

March 27, 2007

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U.S. CERTIFIED MAIL NO. 7002-2410-0001-3730-3795

RE: USA vs. PABLO JOAQUIN RAYO-MONTANO, Criminal No. 06-20139, Southern District of Florida - ILLEGAL EXTRADITION FROM BRAZIL

Dear Andrea G. Hoffman:

You are listed as the lead attorney representing the United States in the above-entitled action against PABLO JOAQUIN RAYO-MONTANO (hereinafter RAYO-MONTANO). As you know, RAYO-MONTANO was arrested in BRAZIL on or about May 17, 2006 by U.S. Drug Enforcement Agents and Brazilian Officials and is currently awaiting to be ILLEGALLY EXTRADITED TO THE USA.

NOTICE FOR FILING OF COMPLAINT AGAINST ATTORNEY HOFFMAN AS TO VIOLATIONS OF THE EXTRADITION TREATY BETWEEN THE USA & BRAZIL, IN THE EXTRADITION OF RAYO-MONTANO FROM BRAZIL TO THE USA IN THE ABOVE-ENTITLED ACTION.

Statement of Facts:

1. On May 5, 2006 Andrea G. Hoffman, Asst. U.S. Attorney and R. Alexander Acosta, U.S. Attorney filed an INDICTMENT against RAYO-MONTANO in this above-entitled action. The "CERTIFICATE OF TRIAL ATTORNEY" for the U.S. was signed by Andrea G. Hoffman, Court ID# A5500885.
2. Attached with the filing of the INDICTMENT in this action was the "PENALTY SHEET" for Defendant RAYO-MONTANO. Attorney HOFFMAN clearly states that RAYO-MONTANO has a **MAXIMUM PENALTY OF "LIFE IMPRISONMENT"** for Counts 1, 2, and 3. Count 4 states a maximum penalty of twenty (20) years. See EXHIBIT A.
3. If RAYO-MONTANO is extradited from Brazil and found guilty on Counts 1, 2, or 3, the District Court must consider the U.S. Federal Guidelines which requires the court to sentence RAYO-MONTANO to a LIFE SENTENCES.

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4. John Gregory Lambros has reviewed RAYO-MONTANO's INDICTMENT in this action and the U.S. Federal Sentencing Guidelines that apply to RAYO-MONTANO and verified that the only sentence RAYO-MONTANO may receive is a **LIFE SENTENCE on Counts 1, 2, and 3**. See, LAMBROS' August 13, 2006 letter with exhibits to "BOYCOTT BRAZIL SUPPORTERS". The August 13, 2006 letter is available on page 1 of the **WEBSITE: www.BrazilBoycott.org** for downloading. See, **EXHIBIT B**. Lambros' August 13, 2006 letter has been distributed to human rights groups globally.

5. **MAXIMUM CRIMINAL SENTENCE IN BRAZIL IS THIRTY (30) YEARS:** The 1988 Constitution of Brazil reaffirmed Article 5, Clause XLVII(b), that there will be 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 vs. PANG, 940 P2d 1293, 1345 & 1352 (Wash. 1997)

6. John Gregory Lambros was illegally extradited from Brazil when the U.S. Government sentenced Lambros to a **MANDATORY LIFE SENTENCE WITHOUT PAROLE after being extradited from Brazil**. See, U.S. vs. LAMBROS, 65 F.3d 698 (8th Cir. 1995).

7. The due process clause of the United States Constitution' 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)(consolidating cases back to 1886). The due process clause is also incorporated within the 1988 Constitution of Brazil and applies to all "PERSONS" within Brazil, including aliens, whether 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 HIMSELF TO BRAZILIAN LAW?**" 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." PANG, at 1346. (emphasis added) **EXHIBIT C**. (ZADVYDAS vs. DAVIS, 150 L.Ed.2d 653, 669 (2001)).

8. **HOW CAN THE LEGISLATIVE POWERS IN THE CONGRESS OF THE UNITED STATES, WHICH CONSISTS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE "AMENDED AND SUPPLEMENTED BY THE BRAZILIAN SUPREME COURT"???** Attorney HOFFMAN is requesting the Supreme Court of Brazil to limit the sentence RAYO-MONTANO may receive in the United States to **THIRTY (30) YEARS**. This is not possible, as the statutes RAYO-MONTANO has been indicted on clearly state he is exposed to **LIFE SENTENCES**. See:

a. Count One (1): Title 21 USC §963 (involving more than 5 kilo's of cocaine;

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b. Count Two (2): Title 21 USC § 846 (involving more than 5 kilo's of cocaine);

c. Count Three (3): Title 46 USC § 1903(j) (involving more than 5 kilo's of cocaine);

d. Count Four (4): Title 18 USC § 1956 (Laundering of monetary instruments).

9. The above four (4) statutes RAYO-MONTANO has been indicted on impose a **PENALTY** provision that is **MANDATORY**. See, PEABODY vs. STARK, 21 L.Ed. 311 (1872). The language of a **STATUTE** is to be construed literally where there is no reason why it should not be so interpreted. The measure of punishment within a statute is an element entering into the **CONSTRUCTION OF A CRIMINAL STATUTE**. Penal statutes **CANNOT** be extended by implication or construction, or be made to embrace cases which are not within their letter and spirit. Thus, for example, courts are not empowered to extend or shorten the terms of a criminal provision to cover conduct which is not included within the definition of the crime. Attorney HOFFMAN, the penal statutes above are plain and unambiguous and convey a clear and definite meaning and you **MAY NOT** request the Brazilian Supreme Court to resort to **RULES OF STATUTORY INTERPRETATION**. See, LEWIS vs. US, 63 L.Ed2d 198, 206 (1980).

10. **MEXICO WILL NOT EXTRADITE PERSONS FACING LIFE SENTENCES:** On January 20, 2002, the New York Times reported that the Supreme Court in Mexico ruled that persons facing a **POSSIBLE LIFE SENTENCE** in the USA **WILL NOT** be extradited to the USA. The article stated that the U.S. Justice Department **WOULD HAVE TO SUBMIT ANOTHER INDICTMENT** for those persons they wanted to extradite and **ONLY** violations of U.S. Law that **CARRIED A MAXIMUM SENTENCE OF THIRTY (30) YEARS WOULD BE CONSIDERED**. See article, "MEXICAN RULING LIMITS EXTRADITION, Those facing life won't go to the U.S.", New York Times, January 20, 2002. **EXHIBIT D.** Copy of this article is also available within the BOYCOTT BRAZIL website: www.BrazilBoycott.org within the "INTERNATIONAL EXTRADITION NEWS" section. The Mexican Supreme Court stopped the extradition of over seventy (70) persons to the USA.

RELIEF REQUESTED

11. I am requesting Attorney ANDREA G. HOFFMAN to request the Brazilian Supreme Court to stop all extradition proceeding against RAYO-MONTANO and return the request for extradition to the USA, as the extradition request is not warranted by existing law or a good faith argument for the extension, modification, or reversal of the penal statutes contained within the request for extradition.

12. I John Gregory Lambros also state that this letter is not

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interposed for any improper purpose, such as to harass or cause unnecessary delay or needlessly increase the cost of litigation in this above-entitled action.

13. Attorney HOFFMAN, you have a CONTINUING DUTY and responsibility to "REVIEW, REEXAMINE AND REEVALUATE" your position in considering new developments in this above-entitled action. See, Federal Rules of Civil Procedure, RULE 11. See, THOMAS vs. CAPITAL SECURITY SERVICES, INC., 836 F.2d 866 (5th Cir. 1988).

Thank you in advance for your prompt consideration in stopping all extradition proceedings against RAYO-MONTANO. I believe you may submit a SUPERSEDING INDICTMENT for the extradition of RAYO-MONTANO for **COUNT FOUR (4)** which carries a statutory maximum penalty of twenty (20) years imprisonment.

Sincerely,



John Gregory Lambros
www.BrazilBoycott.org

c:
Boycott Brazil web site
RELEASE TO BRAZILIAN NEWS GROUPS ON INTERNET
File

4.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PABLO JOAQUIN RAYO-MONTANO
a/k/a "Don Pa," a/k/a "El Tio," a/k/a "El Loco"

Case No: 06-20139-CR-MIDDLEBROOKS(s)

Count #: 1

Conspiracy to import cocaine.

Title 21, United States Code, Section 963.

* Max.Penalty: Life Imprisonment

Count #: 2

Conspiracy to possess with intent to distribute cocaine.

Title 21, United States Code, Section 846.

* Max.Penalty: Life Imprisonment

Count #: 3

Conspiracy to possess with the intent to distribute cocaine on board a vessel.

Title 46, United States Code Appendix, Section 1903(j).

* Max.Penalty: Life Imprisonment

Count #: 4

Conspiracy to launder money.

Title 18, United States Code, Section 1956(h).

* Max.Penalty: Twenty Years' Imprisonment

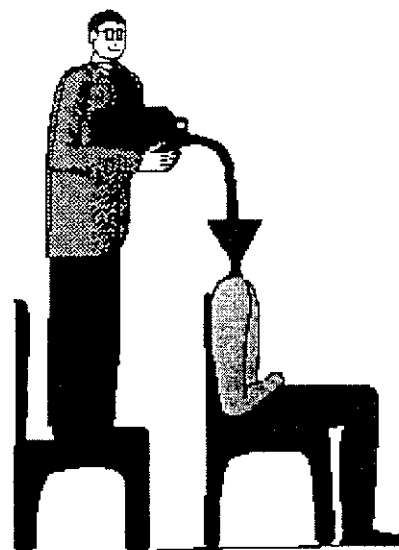
*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

Boycott Brazil



PLEASE COPY AND PASTE THE ABOVE LOGO ON YOUR SITE AND THROUGHOUT THE INTERNET.

Thank you for your support.



The Extradition, Torture and
Electronic Mind Control
of U.S. Citizen
John Gregory Lambros,
a Native of Minnesota

Go directly to a third-party explanation of what happened to John Gregory Lambros.

What's new?

➡ August 13, 2006, letter from Lambros to his SUPPORTERS regarding PABLO JOAQUIN RAYO-MONTANO. This letter outlines the sentences RAYO-MONTANO will receive if extradited from Brazil, LIFE SENTENCE, and the PENALTY SHEET signed by Assistant United States Attorney ANDREA G. HOFFMAN stating same. The indictment is also attached for your review. **PLEASE DISTRIBUTE THIS DOCUMENT THROUGHOUT BRAZIL via www.ORKUT.COM (almost 70% Brazilians) [CLICK HERE FOR COPY OF ARTICLE.](#)**

➡ MAY - JUNE 2006, "GRAND OPENING" OF NEW WEB SITE: John Lambros and supporters of Boycott Brazil are pleased to announce the "GRAND OPENING" rollout of our global portal database to divert landfill waste for reuse, by identifying usable items and those who will receive them. Please help us spread the word about: www.FreeRetiredStuff.com

PRESS RELEASE - MAY-JUNE 2006, "GRAND OPENING" This document is in PDF FORMAT.

➡ May 18, 2006, PABLO RAYO-MONTANO arrested in Brazil by DEA for extradition to USA. Will Brazil extradite RAYO-MONTANO to the USA when he can only receive a life sentence that Brazil does not allow? [CLICK HERE FOR MORE INFORMATION AND COPY OF ARTICLE.](#)

➡ February 28, 2006, Filed March 2, 2006, WRIT OF CERTIORARI in LAMBROS vs. U.S., U.S. Supreme Court Number 05-9611. Lambros is requesting the Supreme Court to rule CASTRO vs. U.S., 157 L.Ed.2d 778 (2003) retroactive and allow CASTRO to apply to Pro Se Motion when the inmate was also represented by an attorney. This Document is a total of seventy-nine (79) pages. The question presented to the Supreme Court, "WHETHER LA14BROS WAS DENIED HIS CONSTITUTIONAL RIGHT TO THE WRIT OF HABEAS CORPUS, AS EMBODIED WITHIN THE CONSTITUTION, ART. 1, Section 9, Cl. 2." [CLICK HERE](#) to go directly to the above motion within the homepage.

➡ DOES BOYCOTT BRAZIL NEED A NEW LOGO???? Attached for your downloading are several new logos BOYCOTT BRAZIL is considering for this site. In fact, BOYCOTT BRAZIL may incorporate several logos!!!! Please write John Gregory Lambros with your thoughts. THANK YOU!!!!

ZADVYDAS v DAVIS

(2001) 533 US 678, 150 L Ed 2d 653, 121 S Ct 2491

“treated,” for constitutional purposes, “as if stopped at the border.” *Id.*, at 213, 215, 97 L Ed 956, 73 S Ct 625. And that made all the difference.

[1f, 5, 6] The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law. See *Kaplan v Tod*, 267 US 228, 230, 69 L Ed 585, 45 S Ct 257 (1925) (despite nine years’ presence in the United States, an “excluded” alien “was still in theory of law at the boundary line and had gained no foothold in the United States”); *Leng May Ma v Barber*, 357 US 185, 188-190, 2 L Ed 2d 1246, 78 S Ct 1072 (1958) (alien “paroled” into the United States pending admissibility had not effected an “entry”). It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. See *United States v Verdugo-Urquidez*, 494 US 259, 269, 108 L Ed 2d 222, 110 S Ct 1056 (1990) (Fifth Amendment’s protections do not extend to aliens outside the territorial boundaries); *Johnson v Eisentrager*, 339 US 763, 784, 94 L Ed 1255, 70 S Ct 936 (1950) (same). But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all “persons” within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent. See *Plyler v Doe*, 457 US 202, 210, 72 L Ed 2d 786, 102 S Ct 2382 (1982); *Mathews v Diaz*, 426 US 67, 77, 48 L Ed 2d 478, 96 S Ct 1883 (1976); *Kwong Hai Chew v Colding*, 344 US 590, 596-598, and n 5, 97 L Ed 576, 73 S Ct 472 (1953); *Yick Wo v Hopkins*, 118 US 356, 369, 30 L Ed 220, 6 S Ct 1064 (1886); cf. *Mezei*, *supra*, at 212, 97 L Ed 956, 73 S

Ct 625 (“[A]liens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law”). Indeed, this Court has held that the Due Process

[533 US 694]

Clause protects an alien subject to a final order of deportation, see *Wong Wing v United States*, 163 US 228, 238, 41 L Ed 140, 16 S Ct 977 (1896), though the nature of that protection may vary depending upon status and circumstance, see *Landon v Plascencia*, 459 US 21, 32-34, 74 L Ed 2d 21, 103 S Ct 321 (1982); *Johnson*, *supra*, at 770, 94 L Ed 1255, 70 S Ct 936.

[1g] In *Wong Wing*, *supra*, the Court held unconstitutional a statute that imposed a year of hard labor upon aliens subject to a final deportation order. That case concerned substantive protections for aliens who had been ordered removed, not procedural protections for aliens whose removability was being determined. Cf. *post*, at 704, 150 L Ed 2d, at 662-663 (Scalia, J., dissenting). The Court held that punitive measures could not be imposed upon aliens ordered removed because “all persons within the territory of the United States are entitled to the protection” of the Constitution. 163 US, at 238, 41 L Ed 140, 16 S Ct 977 (citing *Yick Wo*, *supra*, at 369, 30 L Ed 220, 6 S Ct 1064 (holding that equal protection guarantee applies to Chinese aliens)); see also *Witkovich*, 353 US, at 199, 201, 1 L Ed 2d 765, 77 S Ct 779 (construing statute which applied to aliens ordered deported in order to avoid substantive constitutional problems). And contrary to Justice Scalia’s characterization, see *post*, at 703-705, 150 L Ed 2d, at 662-664, in *Mezei*

EXHIBIT C.

7.

SUNDAY, JANUARY 20 • 2002

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 to the United States, reinforcing U.S. authorities seeking to convict defendants accused of drug trafficking and murder.

The ruling, handed down in December 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 countries a 50-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 250 tons of cocaine into the United States. Another is Augustin Vasquez Miranda, 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 \$4 million pursuing Vasquez before his arrest in July 2000. Now it appears that, in order to extradite him, Mexico may have to discuss 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 revised 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 impose rehabilitation on a criminal if there were no chance of his returning to society," Justice Emma Patricia wrote for the majority.

Trafficking

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

Villanueva, governor of the state of Quintana Roo from 1983 to 1993, 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 1990. Villanueva is accused of working with traffickers to import cocaine into the United States, taking a \$100,000 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 smuggling "obscuring criminal enterprise" — carry a maximum sentence of life in prison for each charge and a \$4 million fine. Law enforcement officials in Mexico and 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, 57.

Vasquez, 41, is charged in the indictment in the 1994 killing of Richard Foss, a U.S. DEA agent working undercover in Chihuahua, Mex.

The state of Arizona charges that Vasquez ordered that Foss be killed to recover a 22-pound shipment of methamphetamine and the \$140,000 that Foss 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 Vasquez: drop the murder charge or petition Mexico that he will receive a fixed sentence of 50 years or less if convicted.

8.