

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 98-721-CR-LENARD(s)(s)

UNITED STATES OF AMERICA,

vs.

RUBEN CAMPA

a/ka Fernando Gonzalez Llort,

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DEFENDANT'S SENTENCING MEMORANDUM OF LAW

Defendant Ruben Campa (who will be referred to by his true name: Fernando Gonzalez Llort, or Mr. Gonzalez), through undersigned counsel and pursuant to Rule 32(d) of the Federal Rules of Criminal Procedure and the additional authorities set forth in the incorporated memorandum of law, submits this memorandum of law in connection with his re-sentencing hearing, which is scheduled to take place on December 8, 2009.

BACKGROUND.

On June 8, 2001, following a lengthy trial, Mr. Gonzalez was found guilty of: a) conspiracy against the United States (Count 1), in violation of 18 USC § 371; b) fraud and misuse of documents (Count 7), in violation of 18 USC § 1546, c) possession with intent to use five or more fraudulent identification documents (Count 8), in violation of 18 USC § 1028(a)(3), and d) acting as an agent of a foreign government without prior notification (Counts 16 and 17), in violation of 18 USC § 951.

On December 17, 2001, at Mr. Gonzalez's original sentencing hearing, this Court generally adopted the factual and legal recommendations of the Pre-Sentence Investigation report ("PSI"). However, the Court amended the PSI to reflect that Count 1, a violation of 18 USC §

371, had no analogous guideline provision and should not be grouped with Counts 7 and 8. The probation officer had recommended that those counts be grouped for sentencing purposes. This Court then sentenced Mr. Gonzalez to a total of 228 months in prison (60 months as to Count 1 and 120 months as to each of Counts 16 and 17, concurrently to each other but consecutive to Count 1, plus 48 months and 36 months as to Counts 7 and 8, respectively, to run concurrently with each other but consecutive to Counts 1 and 16).

On June 4, 2008, after a series of appeals, a panel of the Court of Appeals upheld Mr. Gonzalez's convictions but vacated his sentence as to Counts 7 and 8. The Court of Appeals held that this Court should not have enhanced his sentence by 3 levels under Section 3B1.1(b), which provides for such an "aggravating role" increase for a person who is a "manager or supervisor and the criminal activity involved five or more persons." Based on the government's request, this Court had applied the "aggravating role" enhancement to Mr. Gonzalez's conviction on the fraudulent documents offenses.

On September 4, 2009, the probation officer assigned to this re-sentencing prepared a supplemental addendum to the PSI, reflecting the applicable guideline calculations consistent with the decision of the Court of Appeals. The addendum correctly points out that, with a total offense level 20 and a criminal history category I, the advisory guideline range is now 33 to 41 months in prison. If this Court were to sentence Mr. Gonzalez at the bottom end of his advisory guideline range, Mr. Gonzalez would be sentenced to a total term of imprisonment of 213 months.

Based on the Supreme Court's holding in United States v. Booker, 543 U.S. 220 (2005), the federal sentencing process now follows a three step approach. See generally Fed. R. Crim. P. 11(b)(1)(M). First, the Court is to resolve any disputed guideline issues and determine the advisory guideline range. Here, the parties agree that the revised guideline calculations presented

by the probation officer in her addendum are correct. However, Mr. Gonzalez requests that the Court order that any sentence the Court now imposes on Counts 7 and 8 run concurrently, rather than consecutively, to the remaining total sentence of 180 months in prison previously imposed on Counts 1, 16, and 17. The government acknowledges that this Court has the authority to run the sentences concurrently, but asks the Court not to do so. See Government's Memorandum (DE 1769) at 9-10.

The second step in the sentencing process is for the Court is to consider whether there are any factors that may warrant a departure from the advisory guideline range. Here, there are several factors that may warrant a downward departure from the putative guideline range of 33 to 41 months in prison. However, these concerns, none of which would constitute "prohibited factors" under the traditional departure analysis, may best be treated under the Booker analysis.

Thus, as the final step in the sentencing process, the Court is to consider all of the sentencing factors of 18 USC § 3553(a) and impose a sentence which is "reasonable" and not greater than necessary to achieve the sentencing objectives set forth in 18 USC § 3553(a). Here, Mr. Gonzalez contends there are several factors that warrant a downward variance from his advisory guideline of 33 to 41 months in prison. Mr. Gonzalez will withdraw this request if the Court agrees to run the new sentence concurrently with the existing 180-month term of imprisonment.

II. RESPONSE TO THE PSI.

A. Amendment to the PSI.

Mr. Gonzalez requests that this Court order an important amendment to his PSI, which does not affect his applicable sentencing guidelines, but is necessary to ensure that the PSI that follows Mr. Gonzalez throughout his term of imprisonment does not contain unnecessary information that

may adversely impact him within the Bureau of Prisons (“BOP”).

On December 18, 2001 (see Transcript of Sentencing Hearing “Tr.” at pages 39-40), this Court ordered that paragraphs 56 through 65 of the PSI be stricken from the victim impact section and paragraph 55 remain but modified. These changes, however, have yet to be made to the PSI and Mr. Gonzalez again requests that the Offense Conduct section (paragraphs 14 through 20) and the Victim Impact Section (paragraphs 55 through 66) of the PSI and their references to incidents involving the Brothers to the Rescue (“BTTR”) be deleted. The information as to Brothers to the Rescue does not represent convicted conduct, nor has it ever been alleged as conduct relevant (under § 1B1.3) to Mr. Gonzalez. The continued presence of this information in Mr. Gonzalez’s PSI has adversely affected him, and will continue to adversely affect him, within the BOP system.

B. Request for Concurrent Sentences.

As he awaits re-sentencing on Counts 7 and 8, Mr. Gonzalez is already serving a 180-month total term of imprisonment on the remaining counts. Mr. Gonzalez is not asking the Court to revisit the combined term of 180 months he is serving on Counts 1, 16, and 17. He is, however, consistent with the probation officer’s original recommendation, asking the Court to run whatever sentence is imposed on the remaining counts concurrently with the 180-month term.

Counts 7 and 8 are inextricably intertwined with Count 1. Mr. Gonzalez’s request for concurrent sentences on Counts 1, 7 and 8, therefore, is strongly supported by the applicable law. For example, 18 USC § 3584(a) establishes a presumption in favor of concurrent sentences under the circumstances of this case. Section 3584(a) states that, “[m]ultiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively.” See Section 3D1.2 (“All counts involving substantially the same harm shall be grouped together into a single Group.”); see also Section 3D1.2 application note 8

(convictions for conspiring to commit offense A and for actually committing offense A are grouped together).

An example of a statute mandating that the terms run consecutively is 18 U.S.C. § 924(c)(1)(A) (requiring consecutive sentences for persons possessing a firearm during and in relation to a drug trafficking or violent offense.) An example of when the court is otherwise required to run sentences consecutively is when doing so is necessary to provide the term of imprisonment required by the applicable sentencing guidelines. See U.S.S.G. § 5G1.2(d) (“If the sentence imposed on the count carrying the highest statutory maximum is less than the total punishment, the sentence imposed on one or more of the other counts shall run consecutively, but only to the extent necessary to produce a combined sentence equal to the total punishment. In all other respects, sentences are to run concurrently, except to the extent otherwise required by law.”) Neither situation requiring consecutive sentences was present when Mr. Gonzalez was originally sentenced, and neither situation exists now.

In addition, 18 USC § 3584(b) provides that, “[t]he court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in 18 USC § 3553(a). In the case of attempt offenses, which are somewhat analogous to conspiracy offenses in that actual harm may not have been caused, the statute is more determinative: “Terms may not run consecutively for an attempt and for another offense that was the sole object of the attempt.” See 18 USC § 3584(a); see also 18 USC § 3553(b)(1) (“in the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Guidelines.”).

On appeal, the Court of Appeals specifically addressed the “aggravating role” adjustment issue. However, nothing in the decision of the Court of Appeals prevents the Court from reconsidering its earlier decision to run his sentences on the remaining counts consecutively to the 180 months he is also serving. The government agrees that the Court has the authority to do so.

Mr. Gonzalez’s request is based on a straightforward application of the guidelines and the applicable law. It is also based on the possibility that his original total sentence of 228 months in prison, which followed the government’s outlandish request for a total term of 357 months and resulted from this Court’s decision to stack the sentences on closely related offenses, may have been too influenced at that time by the Court’s findings of fact and conclusions of law concerning the sentencings of two of his co-defendants, Luis Medina and Antonio Guerrero, who were convicted of espionage-related offenses.

Thus, although Mr. Gonzalez is not asking the Court to reconsider the 180-month portion of his total sentence, his request for concurrent sentences now (or, in the alternative, for a downward variance that results in a total term of imprisonment of approximately 180 months) requires recalling how that sentence was determined and how the decision to run the sentences on related counts consecutively was originally made.

The Court may recall that in the Offense Level Computation section of Mr. Gonzalez’s original PSI (dated December 11, 2001), the probation officer cited § 1B1.2(d) and concluded that Count 1 contained two objects: a) having acted as an agent of a foreign government, and b) having defrauded the United States. See PSI at P 71. According to the PSI, however, “[t]his is not a problem in this case since the defendant has been charged with two counts of having violated 18 USC § 951, and the Court may sentence him as to these charges without any guideline application. The second part of the offense addressed in Count One is defrauding of the United States and these

illegal acts will be addressed in the grouping associated with Counts Seven and Eight.” See PSI at P71. Indeed, the original PSI (at P 73) grouped Counts 1, 7 and 8, pursuant to § 3D1.1(b), and produced a base offense level of 11, pursuant to § 2L2.1(a). Consistent with this recommendation, the PSI (at P 113) provided the statutory penalties for each count of conviction without stating the possibility, let alone the applicability, of consecutive sentences. For example, the PSI specifically stated that the guideline imprisonment range of 46 to 57 months “applies only to Counts One, Seven and Eight.” See PSI at P114.

In its initial response to the PSI (DE 1417; dated December 10, 2001), the government did not object to the probation officer’s grouping recommendation. However, on December 17, 2001, the morning of the sentencing hearing, the government filed a sentencing memorandum of law (DE1431) in which, for the first time as to this defendant, the government referred to Count 1, along with Counts 16 and 17, as “non-guideline” counts. The government then also requested that Mr. Gonzalez be sentenced to a total of 357 months in prison, an exceedingly harsh sentence which could only be achieved by imposing both maximum and consecutive sentences on each of the three counts it identified as non-guideline counts.

At Mr. Gonzalez’s sentencing hearing, undersigned counsel objected to what amounted to an untimely objection by the government to the PSI. See Tr. at 25 (“In essence, what the government is doing quite simply is tacitly objecting now at the eleventh hour to the probation officer’s recommendation, paragraph 73 of the PSI, that counts 1, 7 and 8 be grouped. By requesting that the Court consider stacking the five year sentence applicable to Count 1 to the other counts, it is objecting to the grouping of Count 1 with Counts 7 and 8.”). Undersigned counsel admits counsel was surprised by the government’s last-minute objection and was ill-prepared to make the strongest possible argument in support of the probation officer’s position.

Overruling undersigned counsel's objection request for consecutive sentences, the Court found that Count 1 should not be included within the guideline computation and instructed the probation officer to amend the PSI. Tr. at 38. The Court stated that this issue had come up in the sentencing hearings of the other defendants. Specifically, the Court stated that, "[f]or all the defendants thus far I have sentenced, Count 1 has not been included within the guideline calculations." Tr. at 38. "[F]or consistency purposes as to each and every defendant," therefore, the Court held that Count 1 should not be included in the grouping with Counts 7 and 8. Id.

On December 12, 2001, at co-defendant Mr. Medina's sentencing, the Court had, indeed, ruled that Count 1 was a non-guideline count which would not be grouped with remaining guideline counts. However, because Mr. Medina's offense of conviction involved top secret information, he was subject to a base offense level 42 and was sentenced to life in prison. Since Mr. Medina, unlike Mr. Gonzalez, had been charged and convicted of 18 USC § 794, which carried a life sentence, the Court's decision on the grouping issue had no impact on Medina's sentence and may not have been hotly contested. However, the decision to run the sentence in Count 1 consecutively to Counts 7 and 8 had a significant (48 month) impact on Mr. Gonzalez's sentence.

At the time of Mr. Gonzalez's initial sentencing, this Court clearly had the authority to treat Count 1 as a guideline count (at least in relation to § 2L2.1) and group it with Counts 7 and 8, with which Count 1 was integrally related. Indeed, the PSI recommended that the Court do so. Had the Court done so, Mr. Gonzalez would not have been sentenced to more than 180 months. However, as the Court stated, to be consistent with rulings made in connection with the slightly different circumstances of Mr. Gonzalez's co-defendants, the Court declined to follow the probation officer's recommendation.

Based in part on its ruling on the guideline grouping issue, the Court sentenced Mr.

Gonzalez to a total term of imprisonment of 228 months. The result was a total sentence consistent with base offense level 37, the level applicable to persons (such as Mr. Gonzalez's co-defendants Gerardo Hernandez, as well as Messrs. Medina and Guerrero) convicted of violating 18 USC § 794 and sentenced under § 2M3.1(a)(2).

This Court's decision not to group Count 1 with the others may have been unduly influenced by the government's unwarranted and repeated attempts to portray Mr. Gonzalez as someone who posed a threat to this country's national security. This Court will certainly recall the number of times during trial (and during Mr. Gonzalez's sentencing hearing) that the Court had to admonish the government to refrain from claiming that Mr. Gonzalez may have been involved in uncharged espionage activities. On several occasions the Court even found it necessary to specifically instruct the jury that it was to disregard the government's inappropriate suggestions that he was. Not surprisingly, ten years later, the government is still repeating those grossly exaggerated claims without any additional facts to support the allegations. See Government's Memorandum (DE 1769) at 8.

Whether or not the Court was actually influenced by the government's repeated and unfounded allegations, or by the possibility that the security of this country may have been compromised (which we now know did not happen), the specter of harmful espionage activities and possible danger to the national security certainly underscored the government's successful argument that Count 1 should not be grouped with the others, including Counts 7 and 8. Thus, for example, the government argued that "if the Sentencing Commission is ever able to reach a guideline for this offense (§ 951), where it will probably be placed is under part M of chapter 2, offenses involving national defense, which is where we have treason, sabotage, espionage, gathering national defense information offenses as well as evasion of military service and arms

export violations and certainly the presence of this statute of the requirement that the government prove not merely non-notification, but also acting as an agent of a foreign government is what makes this statute unique and uniquely different from the false statement statute that counsel suggests.” Tr. at 36-37. The government appeared to have made a convincing argument that the charge of 18 USC § 951 might someday be included in other § 2M charges, such as espionage and treason.

Contrary to the government’s dire prognostications, however, neither Congress nor the Sentencing Commission has yet to establish an analogous guideline for § 951 violations, let alone agree that espionage provides that analogous offense. Yet Mr. Gonzalez was essentially sentenced as if he had engaged in espionage, even though he was never charged, let alone convicted, of any criminal offense beyond a Class C felony. See 18 USC § 3559 (a sentence of 10 or more years but less than 25 years is a Class C felony). Indeed, the unheard of total sentence of 357 months the government requested was just shy of the guideline range applicable to offense level 42, the offense level the government prevailed upon the Court to impose Mr. Medina and Mr. Guerrero, who were convicted of violating 18 USC § 794 and, according to the Court of Appeals, incorrectly sentenced to life under § 2M3.1(a)(1). In retrospect, although the law allowed (but did not require) the Court to do so, imposing a sentence of 180 months on Counts 1, 16 and 17, and then running them consecutively to the guideline counts, appears to have been excessive.

Now, almost nine years later and in light of the appellate court’s ruling, the government interestingly entered into a sentencing agreement with Mr. Guerrero, agreeing to a total sentence of 240 months. Such a term of imprisonment is just slightly above Mr. Gonzalez’s current sentencing guideline range of 213 to 221 months in prison. It is hard to reconcile the government’s position that a 240 month term of imprisonment was “reasonable” for Mr. Guerrero, while the government

does not even request the low-end sentence of 213 months for Mr. Gonzalez. (Although this Court declined to sentence Mr. Guerrero to 240 months, it nevertheless imposed a sentence at the bottom of his applicable offense level of 39.)

At the time of Mr. Gonzalez's initial sentencing, this Court clearly had the authority to treat Count 1 as a guideline count (at least in relation to § 2L2.1) and group it with Counts 7 and 8. As the probation officer recommended, that would have been the customary and traditional thing to do under the guidelines and would have resulted in a total term of imprisonment of 180 months. At the re-sentencing hearing, Mr. Gonzalez requests that the Court re-consider its earlier grouping decision, and its decision to run the 60-month sentence on Count 1 consecutively to the sentences imposed as to Counts 7 and 8, with which Count 1 is so closely related.

Running the 60-month sentence on Count 1 concurrently with the sentences imposed as to Counts 7 and 8 (but still consecutive to the 120 months imposed on Counts 16 and 17), is strongly supported by the applicable law, see generally 18 USC § 3584(a); 18 USC § 3584(b); U.S.S.G. § 5G1.2(d), and would best serve the interests of justice. In particular, and for the reasons set forth in greater detail below, consideration of the Section 3553(a) factors, which this Court is required by 18 USC § 3584(b) to consider in deciding whether or not to run sentences concurrently, supports the request. Running the sentence the Court now imposes on Counts 7 and 8 concurrently with the 60-month term of imprisonment imposed on Count 1 will yield a total sentence of 180 months in prison, and place Mr. Gonzalez at the middle of the guideline range applicable to offense level 35. Such a sentence is severe by any definition, but is at least consistent with the sentencing guidelines.

In addition, although the probation officer did not address this slightly different issue, at the time of Mr. Gonzalez's original sentencing hearing the applicable law (still applicable today) also heavily favored that the Court run Mr. Gonzalez's sentences on Counts 7 and 8 concurrently

with his concurrent sentences on Counts 16 and 17; i.e., with the 120-month portion of his existing 180-month term of imprisonment. For example, Section 3D1.1 of the Sentencing Guidelines states that, when a defendant has been convicted of more than one count, “the court shall [g]roup the counts resulting in conviction into distinct Groups of Closely Related Counts”. Section 3D1.2 provides that “[a]ll counts involving substantially the same harm shall be grouped together into a single Group.” Among the circumstances when counts involve “substantially the same harm” is “[w]hen counts involve the same victim and two or more acts or transactions connected by a common criminal objective or constituting part of a common scheme or plan.”

Just as the probation officer recommended that Counts 1, 7, and 8 be grouped, so could Counts 7, 8, 16 and 17 be grouped as well, since the conduct underlying the various counts involved the same victim (the United States) and the conduct underlying the false document counts (Counts 7 and 8) was clearly “connected by a common criminal objective” or was clearly “part of a common scheme or plan” in connection with the Section 951 (unauthorized foreign agent) offenses. Indeed, the offenses and the facts underlying Counts 7, 8, 16, and 17 were inextricably intertwined as well.

Whether this Court decides now to run Counts 7 and 8 concurrently to Count 1, as the probation officer originally recommended, or whether the Court decides now to run Counts 7 and 8 concurrently with Counts 16 and 17, which also seems to be permissible (if not required) under the Guidelines, the result is the same: Mr. Gonzalez would be sentence to a total term of imprisonment of 180 months.

A total term of imprisonment of 180 months is certainly consistent with the Court’s re-sentencing of Mr. Guerrero, who was convicted of 18 USC § 794 and had his sentence reduced

from life in prison to 262 months. It is also consistent with the 360 month term of imprisonment the government recommends for Mr. Medina, who was also convicted under Section 794 and occupied a leadership position.

A total term of imprisonment of 180 months for Mr. Gonzalez is also not incongruous with the sentence of 180 months imposed on co-defendant Rene Gonzalez, who was not an officer but lived in South Florida for a considerably longer period of time than his co-defendant. Rene Gonzalez was convicted and sentenced solely on the basis of non-guideline offenses, and the laws that result in a 180-month term for Mr. Gonzalez here simply did not come into play in his case. Besides, Mr. Gonzalez will remain in custody pending deportation proceedings even after he completes his lengthy term of imprisonment, whereas Rene Gonzalez, a United States citizen, will be released to a half-way house at least six months prior to completing his prison term.

Finally, a 180-month sentence for Mr. Gonzalez, which corresponds to offense level 35, can hardly be deemed unduly lenient when one considers that level 35 applies to very serious offenses surpassed in that guideline section only by offenses involving treason, the gathering or transmitting of top secret national defense information to aid of foreign government and offenses involving weapons of mass destruction intended to injure the United States, and Mr. Gonzalez had nothing to do with such grave offenses.

C. Request for a Downward Variance under Booker.

As this Court knows, after Booker, district courts are now free from the mandatory nature of the federal sentencing guidelines. In addition, subsequent Supreme Court decisions have emphasized that district courts are only required to give “some weight” to the advisory guidelines,

as courts are to the other 18 USC § 3553 factors, and any attempt to give special weight to the sentencing guidelines is contrary to Booker. See Gall v. United States, 128 S. Ct. 586 (2007); Kimbrough v. United States, 128 S. Ct. 558 (2007); United States v. McBride, 511 F.3d 1293 (11TH Cir. 2007). Furthermore, a sentencing court may not even presume that a sentence within the applicable guideline range is reasonable: “the Guidelines are not only not mandatory on sentencing courts, they are also not to be presumed reasonable.” Nelson v. United States, 129 S. Ct. 890 (2009); Rita v. United States, 551 U.S. 338 (2007). The fundamental premise of the federal sentencing scheme is that “the court shall impose a sentence sufficient, but not greater than necessary,” to comply with the purposes of 18 USC § 3553(a).

Consideration of the pertinent Section 3553(a) factors strongly supports Mr. Gonzalez’s request for a downward variance to a total sentence of 180 months in prison, which is where he would fall under the guidelines if the Counts 7 and 8 had been grouped as he requests. Among the most important Section 3553(a) mitigating factors to consider are: a) the limited and non-violent nature and circumstances of the offense, b) the excellent personal history and characteristics of the defendant, c) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct, and d) the special circumstances surrounding Mr. Gonzalez’s imprisonment in the United States, including the extraordinary amount of time he spent in solitary confinement at FDC and the extraordinary amount of time he has been separated from his family.

Nature and Circumstances of the Offense. As to this Section 3553(a) factor, it is extremely important to remember that Mr. Gonzalez only lived in South Florida for approximately 4 months during the entire period of time covered by the indictment. It is also important to remember that, contrary to the government’s continued attempt to portray Mr. Gonzalez as a major threat to this

country's national security, by far the overwhelming focus of Mr. Gonzalez's activities revolved around other matters of great importance to Cuba as well as the United States.

As shown in trial, Mr. Gonzalez was mainly tasked with obtaining information concerning the activities of persons and groups engaged in violent and terrorist acts against Cuba and Fidel Castro. Mr. Gonzalez searched diligently for information that could be used to thwart such violent activities and assassinations attempts, many of which were to take place in countries other than Cuba, including the United States. At least a few of the individuals Mr. Gonzalez and his co-defendants monitored were subsequently arrested and prosecuted by the United States. See, e.g., United States v. Santiago Alvarez, Case No. 05-CR-60307-Cohn (convicted of conspiracy to possess unregistered firearms, including machine guns, silencers, and a grenade launcher); United States v. Posada Carriles, Case No. EP-07-CR-0087 (W.D.Texas) (immigration fraud offenses).

Chief among Mr. Gonzalez's projects were Operations Arcoiris ("Rainbow") and Morena, which involved monitoring a series of meeting between Orlando Bosch and Ruben Dario Lopez Castro. As shown in trial, these men had devoted their lives to violently overthrowing the Castro regime. Mr. Bosch's especially long history of indiscriminate violence includes having organized the bombing of a Cuban airliner on October 6, 1976, that killed 73 people. See DX R77. According to the Acting Associate Attorney General of the United States, in a document introduced into evidence at trial, "[f]or 30 years Bosch has been resolute and unwavering in this advocacy of terrorist violence... He has repeatedly expressed and demonstrated a willingness to cause indiscriminate injury and death." See DX R91.

During his short stay in South Florida, Mr. Gonzalez's was also actively involved in two other anti-terrorist activities. For example, the evidence at trial showed Mr. Gonzalez's involvement in an operation designed to locate and film the paramilitary training camp of

Comandos F-4, whose leader, Rodolfo Frometa, testified at trial. Mr. Frometa, this Court may recall, had earlier spent several years in federal prison after trying to buy Stinger missiles and anti-tank weapons for use against Cuban civilian and military targets.

Mr. Gonzalez also actively participated in the operation involving the 1998 filming of the two so-called “bomb yachts” docked on the Miami River, which were believed to be loaded with explosives destined for Cuba. The message to and from Cuba concerning the “bomb yachts” also included a discussion concerning the possibility of tipping off the F.B.I. about the existence of the boats. Shortly thereafter, the F.B.I. raided the vessels.

This Court may also recall Mr. Gonzalez’s involvement in Operations Neblina (“Fog”) and Paraiso (“Paradise”), which also had nothing to do with national security issues. Operation Neblina consisted of monitoring the activities of Roberto Martin Perez, a man shown to have been behind several attempts to place bombs in Cuba. Operation Neblina was begun after a bomb exploded in the discotheque at the Melia Cohiba Hotel on April 12, 1997. At trial, there was evidence that nine other bombs either exploded or were discovered in Havana during the summer of 1997. Operation Paraiso involved studying the landscape and territory of the Bahamas to identify places in which explosives and weapons might be stored and locations from which armed attacks against Cuba’s shoreline might be launched.

Mr. Gonzalez’s participation in Operation Giron also had nothing to do with U.S. military installations. Operation Giron essentially involved monitoring the general activities of the Cuban American National Foundation, the powerful anti-Castro organization and by far the biggest concern of Mr. Gonzalez and the Cuban authorities because of its support of violent attacks against Cuba. See GX-DAV 109.

The History and Characteristics of the Defendant. At the time of his original sentencing,

this Court was provided with video-tape interviews with several of Mr. Gonzalez's family members and friends. This Court may recall how the interviews described Mr. Gonzalez's many excellent personal qualities and characteristics, and how much he meant to so many people.

As reflected in the attached BOP inmate progress reports, which are supposed to be prepared every three years, Mr. Gonzalez's attitude and personal conduct have continued to be admirable during his lengthy term of incarceration. The first progress report (see Exhibit A), dated May 31, 2005, confirmed that he had been assigned as a unit orderly since his arrival at FCI-Oxford in 2002, that he had already paid the \$500.00 special assessment ordered by this Court within his first year at Oxford, and that he had received no infractions during his confinement. Mr. Gonzalez had also completed three educational courses on the history of film, completing a total of 64 hours of course work between August 19, 2003 and April 23, 2005, and one on Diversity in American Culture, on September 9, 2003. He later worked on a prison cleanup detail from January 12, 2006 until he was reassigned to FCI-Terre Haute, Indiana on September 12, 2007.

Mr. Gonzalez's progress report for Terre Haute dated September 12, 2007 (see Exhibit B) shows that he had been assigned as an orderly at the recreation department's hobby shop and is responsible for keeping the area clean and organized. His work assignments have always received excellent performance reviews. The progress report again confirmed that Mr. Gonzalez had made a good adjustment and remained incident report free.

Mr. Gonzalez's next progress report is not scheduled to be completed until September 2010. However, also attached for the Court's review (see Exhibit C) is a Declaration of Richard Thomas, Mr. Gonzalez's case manager at Terre Haute, dated October 8, 2009 (prepared in response to the Court's order of September 30, 2009). According to Case Manager Thomas, Mr. Gonzalez has no history of disciplinary action while in the custody of the BOP and he has had satisfactory work

reports for the past two years at Terre Haute. Although the Declaration mentions the completion of the three film courses, Mr. Gonzalez was also actively participating in several art classes when he was moved to FDC-Miami on August 15, 2009.

When Mr. Gonzalez first arrived at FCI-Oxford in February 2002, he was a 38- year old first-time offender who had already served three and a half years of a 19 year sentence. Despite the great weight of the lengthy term of imprisonment imposed, Mr. Gonzalez has maintained a positive attitude. He has worked hard, taken advantage of numerous learning and cultural opportunities, and he has never had even one disciplinary incident. See Exhibit D (certificates and diplomas).

Also attached for the Court's review are several letters recently written by of Mr. Gonzalez's family members. Magali, his mother, is now almost 71 years old and has written about the long absences between her son and his family and how difficult it has been, since 1998, to wait a year between visits and then to make the trip, first to rural Wisconsin, and since 2007, to Indiana. See Exhibit E. Mr. Gonzalez's sister, Lourdes, describes the pain and anguish her family has suffered during her brother's long imprisoned in the United States and wonders how many more years must pass before he is returned home. See Exhibit F. His other sister, Marta, writes about her daughter, Mr. Gonzalez's only niece, Laura, who saw her uncle when she was 12 years old and did not see him again until recently, when she was 23 years old and five months pregnant. See Exhibits G and H. Finally, Rosa Freijanes describes her 19-year relationship with Mr. Gonzalez, and says that he is her companion for life, and regrets that they have not been able to have children together. She too laments being able to see him roughly only once a year. See Exhibit I.

The Special Circumstances Surrounding Mr. Gonzalez's Imprisonment in the United States.

Both FCI-Oxford and FCI-Terre Haute are medium security facilities located, respectively, in rural areas in central Wisconsin and Indiana. As harsh and intimidating as conditions at medium security

prisons might be at times, visiting hours are generous and family visits are encouraged. Inmates are normally entitled to up to six visitors at a time, and inmates normally receive 35 visit points a month (one visit point equals a visit of an hour or fraction thereof).

Federal inmates with family or friends in the United States or those from countries with normal diplomatic relations with the United States may take advantage of the BOP's generous visitation policy. However, due to existing diplomatic relations between the United States and Cuba, which make it extremely difficult for Mr. Gonzalez's family to obtain visas to travel to this country, his mother has only been able to travel to the United States to visit her son on 10 occasions since December 2001, and Mr. Gonzalez's wife has only been able to travel to the United States 11 times since March 2002.

The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records who Have been Found Guilty of Similar Conduct. Here, the Court has already reduced Mr. Guerrero's sentence from life to 262 months in prison, and the government has agreed that co-defendant Mr. Medina's life sentence should be reduced to 360 months. As their severe sentences are dramatically and understandably reduced by several offense levels, Mr. Gonzalez's sentence too should be reduced to maintain the proportionality and distance the Court originally deemed appropriate in light of the facts and circumstances of this case.

Mr. Gonzalez's current advisory guideline range Counts 7 and 8 is 33 to 41 months in prison, which, unless the Court runs the sentences concurrently, yields a total term of imprisonment of 213 to 221 months. A term of imprisonment of that magnitude is equivalent to a total offense level of 37, just two below co-defendant Mr. Guerrero. According to the U.S. Sentencing Commission's Sourcebook of Federal Sentencing Statistics (Table 21), 97.7 percent of all federal defendants sentenced in 2008 fell below total offense level 37. Yet, unless this Court varies from

his applicable guidelines, Mr. Gonzalez will serve a sentence equivalent to a level 37, and greater than the sentences served by almost 98 percent of all federal inmates, even though he was only charged and convicted of Class C, D and E felonies, none of which carries more than a 10 year penalty.

CONCLUSION

For the foregoing reasons, Mr. Gonzalez requests that that the Court run his sentences under Counts 7 and 8 concurrently with his remaining 180 month term of imprisonment. In the alternative, Mr. Gonzalez requests that the Court impose a "reasonable" sentence under 18 USC § 3553(a), and suggests that such a sentence is one that results in a total sentence of no more than the 180-month term he is currently serving.

Respectfully submitted,

JOAQUIN MENDEZ, P.A.
100 Southeast 2nd Street, Suite 2700
Miami, Florida 33131
Telephone (305) 375-0886
Fax: (305) 375-0884

By: s/ Joaquin Mendez

Joaquin Mendez, Esq.
Florida Bar No. 0814652
jmendezlaw@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of December, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

s/ Joaquin Mendez
Joaquin Mendez, Esq.

BP-S187.058 PROGRESS REPORT CDFRM

JUN 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Institution FCI Oxford, Wisconsin	Date May 31, 2005
--------------------------------------	----------------------

Inmate Reviewed		
Inmate's Signature <i>Ruben Campa</i>	Date 6/8/05	Staff Signature <i>[Signature]</i>

1. Type of Progress Report

Initial Transfer	Statutory Interim <input checked="" type="checkbox"/> Triennial	Pre-Release:
2. Inmate's Name CAMPA, RUBEN	3. Register Number 58733-004	4. Age (DOB) 39 (09/14/65)

5. Present Security/Custody Level
Medium/In

6. Offense/Violator Offense
Conspiracy To Commit Offense Against United States/Fraud and Misuse of Documents/Possession with Intent to Use Five or More Fraudulent ID Documentations/Acting as an Agent of One Government with Prior Notification to the Attorney General.

7. Sentence
228 Months PLRA + 3 Years Supervised Release + \$500 Felony Assessment

8. Sentence Began 12/18/2001	9. Months Served + Jail Credit 41 months + 1,193 days Jail Credit Time	10. Days GCT/or EGT/SGT 324 days GCT
---------------------------------	--	---

11. Days FSGT/WSGT/DGCT 0 days DGCT	12. Projected Release 04/01/2015	13. Last USPC Action NA
--	-------------------------------------	----------------------------

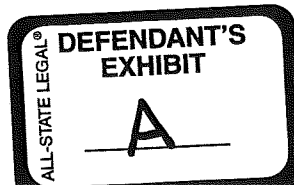
14. Detainers/Pending Charges: Campa has a detainer with the Bureau of Immigration and Customs Enforcement for possible deportation.

15. Co-defendants: NA

Record Copy - Inmate File; copy - U.S. Probation Office; copy - Parole Commission Regional Office (If applicable); copy - inmate

(This form may be replicated via WP)

Replaces BP-s187.058 DTD FEB 94



PROGRESS REPORT - PAGE 2

Committed Name: CAMPA, Ruben

#58733-044

Date: 05/31/2005

16. INSTITUTIONAL ADJUSTMENT:

- A. **Program Plan:** Campa was received at FCI Oxford, Wisconsin on February 25, 2002 . At his Initial Classification and at subsequent Team Reviews it was recommended Campa participate in educational programs, counseling programs, securing employment, participating in the Inmate Financial Responsibility Program and preparing for his release. Progress towards these goals will be outlined below.
- B. **Work Assignments:** Since his arrival here at FCI Oxford, Campa has been assigned as a Unit Orderly and receives outstanding work evaluations.
- C. **Educational/Vocational Participation:** Campa has completed three History of Film educational courses.
- D. **Counseling Programs:** Thus far, Campa has not participated in any counseling programs.
- E. **Incident Reports:** None.
- F. **Institutional Movement:** Initial designation in this case was FCI Oxford, Wisconsin, where Campa was received on February 25, 2002 and has remained to the present time.
- G. **Physical and Mental Health:** Medical records indicate Campa is currently assigned regular duty status with no medical restrictions. There do not appear to be any physical nor emotional limitations and Campa should be fully employable upon his release.
- H. **Progress on Financial Responsibility Plan:** At the time of sentencing, the Southern District of Florida imposed a \$500 felony assessment . This assessment has been paid in full.

17. RELEASE PLANNING:

Upon his release from confinement it appears Campa will be deported to Cuba to live with his family.

- A. **Residence:** To be obtained.
- B. **Employment:** To be obtained.
- C. **USPO:** Frank Swartz, Chief
United States Probation Officer
Southern District of Florida
315 David W. Dyer Federal Building and United States Courthouse
300 Northeast First Avenue
Miami, FL 33132
(305) 523-5300

18. **Dictated By:**  6/7/05
J.D. PFEIFER, Case Manager Date

19. **Date Typed:** May 31, 2005

20. **Reviewed By:**  6-4-05
S. J. Robinson, Unit Manager Date

OXFS8
PAGE 1

PROGRESS REPORT

09-12-2007
06:39:36

RSP OF: OXF OXFORD FCI
COUNTY ROAD G & ELK AVENUE
OXFORD, WI 53952
608 584-5511

US DEPARTMENT OF JUSTICE BUREAU OF PRISONS

NAME: CAMPA, RUBEN

REGNO: 58733-004 AGE(DOB): 41/09-14-1965

INMATE REVIEWED/SIGNATURE	DATE	STAFF SIGNATURE
---------------------------	------	-----------------

TYPE OF PROGRESS REPORT:

INITIAL ___ SIH ___ TRIENNIAL ___ PRE-RELEASE ___ TRANSFER OTHER: _____

PRESENT SECURITY/CUSTODY LEVEL:

MEDIUM /IN

OFFENSE/VIOLATOR OFFENSE:

SENTENCE IMPOSED AND TERM OF SUPERVISION:

CONSPIRACY TO COMMIT AN OFFENSE AGAINST THE UNITED STATES
(CT.1)-T18USC371
60 MONTHS / 3 YEARS

FRAUD AND MISUSE OF DOCUMENTS(CT.7)-T18USC1546A
48 MONTHS / 3 YEARS

POSSESSION WITH INTENT TO USE FIVE OR MORE FRAUDULENT
IDENTIFICATION DOCUMENTS(CT.8)-T18USC1028A3.
36 MONTHS / 1 YEARS

ACTING AS AN AGENT OF FOREIGN GOVERNMENT WITHOUT PRIOR
NOTIFICATION TO THE ATTORNEY GENERAL(CTS.16&17)-T18USC951.
120 MONTHS / 3 YEARS

DATE COMPUTATION BEGAN: 12-18-2001

DAYS FSGT/WSGT/DGCT:	DAYS GCT OR EGT/SGT:	MONTHS SERVED:
0 /0 /0	486	+ JAIL CREDIT - INOP TIME M: 68 D: 26 + 1193 JC - 0 INOP

PROJECTED RELEASE DATE: 04-01-2015 | PROJECTED RELEASE METHOD: GCT REL

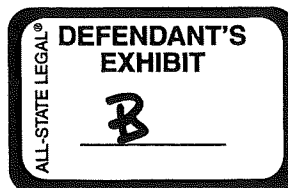
DETAINERS/PENDING CHARGES:

IMMIGRATION & NATURALIZATION
POSS DEPORTATION

CO-DEFENDANTS: N/A

DISTRIBUTION: ORIGINAL TO INMATE, COPY TO USPO, COPY TO USPC
CENTRAL FILE - SECTION TWO

BP-CLASS-3



NAME: CAMPA, RUBEN

REGNO: 58733-004

----- INSTITUTIONAL ADJUSTMENT -----

Campa has made a good adjustment remaining incident report free. He has satisfied his financial obligation and receives good work reports.

A. PROGRAM PLAN: Campa was received at FCI Oxford on February 25, 2002. Program recommendations have included educational programming, maintaining clear conduct, participating in the Inmate Financial Responsibility Program(IFRP)and counseling programs.

B. WORK ASSIGNMENTS:

INST	WORK ASSIGNMENT	START DATE	STOP DATE
OXF	LABOR 1 LABOR 1	01-12-2006	09-12-2007
OXF	ORD WAUSHA WAUSHARA HOUSE ORDERLY	05-19-2005	01-12-2006

C. EDUCATIONAL/VOCATIONAL PARTICIPATION:

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
OXF	ESL HAS ENGLISH PROFICIENT	03-21-2002 0907	CURRENT
OXF	GED HAS COMPLETED GED OR HS DIPLOMA	03-21-2002 0907	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
OXF	HISTORY OF FILM AND MOTION PIC	02-12-2005	04-23-2005	P	C	P	16

D. COUNSELING PROGRAMS: None.

E. INCIDENT REPORTS:

NO DISCIPLINARY INFRACTIONS INCURRED DURING THIS REPORTING TIME.

F. INSTITUTIONAL MOVEMENT:

NO INSTITUTIONAL MOVEMENT DURING THIS REPORTING TIME.

G. PHYSICAL AND MENTAL HEALTH: Campa has been classified as regular duty work status with no medical restrictions. No mental health issues are noted.

H. PROGRESS ON FINANCIAL RESPONSIBILITY PLAN: Campa has paid his \$500 felony assessment in full and has no further financial obligations.

FRP ASSIGNMENT	START DATE
COMPLT FINANC RESP-COMPLETED	02-25-2003

I. RELEASE PREPARATION PROGRAM & RELEASE PLANS: Campa will be deported to Cuba upon release.

CMA ASSIGNMENT (REL PREP)	START DATE
RPP NEEDS RELEASE PREP PGM NEEDS	05-21-2002

PRE-RELEASE PREP DATE: 10-01-2014

RESIDENCE: To be secured.

EMPLOYMENT: To be secured.

USPO: Reginald D. Michael, CUSPO, 315 David W. Dyer Federal Building and U.S. Courthouse, 300 Northeast Ave., Miami, FL 33132

NAME: CAMPA, RUBEN

REGNO: 58733-004

J. RELEASE NOTIFICATIONS:

OFFENDER IS SUBJECT TO RELEASE NOTIFICATION PROVISIONS UNDER 18 USC 4042(B) DUE TO:

CURRENT CONVICTION FOR A CRIME OF VIOLENCE

18 USC 4042(B) NOTIFICATIONS APPLY TO INMATES RELEASING TO THE COMMUNITY WITH SUPERVISION

IS OFFENDER SUBJECT TO RELEASE NOTIFICATION PROVISIONS UNDER 18 USC 4042(C) DUE TO A CONVICTION FOR CERTAIN SEXUAL OFFENSES.

() YES (X) NO

18 USC 4042(C) NOTIFICATIONS APPLY TO INMATES RELEASING TO THE COMMUNITY

DNA TEST STATUS: NEED

DNA TESTING APPLIES TO INMATES WITH A QUALIFYING OFFENSE

DICTATED BY: Goodhue CASE MANAGER (DATE) 9-12-07
 WAUSHARA M. GOODHUE X1351

DATE TYPED: 09-12-2007

REVIEWED BY: Goodhue UNIT MANAGER (DATE) 9-12-07
 WISC EAST P. SHANKS, UM X1369
 JS

THAD4 * INMATE DISCIPLINE DATA * 06-29-2009
PAGE 001 OF 001 * CHRONOLOGICAL DISCIPLINARY RECORD * 09:40:42
REGISTER NO: 58733-004 NAME.: CAMPA, RUBEN
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO ___ MOS PRIOR TO 06-29-2009

G5463 NO ENTRIES EXIST IN CHRONOLOGICAL LOG FOR TIME PERIOD REQUESTED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

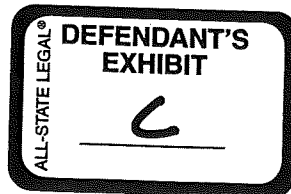
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 98-721-CR-LENARD(s)(s)
)	
RUBEN CAMPA)	
)	
Defendant.)	

DECLARATION OF RICHARD THOMAS

I, Richard Thomas, hereby declare and state the following:

1. I am currently employed by the Federal Bureau of Prisons (hereafter "BOP"), and assigned to the Federal Correctional Complex ("FCC") Terre Haute, as a Correctional Treatment Specialist ("Case Manager"). I began employment with the BOP in October, 1985, as a Correctional Officer at the USP Terre Haute. In November, 1988, I accepted the position of Case Manager, and continue in this position to date.

2. As a Case Manager I am assigned to a specific unit team. My job duties as Case Manager include preparation of progress reports for consideration of parole, transfer, restoration of forfeited good conduct time, and to make appropriate recommendations. I prepare correspondence regarding inmates to attorneys, judges, probation/parole officers and other individuals. Further, I make recommendations regarding programming for inmates and conduct program reviews of inmates. Other duties include classification of inmate security levels, tracking of Central Inmate



Monitoring cases, Victim/Witness cases, coordinating the inmate's court ordered financial obligations, organize Parole Review Panels, serve on Unit Discipline Committees, conduct Protective Custody Investigations, and other various issues that pertain to inmates assigned to my case load.

3. Defendant, Ruben Campa (Reg. No. 58733-004), is assigned to my case load. The following information is provided in response to a Court Order dated September 30, 2009, which ordered the BOP to provide Defense Counsel a copy of the Defendant's Progress Report for the time from September 12, 2007 through the date of his transfer to the Federal Detention Center (FDC) Miami.

4. The last Progress Report for Defendant Campa was completed on September 12, 2007. **See Attachment 1, Progress Report dated September 12, 2007.**

5. Pursuant to BOP policy, Progress Reports are completed at least once every thirty-six months. **See Attachment 2, BOP Program Statement 5803.07, Progress Reports.**

6. Defendant's next scheduled Progress Report is due in September, 2010, in accordance with BOP policy.

7. It appears the purpose of the Court Order and the Defense Counsel's request for the Progress Report is to present the disciplinary history of the Defendant.

8. In a good faith effort to comply with the specific order of the Court and the underlying purpose behind it, I provide the following information. Defendant


has no history of disciplinary action while in the custody of the BOP. He has completed the following educational programming while in the custody of the BOP: "History of Motion Pictures"; "History of B&W Color Films"; and "History of Film and Motion Pictures".

See Attachment 3, Inmate Discipline Data for Defendant Campa; Attachment 4, Inmate Education Data Transcript.

9. Defendant has had satisfactory work reports for the last two years.

I declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 8th day of October, 2009.


Richard Thomas
Case Manager
Federal Correctional Complex
Terre Haute, Indiana

Attachment 1

OXFS8
PAGE 1

PROGRESS REPORT

* 09-12-2007
06:39:36

RSP OF: OXF OXFORD FCI US DEPARTMENT OF JUSTICE BUREAU OF PRISONS
COUNTY ROAD G & ELK AVENUE
OXFORD, WI 53952
608 584-5511
NAME: CAMPA, RUBEN REGNO: 58733-004 AGE(DOB): 41/09-14-1965

INMATE REVIEWED/SIGNATURE	DATE	STAFF SIGNATURE
---------------------------	------	-----------------

TYPE OF PROGRESS REPORT:
INITIAL ___ SIH ___ TRIENNIAL ___ PRE-RELEASE ___ TRANSFER OTHER: _____

PRESENT SECURITY/CUSTODY LEVEL:
MEDIUM /IN

OFFENSE/VIOLATOR OFFENSE:
SENTENCE IMPOSED AND TERM OF SUPERVISION:

CONSPIRACY TO COMMIT AN OFFENSE AGAINST THE UNITED STATES
(CT.1)-T18USC371
60 MONTHS / 3 YEARS

FRAUD AND MISUSE OF DOCUMENTS(CT.7)-T18USC1546A
48 MONTHS / 3 YEARS

POSSESSION WITH INTENT TO USE FIVE OR MORE FRAUDULENT
IDENTIFICATION DOCUMENTS(CT.8)-T18USC1028A3.
36 MONTHS / 1 YEARS

ACTING AS AN AGENT OF FOREIGN GOVERNMENT WITHOUT PRIOR
NOTIFICATION TO THE ATTORNEY GENERAL(CTS.16&17)-T18USC951.
120 MONTHS / 3 YEARS

DATE COMPUTATION BEGAN: 12-18-2001

DAYS FSGT/WSGT/DGCT:	DAYS GCT OR EGT/SGT:	MONTHS SERVED:
0 /0 /0	486	+ JAIL CREDIT - INOP TIME M: 68 D: 26 + 1193 JC - 0 INOP

PROJECTED RELEASE DATE: 04-01-2015 | PROJECTED RELEASE METHOD: GCT REL

DETAINEES/PENDING CHARGES:
IMMIGRATION & NATURALIZATION
POSS DEPORTATION

CO-DEFENDANTS: N/A

DISTRIBUTION: ORIGINAL TO INMATE, COPY TO USPO, COPY TO USPC
CENTRAL FILE - SECTION TWO

BP-CLASS-3

NAME: CAMPA, RUBEN

REGNO: 59733-004

----- INSTITUTIONAL ADJUSTMENT -----

Campa has made a good adjustment remaining incident report free. He has satisfied his financial obligation and receives good work reports.

A. PROGRAM PLAN: Campa was received at FCI Oxford on February 25, 2002. Program recommendations have included educational programming, maintaining clear conduct, participating in the Inmate Financial Responsibility Program(IFRP)and counseling programs.

B. WORK ASSIGNMENTS:

INST	WORK ASSIGNMENT	START DATE	STOP DATE
OXF	LABOR 1 LAOR 1	01-12-2006	09-12-2007
OXF	ORD WAUSHA WAUSHARA HOUSE ORDERLY	05-19-2005	01-12-2006

C. EDUCATIONAL/VOCATIONAL PARTICIEATION:

----- EDUCATION INFORMATION -----

FACI	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
OXF	ESL HAS ENGLISH PROFICIENT	03-21-2002 0907	CURRENT
OXF	GED HAS COMPLETED GED OR HS DIPLOMA	03-21-2002 0907	CURRENT

----- EDUCATION COURSES -----

SUB-FACI	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
OXF	HISTORY OF FILM AND MOTION PIC	07-12-2005	04-23-2005	P	C	P	16

D. COUNSELING PROGRAMS: None.

E. INCIDENT REPORTS:

NO DISCIPLINARY INFRACTIONS INCURRED DURING THIS REPORTING TIME.

F. INSTITUTIONAL MOVEMENT:

NO INSTITUTIONAL MOVEMENT DURING THIS REPORTING TIME.

G. PHYSICAL AND MENTAL HEALTH: Campa has been classified as regular duty work status with no medical restrictions. No mental health issues are noted.

H. PROGRESS ON FINANCIAL RESPONSIBILITY PLAN: Campa has paid his \$500 felony assessment in full and has no further financial obligations.

FRP ASSIGNMENT	START DATE
COMPLT FINANC RESP-COMPLETED	02-25-2003

I. RELEASE PREPARATION PROGRAM & RELEASE PLANS: Campa will be deported to Cuba upon release.

CMA ASSIGNMENT (REL PREP)	START DATE
RPP NEEDS RELEASE PREP PGM NEEDS	05-21-2002

PRE-RELEASE PREP DATE: 10-01-2014

RESIDENCE: To be secured.

EMPLOYMENT: To be secured.

USPO: Reginald D. Michael, CUSEFO, 315 David W. Dyer Federal Building and U.S. Courthouse, 300 Northeast Ave., Miami, FL 33132

NAME: CAMPA, RUBEN

REGNO: 88733-004

J. RELEASE NOTIFICATIONS:

OFFENDER IS SUBJECT TO RELEASE NOTIFICATION PROVISIONS UNDER 18 USC 4042(B) DUE TO:

CURRENT CONVICTION FOR A CRIME OF VIOLENCE

18 USC 4042(B) NOTIFICATIONS APPLY TO INMATES RELEASING TO THE COMMUNITY WITH SUPERVISION

IS OFFENDER SUBJECT TO RELEASE NOTIFICATION PROVISIONS UNDER 18 USC 4042(C) DUE TO A CONVICTION FOR CERTAIN SEXUAL OFFENSES.

() YES (X) NO

18 USC 4042(C) NOTIFICATIONS APPLY TO INMATES RELEASING TO THE COMMUNITY

DNA TEST STATUS: NEEDED

DNA TESTING APPLIES TO INMATES WITH A QUALIFYING OFFENSE

DICTATED BY: [Signature] CASE MANAGER (DATE) 9-12-07
WROSSARA M. GOODHUE XI351

DATE TYPED: 09-12-2007

REVIEWED BY: [Signature] UNIT MANAGER (DATE) 9-12-07
WING EAST P. SHANKS, UM XI369

Attachment 2



U.S. Department of Justice
Federal Bureau of Prisons

Change Notice

DIRECTIVE AFFECTED: 5803.07
CHANGE NOTICE NUMBER: 5803.07
DATE: 3/16/98

-
1. PURPOSE AND SCOPE. To reissue the Program Statement on Progress Reports.
 2. SUMMARY OF CHANGES. This reissuance emphasizes that progress reports should be comprehensive, evaluative and reflect a realistic assessment of the inmate and should not be prepared in a perfunctory manner. In addition, Executive Staff approved the preparation of progress reports every three years instead of every two years on each designated inmate if not previously generated for another reason.

/s/
Kathleen M. Hawk
Director



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CPD
NUMBER: 5803.07
DATE: 3/16/98
SUBJECT: Progress Reports

RULES EFFECTIVE: 3/16/98

1. [PURPOSE AND SCOPE §524.40. The Bureau of Prisons maintains current information on each inmate through progress reports completed by staff. The progress report summarizes information relating to the inmate's adjustment during confinement, program participation, and readiness for release.]

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Accurate and current information on each sentenced inmate regarding the inmate's adjustment during confinement, program participation, and release needs will be maintained.

b. Progress reports will be based on factual information, but will also be analytical, evaluative, and draw conclusions about the inmate based on observed/reported behavior and interaction with staff.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 5803.06 Progress Reports (7/1/96)

[Bracketed Bold - Rules]

Regular Type - Implementing Information

PS 5803.07
3/16/98
Page 2

b. Directives Referenced

PS 5110.11	Notifications of Release to State and Local Law Enforcement Officials (10/31/95)
PS 5325.05	Release Preparation Program, Institution (7/18/96)
PS 5380.03	Cost of Incarceration Fee (COIF) (6/2/95)
PS 5800.11	Inmate Central File, Privacy Folder, and Parole Mini-Files (9/8/97)
PS 5840.03	Staff Correspondence About Inmates (3/4/93)
PS 7310.03	Community Corrections Center (CCC) Utilization and Transfer Procedure (3/25/96)

c. Rules cited in this Program Statement are contained in 28 CFR §524.40-43.

4. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4291;

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: None;

c. American Correctional Association 2nd Edition Standards for Administration of Corregional Agencies: 2-CO-1E-06; and,

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: None.

5. PRE-TRIAL AND HOLDOVER INMATES. This Program Statement is applicable to designated inmates. However, in certain circumstances, a progress report may be required for a pre-trial or holdover inmate.

6. [TYPES OF PROGRESS REPORTS §524.41]. The Bureau of Prisons prepares the following types of progress reports.

a. Initial Hearing - prepared for an inmate's initial parole hearing when progress has not been summarized within the previous 180 days.

PS 5803.07

3/16/98

Page 3

b. Statutory Interim/Two-Thirds Review - prepared for a parole hearing conducted 18 or 24 months following a hearing at which no effective parole date was established, or for a two-thirds review (see 28 CFR §2.53) unless the inmate has waived the parole hearing.]

U.S. Parole Commission (USPC) regulations are the determining factor on whether the statutory interim report is prepared after 18 or 24 months. (See Title 28, Code of Federal Regulations, Section 2.14). When an inmate chooses to waive a two-thirds mandatory parole hearing, a progress report is not required. The inmate must initial the Parole Form I-24 (Notice of Hearing), No. 3D, indicating a desire to waive mandatory parole. Staff shall then forward the executed I-24 to the USPC's Chevy Chase, Maryland office.

[c. Pre-Release

(1) Record Review - prepared for and mailed to the appropriate Parole Commission office at least eight months prior to the inmate's presumptive parole date.]

Upon review of this report, the USPC may grant a parole effective date or may modify its previous order.

[(2) Final - prepared at least 90 days prior to the release of an offender to a term of supervision.]

A comprehensive updated progress report shall include current information on all areas in sections 16 and 17 on the Progress Report form (Attachment A).

Progress reports submitted for prerelease reviews for inmates with a parole release date shall include copies of all Disciplinary Hearing Officer (DHO) Reports that have occurred since the last USPC action.

When it is anticipated that the inmate will not be released through a Community Corrections Center (CCC), staff shall include a statement to that effect (with reasons provided) in the progress report. In such cases, a final progress report shall be completed and forwarded to the appropriate U.S. Probation Office (USPO) 90 days prior to release.

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Page 4

A final progress report shall also be completed 90 days prior to release and forwarded to the appropriate USPO when the inmate is to be released to a detaining authority.

A final progress report does not need to be prepared on a deportable inmate who is serving his or her sentence in a contract detention facility or who has had an immigration hearing and has been ordered deported.

When it is anticipated that the inmate will be released through a CCC, the pre-release record review and/or the final progress report is to contain a thorough review of the inmate's community resources, release plans and information regarding the planned CCC transfer. When known, the progress report is to include the specific CCC and the expected date of transfer (or anticipated length of stay). When specific information is not available, the progress report is to reflect the current status of transfer arrangements. In the latter situation, staff are expected to notify the USPC and USPO when more specific information becomes available. Medical concerns or medication the inmate will need to have while in a CCC shall be addressed in section g.

Regardless of the release destination, (detaining authority, CCC, or direct release to the community), case management staff shall provide specific, comprehensive, and detailed information as described in Attachment B, pages 3-4 (Institutional Adjustment and Release Planning). Such information is essential to USPO staff to prepare a supervision plan that meets the inmate's needs and risks once released to the community.

Inmates subject to release notification provisions under 18 U.S.C. §4042(b), shall have the following notification statement included in the final progress report (paragraph 17 (c), Release Planning - USPO):

"Offender is subject to notification under 18 U.S.C. §4042(b), due to the offender's (indicate either): conviction for a drug trafficking crime; current conviction for a crime of violence; and/or past conviction for a crime of violence."

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[d. Transfer Report - prepared on an inmate recommended and/or approved for transfer to a community corrections center (CCC) or to another institution and whose progress has not been summarized within the previous 180 days.]

When an inmate is recommended for a close supervision, disciplinary, or CCC transfer, the progress report is prepared **before** transfer approval and is included as part of the referral material. On all other transfer requests, the progress report is prepared **after** transfer approval.

A progress report does not need to be prepared on a deportable inmate who is serving his or her sentence in a contract detention facility.

[e. Triennial Report - prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by this section.]

All current biennial CMA assignment dates shall be advanced one full year to convert them to a triennial date (05-15-1998 to 05-15-1999).

[f. Other - prepared for any reason other than those previously stated in this section. The reason (e.g., court request, clemency review) is specified in the report.]

A progress report ordinarily is not prepared solely at the inmate's request.

Regardless of the progress report type, only the most current report should be retained in the central file since these reports are comprehensive (summarizes the inmate's entire history of incarceration) in nature.

Staff are to ensure that exhaustive research is completed for each section of the progress report. It is to reflect an evaluation of the inmate's past status, an assessment of his or her current status, and potential for future performance. This could include the inmate's continued participation in a program, and what they plan to do at the completion of the program, or if they plan to use what they have learned upon their release. Standardized responses are discouraged.

PS 5803.07

3/16/98

Page 6

7. [CONTENT OF PROGRESS REPORTS §524.42. Staff shall include the following information in each progress report:

- a. Institution (full name) and Date;
- b. Type of Progress Report;
- c. Committed name;
- d. Registration number;
- e. Age;
- f. Present security and custody level;
- g. Offense(s) for which committed;
- h. Sentence;
- i. Date sentence began;
- j. Time served to date, including jail time credit;
- k. Good conduct time/Extra good time earned;
- l. Statutory good time withheld or forfeited; Disallowed good conduct time;
- m. Projected release date;
- n. Most recent Parole Commission action, including any special conditions or requirements (if applicable);
- o. Detainers and pending charges on file;
- p. Institutional adjustment; this ordinarily includes information on the inmate's:

- (1) Program plans;
- (2) Work assignments and skills acquired;
- (3) Educational/vocational participation;
- (4) Counseling programs;
- (5) Incident reports;
- (6) Institutional movement;
- (7) Physical and mental health, including any significant mental or physical health problems, and any corrective action taken; and
- (8) Financial responsibility.

q. Release planning:

- (1) Where appropriate, staff shall request that the inmate provide a specific release plan;
- (2) Staff shall identify available release resources (including CCC) and any particular problem that may be present in release planning.]

PS 5803.07
3/16/98
Page 7

Information should also be provided on the inmate's relationship with others (both staff and inmates), particularly with respect to attitude, punctuality, etc. (see Attachment B, Pages 2-3). This information allows the supervising USPO to become familiar with the job readiness, work experience, and attitude of the inmate being released to supervision.

8. CASE MANAGEMENT ACTIVITY (CMA) ASSIGNMENT. Triennial Progress Reports shall be tracked via a SENTRY generated CMA assignment. Unit staff shall enter the "Prog Rpt" CMA assignment at the inmate's initial classification to ensure that a progress report is completed within the appropriate time frame. The CMA assignment shall be updated as needed to reflect a date 36 months in advance of the current progress report maintained in the inmate central file.

(Example: Current progress report is dated 05-15-1997; the CMA assignment would read PROG RPT due 05-15-2000.)

Unit staff may also use the "Prog Rpt" CMA assignment to track progress reports which are due for other reasons (i.e. - transfer, pre-release, initial, statutory interim/two-thirds review, other). The CMA assignment should not exceed the inmate's projected release date. For example, if a progress report is prepared within three years of the inmate's release date, the CMA will indicate a date when the pre-release progress report is due. The progress report due date should coincide with a meaningful activity.

(Example: An inmate who receives an eight month sentence, and three years supervised release, would have a progress report due date which coincides with the approximate date release plans should be sent to the USPO.)

9. [INMATE'S ACCESS TO PROGRESS REPORTS §524.43. Upon request, an inmate may read and receive a copy of any progress report retained in the inmate's central file which had been prepared on that inmate after October 15, 1974. Staff shall allow the inmate the opportunity to read a newly prepared progress report and shall request the inmate sign and date the report. If the inmate refuses to do so, staff witnessing the refusal shall document this refusal on the report. Staff shall then offer to provide a copy of the progress report to the inmate.]

The inmate's signature on the original allows all subsequent reproductions to show the inmate's signature and date. An inmate who refuses to sign and date the original of the report can still receive a copy of this report upon request.

Progress reports prepared after October 15, 1974 are fully disclosable to the inmate.

Attachment 3

THAI2 * INMATE DISCIPLINE DATA * 10-07-2009
PAGE 001 OF 001 * CHRONOLOGICAL DISCIPLINARY RECORD * 11:44:33

REGISTER NO: 58733-004 NAME.: CAMPA, RUBEN
FUNCTION....: DIS FORMAT: CHRONO LIMIT TO ___ MOS PRIOR TO 10-07-2009
RSP OF: MIM-MIAMI FDC

G5463 NO ENTRIES EXIST IN CHRONOLOGICAL LOG FOR TIME PERIOD REQUESTED

Attachment 4

THAI2 * INMATE EDUCATION DATA * 10-08-2009
PAGE 001 OF 001 * TRANSCRIPT * 09:57:10

REGISTER NO: 58733-004 NAME.: CAMPA FUNC: PRT
FORMAT.....: TRANSCRIPT RSP OF: MIM-MIAMI FDC

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
MIM	ESL HAS	ENGLISH PROFICIENT	03-21-2002 0907	CURRENT
MIM	GED HAS	COMPLETED GED OR HS DIPLOMA	03-21-2002 0907	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
OXF	HISTORY OF FILM AND MOTION PIC	02-12-2005	04-23-2005	P	C	P	16
OXF	HISTORY OF B&W & COLOR FILMS	01-24-2004	04-17-2004	P	C	P	30
OXF	HISTORY OF FILM AND MOTION PIC	08-19-2003	12-18-2003	P	C	P	18

G0000 TRANSACTION SUCCESSFULLY COMPLETED

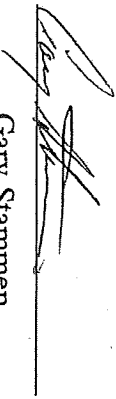
Diversity in the American Culture

This is to Certify That:

RUBEN CAMPA

Has Successfully Completed FCI Oxford's
"DIVERSITY IN THE AMERICAN CULTURE"
"A WALK THROUGH THE TWENTIETH CENTURY"
And Is Hereby Acknowledge With This Certificate Of
Recognition For His Efforts Toward His Personal Growth And Development

Awarded On This
Ninth Day Of September In The Year Two Thousand Three

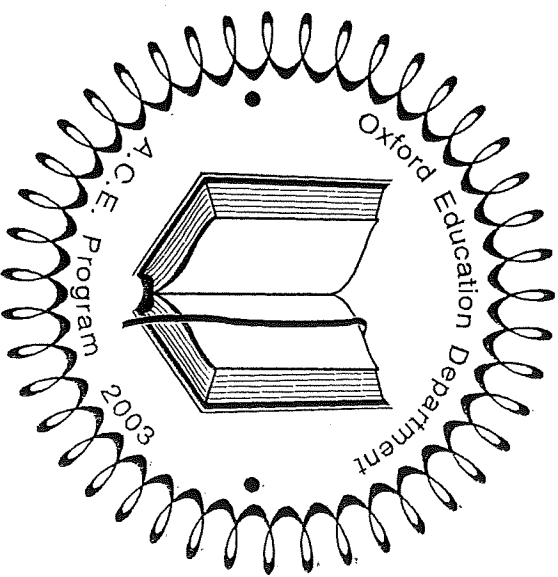

Gary Stammen
Correction Counselor

ALL-STATE LEGAL®
DEFENDANT'S
EXHIBIT
D

THE BOARD OF CREDITORS RUBEN CAMPA


*Awarded for successful completion
of A.C.E. Course.*

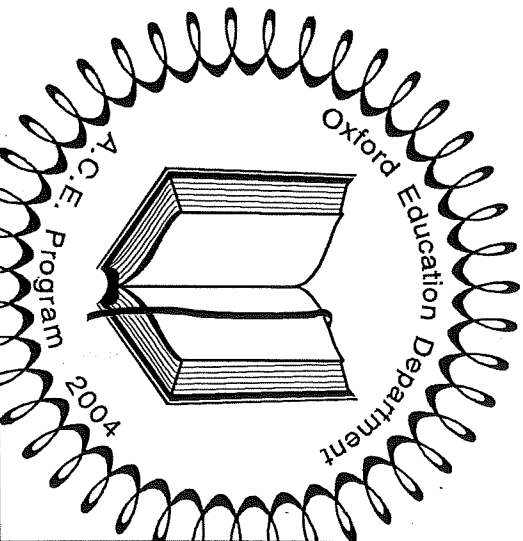
William J. Davis
A.C.E. Program Coordinator



DIPLOMA RUBEN CAMPA

*Awarded for successful completion
of A.C.E. Course.*


A.C.E. Program Coordinator



City of Havana
October 1, 2009

Mrs. Lenard:

Because you have limited time, I will only take up your time with a few lines just to make you aware of some of the innumerable moments of uncertainty and pain I have gone through during the eleven years that my son, Fernando Gonzalez Llort, has been imprisoned in the United States.

When I go over, in my mind, my son's course of development, his responsible attitude towards his sisters (in spite of being younger than they), his respectful conduct towards those who are older than he, his level of reliability and responsibility throughout his student years – that culminated with a Diploma with Honors at the end of his university career – I cannot avoid feeling great pain when I think of these long years of separation and limited communication, years during which we stopped enjoying or were unable to share innumerable family moments. Some of great satisfactions or joys, others involving the irreparable loss of some of your loved ones.

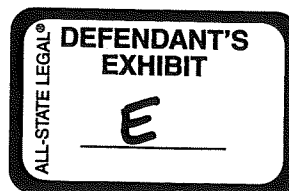
It pains me to have to wait another year yet to obtain a visa to visit him at the Detention Center; to think that after I get there my name may not be included on the list of approved visitors causes me anguish, this is why a special permit was an unavoidable requisite that – at times – was difficult to locate, the obvious climatic differences between our countries, etc. [sic]

As a mother, you can imagine how difficult it has been for me to accept his absence, particularly if you take into consideration the fact that I am about to become 71 years old.

I hope that these short lines do convey a minute part of the daily suffering we go through on account of being physically separated from someone we conceived, received and raised with all the love in the world and for the world.

Respectfully,

/s/ Magaly Llort
(mother of Fernando Gonzalez Llort)



Ciudad de la Habana
Octubre 1ro., 2009

Sra. Lenard:

Dado lo limitado de su tiempo solo le ocuparé con unas breves líneas a fin de dejarle conocer algunos de los innumerables momentos de incertidumbre y dolor por los que he atravesado en estos once años en que mi hijo, Fernando González Llort, guarda prisión en Estados Unidos.

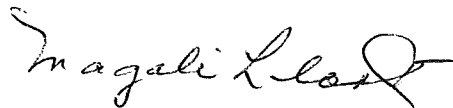
Cuando repaso en mi mente la trayectoria de mi hijo, su actitud tan responsable para con sus hermanas, (a pesar de ser menor que ellas en edad), su conducta invariablemente respetuosa hacia los mayores, su nivel de seriedad y responsabilidad a través de toda su vida de estudiante - que demostró al culminar su carrera universitaria con Diploma de Oro - no puedo evitar el gran dolor de pensar en estos largos años de separación y limitada comunicación en que hemos tenido que dejar de disfrutar o compartir innumerables momentos familiares. Unos de grandes satisfacciones o alegrías, otros por irreparables pérdidas de seres queridos.

El dolor de tener que esperar por más de un año una visa a fin de poder realizarle las visitas en el Centro Penitenciario donde se ha encontrado ubicado, o la angustia de llegar al mismo y no estar incluido mi nombre en el listado de visitas aprobadas, por lo que resultaba requisito ineludible un permiso especial que - en oportunidades - demoraba en ser localizado, las ostensibles diferencias climáticas entre nuestros países, etc.

Como madre, podrá Ud. Imaginar lo que su ausencia representa para mi, lo que se hace menos llevadero, si consideramos que estoy próxima a arribar a mis 71 años de edad.

Espero que estas breves líneas sean portadoras de una ínfima parte de nuestro cotidiano sufrimiento ante la separación física de alguien a quien engendramos, recibimos y educamos con todo el amor del mundo y para el mundo.

Con todo respeto



Magali Llort
(madre de Fernando González Llort)

City of Havana, the 22nd September of 2009

Mrs. Joan Lenard

I am addressing you to bring to your attention the pain, sadness and suffering that our family and me in particular are undergoing as a result of my brother Fernando Gonzalez Llor's absence of over eleven years as he has been deprived of his freedom in the United States of America as of September 12, 1998.

Fernando is the youngest and the only male among his siblings in our small family. Because he is the closest one to me in age, when we were small children we used to share moments together: friends, games, outings and also scoldings and punishments when we deserved them. We would always go to and come back from school together and since his early years and because he was the boy in the family and very responsible, he was in charge of looking after my oldest sister and me; he worked hard at his studies and was very affectionate.

We maintain the best relationships in the home, it is our custom to celebrate together all the important dates, such as birthdays, mother's day, new year's eve, among others.

Fernando is not just an ordinary brother. Fernan, as we affectionately call him, is the kind of brother from whom you always receive support unconditionally, at any time, any day, and who is present at any situation; this has been affected ever since he was incarcerated as I have been unable to have him by my side at times when I have needed his support, his help, and I can assure you that I have needed him on many occasions during the course of these eleven long years.

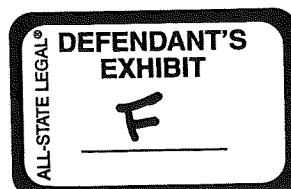
This is very painful, and I suffer very much every day thinking that such a sweet, good, kind and polite brother as Fernando cannot be here among us to share his life with his family, but it's even more difficult because I think [sic] and see my mother, who is advanced in years, almost 71 years old, suffering constantly due to her son's absence without knowing whether her health will allow her to see him upon his return.

You are a woman like me, I am sure you understand my pain, a pain that arises out of and is nourished by my brother's absence. My brother's traits and qualities make him unique and irreplaceable and I ask myself: how much longer will this absence and pain last? The emptiness we feel for not having him here with us is so great that there are hardly any tears to shed.

I am appealing to you and trust that you will lend an ear so that we can have our brother back as soon as possible.

Respectfully,

[signed]
Lourdes Gonzalez Llor
(Sister of Fernando Gonzalez)



Ciudad de la Habana, 22 de septiembre del 2009

Sra. Joan Lenard

Me dirijo a usted con la intención de poner a su conocimiento el dolor, tristeza y sufrimiento que causa a nuestra familia y particularmente en mi, la ausencia por más de once años, de mi hermano Fernando González Llord quien se encuentra privado de su libertad en los Estados Unidos de América desde el 12 de septiembre de 1998.

Fernando es el menor y único varón de los tres hermanos que formamos parte de una pequeña familia. Por ser el más cercano a mi edad, hemos compartido momentos juntos desde la infancia: amigos, juegos, paseos y también regaños y castigos cuando eran merecidos. Nos acompañamos siempre al ir y venir de las escuelas, desde pequeño por ser el varón y ser muy responsable era el encargado de cuidarnos y velar por mi hermana mayor y por mi, también fue muy aplicado en sus estudios y es muy cariñoso.

Mantenemos las mejores relaciones en la casa, acostumbrados a celebrar todos juntos las fechas importantes para la familia como los cumpleaños, día de las madres, fines de año, entre otros.

Fernando no es cualquier hermano, Fernan como le decimos cariñosamente en casa es aquel hermano del que siempre recibes apoyo sin condiciones, sin horario ni día y que está presente en cualquier situación; esto se ha visto afectado desde su encarcelamiento al no poder tenerlo a mi lado en los momentos en que más he necesitado su apoyo, su ayuda y le puedo asegurar que lo he necesitado muchas veces en estos largos once años que han transcurrido.

Es muy doloroso y sufro mucho diariamente pensando que un hermano tan dulce, bueno, bondadoso, correcto como es Fernando no pueda estar aquí entre nosotros compartiendo su vida con la familia, pero más difícil aún porque pienso y veo a mi madre que es una señora de edad avanzada, próxima a cumplir 71 años de edad, sufriendo constantemente la ausencia de su hijo y el no saber si alcanzará a tener salud para verlo regresar.

Usted es mujer como yo, seguro comprende mi dolor, nacido y alimentado por la ausencia de un hermano que por sus características y cualidades se convierte en único e irremplazable y me pregunto ¿ hasta cuándo durará tanta ausencia y dolor ?. Es tanto el vacío que nos da el no tenerle, que casi no hay lágrimas que derramar.

Apelo y confio en usted para que me escuche y poder tener a mi hermano lo más pronto posible de vuelta.

Con todo mi respeto,



*Lourdes González Llord
(hermana de Fernando González)*

5 October of 2009

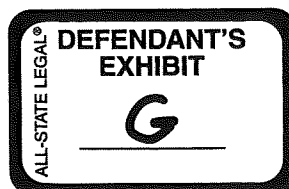
Judge Lenard:

I am not addressing you to ask for clemency, but to appeal to your conscience, to your sense of honesty and justice and above all to the feelings that as woman, a mother and daughter may have arisen in you on more than one occasion when within your family circle you had to face moments of uncertainty, concern, suffering and pain on account of one of your loved ones.

As I write these lines I am still feeling the hug and the kiss that after 11 years of separation my brother Fernando Gonzalez Llort and I gave each other, in the hostile and limited conditions of a prison. Each time I was able to visit him, I found again a man concerned and mindful of each family member, affectionate, jovial, intelligent, understanding, supportive, and of insurmountable modesty.

We were able to meet several times and reminisce about our childhood and adolescence, which we shared with my daughter who stopped seeing her uncle when she was 12 years old. She's now 23 and together we spoke about some of the difficult moments of our adult life and how incredible it was to hear his belated advise, to have his support that we could not have at the precise moment when it was needed; I can assure you that it is difficult, very difficult, to see him leave to go back to his confinement without feeling too much sadness and an intense pain occasioned by the unavoidable farewell, his continued absence and the distant reencounter with the whole family.

[signed]
Martha Gonzalez Llort
(Sister of Fernando Gonzalez Llort)



5 de octubre de 2009

Sra. Jueza Lenard:

Hoy me dirijo a usted no para pedir clemencia, apelo a su conciencia, a su sentido de la honestidad y la justicia y por sobre todo al sentimiento que como mujer, madre e hija en más de una oportunidad habrán aflorado en usted cuando en su círculo familiar haya enfrentado momentos de incertidumbre, preocupación, sufrimiento y dolor por alguno de sus seres más queridos.

Estas líneas las escribo sintiendo aun muy frescos los recuerdos del abrazo y el beso que después de 11 años de separación pudimos darnos mi hermano Fernando González Llorca y yo, en las condiciones hostiles y limitadas de una prisión, en las que cada día de visita posible encontré nuevamente a ese hombre preocupado y atento a cada miembro de la familia, cariñoso, jovial, inteligente, comprensivo, solidario y con una insuperable modestia.

Varios fueron los encuentros que pudimos aprovechar para hacer recuentos de nuestra niñez y adolescencia que compartimos con mi hija a la cual dejó de ver a los 12 años y encuentra nuevamente con 23 y juntos conversamos sobre momentos difíciles de nuestras vidas ya adultas y que increíble fue escuchar aunque a destiempo su consejo, su apoyo que no pudimos tener en el momento necesario y preciso pero le aseguro es difícil, pero muy difícil, dejar nuevamente a este hombre regresar a su encierro sin sentir mucha tristeza y un intenso dolor por la inevitable despedida, por la continua ausencia y por el lejano reencuentro con toda la familia.



Martha González Llorca
(Hermana de Fernando González Llorca)

Your Honor:

Every day you and the jury hear many cases as part of the legal process wherein each of the parties sets forth their best arguments to defend the interests of those whom they represent. On this occasion, a case that you heard several years ago, is coming back before you; however, Your Honor will not be resentencing an ordinary person.

Fernando Gonzalez Llord, my maternal uncle, is a man full of traits that some identify as virtues and defects. Some of these beautiful traits that he possesses are the capacity to understand the human being and its attitudes, and of transmitting the importance of communication, understanding, of coexistence in harmony and tolerance among all.

However, of all these traits the most beautiful one is that of being a man full of peace, love and modesty, a man who has dedicated these eleven years of imprisonment to growing spiritually, to being and teaching his family and relatives how to become better persons every day.

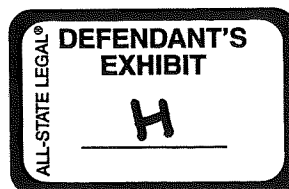
I stopped seeing my uncle when I was 12 years old and we were able to meet again, physically, just a few months ago, when I was 23 and almost 5 months pregnant. Please understand that a few visits under the strict discipline of a detention center is not enough to be up-dated on all the unshared family events, and much less, to share closely all the affection we missed sharing for eleven years.

In spite of all this, his thought is so pure and he is so noble that he spent every hour of the visit giving my mother and me advise, filling every second of these years that he has spent away from us, with words of love and reflections about life and each of his relatives.

A man like this, one who puts aside selfishness and vanity, only deserves to be near his relatives, in the warmth of his home, in his native county.

Sincerely,

[signed]
Laura Fernandez Gonzalez
(niece of Fernando Gonzalez Llord)



Señora Jueza:

Cada día llegan a usted muchos casos en los que cada parte del proceso legal expone frente a usted y el jurado sus mejores argumentos para defender los intereses de quienes representan. En esta ocasión regresa a usted un caso que ya conoció hace varios años, pero no va a usted a resentenciar a cualquier persona.

Fernando González Llort, mi tío materno, es un hombre lleno de características, que algunos identifican como virtudes y defectos. Algunas de estas hermosas características que posee son la capacidad de comprender al ser humano y sus actitudes, y de transmitir la importancia de la comunicación, del entendimiento, de la coexistencia en armonía y de la tolerancia entre todos.

Sin embargo, la más bella de estas características es la de ser un hombre lleno de paz, de amor y de modestia, un hombre que ha dedicado estos once años de encarcelamiento a crecerse espiritualmente , a ser y a enseñarnos a sus familiares como ser cada día mejores personas.

Yo dejé de ver a mi tío cuando tenía 12 años de edad y pudimos reencontrarnos físicamente hace solo unos meses, cuando ya tenía 23 y casi cinco meses de embarazo. Podrá comprender usted que unas cuantas visita, en la estricta disciplina de un centro penitenciario no son suficientes para ponerse al corriente de todos los acontecimientos familiares no compartidos, y mucho menos, para compartir de cerca todo el cariño que en once años no pudimos darnos todos juntos.

A pesar de todo esto, es tan puro su pensamiento y tanta su nobleza, que dedicó cada hora de la visita a aconsejarnos a mi y a mi madre, a llenar cada segundo de estos años que ha pasado lejos de nosotras, con palabras de amor y de reflexión sobre la vida y cada uno de sus familiares.

Un hombre como éste, despojado de todo egoísmo y vanidad solo merece estar junto a sus familiares, en el calor de su hogar, en su tierra natal.

Atentamente,



Laura Fernández González
(sobrina de Fernando González Llort)

Havana, the 5th October 2009

Mrs. Joan Lenard
Southern District Court
of Florida

Your Honor:

I am the wife of Cuban citizen Fernando Gonzalez Llord, the defendant in a federal criminal action filed under No. 98-00721-CR-JAL, imprisoned since 12 September 1998. We are a man and a woman united in love as of 19 years ago, a man I don't only love but admire, as he is a good son, a good brother and a good friend.

I began visiting him in 2002 when he was in the Oxford prison in Wisconsin. I already had the visa in my possession when my husband requested the prison to grant him a special authorization so that I could visit him because his list of visitors was not approved until 2006. He has been an exemplary prisoner from the time he was incarcerated. He has received good evaluations and precisely on account of that, he was able to receive the special authorizations before his visitor's list was approved, so that his mother and I could visit with him.

Normally, I would obtain the visas once a year during the winter season. On occasion, I was unable to visit him because on account of the snow the highways were closed to traffic. There was an occasion when the vehicle skidded and almost tipped over because there was too much ice on the road. There were days when because of the fog the prison authorities would deny access until the visibility would improve. Obviously, that caused me and him anguish, knowing that time was passing and we would have less time together.

My husband has been my companion in life. While I studied to earn an associate degree, he helped me to prepare and would go over with me those subjects with which I had difficulty.

Unfortunately, the separation caused by his incarceration did not allow us to procreate a family. Every couple longs to have children who are the fruit of their love and in our case it has not been possible.

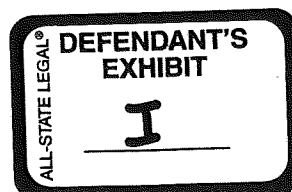
Today, after eleven years of imprisonment, I do not know when we will be able to get together again, or when we will be able to spend together our wedding anniversary, or St. Valentine's day, or our birthdays, or any significant dates, because the hearing for his resentencing is still pending. At that time, we will know how much longer we will have to wait before we can start anew our life together.

I feel compelled to tell you that Fernando Gonzalez Llord has always been an irreproachable person, that he has earned the respect and affection of his neighbors, school mates and co-workers. I can assure you that in spite of the distance that we are compelled to observe, I do not want any other man by my side, because he not only offers me spousal love, but respects me as a woman and while we were together I lived in a very happy environment.

These reasons prompt me to ask you to value his conditions as a human being and to allow us to be together again very soon.

Awaiting your understanding,

[signed]
Rosa Aurora Freijanes Coca



La Habana, 5 de Octubre de 2009

Sra. Joan Lenard
Corte Distrito Sur de la
Florida

Jueza:

Soy la esposa del ciudadano cubano Fernando González Llord, acusado en el proceso criminal federal radicado al **Nro. 98-00721-CR-JAL**, en prisión desde el 12 de septiembre de 1998. Somos un hombre y una mujer unidos por amor desde hace diecinueve años, al que no solo quiero, sino que admiro por ser buen hijo, buen hermano y buen amigo.

Comencé a visitarlo en el año 2002 cuando se encontraba en la prisión de Oxford, Wisconsin. Cuando ya tenía en mi poder la visa mi esposo tenía que solicitar a la prisión le concedieran una autorización especial para que yo le visitara porque no tuvo aprobada su lista de visitantes hasta el 2006. Desde su detención ha sido un preso ejemplar. Ha recibido buenas evaluaciones y justamente por ello, pudo recibir las autorizaciones especiales mientras no tuvo aprobada su lista de visitantes, para que tanto su madre como yo pudiéramos verlo.

Normalmente las visas se me otorgaron una vez al año y en la etapa invernal. En ocasiones no pude asistir a las visitas porque la nieve impedía el tránsito por las carreteras. Hubo una ocasión en la que el vehículo casi se vuelca al haber patinado a consecuencia de tanto hielo en la carretera. Hubo días en que por la neblina, las autoridades de la prisión decidieron no permitir la entrada hasta que la visibilidad no mejorara. Ello obviamente provocaba angustia tanto en mi como en él, al saber que el tiempo transcurría y eran menos los momentos en que podíamos estar juntos.

Mi esposo ha sido mi compañero en la vida. Mientras realicé mis estudios de técnico medio me ayudó en mi preparación, repasándome las asignaturas con las cuáles tuve dificultad.

Lamentablemente la separación a consecuencia de su detención no nos permitió procrear la familia. Toda pareja anhela tener hijos que son el fruto de su amor y en nuestro caso ello no ha sido posible.

Hoy después de once años en prisión no se cuando podremos reunirnos nuevamente, ni cuando podremos pasar juntos nuestro aniversario de boda, ni el día de los enamorados, ni nuestros cumpleaños, ni las fechas que tanto significan para nosotros, porque aún se encuentra pendiente de que se celebre su audiencia de resentencia, momento en que sabremos que tiempo nos resta para rehacer nuestra vida en común.

Me siento obligada a decirle que Fernando González Llord, ha sido una persona intachable, que goza del respeto y el afecto de sus vecinos, compañeros de estudio y trabajo. Puedo asegurarle que a pesar de la distancia a que nos hemos visto obligados, no quiero otro hombre a mi lado que él, porque no solo me brinda amor de pareja, sino que me respeta como mujer y mientras estuvimos juntos viví en un ambiente de felicidad a su lado. Estas razones me hacen pedirle que valore sus condiciones de ser humano y que permita que pronto estemos nuevamente unidos.

En espera de su comprensión.


Rosa Aurora Freijanes Coca

P.O. Box 140862 / Coral Gables, FL 33114 / Tel. (305) 371-4283 / Fax (305) 358-5151

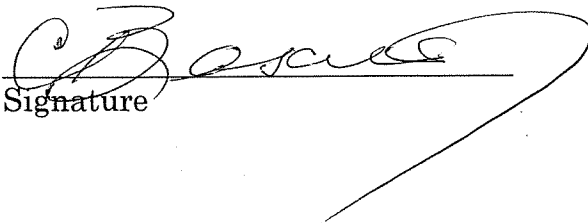


CERTIFICATE OF ACCURACY

I, Consuelo Bascuas, *Certified Court Interpreter*, on behalf of


Inter-American Translating Services Inc.,

do CERTIFY that the attached translation No 12921 is,
to the best of my knowledge and belief, a true and accurate rendition into English
of the original written in Spanish.


Signature

Sworn to and subscribed before me, at Miami, county of Miami-Dade, on
this 9 day of the month of Oct. in the year 2009.

My commission expires:


Notary Public, State of Florida at large



JASANDRA C. SOLIS
MY COMMISSION # DD 542681
EXPIRES: April 20, 2010
Bonded Thru Budget Notary Services