

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61522-CIV-SNOW

IN THE MATTER OF THE  
EXTRADITION OF

CEZAR OCHOCO MANCAO II,

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CERTIFICATION OF EXTRADITABILITY  
AND  
ORDER OF COMMITMENT

The Court has received the Complaint filed on September 24, 2008, by Jennifer A. Keene, Assistant United States Attorney for the Southern District of Florida, for and on behalf of the Government of the Republic of the Philippines, pursuant to that Government's request for the extradition of Cezar Ochoco Mancao II. The Court has also received an affidavit executed by Cezar Ochoco Mancao II and witnessed by his attorney, Assistant Federal public Defender Bernardo Lopez.

On March 3, 2009, Cezar Ochoco Mancao II appeared before the Court in open session, accompanied by his attorney, and in the presence of the aforementioned Assistant United States Attorney. The Court addressed Cezar Ochoco Mancao II and is satisfied that he is aware of his rights as set forth in the affidavit of consent to extradition and that the affidavit was executed knowingly and voluntarily.

Inasmuch as Cezar Ochoco Mancao II has conceded that he is extraditable on the charges for which extradition was requested, and has consented to a certification by this Court to that effect, and has further consented to remain in custody pending the arrival of agents from the requesting state to effect his transfer to the requesting state, the Court finds on the basis of the record herein and the

representations of Cezar Ochoco Mancao II and counsel that:

1. The undersigned judicial officer is authorized under Title 18, United States Code, Section 3184, to conduct an extradition hearing;
2. The Court has personal jurisdiction over Cezar Ochoco Mancao II and subject matter jurisdiction over the case;
3. There is currently in force an extradition treaty between the Government of the United States and the Republic of the Philippines (the Requesting State) of November 13, 1994, which entered into force on November 22, 1996;
4. Cezar Ochoco Mancao II has been charged in the Republic of the Philippines with the offense of Double Murder under Article 248 of the Revised Penal Code of the Philippines;
5. This charge constitutes an extraditable offense pursuant to Article 2 of the Treaty;
6. The requesting state seeks the extradition of Cezar Ochoco Mancao II for trial for this offense; and
7. Cezar Ochoco Mancao II has stipulated that there is probable cause to believe that he committed the offenses for which extradition is sought.

Based on the foregoing findings, the Court concludes that Cezar Ochoco Mancao II is extraditable for the offense for which extradition was requested, and certifies this finding to the Secretary of State as required under Title 18, United States Code, Section 3184.

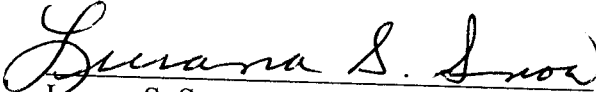
IT IS THEREFORE ORDERED that the Clerk of the Court deliver to the Assistant United States Attorney a certified copy of this Certification of Extraditability and the executed Affidavit of Consent to Extradition and, further, that the Clerk forward certified copies of the same to the Secretary of State (to the attention of the Legal Adviser) and the Director, Office of International

Affairs, Criminal Division, U.S. Department of Justice, in Washington, D.C., for the appropriate disposition.

IT IS FURTHER ORDERED that CEZAR Ochoco Mancao II be committed to the custody of the United States Marshal pending final disposition of this matter by the Secretary of State and arrival of agents of the requesting state, at which time Cezar Ochoco Mancao II together with any evidence seized incidental to his arrest will be transferred to the custody of the agents of the requesting state at such time and place as mutually agreed upon by the United States Marshal and the duly authorized representatives of the Government of the Republic of the Philippines to be transported to the Philippines.

SO ORDERED.

Dated this 5<sup>th</sup> day of March, 2009.

  
Lurana S. Snow  
United States Magistrate Judge  
Southern District of Florida