

/coat of arms of the Republic of Croatia/

**REPUBLIC OF CROATIA**

**MINISTRY OF JUSTICE AND PUBLIC ADMINISTRATION**

**(MINISTARSTVO PRAVOSUĐA I UPRAVE)**

CLASS: 720-04/21-01/189

REF. NUMBER: 514-06-02-01 / 03-22-27

Zagreb, March 22, 2022.

On the basis of the provisions of the United Nations Convention against Transnational Organized Crime from 2000 and the supplementary Protocols to the Convention, the Convention on the Extradition of Criminals from 1901 concluded between the Kingdom of Serbia and the United States of America and Article 57 of the International Legal Assistance in Criminal Matters Act (Official Gazette NN, no. 178/04), I issue the following

## **O R D E R**

**I.** The extradition of DON VICTOR CISTERNINO, son of Victor and Mary née Donnelly, born on [REDACTED] a citizen of the United States of America and the Republic of Ireland, who is currently held in extradition custody in the Republic of Croatia, to the competent judicial authorities of the United States of America, **is hereby permitted,**

- **for the purpose of conducting criminal proceedings** before the United States District Court for the Middle District of Florida, under number: 6:21-cr-16-Orl-78DCI, for the criminal offenses of computer fraud (wire fraud) under Title 18, Section 1343 of the United States Code, aggravated identity theft under Title 18, Section 1028a of the United States Code, and unlawful monetary transactions under Title 18, Section 1957 of the United States Code.

**II.** The extradition of Don Victor Cisternino is allowed under the principle of specialty from Article 8 of the Convention on the Extradition of Criminals concluded between the Kingdom of Serbia and the United States of America and Article 37 of the International Legal Assistance in Criminal Matters Act.

**III.** The extraditee Don Victor Cisternino cannot be criminally prosecuted, he cannot be sentenced, that is, he cannot be extradited to a third country for the purpose of criminal prosecution or execution of a prison sentence for an offense committed before extradition, without the consent of the Minister of Justice and Public Administration of the Republic of Croatia, and the personal rights of the extraditee Don Victor Cisternino cannot be limited for a reason that did not arise in connection with the extradition nor can he be taken before an extraordinary court.

**IV.** This order shall be carried out by the employees of the Ministry of the Interior of the Republic of Croatia (Ministarstvo unutarnjih poslova Republike Hrvatske) who, during the delivery of the extraditee, will hand over to the competent representatives of the authorities of the United States of America information about the time that the mentioned extraditee spent in custody during the extradition procedure.

/QR code/

uVukkkAyPk2OY-liY3Q\_Sw

## **R e a s o n i n g**

On the basis of an international wanted persons notice number: A-2910/4-2021 dated April 6, 2021, issued at the request of the Interpol Washington, on April 11, 2021, in the Republic of Croatia, Don Victor Cisternino was arrested and the mentioned extraditee was imposed detention for the purpose of extradition by the order of the County Court in Zagreb (Županijski sud u Zagrebu), number: 23. Kir-672/21 of April 12, 2021.

This Ministry has received a note from the United States of America, number: 45 of June 8, 2021, accompanied by relevant documentation, by which extradition of the mentioned extraditee to the United States of America was requested.

Following proceedings, the County Court in Zagreb on February 14, 2022, issued an order number: 12 Kv 11-1462/2021-5, Kir-672/2021, asserting that the legal prerequisites for the extradition of Don Victor Cisternino to the competent judicial authorities of the United States of America for the purpose of conducting criminal proceedings before the United States District Court for the Middle District of Florida, under number: 6:21-cr-16-Orl-78DCI, for the criminal offenses of computer fraud (wire fraud) under Title 18, Section 1343 of the United States Code, aggravated identity theft under Title 18, Section 1028a of the United States Code, and unlawful monetary transactions under Title 18, Section 1957 of the United States Code have been met. The aforementioned order has become final on March 2, 2022.

In the proceedings conducted on the basis of the request for the extradition of Don Victor Cisternino, the following was established:

- the identity of the person in question,
- that the mentioned person is not a citizen of the Republic of Croatia,
- that the criminal offense for which his extradition is sought is prescribed as a criminal offense both by the law of the country in which it was committed and by the Criminal Code of the Republic of Croatia,
- that the statute of limitations for the execution of the sentence has not expired before the mentioned extraditee was arrested and that the statute of limitations for the execution of the sentence has not expired according to the law of the requesting state,
- that the criminal offense for which his extradition is sought was not committed on the territory of the Republic of Croatia, and
- that the extraditee Don Victor Cisternino has not already been convicted of the criminal offense in question by a domestic court, nor are there criminal proceedings pending against him in the Republic of Croatia for the same criminal offense.

The conditions for extradition under points II and III of the order are set on the basis of Article 8 of the Convention on the Extradition of Criminals concluded between the Kingdom of Serbia and the United States of America and Articles 37 and 57 of the International Legal Assistance in Criminal Matters Act of the Republic of Croatia.

Following the above, and based on my powers, **I hereby authorize** the extradition of Don Victor Cisternino to the competent judicial authorities of the United States of America.

**THE MINISTER**

**dr.sc. Ivan Malenica**

/handwritten signature illegible/

/stamp:/ REPUBLIC OF CROATIA - 23 - ZAGREB - MINISTRY OF JUSTICE AND  
PUBLIC ADMINISTRATION (MINISTARSTVO PRAVOSUĐA I UPRAVE)/

/QR code/

uVukkkAyPk2OY-liY3Q\_Sw