John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA
Web site: www.brozilboycott.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 Konneth 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;
- 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 Lillebang 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 F2d 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 Sopreme Court:

He [she] may prosecute with earnestness and vigor -



Page 2

November 28, 2001

Lambros' letter to Office of Lawyers Professional Responsibility

RE: APPEAL

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 ARA 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 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; ...

Page 3 November 28, 2001 Lambros' letter to Office of Lawyers Professional Responsibility RE: APPEAL

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is PREJUDICIAL TO THE AUXINISTRATION OF JUSTICE. (emphasis added)

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

PEDERAL 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 signsture of an attorney on a pleading, morion or other paper is a CERTIFICATE THAT: (1) to the best of his knowledge, information and belief; (2) FORMED AFTER REASONABLE INQUIRT: (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. CITT OF NEW YORK, 762 F.2d 243, 253 (2nd Cir. 1985).

As interpreted under the 1983 version of Role II, a lawyer may violate the objective criteria of Rule II 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'NARA, RUBERG, et al., 875 F.2d 1224 (6th Cir. 1989)

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

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

Page 4
November 28, 2004
Lambros' letter to Office of Lawyers Professional Responsibility
RE: APPEAL

1987). False statements in a writing are, of course, subject to sanctions, as are wisleading CMISSIONS 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 D.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. <u>BUT</u> provisions may be enforced also by a party to the action. See, <u>U.S. vs. CONFORTE</u>, 524 F.2d 869 (9th Cir. 1980), cert. <u>denied</u>, 66 L.Ed.2d 470; <u>DAVIS vs. BOARD OF SCHOOL COM'RS OF MOBILE COUNTY</u>, 517 F.2d 1044, rehearing denied 521 F.2d 814, <u>cert. denied</u>, 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.

PACTS

- 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 Minnesots, to wit: conviction on JONE 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. ARMPRIESTER, 37 F.3d 466, 467 (9th Cir. 1994). Therefore, U.S. Attorney David L. Lillehaug know 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.

Page 5
November 28, 2001
Lambros' letter to Office of Lawyers Professional Responsibility
RE: APPRAL

3. The analysis offered in the above paragraph was offered by the Ninth Circuit in 0.8, 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 RIS ASSISTANTS.
Such "vertical imputation" to the head of the
office is what is done by the criminal statute
governing employment of a former government
exployee in any matter "which was under his official
responsibility," 18 U.S.C. 1 207(a)." (emphasis added)

U.S. va. ARNPRIESTER, 3/ 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 BOBERT G. RENNER, U.S. ATTURNEY, Minneapolis, Minneapta, 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 where reported and three (3) of the cases clearly published that BOBERT G. RENNER, U.S. Attorney, Minneapolis, Minneapta was on BRIEF for those cases. Therefore, It would behave any U.S. Attorney or U.S. Assistant Attorney in the District of Minnesota was 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 INDICTERES against John Gregory Lambcos 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.

HEARING EVIDENCE AS TO BIS CURRENT LEGAL ACTION

BATED 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.F. FOR VIOLATIONS OF TITLE 2B

U.S.C.A. \$ 455"

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

Page 6
November 28, 2001
Lambros' letter to Office of Lawyers Professional Responsibility
RE: APPRAL

ORDER on September 14, 2001, filed stamped on September 18, 2001, for the government to respond. U.S. Attorney Thomas B. 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. HENNER, 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 [fled 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(RCR) into this appeal, as Judge Renner MAY ADMIT THAT HE NOTIFIED BOTE U.S. ATTURNEY LILLEHAUG AND PETERSON THAT HE WAS THE U.S. ATTORNEY THAT INDICTED AND PROSECUTED LAMBROS IN 1976.

CONCLUSION

I JOHN CRECORY LAMBROS believes that a substantial likelihood existed as to Minnesota Attorneys [JIL], EMAIG 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 Accorneys.

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

attha Gregory Lambros, Pro Sc

2400 IDS CENTER 80 SOUTH EIGHTH STREET MINNEAPOLIS, MINNESOTA 55402 FELEPIONE (612) 334-8600 FACSIMITE (612) 334-8600

BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

WRITER'S DIRECT DIAL

(612) 334-8448

watters e-mate 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 tooking something else.

Very truly yours,

BRIGGS AND MORGAN

Enclosure

GJS:sip

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA FOURTH DIVISION Criminal No. 4-89-82(5)

UNITED STATES OF AMERICA,)

Plaintiff,)

INFORMATION

V.)

(21 U.S.C. §§ 841(a)(1),

JOHN GREGORY LAMBROS,) 841(b)(1)(A), 841(b)(1)(B),

Defendant.)

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

(36)

12-17-92.

Ý

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

Dated: December 17, 1992

Respectfully submitted,

THOMAS B. HEFFELFINGER United States Atterney

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

WHITE STATES DISTRICT COURT DISTRICT OF RUNCHOODA THURS DIV

UNITED STATES OF FIGHTER

CHARLES WILLIAM BLANCKARD MULTITUE EXCRET KERRETH DAMES CLITTE PERSONAL MAIN COMMERCE STABLEY 22008 QUITES: ALECARIORO ENLOCRISTO DE LA ROS Hallahara ne na man-KARES HESSEL FEERLE ×, MARRIYY LYNG XLSASSED a/k/a KARAJET HADIŞ новыта іхалодда гізгі ORLANDO LUPZE A/E/A FRANCISCO MARY AND REPORTED FOR MARY XILINABROTH COCY M/k/s Мих дознан TERRAN BULLATAN PARRIE EEUARDO MADIA HICHARD SEGIS PILLIOR SNAROV LZE KELSON ROBER RAPLEMEZ ROBERTO MATERIES GARY RICH/RESCA EMVID KICHNIL ROUGSTAD ROWALD HIGHWILL SERROTA WESTAVO URIBE Қарым қақсокү шүкмесі к/к/к алал a/k/a JEKIOR

(Superceding Indictment 3-75 Cr. 12%)

THE UNITED STATES GRAND JUBY CHARTES TRATE

CODST 1

(1) From on or obcut the 19th day of Havenber, 1973, and continuously thereafter up to and including the date of this indictment, in the State and District of Rinnesota, and observers, the defendants,

CHARLES WILLIAM SLACTHARD, WEST JOIN FURSES, KERNETE MARKS CLINE,

DEBORNT AND CORREST, STARLEY ZAME UNTER,

ALEJANDSO BALCOHTOC DE LA BOZ, NORMOLO DE LA BOZ,

KAMEN BELET ESERLE, N'ERRET LYDE ELASSER L/K/E PARCENCO.

HOBERT COUGLES FIRM, ORLYRO LOPEL E/K/E PARCENCO.

HARY AND BECKLUMICHT, ORLY ELZBUTH LOCY C/K/O PARY (LAMERE,

THAMAS WILLIAM SMETTZ, SICHAEL SEAKS MYLDOR,

ERMARD RETTA, CRARGE LES CENTRO, NORMEL BYCHEZ,

SOCIETA, CRARGE LES CENTROS, NORMEL,

AUCENTO DE MUNICIPAL SCRUETS CON GUSTANO UPIES, ***

JOIST CRECCEY LYCHOUR MARKET, N/A/A JUNIOR.

Willfully and knowledly did combine, conspire, confederate and agree together, with each other, and with Marc J. LeVasscar and fair E. Corren, named as co-complicators but not as defendents, and with diverse other persons whose cames are to the Grand Jary unknown, to import into the United States and

EXHIBIT A

1<u>169</u>

By Substitute Clark

COUNT HO

Do or about the 4th day of August, 1974, in the State and Eistaict of Microsota, the defendant,

JOSEPH D. LANGERDS,

knowledgly and intentionel); did unlendedly present with intent to distribute about 195 grans of excelse, a schedule II respective drug controlled substance, in violetics of little 21, Unived States Code, Section 841(a)(1).

00JNT 1/3

On or wheat the 14th dep of Detover, 197h, in the State and District of Minnesote, the defendent,

JOHN G. LANGSHIMS,

knowingly and intentionally 0.1 unlawfully phasons with intent to distribute whose two opens of resains, a schedule II margetic drug controlled substruce, in violation of Title 21, 0.1 during 0.0 faction 0.0 0.

COUNT 44

On or about the light day of October, 1974, in the State and District of Minnesota, the defeadont,

JOHN C. LAMBROS,

monotically and intentionally did unimpfully possess with intent to distribute about one-half pound of commune, a achaemic JT narrotic damagnostically syntamos, in vicintion of Title 21, United States Code, Section Chi(*)(1).

A TRUE BILL.

United States Attorney

Tokenia Il Johnson

UNITED STATES MESTALOT COURT DISTRICT OF HIMPSOTA TERMS DIVISION

UNITED STATES OF AMERICA

CR 3- 76-17

INDICIKEST

JUNE G. LUMBEROS

(18 V.S.C. \$\$111 end 114)

THE THITED STATES GRAND JURY CHARGES TIME:

COURT I

On or about the 24th day of February, 1976, to the State and District of Minnesots, the defendant,

JOSE G. LAMBROS,

wrapon, that is, a Browning .9 mm semi-sutmentic pistol, did forcibly essents, resist, oppose, impede end interfers with Deputy United States Marshall Jense L. Propototick, and Special Agents Donald E. Helson and James P. Breesth of the Peters 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.

COURT II

On or about the 24th day of February, 1976, in the State and District of Minuments, the defendent,

JOHN C. LAGROS,

boowingly, intentionally, and by means and use of a deadly and desgerous weapon, that is, a Browning .9 mm semi-automatic platel, did forcibly assault, resist, oppose, impuls and interfers with Deputy United States Herohall less A. Checay while the said officer was angaged in the performance of his official duty; in violation of Fitle 18, United States

Code, Sections 111 and 114.

MAR 24 1976

Harry & Miches. Clerk.

Ofert Brei

.

 $\mathcal{O}(\mathcal{U}_{\mathcal{I}})$

Stad States Attorney

and the first

Por tent o

A true copy in _______ sheet (s)
of the record in my custody.

Heriard & Sietran, Glerk

698 CK. 1880

12