April 20, 2002

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:
a. Peter J. Thompson;
b. Joseph T. Walbran.

AFFIDAVIT FORM.

EDWARD J. CLEARY
Director of the Office of Lawyers Professional Responsibility
25 Constitution Avenue, Suite 105
St. Paul, Minnesota 55155-1500 USA
Tel. (651) 296-3952
U.S. CERTIFIED MAIL NO. 7001-0320-0005-1583-3109

RE: LAMBROS vs. ATTORNEY THOMPSON AND WALBRAN – LETTER OF APPEAL

Dear Mr. Cleary:

On April 12, 2002, you and Kenneth L. Jorgensen, First Assistant Director of the Office of Lawyers Professional Responsibility issued two (2) "ADMINISTRATIVE ORDERS" pursuant to Rule 8(d)(1), Rules on Lawyers Professional Responsibility, as to my February 15, 2002 complaint filed against Minnesota Attorneys:

a. Peter J. Thompson;
b. Joseph T. Walbran; and
c. Robert G. Renner.

The two (2) ORDERS **DENIED** my request for you to investigate my complaint against Attorneys:

d. Peter J. Thompson; and
e. Joseph T. Walbran.

The reasons you offered not to investigate my complaint against Attorney Thompson and Walbran are as follows:

JOSEPH T. WALBRAN

1. "This complaint alleges abuse of prosecutorial discretion in initiating charges against an individual. Prosecutors have discretion to decide against whom they will initiate criminal charges, and also the nature of the charge, if any. Absent clear abuse, this Office will not review an exercise of prosecutorial discretion. The allegations of this complaint do not establish any abuse of discretion." **THIS IS NOT TRUE.** Lambros' complaint alleged that Attorney Walbran engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that was prejudicial to the administration of justice, See, Page two (2) of Lambros' complaint, and 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. See, COMPLAINT at ¶ 40.

2. The word **DISHONESTY** means: "Disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity. Lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. TUCKER vs. LOWER, 200 Kan. 1, 434 P.2d 320, 324. Quoting, BLACK'S LAW DICTIONARY, Sixth Edition, 1990. A DISHONEST ACT is proven by a showing of moral turpitude, lack of probity, integrity, or trustworthiness, though not criminal. See, PHILIPS CONSUMER ELECTRONICS vs. ARROW CARRIER CORP, 785 F.Supp. 436, 444 (S.D.N.Y. 1992).

3. The word **MISREPRESENTATION** means: "Any manifestation by word or other conduct by one person to another that, under the circumstances, amounts to an assertion not in accordance with the facts. **AN UNTRUE STATEMENT OF FACTS.** An **INCORRECT OR FALSE REPRESENTATION.** That which, if accepted, leads the mind to an apprehension of a condition other and different from that which exists. Colloquially it is understood to mean a statement made to deceive or mislead." Quoting, BLACK'S LAW DICTIONARY, Sixth Edition, 1990. "Incomplete answers or a failure to disclose material information on an application for insurance may constitute a MISREPRESENTATION when the omission prevents the insurer from adequately assessing the risk involved." See, METHODIST MED. CENTER OF ILL. vs. AMERICAN MED. SEC., 38 F.3d 316, 320 (7th Cir. 1994).

4. You also state, "However, due to the fact that complainant has already served his time on the offense charged and the significant passage of time, any post-conviction relief for complainant may be limited." **THIS IS NOT TRUE.** Complainant John Gregory Lambros **HAS NOT FINISHED SERVING HIS TIME** on either of the two (2) criminal indictments. In fact, as complainant clearly explained to this agency on page one of his complaint, both sentences are maintained as lodged detainers. Therefore, Lambros remains "IN CUSTODY" as per PEYTON vs. ROWE, 391 US 54, 67 (1968)(prisoner serving consecutive sentences is 'in custody' under any one of them). To prove that I am still serving time on both criminal indictments **CR-3-75-128 and CR-3-76-17**, I'm requesting you to download LAMBROS vs. WARDEN J.W. BOOKER and the U.S. PAROLE COMMISSION, Case No. **00-3118**, Tenth Circuit Court of Appeals, which is available within my BOYCOTT BRAZIL web site:

www.brazilboycott.org

The Tenth Circuit ruled on June 13, 2000, that Lambros' consecutive **5,357 day** sentence, which includes the above two indictments, must be served. **EXHIBIT A** (Page 26 of 45 within HOMEPAGE of Boycott Brazil web site as to the briefs and orders filed in Case No. **00-3118**)

5. Lastly, you state, "Finally, the Director notes that over 25 years has elapsed since the conduct in this complaint allegedly occurred. The facts of a complaint must be proven by clear and convincing evidence. A significant passage

of time impedes and oftentimes prevents the Director's Office from being able to investigate a complaint. For this and the above-stated reasons, the Director declines to investigate this matter further." **LAMBROS HAS PROVIDED ALL DOCUMENTS TO INVESTIGATE THIS COMPLAINT.** Therefore, time is not a factor as the indictment, and all dialog as to Lambros' plea infront of Judge Devitt has been provided to this agency.

PETER J. THOMPSON

6. You state within your "COMPLAINT SUMMARY," "Complainant alleges that repondent [Peter J. Thompson] provided him with ineffective assistance of counsel." **THIS IS NOT TRUE.** Lambros' complaint alleges that Attorney Peter J. Thompson engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation that was prejudicial to the administration of justice. See, Page two (2) of Lambros' complaint, and violation 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. See, COMPLAINT, at ¶ 40.

7. Within the "REASONS FOR DECISION NOT TO INVESTIGATE THOMPSON" you state, "This complaint basically alleges that the attorney did not adequately represent a criminal defendant." **THIS IS TRUE IN ITS' MOST SIMPLEST TERMS.** The violations stated within paragraph six (6) must also be included.

8. You also state, "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." **LAMBROS IS NOT RAISING CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL.** Again, please review paragraph six (6).

9. Also you state, "Furthermore, the Director notes that post-conviction relief may not be available to complaintant due to the fact that complainant has already served out his sentence on the above-charged matters and the fact that more than 25 years have elapsed since complaint pled guilty." **LAMBROS HAS NOT SERVED HIS TIME IN THIS MATTER.** Lambros incorporates paragraph four (4) within this letter as to his response.

10. Finally, you state, "The Director's Office is limited to investigating complaints of **UNPROFESSIONAL CONDUCT** and prosecuting disciplinary actions against attorneys. **THIS IS EXACTLY WHAT LAMBROS WANTS THE DIRECTORS OFFICE TO DO.**

ABUSE OF DISCRETION

11. Within your "Reasons for Decision not to Investigate" **JOSEPH T. WALBRAN**, you state, "Absent clear Abuse, this Office will not review an exercise of prosecutorial discretion. The allegations of this complaint do not establish any Abuse of discretion." (emphasis added)

12. **ABUSE OF DISCRETION - Definition:** An abuse of discretion is "a plain error, discretion exercised to an end not justified by the evidence, a judgment that is clearly against the logic and effect of the facts as are found." WING vs. ASARCO INC., 114 F.3d 986, 988 (9th Cir. 1997).

13. **ABUSE OF DISCRETION - Application:** The Eighth Circuit stated, "A district court by definition ABUSES ITS DISCRETION when it makes an error of **LAW**" See, COMPUTROL, INC. vs. NEW-TREND, L.P., 203 F.3d 1064, 1070 (8th Cir. 2000); "A district court by definition abuses its discretion when it **MAKES AN ERROR OF LAW.**" KOON vs. U.S., 518 U.S. 81, 100 (1996). Therefore, a court abuses its discretion by erroneously interpreting a law. A trial court may also abuse its discretion when the **RECORD CONTAINS NO EVIDENCE TO SUPPORT ITS DECISION.** See, U.S. vs. SCHMIDT, 99 F.3d 315, 320 (9th Cir. 1996).

A LAWYER MUST KNOW THE RELEVANT LAW

14. The U.S. Supreme Court has held, "A lawyer must know what the law is in order to determine whether a colorable claim exists, and if so, what facts are necessary to state a cause of action." BOUNDS vs. SMITH, 430 U.S. 817, 825 (1977). Quoting, SCHUTTS vs. BENTLEY NEVADA CORP., 966 F.Supp. 1549, 1557 (D.Nev. 1997)("Counsel who are admitted to practice in a **FEDERAL COURT** take on themselves the obligation to know the relevant law." IN RE DISCIPLINARY ACTION AGAINST MOONEY, 841 F.2d 1003, 1006 (9th Cir. 1988)).

15. **THE U.S. SUPREME COURT HAS CLASSIFIED ATTORNEYS THOMPSON, WALBRAN, AND RENNER ON THE BORDER OF "INCOMPETENCE."** See, BOUNDS vs. SMITH, 430 US 817, 825, 52 L.Ed.2d 72, 81 (1977):

> "It would verge on **INCOMPETENCE FOR A LAWYER** to file an initial pleading without researching such issues as **JURISDICTION**, venue, standing, exhaustion of remedies, proper parties plaintiff and defendant and types of relief available. Most importantly, of course, a lawyer **MUST KNOW**

> **WHAT THE LAW IS IN ORDER TO DETERMINE WHETHER A COLORABLE CLAIM EXISTS**, and if so, what facts are necessary to state a cause of action.
>
> If a lawyer **MUST PERFORM SUCH PRELIMINARY RESEARCH**, . . . (emphasis added)

BOUNDS vs. SMITH, 430 US at 825, 52 L.Ed.2d at 81 (1977).

16. **SUFFICIENCY OF RESEARCH:** It is clear that an attorney's obligation is not satisfied by simple determining that the law on a particular subject is doubtful or debatable. Even with respect to an unsettled area of the law, an attorney assumes an obligation to his client to undertake **REASONABLE RESEARCH** in a effort to ascertain relevant legal principles and to make an informed decision as to a course of conduct based upon an intelligent assessment of the problem. In other words, an attorney has a duty to avoid involving his client in murky areas of law if research reveals alternative courses of conduct and the attorney should at least inform his client of uncertainties and let the client make the decision. See, HORNE vs. PECKHAM, 97 Cal App. 3d 404, 158 Cal Rptr 714.

17. **BREACH OF IMPLIED CONTRACT:** When an attorney undertakes the representation of a client, the law implies a promise that the attorney will execute the business entrusted to his professional management with that degree of care, skill and diligence which is commonly possessed and exercised by attorneys in practice in the jurisdiction. See, HUTCHINSON vs. SMITH, (Miss) 417 So 2d 926.

18. **NEGLIGENT INVESTIGATION OF A CLIENT'S CASE:** Inferences of attorney negligence may be drawn from a failure to investigate a case adequately and from a **FAILURE TO APPLY OR TO UNDERSTAND PERTINENT STATUTES**, court rules or **WELL-KNOWN CASE LAW** of the jurisdiction in which the attorney practices. See, NEMEC vs. DEERING (SD) 350 NW2d 59. (emphasis added)

19. **LIABILITY FOR NEGLIGENT PLEADINGS:** Where an attorney has been employed by a client, he is liable for **ANY** loss or injury sustained by the client which is proximately caused by his negligent failure properly to file and serve pleadings which are essential to a proper presentation of the client's cause. See, HILL AIRCRAFT & LEASING CORP. vs. TYLER, 161 Ga App. 267, 291 SE2d 6.

DISCIPLINARY RULES

MODEL CODE OF PROFESSIONAL RESPONSIBILITY
(as amended 1979)

20. **DR 6-101 Failing to Act Competently.**

(A) A lawyer shall not:

(1) Handle a legal matter which he knows or should know that he is not competent to handle, without associating with him a lawyer who is competent to handle it.

(2) Handle a legal matter without preparation adequate in the circumstances. (emphasis added)

(3) Neglect a legal matter entrusted to him.

DR 6-102 Limiting Liability to Client.

(A) A lawyer **SHALL NOT** attempt to exonerate himself from or limit his liability to his client for his personal malpractice.

*** **DR 7-103 Performing the Duty of Public Prosecutor or Other Government Lawyer.** (ABA CANON 5) (emphasis added)

*** (A) A public prosecutor or other government lawyer **SHALL NOT INSTITUTE OR CAUSE TO BE INSTITUTED CRIMINAL CHARGES WHEN HE KNOWS OR IT IS OBVIOUS THAT THE CHARGES ARE NOT SUPPORTED BY PROBABLE CAUSE.** (emphasis added)

(B) A public prosecutor or other government lawyer in **CRIMINAL LITIGATION** shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, **OF THE EXISTENCE OF EVIDENCE,** known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or **REDUCE THE PUNISHMENT.**

DR 7-102 Representing a Client Within the Bounds of the Law.

(A) In his representation of a client, a lawyer shall not:

(5) Knowingly make a false statement of law or fact.

U.S. DEPARTMENT OF JUSTICE

Principles of Federal Prosecution

(July 1980)

21. The Department of Justice instructs its attorney to **COMMENCE PROSECUTIONS** when they believe a federal offense has been committed **AND THE EVIDENCE IS SUFFICIENT TO CONVICT**, unless: (1) there is no substantial federal interest in the prosecution; (2) the suspect is subject to effective prosecution in another jurisdiction; or (3) adequate alternatives to prosecution exist. See, Principles of Federal Prosecution, at 10.

22. Directing **PROSECUTORS TO PRESENT TO GRAND JURY ANY SUBSTANTIAL EVIDENCE THAT DIRECTLY NEGATES INFERENCE OF DEFENDANT'S GUILT.** See, Principles of Federal Prosecution, Chapter 11.334.

FEDERAL RULE OF CIVIL PROCEDURE 11

23. The failure of an attorney to make an objectively reasonable investigation of the facts underlying a claim or the applicable law justifies the imposition of Rule 11 sanctions. See, IN RE RONCO, INC., 838 F.2d 212, 217 (7th Cir. 1988).

ATTORNEY WALBRAN AND RENNER DECEIVED THE GRAND JURY

24. As this agency understands from Lambros' April 20, 2002 complaint, the Grand Jury did not have JURISDICTION to indict Lambros for violations of Title 18 U.S.C. Section 114, as the alleged assault did not occur on federal property. See, COMPLAINT, paragraphs 15 thru 20.

25. Lambros believes the conduct of Attorney Walbran and Renner was so "flagrant" it deceived the grand jury in a significant way infringing on their ability to exercise independent judgment. Lambros believes and has proven, that both Attorney Walbran or Renner offered misleading information to the grand jury by not offering all the elements of Title 18 U.S.C. 114. Specifically by not providing the **JURISDICTIONAL ELEMENT.**

26. Lambros has suffered ACTUAL PREJUDICE under the rule in BANK OF NOVA SCOTIA vs. U.S., 101 L.Ed.2d 228 (1988).

27. Lambros has shown that the erroneous instructions given the grand jury influenced the decision to indict or created a "grave doubt" that the decision to indict was free from the substantial influence of such a violation. See, U.S. vs. LARRAZOLO, 869 F.2d 1354, 1359 (9th Cir. 1989).

28. The Eighth Circuit since 1976 has continually ruled that Lambros is protected by the **Fifth Amendment**, that a defendant be tried upon charges found by a grand jury. EX PARTE BAIN, 121 US 1 (1887); STIRONE vs. U.S. 4 L.Ed. 2d 252 (1960). See, U.S. vs. CAMP, 541 F.2d 737 (1976)(To be sufficient, an indictment must fairly state all the essential elements of the offense.); Also see, U.S. vs. OFSTA, 659 F.2d 848 (8th Cir. 1981)(indictment was defective where it indicated GRAND JURY was informed only that a violation of the traffic code was sufficient to indict defendant, and failed to allege the essential element of criminal intent, and such defectiveness required dismissal even though the trial jury was properly instructed that gross negligence and actual knowledge were essential elements of involuntary manslaughter. "In fact, it is possible that defendant was indicted without any finding of negligence by the grand jury.")

29. "that a court **CANNOT** permit a defendant to be tried on charges that are not made in the indictment against him," STIRONE vs. U.S., 361 U.S. 212, 217, 80 S.Ct. 270, 4 L.Ed.2d 252 (1960)(emphasis added). Thus, when an indictment fails to set forth an **"essential element of a crime,"** "[t]he court . . . ha[s] **NO JURISDICTION** to try [a defendant] under that count of the indictment." See, U.S. vs. HOOKER, 841 F.2d 1225, 1232-33 (4th Cir. 1988)(indictment did not include conduct involving interstate commerce)

30. Lambros has proved the grand jury heard insufficient evidence to sustain Lambros' indictment, as the alleged offense **DID NOT** occur on federal/U.S. property, as per criminal indictment **CR-3-76-17**, filed March 24, 1976.

ATTORNEY RENNER AND WALBRAN ILLEGALLY CREATED MULTIPLE OFFENSES FROM SINGLE ACT

(Title 18 USC § 111)

31. Attorney Renner and Walbran **DID NOT RESEARCH THE CLEAR LAW FROM 1958** which states that Title 18 USC § 111 was construed not to create multiple offenses from single act merely because more than one federal officer was affected thereby. See, LADNER vs. U.S., 79 S.Ct. 209, 358 US 169, 3 L.Ed.2d 199 (1958) (Single discharge of shotgun would constitute only a single violation of this section penalizing assault on federal officer engaged on official duty, even though more than one federal officer was affected thereby.)

32. The alleged single act of criminal indictment **CR-3-76-17** was illegally made into two (2) counts by Attorneys RENNER and WALBRAN. Attorney Thompson did not inform Lambros as to the correct law, thus not undertaking **REASONABLE RESEARCH.**

THE "BUT FOR" REQUIREMENT

(Substituted for "proximate cause" in legal malpractice)

33. Lambros has established within his complaint and this appeal letter, **BEYOND DOUBT**, that had it not been for the negligence of Attorneys' RENNER, WALBRAN and THOMPSON, a different and more favorable result would have been achieved in this underlying action.

34. The State of Minnesota Appeals Court states that one claiming attorney malpractice must show that **BUT FOR** the attorney's negligence the client would have been successful in the prosecution or DEFENSE of the underlying action. Where it is claimed that an attorney negligently failed to appeal from an adverse judgment in the underlying action, the client must show that the appeal would have resulted either in outright reversal or in a new trial. If he shows that a new trial would have been ordered, he must show that the new trial would probably have been successful. Whether the appeal would have been successful is a **QUESTION OF LAW** which may be determined by the court in the malpractice action on a summary judgment motion. See, HYDUKE vs. GRANT, (Minn App) 351 NW2d 675.

35. Lambros has proved that it was impossible for the GRAND JURY to indict him in Criminal Indictment **CR-3-76-17**, as the violation of Title 18 USC Section 114 **DID NOT OCCUR ON FEDERAL/U.S. PROPERTY**. **THUS "NO JURISDICTION."**

SHIFTING THE BURDEN

36. As in legal malpractice law, Lambros is now **"SHIFTING THE BURDEN"** to the OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY and Attorneys' WALBRAN, RENNER, and THOMPSON, in going forward with evidence to **OVERCOME LAMBROS' PRIMA FACIE CASE BY PROVING THAT LAMBROS COULD OF BEEN INDICTED AND SENTENCED** in Criminal indictment **CR-3-76-17.**

37. Where a client shows that his lawyer's professional impropriety has caused him some loss, the lawyer then has the burden of overcoming the client's prima facie case by showing that the client could not have succeeded notwithstanding the impropriety. See, LOWE vs. CONTINENTAL INS. CO. (La App.) 437 So.2d 925, Cert. denied (La.) 442 So2d 460, cert. denied (US) 80 L.Ed.2d 470, 104 S.Ct. 1924.

ETHICAL VIOLATIONS ARE NOT MONETARY AWARDS

38. All attorneys, by their very admission, agree whether knowingly or not, to subscribe to the CODE OF PROFESSIONAL RESPONSIBILITY as adopted by the American Bar Association as well as the ethical considerations.

39. "The functions of the Canons, the Ethical Considerations and the **DISCIPLINARY RULES** are discussed in the Preliminary Statement of the Code which states that: . . . :

> The **DISCIPLINARY RULES**, unlike the Ethical Considerations, are **MANDATORY IN CHARACTER**. The **DISCIPLINARY RULES STATE THE MINIMUM LEVEL OF CONDUCT BELOW WHICH NO LAWYER CAN FALL WITHOUT BEING SUBJECT TO DISCIPLINARY ACTION**. . . . An enforcing agency, in applying the **DISCIPLINARY RULES**, may find interpretive guidance in the basic principles embodied in the Canons and in the objectives reflected in the Ethical Considerations." (emphasis added)

See, HANDELMAN vs. WEISS, 368 F.Supp. 258, 262 foot note 6 (S.D.NY **1973)**

40. Lambros outlined some of the **DISCIPLINARY RULES** within paragraph twenty (20) of this letter.

41. The Canons of Ethics and Disciplinary Rules provide standards of professional conduct of attorneys, and not grounds for civil liability. See, SULLIVAN vs. BIRMINGHAM, (Mass App) 1981 Adv Sheets 326, 416 NE2d 528.

42. A Rule of Procedure stating that an attorney may be subject to "appropriate action" for **SIGNING A GROUNDLESS COMPLAINT [same as groundless indictment]** refers to disciplinary proceedings and does not provide the basis for a civil action against an attorney who violates the Rule. See, BORDEN CITY SAV. & LOAN ASSOC. vs. MOAN, 15 Ohio St 3d 65, 15 Ohio BR 159, 472 NE2d 350.

CONCLUSION

43. Lambros has offered an extensive overview as to common law obligations

and/or duties that Attorneys RENNER, WALBRAN, and THOMPSON **BREACHED**. The reason for same is simple, Lambros believes that the facts contained within his February 15, 2002, COMPLAINT and this APPEAL LETTER form a basis for a cause of action in legal malpractice, thus fulfilling the negligent breach by Attorney RENNER, WALBRAN, and THOMPSON of certain **DISCIPLINARY RULES**. See, GREENING vs. KLAMEN, (Mo App) 652 SW2d 730 (Disciplinary rules alone do not form a basis for a cause of action in legal malpractice and a complaint alleging the negligent breach by attorneys of certain disciplinary rules, but failing to allege what common law obligations or duties were breached, was properly dismissed.)

44. "But for" Attorneys RENNER, WALBRAN, and THOMPSON, John Gregory Lambros could not of been convicted of Criminal Indictment **CR-3-76-17**, as the alleged crime **DID NOT** occur on Federal/U.S. Property as required within Title 18 U.S.C. **Section 114**. Neither the **GRAND JURY** or the **DISTRICT COURT** had subject-matter **JURISDICTION.**

45. Lambros incorporates his February 15, 2002 COMPLAINT and EXHIBITS within this APPEAL.

46. Thanking you in advance for your continued assistance in leveling the playing field in this matter.

47. I John Gregory Lambros declares under the penalty of perjury that the foregoing is true and correct. Title 28 U.S.C. § 1746.

EXECUTED ON: April 20, 2002

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c:
United States Senate
Lambros family
Boycott Brazil Web site
E-mail release to supporters of Boycott Brazil – Global network (all countries please)
file

WNLOAD OCTOBER 24, 2001, MOTION FOR EXTENSION OF TIME AND OCTOBER 30, 2001, ORDER HERE IN DF.

October 27, 2001, LAMBROS submitted the following motions to the Eighth Circuit Court of Appeals: a) "APPELLANT LAMBROS OPPOSES THE JUDGMENT ENTERED BY THE CLERK ON OCTOBER 17, 2001, AND REQUESTS THE CLERK TO SUBMIT THE OCTOBER 17, 2001 JUDGMENT TO A PANEL OF THREE (3) JUDGES TO ACT. RULE 27(f)" This motion is two (2) pages in length, b) "PETITION FOR REHEARING (FRAP 40) WITH A SUGGESTION FOR PETITION FOR REHEARING EN BANC (FRAP 35)." This motion is twelve (12) pages in length. I have also included the one page cover letter to the court. Therefore, there is a total of fifteen (15) pages in this total document, with the pages numbered in longhand in the lower right hand corner from 1 to 15. The documents are in **PDF FORMAT. YOU MUST HAVE ADOBE ACROBAT READER INSTALLED ON YOUR COMPUTER TO VIEW AND PRINT THIS DOCUMENT. THE FREE ADOBE ACROBAT READER MAY BE DOWNLOADED FROM ADOBE SYSTEMS BY CLICKING HERE.**

DOWNLOAD OCTOBER 27, 2001, MOTIONS REQUESTING REHEARING HERE IN PDF.

November 28, 2001, ORDER DENYING PETITION FOR REHEARING AND FOR REHEARING EN BANC, by Eighth Circuit Judges JAMES B. LOKEN, MORRIS S. ARNOLD, and KERMIT E. BYE. This denial has completed the appeal process to the Eighth Circuit Court of Appeals in LAMBROS vs. FAULKNER, et al., Appeal file number 01-2017. This document is a total of one (1) page in **PDF FORMAT. YOU MUST HAVE ADOBE ACROBAT READER INSTALLED ON YOUR COMPUTER TO VIEW AND PRINT THIS DOCUMENT. THE FREE ADOBE ACROBAT READER MAY BE DOWNLOADED FROM ADOBE SYSTEMS BY CLICKING HERE.**

DOWNLOAD NOVEMBER 28, 2001 ORDER DENYING REHEARING BY EIGHTH CIRCUIT HERE IN PDF.

UNITED STATES PAROLE COMMISSION--BREACH OF U.S.-BRAZIL EXTRADITION TREATY.

May 8, 2000, served May 10, 2000, Appeal to the United States Court of Appeals for the Tenth Circuit in JOHN GREGORY LAMBROS vs. WARDEN J.W. BOOKER and the UNITED STATES PAROLE COMMISSION, Case No. 00-3118, on Appeal from the U.S. District Court for the District of Kansas, Case No. 98-3148-RDR. This is Lambros' appeal as to the United States Parole Commission **NOT** honoring and breaking the law as to the Extradition Treaty between the U.S. and BRAZIL in forcing Lambros to serve a 5,357 day sentence that he was **NOT** extradited on nor required to serve, as per the rulings by the Brazilian Supreme Court on April 30, 1992, (see Exhibit A). This document is 56 total pages in length. **YOU MUST HAVE ADOBE ACROBAT READER INSTALLED ON YOUR COMPUTER TO VIEW AND PRINT THIS DOCUMENT. THE FREE ADOBE ACROBAT READER MAY BE DOWNLOADED FROM ADOBE SYSTEMS BY CLICKING HERE.**

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June 12, 2000, ORDER AND JUDGMENT from the United States Court of Appeals for the Tenth Circuit in JOHN GREGORY LAMBROS vs. J.W. BOOKER; U.S. BOARD OF PAROLE; U.S. PAROLE COMMISSION, Case number 00-3118. The appeals court allowed the lower court's ruling to stand. Therefore, LAMBROS is now serving a CONSECUTIVE **5,357 day sentence that he WAS NOT EXTRADITED ON.** What good are extradition treaties if the U.S. Department of State, U.S. Department of Justice, and the U.S. Parole Commission will not obey same??? This document is 5 total pages in length. **YOU MUST HAVE ADOBE ACROBAT READER INSTALLED ON YOUR COMPUTER TO VIEW AND PRINT THIS DOCUMENT. THE FREE ADOBE ACROBAT READER MAY BE DOWNLOADED FROM ADOBE SYSTEMS BY CLICKING HERE.**

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MOTIONS AND OTHER LEGAL PLEADINGS

May 27, 1996, Lambros motion to U.S. District Court for the District of Minnesota, Third Division. *U.S. v. Lambros*, Criminal File No. CR-4-89-82. RE-SENTENCING OF LAMBROS, Request to have Department of State Employees given **polygraph testing and questioning.**

LAMBROS et al. vs. PETERSON et al., Civil Action File Number 3-95-836. TRAVERSE/REPLY MOTION -- This pleading tells you everything you always wanted to know about **the right of an American citizen to bail in a foreign country.**

July 6, 1996 Motion in the criminal action UNITED STATES V. JOHN GREGORY LAMBROS, Criminal File Number CR-4-89-82(05) for an Order to Show Cause requiring the U.S. Embassy in Brazil to show why it should not be subject to sanctions for failure to comply with a Subpoena issued by the Federal District Court in Minnesota.

EXHIBIT A.

12.