIL PROCEDURE FOR VIOLATIONS OF TITLE 28 U.S.C.A. §455" proves, as per Section §455, that the average person on the street "MIGHT" harbor doubts and reasonably question U.S. District Court Judge Robert G. Renner's impartiality toward JOHN GREGORY LAMBROS during all proceedings when Judge Renner was the United States Attorney for Minnesota that investigated and prosecuted LAMBROS in 1975 and 1976. Title 28 U.S.C. §455(a) states, "[A]ny justice, JUDGE, or magistrate of the United States shall **DISQUALIFY** himself in ANY proceeding in which his **IMPARTIALITY MIGHT REASONABLY BE QUESTIONED.**" Title 28 U.S.C. §455(b)(3) states, "[b] He shall also **DISQUALIFY** himself in the following circumstances: (3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy." The following facts are exposed within the April 13, 2001, MOTION:

a. U.S. Attorney Robert G. Renner **ILLEGALLY** indicted LAMBROS on March 24, 1976 and assisted in the illegal sentencing of LAMBROS on June 21, 1976, as to violations of law that did not occur on federal property. Title 18 U.S.C. Sections 111 and 114. See, **EXHIBIT A**, (as to Criminal File Number CR-3-76-17, District of Minnesota).

b. The U.S. Attorney's Office in Minneapolis **FALSIFIED** documents to the U.S. Court of Appeals as to the March 24, 1976 **INDICTMENT**, as the Eighth Circuit stated LAMBROS was indicted on violations of Title 18 U.S.C. H 111 and 114, not 114 as stated in the indictment and judgment order signed by Judge Devnt. See, U.S. vs. LAMBROS, 614 F.2d 179, 180 (8th Cir. 1980).

c. The U.S. Attorney Robert G. Renner and his employees in 1976 used an **ILLEGAL** indictment to leverage a negotiated plea of guilty from LAMBROS on charges unrelated. See, U.S. vs. LAMBROS, 544 F.2d 962 (8th Cir. 1976).

d. Warden Mickey Ray is requested to investigate why two (2) **JUDGMENT AND PROBATION/COMMITMENT ORDERS** appear within Lambros' U.S. Bureau of Prisons file at Leavenworth Penitentiary, as in U.S. vs. LAMBROS, Docket Number CR-3-76-17, District of Minnesota. This is the same criminal case U.S. Attorney Robert G. Renner, now U.S. Judge Renner, indicted Lambros on March 24, 1976, for **ASSAULT** and changed the charges to **MURDER** after Lambros plead to an illegal indictment for assault. Lambros August 20, 2001 letter to Warden Mickey Ray is a **TOTAL OF 9 PAGES** including exhibits. [CLICK HERE](#) to view these pages in PDF format. **THE FREE ADOBE READER MAY BE DOWNLOADED FROM ADOBE SYSTEMS BY [CLICKING HERE](#).**

 [DOWNLOAD AUGUST 20, 2001 WARDEN MICKY RAY LETTER HERE IN PDF](#)

▶ SECOND AND SUCCESSIVE MOTIONS TO VACATE, SET ASIDE, OR CORRECT SENTENCES UNDER TITLE 28 U.S.C. §2255 BY JOHN GREGORY LAMBROS.

The following second or successive motions filed under Title 28 U.S.C. §2255 are directly or indirectly due to the actions of United States Attorney **ROBERT G. RENNER** in 1975 and 1976, now United States District Court Judge **ROBERT G. RENNER** who resentedenced LAMBROS in 1996. You be the judge if "**IMPARTIALITY MIGHT BE QUESTIONED**" as to the actions of **ROBERT G. RENNER**, and then review LAMBROS' April 13, 2001, "MOTION TO VACATE ALL JUDGMENTS AND ORDERS BY UNITED STATES DISTRICT COURT JUDGE ROBERT G. RENNER PURSUANT TO RULE 60(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE FOR VIOLATIONS OF TITLE 28 U.S.C.A. §455."

In the Matter of the Complaint of
JOHN GREGORY LAMBROS, #00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, KS 66048-1000
against DOUGLAS R. PETERSON,
an Attorney at Law of
the State of Minnesota.

**DETERMINATION THAT
DISCIPLINE IS NOT
WARRANTED, WITHOUT
INVESTIGATION**

TO: Complainant and the Respondent Attorney Above-Named:

After reviewing the documents submitted by the complainant, the Director has determined not to investigate this complaint pursuant to Rule 8(d)(1), Rules on Lawyers Professional Responsibility. The reasons for the Director's decision not to investigate this complaint are as follows:

Complaint Summary

Complainant is currently incarcerated in the U.S. Penitentiary in Leavenworth, Kansas. Complainant asserts that respondent, who represented the U.S. government with respect to recent appeals that he brought, failed to discharge their responsibilities because respondent failed to request that the presiding judge, Robert G. Renner, recuse himself on the matter. Complainant asserts that the judge should have recused himself under Title 28 U.S.C. § 455 which prohibits a United States district court judge to adjudicate a case that he or she, as a United States attorney, commenced.

Reasons for Decision Not to Investigate

While complainant asserts that respondent somehow had an obligation to request the judge to disqualify himself with respect to the February 10, 1997, re-sentencing motion, the complaint makes it clear that respondent represented the United States government, rather than complainant. Nothing in the materials provided to the Director's Office requires that the attorney representing the government has a duty to request that the presiding judge recuse, or indeed that respondent was aware of the statute at the time of the hearing.

Moreover, complainant acknowledges that he was separately represented during that motion process. If complainant believes that the judge improperly presided over the motion, complainant has adequate recourse through the federal courts and by way of complaint to the appropriate judicial authorities regarding the judge's conduct. The Director's Office, however, declines to investigate.

The Director's Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys. It cannot represent complainants in any legal matter or give legal advice. Complainant must retain an attorney if either legal advice or representation is desired.

NOTICE OF COMPLAINANT'S RIGHT TO APPEAL

If the complainant is not satisfied with the Director's determination not to investigate this complaint, an appeal may be made by notifying the Director in a letter postmarked no later than fourteen (14) days after the date of this notice. The letter of appeal should state the reason(s) why the complainant believes the matter should be investigated. A Lawyers Professional Responsibility Board member will review the appeal. The Lawyers Board is comprised of 14 lawyers and 9 non-lawyers appointed by the Minnesota Supreme Court. Appeals are assigned to individual Lawyers Board members in rotation according to when they are received. The Board members' options on appeal are limited to either approving the Director's decision not to investigate the complaint or directing that the complaint or some portion of the complaint be investigated. This determination will generally be based upon the information which is already contained in the file.

Enclosed with this notice to the respondent attorney is a copy of complainant's complaint.

Dated: November 21, 2001.

EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

By 
Kenneth L. Jorgensen
First Assistant Director

In the Matter of the Complaint of
JOHN GREGORY LAMBROS, #00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, KS 66048-1000
against DAVID L. LILLEHAUG,
an Attorney at Law of
the State of Minnesota.

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Dated: November 21, 2001.

EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

By 
Kenneth L. Jorgensen
First Assistant Director

In the Matter of the Complaint of
JOHN GREGORY LAMBROS, #00436-124
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P.O. Box 1000
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against COLIA F. CEISEL,
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WARRANTED, WITHOUT
INVESTIGATION**

TO: Complainant and the Respondent Attorney Above-Named:

After reviewing the documents submitted by the complainant, the Director has determined not to investigate this complaint pursuant to Rule 8(d)(1), Rules on Lawyers Professional Responsibility. The reasons for the Director's decision not to investigate this complaint are as follows:

Complaint Summary

Complainant is incarcerated in the federal penitentiary in Leavenworth, Kansas. Respondent represented complainant at a 1997 hearing regarding a re-sentencing matter. Complainant asserts that respondent failed to adequately represent his interests by failing to request that the presiding judge recuse himself pursuant to Title 28 U.S.C. § 455 which prohibits a United States district court judge to adjudicate a case that he or she was involved with as United States attorney.

Reasons for Decision Not to Investigate

First, it is not clear whether complainant's interpretation or application of the statute is accurate. Although the statute appears to prohibit judges from presiding over prosecutions brought by his office while acting as United States Attorney, the statute is silent about whether a judge may preside over subsequent prosecutions which take into account at sentencing prior prosecutions commenced while the judge was U.S. Attorney. It is entirely likely that the statute could be construed strictly and that the only prohibited matters are prosecutions commenced while the judge was U.S. Attorney. Here, the file numbers on the prosecutions before Judge Renner indicate they were commenced in 1989 and 1999, long after Judge Renner ceased being the U.S. Attorney.

In any event, resolution of the statute's application is not necessary to determine whether complainant's complaint warrants investigation. Even if the statute did preclude Judge Renner's participation, at most complainant's complaint alleges that respondent did not adequately or effectively represent him. Ineffective assistance of counsel claims are best raised in a post-conviction proceeding, as provided under Minn.

10.14

Stat. §§ 590.01-.06, or by appeal, or through the federal courts, or through other post-conviction remedies. Courts presume that attorneys' conduct falls within "the wide range of reasonable professional assistance." *Strickland v. Washington*, 104 S. Ct. 2052 (1984). The Minnesota Supreme Court, to which this Office is accountable, in 1986 adopted the recommendation of its Advisory Committee that this Office should not normally be involved in post-conviction claims of ineffective assistance of counsel unless a court first finds impropriety.

The Director's Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys. It cannot represent complainants in any legal matter or give legal advice. Complainant must retain an attorney if either legal advice or representation is desired.


NOTICE OF COMPLAINANT'S RIGHT TO APPEAL

If the complainant is not satisfied with the Director's determination not to investigate this complaint, an appeal may be made by notifying the Director in a letter postmarked no later than fourteen (14) days after the date of this notice. The letter of appeal should state the reason(s) why the complainant believes the matter should be investigated. A Lawyers Professional Responsibility Board member will review the appeal. The Lawyers Board is comprised of 14 lawyers and 9 non-lawyers appointed by the Minnesota Supreme Court. Appeals are assigned to individual Lawyers Board members in rotation according to when they are received. The Board members' options on appeal are limited to either approving the Director's decision not to investigate the complaint or directing that the complaint or some portion of the complaint be investigated. This determination will generally be based upon the information which is already contained in the file.

Enclosed with this notice to the respondent attorney is a copy of complainant's complaint.

Dated: November 26, 2001.

EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

By 
Kenneth L. Jorgensen
First Assistant Director

November 28, 2001

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA
Web site: www.brazilboycott.org

LETTER OF APPEAL

Edward J. Cleary, Director
Office of Lawyers Professional Responsibility
Minnesota Judicial Center
25 Constitution Avenue, Suite 105
St. Paul, Minnesota 55155-1500
Tel. (651) 296-3952
U.S. CERTIFIED MAIL NO. 7000-0520-0026-3237-1273

RE: LAMBROS vs. DAVID L. LILLEHAUG & DOUGLAS R. PETERSON.

Dear Mr. Cleary:

On November 21, 2001 you and Kenneth L. Jorgensen, First Assistant Director of The Office of Lawyers Professional Responsibility issued two (2) "ADMINISTRATIVE ORDERS" as to John Gregory Lambros' filing of complaint against Minnesota Attorneys:

- a. Colia F. Ceisel;
- b. Douglas R. Peterson;
- c. David L. Lillehaug;

dated October 30, 2001. Your "ADMINISTRATIVE ORDERS" were identical in language as to the actions of Attorney DAVID L. LILLEHAUG and DOUGLAS R. PETERSON, "DETERMINATION THAT DISCIPLINE IS NOT WARRANTED, WITHOUT INVESTIGATION." You did not issue an "ADMINISTRATIVE ORDER" as to the actions of Attorney Colia F. Ceisel.

LAMBROS APPEALS YOUR NOVEMBER 21, 2001 "ADMINISTRATIVE ORDERS:"

Both U.S. Attorney Lillehaug and U.S. Assistant Attorney Peterson have a special duty as government agents to "SECURE JUSTICE." See, U.S. vs. PEYRO, 786 F.2d 826, 831 (8th Cir. 1986) ("... To the contrary, his [the prosecutor] special duty as the government's agent is not to convict, but to secure justice. BERGER vs. U.S. 295 U.S. 78, 88 (1935)). The Eighth Circuit clearly states that U.S. Attorneys are subject to to sanctions under ABA STANDARDS RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE. See, PEYRO, 786 F.2d 832. Also see, U.S. vs. O'CONNELL, 841 F.2d 1408, 1428 (8th Cir. 1988), cert. denied, 488 U.S. 1011 (1989)(citing U.S. vs. PEYRO) and U.S. vs. GUERRA, 113 F.3d 809, 818 (8th Cir. 1997), in which the Eighth Circuit stated, "The cause of justice would be well served if prosecutors would heed the 1935 admonition by the Supreme Court:

He [she] may prosecute with earnestness and vigor -

indeed, he [she] should do so. But, while he [she] may strike hard blows, he [she] IS NOT AT LIBERTY TO STRIKE FOUL ONES. It is as much he [her] duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. (emphasis added)
BERGER vs. U.S., 295 U.S. 78, 88 (1935)."

U.S. vs. GUERRA, 113 F.3d 809, 818 (8th Cir. 1997).

THE ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY

The ABA Model Code of Professional Responsibility DR-1-102:

- (A) A lawyer shall not: . . .
- (4) Engage in conduct involving dishonesty, fraud, deceit, or or misrepresentation. [or]
- (5) Engage in conduct that is prejudicial to the administration of justice.

THE ABA MODEL RULES OF PROFESSIONAL CONDUCT

The ABA Model Rules of Professional Conduct have provisions similar to the Model Code:

RULE 8.3. Reporting Professional Misconduct

(a) A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate authority

RULE 8.4, MISCONDUCT.

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; ...

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November 28, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: **APPAL**

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is **PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE**. (emphasis added)

It is Lambros' understanding that Minnesota common law states that "deceit or collusion" are "virtually identical." See, HANDEEN vs. LEMAIRE, 112 F.3d 1339, 1355 (8th Cir. 1997).

FEDERAL RULE OF CIVIL PROCEDURE 11

As this agency knows, the federal courts use remedies such as the Federal Rule of Civil Procedure, RULE 11, to regulate the conduct of lawyers. Rule 11 has been the judicially preferred basis for sanctions.

After the 1983 amendments, Rule 11 provided that the signature of an attorney on a pleading, motion or other paper is a **CERTIFICATE THAT**: (1) to the best of his knowledge, information and belief; (2) **FORMED AFTER REASONABLE INQUIRY**; (3) the document is well-grounded in fact; (4) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and (5) that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needlessly increase the cost of litigation. The 1993 **AMENDMENTS** changed the requirement of "well-grounded in fact" **TO "HAVE EVIDENTIARY SUPPORT."** Therefore, if an attorney's investigation **DOES NOT** meet the objective standard, then the court need not decide whether there was a subjective good faith belief, since compliance with the objective standard is a condition precedent to the relevance of subjective good faith. "Simply put, subjective good faith no longer provides the safe harbor it once did." See, EASTWAY CONST. CORP. vs. CITY OF NEW YORK, 762 F.2d 243, 253 (2nd Cir. 1985).

As interpreted under the 1983 version of Rule 11, a lawyer may violate the objective criteria of Rule 11 in three (3) respects: (1) by failing to make a reasonable inquiry into the facts; (2) by failing to make a **REASONABLE INQUIRY INTO THE LAW**; and (3) by failing to draw the reasonable conclusion of a **"COMPETENT" ATTORNEY**. See, JACKSON vs. LAW FIRM OF O'HARA, RUBERG, et al., 875 F.2d 1224 (6th Cir. 1989)

The **STANDARD** is whether the attorney's conduct was reasonable under the circumstances. See, JENSEN ELECTRIC CO. vs. MOORE, CALDWELL, ROWLAND & DODD, 873 F.2d 1327 (9th Cir. 1989).

DUTY OF CANDOR: Some courts have interpreted Rule 11 as imposing a "DUTY OF CANDOR." See, BLACKWELL vs. DEPT. OF OFFENDER REHABILITATION, 807 F.2d 914, 915-16 (11th Cir.

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Lambros' letter to Office of Lawyers Professional Responsibility

RE: **APPEAL**

1987). False statements in a writing are, of course, subject to sanctions, as are misleading **OMISSIONS OF MATERIAL FACTS**. See, IN RE RONCO, INC., 838 F.2d 212 (7th Cir. 1988) (**FAILURE TO DISCLOSE** in bankruptcy proceeding that **ATTORNEY HAD PREVIOUSLY REPRESENTED UNSECURED CREDITOR**).

TITLE 28 U.S.C.A SECTION 455

Parties entitled to enforce section

Title 28 U.S.C.A. Section 455, the statute indicating grounds for disqualification of judge imposes self-enforcing duty on judge, **BUT** provisions may be enforced also by a party to the action. See, U.S. vs. CONFORTE, 624 F.2d 869 (9th Cir. 1980), cert. denied, 66 L.Ed.2d 470; DAVIS vs. BOARD OF SCHOOL COM'RS OF MOBILE COUNTY, 517 F.2d 1044, rehearing denied 521 F.2d 814, cert. denied, 48 L.Ed2d 188 (5th Cir. 1975). Therefore, both U.S. Attorney Lillehaug and U.S. Assistant Attorney Peterson had a duty to enforce Title 28 U.S.C.A. §455.

FACTS

1. On December 17, 1992, U.S. Attorney Thomas B. Heffelfinger and Assistant U.S. Attorney Douglas R. PETERSON filed an INFORMATION in U.S. vs. LAMBROS, Criminal No. 4-89-82(5), which clearly stated that JOHN GREGORY LAMBROS had been previously convicted in the United States District Court for the District of Minnesota, to wit: conviction on JUNE 21, 1976 of one count of possession with intent to distribute cocaine and one count of assault on federal officers with a firearm and conviction on MARCH 7, 1977 of two counts of heroin distribution and one count of heroin conspiracy. "Said convictions expose the defendant [Lambros] to enhanced penalties under Title 21, United States Code, Sections 841(b)(1)(A) and 841(b)(1)(B) for the charges contained within Counts I, V, VI, and VIII." See, EXHIBIT A.

2. On February 10, 1997, the day LAMBROS was resentenced, Attorney David L. Lillehaug was the U.S. Attorney for the District of Minnesota, thus possessing the statutory duty within his district to "prosecute for all offenses against the United States." 28 U.S.C. §547. Responsibility for prosecution necessarily includes responsibility for INVESTIGATION; there can be no prosecution unless it is PRECEDED BY INVESTIGATION. Responsibility for prosecution and the precedent investigation is that of the United States Attorney in his district; OTHER ATTORNEYS ARE ONLY HIS ASSISTANTS, 28 U.S.C. §542 and §543. See, U.S. vs. ARNPRIESTER, 37 F.3d 466, 467 (9th Cir. 1994). Therefore, U.S. Attorney David L. Lillehaug knew that LAMBROS was convicted and prosecuted by Judge Renner when Judge Renner was the U.S. Attorney in the District of Minnesota from 1969 to 1977.

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November 28, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: **APPEAL**

3. The analysis offered in the above paragraph was offered by the Ninth Circuit in U.S. vs. ARNPRIESTER, 37 F.3d 466, 467 (9th Cir. 1994), which further stated:

"This analysis imputes to the United States Attorney the knowledge and acts of HIS ASSISTANTS. Such "vertical imputation" to the head of the office is what is done by the criminal statute governing employment of a former government employee in any matter "which was under his official responsibility," 18 U.S.C. § 207(a). . . ." (emphasis added)

U.S. vs. ARNPRIESTER, 37 F.3d at 467 (9th Cir. 1994).

4. In U.S. vs. LAMBROS, 544 F.2d 962, 963 (8th Cir. 1976), it was clearly published that ROBERT G. RENNER, U.S. ATTORNEY, Minneapolis, Minnesota, was on BRIEF. In fact, LAMBROS reviewed the other "CASES REPORTED" out of the Eighth Circuit from Minnesota within 544 F.2d and discovered that four (4) cases were reported and three (3) of the cases clearly published that ROBERT G. RENNER, U.S. Attorney, Minneapolis, Minnesota was on BRIEF for those cases. Therefore, it would behoove any U.S. Attorney or U.S. Assistant Attorney in the District of Minnesota ~~xxx~~ to know that U.S. Judge Robert G. Renner was a former U.S. Attorney in Minneapolis, Minnesota, as legal research of Eighth Circuit cases would reveal same.

5. In 1976, U.S. Attorney Robert G. Renner signed two (2) different INDICTMENTS against John Gregory Lambros in the District of Minnesota:

- a. CR-3-75-128 filed on February 23, 1976. EXHIBIT B (Page 1 and 16 of INDICTMENT);
- b. CR-3-76-17 filed on March 24, 1976. EXHIBIT C.

LAMBROS INCORPORATES ALL FILES AND POSSIBLE EVIDENTIARY
HEARING EVIDENCE AS TO HIS CURRENT LEGAL ACTION
DATED APRIL 13, 2001. "MOTION TO VACATE ALL
JUDGMENTS AND ORDERS BY U.S. DISTRICT COURT
JUDGE ROBERT G. RENNER PURSUANT TO RULE 60(b)(6)
OF THE F.R.C.P. FOR VIOLATIONS OF TITLE 28
U.S.C.A. § 455"

6. On April 13, 2001, LAMBROS filed the above-entitled action in U.S. vs. LAMBROS, Civil File Number 99-28(RGR). It appears that Judge Renner has RECUSED HIMSELF from this action as U.S. Chief Judge JAMES M. ROSENBAUM issued an

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November 28, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: **APPEAL**

ORDER on September 14, 2001, filed stamped on September 18, 2001, for the government to respond. U.S. Attorney Thomas H. Heffelfinger and U.S. Assistant Attorney Jeffrey S. Paulsen responded on October 19, 2001. On November 13, 2001, LAMBROS responded to the governments October 19, 2001 response. LAMBROS has also filed motions requesting **APPOINTMENT OF COUNSEL**, **REQUEST TO AMEND**, and **MOTION FOR DISCLOSURE OF DOCUMENTS FILED BY JUDGE RENNER IN THIS CURRENT ACTION**.

7. LAMBROS believes that the above documents will assist the **OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY** in evaluating LAMBROS' complaint in this current action.

8. LAMBROS is offering all filings within U.S. vs. LAMBROS, Civil File No. 99-28(RGR), as to violations of Title 28 U.S.C.A. §455 by Judge Renner within his **BOYCOTT BRAZIL** web site:

www.brazilboycott.org

in the section entitled, "ROBERT G. RENNER, UNITED STATES DISTRICT COURT JUDGE, AS TO VIOLATIONS OF TITLE 28 U.S.C. §455(a) and §455(b)(3), DISTRICT OF MINNESOTA. It is LAMBROS' understanding that all motion filed will be available by December 3, 2001, for downloading in PDF format, thus true copy.

9. Therefore, LAMBROS is incorporating all legal filings in U.S. vs. LAMBROS, Civil File No. 99-28(RGR) into this appeal, as Judge Renner **MAY ADMIT THAT HE NOTIFIED BOTH U.S. ATTORNEY LILLEHAUG AND PETERSON THAT HE WAS THE U.S. ATTORNEY THAT INDICTED AND PROSECUTED LAMBROS IN 1976.**

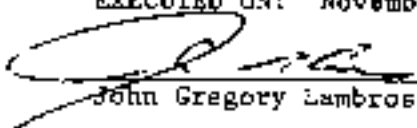
CONCLUSION

I JOHN GREGORY LAMBROS believes that a substantial likelihood existed as to Minnesota Attorneys LILLEHAUG and PETERSON violations of the ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY, THE ABA MODEL RULES OF PROFESSIONAL CONDUCT, ABA STANDARDS RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE, and other rules pertaining to the ethics of Minnesota Attorneys.

LAMBROS requests that his complaint be investigated.

Thanking you in advance for your consideration into the investigation of this matter. I declare under penalty of perjury that the foregoing is true and correct. Title 28 USCA § 1746.

EXECUTED ON: November 28, 2001


John Gregory Lambros, Pro Se

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BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

2400 IDS CENTER
20 SOUTH EIGHTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE (612) 334-8400
FACSIMILE (612) 334-8650

WRITER'S DIRECT DIAL

(612) 334-8448

WRITER'S E MAIL

stegre@briggs.com

October 4, 2000

PRIVILEGED AND CONFIDENTIAL

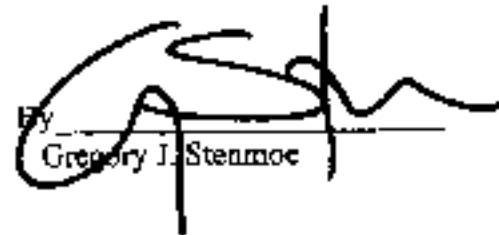
John G. Lambros
Reg. No. 00436-124
U.S.P. Leavenworth
P.O. Box 1000
1300 Metropolitan Avenue
Leavenworth, Kansas 66048

Dear John:

Enclosed is a document that appears to be responsive to the request in your September 19, 2000 correspondence. Please let me know if this is it or if you were looking something else.

Very truly yours,

BRIGGS AND MORGAN

By 
Gregory J. Steinhoe

Enclosure

GJS:sjp

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.

INFORMATION

(21 U.S.C. §§ 841(a)(1),
841(b)(1)(A), 841(b)(1)(B),
846 and 851)

The United States by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota, and Douglas R. Peterson, Assistant United States Attorney, accuses the defendant,

JOHN GREGORY LAMBROS,

who was indicted in May of 1989 in the District of Minnesota for conspiracy to distribute cocaine and distribution of cocaine in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(B), and 846, of having previously been convicted in United States District Court for the District of Minnesota, to wit: conviction on June 21, 1976 of one count of possession with intent to distribute cocaine and one count of assault on federal officers with a firearm and conviction on March 7, 1977 of two counts of heroin distribution and one count of heroin conspiracy. Copies of the judgment and commitment orders are attached.

Said convictions expose the defendant to enhanced penalties under Title 21, United States Code, Sections 841(b)(1)(A) and

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12-17-92

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841(b)(1)(B) for the charges contained within Counts I, V, VI, and VIII.

Dated: December 17, 1992

Respectfully submitted,

THOMAS B. HEFFELINGER
United States Attorney



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

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DE.

UNITED STATES OF AMERICA

v.

CHARLES WILLIAM BLANCHARD
MARY JILL BUCKEE
KENNETH JAMES CLINE
DEBORAH ANN CORBETT
STANLEY ZANE CUTTS
ALEJANDRO BALONIERO DE LA NOE
HONORIO DE LA NOE
KAREN HELEN EBELLE
HARRIET LYNN ELSASSER a/k/a
HARRIET MANNIS
ROBERT DOUGLAS FINN
ORLANDO LOPEZ a/k/a FRANCISCO
MARY ANN HEDGECOCK
MARY ELIZABETH LACY a/k/a
MARY LEVINE
THOMAS WILLIAM MAENTZ
EDUARDO MENTIA
MICHAEL SEARS MILNOR
SHARON LEE NELSON
ROBIN RAMIREZ
ROBERTO RAMIREZ
GARY RICHARDSON
DAVID MICHAEL RONSSTAD
RONALD MICHAEL SCHLEIS
GUSTAVO URIBE
JOHN GREGORY CAMERON a/k/a J.R.
a/k/a JUNIOR

CP-3-75-128
INDICTMENT

{21 U.S.C. §841(a)(1)}
§841(b)(1)(a)
§843
§846
§952(a)
§960(a)(1)
§963
18 U.S.C. §2952(a)(3)
and §2

(Superseding Indictment 3-75 Cr. 128)

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(1) From on or about the 19th day of November, 1973, and continuously thereafter up to and including the date of this indictment, in the State and District of Minnesota, and elsewhere, the defendants,

CHARLES WILLIAM BLANCHARD, MARY JILL BUCKEE, KENNETH JAMES CLINE,
DEBORAH ANN CORBETT, STANLEY ZANE CUTTS,
ALEJANDRO BALONIERO DE LA NOE, HONORIO DE LA NOE,
KAREN HELEN EBELLE, HARRIET LYNN ELSASSER a/k/a HARRIET MANNIS,
ROBERT DOUGLAS FINN, ORLANDO LOPEZ a/k/a FRANCISCO,
MARY ANN HEDGECOCK, MARY ELIZABETH LACY a/k/a MARY LEVINE,
THOMAS WILLIAM MAENTZ, MICHAEL SEARS MILNOR,
EDUARDO MENTIA, SHARON LEE NELSON, ROBIN RAMIREZ,
ROBERTO RAMIREZ, GARY RICHARDSON,
DAVID MICHAEL RONSSTAD, RONALD MICHAEL SCHLEIS and GUSTAVO URIBE, and
JOHN GREGORY CAMERON a/k/a J.R. a/k/a JUNIOR,

willfully and knowingly did combine, conspire, confederate and agree together, with each other, and with Marc J. Levesneur and Luis E. Correa, named as co-conspirators but not as defendants, and with diverse other persons whose names are to the Grand Jury unknown, to import into the United States and

EXHIBIT

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FEB 21 1975
Clerk
By _____

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COUNT 42

On or about the 4th day of August, 1974, in the State and District of Minnesota, the defendant,

JOHN G. LAMBRGS,

knowingly and intentionally did unlawfully possess with intent to distribute about 198 grams of cocaine, a schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Section 842(a)(1).

COUNT 43

On or about the 14th day of October, 1974, in the State and District of Minnesota, the defendant,

JOHN G. LAMBRGS,

knowingly and intentionally did unlawfully possess with intent to distribute about two grams of cocaine, a schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).


COUNT 44

On or about the 15th day of October, 1974, in the State and District of Minnesota, the defendant,

JOHN G. LAMBRGS,

knowingly and intentionally did unlawfully possess with intent to distribute about one-half pound of cocaine, a schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

A TRUE BILL.


United States Attorney


Foreman

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

UNITED STATES OF AMERICA

v.

JOHN C. LAMEROS

CR 3-76-17
INDICTMENT
(18 U.S.C. 5521 and 114)

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT I

On or about the 24th day of February, 1976, in the State and
District of Minnesota, the defendant,

JOHN C. LAMEROS,

knowingly, intentionally, and by means and use of a deadly and dangerous
weapon, that is, a Browning .9 mm semi-automatic pistol, did forcibly
sault, resist, oppose, impede and interfere with Deputy United States
Marshal James L. Prognobnick, and Special Agents Donald E. Nelson and
John P. Brueck of the Federal Drug Enforcement Administration while
said officers were engaged in the performance of their official
duties; in violation of Title 18, United States Code, Sections 111 and
112.

COUNT II

On or about the 24th day of February, 1976, in the State and
District of Minnesota, the defendant,

JOHN C. LAMEROS,

knowingly, intentionally, and by means and use of a deadly and dangerous
weapon, that is, a Browning .9 mm semi-automatic pistol, did forcibly
sault, resist, oppose, impede and interfere with Deputy United States
Marshal Leon A. Cheney while the said officer was engaged in the per-
formance of his official duty; in violation of Title 18, United States
Code, Sections 111 and 11A.

MAR 24 1976

Filed
Barry J. Simpson, Clerk

A TRUE BILL

[Signature]
United States Attorney

[Signature]
Foreman

A true copy in 2 sheet (s)

of the record in my custody.

CERTIFIED

[Signature]
Richard D. Shelton, Clerk

BY: *[Signature]*
Deputy Clerk

CR 3-76-17

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December 3, 2001

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA
Web site: www.brazilboycott.org

LETTER OF APPEAL AGAINST
ATTORNEY GOLIA F. GEISEL.

Edward J. Cleary, Director
Office of Lawyers Professional Responsibility
Minnesota Judicial Center
25 Constitution Avenue, Suite 105
St. Paul, Minnesota 55155-1500
Tel. (651) 296-3952
U.S. CERTIFIED MAIL NO. 7001-0320-0005-5874-4707

RE: LAMBROS vs. ATTORNEY GOLIA F. GEISEL.

Dear Mr. Cleary:

On November 26, 2001, you and Kenneth L. Jorgensen, First Assistant Director of The Office of Lawyers Professional Responsibility issued an "ADMINISTRATIVE ORDER" as to John Gregory Lambros' filing of complaint against Minnesota Attorneys:

- a. Colia F. Geisel;
- b. Douglas E. Peterson;
- c. David L. Lillehaug;

dated October 30, 2001. Your "ADMINISTRATIVE ORDER" was directed as to the actions of ATTORNEY GOLIA F. GEISEL, stating "DETERMINATION THAT DISCIPLINE IS NOT WARRANTED, WITHOUT INVESTIGATION."

LAMBROS APPEALS YOUR NOVEMBER 26, 2001 "ADMINISTRATIVE ORDER."

Lambros believes that the Office of Professional Responsibility understands his complaint. "Complainant asserts that respondent [Attorney Geisel] failed to adequately represent his [Lambros'] interests by failing to request that the presiding judge recuse himself pursuant to Title 28 U.S.C. §455 which prohibits a United States district court judge to adjudicate a case that he or she was involved with as United States Attorney."

Mr. Cleary and Jorgensen further state within their "REASONS FOR DECISION NOT TO INVESTIGATE," that Lambros may not have a clear "interpretation or application of the statute." Lambros has a very clear understanding of Title 28 U.S.C. §455(a) and §455(b)(3), and INCORPORATES all pleading within LAMBROS vs. USA, Civil File No. 99-28(RGR), that are available within Lambros BOYCOTT BRAZIL web site:

www.brazilboycott.org

under the section "ROBERT G. RENNER, UNITED STATES DISTRICT COURT JUDGE, AS TO VIOLATIONS OF TITLE 28 U.S.C. §455(a) and §455(b)(3), DISTRICT OF MINNESOTA."

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December 3, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: APPEAL - ATTORNEY CEISEL

Lambros further suggests that Mr. Cleary and Jorgensen read LILJEBERG vs. HEALTH SERVICES ACQUISITION CORP., 100 L.Ed.2d 855 (1988) (Violation of Title 28 USCA §455(a) which requires judge to DISQUALIFY HIMSELF in any proceeding in which his impartiality might reasonably be questioned DOES NOT REQUIRE SCIENTER, although judge's lack of knowledge of disqualifying circumstances may bear on question of remedy.)

FULL RECORD

Lambros believes Mr. Cleary and Jorgensen should review the "FULL RECORD" in this action and interview Attorney Ceisel and Judge Renner. The Eighth Circuit Court of Appeals states that a "claim of bias of judge must be evaluated in the light of the FULL RECORD not simply in the light of an isolated incident. 28 U.S.C.A. §455(a)" See, IN RE FEDERAL SKYWALK CASES, 680 F.2d 1175, Head Note 8 (8th Cir. 1982). It is entirely possible that Judge Renner instructed Attorney Ceisel not to inform LAMBROS that he prosecuted him in 1976 on drug charges. Also see, U.S. vs. GREENSPAN, 26 F.3d 1001 (10th Cir. 1994) (Recusal on ground that judge's impartiality might reasonably be questioned is to be judged on RECORD; it is not question of either government or defendant bearing burden of proof. 28 USCA §455(a)).

LAMBROS INCORPORATES HIS NOVEMBER 28, 2001 LETTER OF
APPEAL AS TO ATTORNEY PETERSON & LILLEHAUG

On November 28, 2001, via U.S. Certified Mail Lambros submitted his "LETTER OF APPEAL" as to Attorney David L. Lillehaug and Douglas R. Peterson to Mr. Cleary. Lambros is requesting that letter to be incorporated within this appeal.

DO ERRORS SO SERIOUS THAT ATTORNEY CEISEL WAS NOT
FUNCTIONING AS COUNSEL QUALIFY AS UNPROFESSIONAL
CONDUCT ?

Mr. Cleary and Mr. Jorgensen state, "The Directors Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys." Lambros clearly outlines in his November 28, 2001 APPEAL LETTER as to Attorney Lillehaug and Peterson the standards of "The ABA Model Code of Professional Responsibility," "The ABA Model Rules of Professional Conduct," "Federal Rule of Civil Procedure 11," and "Title 28 USCA §455," that would clearly qualify, if breached, as Sixth Amendment violations. In fact, the Eighth Circuit Court of Appeals has ruled, sua sponte, that an attorney is DEFICIENT when he/she is not familiar with the criminal guidelines and failed to challenge the government's breach of its agreement. See, U.S. vs. GRANAKIS, 168 F.3d 343 (8th Cir. 1999)

29.

December 3, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: APPEAL - ATTORNEY CEISEL

The First Circuit has stated, "A motion to recuse a trial judge is inherently offensive to the sitting judge. See, HOLT vs. VIRGINIA, 14 L.Ed.2d 290, 294 (1965), because it requires the moving party to allege and substantiate bias and prejudice—traits contrary to the impartiality expected from a mortal cloaked in judicial robe. Yet the **FAIR ADMINISTRATION OF JUSTICE REQUIRES THAT LAWYERS CHALLENGE A JUDGE'S PURPORTED IMPARTIALITY WHEN FACTS ARISE WHICH SUGGEST THE JUDGE HAS EXHIBITED BIAS OR PREJUDICE. THE APPROPRIATE MECHANISM FOR SUCH A CHALLENGE IS A MOTION TO RECUSE.**" See, U.S. vs. COOPER, 872 F.2d 1, 4-5 (1st Cir. 1989). Also see, HOLT, 14 L.Ed.2d 291, Head Note 2 (The due process right to be heard necessarily embodies a right to file motions and pleadings essential to present claims and raise relevant issues, including motions for change of venue to **ESCAPE A BIASED TRIBUNAL**).

The Supreme Court has described attorneys as "assistants to the court in search of a just solution to disputes." OHRALIK vs. OHIO STATE BAR ASS'N, 436 U.S. 447, 460 (1978). Quoting, HOWELL vs. STATE BAR OF TEXAS, 843 F.2d 205, 207 (5th Cir. 1988). Also, IN RE SNYDER, 472 U.S. at 644-45 (1985), Former Chief Justice Burger described the lawyers role in the administration of justice in the following language, ". . . The license granted by the court requires members of the bar to conduct themselves in a manner **COMPATIBLE WITH THE ROLE OF COURTS IN THE ADMINISTRATION OF JUSTICE.**"

In a courtroom, a lawyer without a client is like an actor without a part: he/she has no role to play, and no lines to deliver. Attorney Ceisel denied LAMBROS his due process right to file a motion for recusal of Judge Renner under Title 28 USCA §455(a) and §455(b)(3), as illustrated in HOLT. The question is, "DID LAMBROS HAVE A RIGHT TO PRESENT EVIDENCE OR TESTIMONY AS TO VIOLATIONS OF TITLE 28 U.S.C. §455(a) and §455(b)(3) AGAINST JUDGE ROBERT G. RENNER?" It is only fair to measure Attorney Ceisel's rights by LAMBROS' rights. If LAMBROS has no trial right to present evidence or testimony, then the evidence or testimony may not be presented. Attorney Ceisel denied LAMBROS his right to present a defense and should be sanctioned under ABA STANDARDS RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

Attorney Ceisel beared the burden of proving Judge Renner's impartiality might reasonably be questioned by the average person on the street who knew all the relevant facts of the case. See, BANNISTER vs. DELO, 100 F.3d 610, 614 (8th Cir. 1996) ("Under §455(a), we consider whether the judge's impartiality might reasonably be questioned by the average person on the street who knew all the relevant facts of a case.")

It is also necessary for The Office of Lawyers Professional Responsibility to ask Attorney Ceisel if Judge Renner solicited advice from her to determine whether to disqualify himself. See, MATTER OF NAT. UNION FIRE INS. CO. OF PITTSBURGH, 839 F.2d 1226, 1230-31 (7th Cir. 1988) (judge should not solicit counsels' views on questions of appearance of partiality and recusal because judge should reach own determination and such questions are "fraught with potential coercive elements.")

Attorney Ceisel knew that if any doubt existed as to Judge Renner's "IMPARTIALITY MIGHT REASONABLY BE QUESTIONED BY THE AVERAGE PERSON ON THE STREET WHO KNEW ALL THE RELEVANT FACTS OF THE CASE," doubts would be resolved in favor of recusal. See,

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2001

December 3, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: APPEAL - ATTORNEY CEISEL

IN RE CHEVRON, U.S.A., INC., 121 F.3d 163, 165 (5th Cir. 1997)(if question of whether §455(a) requires disqualification is close one, balance tips in favor of recusal.)

CONCLUSION

Attorney Ceisel, Judge Renner, U.S. Attorney Lillehaug, and U.S. Assistant Attorney Peterson where obligated to stay informed of John Gregory Lambros' past criminal proceedings that were filed as INFORMATION on December 17, 1992 in U.S. vs. LAMBROS, Criminal No. 4-89-82(5), that LAMBROS was resentenced on February 10, 1997. See, November 28, 2001, LETTER OF APPEAL as to Attorney LILLEHAUG & PETERSON, **EXHIBIT A.**

The December 17, 1992, INFORMATION filed by Attorney LILLEHAUG & PETERSON, clearly may raise the appearance of impartiality or impropriety, as Judge Renner was the U.S. Attorney that investigated, indicted, and assisted in the sentencing of LAMBROS in the crimes outlined within the December 17, 1992, INFORMATION. And when such circumstances are present appropriate actions should of been taken by Attorney Ceisel. In this instant case either Judge Renner, Attorney Ceisel, Attorney Peterson, or Attorney Lillehaug must have known of the grounds for disqualification and any of them should have raised the issue. If the issue had been raised and fully disclosed John Gregory Lambros would not of been denied his **FAIR ADMINISTRATION OF JUSTICE** and **DUE PROCESS** right to be file motions and pleadings essential to present claims and relevant issues, including motions for change of venue to escape a biased tribunal.

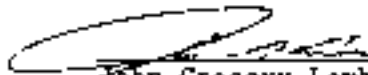
Lambros believes that The Office of Lawyers Professional Responsibility must consider the following steps: 1) the risk of injustice to John Gregory Lambros in this appeal; 2) the risk that the denial of sanctions against Attorney Ceisel will produce injustice in other cases; and 3) the risk of undermining the public's confidence in the judicial process of The Office of Lawyers Professional Responsibility.

I John Gregory Lambros believes that a substantial likelihood existed as to Minnesota Attorney Colja F. Ceisel violations of the ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY, THE ABA MODEL RULES OF PROFESSIONAL CONDUCT, ABA STANDARDS RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE, and other rules pertaining to the ethics of Minnesota Attorneys.

LAMBROS requests that this complaint be investigated.

Thanking you in advance for your consideration into the investigation of this matter. I declare under penalty of perjury that the foregoing is true and correct. Title 28 USCA § 1746.

EXECUTED ON: December 3, 2001



John Gregory Lambros, Pro Se

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OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY

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CASSIE HANSON

December 12, 2001

Mr. John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, KS 66048-1000

Re: David L. Lillehaug

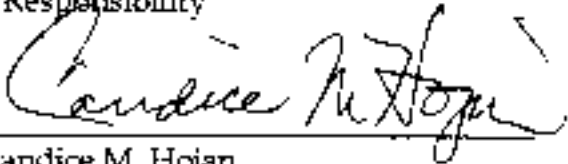
Dear Mr. Lambros:

Your appeal of the Director's disposition in the above matter has been received and is being referred to designated Board member Timothy J. Gephart. The respondent attorney has been provided a copy of your appeal letter, but is not expected to respond to the appeal, as the appeal is based on the information already in the file. The Board member will notify you directly, in writing, of the final decision concerning your appeal.

Very truly yours,

Office of Lawyers Professional
Responsibility

By


Candice M. Hojan
Senior Assistant Director

csk

cc: Timothy J. Gephart
David L. Lillehaug

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December 12, 2001

Mr. John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, KS 66048-1000

Re: Colia F. Ceisel

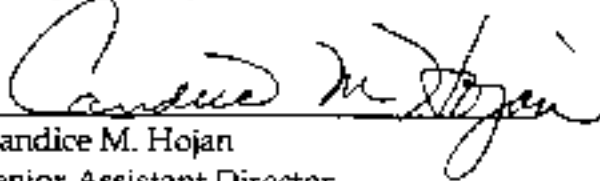
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Office of Lawyers Professional
Responsibility

By


Candice M. Hojan
Senior Assistant Director

csk

cc: Timothy J. Gephart
Colia F. Ceisel

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December 12, 2001

Mr. John Gregory Lambros
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U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, KS 66048-1000

Re: Douglas R. Peterson

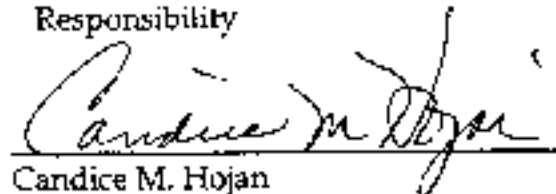
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Very truly yours,

Office of Lawyers Professional
Responsibility

By



Candice M. Hojan
Senior Assistant Director

csk

cc: Timothy J. Gephart
Douglas R. Peterson

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