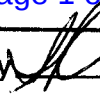


FILED by  D.C.  
MAY 20 2014  
STEVEN M. LARIMORE  
CLERK U. S. DIST. CT.  
S. D. of FLA. – MIAMI

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF FLORIDA

IN THE MATTER OF )  
 )  
THE EXTRADITION OF )  
 )  
MARCEL BUDINA )

Misc. No. **14-21866-MC-UNASSIGNED/WHITE**

COMPLAINT  
(18 U.S.C. §3184)

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. I act for and on behalf of the Government of the Czech Republic in this matter.
2. There is an extradition treaty in force between the United States and the Czech Republic, 1925 U.S.-Czechoslovakia Extradition Treaty, as supplemented by the 1935 U.S.-Czechoslovakia Supplementary Extradition Treaty, and the 2006 U.S.-Czech Republic Second Supplementary Extradition Treaty.
3. Pursuant to the treaty, on or about September 6, 2012 the Government of the Czech Republic submitted a formal request for extradition of Marcel Budina.
4. The extradition request of September 6, 2012 sought Marcel Budina's extradition to serve a five-year sentence imposed on him by the Municipal Court in Prague on January 21, 2010, for forgery and altering a means of payment and attempted fraud in violation of Sections 234(3), 209(4)(d) and 21(1) of the 2009 Criminal Code.

5. On April 4, 2014, in Case Number 14-20486-MC-OTAZO-REYES Budina consented to extradition in this Court, before the Honorable Alicia Otazo-Reyes, for the charges enumerated in the September 6, 2012 extradition request. Attached as Exhibit #1.
6. This Complaint seeks to add related charges to the September 6, 2012 extradition request. In the addition to the September 6, 2012 extradition request, Marcel Budina is also charged with, and has been convicted of, curtailment of tax, fee and similar mandatory dues, in violation of Section 240(1)(3) of the 2009 Criminal Code (by judgment of the Municipal Court in Prague on July 23, 2012 in connection with the ruling of the High Court in Prague on April 19, 2013), and the concurrent offense for unauthorized obtaining, forgery and alteration of a means of payment and attempted fraud in violation of Section 234(3) and Section 21(1), Section 209(4)(d) of the 2009 Criminal Code.
7. Those related charges stem from: (1) The Municipal Court in Prague on January 21, 2010 and (2) the Judgment of the High Court in Prague on February 16, 2011. Those Courts imposed on Budina a subsequent cumulative sentence of eight years' imprisonment. The eight year cumulative sentence includes the five years to which Budina already consented. A new International Arrest Warrant was issued by Presiding Judge Alexander Sotolář of the Municipal Court in Prague on October 29, 2013. However, because Budina was not present for his trial on the tax offenses, he is entitled to a retrial in his presence in the Czech Republic.

8. The new warrant was issued from the Czech Court on the basis of the following facts:

Budina, as the sole managing director of the limited liability company KS TRADE COMPANY s.r.o., with registered offices located at Prague 1, Opeletalova No. 6, registered with the Tax Authority as a value added tax payer. On behalf of KS TRADE COMPANY, Budina entered into contracts to provide advertising for the HC Slava Praha s.r.o. indoor ice hockey stadium and for golf tournaments organized by Timing Promotion s.r.o. Budina subsequently acquired an ownership interest in limited liability company, DRAKEN PRAHA s.r.o. with registered offices at Prague 5, Svornosti No. 28., and installed, as a figurehead, Ludvik Csóka, who was listed as the sole managing director of the company. Budina caused Csóka to sign invoices and bank account withdrawal slips that were pre-prepared for him by Budina or others acting on Budina's instructions.

According to statements made by Budina during the investigation, in 2002, KS TRADE COMPANY collected payments from persons interested in placing advertisements in the ice hockey stadium and then paid DRAKEN PRAHA to make advertising space available in the stadium. Budina subsequently assigned his rights to already concluded agreements entered into by KS TRADE COMPANY to DVOZA s.r.o. Budina's convicted co-conspirator, Václav Štrbo, was the sole managing director of the limited liability company DVOZA s.r.o., with the registered address Prague 1, Karlova No. 25. DVOZA s.r.o was also registered with the Tax Authority as a value added tax payer. DVOZA allegedly entered into contracts with DRAKEN PRAHA to provide the same services to DVOZA that it had for KS TRADE COMPANY, allegedly to supply

space at the stadium for which advertisements could be placed. According to clients who testified in the criminal proceedings, KS TRADE COMPANY and DVOZA fulfilled all of the advertising contracts with their customers. The advertising clients also testified that at some point in October and November 2002, Budina stated that he was transferring his business activities from KS TRADE COMPANY to DVOZA. Following the alleged transfer, several advertising clients testified that they continued to meet with Budina for business purposes and that Budina was present with them at business meetings with Štrbo.

In its ruling on April 19, 2003, the High Court in Prague, in deciding Budina's attorney's appeal of his conviction in the Municipal Court in Prague, determined that, in reality, Budina organized and coordinated all aspects of the transactions between KS TRADE COMPANY, DRAKEN PRAHA and DVOZA. According to the Court, "the evidence established has shown that it was the accused Marcel Budina who took part in all acts directed at securing advertisement from suppliers, or the already convicted Štrbo." (Ruling, pg 11). Furthermore, Czech authorities allege that Budina intentionally inserted DRAKEN PRAHA into the advertising sales to "increase disproportionately, through invoices issued by the accused Budina and signed by Csóka . . . the prices for the advertisement, which was realized, but in fact in an entirely different way than declared in the accounting." (Ruling, pg 11). The Court ruled that Budina submitted fraudulent invoice and tax returns to the Tax Authority in an attempt to reduce the value added taxes owed by KS TRADE COMPANY and DVOZA. Budina issued invoices and accounting documents that became the basis for the tax returns that Budina submitted on behalf of DRAKEN PRAHA and KS TRADE COMPANY, in "such a way that a substantial

portion of the declared tax was attributed to DRAKEN PRAHA,” instead of KS TRADE COMPANY. (Ruling, pg 4). The Court stated that Budina’s tax fraud caused a total damage loss to the Czech Republic of CZK 12,348,137.96 (crowns).

On July 23, 2012 Budina was tried and convicted in absentia of the above in Prague by the Municipal Court in Prague. The decision was affirmed by the High Court in Prague on April 19, 2013 (Budina elected to allow the proceedings to occur with his counsel with power of attorney). The Court sentenced Budina to a cumulative term of eight years’ in prison.

10. Marcel Budina may be found within the jurisdiction of this Court at the Federal Detention Center in Miami, Florida.
11. Pursuant to Title 18, United States Code, Section 3190, Kathleen A. Wilson, an attorney in the Office of the Legal Adviser of the United States Department of State, has provided the Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the extradition treaty between the United States and the Czech Republic, stating that the offenses for which extradition is demanded are covered by the treaty, and confirming that the documents supporting the request for extradition are properly certified by the principal American diplomatic or consular officer in the Czech Republic, this shall allow these items to be received in evidence.

12. The declaration from the Department of State with its attachments, including a copy of the diplomatic note from the requesting State, a copy of the relevant extradition treaty, and the certified documents submitted in support of the request, (marked collectively as Government's Exhibit #2) are filed with this Complaint and incorporated by reference herein.

WHEREFORE, the undersigned requests that Marcel Budina be summoned to appear before the Court in accordance with the Extradition Treaty between the United States and the Czech Republic, and Title 18, United States Code, Section 3184, so that the fugitive may be brought before this Court, "to the end that the evidence of criminality may be heard and considered."



---

ROGER CRUZ  
ASSISTANT UNITED STATES ATTORNEY

Sworn to before me and subscribed in my presence this 17<sup>th</sup> day of May, 2014, at  
MIAMI DADE FLA.



---

PATRICK A. WHITE  
UNITED STATES MAGISTRATE/JUDGE

United States District Court  
Southern District of Florida

Case Number: \_\_\_\_\_

## SUPPLEMENTAL ATTACHMENT(S)

Please refer to supplemental paper "court file" in the division where the Judge is chambered. These attachments must not be placed in the "chron file".

### Documents Retained in Supplemental Case Files (Scanned or Not Scanned)

#### Civil Case Documents

- Handwritten documents/pleadings (i.e., pro se)
- Poor quality scanned images
- Photographs
- CD, DVD, VHS tapes, cassette tapes
- Surety bonds
- Exhibits that cannot be scanned (e.g., objects)
- Bound extradition papers (scanned)
- Jury verdict
- Jury notes (unredacted)
- Jury selection materials (seating charts, challenges, etc.)

#### Criminal Case Documents

- Handwritten documents/pleadings (i.e., pro se)
- Poor quality scanned images
- Photographs
- CD, DVD, VHS Tape, Cassette Tapes
- Bond documentation
- Exhibits that cannot be scanned (e.g., objects)
- Indictments
- Arrest warrants
- Jury verdict
- Jury notes (unredacted)
- Jury selection materials (seating charts, challenges, etc.)

Date: May 20, 2014

JS 44 (Rev. 2/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

**DEFENDANTS**


IN RE: IN THE MATTER OF THE EXTRADITION OF MARCEL BUDINA

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

ROGER CRUZ, AUSA  
99 NE 4th Street, Miami, Florida 33132  
Telephone No. (305) 961-9207

**FILED by**  **D.C.**  
**MAY 20 2014**  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMI

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE  HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed (see VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).**

(See instructions second page):

a) Re-filed Case  YES  NO      b) Related Cases  YES  NO

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. 3184 (EXTRADITION)

LENGTH OF TRIAL via \_\_\_\_\_ days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23      DEMAND \$ \_\_\_\_\_      CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

*05/20/14*

FOR OFFICE USE ONLY

AMOUNT \_\_\_\_\_ RECEIPT # \_\_\_\_\_ IFP \_\_\_\_\_