

REPUBLIC OF CROATIA
514 MINISTRY OF JUSTICE AND PUBLIC
ADMINISTRATION
(MINISTARSTVO PRAVOSUĐA I UPRAVE)

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Attachments

Time

REPUBLIC OF CROATIA

COUNTY COURT IN ZAGREB (ŽUPANIJSKI SUD U ZAGREBU)

Investigating Judges Department (Odjel sudaca istrage)

Reference number: Kir-672/21

Ministry of Justice of the Republic of Croatia
(Ministarstvo pravosuđa Republike Hrvatske)
Directorate for European Union and International Cooperation
(Uprava za Europsku uniju i međunarodnu suradnju)

Zagreb
Ulica grada Vukovara 49

The foreigner Don Victor Cisternino, son of Victor Cisternino, born in [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] arrested on April 11, 2021, at 11:55 p.m., for
the criminal offense of computer fraud, aggravated identity theft and unlawful
monetary transactions was brought on April 12, 2021 to the Investigating Judges
Department before the judge on duty by the officers of the Zagreb Police
Administration (PUZ), Border Police Station Bregana (Postaja granične policije
Bregana).

An international wanted persons notice was issued against the above-
mentioned person on April 6, 2021 at the request of the Interpol Washington, USA,
Red Notice, control number A-2910/4/2021.

On April 12, 2021, a detention order for the purpose of extradition was
issued against the foreigner on the basis of Article 47 of the International Legal
Assistance in Criminal Matters Act, which detention runs from the moment of
arrest, i.e. from April 11, 2021.

Please ask the requesting state for an extradition request accompanied by
complete documentation as soon as possible.

In Zagreb, April 12, 2021.

Investigating judge
Vera Polak Presečki
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COURT IN ZAGREB/

Attachment: Detention order for the purpose of extradition
Copy of the letter of the INTERPOL NCB Zagreb

/coat of arms of the Republic
of Croatia/

Reference number: 26. Kir-672/21

REPUBLIC OF CROATIA
COUNTY COURT IN ZAGREB
(ŽUPANIJSKI SUD U ZAGREBU)
Trg Nikole Šubića Zrinskog 5

REPUBLIC OF CROATIA
O R D E R

The County Court in Zagreb (Županijski sud u Zagrebu), in the person of the investigating judge Vera Polak Presečki, with the participation of Larisa Galić as the court reporter, in the criminal case against the foreigner Don Victor Cisternino, for the criminal offenses under Article 18 of the Criminal Code of the United States, paragraph 1343, paragraph 1028 a and 2 and paragraph 1957 and 2, on April 12, 2021,

has decided

pursuant to Article 47 of the International Legal Assistance in Criminal Matters Act (Official Gazette NN 178/04, hereinafter ILACMA),

DETENTION FOR THE PURPOSE OF EXTRADITION IS ORDERED

against the foreigner Don Victor Cisternino, son of Victor Cisternino, born in

[REDACTED]
[REDACTED] arrested on 04/11/2021 at 11.55 p.m.

Detention according to this order can last until the expiration of the deadline for the execution of the order for extradition from Article 59 of the ILACMA, i.e. the detention imposed against him starts on April 11, 2021, and shall last throughout the entire extradition process, provided that the United States of America submits a letter rogatory for extradition within 40 days.

Reasoning

1. The Ministry of the Interior (Ministarstvo unutarnjih poslova), Zagreb Police Administration (Policijska uprava zagrebačka), Border Police Station Bregana (Postaja granične policije Bregana), on April 11, 2021, arrested a foreigner, Don Victor Cisternino, on the basis of an international wanted persons notice issued by the Interpol Washington, USA (NCB number 20210204038 dated April 1, 2021) as he is wanted by the District Court of the Middle District of Florida for the purpose of conducting criminal proceedings for the criminal offenses of computer fraud, aggravated identity theft and unlawful monetary transactions. The maximum sentence is 32 years imprisonment, and there is no time limit for criminal prosecution.

2. After the arrest, on April 12, 2021 the police officers brought the foreigner before the investigating judge, and after he was presented with the reason for which he is wanted, he stated that in terms of Article 52 of the ILACMA, he opposes extradition.

3. The investigating judge finds that in this particular case, the legal grounds for ordering the detention of the foreigner for the purpose of extradition have been met, given that an international wanted persons notice has been issued for the above-mentioned person by the Interpol in Washington, USA, and the identity of the foreigner has been confirmed on the basis of the identification data found in the case file. The probable cause stems from the documentation provided by the Interpol Washington, USA. The foreigner is wanted by the District Court of the Middle District of Florida for the criminal offenses under Article 18 of the Criminal Code of the United States, paragraph 1343, paragraph 1028a and 2 and paragraph 1957 and 2, respectively for the criminal offenses of computer fraud, aggravated identity theft and unlawful monetary transactions. Namely, according to the information from the case file, the suspect resides in the United States of America and has American and Irish citizenship, and has come to Europe in January 2021, believing that due to the change in business policy in the United States, his business would encounter difficulties, which is why he intended to apply for asylum in South-Eastern Europe and thus in the Republic of Croatia. Given the above, the investigating judge considers that the foreigner could remain inaccessible to the authorities and that his presence cannot be ensured by any milder measure than preventive detention (remand).

4. Since the detainee, Don Victor Cisternino, did not agree to a simplified extradition procedure, detention for the purpose of extradition had to be imposed, which in this particular case it may last the longest until the expiration of the deadline for the execution of the order for extradition from Article 59 ILACMA, that is, in the sense of Article 48 of the ILACMA the United States of America is required to submit a letter rogatory for extradition with all relevant information within 40 days in order that a decision on extradition can be made.

5. Following the above, it was decided as in the operative part of the order.

In Zagreb, April 12, 2021.

Investigating judge
Vera Polak Presečki
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COURT IN ZAGREB/

INSTRUCTION ON THE RIGHT TO APPEAL:

An appeal against this order is allowed within three days after receiving of the order. The appeal shall be submitted in 3 (three) identical copies to the non-trial chamber of the County Court in Zagreb.

To be delivered to:

1. the foreigner Don Victor Cisternino - Zagreb Prison (Zatvor u Zagrebu)
2. the Zagreb Prison Administration
3. the defense attorney, after appointment - drop box
4. the interpreter Igor Komarica - via email (igorkomarica@gmail.com)
5. the case file