

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

IN THE MATTER OF
THE EXTRADITION OF
RAFAL KALDON

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Mag. No. 16- 6020

COMPLAINT

(18 U.S.C. §3184 – Fugitive From Foreign Country to the United States)

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

1. In this matter I act for and on behalf of the Government of Poland.
2. There is an extradition treaty in force between the United States and Poland, the Extradition Treaty Between the United States of America and the Republic of Poland, U.S.-Pol., July 10, 1996, S. Treaty Doc. No. 105-13 (1997), as amended by the Agreement Between the United States of America and the Republic of Poland on the Application of the Extradition Treaty Between the United States of America and the Republic of Poland signed 10 July 1996, U.S.-Pol., June 9, 2006, S. Treaty Doc. No. 109-14 (2006) (collectively, “the Treaty”).
3. Pursuant to the Treaty, the Government of Poland has submitted a formal request through diplomatic channels for the extradition of Rafal Kaldon (“Kaldon”).
4. Kaldon was charged with murder, in violation of Poland’s Criminal Code, Article 158 Section 3, committed within the jurisdiction of the requesting state,

and a warrant for his arrest was issued on February 11, 2002, by the Regional Public Prosecutor's Office in Stalowa Wola.

5. The warrant was issued on the basis of the following facts: Kaldon, along with his accomplice Marek Owezarski ("Owezarski"), violently and brutally assaulted Norbert Nowak ("Nowak"), resulting in his death. Specifically, on the evening of August 25, 1996, Kaldon and Owezarski entered a disco, walked up to Nowak, and without speaking to him, began to beat him. They hit and kicked Nowak until he collapsed to the floor, at which point they continued to kick and beat him in the presence of several witnesses, including Grzegorz Krysiak ("Krysiak"), Paweł Hajduk ("Hayduk"), Robert Wojteczech ("Wojteczech"), and Tomasz Kowalik ("Kowalik"), all of whom knew Kaldon. Kaldon and Owezarski left the disco after the assault. Witnesses in the disco attempted to resuscitate Nowak, but he was pronounced dead at the scene.

6. On August 27, 1996, Stanisław Lagowski ("Lagowski"), an expert in forensic medicine, conducted an autopsy of Nowak's body and observed numerous injuries. Lagowski concluded that Nowak's death was due to post-traumatic shock caused by a kick in the area of a testicle.

7. According to statements by Wojteczech and Kaldon's sister, Gracjana Kaldon, Kaldon retrieved his passport and cash from his sister right after the attack, and subsequently fled Poland.

8. The photographs included in the extradition request have been identified by Gracjana Kaldon, Krysiak, and Kowalik as depicting Kaldon.

9. Kaldon may be found within the jurisdiction of this court at a residence in New Jersey.

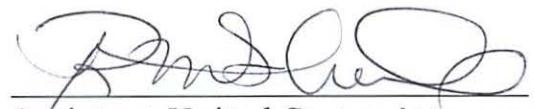
10. Tom Heinemann, an Assistant Legal Advisor in the Office of the Legal Adviser of the United States Department of State, has provided the Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the extradition treaty between the United States and Poland, stating that the offenses for which extradition is demanded are covered by the treaty, and confirming that the documents supporting the request for extradition are properly certified by the principal American diplomatic or consular officer in Poland, in accordance with Title 18, United States Code, Section 3190, so as to enable them to be received in evidence.

11. The declaration from the Department of State with its attachments, including a copy of the diplomatic note from the requesting state, a copy of the relevant extradition treaty, and the certified documents submitted in support of the request, (marked collectively as Government's Exhibit #1) are filed with this complaint and incorporated by reference herein.

12. The person named above would be likely to flee if he learned of the existence of a warrant for his arrest.

WHEREFORE, the undersigned requests that a warrant for the arrest of the aforesigned person be issued in accordance with the Extradition Treaty between the United States and Poland, and Title 18, United States Code,

Section 3184, so that the fugitive may be arrested and brought before this court, "to the end that the evidence of criminality may be heard and considered."



Assistant United States Attorney

Sworn to before me and subscribed in my presence this 25 day of February, 2016, at 10:00 AM.



Steven C. Mannion

Steven C. Mannion
United States Magistrate Judge