

March 14, 1997

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Attorney Colia F. Ceisel  
Suite 500, Minnesota Building  
46 East 4th Street  
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RE: APPEAL ISSUE ON RESENTENCING, LETTER TWO (2).

Dear Colia:

This is letter number two (2) addressing appealable issues I want you to raise from my resentencing on February 10, 1997, in front of Judge Renner.

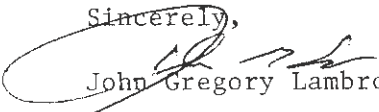
Please recall that Judge Renner refused to address me as to the object/overt acts that I was being sentenced to on February 10, 1997 and my argument of the general jury verdict, thus this argument is ripe for appeal:

DEFENDANT'S SENTENCING ON THE CONSPIRACY COUNT MUST BE VACATED AND REMANDED FOR A NEW TRIAL WHERE IT WAS NOT KNOWN OR THE JURY INTENDED TO CONVICT DEFENDANT FOR A COCAINE-RELATED CONSPIRACY OR FOR A MARIJUANA-RELATED CONSPIRACY, WHICH HAS A PERMISSIBLE MAXIMUM SENTENCE OF FIVE (5) YEARS, OR FOR CONSPIRACY INVOLVING BOTH DRUGS; IN THE ALTERNATIVE THE GOVERNMENT MUST SENTENCE THE DEFENDANT ON THE BASIS OF THE QUANTITY OF MARIJUANA INVOLVED IN THE CONSPIRACY AND NOT THE QUANTITY OF COCAINE.

Attached is my nine (9) page motion regarding same and the six (6) pages of excerpts from GRAND JURY and TRIAL TESTIMONY which proves that the jury knew of the OVERT ACTS of MARIJUANA.

Again please incorporate the above entitled entire motion or forward your draft so I may approve same prior to being submitted to the Eighth Circuit.

Sincerely,

  
John Gregory Lambros

c: Internet release and file

March 4, 1997

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THE FOLLOWING PAGES AND LINES WITHIN THE TRIAL TRANSCRIPT OF U.S. vs. LAMBROS, 4-89 Crim. 82(05) CONTAIN THE WORD "**MARIJUANA**" AND MAY REFERENCE IT TO BEING AN ILLEGAL CONTROLLED SUBSTANCE.

I. May 17, 1989, Grand Jury Transcript of JOHN J. BOULGER.

1. Page 33, line 16: Q And in particular, in January of 1988 as referenced in Overt Act Paragraph Number 21, there were some discussions between Don Hendrickson and Mr. Lambros concerning drug trafficking, correct? A. That's correct. They met on three separate occasions and discussed marijuana transactions and other drug transactions.

2. Page 34, line 1: Q. He indicated to Mr. Hendrickson he wasn't interested in marijuana as much, as he indicated his business was cocaine. And that it came to be that he didn't get involved with Mr. Hendrickson's interest in any cocaine trafficking or transactions. (I believe the word marijuana was left out)

3. Page 34, line 6: Q. Did Mr. Pebbles provide you with some information as to why Mr. Lambros did not pursue Don Hendrickson's interest in either marijuana or cocaine deals?

II. January 4 and 5, 1993, 9:30 A.M. Transcripts in Volume I, pages I-1 thru I-173.

1. Page 51 Line 18: Q. Were you distributing other drugs?  
A. There were some Marijuana transactions.

2. Page 140 Line 25: Q. And would it be fair to say that the folks that you were dealing with in southern California were also in the Marijuana business? A. Yes Some of them were, yes.

3. Page 140 Line 4: Q. And you had a pretty extensive knowledge about their dealings in Thai marijuana, too, didn't you? A. Yes I did.

4. Page 141 Line 7: Q. And to some extent you had been involved in that business too, hadn't you, sir? A. Yes, I have.

5. Page 141 Line 12: Q. And some of your dealings also took you in that area into various cities in Canada? A. Not personally, but yes. But not with the Thai marijuana.

6. Page 141 Line 16: Q. Marijuana, at any rate? A. On one occasion, that's true, yeah.

7. Page 141 Line 18: Q. Now, sir, is it fair to say that a broker, a person in the situation that you were in, would always want to keep his customers secret from each other? A. Some of the customers came with groups attached to them, and I couldn't keep them secret from each other. But, as a rule, that's true. The wisdom to that is so that they didn't collapse on each other if there were a problem; also to maintain your position as an intermediary.

III. January 7, 1993, 9:30 A.M. Transcripts in Volume III, pages III-365 thru III-523

1. Page III-516 Line 2: Q. Okay, Now, sir, is it correct that your investigation revealed that at the time that the California Mr. Siegel was staying at the Red Lion, he and Mr. Pebbles and Mr. Schriewer from St. Louis, in addition to this cocaine deal were engaged in a marijuana deal? A. That's correct.

2. Page III-516 Line 8: Q. And that, in fact, Mr. Schriewer was in California to pick up 160 plus pounds of marijuana? A. Yes, sir. We learned that from Mr. Pebbles.

3. Page III-516 Line 11: Q. And it was going to be delivered back to Missouri in a Honda Civic? A. I believe it was.

4. Page III-516 Line 23: Q. And all during this time, Mr. Pebbles --well, he was involved in the marijuana deal? A. Yes, sir. After his arrest and after he talked to us, he described these events of Mr. Schriewer coming out and staying at the Balboa Inn. We got those hotel records. They went up to the Ramada Inn off the exit near Mill Valley.

IV. January 8, 1993 1:00 P.M. Transcripts in Volume IV, pages IV-524 thru IV-608

1. Page IV 529 Line 15: A. The two specific meetings that I recall were both in January of 1988, January 12th and I believe January 28th. Mr. Hendrickson and Mr. Lambros met and discussed drug transactions involving marijuana and cocaine. And there came a time that it was more or less left -- there were drugs to be coming in, and they would talk later about the deal. They had arranged a place to exchange drugs, but then the events in February took place and nothing of that sort happened.

2. Page IV.-532 Line 23: Q. And in some of these instances were any drugs exchanged? A. Yes. Mr. Hendrickson had provided a sample of marijuana to Mr. Lambros for his purpose to test it to see if it was marketable. They spoke later on a bout that at the meeting on the 22nd at the restaurant. Q. So Mr. Hendrickson gave Mr. Lambros some marijuana? A. That's correct. It was a sample provided by Mr. Hendrickson to Mr. Lambros so Mr. Lambros could see if he could market larger quantities. Q. And Mr. Lambros never returned the sample, is that right? A. He returned the sample, and there was discussion about what a third party thought of the sample. (The sentence should read "HE NEVER RETURNED THE SAMPLE")

3. Page IV-557 Line 1: Q. Remind us which drugs were involved in those discussions. A. Two drugs, marijuana and cocaine. Q. Did Mr. Lambros indicate a preference? A. He indicated his preference was cocaine. My recollection is the word "forte" was used. He indicated that he didn't like to be involved in marijuana because of the bulk involved as opposed to cocaine, which takes up less space.

VI. January 14, 1993 9:15 A.M. Transcripts in Volume VI pages VI-672 thru VI-824

1. Page VI 755 Line 3: Q. What was the money for? A. It was two situations, and I can't be clear of the dates. But, number one, I repaid funds I borrowed from Mr. Pebbles -- I've borrowed money from Mr. Pebbles before for investment purposes -- also repayment of precious stones. And also I had purchased marijuana from Mr. Pebbles. Q. During the time you knew Mr. Pebbles after you got out of prison, how much marijuana did you purchase from him? A. I'd say maybe 300 pounds. Q. Three-hundred pounds of marijuana? A. Yes, sir. Q. How did Mr. Pebbles deliver the marijuana to you? A. Drove to my house. Q. And how did you routinely pay him for that marijuana? A. Well, I didn't keep all of it, to be honest with you. I took some of it, and I talked to, to be quite honest with you, an old friend that wanted to buy it, that might want to buy it. And I returned some of it, and I sold some of it.

2. Page VI 758 Line 15: Q. Did Mr. Angelo confide in you as to what his relationship was with Pebbles? A. No. I assumed he was fooling around, doing something, but I don't want to hear about it. That's not my business. I sold some marijuana. I shouldn't have done it. But I don't want to know about things they were doing. It was just like this Anderson called me up and wanting to do drugs. My object is, listen, I've got a deal, this is stock.

3. Page VI 760 Line 4: Q. Did he try to get you to engage in a marijuana deal with him? A. Yes, he did. Q. And did you, in fact, receive a sample of some marijuana from him? A. At one time he pushed. But before then, to be quiet honest with you, and what really irked me out, he had continually called me at the office. And I said, "Do you want to invest?" He said, "Well, maybe my brother will invest." So he gave me the telephone number to his brother in Duluth. I called his brother. His brother made a trade for me for three, three and a half thousand

dollars, and he didn't pay. So, I mean, after X amount of days when you don't pay, I have to resell the stock, and the difference between what I sell the stock for and what he purchases it for, I have to pay the difference.

And when I found out later that he's working for the Bureau of Criminal Apprehension and they're having him institute stock trades and not paying, I mean, what the hell kind of business is that?

4. Page VI 761 Line 4: Q. Did Mr. Hendrickson push you in regard to a marijuana deal? A. He pushed me. He tried to sell me -- he said, do you want to buy cocaine? Do you want to buy marijuana? I said, you know, fine. I'll listen to what the guy has to say. To be quite honest with you, the man isn't that educated. And if he wants to talk about marijuana or women or whatever, I'm a salesman. I'm supposed to listen to my people, what they have to say.

So I listened to him. I don't want to do it. In fact one of the transcripts shows that I'm not interested in doing that. He wanted to give me some marijuana. I said, fine, I'll take a handful. And I took a handful. He had a big bag of it in his car. Q. Did you ever engage in any marijuana dealing with Mr. Hendrickson? A. No, sir.

5. Page VI 766 Line 12: A. Because, number one, I'm an ex-felon on parole. I don't know what happening. I do know how the Government works. They get these people and say, listen, we're looking for this and this person, and we think he's been doing somethin.

And I had been dealing marijuana; she wasn't aware of that, or anything else. I mean, I was very vulnerable. I don't know what the hell this woman is going to do when she's put up against the wall like she was.

6. Page VI 769 Line 11: A. I was in a very vulnerable situation. I knew I had done the marijuana transaction with him. I was scared. I had done stones with him that were illegal stones, I knew that, and possibly some other investment situations of borrowing the funds could be illegal. I mean, I can talk about this now, because I have immunity under the extradition treaty regarding that.

7. Page VI 771 Line 4: A. It was repayment back. He had borrowed me money -- remember, money was going back and forth from us a lot. I had purchased marijuana from him, and I had purchased stones from him. And also the money he borrowed me, I had used for the market for my out-of-the-country dealings. Q. Did Mr. Pebbles ever include you in the planning of his cocaine dealing business? A. He wanted me to get involved. And I wasn't interested in getting involved. I'd do the marijuana, but, you know, I wasn't interested in the cocanine. Q. Mr. Lambros, do you know a person by the last name of Lewis? A. Roger Lewis? Q. Yes. A. Yes, sir. Q. Where did you meet Roger Lewis? A. I met Roger Lewis maybe back in 1969 or 1970

maybe, possibly '70, '71. Q. Where did you meet Roger Lewis?  
A. Roger Lewis was a marijuana pilot.

8. Page VI-803 Line 17: Q. But when it did happen, you left the house because of the jealousies of Pam Lemon. Is that your testimony? A. Also that, and then also because of marijuana dealings. Q. So it wasn't because these were just calls from other women? A. No. Some of it had to do with marijuana dealings, sir.

9. Page VI-805 Line 2: Q. So you did have a drug-dealer-to-drug dealer relationship with Lawrence Pebbles? A. Yes. I bought marijuana from Mr. Pebbles. I didn't buy cocaine, but I bought marijuana.

VII. January 15, 1993 9:30 A.M. Transcripts in Volume VII pages VII-825 thru VII - 961.

1. Page VII-844 Line 1: Q. During these years, as I understand it, you're dealing marijuana, right? A. Yes, sir. Q. You knew it was illegal? A. Yes, sir. Q. You had no respect for those laws? A. If I sold it, obviously I didn't have respect for those laws. Q. Do you believe that you can pick and choose which laws that you agree with, which ones to follow? A. No, but I can accept responsibility for my actions.

2. Page VII-861 Line 18: Q. No question that Donny Hendrickson had sample amounts of marijuana given to him by government agents, correct? A. One time, yes, sir. He had a sample amount provided by us. It was a procedure we used that was cleared through the superintendent's office. Q. And it was marijuana? A. There's no doubt about that. Q. It was not cocaine? A. That's correct. Q. Did Donny Hendrickson ever bring a sample of cocaine to John Lambros? A. No, sir. Q. Did you ever authorize him to obtain a sample of cocaine from some other source to bring to John Lambros? A. No, sir. Q. That would be outside your procedures, correct? A. Yes, sir. Q. You, in the course of looking at Lawrence Pebbles' operation, determined that he had been involved in the marijuana dealing business, did you not, sir? A. He told us that, yes, sir. Q. Did you confirm that with anyone else? A. Yes, sir. Q. In fact, is it not correct that on February 18, 1988, Mr. Pebbles was involved in a 160 pound-plus marijuana deal in California with Thomas Schriewer-- A. Schriewer, from St. Louis. Q. -- sorry about the pronunciation -- and that that marijuana was driven back to Missouri? A. That's correct.

3. Page VII-886 Line 12: Q. But Mr. Lambros says, well, there's this trade slip, Defense Exhibit 1 and Defense Exhibit 2. First of all, keep in mind your common sense again. Lawrence Pebbles is a careful guy. He's dealing cocaine to John Lambros. Even accept Lambros' testimony that he's dealing marijuana. He has a drug relationship with John Lambros. (This is U.S. Assistant Attorney Douglas Peterson's FINAL ARGUMENT TO THE JURY.)

4. Page VI-888 Line 22: Testimony incinsistent with that of John Lambros, but testimony consistent with all the other circumstantial evidence, which includes money laundering for Pamela Lemon, meeting Donny Hendrickson, talking to him about doing stock transactions in his dying brother's name, and consistent with the Larry Pebbles', or so-called Larry Pebbles', Campbell's Soup stock option deal, consistent with having Ziploc bags and gloves, consistent with having those duffel bags in his bedroom next to the safe in the bedroom closet, a safe which, as a bedroom safe, is not going to be holding these bales of marijuana, but certainly a bedroom safe big enough for 2.2. pound packages of cocaine.