

May 24, 2008

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**U.S. CERTIFIED MAIL NO.
7005-3110-0003-4742-4904**

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RE: DAINER CAMACHO-BENITEZ - EXTRADITED FROM COLOMBIA MARCH 2008

Dear Mr. Rodriguez:

On or about March 20, 2008 you were appointed by the Court to represent DAINER CAMACHO-BENITEZ, as per USA vs. RAYO-MONTANO, et. al, Criminal Docket No. 1:06-cr-20139-DMM-ALL, U.S. District Court for the Southern District of Florida (Miami). See, Docket Sheet entries 569, 570, 573, 574, 575, 581, etc.

It appears that U.S. Assistant Attorney Hoffman has indicted DAINER CAMACHO-BENITEZ on the same Counts as PABLO JOAQUIN RAYO-MONTANO, except for the money laundering counts. Therefore, Attorney Hoffman's "**PENALTY SHEET**" filed with the Colombian Supreme Court should state CAMACHO-BENITEZ has a **MAXIMUM PENALTY OF "LIFE IMPRISONMENT"** for Counts 1, 2, and 3.

STATEMENT OF FACTS:

1. Since the District Court must consider the U.S. Federal Guidelines which requires the court to sentence CAMACHO-BENITEZ to a sentence of **LIFE IN PRISON**, the Supreme Court of Colombia should not extradite your client due to the following reasons:

a. The maximum criminal sentence in Colombia is thirty (30) years. Also I believe the Colombian Constitution states there will be NO LIFE SENTENCE. 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). Also, USA VS. SALAZAR-ESPINOSA, et. al, Docket No. 1:05-cr-00517-LAK-1, U.S. District Court for the Southern District of New York, sentenced Mr. Salazar-Espinosa - who was extradited from Colombia to thirty (30) years on or about February 2008.

b. U.S. Assistant Attorney HOFFMAN requested the U.S. Department of State and the Supreme Court of Colombia to "**AMEND AND SUPPLEMENT THE LEGISLATIVE POWERS OF THE U.S. CONGRESS**", as the statutes DAINER CAMACHO-BENITZ was indicted on clearly state he is exposed to **LIFE SENTENCES ON EACH COUNT.**

1. Count One (1): Title 21 USC §963 (involving more than 5 kilo's of cocaine;
2. Count Two (2): Title 21 USC §846 (involving more than 5 kilo's of cocaine;
3. Count Three (3): Title 46 USC §1903(j) (involving more than five (5) kilo's of cocaine). **NEW SECTION: Title 46 USC §70506(b).**

The above three (3) statutes CAMACHO-BENITEZ was 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 Rodriguez, the penal statutes above are plain and unambiguous and convey a clear and definite meaning and the U.S. Department of State **MAY NOT** request Colombia to resort to **RULES OF STATUTORY INTERPRETATION**. See, LEWIS vs. U.S., 63 L.Ed.2d 198, 206 (1980).

Therefore, Colombia should not of extradited CAMACHO-BENITEZ, as he was facing a **LIFE SENTENCE** in the United States. The **only way** the United States can extradite someone from Colombia is to submit an indictment that contains violations of U.S. Law that carries **PENALTIES** with **MAXIMUM SENTENCES OF THIRTY (30) YEARS**.

c. **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, appearing within STAR TRIBUNE, Sunday, January 20, 2002. **EXHIBIT A.** Copy of this

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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.

2. Due to CAMACHO-BENITEZ illegal extradition from Colombia, I believe you should motion both the U.S. District Court and the Supreme Court of Colombia to have CAMACHO-BENITEZ returned to Colombia.

3. CAMACHO-BENITEZ CAN ONLY RECEIVE A **TOTAL SENTENCE OF 30 YEARS IN THE USA.** If CAMACHO-BENITEZ is sentenced in the U.S. District Court he will probably be sentenced to a 30-year sentence **WITH X-YEARS OF SUPERVISED RELEASE,** at least 5 years on the first offense and at least 10 years if a prior conviction existed. See, Title 21 USC §841(b)(1)(A). Thus, your client will receive 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 Supreme Court of Colombia. See, U.S. vs. ROBERTS, 5 F.3d 365, 368-369 (9th Cir. 1993) (Roberts received a potentially longer sentence than the maximum he was advised of. At sentencing, Roberts received the twenty (20) year maximum **PLUS A THREE (3) 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 (23) YEARS, NOT TWENTY (20) YEARS. Because of the term of supervised release, Roberts received a potentially longer sentence than he was apprised of at his plea hearing.)

Attorney Rodriguez, you **MUST** submit a motion to the U.S. District Court stating that your client - CAMACHO-BENITEZ - sentence can not be longer than thirty (30) years **INCLUDING THE TERM OF SUPERVISED RELEASE.** Therefore, lowering the number of years your client will be incarcerated by at least 5 or 10 years.

WHY IS JOHN GREGORY LAMBROS WRITING THIS LETTER???

Mr. Rodriguez, I was illegally extradited from Brazil to the USA in 1992, after being tortured by both U.S. and Brazilian Agents, as I was requesting not to be extradited to the USA as the only sentence I could receive - and did receive - was a **MANDATORY LIFE SENTENCE WITHOUT PAROLE.** Brazil has a maximum sentence of thirty (30) years. 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. See, **www.BrazilBoycott.org**

On or about May 17, 2006, U.S. Drug Enforcement Agents and Brazilian Drug Agents arrested **PABLO JOAQUIN RAYO-MONTANO** in Brazil. As you know, Mr. Rayo-Montano is listed as the lead Defendant in the indictment in which your client is

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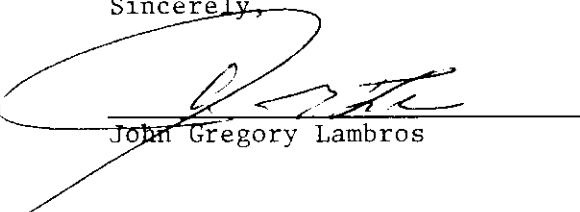
named. I have contacted U.S. Assistant Attorney ANDREA G. HOFFMAN and "THE FLORIDA BAR" as to the violations of the Extradition Treaty between the USA and BRAZIL if **RAYO-MONTANO** is extradited to the USA. - You may go to my website to review my letters to Attorney Hoffman and the Florida Bar.

CONCLUSION:

I am requesting your assistance in forwarding the name(s) of **PABLO JOAQUIN RAYO-MONTANO's** attorney's in both the USA and Brazil. Also, I would greatly appreciate a copy of all motions you and the government file in this action requesting that the **TERM OF SUPERVISED RELEASE BE INCLUDED WITHIN CAMACHO-BENITEZ's TOTAL SENTENCE WHICH CAN BE NO MORE THAN 30-YEARS.**

Thank you in advance for your consideration in this most important matter and **PLEASE FORWARD A COPY OF THIS LETTER** to your client DAINER CAMACHO-BENITEZ for his review and file.

Sincerely,



John Gregory Lambros

c:
Consulado General de Colombia
Boycott Brazil Supporter via e-mail alert
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 redrawn 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.