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8 Attorneys for Complainant  
 9 United States of America

10 UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE  
 13 EXTRADITION OF  
 14 HILMER ALFONSO ESTE MONTOYA,  
 15 A fugitive from the Government  
 16 of Australia.

Case No. CV 13-1445-VAP (PJWx)  
~~PROPOSED~~ CERTIFICATION OF  
 EXTRADITABILITY AND ORDER OF  
 COMMITMENT  
 [18 U.S.C. § 3184]

17  
 18 The Court has received the Complaint filed on December 12,  
 19 2012, by Diana M. Kwok, Assistant United States Attorney for the  
 20 Central District of California, for and on behalf of the  
 21 Government of Australia, pursuant to that Government's request  
 22 for the provisional arrest of HILMER ALFONSO ESTE MONTOYA. The  
 23 Government of Australia, subsequent to that date, made a formal  
 24 request for the extradition of HILMER ALFONSO ESTE MONTOYA. The  
 25 Court has also received a Stipulation to Simplified Extradition  
 26 executed by HILMER ALFONSO ESTE MONTOYA, Deputy Federal Public  
 27 Defender Jennifer Uyeda, and Assistant United States Attorney  
 28 Diana M. Kwok.

1           The fugitive, HILMER ALFONSO ESTE MONTOYA (hereinafter "the  
2 fugitive"), having appeared before the undersigned judicial  
3 officer, represented by counsel, on March 26, 2013, and having  
4 entered into the foregoing stipulation,

5           THE COURT HEREBY FINDS as follows:

6           1. The fugitive's stipulation to the elements of  
7 extradition is intelligent and voluntary.

8           2. The fugitive is wanted by Australian authorities to  
9 face prosecution for: (a) conspiracy to import a commercial  
10 quantity of a border controlled drug, namely 135 kilograms of  
11 cocaine, in violation of sections section 307.1 of the Criminal  
12 Code Act (Cth) by virtue of section 11.5 of the Criminal Code  
13 Act 1995 (Cth); (b) attempt to possess a commercial quantity of  
14 a border controlled drug, namely 135 kilograms of cocaine, in  
15 violation of section 307.5 of the Criminal Code Act (Cth) by  
16 virtue of section 11.1 of the Criminal Code Act 1995 (Cth); and  
17 (c) conspiracy to manufacture a commercial quantity of a border  
18 controlled drug, namely cocaine, in violation of section  
19 305.3(1) of the Criminal Code Act (Cth) by virtue of section  
20 11.5(1) of the Criminal Code Act 1995 (Cth). A warrant for the  
21 fugitive's arrest was issued on December 8, 2012, by an  
22 authorized officer of the Local Court, New South Wales.

23           3. All of the elements of extradition are met,  
24 specifically:

25           a. The undersigned judicial officer, United States  
26 Magistrate Judge Patrick Walsh, and the court on which that  
27 judicial officer sits, have jurisdiction to conduct extradition  
28 proceedings.

1           b. The undersigned judicial officer, United States  
2 Magistrate Judge Patrick Walsh, and the court on which that  
3 judicial officer sits, have jurisdiction over the fugitive.

4           c. An extradition treaty is in force between the  
5 United States of America and Australia.

6           d. The fugitive is sought for offenses for which the  
7 applicable treaty permits extradition.

8           e. The fugitive is the subject of the arrest warrant  
9 issued for the arrest of HILMER ALFONSO ESTE MONTOYA on December  
10 8, 2012, by an authorized officer of the Local Court, New South  
11 Wales, and there is probable cause to believe that HILMER  
12 ALFONSO ESTE MONTOYA is guilty of the offenses alleged in that  
13 arrest warrant.

14           4. There are no facts that bar the extradition of the  
15 fugitive under the extradition treaty between the United States  
16 and Australia.

17           Based on the foregoing findings, the undersigned judicial  
18 officer concludes that HILMER ALFONSO ESTE MONTOYA is  
19 extraditable for each offense for which extradition was  
20 requested, and certifies this finding to the Secretary of State  
21 as required under Title 18, United States Code, Section 3184.

22           IT IS THEREFORE ORDERED that the Clerk of the Court deliver  
23 to the Assistant United States Attorney a certified copy of this  
24 Certification of Extraditability and the executed Stipulation to  
25 Simplified Extradition and, further, that the Clerk forward  
26 certified copies of the same to the United States Secretary of  
27 State (to the attention of the Legal Adviser) and the Director,  
28 Office of International Affairs, Criminal Division, U.S.

