

FILED IN OPEN COURT

7/18/2016

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:15-cr-134-J-34JRK

SLOBO MARIC

**PLEA AGREEMENT**

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by A. Lee Bentley, III, United States Attorney for the Middle District of Florida, and Leslie Caldwell, Assistant Attorney General, and the defendant, SLOBO MARIC, and the attorney for the defendant, Francis Jerome Shea, Esq., mutually agree as follows:

**A. Particularized Terms**

1. Count Pleading To

The defendant shall enter a plea of guilty to Count One of the Indictment. Count One charges the defendant with procurement of citizenship or naturalization unlawfully, in violation of 18 U.S.C. § 1425(a).

2. Maximum Penalties

Count One carries a maximum sentence of ten years' imprisonment, a fine of \$250,000, or both, a term of supervised release of not more than three years, and a special assessment of \$100. Additionally, upon conviction, the Court shall revoke, set aside and declare void the final order

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admitting the defendant to United States' citizenship, and shall declare the certificate of naturalization to be cancelled. There may be additional adverse consequences to the defendant's immigration status in a subsequent administrative proceeding. With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense(s), and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense(s), or to the community, as set forth below.

3. Elements of the Offense

The defendant acknowledges understanding the nature and elements of the offense with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One are:

- First: The defendant provided false information in a naturalization proceeding;
- Second: The false information related to a material fact;
- Third: The defendant acted knowingly; and
- Fourth: The defendant procured or attempted to procure naturalization of any person, or documentary or other evidence of naturalization or of citizenship, as a result of the false information.

4. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States

Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

5. Acceptance of Responsibility - Two Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

**B. Standard Terms and Conditions**

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for

collecting restitution (18 U.S.C. § 3003(b)(2)), including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied. On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. To ensure that this obligation is satisfied, the Defendant agrees to deliver a check or money order to the Clerk of the Court in the amount of \$100, payable to "Clerk, U.S. District Court" within ten days of the change of plea hearing. The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense(s) to which the defendant is pleading provide(s) for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to

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the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be

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permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring

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defendant's cooperation, if any, to the attention of other prosecuting offices or others, if requested.

9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this case, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in

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defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

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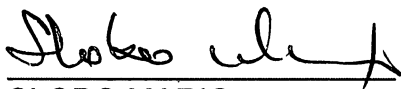
13. Certification

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 16 day of July, 2016.

A. LEE BENTLEY, III  
United States Attorney


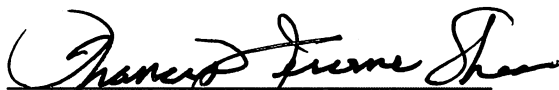
LESLIE CALDWELL  
ASSISTANT ATTORNEY GENERAL




SLOBO MARIC  
Defendant



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Assistant United States Attorney

  
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U.S. Department of Justice

FRANCIS JEROME SHEA, Esq.  
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Assistant United States Attorney  
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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

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CASE NO. 3:15-cr-134-J-34JRK

SLOBO MARIC

PERSONALIZATION OF ELEMENTS

1. Do you admit that, between on or about October 1, 2001 and October 31, 2002, in Jacksonville, Florida, in the Middle District of Florida, you provided false information in a naturalization proceeding, specifically when submitting a Form N-400, Application for Naturalization, and during an interview regarding the same application, you provided the following false information:

(a) When asked if you had ever given false testimony for the purpose of obtaining any immigration benefit, you answered "No."

(b) When asked if you had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance excluding traffic regulations, you answered "No."

(c) When asked to 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, to include any military service, you answered only the "Yugoslav National Army" and no other organizations?

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2. Do you admit that the false information you provided related to a material fact?

3. Do you admit that you acted knowingly?

4. Do you admit that you procured naturalization or citizenship of the United States as a result of the false information?

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

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SLOBO MARIC

FACTUAL BASIS

Slobo Marić (also known as Slobodan Marić), the defendant, was born on March 28, 1960 in Skopje, Republic of Macedonia, which at the time was part of Yugoslavia. Until November 1996, when he entered the United States, the defendant lived in Mostar, Bosnia for most of his life. During the period 1980 to 1981, the defendant served his universal military service obligation in the Yugoslav National Army ("JNA").

Beginning in the spring of 1992, and through the end of 1995, conflict engulfed Bosnia and Herzegovina ("Bosnia"), following the breakup of the former Yugoslavia. The fighting that occurred in Bosnia during this time was largely among the armies formed by the three main groups that made up the population of Bosnia: the Bosniaks, who were Muslim and generally made up the Army of Bosnia and Herzegovina ("Bosnian Army" or "ABiH"); Bosnian Croats, who were primarily Roman Catholic and generally made up the Croatian Defense Council ("HVO"); and the Bosnian Serbs, who were primarily Orthodox Christian and generally made up the Army of Republika Srpska ("VRS"). The defendant served

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in the Bosnian Army from May 1992 to August 1992 and then again from May 1993 to December 1994.

From approximately June 1993 through December 1994, the Fourth Elementary School building in Mostar, Bosnia was turned into a makeshift prison to house captured HVO soldiers and some Bosnian Croat civilians. During this time, prisoners were forced to live in wretched conditions, cramped in a basement with other prisoners with poor food and poor hygiene. Many of the prison guards routinely and seriously physically abused the prisoners by methods including punching, kicking and hitting prisoners with weapons. Guards further degraded the prisoners by referring to them with ethnic slurs, forcing them to sing Muslim songs, and spitting on them. Guards also permitted civilians and non-guard Bosnian Army members to abuse and degrade prisoners.

The defendant served as a shift leader of the prison during approximately the first three months of its operations. While working as shift leader, the defendant was second-in-command under the warden. The defendant was directly involved in the abuse of prisoners in two primary ways. First, he participated in the physical abuse of prisoners by both selecting prisoners who were taken to be beaten and humiliated by other guards and, on limited occasions, directly physically abusing prisoners himself. Second, the defendant selected and forced prisoners to go on work details on the front lines of battle to dig trenches, fill sandbags, carry the dead, and other similar jobs; these work details, as the defendant knew, put the prisoners in harm's way as many

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prisoners were injured or killed while they worked under sniper fire and exploding ordinances.

On or about December 16, 1994, the defendant was arrested in Mostar, Bosnia. On December 22, 1994, the defendant was charged War Crimes against Prisoners, pursuant to Article 144 adopted from the Criminal Code of the former Socialist Federal Republic of Yugoslavia ("SFRY") (the law in effect in Bosnia after the breakup of the former Yugoslavia and through the conflict). The defendant was held in pretrial confinement from December 22, 1994 until January 23, 1995 while he was investigated on these charges. On January 23, 1995, while the investigation continued, the Military Court in Mostar released the defendant as part of a prisoner exchange between the HVO and Bosnian Army.

Between on or about September 6, 1996 and on or about September 26, 1996, the defendant applied for refugee status to the United States by completing and submitting a Form I-590, Registration for Classification as a Refugee. The defendant knowingly provided false information on this form when he listed "No" to Question 15, which asked if he had "ever been charged with a violation of law." On or about November 21, 1996, the defendant's application was approved, and he was granted refugee status to the United States. Shortly after arriving in the United States, the defendant moved to Jacksonville, Florida, where he has since remained.

On or about October 13, 1998, while in Jacksonville, Florida, the defendant filed a Form I-485, Application to Register Permanent Residence or Adjust

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Status, which the defendant certified under penalty of perjury was true and correct. In this form, the defendant knowingly provided false information when he answered “No” to Part 3, Question 1(b), which asked whether he had ever “been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations.” The defendant also knowingly provided false information on this form when he listed no military service in Part C, which directed which directed him to list his past memberships and affiliations including “any foreign military service.”

On or about October 24, 2000, the Cantonal Court in Mostar (a trial-level court in Bosnia) indicted the defendant as one of thirteen co-defendants for War Crimes against Prisoners at the Fourth Elementary School. Although the defendant had immigrated to the United States by then, he knew of the indictment in Bosnia and the pending charges there. The defendant remained in the United States during the trial, and he was tried *in absentia* in Bosnia. The defendant nonetheless engaged in his defense through his hired defense attorney and by writing a letter, which was submitted to the court, that laid out his defense against the charges.

On July 6, 2001, the Cantonal Court in Mostar convicted the defendant and nine others for War Crimes against Prisoners, in violation of Article 144 adopted from the Criminal Code of the SFRY, relating to their actions as guards



at the Fourth Elementary School from June 1993 through December 1994.<sup>1</sup> In or around July 2001, before submitting or filing any further forms regarding his United States residency or citizenship status, the defendant learned of his conviction by the Cantonal Court in Mostar.

On or about October 10, 2001, the defendant, while in Jacksonville, Florida, submitted a Form N-400, Application for Naturalization, to naturalize as a United States citizen, which the defendant certified under penalty of perjury was true and correct. The defendant knowingly provided false information on this form when he answered "No" to Part 7, Question 12(g), which asked whether he had ever "given false testimony for the purpose of obtaining any immigration benefit." The defendant also knowingly provided false information on this form when he answered "No" to Part 7, Question 15(b), which asked whether he had ever "been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations." The defendant also knowingly provided false information when he failed to disclose his membership in the Bosnian Army from May 1992 to August 1992 and from May 1993 to December 1994 and only responded with "Yugoslav National Army . . . 1980 – 1981" in Part 9, which directed him to list his past memberships and affiliations including "any military service." Each of the preceding questions on

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<sup>1</sup> On or about September 11, 2003, after the defendant had naturalized as a U.S. Citizen, the Supreme Court of the Federation of Bosnia and Herzegovina overturned the conviction for all of the co-defendants involved in the trial. The defendants were subsequently re-tried and convicted, except for those who had been tried *in absentia*, including the defendant. On or about March 27, 2008, the Supreme Court of the Federation of Bosnia and Herzegovina upheld this conviction. The indictment against the defendant is still pending and in effect in Bosnia.

the defendant's Form N-400, and the answers thereto, were material to the decision on whether or not the defendant should have been approved to become a naturalized U.S. citizen.

On or about August 12, 2002, Immigration Officer Anthony Wormser interviewed the defendant about his Form N-400, Application for Naturalization, of October 10, 2001. Mr. Wormser reviewed a number of the Form N-400 questions with the defendant, particularly including the questions referenced in the preceding paragraph. The defendant responded to Mr. Wormser's questions in the same way that he had responded on the Form N-400. The defendant's application was approved. On October 31, 2002, the defendant, while in Jacksonville, Florida, naturalized as a U.S. citizen and obtained a Certificate of Naturalization.

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