

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:15-mj-1021

IN RE REQUEST BY SPAIN)
FOR THE EXTRADITION OF) **UNITED STATES' MOTION TO**
INOCENTE ORLANDO MONTANO MORALES) **CERTIFY EXTRADITION**

The United States of America, acting on behalf of the Government of Spain, hereby moves to certify the extradition of Inocente Orlando Montano Morales to Spain, where a warrant has been issued for his arrest on criminal charges. The basis for this motion is set forth in the accompanying memorandum and in the documents submitted by Spain in support of its request for extradition, which have been filed with the Court.

Respectfully submitted this 15th day of April, 2015.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:15-mj-1021

IN RE REQUEST BY SPAIN)
FOR THE EXTRADITION OF) **CERTIFICATION OF EXTRADITION**
INOCENTE ORLANDO MONTANO MORALES) **AND ORDER OF COMMITMENT**

This matter is before the Court on the motion of the United States, acting on behalf of the Government of Spain, to certify the extradition to Spain of Inocente Orlando Montano Morales (Montano Morales).

On _____, 2015, the Court conducted an extradition hearing at which it considered the authenticated documents submitted by the Government of Spain in accordance with 18 U.S.C. § 3190. Montano Morales appeared at the hearing and was represented by counsel. The Court has carefully reviewed the evidence presented and is satisfied that the motion should be granted.

The Court finds 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 the fugitive Montano Morales and subject matter jurisdiction over this proceeding.
3. There is currently in force an extradition treaty between the Government of the United States and the Government of the Republic of Spain. The 2004 U.S.-Spain Extradition Instrument entered into force on February 1, 2010.

4. Montano Morales is wanted by the Spanish authorities so that he can be prosecuted for the terrorist murder of five Jesuit priests (who were Spanish nationals) under Articles 174bis and 406 of the Spanish Penal Code of 1973 (now codified at Articles 572.1 and 139, respectively, of the Spanish Penal Code of 1995). An order for Montano Morales's arrest was issued in Spain on March 31, 2011.

5. These charges are encompassed by Article II of the extradition treaty because they are punishable under the laws of the United States and Spain by a term of imprisonment which exceeds one year.

6. Spain seeks the extradition of Montano Morales so that he can stand trial for these offenses.

7. There is probable cause to believe that Montano Morales, the same person who is before this Court, participated in the murders for which his extradition is sought.

Based on the foregoing findings, the Court concludes that Inocente Orlando Montano Morales is subject to extradition and surrender to Spain for the terrorist murders of Father Ignacio Martin Baro, Father Segundo Montes Mozo, Father Armando Lopez Quintana, Father Juan Ramon Moreno, and Father Ignacio Ellacuria Beascoechea, and hereby certifies this finding to the Secretary of State as required under Title 18, United States Code, Section 3184.

IT IS THEREFORE ORDERED that a certified copy of this Certification of Extradition and Order of Commitment be forwarded without delay by the Clerk to the Department of State, to the attention of the Office of the Legal Adviser;

AND IT IS FURTHER ORDERED that Inocente Orlando Montano Morales be committed to the custody of the United States Marshal pending final disposition of this matter by the Secretary of State and surrender to designated agents of the Government of Spain.

SO ORDERED.

This the _____ day of _____, 2015.

KIMBERLY A. SWANK
United States Magistrate Judge