Precedent

INTERNATIONAL NEWS

A18 • FRIDAY, MARCH 5, 1999

THE GLOBE AND MAIL

UNITED STATES

U.S. broke 'international law'

BERLIN. The execution of a German citizen in Arizona violated international law, German officials said yesterday, pledging to continue protests against the death

penalty in the United States.

"We have to be able to count on and depend on the United States to uphold international law, just as the United States requires that from its partners," justice minister Herta Daeubler-Gmelin said.

Arizona officials conceded they violated the Vienna Convention but insisted Mr. LaGrand was accorded the same rights as any U.S. citizen.

threatened. Because the defendant had to pay for legal expenses due to the divorce, she began her side-line business (or the travel/companion business). She also began working as a secretary, and an actress.

In November of 1985, the defendant was married to a Dr. Donald Wagner, who was a neurosurgeon with the CIA. She met him through her escort business and they knew each other for one year and eight months prior to their marriage. The couple only remained married for four months because the defendant reported that he became obsessive and jealous and accused her of still working in her business.

The couple were divorced in 1986, and at this time the defendant was commuting back and forth between Canada and California. She would stay in California for six months at a time because that was the extent of the available time limit on her passport. She would also travel back and forth to work when she had clients in California. She lived this way and was happy until April of 1995, then the Government started to control her business. She feels that the Government was interested in her because she was heavily campaigning for 14th Amendment Rights, regarding discrimination and equal rights. She believes that the United States felt threatened because she was campaigning with the Canadian Government, which has different belief systems than America. Furthermore, she compared herself to Jane Fonda, and as an activist she is being persecuted. Furthermore, she believes that her ex-husband may be the root of these problems because he may have seen her on a TV talk show (when discussing the legalities of the escort service and the Hollywood casting couch). He once tried to have her deported by writing a letter to the Department of Justice.

WIDE RANGE ACHIEVEMENT TEST

The defendant was administered the Wide Range Achievement Test on which she scored an 81, which is comparable to above the twelfth grade reading level.

MEDICAL HISTORY

The defendant claims to have been in five car accidents since the year 1990, and suffers from neck and back pain due to these. In the late 1980's, she claims she was diagnosed with Multiple Sclerosis, which is currently in remission. Furthermore, she states she has been diagnosed with Fibromyalgia, which is similar to arthritis in the muscles and causes her to have chronic pain on a daily basis. In addition, she states that she is anemic and hypoglycemic. Prior to being incarcerated, she was being seen by a holistic medical doctor, who had her taking a number of different vitamins

Law Offices of Robert J. Russo

9000 SUNSET BOULEVARD, SUITE 1115 LOS ANGELES, CALIFORNIA 90069

> PHONE: (310) 278-7701 FAX: (310) 273-4924

August 4, 1997

LEGAL MAIL

Ms. ARIZONA STATE PRISON COMPLEX TUCSON-MANZANITA BOX 123 P.O. Box 24401 10002 South Wilmot Road Tucson, Arizona 85734-4401

RE:

To Whom It May Concern:

Please be advised that I have represented Ms. in the past several years regarding a car accident that she had whereby suffered a serious spinal injury.

I do not feel that it would be wise to work her physically hard due to her prior injuries. It may cause a relapse in her injuries and she could become disabled and would go through great pain and suffering.

Respectfully yours,

Robert J. Russo Attorney at Law



31st Floor

130 Adelaide Street West

Toronto, Ontario Canada M5H 3P5

Tel: (416) 869-0123 Fax: (416) 869-0271

http://www.iaconobrown.com

February 24, 1998

Paul M. lacono, Q.C.* Edmund W.J. Kent

Harry P. Brown

William G. Scott*

Patrick J. Mazurek Penny Georgoudis Brian M. Bangay Erin M.A. Farrell

Robert J.K. Gray

Frank S.M. Devito

Jennifer Griffiths

Please Refer to File No.

Mr. J. Costello (mou Occased) Arizona State Prison Tucson-Manzanita P.O. Box 244011002 South Wilmot Road Tucson, Arizona

U.S.A. 85734-4401

Dear Mr. Costello:

Re:

E. J. Anderson

No. 127180

who has applied We are solicitors for Ms. Anderson for transfer to Canada under the Transfer of Offenders' Treaty between Canada and the United States which has been acceded to by Arizona.

It is important that Ms. Anderson's application be processed expeditiously because she has health problems which are not being adequately addressed in the Arizona penal system.

Would you please advise Ms. Anderson of the status of her application in Arizona and the official who is responsible for processing this application.

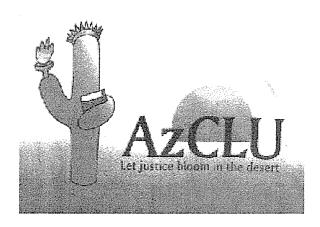
Thank you.

Yours truly,

IACONO BROWN

WILLIAM G. SCOTT WGS:dh

letters\costello.01



Funeral Notices Sunday, 2 August 1998 THE ARIZONA DAILY STAR NEWS 12A

COSTELLO, John Edwin, "Jumpin' Jack", age 49, died July 18, 1998. Survived by his loving parents John and Francine; brothers Chris and Joe; one niece and one nephew and wife Jackie. Jack worked for the Palos Hills Police Dept. and Hickory Hills Police Dept. in Illinois, before moving to Tucson 22 years ago. He was employed by the Arizona Dept. of Corrections and was "Jumpin' Jack" on KRQ Radio. He will be missed by family, friends, co-workers and KRQ listeners. A Memorial Service will be held at St. Pauls United Methodist Church, 8051 E. Broadway, August 6, 1998 at 7:00 p.m.

Jesus Dengerans System

The alternation of the survival and the survival a

MAX FACTOR III, P.C.

ATTORNEYS AT LAW

345 NORTH MAPLE DRIVE • SUITE 294
BEVERLY HILLS. CALIFORNIA 90210-3855
FACSIMILE (310) 777-8754

MAX FACTOR III THOMAS B. WATSON IN REPLY PLEASE REFER TO:

TELEPHONE (310) 777-7499

October 4, 1996

Jean (Esther) Anderson Dorm 1 Yavapal County Jail 255 East Gurley Street Prescott, Arizona 86301

Mark Schreiner, Esq. 119 East Terrace Avenue Flagstaff, Arizona 86001 VIA FEDERAL EXPRESS

VIA FEDERAL EXPRESS

Dear Ms. Anderson and Mr. Schreiner:

This letter is in response to Ms. Anderson's letter, a copy of which is attached for your convenience.

First, I did return Mr. Schreiner's call and left a message on a machine but received no return call.

Second, shortly before Ms. Anderson left her residence in the Pacific Palisades we did receive at our law offices calls from Ms. Anderson. I spoke with her; and she was clearly very upset. There did seem to be pounding in the background as though someone was trying to break in.

I called the Police Department and reported to them both Ms. Anderson's fear, which seemed quite real to me, and the fact that it appeared someone was trying to break into her residence and possibly cause her harm. I must have had least three (3) phone calls from Ms. Anderson during a relatively short period of time when this was occurring; and I spoke to the police at least twice. Once when reporting the incident and once to follow up to confirm that they were handling the situation appropriately.

MAX FACTOR III. P.C.

Page 2 October 4, 1996 ATTORNEYS AT LAW

Further, since Ms. Anderson has left the Los Angeles area, while I have not been acting as her attorney, she has regularly provided to me by fax communications that she has sent to various government agencies and others. At first, I kept them in her files. Copies of those I have kept are enclosed to Mr. Schreiner.

I continued to receive faxes on what has been close to a daily basis recording Ms. Anderson's fears and concerns and documenting various information which she had read in the newspaper which reinforced her fears and concerns. After reviewing each, I did not retain them simply because I felt the file I have kept was representative of the communications and assumed Ms. Anderson would have copies of her own communications.

There is no questions in my mind that Ms. Anderson has held a good faith belief that she has been harassed by government officials and by the phone company.

Each statement in this letter is true and correct. There are other members of our office staff who, in carrying the faxes to me, reviewed them and would confirm the facts and impressions which I am expressing.

Yours Truly,

Max Factor, III

MF:cd

Enclosures (to Mr. Schreiner only)

March 4,1997

Honorable Richard Anderson Divsion One Camp Verde Superior Court 3505 W.Hwy 260 Camp Verde, AZ 86322

Dear Judge:

I am writing in reference to E.J. Anderson No.CR996-0236.

Arizona case

I understand she will be sentenced March 24th. This is a letter of recommendation in order to mitigate punishment to probation.

I have known her for approximately twelve(12) years. I knew her when she was happily married and struggling to be a fine actress. She took her work very seriously and had great potential, I know, because I was a struggling producer myself. It is a very tough business and without a doubt has the largest failure rate of any business known to mankind. Much of the success depends on timing and being at the right place at the right time, with a major portion of good luck thrown in. She just didn't receive these necessary elements.

As the years moved on she took public and political causes just as seriously, probably as a replacement for not being successful in movies. I know her as a very honest person and means well for what she believes in. It appeared to me she just went too far in her fight for womens rights and other activist causes.

It is my opinion she is a very good hearted person. Whatever you can do to balance the above with her sentencing will make her a better person on the outside against being on the "inside".

Thank you for your consideration in this matter.

Sincerely,

MARVIN G.LIPSCHULTZ, CPA, JD

110 E. 9TH Street. Suite A1254

Los Angeles, CA 90079

copy: E.J. Anderson

Immigration Laws Page 1 of 1

U. S. Citizenship and Immigration Services

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INSERTS/PUBLIC LAWS AMENDING THE INA/Pub. L. 104-132 Antiterrorism and Effective Death Penalty Act of 1996/SEC. 438. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

SEC. 438. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

- (a) In General.--Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to rea as follows:
- "(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not a ground for deferral of deportation.
- "(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under Act prior to the completion of a sentence of imprisonment--
- "(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or
- "(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.
- "(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens depounder paragraph (2).".
- (b) Reentry of Alien Deported Prior to Completion of Term of Imprisonment.--Section 276 of the Immigratio and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:
- "(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportati without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of la

Go to the Next Page

U.S. Department of Justice

Immigration and Naturalization Service

Warning to Alien Ordered Removed or Deported

(m) Gest				
			File No: A70 092 2	
Ali	en's Name:			
In a	accordance with the provisions of section 212(a)(9) compting to enter, or being in the United States:	of the Immigration and N	lationality Act (Act), you are proh	ibited from entering,
	For a period of 5 years from the date of your depart section 237 of the Act and ordered removed from the the Act initiated upon your arrival in the United Sta	he United States by an ir	nmigration judge in proceedings u	leportable under inder section 240 of
	For a period of 10 years from the date of your departure deportable under section 237 of the Act and or under section 240 of the Act. inadmissible under section 212 of the Act and or under section 240 of the Act initiated as a resulture deportable under section 241 of the Act and or commenced before April 1, 1997 under section deportable under section 237 of the Act and or by a judge of a United States district court, or	ordered removed from the ordered removed from the lt of your having been produced deported from the 1242 of the Act. dered removed from the	United States by an immigration in the United States by an immigration resent in the United States without United States by an immigration in United States in accordance with	judge in proceedings n judge in proceedings admission or parole. judge in proceedings
	For a period of 20 years from the date of your depadeported, or removed from the United States, you have inadmissible under section 212 of the Act and or under section 240 of the Act. deportable under section 237 of the Act and or under section 240 of the Act. deportable under section 237 of the Act and or Act. deportable under section 241 of the Act and or Act. deportable under section 241 of the Act and or commenced before April 1, 1997 under section to have reentered the United States illegally and	nave been found: ordered removed from the dered removed from the dered removed from the dered deported from the 1 242 of the Act.	ne United States by an immigration j United States by an immigration j United States in proceedings under United States by an immigration j	n judge in proceedings udge in proceedings or section 238 of the udge in proceedings
X	At any time because you have been found inadmiss or 237 of the Act, and ordered deported or removed an aggravated felony.	ible or excludable under I from the United States,	section 212 of the Act, or deporta and you have been convicted of a	ble under section 241 crime designated as
Uni Apj	er your removal has been effected you must request a steed States during the period indicated. You must obtain plication forms for requesting permission to reapply to ce of the Immigration and Naturalization Service. R	tain such permission bef for admission may be ob	ore commencing your travel to the trained by contacting any United S	United States. States Consulate or
Ui ali	ARNING: Title 8 United States Code, Section 132 nited States to enter, attempt to enter, or be found ien who violates this section of law is subject to proviction could result in a sentence of imprisonment	I in the United States wo osecution for a felony.	ithout the Attorney General's ex Depending on the circumstances	spress consent. Any s of the removal,
E	(Signature of officer serving warning)	Deportation (Title of RIGHT INDEX PRINT	officer) (I	Phoenix, AZ. Location of INS office) Form I-294 (6-1-97)N

CONDITIONS OF SUPERVISION

Offenders under the supervision of the Arizona Department of Corrections shall be required to agree to the conditions of supervision as follows:

- 1. Upon release from the institution, I will contact my parole officer, CPO or the Officer-of-the-Day by personal visit within one working day unless otherwise directed.
- 2. I will maintain contact with and follow the directives of my parole officer/CPO as directed.
- 3. I will obtain approval from my parole officer before changing my residence or mailing address, and will secure a written travel permit/waiver of extradition from a parole officer/CPO before leaving the State of Arizona. If I should be arrested in any other state, I will waive extradition and will not resist being returned to the State of Arizona.
- 4. I will make earnest efforts to secure and maintain employment, unless engaged in an alternative program approved by my parole officer/CPO. I will participate and cooperate in any program(s) as directed by my parole officer/CPO.
- 5. I will obey all city, county, state, federal and tribal laws. I will tell my parole officer/CPO/the Officer-of-the-Day within one working day if I have any contact with a law enforcement agency. I will not engage in assaultive activities, violence or threats of violence of any sort.
- 6. At no time will I own, have under my control, possess, transport or use any firearms, deadly weapons or explosives.
- 7. I will, if so directed, not drink any alcoholic beverages. I will not possess, use, distribute, sell or have under my control any controlled substances or narcotics except as prescribed by a licensed physician to me. I will submit blood, urine, or breathalyser samples when requested by a parole officer/CPO.
- 8. I will not associate with any person who is under the jurisdiction of a parole or probation agency or is an inmate or is in the custody of any law enforcement agency without prior authorization of a parole officer/CPO.
- 9. I will submit to a search of my person, automobile, or place of residence by a parole officer/CPO at any time day or night with or without a warrant, upon reasonable cause.
- 10. I will not enter into any agreement to act as an informant or special agent for any law enforcement agency without the written consent of a parole officer/CPO.
- If applicable, I will pay fees, fines and/or restitution as determined by the B.O.E.C., the sentencing court, state statutes, or my parole officer/CPO.
- 12. I will adhere to any special conditions of supervision imposed by the Board of Executive Clemency, the sentencing court, or my parole officer. These conditions may be revised.

A. If I am released from this Detainer prior to my ADC maximum expiration of sentence. I am to report to the Fugitive Services Unit, 363 N. 1st Ave., Phoenix, AZ, phone (602) 255-4244, within 24 hours of my release.

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I have read, or have had read to me, fully understand, and agree to abide by all standard and special conditions of supervision as designated while under the supervision of the Arizona Department of Corrections. If I fail to abide by any of these conditions of supervision, I am aware that I may be returned to an institution or the sending state. I understand that until my maximum sentence expires, I am subject to the rules and regulations of the Arizona Department of Corrections.

Name of Offender:ANDERSC	N. Ester	Signed: E anderson	onde 🗸
ADC No127180	Date: 2/19/99	Witnessed: Jsther FM	National Control of the Control of t

Distribution: White - Master Record

Yellow - Offender

Pink - Office File



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Precedent

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Date: Thu Jul 3, 2003 6:23 pm **Subject:** convicted in absentia

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Court upholds ruling that Max Factor heir can't appeal because

fled U.S.

Canadian Press

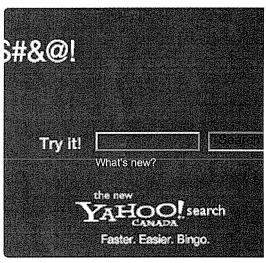
Thursday, July 03, 2003

BEVERLY HILLS, Calif. (AP) - An appellate court upheld a ruling that convicted rapist Andrew Luster has no right to appeal his guilty verdicts because he jumped bail and fled to Mexico during a break

his trial.

in

ADVERTISEMENT



"By his flight to a foreign country, the inference is compelling that, but for his capture, he would be a fugitive to this day," Justice Kenneth Yegan wrote for the 2nd District Court of Appeals in its ruling Wednesday.

Luster, a great-grandson of cosmetics legend Max Factor, was convicted in absentia in January of drugging and raping women in his Ventura County home.

His lawyer appealed the conviction, but Luster was still a fugitive, and the appeal was dismissed June 10 on the grounds that Luster had forfeited his right to appeal by jumping bail. The attorney appealed that ruling after Luster was captured June 18 in Puerto Vallarta.

Luster is serving his sentence in a California prison.

The bounty hunter who caught him is meanwhile facing Mexican charges of "deprivation of liberty," similar to kidnapping without requesting a ransom. The charge carries a maximum of four years in prison.

The bounty hunter, Duane Chapman, spoke to reporters Wednesday in Los Angeles. He said he didn't think he broke any laws and he expects to be exonerated. He said he feared Luster, spotted in a disco, was preying on women in Puerto Vallarta.



Organized Crime Drug Enforcement Task Force, where I spent 10 years of my career, and the Joint Terrorism Task Force. Now, Congress has additionally mandated that we are supposed to also track foreign students in the United States to make certain that they go to the schools that they've been admitted to attend, and to implement a meaningful departure control program to make certain that people that are here for a limited time leave when they're supposed to.

Now, additionally, it's been announced that the new Bureau of Immigration and Customs Enforcement will also provide agents to serve as air marshals, and also back up the United States Secret Service protecting the President, the vice president, and visiting foreign dignitaries. And all this is going to be done with what will now become a force of 5,500 agents when we merge Customs in with the immigration agents. The thing that you need to realize also, though, is that when they merge Customs with immigration, you're going to also be doubling the area of responsibility because now all these agents will need to enforce the customs statutes as well as the immigration statutes.

The only laws that I am aware of that are immutable are the laws of nature. Much as NASA might want to, I don't know of anyone who has found a way to violate the law of gravity. The laws of man are very different, however. Mankind is imperfect, and consequently our efforts at crafting and enforcing laws fall far short from nature's perfect example. Consequently, no law enforcement agency can hope to approach a success rate of 100 percent in enforcing the laws under their jurisdiction. Law enforcement, therefore, is most effective when it acts as a deterrent to would-be law violators. It is far better to prevent the crime than to solve the crime. If a law enforcement agency is to be effective as a deterrent to criminals who would violate the laws that come under the purview of that agency, then that agency must develop a reputation for being effective and motivated to do a consistent job of enforcing the law.

The reputation that the former INS garnered has deterred few criminal aliens from coming to the United States. What is truly unbelievable is that year after year the INS muddled along, showing little initiative to attempt to change its effectiveness or the public's perspective of it. Many agents used to say that the INS had a condition that was 100 years old and unaffected by progress. At the INS, fraud ran rampant. The GAO recently reported that the fraud rate of the INS processing centers was running at about 90 percent. Criminal aliens ran rampant, and at the INS nothing changed except for the faces of the new agents who were recruited and trained at great expense and then left for more satisfying careers in other agencies.

Today, perhaps in part because of the abysmal track record, and also because of the politicization of the entire immigration system, politicians talk about creating another amnesty as a way to bring the massive illegal alien population out of the shadows, notwithstanding that this approach was tried before. World War I was supposed to have been the war that would end all wars, and the immigration amnesty program of 1986 was supposed to be the best way of getting illegal aliens out of the shadows and restoring a measure of credibility to the thoroughly dysfunctional administration and enforcement of immigration laws. With the benefit of 20-20 hindsight, we now know that World War I led to World War II, and we know that the 1986 amnesty led to perhaps one of the largest influxes of illegal aliens into the United States. And yet there are people today calling for yet another amnesty.

At any other agency, efforts would be made to figure out how to turn the situation around.

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PRE-RELEASE INVESTIGATION REPORT AND RELEASE AUTHORIZATION

TYPE OF RELEASE Emergency Parole (41-1604-11) Regular Parole (31-412-A/B) Home Arrest Shock Release	Mandatory Release Provisional Release Discretionary Release	Te Te	ork Furlough inpotaty/ERCD inpotaty/SED A# 70 092 218	2/2	
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STREET ADDRESS N/A		CITY N/A	STATE	ZIP CODE N/A	
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Stapp Signature (BEST NOT TO DIVILGE EVEN WITH DEPORT) ZAME PROBLEM (INCL. COHHUNICA)