

March 10, 2015

TO: BOYCOTT BRAZIL SUPPORTERS

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

RE: WHETHER BRAZIL'S CONSTITUTION "DISCRIMINATES" AGAINST FOREIGN CITIZENS
IN BRAZIL, WHEN THEY ARE NOT ENTITLED TO THE SAME CONSTITUTIONAL RIGHTS -
FUNDAMENTAL AND ORGANIC LAW OF THE NATION - THAT BRAZILIAN'S ENJOY?

The United States Constitution is the fundamental and organic law of the nation that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and civil liberties.

RIGID CONSTITUTION: The U.S. Constitution is a "RIGID CONSTITUTION" whose terms CANNOT BE ALTERED by ordinary forms of legislation, ONLY BY SPECIAL AMENDING PROCEDURES. Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to the U.S. Constitution. See, U.S. Constitution Article V.

FIFTH AND FOURTEENTH AMENDMENTS OF THE U.S. CONSTITUTION PROTECTS ALL FOREIGN CITIZENS WITHIN THE JURISDICTION OF THE UNITED STATES - EVEN THOSE IN THE COUNTRY UNLAWFULLY: The U.S. Supreme Court ruled in MATHEWS vs. DIAZ, 426 U.S. 67, 77 (1976):

** "There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law. Wong Yang Sung vs. McGRATH, 339 U.S. 33, 48-51 (1950); Wong vs. U.S., 163 U.S. 228, 238 (1896); see Russian Fleet vs. U.S., 282 U.S. 481, 489 (1931). EVEN ONE WHOSE PRESENCE IN THIS COUNTRY IS UNLAWFUL, INVOLUNTARY, OR TRANSITORY IS ENTITLED TO THAT CONSTITUTIONAL PROTECTION. Wong Yang Sung, supra; Wong Wing, supra."

SHAUGHNESSY vs. UNITED STATES ex rel. MEZEL, 345 U.S. 206, 212 (1953): Illegal aliens already in the United States entitled to due process before deportation.

The U.S. Constitution guarantee of due process during federal sentencing within statutory limits and sentencing. GARDNER vs. FLORIDA, 430 U.S. 349, 358 (1977). See, U.S. vs. GOMEZ, 797 F.2d 417, 419 (7th Cir. 1986) (sentencing defendant more harshly because of his nationality "obviously would be UNCONSTITUTIONAL"). U.S. TUCKER, 404 U.S. 446-47 (1972).

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PURPOSEFUL "DISCRIMINATION" BY BRAZIL AGAINST FOREIGN CITIZENS WITHIN BRAZIL:

The following facts establish a prima facie case of "PURPOSEFUL DISCRIMINATION" by the Federal Supreme Court of Brazil toward foreign citizens during the legal extradition process to the United States:

1. Most of the following facts may be verified by downloading a free copy of the following case published by the Supreme Court for the State of Washington, STATE OF WASHINGTON vs. MARTIN SHAW PANG, 940 P.2d 1293 (Wash. 1997). The case is also available at: www.BrazilBoycott.org and/or GOOGLE. See, EXHIBIT A. (PANG, at 1293 and 1304)
2. Brazil and the United States entered into a "TREATY OF EXTRADITION" on January 13, 1961 that entered into force on December 17, 1964. The Treaty obligates Brazil and the United States to extradite persons whom the authorities of the country requesting extradition have charged with committing an offense within that country's territory. The country REQUESTING THE RETURN of such a person is termed the "REQUESTING COUNTRY," and the country ASKED TO RETURN such a person is called the "REQUESTED COUNTRY."
3. The "TREATY OF EXTRADITION BETWEEN BRAZIL AND THE U.S." offers a list of crimes that are extraditable and the crime MUST BE a violation of the domestic law of the "REQUESTED STATE." The following "ARTICLES" exist within the Treaty:
 - a. ARTICLE XI: The determination that extradition based upon the requested therefore should or should not be granted shall be MADE IN ACCORDANCE WITH THE DOMESTIC LAW OF THE REQUESTED STATE, and the person whose extradition is desired SHALL HAVE THE RIGHT TO USE SUCH REMEDIES AND RECOURSES AS ARE AUTHORIZED BY SUCH LAW. See, PANG, at 1358.
4. May 17, 1991, DEA and Brazilian Federal Police arrested JOHN GREGORY LAMBROS in Rio de Janeiro, Brazil, pursuant to a U.S. Parole Commission "WARRANT". Approximately thirty (30) later Lambros was served with a five (5) count indictment from the U.S. District Court in Minnesota. The U.S. Department of State offered the following documents to Brazil for the extradition of Lambros, as per ARTICLE IX OF THE TREATY: See, PANG, at 1358.
 - a. Certified copy of the warrant and indictment in USA vs. John Gregory Lambros, Criminal No. 4-89-82(5).
 - b. The documents with the indictment, as per ARTICLE IX, Paragraph 2, contained a precise statement of the criminal act Lambros was being charged AN AUTHENTICATED COPY OF THE TEXTS OF THE APPLICABLE LAWS OF THE REQUESTING STATE INCLUDING

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b. (continued)

INCLUDING THE LAWS RELATING TO THE LIMITATION OF THE LEGAL PROCEEDINGS OR THE ENFORCEMENT OF THE PENALTY FOR THE CRIME OR OFFENSE FOR WHICH THE EXTRADITION OF THE PERSON IS SOUGHT, and data or records which will prove the identity of the person sought.

5. The U.S. Department of State followed the above procedure within ARTICLE IX, as a precise copy of the INDICTMENT was included and copy of the Federal Criminal Code for the following statutes:

- a. Title 18 U.S.C. Section 1952, "Interstate and foreign travel or transportation in aid of racketeering enterprises."
- b. Title 21 U.S.C. Section 841, "Prohibited drug acts."
- c. Title 21 U.S.C. Section 846, "Attempt and Conspiracy of prohibited drug acts."

6. Title 21 U.S.C. Section 841 clearly stated that Lambros could receive a sentence not less than 20 years or more than **LIFE**.

7. Title 21 U.S.C. Section 846, the violation of **CONSPIRACY, ONLY ALLOWED A SENTENCE OF "MANDATORY TERM OF LIFE IMPRISONMENT WITHOUT RELEASE."** Lambros' Brazilian lawyers informed the Brazilian Supreme Court, the U.S. Department of State informed the Brazilian Supreme Court and Lambros' letter to the Brazilian Supreme Court also informed the Brazilian Supreme Court of the **'MANDATORY LIFE SENTENCE WITHOUT PAROLE', TO NO AVAIL.**

8. The 1988 NEW CONSTITUTION of the Federative Republic of Brazil (Republica Federative do Brazil) clearly states within Title II, Fundamental Rights and Guarantees, Chapter I, Individual and Collective Rights and Duties, ARTICLE 5:

ARTICLE 5. - ALL PERSON ARE EQUAL BEFORE THE LAW, WITHOUT ANY DISTINCTION WHATSOEVER, and Brazilians and foreigners resident in Brazil are assured of inviolability of the right to life, to liberty, to qualify, to security and to property, on the following terms:

- a. XLI: the law shall punish any DISCRIMINATION against fundamental rights and liberties.
- b. XLVII: **THERE SHALL BE NO SENTENCE: a) of death; b) of life [in prison].** See. PANG, at 1350, 1352.
- c. LXXVII: The rights and guarantees established in this CONSTITUTION do not preclude others arising out of the regime and the principles adopted by it, **OR OUT OF INTERNATIONAL TREATIES ... BRAZIL IS A PARTY.**

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9. **BRAZILIAN CRIMINAL CODE, ARTICLE 75:** Article 75 limits the MAXIMUM PRISON SENTENCE TO THIRTY (30) YEARS. Brazilian Supreme Court Justice Celso De Mello stated within the extradition of Martin Shaw Pang:

a. "This constitutional prohibition, absolute and impossible to bypass, contains, in reality, the very basis of the legal norm consolidated by **ARTICLE 75 OF THE BRAZILIAN CRIMINAL CODE, WHICH LIMITS THE MAXIMUM PRISON SENTENCE TO 30 (THIRTY) YEARS** (DAMASIO E. DE JESUS, 'Codigo Penal Anotado' [Criminal Law Code Annotated] pg. 212, 5th Edition, 1995, Saraiva;.."

See, PANG, at 1352.

10. **APRIL 30, 1992:** The Brazilian Supreme Court, by majority of votes, GRANTED IN PART, THE EXTRADITION OF JOHN GREGORY LAMBROS. The Supreme Court allowed Lambros to be extradited on the drug counts under Title 21 U.S.C. §§ 841 and 846, WITHOUT ANY RESTRICTION WHATSOEVER AS TO THE POSSIBILITY OF A "MANDATORY LIFE" and "LIFE" SENTENCE AND PRISON SENTENCE NOT TO EXCEED THIRTY (30) YEARS! The Court, by majority of vote, did not extradite Lambros on:

a. Title 21 U.S.C. §1952: "Travel in interstate commerce with intent to distribute cocaine." "The STF Justices decided, however, by majority of votes, that Lambros should be prosecuted and tried in the U.S. ONLY for charges (A) and (B) listed above, AND NOT FOR (C), I.E. for travel in interstate commerce because this IS NOT A CRIME IN BRAZIL. THE U.S. - BRAZIL EXTRADITION TREATY AND BRAZILIAN LAW PROVIDES THAT EXTRADITION CAN BE EFFECTED ONLY WHEN THE ACT ATTRIBUTED TO THE FUGITIVE IS CONSIDERED A CRIME BOTH IN THE U.S. AND BRAZIL"

See, EXHIBIT B. (May 5, 1992, U.S. Department of State telex to Secretary of State of Washington, DC, Department of Justice, Washington DC, and all Embassies and Consulates within Brazil, also DEA Washington, DC., as to Extradition of John Gregory Lambros, FOIA release pages 159 and 160.)

11. **JANUARY 1993:** Lambros was convicted and sentenced by the U.S. District Court in Minnesota on all counts he was extradited on from Brazil. Lambros received concurrent sentences of "MANDATORY LIFE WITHOUT PAROLE" on Count One (1), ten years each on counts two and three, and 30 years on count four, with an ADDITIONAL eight (8) years of supervised release on each count. Counts 2, 3, and 4 all carried a maximum sentence of life imprisonment.

See, U.S. vs. LAMBROS, 65 F.3d 698 (8th Cir. 1995)

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MARTIN SHAW PANG: See, STATE OF WASHINGTON vs. MARTIN SHAW PANG, 940 P.2d 1293 (Wash. 1997). See, EXHIBIT A. (Pages 1293 and 1304)

12. **MARCH 16, 1995**: On March 16, 1995, Martin Shaw Pang ("Pang") was arrested in Rio de Janeiro, Brazil on charge of arson in the first degree and four (4) counts of **MURDER IN THE FIRST DEGREE**. On January 5, 1995, four (4) firefighters died while fighting a fire at a warehouse in Seattle, Washington, that was deliberately set. Pang was a suspect.

13. Pang was represented by Brazilian Attorney **Dr. Arthur Levigne**. See, PANG, at 1343.

14. On December 18, 1995, the Federal Supreme Court of Brazil granted extradition of PANG on the **SINGLE COUNT OF ARSON IN THE FIRST DEGREE, BUT NOT ON THE FOUR (4) COUNTS OF MURDER IN THE FIRST DEGREE**. The Court stated within the summary:

a. "3. Inasmuch as the acts are covered under two distinct offenses, the majority of the Court decided for purposes of the extradition, that the case is one of arson in the first degree **UNDER THE LAW OF THE REQUESTING STATE, CORRESPONDING IN THE BRAZILIAN PENAL CODE TO THE CRIME OF ARSON DEFINED IN ARTICLE 250, COMBINED WITH ITS PARAGRAPH 1, SECTION I, AND WITH ARTICLE 258 OF THAT SAME CODE BECAUSE OF THE RESULTING DEATH OF FOUR PERSONS.**"

**

b. "7. Lastly, the decision of the Court **DID NOT INCLUDE ANY RESTRICTION AS TO THE POSSIBILITY OF LIFE IMPRISONMENT.**"

See, PANG, at 1304. (EXHIBIT A.)

15. The Federal Supreme Court of Brazil **MAJORITY'S DECISION** in **NOT** giving PANG the Brazilian Constitutional guarantee of due process during his extradition proceedings was **"UNCONSTITUTIONAL."** A person being extradited from Brazil is protected by the constitutional guarantee clause that **DOES NOT ALLOW LIFE IMPRISONMENT - ARTICLE 5, Clause XLVII(b) - AND THE BRAZILIAN CRIMINAL CODE, ARTICLE 75, WHICH LIMITS THE MAXIMUM PRISON SENTENCE TO THIRTY (30) YEARS**. Also, see "TREATY OF EXTRADITION BETWEEN BRAZIL AND THE U.S.", ARTICLE XI:

"The determination that extradition based upon the requested therefore should or should not be granted shall be **MADE IN ACCORDANCE WITH THE DOMESTIC LAW OF THE REQUESTED STATE [Brazil],**"

See, PANG, at 1358.

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16. The following Brazilian Supreme Court Justices VOTED to grant the extradition, with the RESTRICTION of MARTIN SHAW PANG receiving a LIFE SENTENCE AND NOT REMAINING UNDER THE STATE OF WASHINGTON'S CUSTODY FOR MORE THAN THIRTY (30) YEARS:

- a. Honorable Justice Mauricio Correa. See, PANG, at 1344 thru 1347.
- b. Honorable Justice Marco Aurelio. See, PANG, at 1349 thru 1350.
- c. Honorable Justice Celso De Mello. See, PANG, at 1351 thru 1353.
- d. Honorable Justice Sepulve-Da Pertence. See, PANG, at 1354.

17. The following Brazilian Supreme Court Justices VOTED to grant the extradition of PANG, WITHOUT THE RESTRICTION OF A LIFE SENTENCE AND/OR A SENTENCE MAXIMUM OF THIRTY (30) YEARS:

- a. Honorable Justice Neri Da Silveira. See, PANG, at 1336 thru 1343.
- b. Honorable Justice Francisco Rezek. See, PANG, at 1347 thru 1349.
- c. Honorable Justice Carlos Velloso. See, PANG, at 1350 thru 1351.
- d. Honorable Justice Sydney Sanches. See, PANG, at 1353.
- e. Honorable Justice Moreira Alves. See, PANG, at 1353.

CONCLUSION:

18. It is clear that the Majority of the Brazilian Supreme Court's Justices practice SEDITION AGAINST FOREIGN CITIZENS IN BRAZIL!! Black's Law Dictionary defines "SEDITION":

"SEDITION - This, perhaps the very vaguest of all offenses known to the Criminal Law, is defined as the speaking or writing of words calculated to excite disaffection against the CONSTITUTION AS BY LAW ESTABLISHED, ..."

See, Black's Law Dictionary, Eighth Edition.

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19. I believe the above facts have established a prima facie case of **"PURPOSEFUL DISCRIMINATION"** by the Federal Supreme Court of Brazil toward foreign citizens during the legal extradition process to the United States! Foreign citizens are not entitled to the protection of the Brazilian Constitution, which prohibits life sentences and/or the Brazilian Criminal Code that limits prison sentences to thirty (30) years. The **"EXTRADITION TREATY"** clearly states that all extraditions will be **"MADE IN ACCORDANCE WITH THE DOMESTIC LAW OF THE REQUESTED STATE [Brazil]."** See, ARTICLE XI, within the Treaty.

20. Please share this "MEMORANDUM" with your friends and email a copy to your local newspaper, requesting them to publish a short article regarding the above facts. Also, please support the **"BOYCOTT OF BRAZIL"** and review my website:

www.BrazilBoycott.org

Thank you in advance for your support in the boycott of Brazil.

Sincerely,



John Gregory Lambros

PS: July 1, 2001, Star Tribune Newspaper, Page A6, Reported: **BRAZIL: Ex-cop sentenced in '92 riot. Former police Col. UBIRATAN GUIMARAES was sentenced to 632 YEARS IN PRISON for ordering police to quell an uprising at Sao Paulo's Carandiru prison complex, which was built for 3,200 inmates but now houses nearly 8,000. He was found guilty of being responsible for the deaths of 102 inmates shot on October 2, 1992. GUIMARAES, 58, FACES NO MORE THAN 30 YEARS IN PRISON - THE MAXIMUM JAIL SENTENCE ALLOWED UNDER BRAZILIAN LAW. About 120 police troopers participated in the raid, and 83 have been charged in the massacre.**

PSS: **MARTIN SHAW PANG'S** Attorney's in the United States were John Browne, Allen Ressler and Timothy Dole with the law firm **BROWNE & RESSLER**, Exchange Building, 631 Second Avenue, Seattle, WA. This address is from December 19, 1997, when Lambros had contact with the firm.

been frivolous. Denial of Stenson's request served no legitimate purpose.

Most disturbing about the majority's rejection of Stenson's claim is the fact the majority cites nothing in the record upon which it could conceivably be argued Stenson equivocated in his request. The majority merely notes Stenson did not refute the trial court's conclusion he did not really wish to proceed without counsel, as if the trial court's conclusion stands as evidence of Stenson's state of mind. While Stenson's main objective in his motions was 1776 to remove Leatherman from his case, his desire in the event his motion for substitution was denied was clear: he wished to represent himself. A conditional request is not an equivocal one. The majority's decision, therefore, stands as the triumph of form over substance.

The denial of the right to self-representation is not amenable to a harmless error analysis: "The right is either respected or denied; its deprivation cannot be harmless." *McKaskle v. Wiggins*, 465 U.S. 168, 177 n. 8, 104 S.Ct. 944, 950 n. 8, 79 L.Ed.2d 122 (1984).

CONCLUSION

I would reverse Stenson's conviction and remand for a new trial without consideration of other issues.



132 Wash.2d 852

STATE of Washington, Respondent,

v.

Martin Shaw PANG, Petitioner.

No. 64786-1.

Supreme Court of Washington,
En Banc.

Argued April 8, 1997.

Decided July 31, 1997.

Defendant was charged with four counts murder in the first degree and one count

of arson in the first degree. The Superior Court, King County, Larry Jordan, J., denied motion to dismiss or sever murder counts. Defendant moved for direct discretionary review. The Supreme Court, Smith, J., held that: (1) defendant had standing to object to violation of terms of order on extradition issued by Federal Supreme Court of Brazil; (2) Brazil did not waive any objection it could have made to prosecution for murder; (3) specialty doctrine prohibited state from prosecuting defendant for crimes specifically excluded in extradition order; and (4) state was obligated to follow decision of Federal Supreme Court of Brazil which ruled that, as a condition for extradition, defendant could not be prosecuted on murder counts.

Reversed.

Durham, C.J., filed dissenting opinion in which Dolliver and Talmadge, JJ., joined.

Alexander, J., filed opinion joining in dissent.

1. Extradition and Detainers ⇌19

In absence of asylum country's consent to prosecution of accused for crime other than that for which accused was extradited, extradited person may raise any objections to post-extradition proceedings that might have been raised by rendering country.

2. Extradition and Detainers ⇌19

Only asylum country's express consent to prosecution will be considered a waiver of doctrine of specialty, under which requesting country may not prosecute accused for a crime other than that for which accused was extradited.

3. Extradition and Detainers ⇌19

Letter from Brazil Minister of Justice to United States Attorney General, in which Minister discussed ruling by Brazil's Federal Supreme Court that state could try extraditee for arson but not for murder, was neither an implicit waiver nor an explicit waiver of doctrine of specialty, and thus defendant had standing to assert limitations on his post-extradition prosecution; Minister explained in follow-up letter than he had provided no type

EXHIBIT A.

AFFirmed by Supreme Ct. 139 L.Ed2d 608 (1997)

of all applicable statutes/legislation, the text of the appropriate statute of limitations, and the applicable penalties are attached as Supplemental Exhibit A, which I have also signed and dated.

8. I know of no other pertinent omissions, clerical or otherwise, in the affidavits and information previously provided in support of extradition of Martin Shaw Pang.

[s] Timothy A. Bradshaw

TIMOTHY A. BRADSHAW

Senior Deputy Prosecuting Attorney

SUBSCRIBED and SWORN to before me

[s] this 21st day of July, 1995.

[s] G. T. Mattson

GEORGE T. MATTSON,

Superior Court Judge

King County Superior Court

State of Washington

United States⁽⁹⁾

On December 18, 1995, the Federal Supreme Court of Brazil granted extradition on the single count of arson in the first degree, but not on the four counts of murder in the first degree.¹⁰ A summary provided by the Federal Supreme Court states:

Summary.

1. Extradition.

2. U.S. citizen charged, by the Superior Court of King County, Seattle, Washington, U.S.A., as the perpetrator of four acts of murder in the first degree "by committing and attempting to commit the crime of arson in the first degree and in the course of and in furtherance of such crime, as well as in immediate flight therefrom." A charge was later added, accusing the person being sought of arson in the first degree as well, a class A felony.

3. Inasmuch as the acts are covered under two distinct offenses, the majority of the Court decided, for purposes of the extradition, that the case is one of arson in the first degree under the law of the

9. Supplemental Affidavit in Support of Request for Extradition, King County Cause Number 95-1-00473-0, at 1-3 (attachments omitted).

requesting State, corresponding in the Brazilian Penal Code to the crime of arson defined in Article 250, combined with its Paragraph 1, Section 1, and with Article 258 of that same Code because of the resulting death of four persons.

4. Consequently, the decision by the majority of the Court did not hold that the situation as described was one of arson in the first degree, plus four separate first-degree murders.

5. Therefore, the Court, by majority vote, granted the requested extradition in part, for the crime of arson in the first degree, resulting in four deaths and the consequences thereof under U.S. law. However, the Court did so without the additional charge of four counts of first-degree murder.

6. The minority of the Court, as expressed in the opinion of the Rapporteur, granted the extradition under the terms of the petition by the Requesting State, so that the person being sought may be tried and judged according to the charge and addendum, under U.S. law. It did not stipulate any reservation.

7. Lastly, the decision of the Court did not include any restriction as to the possibility of life imprisonment.

DECISION

The case files having been reviewed and the case stated and discussed, the Justices of the Federal Supreme Court, meeting in plenary session and acting by majority vote in accordance with the minutes of the judgment and the transcript thereof, grants the extradition in part, on the grounds that the charges of arson in the first degree and murder in the first degree, as described in the extradition request, correspond in Brazil to the single crime that is defined in the main part of Article 250 and in Article 258 of the Brazilian Penal Code. Therefore, they exclude from the grant of extradition the charges of


10. See Federal Supreme Court of Brazil decision on the Extradition, Number 00006541/120. Opinion Appendix "A." English translation from original Portuguese. See Clerk's Papers at 159-211 for opinion in Portuguese.

5/6/92 For Lambros file =

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UNCLASSIFIED
05-05-92


POL CONS DEA

AMEMBASSY BRASILIA
SECSTATE WASHDC, PRIORITY
USDOJ WASHDC
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO
AMCONSUL RECIFE
AMCONSUL PORTO ALEGRE
AMEMBASSY MONTEVIDEO
DEA WASHDC

BT

PR *pol*


MM

PR

USDOJ FOR OFFICE OF INTERNATIONAL AFFAIRS;
MONTEVIDEO FOR LEGATT

E.O. 12356: N/A

TAGS: CJAN, CASC, CPAS, SNAP, BR (LAMBROS, JOHN
GREGORY)

SUBJ: EXTRADITION: JOHN GREGORY LAMBROS - 
EXTRADITION GRANTED

REF: BRASILIA 3021 AND PREVIOUS

EXHIBIT B.



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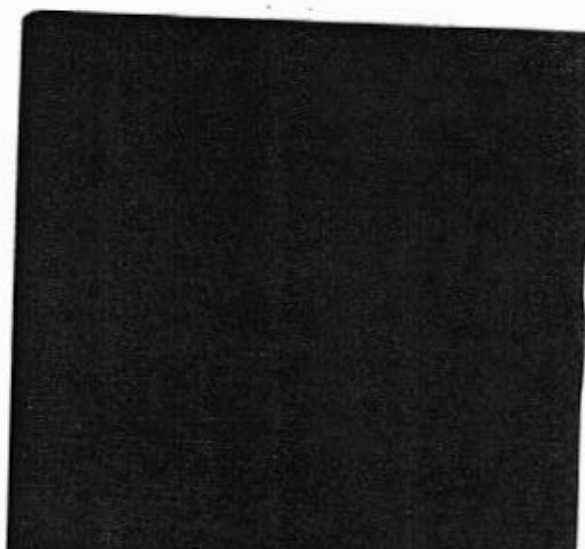
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1. THIS IS AN ACTION MESSAGE.

2. SUMMARY. ON APRIL 30, 1992, THE BRAZILIAN FEDERAL SUPREME COURT (STF) GRANTED, IN PART, BY MAJORITY OF VOTES, THE U.S. REQUEST FOR THE EXTRADITION OF JOHN GREGORY LAMBROS. THE FUGITIVE IS WANTED IN MINNESOTA TO STAND TRIAL FOR VIOLATION OF NARCOTICS LAWS. HE SHOULD BE READY TO BE REMOVED FROM BRAZILIAN TERRITORY WITHIN APPROXIMATELY ONE WEEK. END SUMMARY.

3. LAMBROS IS CHARGED WITH A) CONSPIRACY AND POSSESSION WITH INTENT TO DISTRIBUTE COCAINE; B) AIDING AND ABETTING, POSSESSION WITH INTENT TO DISTRIBUTE COCAINE; AND C) TRAVEL IN INTERSTATE COMMERCE WITH INTENT TO DISTRIBUTE COCAINE. IN HIS ORAL PRESENTATION TO THE STF, THE EMBASSY'S FSN LEGAL ADVISOR REITERATED ALL THE POINTS CONTAINED IN THE LAMBROS EXTRADITION DOCUMENTATION PROVIDED BY THE USG. THE STF JUSTICES DECIDED, HOWEVER, BY MAJORITY OF VOTES, THAT LAMBROS SHOULD BE PROSECUTED AND TRIED IN THE U.S. ONLY FOR CHARGES (A) AND (B) LISTED ABOVE, AND NOT FOR (C), I.E., FOR TRAVEL IN INTERSTATE COMMERCE BECAUSE THIS IS NOT A CRIME IN BRAZIL. THE U.S.-BRAZIL EXTRADITION TREATY AND BRAZILIAN LAW PROVIDE THAT EXTRADITION CAN BE EFFECTED ONLY WHEN THE ACT ATTRIBUTED TO THE FUGITIVE IS CONSIDERED A CRIME BOTH IN THE U.S. AND BRAZIL.

EXHIBIT B.



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16.

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