

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:17-CV-24225

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT TO REVOKE
)	NATURALIZATION
ALBERTO MARIO BELENO,)	
)	
Defendant.)	
_____)	

Plaintiff, the United States of America, by its attorneys, alleges as follows:

PRELIMINARY STATEMENT OF THE CASE

Before he became a citizen of the United States, Defendant Alberto Mario Beleno engaged in criminal activity that he concealed throughout the naturalization process and that disqualified him from U.S. citizenship. Before he filed his naturalization application, Beleno knowingly and willfully committed lewd and lascivious acts on a six-year-old child. In 2001, less than three months after he naturalized, Beleno was arrested and pleaded guilty/nolo-contendere to criminal charges of committing Lewd and Lascivious Exhibition and Lewd and Lascivious Molestation on a minor in 1993 and 1994. Thus, Beleno could not have established the requisite good moral character for naturalization, and he illegally procured his U.S. citizenship. Moreover, in his application for naturalization and at his naturalization interview, Beleno falsely testified under oath that he had never committed any crimes for which he had not been arrested.

With the attached affidavit showing good cause, the United States of America brings this civil action on the grounds that Beleno illegally procured his naturalization and willfully misrepresented and concealed material facts about his unlawful activity during the naturalization process. Under 8 U.S.C. § 1451(a), the United States seeks to revoke and set aside the order admitting Beleno to citizenship and to cancel his certificate of naturalization.

PARTIES, JURISDICTION, AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Alberto Mario Beleno to United States citizenship and to cancel his Certificate of Naturalization No. 25346833.

2. This Court has subject-matter jurisdiction under 28 U.S.C. § 1345 for this cause of action under 8 U.S.C. § 1451(a).

3. Plaintiff is the United States of America.

4. Venue is proper in the Southern District of Florida under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Beleno's last known residence is in this District.

5. Beleno is a naturalized United States citizen whose last known address of residence is in Barranquilla Atlantico, Colombia.

6. Beleno's last known address within the United States was in Miami, Florida, which is within the jurisdiction and venue of this Court.

7. The affidavit of Gabriel Toala-Morena, Task Force Officer with U.S. Immigration and Customs Enforcement ("ICE") of the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

FACTUAL BACKGROUND

A. Beleno's Criminal Activity

8. On May 1, 2001, Beleno was arrested for committing Lewd and Lascivious Exhibition on Child Under 16 years of Age in violation of Florida Statutes § 800.04(7)(a), and Lewd and Lascivious Molestation on a Child Under 12 Years of Age in violation of Florida Statutes § 800.04(5)(b). *State of Florida v. Alberto Mario Beleno*, No. F01-13816, Compl./Arrest Aff. (May 1, 2001), attached as Ex. B.

9. The Complaint and Arrest Affidavit indicated that Beleno committed the lewd and lascivious acts on the six-year-old victim “between 1993 and 1994.”

10. On June 14, 2001, the State Attorney's Office for Miami-Dade County, Florida, filed a criminal Information charging Beleno with committing the lewd and lascivious acts “on or between 1993 and 1994.” *State of Florida v. Alberto Mario Beleno*, No. F01-13816, Information (June 14, 2001), attached as Ex. C.

11. Beleno pleaded guilty/nolo-contendere to both criminal counts in the Information. *State of Florida v. Alberto Mario Beleno*, No. F01-13816, Orders of Supervision (June 21, 2004), attached as Ex. D.

12. The Circuit Court for the Eleventh Judicial Circuit withheld adjudication of the two charges, ordered Beleno to serve two years of probation, and ordered Beleno to register as a sex offender.

B. Beleno's Illegal Naturalization

13. Beleno is a native of Colombia and became a permanent resident of the United States on November 30, 1993.

14. On February 6, 1998, Beleno filed a Form N-400, Application for Naturalization, with the legacy Immigration and Naturalization Service (“INS”),¹ in Miami, Florida. *See* Form N-400, attached as Ex. E.

15. Question 15(a) of Part 7 of the Form N-400 asked if the applicant had ever knowingly committed any crime for which he had not been arrested.

16. Beleno checked the box “No” to answer Question 15(a) of Part 7 of the Form N-400.

17. Question 15(b) of Part 7 of the Form N-400 asked if the applicant had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations.

18. Beleno checked the box “No” to answer Question 15(b) of Part 7 of the Form N-400.

19. On or about January 2, 1998, Beleno signed the Form N-400 under oath, thereby certifying that his answers to the questions therein were true and correct.

20. On April 28, 1999, INS Officer Jonathan Disse interviewed Beleno in person and orally to determine his eligibility for naturalization.

21. At the beginning of the naturalization interview, Beleno took an oath and affirmed that he would answer all questions truthfully.

¹ On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed DHS. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The INS was divided into three separate agencies, Citizenship and Immigration Services (“USCIS”), Customs and Border Protection (“CBP”), and ICE. USCIS assumed naturalization authority from the INS. *Id.* at § 451.

22. During the course of the naturalization interview, to determine Beleno's eligibility for naturalization, Officer Disse asked Beleno Question 15(b) of Part 7 of the Form N-400, whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations.

23. Beleno responded "yes" to whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations, which contradicted Beleno's "no" response to Question 15(b) of Part 7 on the Form N-400.

24. Officer Disse noted in red ink next to Question 15 of Part 7 on the Form N-400 that in Beleno's oral testimony he "claims two arrest, two offense, one DUI."

25. At the April 28, 1999 interview, Beleno signed a statement under penalty of perjury attesting that he had been arrested a total of two times, specifically stating that he had been arrested in 1989 in Miami for driving under the influence ("D.U.I.") and in 1992 in Miami for "domestic problems." Record of Statement Taken under Oath or Affirmation (Apr. 28, 1999), attached as Ex. F.

26. At the end of his April 28, 1999 interview, Beleno signed his Form N-400 application under oath attesting that the contents of the application, the supplement to the application, and the changes to the application were made at his request, and that the amended application was true to the best of his knowledge and belief.

27. On May 3, 1999, the INS denied Beleno's naturalization application on the ground that he failed to establish the requisite good moral character during the statutory period, specifically that Beleno provided false testimony regarding his criminal history in that he failed

to disclose all of his arrests. Decision on Application for Naturalization (May 3, 1999), attached as Ex. G.

28. On June 9, 1999, Beleno, through his attorney, filed a Form N-336 request for a *de novo* administrative review of the INS denial of his naturalization application.

29. On December 7, 2000, INS Officer Thomas H. Rubens interviewed Beleno under oath to review his qualifications for naturalization (“second interview”). Form N-400 (with marks from second interview) at 4, attached as Ex. H.

30. Officer Rubens made red marks to record Beleno’s responses at the second interview on a black-and-white copy of his Form N-400 application that included marks from Beleno’s first interview.

31. During the course of the second interview, to adjudge Beleno’s eligibility for naturalization, Officer Rubens asked Beleno Question 15(a) of Part 7 of the Form N-400, whether he had ever knowingly committed any crime for which he had not been arrested.

32. Beleno responded “no” to whether he had ever knowingly committed any crime for which he had not been arrested, and Officer Rubens placed a red check next to Beleno’s answer on the Form N-400 confirming that Beleno’s oral response corresponded to his marked response of “No” to Question 15(a) of Part 7.

33. During the course of the naturalization interview, to adjudge Beleno’s eligibility for naturalization, Officer Rubens officer asked Beleno Question 15(b) of Part 7 of the Form N-400, whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations.

34. Beleno again responded “yes” to whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations.

35. Officer Rubens noted in red ink next to Question 15 of Part 7 on the Form N-400 that Beleno testified he had been arrested six times as noted in Supplement 3. Ex. H at 3, 9 (Supplement 3)

36. Supplement 3 indicated that Beleno was arrested for D.U.I. in 1988 in Miami; for aggravated battery and aggravated assault with a firearm in 1988, and the charges were dismissed; for D.U.I. in 1989 in Miami; for carrying a concealed weapon (“C.C.W.”) in 1990, for which he was convicted and sentenced to community service; for possession of marijuana in 1999 in Miami, and the charge was dismissed; and for driving with his license suspended (“D.W.L.S.”) in Miami in 1990.

37. At the end of his December 7, 2000 interview, Beleno signed the application under oath attesting that the contents of the application, the supplement to the application, and the changes to the application were made at his request, and that the amended application was true to the best of his knowledge and belief.

38. On February 7, 2001, the INS approved Beleno’s naturalization application.

39. Beleno’s testimony at the second interview on whether he had ever knowingly committed any crime for which he had not been arrested was false.

40. At no point during the naturalization process did Beleno disclose that he committed lewd and lascivious acts a six-year-old victim in 1993 and 1994.

41. On February 26, 2001, Beleno took the Oath of Allegiance to the United States, and was admitted as a citizen of the United States. *See* Certificate of Naturalization, attached as Exhibit I at 1.

42. On February 26, 2001, the INS issued Certificate of Naturalization No. 25346833 to Beleno.

43. On March 3, 2005, USCIS issued a replacement Certificate of Naturalization No. 25346833 to Beleno.

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

44. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917).

45. The Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981).

46. Congress mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3).

47. The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and continues until the applicant takes the Oath of Allegiance and becomes a United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

48. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude (“CIMT”) during the statutory period and later

either is convicted of the crime or admits his or his commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, they committed and were convicted of one or more crimes involving moral turpitude).

49. Congress has also explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

50. Further, Congress created a “catch-all” good moral character provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

51. An individual unlawfully procured naturalization if he committed unlawful acts during the statutory period before he was naturalized, even if he was convicted of those crimes after he was granted citizenship. *See United States v. Jean-Baptiste*, 395 F.3d 1190, 1193-94 (11th Cir. 2005).

52. Thus, individuals who commit unlawful acts during the statutory period that adversely reflect upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances exist. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

B. The Denaturalization Statute

53. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship

or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

54. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or his naturalization was *either*:

- a. illegally procured, *or*
- b. procured by concealment of a material fact or by willful misrepresentation.

55. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

56. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

57. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517.

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Crimes Involving Moral Turpitude)

58. The United States re-alleges and incorporates by reference paragraphs 1 through 57 of this Complaint.

59. To be eligible for naturalization, Beleno was required to show that he was a person of good moral character for the five-year statutory period before he filed a naturalization application, and until the time he become a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

60. Thus, Beleno was required to establish that he was a person of good moral character from February 6, 1993, until the date he became a U.S. citizen on February 26, 2001 (the “statutory period”).

61. Beleno was statutorily barred from showing that he was a person of good moral character if he committed a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

62. Beleno’s crimes of Lewd and Lascivious Exhibition on Child Under 16 years of Age in violation of Florida Statutes § 800.04(7)(a), and Lewd and Lascivious Molestation on a Child Under 12 Years of Age in violation of Florida Statutes § 800.04(5)(b) are CIMTs. *United States v. Zarate*, 633 F. App’x 775, 777 (11th Cir. 2015) (concluding all possible violations of Florida Statutes § 800.04 involve the misuse or maltreatment of a child for sexual gratification, and, thus, constitute sexual abuse of a minor); *United States v. Javier*, No. 2:15-cv-14205-

Rosenberg, 2016 WL 7540585 (S.D. Fla. Aug. 26, 2016) (revoking naturalization on grounds that individual who was convicted under Florida Statutes § 800.04(5)(b) committed a CIMT).

63. Beleno committed the CIMTs between 1993 and 1994, which was during the statutory period of his naturalization.

64. Because Beleno committed CIMTs during the statutory period, to which he later admitted and of which he was later convicted, he was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized United States citizen.

65. Because Beleno could not establish the requisite good moral character for naturalization required under 8 U.S.C. § 1427(a), he illegally procured his naturalization and the Court must revoke and set aside his naturalization under 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts)

66. The United States re-alleges and incorporates by reference paragraphs 1 through 65 of this Complaint.

67. As discussed above, to be eligible for naturalization Beleno was required to show that he was a person of good moral character from February 6, 1993, to February 26, 2001. 8 U.S.C. § 1427(a)(3).

68. Beleno could not establish the requisite good moral character for naturalization if he committed unlawful acts during the statutory period that reflected adversely on his moral character and there were no extenuating circumstances that would lessen his guilt. 8 U.S.C. § 1101(f) (catch-all provision); 8 C.F.R. § 316.10(b)(3)(iii).

69. Beleno carries the burden of showing that extenuating circumstances render his unlawful activity “less reprehensible than it otherwise would be, or tend to palliate or lessen its guilt.” *United States v. Suarez*, 664 F.3d 655, 662 (11th Cir. 2011) (internal quotation omitted)).

70. Beleno could not establish the requisite good moral character for naturalization because he committed Lewd and Lascivious Exhibition on Child Under 16 years of Age in violation of Florida Statutes § 800.04(7)(a), and Lewd and Lascivious Molestation on a Child Under 12 Years of Age in violation of Florida Statutes § 800.04(5)(b) between 1993 and 1994, both of which adversely reflected on his moral character. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

71. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Beleno regardless of whether the statutory CIMT bar (set forth in Count I) also applies to him.

72. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Beleno because he committed the unlawful acts during the statutory period before he was naturalized, even though he pleaded guilty/nolo-contendere to those crimes after he was granted citizenship. *See Jean-Baptiste*, 395 F.3d at 1193-94.

73. Beleno cannot demonstrate extenuating circumstances for his unlawful activity that render his lewd and lascivious crimes less reprehensible than they otherwise would be, or tend to palliate or lessen his guilt.

74. Because Beleno committed unlawful activity that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

75. Because Beleno could not establish the requisite good moral character for naturalization required under 8 U.S.C. § 1427(a), he illegally procured his naturalization and the Court must revoke and set aside his naturalization under 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (False Testimony)

76. The United States re-alleges and incorporates by reference paragraphs 1 through 75 of this Complaint.

77. As discussed above, to be eligible for naturalization Beleno must have shown that he was a person of good moral character from February 6, 1993, to February 26, 2001. 8 U.S.C. § 1427(a)(3).

78. Beleno was statutorily barred from showing that he was a person of good moral character during the statutory period because he gave false testimony, under oath, for the purpose of obtaining an immigration benefit, including naturalization. 8 U.S.C. § 1101(f)(6).

79. Beleno testified falsely for the purpose of obtaining an immigration benefit when he testified, under oath, during his December 7, 2000 naturalization interview in response to Question 15(a) of Part 7 his Form N-400 that he had never knowingly committed any crime for which he had not been arrested.

80. Beleno's testimony in response to Question 15(a) of Part 7 of his Form N-400 was false because Beleno had committed lewd and lascivious acts on a six-year-old victim in violation of Florida Statutes § 800.04(7)(a) and § 800.04(5)(b) between 1993 and 1994 and was not arrested for the crimes until after his naturalization.

81. Because Beleno provided false testimony under oath for the purpose of obtaining

his naturalization, he was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized United States citizen.

82. Because Beleno was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

83. Because he was ineligible to naturalize, Beleno illegally procured his citizenship, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT IV

PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

84. The United States re-alleges and incorporates by reference paragraphs 1 through 83 of this Complaint.

85. Under 8 U.S.C. § 1451(a), this Court must revoke Beleno's citizenship and cancel his Certificate of Naturalization if he procured his naturalization by concealment of a material fact or by willful misrepresentation.

86. As set forth above, throughout the naturalization process, Beleno willfully misrepresented and concealed the unlawful lewd and lascivious acts he committed on a six-year-old victim in 1993 and 1994 in both his oral testimony under oath and in his sworn written naturalization application.

87. On December 7, 2000, an immigration officer interviewed Beleno under oath on his naturalization application and asked whether Beleno had knowingly committed any crime for which he had not been arrested to confirm his "No" answer on Question 15(a) of Part 7 of the Form N-400.

88. Beleno testified that he had not knowingly committed any crime for which he had not been arrested to confirm his answer on Question 15(a) of Part 7, and this representation was

false. In fact, Beleno had committed lewd and lascivious acts on a six-year-old child from on or about 1993 through 1994 in violation of Florida Statutes § 800.04(5)(b) and § 800.04(7)(a).

89. At no point during the naturalization process did Beleno disclose that he committed unlawful lewd and lascivious acts on a six-year-old victim in 1993 and 1994.

90. Beleno's misrepresentation and concealment of his unlawful activity for which he had not been arrested was material to his naturalization application because it would have had a natural tendency to influence USCIS's decision whether to approve his naturalization application. Indeed, Beleno's conduct rendered him ineligible for citizenship.

91. Beleno therefore procured his naturalization by concealment of material facts and willful misrepresentations, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- (1) A declaration that Beleno procured his citizenship illegally;
- (2) A declaration that Beleno procured his citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Beleno to citizenship and canceling Certificate of Naturalization No. 25346833, effective as of the original date of the order and certificate, February 26, 2001.
- (4) Judgment forever restraining and enjoining Beleno from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his February 26, 2001 naturalization;
- (5) Judgment requiring Beleno to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. 25346833 and any copies thereof

in his possession—and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel;

(6) Judgment requiring Beleno to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of United States citizenship (including, but not limited to, U.S. passports, voter registration cards, and other relevant documents, whether current or expired), and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel; and

(7) Judgment granting the United States such other relief that may be lawful and proper in this case.

Dated: November 21, 2017

Respectfully submitted,

BENJAMIN G. GREENBERG
Acting United States Attorney
Southern District of Florida

CHAD A. READLER
Principal Deputy Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation

TIMOTHY M. BELSAN
Deputy Chief, National Security &
Affirmative Litigation Unit
Office of Immigration Litigation

/s/ Troy Liggett
TROY LIGGETT
Fla. Bar No. 0086788
S.D. Fla. ID No. A5501594
Trial Attorney, District Court Section
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 532-4765; (202) 305-7000 (fax)
troy.liggett@usdoj.gov

Attorneys for Plaintiff
United States of America

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 NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

DEFENDANTS Alberto Mario Beleno

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

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

Attorneys (If Known)

MAG JUDGE

Southern District of Florida

Civil Action No. 1:17-CV-24225

Signature of Clerk or Deputy Clerk

Civil Action No. 1:17-CV-24225

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Alberto Mario Beleno
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,)	Case No.
)	
Plaintiff,)	
)	AFFIDAVIT OF GOOD CAUSE
v.)	
)	
ALBERTO MARIO BELENO,)	
)	
)	
Defendant.)	

I, Gabriel Toala-Moreno, declare under penalty of perjury as follows:

1. I am a Task Force Officer with United States Homeland Security Investigations, a component of the United States Department of Homeland Security ("DHS"). In this capacity, I have access to the official records of the DHS, including the immigration file of Alberto Mario Beleno, also known as Alberto Beleno ("Beleno"), A [REDACTED] 910.

2. I have examined records relating to Beleno, including, but not limited to, his immigration file(s). Based upon my review of Beleno's records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

1. Beleno was granted United States citizenship on February 26, 2001.

3. On or about February 3, 1998, Beleno, through his attorney, Hector M. Diaz, Esq., filed an Application for Naturalization, Form N-400, with the legacy Immigration and Naturalization Service ("INS") in Miami, Florida.¹ INS accepted it for filing on or about February 6, 1999.

¹ As of March 1, 2003, the Immigration and Naturalization Service ("INS") ceased to exist and its functions were transferred to various bureaus within DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case. Because Beleno's naturalization case was adjudicated before the transfer, this Affidavit of Good Cause will reference the INS as necessary.

4. At the time he filed the application, Beleno used the name "Alberto M. Beleno" and alien registration number A [REDACTED] 910.

5. On or about April 28, 1999, Beleno was interviewed under oath to determine his eligibility for naturalization. On the basis of his written application and his testimony at the naturalization interview, the INS denied Beleno's application for naturalization on the grounds that he failed to establish good moral character during the statutory period required by law. Specifically, Beleno provided false testimony regarding his criminal history in that he failed to disclose all of his arrests.²

6. On or about June 9, 1999, Beleno's attorney, Hector M. Diaz, filed a Form N-336, Request for Review of Denial of [Beleno's] N-400, with the Miami District Office.

7. On or about December 7, 2000, an INS employee interviewed Beleno under oath on his N-336 Request for Review of Denial of N-400. The case was continued for Beleno to provide additional information including an affidavit from his child's mother to address whether Beleno was current on child support.

8. On the basis of his written application, the additional documentation, and his testimony at the naturalization interview, the INS approved Beleno's application for naturalization on or about February 7, 2001.

9. On or about February 26, 2001, before taking the oath of allegiance, Beleno submitted INS Form N-445, Notice of Naturalization Ceremony, to the INS. Based on the representations he made on this form, Beleno was allowed to take the oath of allegiance on

² Beleno represented that he had been arrested two times: a) Beleno claimed he was arrested in 1989 in Miami for Assault with a Firearm and Aggravated Assault (Beleno claimed this case was "Nolle Prossed"); and b) Beleno claimed he was arrested in 1992 for Driving Under the Influence ("DUI") (Beleno claimed he pled guilty to this offense). Beleno failed to disclose a 1990 arrest for Carrying a Concealed Weapon, a felony, which allegedly occurred in Miami, Florida.

February 26, 2001, and was granted United States citizenship. He was issued Certificate of Naturalization No. 25 346 833.

II. Beleno was not eligible to naturalize and consequently illegally procured his naturalization.

10. Beleno was not eligible to naturalize and consequently illegally procured his naturalization. Beleno was ineligible to naturalize because he could not have established that he was a person of good moral character during the statutory period. As an applicant for naturalization pursuant to section 316(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. §1427(a), Beleno was required to prove that he was a person of good moral character from February 3, 1993, five years before he filed his application for naturalization, until February 26, 2001, the date on which he was admitted as a citizen of the United States (the “Statutory Period”).

A. Beleno committed unlawful acts that adversely reflected upon his moral character.

11. Beleno could not have established that he was a person of good moral character during the Statutory Period because he committed unlawful acts that adversely reflected upon his moral character.

12. An applicant for naturalization cannot establish good moral character if he or she commits during the Statutory Period a crime involving moral turpitude for which the maximum possible penalty is more than one year imprisonment and later either is convicted of the crime or admits his commission of the criminal activity.

13. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the Statutory Period, he commits any unlawful acts that adversely reflect upon his moral character.

14. Whether unlawful acts affect the applicant's moral character is a case-by-case determination, considering the standards of the average citizen in the applicant's community of residence.

15. From on or between 1993 through 1994 (during the Statutory Period), Beleno, 39-40 years of age at the time of the offense, committed the ongoing crime of unlawfully and intentionally exposing his penis in a lewd and lascivious manner in the presence of the then six (6) year old [REDACTED] in violation of section(s) 800.04(5)(b) and 800.04(7)(a), Florida Statutes. These are First and Second Degree Felonies, respectively.

16. In the first incident, Beleno called [REDACTED] six (6) year old [REDACTED] to the living room, and while wearing just a towel, exposed his penis and told [REDACTED] to touch his penis. Beleno told [REDACTED] that his penis was a "pet snake," but [REDACTED] refused as she was afraid.

17. On another day, also during that same time frame, Beleno unlawfully and intentionally forced or enticed [REDACTED] six (6) year old [REDACTED] to touch his genitals in violation of section 800.04(5)(b), Florida Statutes. This is a First Degree Felony. On yet another day, after he exposed himself again, Beleno forced or enticed [REDACTED] six (6) year old [REDACTED] to touch Beleno's penis and rub Beleno's penis to the point that Beleno ejaculated.

18. On or about May 1, 2001, Beleno was arrested for these offenses, and was thereafter charged by Information with the crimes of Lewd & Lascivious Exhibition on a child under 16 years of age, in violation of section 800.04(7)(a), Florida Statutes, and one count of Lewd or Lascivious Molestation on a child under 12 years of age, in violation of section 800.04(5)(b), Florida Statutes.

19. On or about January 21, 2004, Beleno pled nolo contendere in the Circuit Court for the Eleventh Judicial Circuit, Miami-Dade County, Florida, to one count of Lewd & Lascivious Exhibition on a child under 16 years of age, in violation of section 800.04(7)(a), Florida Statutes, and one count of Lewd or Lascivious Molestation on a child under 12 years of age, in violation of section 800.04(5)(b), Florida Statutes, in full satisfaction of the Criminal Information. On the same date he took a plea in Miami-Dade County, adjudication was withheld, and Beleno was sentenced to two (2) years' probation. Beleno was further required to register as a sex offender.

20. Lewd and Lascivious Molestation on a Child Under 12 Years of Age in violation of Florida Statutes § 800.04(5)(b) is a first degree felony punishable by up to thirty years' incarceration, is a crime involving moral turpitude, and is an unlawful act that adversely reflects upon the offender's moral character as measured against the standards of the average citizen in the community of residence.

21. Lewd and Lascivious Exhibition on a Child Under 16 years of Age in violation of Florida Statutes § 800.04(7)(a) is a second degree felony punishable by up to fifteen years' incarceration, is a crime involving moral turpitude, and is an unlawful act that adversely reflect upon the offender's moral character as measured against the standards of the average citizen in the community of residence.

22. There were no extenuating circumstances that mitigated the effect of Beleno's actions on his ability to establish good moral character.

23. Because Beleno committed unlawful acts affecting his moral character within the period of time in which he was required to establish good moral character, he is precluded, as a

matter of law, from establishing good moral character. Consequently, he illegally procured his naturalization.

B. Beleno provided false testimony during his naturalization interview to obtain his naturalization.

24. Beleno could not have established that he was a person of good moral character because, during his naturalization interview, he provided false testimony for the purpose of obtaining his naturalization.

25. An individual who, during the Statutory Period, provides false testimony to obtain an immigration benefit is precluded from establishing good moral character.

26. On April 28, 1999, during the Statutory Period, Beleno appeared before Jonathan Disse, an officer of the INS, for an interview regarding his application for naturalization.

27. At the beginning of the naturalization interview, Beleno took an oath or affirmed that he would answer all questions truthfully.

28. During the course of the naturalization interview to determine his eligibility for naturalization, INS officer Jonathan Disse asked Beleno whether he had ever been arrested and whether he knowingly committed any crime for which he had not been arrested.

29. On May 5, 1999, INS issued a decision denying Beleno's application for naturalization on the grounds that he failed to establish good moral character during the Statutory Period required by law. Specifically, Beleno provided false testimony regarding his criminal history in that he failed to disclose all of his arrests.³

³ Beleno represented that he had been arrested two times: a) Beleno claimed he was arrested in 1989 in Miami for Assault with a Firearm and Aggravated Assault (Beleno claimed this case was "Nolle Prossed"); and b) Beleno claimed he was arrested in 1992 for Driving Under the Influence ("DUI")(Beleno claimed he pled guilty to this offense). Beleno failed to disclose a 1990 arrest for Carrying a Concealed Weapon, a felony, which allegedly occurred in Miami, Florida.

30. Beleno, through his attorney, Hector Diaz, appealed the INS' decision denying Beleno's naturalization application.

31. On or about December 7, 2000, INS interviewed Beleno in connection with his appeal of the INS' denial of Beleno's 1999 naturalization application. Beleno testified once again under oath that, among other things, while he had been arrested six (6) times, he had never knowingly committed any crime for which he had not been arrested.

32. This testimony was false. In fact, during the Statutory Period, Beleno sexually abused ■ six (6) year old ■. Beleno had not been arrested for this offense at the time of his naturalization interview.

33. Beleno's false testimony concealed that he committed criminal acts, which precluded naturalization.

34. Because Beleno provided false testimony to obtain naturalization during the Statutory Period he could not have established good moral character. Therefore, he was ineligible to naturalize.

III. At both INS interviews Beleno willfully misrepresented and concealed his criminal activity when he failed to disclose his criminal activity, and therefore procured his naturalization by willful misrepresentation and concealment of material facts.

35. On or about April 28, 1999, and December 7, 2000, the INS interviewed Beleno on his N-400, Application for Naturalization.

36. Part 7, Question 15a, on the Form N-400 asked whether Beleno had knowingly committed any crime for which he had not been arrested.

37. In January of 1998⁴, Beleno completed (or caused to be completed) the questions on the Form N-400, and at both his April 1999 and December 2000 interview on his N-400 certified his answers were true.

38. In response to Question 15a on the Form N-400, Beleno represented that he had not knowingly committed any crime for which he had not been arrested. This representation was false. In fact, Beleno had sexually molested [REDACTED] six (6) year old minor [REDACTED] from on or about 1993 through 1994.

39. On or about May 1, 2001, Beleno was arrested for these offenses, and was thereafter charged by Information with the crime of Lewd & Lascivious Exhibition on a child under 16 years of age in violation of section 800.04(7)(a), Florida Statutes, and one count of Lewd or Lascivious Molestation on a child under 12 years of age in violation of section 800.04(5)(b), Florida Statutes.

40. On or about January 21, 2004, Beleno pled nolo contendere in the Circuit Court for the Eleventh Judicial Circuit, Miami-Dade County, Florida, to one count of Lewd & Lascivious Exhibition on a child under 16 years of age in violation of section 800.04(7)(a), Florida Statutes, and one count of Lewd or Lascivious Molestation on a child under 12 years of age in violation of section 800.04(5)(b), Florida Statutes, in full satisfaction of the Criminal Information. On the same date he took a plea in Miami-Dade County, adjudication was withheld, and Beleno was sentenced to two (2) years' probation. The Court further required Mr. Beleno to register as a sex offender.

41. Beleno's ongoing criminal activity was material to determining his eligibility to naturalize because it would have had the natural tendency to influence the INS decision to

⁴ Beleno signed the N-400 and submitted it to the INS on or about January 2, 1998.

approve his application. In fact, Beleno's criminal activity precluded him from establishing good moral character.

42. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to section 340(a) of the INA, 8 U.S.C. § 1451(a), to revoke Beleno's citizenship, and to cancel his certificate of naturalization.

43. Beleno's last known residence is [REDACTED]
[REDACTED], Barrio Concepcion, Barranquilla Atlantico, Colombia

DECLARATION IN LIEU OF JURAT
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

Sept 22nd, 2017



Gabriel Toala-Moreno
Task Force Officer
Department of Homeland Security
U.S. Immigration and Customs Enforcement
Miami, Florida

Exhibit B

COMPLAINT/ARREST AFFIDAVIT

CBTS Number		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Traffic <input type="checkbox"/> Juvenile		Jail No. 36223		Police Case No. 01-17530	
IDS No.		Agency Code 04		Municipal P.D. Def. ID No. 102018		MDPD Records and ID No. F01-13816	
DEFENDANT'S NAME Last PELENO, ALBERTO First MAR Middle				DOB mo/day/yr 1953		Sex M Race W Ethnic D Height 5'8" Weight 170 Hair BLK Eyes BRN	
LOCAL ADDRESS City [REDACTED] State [REDACTED] Zip [REDACTED]				Phone 281-7364		Alias	
PERMANENT ADDRESS Street City State Zip				Phone		Address Source <input type="checkbox"/> Verbal <input type="checkbox"/> Voter's L.P.	
BUSINESS ADDRESS Street City State Zip				Phone		<input type="checkbox"/> Driver's License <input checked="" type="checkbox"/> Other History	
DRIVER'S LICENSE NO. E State [REDACTED]				Social Security No. [REDACTED]		Scars, Tattoos, Unique Physical Features LABORER COLUMBIA	
Weapon Seized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Type 05/01/2001		Arrest Date mo/day/yr 12:00		Arrest Time <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
If Def. has Concealed Weapons Permit. PERMIT # W-		For Robbery, Burglary, F/A Viol: Suspected History of drug involvement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		No. Cases Cleared 1		Influence of Drugs <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk.	
CO-DEFENDANTS		Last First Middle		DOB mo/day/yr		Citizenship UNKNOWN	
1.		Last First Middle		DOB mo/day/yr		In Custody <input type="checkbox"/> Felony <input type="checkbox"/> Juvenile <input type="checkbox"/> At Large <input type="checkbox"/> Misdemeanor	
2.		Last First Middle		DOB mo/day/yr		In Custody <input type="checkbox"/> Felony <input type="checkbox"/> Juvenile <input type="checkbox"/> At Large <input type="checkbox"/> Misdemeanor	
CODE		DRUG ACTIVITY		S. Sell		R. Smuggle	
N. N/A		P. Possess		B. Buy		D. Deliver	
				T. Traffic		E. Use	
				K. Dispense/Distribute		Z. Other	
				M. Manufacture/Produce/Cultivate		N. N/A	
				A. Amphetamine		B. Barbiturate	
						C. Cocaine	
						E. Heroin	
						H. Hallucinogen	
						M. Marijuana	
						O. Opium/Derv.	
						P. Paraphernalia/Equipment	
						S. Synthetic	
						U. Unknown	
						Z. Other	
SIGNAL:		<input type="checkbox"/> 100 <input type="checkbox"/> 150 <input type="checkbox"/> 200 <input type="checkbox"/> 250 <input type="checkbox"/> 300 <input type="checkbox"/> 400					
CHARGES		Activity Type Counts		STATUTE		D.V. <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> CIT <input type="checkbox"/> VIOLATION OF SECT.	
1. L & L EXIBITION		N N 1		300.04 (7)		21-38	
2. L & L CONDUCT		N N 1		300.04 (6)		21-38	
3.							
4.							

The undersigned certifies and swears that he has just and reasonable grounds to believe and does believe that the above named Defendant committed the following violation of law: Narrative: (Be specific)

Between 1993 and 1994 The 13 year old female victim disclosed to her mother and relatives that when she just 6 years old, living in the above address, [REDACTED] would expose his penis in her presence. The victim advised that the incident took place when she was in first grade and had no idea of the male anatomy. The first time, the defendant called her to the living room, he was just wearing a towel and exposed his penis and told her to touch it, that it was a pet snake, but the victim refused as she was afraid. On another day, after he exposed himself a second time, she touched it and rubbed his penis to the point that the Defendant ejaculated and some white liquid came out. She initially told her mother, but the mother thought it was a non-intentional act done by the Defendant.

committed the following violation of law: Narrative: (Be specific)

845 W 75 ST #504 (RESIDENT)

committed the following violation of law: Narrative: (Be specific)

The 13 year old female victim disclosed to her mother and relatives that when she just 6 years old, living in the above address, [REDACTED] would expose his penis in her presence. The victim advised that the incident took place when she was in first grade and had no idea of the male anatomy. The first time, the defendant called her to the living room, he was just wearing a towel and exposed his penis and told her to touch it, that it was a pet snake, but the victim refused as she was afraid. On another day, after he exposed himself a second time, she touched it and rubbed his penis to the point that the Defendant ejaculated and some white liquid came out. She initially told her mother, but the mother thought it was a non-intentional act done by the Defendant.

old for Other Agency

Verified by ☐ HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).

I Swear that the above Statement is correct and true to the best of my knowledge and belief.

Det. **R. Diaz**

Officer's Name (Print)

Det. **[Signature]**

Officer's Signature

Hialeah PD #0293

Department Name

Court ID Number/Loc. Code

Sworn to and subscribed before me, the undersigned authority, this **1** day of **MAY** 20**17**

[Signature]

Deputy of the Court or Notary Public

I understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date, and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Family Division Juvenile Section) anytime that my address changes.

You need not appear in court, but must comply with the instructions on the reverse side hereof.

Signature of Defendant / Juvenile and Parent or Guardian

Exhibit C

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA SPRING TERM, 2001

THE STATE OF FLORIDA v.

INFORMATION FOR

ALBERTO MARIO BELENO

1. LEWD & LASCIVIOUS EXHIBITION ON
CHILD<16
800.04(7)(A) FEL. 2D
2. LEWD & LASCIVIOUS MOLESTATION
ON A CHILD UNDER 12
800.04(5)(B) FEL. 1D

Defendant.

IN THE NAME AND BY AUTHORITY OF THE STATE OF FLORIDA:

DERIC ZACCA, Assistant State Attorney of the Eleventh Judicial Circuit, on the authority of
KATHERINE FERNANDEZ RUNDLE, State Attorney, prosecuting for the State of Florida, in the County of
Miami-Dade, under oath, information makes that:

GAP|5/30/01

CIRCUIT COURT DIRECT FILE

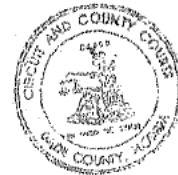
Jail No. 01-36223; Bkd. 05/01/01; CIN 0424225; W/M, DOB: [REDACTED]/53, SS# [REDACTED]-6000

F0113816

J/BLAKE (012)

7

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. FEB 16 2005 AD 26
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk *[Signature]*



Count 1.

ALBERTO MARIO BELENO on or between 1993 and 1994, in the County and State aforesaid, did unlawfully and intentionally expose the genitals in a lewd or lascivious manner in the presence of a person, to wit: [REDACTED], under 16 years of age, in violation of s. 800.04(7)(a) Florida Statutes, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

Count 2

And the aforesaid Assistant State Attorney, under oath, further information make that ALBERTO MARIO BELENO on or between 1993 and 1994, in the County and State aforesaid, did unlawfully and intentionally force or entice [REDACTED], a person less than 12 years of age, to touch the breasts, genitals, genital area, buttocks, or the clothing covering the breasts, genitals, genital area, or buttocks of said defendant, in violation of 800.04(5)(b) Florida Statutes, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

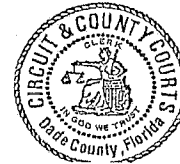
STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Personally known to me and appeared before me, the Assistant State Attorney of the Eleventh Judicial Circuit of Florida whose signature appears below, being first duly sworn, says that the allegations set forth in this Information are based upon facts which have been sworn to as true, by a material witness or witnesses, and which if true, would constitute the offenses therein charged, and that this prosecution is instituted in good faith.

Assistant State Attorney
Florida Bar # 151378
1350 NW 12th Avenue, Miami, FL (305) 547-0100

Sworn to and subscribed before me this _____ day of _____, _____.

By: _____
Deputy Clerk for the Clerk of the Courts
Notary Public



CONTROL PACKET

TO: Det. Ramon Niles 04/293
 DEFT: Alberto Belkno
 CO-DEFT: _____
 INT ASA: Truc Yaccu
 JUDGE: Blake PFC DATES _____

PC # 01-17530
 CC # FOI-13816
 21st DAY 5/22/01
 BKD 5/1/01

1 INT. TYPE 1-P.C. 2-AW 3-JUV Tran

A VICTIM PROFILE

3 EXTRADITION 1-FLA ONLY 2-1500 MILES 3-ANYWHERE

MM

INT DISP B	FINAL CHARGE	
	DISP TYPE C	DISP REAS D
1. <u>Det. Ramon Niles</u>		
2. <u>Det. Ramon Niles</u>		
3. <u>Det. Ramon Niles</u>		
4. <u>Det. Ramon Niles</u>		
5. <u>Det. Ramon Niles</u>		

ARREST CHARGE

FILED CHARGE

1.
2.
3.
4.
5.

RESET: _____

COMMENTS: _____

HOLD/LAB: _____ FILE TO: ASA 5/4/01 FOR APPROVAL: _____

DIR. FILE: _____ DO NOT ISSUE CAPIAS: _____ TO BE ARRESTED: _____ TO TYPING 5/30/01

11 **E** INT CASE FILING DISPO 8 PROPERTY RELEASE/DESTRUCTION (Y/N)

COMMENTS

97 MAY 30 PM 5:37

ASA: _____ CJIS#: _____ DATE: _____

APPR'D: _____ DATE: _____

Exhibit D

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

DIVISION

☒ CRIMINAL
☐ OTHER

ORDERS OF SUPERVISION

CASE NUMBER

F01-13816

STATE OF FLORIDA

vs.

Alberto Mario Beleno

DEFENDANT

CLOCK IN
FILED

JAN 21 2004

CLERK

ORDERS OF SUPERVISION

Counts: 1 & 2

Count 1 L&L Exhibition Child/k16
 Count 2 L&L Molest/child/k12

☒ PROBATION
☐ DRUG OFFENDER PROBATION (see addendum)
☐ SEX OFFENDER PROBATION (see addendum)
☐ COMMUNITY CONTROL (see addendum)
☐ ADMINISTRATIVE PROB
☐ FOLLOWED BY _____ PROB _____ DOP

THE DEFENDANT HAVING:

- a. ☒ entered a plea of guilty/nolo contendere;
 b. _____ been found guilty of;
 c. _____ prior probation is hereby revoked;

STATE OF FLORIDA, COUNTY OF DADE
 HEREBY CERTIFY that the foregoing is a true and correct copy of the
 original on file in this office. FEB 1 5 2004 AD 20
 HARVEY RUVIN, Clerk of Circuit and County Courts

Deputy Clerk: *[Signature]*

THE COURT HEREBY:

- d. _____ adjudges you guilty of count(s) _____
 e. ☒ withholds adjudication of guilt for count(s) 1 & 2

IT IS ORDERED AND ADJUDGED THAT, SUBJECT TO THE LAWS OF THIS STATE:

- f. ☒ you are hereby placed on Probation for a period of Two (2) years
 g. _____ Followed by _____ for a period of _____ to be supervised by the Department of Corrections.
 h. _____ (split sentence) you shall be confined in:
 the custody of Miami-Dade County Corrections for a period of: _____
 the custody of Miami-Dade County Corrections for a period of: _____
 after which you shall be placed on _____ for a period of _____
 to commence upon release.
 i. _____ (Administrative Probation) as defined in Ch948.001 F.S., After payment of a \$50.00 processing fee plus a 4% surcharge, all conditions, except (J)(4) will be deleted.

IT IS FURTHER ORDERED AND ADJUDGED THAT YOU WILL COMPLY WITH, AND CONFORM TO, CONDITIONS:

- j. ☒ you must report in person, immediately or on the next working day after release from confinement, to the Probation Office located at 990 SW 1 Street 2nd Floor, Miami, Florida on 1/21/04 by 2:00 PM
 k. _____ you shall not do any of the following:
 1. you will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
 2. you will not possess, own, or carry any firearm, or weapon.
 3. associate with any person engaged in criminal activity.
 4. violate any law of any city, county, state or the United States (a conviction in a court of law is not necessary for you to be found in violation).
 5. you will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs, or other dangerous substances are unlawfully, sold, dispensed, or used.

PAGE 1 OF 4

Defendant Alberto Mario BelenoCase # F01-13816I. ☒

you must do each of the following:

1. not later than the fifth day of each month, unless otherwise directed you will make a full and truthful report to your officer on the form provided for that purpose.
2. you will promptly and truthfully answer all inquiries directed to you by the court or officer, and allow your officer to visit you in your home, place of employment or elsewhere.
3. follow carefully and faithfully both the letter and spirit of valid instructions given you by a duly authorized officer.
4. you will work diligently at a lawful occupation and advise your employer of your supervision status and support your dependents to the best of your ability.
5. you will submit to random testing at any time requested by your officer, or the professional staff of any treatment center where you are receiving treatment, to determine possible use of alcohol, drugs, or controlled substances.
6. you will submit to a warrantless search to your person, residence and vehicle.
7. you will pay the sum of 10 per month plus 4.00 surcharge towards the cost of supervision unless otherwise exempt pursuant to F.S. 948.09.
8. you will pay all court ordered monetary obligations through the Probation Officer with money orders made payable to the Department of Corrections will disperse the monies as follows: (plus surcharge)
 - a) \$ _____ court costs
 - b) \$ _____ victim costs on counts
 - c) \$ _____ "trust fund" or 50.3 hours of community service (F.S. 27.3455)
 - d) \$ _____ assessment
 - e) \$ _____ drug testing fee
 - f) \$ _____ restitution payable to _____
 - g) \$ _____ SNI fee

1.

YOU SHALL COMPLY WITH THE FOLLOWING SPECIAL CONDITIONS:

1. spend _____ in custody of Miami-Dade County Corrections and comply with all rules of the institution in which you were placed with credit for _____ days time served.
2. spend _____ weekends beginning _____ in the custody of the:
3. you will attend and successfully complete the following rehabilitation program to be selected by your officer or the court. Further, you will abide by all rules and regulations of the program, attend all appointments, and follow all lawful instructions and recommendations of the director and staff:
 - a) an inpatient/outpatient, _____, alcohol, _____, drug, _____ and or psychological program _____
 - b) the defendant is to be held in the custody of until released to a representative of _____ or otherwise as directed by the officer or the court.
4. not use or possess alcoholic beverages for any purpose.
5. not drive or operate a motor vehicle except _____
6. perform _____ hours of community service at a non-profit organization, as directed.
7. you will not associate, communicate or have any contact with [redacted] (a minor victim)
8. other: Court costs not a special condition.

THE COURT RESERVES THE RIGHT TO RESCIND, MODIFY, REVOKE SUPERVISION TO THE EXTENT TO THE PROVIDED BY LAW. DONE AND ORDERED Miami-Dade County, Florida this 21st day of January, 2004.
Nunc Pro Tunc, _____

Judge, Circuit Court [Signature]

I have received a copy of the term and conditions of my supervision. I have read and understand these conditions and agree to report to the Department of Corrections Probation Office for further instructions. Also, I hereby consent to the disclosure of my alcohol and drug abuse patient records, the confidentiality of which is federally regulated under 42CFR, Part 11, for the duration of my supervision.

X Alberto Beleno
DEFENDANTDATE 1/21/04INSTRUCTED BY Allen FunderX Spanish Interpreter

PAGE 2 OF 4

Exhibit E

START HERE - Please Type or Print

Part 1. Information about you.

Family Name <i>Belaño</i>	Given Name <i>Alberto</i>	Middle Initial <i>M.</i>
U.S. Mailing Address - Care of [Redacted]		
Street Number and Name [Redacted]	Apt. # [Redacted]	
City <i>MIAMI</i>	County <i>E.U. DADQ</i>	
State <i>FLORIDA</i>	ZIP Code <i>33168</i> <i>33186</i>	
Date of Birth (month/day/year) [Redacted]-53	Country of Birth <i>Colombia</i>	
Social Security # [Redacted]-6000	A # [Redacted]-910	

Part 2. Basis for Eligibility (check one).

- a. ☒ I have been a permanent resident for at least five (5) years.
- b. ☐ I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. ☐ I am a permanent resident child of United States citizen parent(s).
- d. ☐ I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B.
- e. ☐ Other. (Please specify section of law)

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) <i>11-30-93</i>	Port admitted with an immigrant visa or INS Office where granted adjustment of status. <i>MIAMI, FL</i>	
Citizenship <i>Colombian</i>		
Name on alien registration card (if different than in Part 1) <i>Belaño, Alberto Mario</i>		
Other names used since you became a permanent resident (including maiden name) <i>N/A</i>		
Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Height <i>5'8"</i>	Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
Can you speak, read and write English? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes.		

Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? ☐ No ☒ Yes

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
<i>04/20/95</i>	<i>04/29/95</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<i>Colombia</i>	<i>Visit Family</i>
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

02/05/1998 SRC-98-092-53292 SRCMLB03

At interview

☐ request naturalization ceremony at court

Remarks

ARCSIRJ
4/28/99

Action

To Be Completed by Attorney or Representative, if any <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant
VOLAG#
ATTY State License #

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Address (Street, City, State, and Zip Code)	Dates (month/day/year)	
	From	To
Irving, Tx 75062	4/1997	Present
Mt. FL 33168	1/1995	1/1996
Leah, FL, 33014	3/1993	2/1994

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
Self employer		1.993	1.996	Pest Control
Self employer	Alberto's Courier Service	1.997	Present	Delivery

Part 5. Information about your marital history.

A. Total number of times you have been married 2. If you are now married, complete the following regarding your husband or wife.

Family name: [REDACTED] Given name: [REDACTED] Middle initial: [REDACTED]

Address: [REDACTED] #1 [REDACTED], Irving, Tx 75062

Date of birth (month/day/year): [REDACTED]-56 Country of birth: Colombia Citizenship: U.S.A.

Social Security#: [REDACTED]-8757 A# (if applicable): Immigration status (If not a U.S. citizen):

Naturalization (If applicable) (month/day/year): 05-23-97 Place (City, State): MIAMI-Florida

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

B. Total Number of Children 3. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
[REDACTED]	[REDACTED]-75	Colombia			New York (2)
[REDACTED]	[REDACTED]-77	Colombia			with applicant (3)
[REDACTED]	[REDACTED]-83	Colombia	Colombian		with his mother (4)

Continued on back

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? ☐ Yes ☒ No
 2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
 - a. The Nazi Government of Germany? ☐ Yes ☒ No
 - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? ☐ Yes ☒ No
 3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? ☐ Yes ☒ No
 4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
 5. Have you ever failed to comply with Selective Service laws? ☐ Yes ☒ No
- If you have registered under the Selective Service laws, complete the following information:
- Selective Service Number: _____ Date Registered: _____
- If you registered before 1978, also provide the following:
- Local Board Number: _____ Classification: _____
6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? ☐ Yes ☒ No
 7. Have you ever deserted from the military, air or naval forces of the United States? ☐ Yes ☒ No
 8. Since becoming a permanent resident, have you ever failed to file a federal income tax return? ☐ Yes ☒ No
 9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? ☐ Yes ☒ No
 10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? ☐ Yes ☒ No
 11. Have you ever claimed in writing, or in any way, to be a United States citizen? ☐ Yes ☒ No
 12. Have you ever:
 - a. been a habitual drunkard? ☐ Yes ☒ No
 - b. advocated or practiced polygamy? ☐ Yes ☒ No
 - c. been a prostitute or procured anyone for prostitution? ☐ Yes ☒ No
 - d. knowingly and for gain helped any alien to enter the U.S. illegally? ☐ Yes ☒ No
 - e. been an illicit trafficker in narcotic drugs or marijuana? ☐ Yes ☒ No
 - f. received income from illegal gambling? ☐ Yes ☒ No
 - g. given false testimony for the purpose of obtaining any immigration benefit? ☐ Yes ☒ No
 13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? ☐ Yes ☒ No
 14. Were you born with, or have you acquired in some way, any title or order of nobility in any foreign State? ☐ Yes ☒ No
 15. Have you ever: ☐ Yes ☒ No
 - a. knowingly committed any crime for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations? ☐ Yes ☒ No

HAVE YOU EVER REGISTERED TO VOTE IN THE US? NO (15)

HAVE YOU EVER VOTED IN THE US? NO

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

1. Do you believe in the Constitution and form of government of the U.S.? ☒ Yes ☐ No
2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) ☒ Yes ☐ No
3. If the law requires it, are you willing to bear arms on behalf of the U.S.? ☒ Yes ☐ No
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? ☒ Yes ☐ No
5. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No

Part 9. Memberships and organizations.

- A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

NONE

Claims none (17)

Part 10. Complete only if you checked block "C" in Part 2.How many of your parents are U.S. citizens? ☐ One ☐ Both (Give the following about one U.S. citizen parent:)

Family Name	Given Name	Middle Name
Address		

Basis for citizenship:

☐ Birth☐ Naturalization Cert. No.

Relationship to you (check one):

☐ natural parent☐ adoptive parent☐ parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or, legitimation: (month, day, year)

Does this parent have legal custody of you? ☐ Yes ☐ No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. (Read the information on penalties in the instructions before completing this section).

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature

Alberto Beltrán

Date

01-02-98

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

Part 12. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Your Name

Date

Hector M. Diaz

01-02-98

Firm Name
and Address

Hector M. Diaz, P.A. 717 Ponce de Leon Blvd, Suite 219, Coral Gable, FL 33134

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 1 through 1, that the corrections, numbered 1 through 17, were made at my request, and that this amended application is true to the best of my knowledge and belief.

Alberto Beltrán

(Complete and true signature of applicant)

Subscribed and sworn to before me by the applicant.

(Examiner's Signature) Date 4/25/99

Exhibit F

DATE:

4/28/94

FILE NO:

[REDACTED] 8910

RECORD OF STATEMENT TAKEN UNDER OATH OR AFFIRMATION

This statement was taken by Officer Disse at 77 SE Fifth Street (I&NS) Miami, Florida from the applicant for naturalization Alberto Beleno in the english language.

Q. What is your true and complete name?

A. Alberto Beleno

Q. When and where were you born?

A. [REDACTED] - 53 - Colombia

Q. Have you ever been arrested anywhere for any reason at any time? If so, when, where, and why?

A. Yes, 2 times, 1989 - Miami, 1992, Miami -
ver. D.O.I., 2: Domestic Problems

Q. Have you ever had your fingerprints taken for any reason at any time by a law enforcement officer? If so, when, where, and why?

A. Yes. When I was arrested.

Q. Have you ever been ordered by a court to pay a fine, go to jail, serve a probationary sentence, perform community service, or make restitution?

A. Yes.

I CERTIFY THAT UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES THIS STATEMENT IS TRUE AND CORRECT.

Signature of applicant Albert Beleno

Signature of Officer Disse

Signature of witness E. Ligu Reyes

DATE & PLACE OF ARREST	CHARGES	DISPOSITION	SENTENCE	STATUS OF SENTENCE
Miami 1989	assault with firearm Aggravated assault	Nolle Prosequere	N/A	N/A
Miami 1992	DUI	Guilty	Community Service	N/A 4/28/99 Complete

Alberto Feluz

(SIGNATURE)

4/28/99

(DATE)

Supplement #

A #

910

Exhibit G

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
7880 Biscayne Boulevard
Miami, Florida 33138



MAY 05 1999

Refer to file no. A _____

Alberio Beleno

Miami FL 33168

DECISION ON APPLICATION FOR NATURALIZATION

On 5/3/99, you appeared for examination on your application for naturalization which was filed in accordance with:

Section 316(a) of the Immigration and Nationality Act.

Pursuant to the investigation and examination of your application it is determined that you are ineligible for naturalization for the following reason(s):

SEE ATTACHMENT

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you must file a request for a hearing within 30 days of the date of this notice. If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the District Director, with the Immigration and Naturalization Service office which made the decision, on Form N-336, Request for Hearing on a Decision in Naturalization Proceeding under section 336 of the Act, together with a fee of \$110.00. A brief or other written statement in support of your request may be submitted with the Request for Hearing.

The Form N-336 Request for Hearing on a Decision in Naturalization Proceeding with the required fee should be sent by mail to the above address.

Any questions which you have may be answered by the Service office nearest your residence, or at the above address.

CITIZENSHIP
RETURN RECEIPT
REQUESTED

Sincerely,

Robert A. Jasso

District Director

Enclosure: Form N-336

Form N-335

P 343793557

Recommended by: *John A. Lister* DAO

Approved by: *Rapmy* SDAC

A

Your application for naturalization is denied because--

I. You have failed to submit the document(s) requested on Form N-14 and/or your failure to establish by a preponderance of the evidence that you meet all the requirements for naturalization pursuant to 8 C.F.R. 316.2(b) relative to:

- ☐ Lawful admission for permanent residence
- ☐ Proof of physical presence
- ☐ Proof of continuous residence
- ☐ Original certified copies of the entire record of all your arrests as requested relative to Good Moral Character and/or deportability
- ☐ Proof of child support for the period required by law
- ☐ Proof of registration with the Selective Service
- ☐ Other: _____

II. You have failed to establish:

- ☐ Your lawful admission to the United States for permanent residence pursuant to Section 316(a)(1) of the Act and 8 C.F.R. 316.2(a)(2).
- ☐ You have resided continuously within the United States, for a period of at least five years after having been lawfully admitted for permanent residence pursuant to Section 316(a)(1) of the Act and 8 C.F.R. 316.2(a)(3).
- ☐ You have been physically present in the United States for at least 30 months of the 5 years preceding the date of filing the application pursuant to Section 316(a)(1) of the Act and 8 C.F.R. 316.2(a)(4).
- ☐ You have resided continuously within the United States from the date of application for naturalization up to the time of admission to citizenship pursuant to Section 316(a)(2) of the Act and 8 C.F.R. 316.2(a)(6).
- ☒ You have been and continue to be a person of good moral character during the period required by law pursuant to Section 316(a)(3) of the Act and 8 C.F.R. 316.2(a)(7) by reason of:

- ☐ Your conviction for _____
- ☐ Your failure to pay child support
- ☐ Your failure to register with the Selective Service

☒ Other: *more arrests than you disclosed at your preliminary interview*

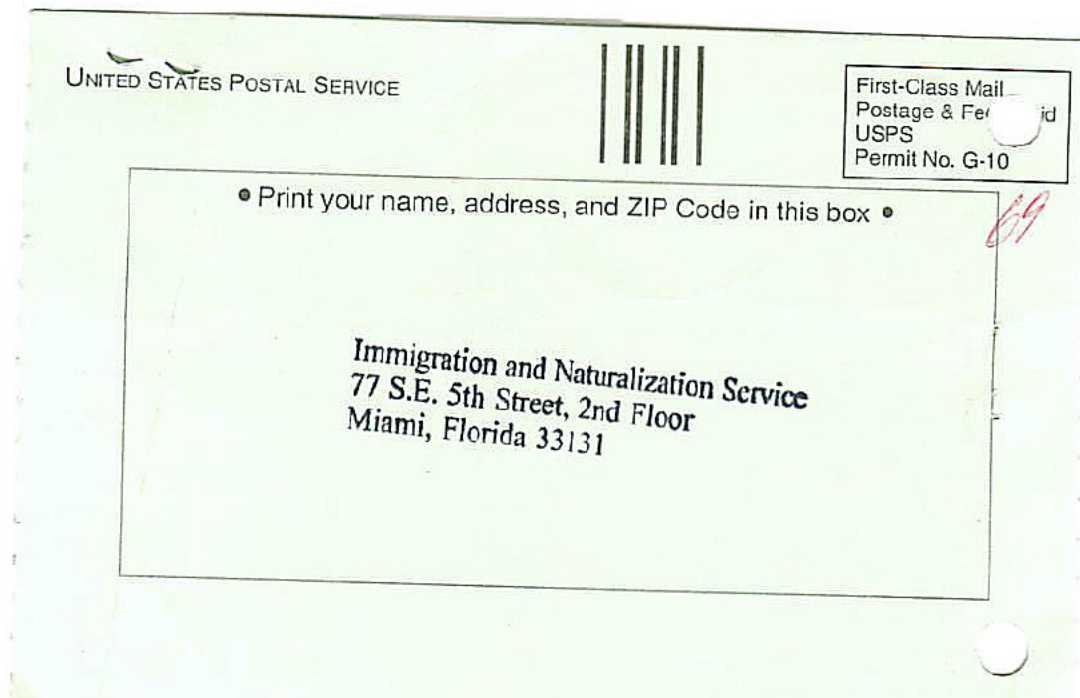
- ☐ Deportation proceedings are terminated pursuant to Section 318 of the Act.

III. You have failed to demonstrate pursuant to Section 312(a) of the Act:

- ☐ An ability to read, write, & speak English
- ☐ An ability to write English
- ☐ Sufficient knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States.

IV. You failed to appear for _____ on _____

V. OTHER: _____



US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail. (See reverse)
154191314
NOV 21 2017
A 910 557 443 557 N335

Exhibit H

START HERE - Please Type or Print

Part 1. Information about you.

Family Name <u>Belano</u>	Given Name <u>Alberto</u>	Middle Initial <u>M.</u>
U.S. Mailing Address [Redacted]		
Street Number [Redacted]	Ave. <u>AVE.</u>	Apt. # <u>7</u>
City <u>MIAMI</u>	County <u>E.U. DADE</u>	
State <u>FLORIDA</u>	ZIP Code <u>33168</u>	
Date of Birth (month/day/year) <u>[Redacted]-53</u>	Country of Birth <u>Colombia</u>	
Social Security # <u>[Redacted] 6000</u>	A # <u>[Redacted] 910</u>	

Part 2. Basis for Eligibility (check one).

- a. ☒ I have been a permanent resident for at least five (5) years.
- b. ☐ I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. ☐ I am a permanent resident child of United States citizen parent(s).
- d. ☐ I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B.
- e. ☐ Other. (Please specify section of law)

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) <u>11-30-93</u>	Port admitted with an immigrant visa or INS Office where granted adjustment of status. <u>MIAMI, #1</u>	
Citizenship <u>Colombian</u>		
Name on alien registration card (if different than in Part 1) <u>Belano, Alberto MARIO</u>		
Other names used since you became a permanent resident (including maiden name) <u>N/A</u>		
Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Height <u>5'8"</u>	Martial Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
Can you speak, read and write English? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes.		

Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident?
☐ No ☒ Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
04/20/95	04/29/95	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Colombia	Visit Family
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

FOR INS USE ONLY

Returned	Receipt
	<u>#54.</u>
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant interviewed	
At interview	
<input type="checkbox"/> request naturalization ceremony at court	
Remarks	
<u>ARCSIRJ</u> <u>4/28/99</u>	
Action	
APPROVED INS DISTRICT DIRECTOR <u>Feb 07 2001</u> <u>Thomas M. Kelly</u> Recommended by MIA 1521	
To Be Completed by Attorney or Representative, if any	
<input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant	
VOLAG#	
ATTY State License #	

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Street Number and Name, City, State, Country, and Zip Code

Irving, Tx 75062
 Miami, FL 33168
 Hialeah, FL 33014

Dates (month/day/year)

From

To

1/1997

Present

1/1995

1/1996

3/1993

2/1994

SEE LIST OF ADDRESSES SUPP.

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
Self employer		1.993	1.996	Pest Control
Self employer	Alberto's Courier Service	1.997	Present	Delivery

Part 5. Information about your marital history.

A. Total number of times you have been married 2. If you are now married, complete the following regarding your husband or wife.

Family name

Middle initial

Address

Irving, Tx 75062

Date of birth
(month/day/year)

-56

Country of birth

Colombia

Citizenship

U.S.A.

Social
Security#

- 8757

A# (if applicable)

Immigration status
(If not a U.S. citizen)

Naturalization (If applicable)

(month/day/year)

05-23-97

Place (City, State)

MIAMI-Florida

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

B. Total Number of Children 3. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
	75	Colombia			New York, NY
	77	Colombia			with applicant
	33	Colombia	Colombian		with his mother
	20	U.S.	U.S.		with a/c.

Continued on back

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? ☐ Yes ☒ No
2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
 - a. The Nazi Government of Germany? ☐ Yes ☒ No
 - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? ☐ Yes ☒ No
3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? ☐ Yes ☒ No
4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
5. Have you ever failed to comply with Selective Service laws? ☐ Yes ☒ No

If you have registered under the Selective Service laws, complete the following information:

Selective Service Number: _____ Date Registered: _____

If you registered before 1978, also provide the following:

Local Board Number: _____ Classification: _____

6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? ☐ Yes ☒ No
7. Have you ever deserted from the military, air or naval forces of the United States? ☐ Yes ☒ No
8. Since becoming a permanent resident, have you ever failed to file a federal income tax return? ☐ Yes ☒ No
9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? ☐ Yes ☒ No
10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? ☐ Yes ☒ No
11. Have you ever claimed in writing, or in any way, to be a United States citizen? ☐ Yes ☒ No
12. Have you ever:
 - a. been a habitual drunkard? ☐ Yes ☒ No
 - b. advocated or practiced polygamy? ☐ Yes ☒ No
 - c. been a prostitute or procured anyone for prostitution? ☐ Yes ☒ No
 - d. knowingly and for gain helped any alien to enter the U.S. illegally? ☐ Yes ☒ No
 - e. been an illicit trafficker in narcotic drugs or marijuana? ☐ Yes ☒ No
 - f. received income from illegal gambling? ☐ Yes ☒ No
 - g. given false testimony for the purpose of obtaining any immigration benefit? ☐ Yes ☒ No
13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? ☐ Yes ☒ No
14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State? ☐ Yes ☒ No
15. Have you ever:
 - a. knowingly committed any crime for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations? ☐ Yes ☒ No

HAVE YOU EVER REGISTERED TO VOTE IN THE US? NO (15)

HAVE YOU EVER VOTED IN THE US? NO (12)

claims six arrests

See Sept 30

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

1. Do you believe in the Constitution and form of government of the U.S.? ☒ Yes ☐ No
2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) ☒ Yes ☐ No
3. If the law requires it, are you willing to bear arms on behalf of the U.S.? ☒ Yes ☐ No
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? ☒ Yes ☐ No
5. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No

Part 9. Memberships and organizations.

- A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

NONE

Claims none (15) *Claims none (17)*

Part 10. Complete only if you checked block "C" in Part 2.How many of your parents are U.S. citizens? ☐ One ☐ Both (Give the following about one U.S. citizen parent.)

Family Name	Given Name	Middle Name
Address		

Basis for citizenship:

☐ Birth☐ Naturalization Cert. No.

Relationship to you (check one):

☐ natural parent☐ adoptive parent☐ parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or, legitimation: (month, day, year)

Does this parent have legal custody of you? ☐ Yes ☐ No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. (Read the information on penalties in the instructions before completing this section).

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature

Alberto Beltrio ~~*Alberto Beltrio*~~

Date

01-02-98

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

Part 12. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Your Name

Date

HECTOR M. DIAZ

9-02-98

Firm Name
and Address

Hector M. Diaz, P.A. 717 Ponce de Leon Blvd, Suite 219, Coral Gable, FL 33134

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 1 through 1, that the corrections, numbered 1 through 15, were made at my request, and that this amended application is true to the best of my knowledge and belief.

Alberto Beltrio

(Complete and true signature of applicant)

Subscribed and sworn to before me by the applicant.

(Examiner's Signature)

Date

James J. [Signature] 4/28/99

James J. [Signature] 4/28/99

Thomas H. [Signature] 4/28/99



Department of Justice

Immigration and Naturalization Service

Certificate Preparation Sheet and Oath Declaration

A #

[REDACTED] 910

Daytime Phone #

(905) [REDACTED]

NAME (If name Change, ENTER new Name):

Check BOX if there is a change of name: →

☐

ALBERTO

(FIRST)

(MIDDLE)

Beleno

(LAST)

Date of birth:

[REDACTED]	[REDACTED]	[REDACTED]	1953
Month	Day		Complete Year

(Check Sex)

MALE:

☒

FEMALE:

☐

Height:

5	8
(Feet)	(Inches)

Marital Status; ENTER "S" Single, "M" Married, "D" Divorced, or "W" Widow(er): →

M

Country of Former Nationality:

COLOMBIA

(Enter Actual Name of Country)

Oath of Allegiance

I HEREBY DECLARE, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; SO HELP ME GOD.

In acknowledgment whereof I have hereunto affixed my signature.

Alberto Beleno

Applicant's Signature (name change)

12/07/00

Date

BETWEEN 02/1994 to 02/1995 I LIVED IN THE FOLLOWING ADDRESSES:

2/94 to 7/94 [REDACTED], Hialeah, FL 33014
[REDACTED] apt # 504

7/94 to 10/ [REDACTED], Miami, FL 33165

10/94 to 2/ [REDACTED], Hialeah, FL 33014

BETWEEN 04/1996 to 12/1997 I LIVED IN THE FOLLOWING ADDRESSES:

2/95 to 4/97 [REDACTED], Miami, FL 33168

4/97 to 12/ [REDACTED] IRVING, TX 75062

2/97 to [REDACTED] Miami, FL 33168
present

BETWEEN 01/1996 to 12/1997 I WAS SELF EMPLOYEED:

PEST CONTROL "LA CUCARACHA EMPUTA"

MOVING COMPANY "ALBERTO'S COURIER SERVICES"

Alberto Beleno

12-7-00

ALBERTO BELENO

SUPP 1

NAME: Alberto Belen FILE: [REDACTED] 9/0

NAME OF PRIOR SPOUSE	DATE OF MARRIAGE	DATE MARRIAGE ENDED	HOW MARRIAGE ENDED	IMMIGRATION STATUS OF PRIOR SPOUSE
Flora Silva	8/90	1995	Divorce	USC

Alberto Belen

(Signature)

4/28/99

(Date)

SOPP 2

Albert Belva

A [REDACTED]

910

DATE & PLACE OF ARREST	CHARGES	DISPOSITION	SENTENCE	STATUS OF SENTENCE
1988 Miami	JUV			
02/09/88 02/09/88 He	Heb. 347704 Heb. 347707 w/ 1700000	Dismissed		
4/30/89 Miami	JUV			
11/22/90	DC. W.	Convicted	Detm. Serv	
08/17/99 Miami	Poss. of Marijuana under	Dismissed		
06/22/90 Miami	JUVIS	WKC		

Albert Belva Sept 03

Exhibit I

THE UNITED STATES OF AMERICA

No. 25346833

CERTIFICATE OF



NATURALIZATION

Personal description of holder
as of date of naturalization:

INS Registration No. A [REDACTED] 910

Date of birth: [REDACTED] 1953

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Sex: MALE

Height: 5 feet 8 inches

(Complete and true signature of holder)

Marital status: MARRIED

Be it known that, pursuant to an application filed with the Attorney General
at: MIAMI, FLORIDA

Country of former nationality:

The Attorney General having found that:

COLOMBIA

ALBERTO BELENO

then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

U.S. IMMIGRATION AND NATURALIZATION SERVICE

at: MIAMI BEACH, FLORIDA

on: FEBRUARY 26, 2001

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

Daisy Ann Orzech
Commissioner of Immigration and Naturalization

DEPARTMENT OF JUSTICE