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December 12, 1980

Mr. Alvin Ross Diaz
#00781-016
P.O. Box 1000
Marion, Illinois 62959

Dear Alvin:

I am pleased to inform you that the District of Columbia Circuit Court has denied both the government's petition for rehearing and their petition for rehearing en banc without a single dissent. Although the Supreme Court can still reinstate your convictions, the fact that none of the judges in the entire District of Columbia Court felt that your appeal was wrongfully decided is certainly an encouraging indication of how the Supreme Court Justices will regard the case.

The government is certain to seek review by the Supreme Court. This is a two step process. First, they must seek what is called a writ of certiorari, which is essentially a grant of permission to appeal to the Supreme Court. Four justices must agree that a case should be reviewed by the Supreme Court before such a writ is issued. If the writ is issued, then the case is fully briefed and orally argued before the entire Court.

The government has thirty days to file their petition for a writ of certiorari with the Supreme Court. Once it is filed, we then have thirty days to file an answering petition, explaining to the Court why a writ of certiorari should not be granted in this case. I will send you a copy of the government's petition as soon as it is received by our office.

Judge Parker has received our motions for your transfer and for bail and recusal, but has not yet acted on them. We are calling his chambers every few days to encourage them to act as quickly as possible, at least on the transfer and bail motions. Hopefully, we will get some movement on these motions within the next week.

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As you are aware, both the dinner in New Jersey and the radio campaign in Miami raised substantial funds for your defense. Unfortunately, the people controlling the monies in Miami are now balking at turning those funds over to us. They have indicated that they don't intend to turn most of the money over to us until they see if there actually is going to be a retrial (a virtual certainty at this point). Moreover, despite the fact that the money was all raised in your names for your defense, they are now suggesting that they might use part of the fund for the defense of other people in other cases.

As you are aware, we stood by you guys when nobody else, including these people in Miami, was doing anything to help you. Now that we have won your appeal, these people step into the limelight, use your names to raise money, and then refuse to turn the money over to your lawyers. This is particularly galling since we have not as yet even been paid for the months of work we did on the appeal.

Yes!
25,000

The only way that a retrial would not take place in your case would be if the Supreme Court reinstated your convictions. That, in turn, could only occur after both the certiorari and appeal proceedings have taken place in that Court. If the Supreme Court grants certiorari, that appeal alone will require several more months of work by our office. We feel strongly that we are entitled to the money which has been raised, both for the work we have already done in your case, and for the further proceedings, either in the Supreme Court or the retrial or both, which will have to take place in your case.

We hope that you agree with us on this matter. If so, we would appreciate your doing whatever is necessary to get the funds which have been raised forwarded to our office.

I'll let you know as soon as the district court takes some action on our motions.

Very truly yours,


MICHAEL YOUNG

MY/sc