

1 presented and finds as follows:

2 1. The undersigned judicial officer is authorized under 18
3 U.S.C. § 3184 and General Order 05-07 to conduct an extradition
4 hearing.

5 2. The undersigned judicial officer and the U.S. District
6 Court for the Central District of California have personal
7 jurisdiction over Duran-Reyes and subject-matter jurisdiction
8 over the case, as Duran-Reyes was arrested in this district. See
9 § 3184.

10 3. An extradition treaty between the United States and
11 the Republic of Colombia is currently in force, specifically,
12 the Extradition Treaty signed September 14, 1979, and which took
13 effect March 4, 1982. (See Extradition Req., Redacted Exs. vol.
14 1 at 10.)¹

15 4. Duran-Reyes is the subject of an April 25, 2011 arrest
16 warrant issued by the First Court of Enforcement of Sentences and
17 Security Measures of Palmira Valle, based on her March 8, 2011
18 resentencing for her conviction for violating Article 274 of the
19 Colombian Criminal Code, trafficking in counterfeit currency.
20 (Id. vol. 2 at 30, 37-38.)

21 5. The conviction on which Duran-Reyes is wanted and as to
22 which extradition is sought constitutes an extraditable offense
23 under the treaty. Specifically, article 2 of the treaty provides
24 that "when the request for extradition relates to a person who
25 has been convicted and sentenced, extradition shall be granted
26 only if the duration of the penalty still to be served amounts to

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28 ¹ The Court uses the pagination provided by its Case Management/Electronic Case Filing system.

1 at least six months." (Id. vol. 1 at 11-12.) As explained
2 below, that is the case here.

3 6. Duran-Reyes has not contested that sufficient evidence
4 has been presented to establish probable cause to believe that
5 she committed the crime of which she was convicted, and the Court
6 so finds. Rather, she contends that extradition is not
7 permissible because (1) she was allegedly not informed of the
8 government's appeal of her sentence and was not present for it or
9 the resentencing and (2) extraditing someone for a resentencing
10 is not contemplated by the treaty.

11 7. The Court rejects both arguments.

12 a. First, Duran-Reyes presented no evidence, not even
13 her own sworn declaration, that she had no notice of the
14 government's appeal and that she allegedly wasn't represented by
15 counsel during those proceedings, including the resentencing.
16 Further, even if those facts are true, they are matters for the
17 Secretary of State to consider in deciding whether to extradite,
18 not for this Court to take into account. See, e.g., Gallina v.
19 Fraser, 278 F.2d 77, 78-79 (2d Cir. 1960) (allowing extradition
20 of person convicted in absentia and stating that fugitive's
21 concerns about due process in requesting nation were for
22 Secretary of State to consider); see also Kamrin v. United
23 States, 725 F.2d 1225, 1228 (9th Cir. 1984) ("[I]t has long been
24 settled that United States due process rights cannot be extended
25 extraterritorially.").

26 b. Second, the treaty applies "if the convicted
27 person has been sentenced," which is the case with Duran-Reyes.
28 (Extradition Req., Redacted Exs., vol. 1 at 14.) The treaty

1 nowhere bars extradition of people who have also been
2 resentenced. Thus, Duran-Reyes is among those the treaty is
3 meant to cover. She was originally sentenced to a 48-month
4 suspended prison term and was resentenced in April 2011 to 55
5 months in custody (see id., vol. 2 at 28, 35), so at the time her
6 extradition was requested in 2012 she had more than six months
7 left to serve of her sentence.

8 8. Based on the foregoing findings, the Court concludes
9 that Duran-Reyes is extraditable on the counterfeiting conviction
10 and resentencing; the Court hereby certifies this finding to the
11 Secretary of State as required under 18 U.S.C. § 3184.

12 IT IS THEREFORE ORDERED that the Clerk of the Court deliver
13 forthwith to the Assistant U.S. Attorney a certified copy of this
14 Certification of Extraditability and Order re Bail and forward
15 without delay certified copies of the same to the Secretary of
16 State (to the attention of the Office of the Legal Adviser) and
17 the Director, Office of International Affairs, Criminal Division,
18 U.S. Department of Justice, in Washington, D.C., for appropriate
19 disposition.

20 IT IS FURTHER ORDERED that Duran-Reyes be committed to the
21 custody of the U.S. Marshal for the Central District of
22 California pending final disposition of this matter by the
23 Secretary of State and arrival of agents of the requesting state
24 unless within 30 days of the date of this Order she files a
25 Petition for Writ of Habeas Corpus challenging the Court's
26 certification of extradition. If she does not do so, she must
27 surrender to the U.S. Marshal no later than noon on the 30th day
28 after the date of this Order. If she does file a habeas petition

