

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

04-CR-156-A

BHAVESH KAMDAR,

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

ANTHONY M. BRUCE, Assistant United States Attorney, being first duly sworn, states as follows:

1. I am the Assistant United States Attorney assigned to the file in this case. The indictment was returned in this case on June 30, 2004.

2. At the time the grand jury returned the indictment in this case, the defendant, who holds both Indian and United States citizenship, had already fled to his home city of Rajkot in his native India. Thus, the Magistrate Judge issued an arrest warrant and that warrant (and other related information) was used to obtain

an Interpol "Red Notice." That Red Notice was issued on July 21, 2004.

3. On or about August 4, 2006, Indian authorities, acting on the authority of the Red Notice, arrested the defendant in Rajkot, India, where he was initially held without bail.

4. Thereafter, and in compliance with the extradition treaty between the United States and India, this office prepared all of the paperwork necessary to the extradition and to the obtaining of a provisional arrest warrant¹ and that paperwork was forwarded through channels to the Indian authorities within about thirty-six (36) days after the defendant was arrested and within the forty (40) days required by the extradition treaty.

5. Commencing in the summer of this year, I engaged in negotiations with the defendant's counsel, Joseph V. Sedita, Esq., that led to the defendant agreeing to voluntarily return to the United States and to surrender to United States law enforcement.

6. Pursuant to the agreement between the government and Mr. Sedita, I expect that the defendant will fly from India to the John F. Kennedy International Airport (in the Eastern District of New

¹ Had the provisional arrest warrant been obtained prior to the defendant's release, he would have been held by the Indian authorities until the conclusion of the extradition proceeding.

York) on or about December 8, 2008, where he will be immediately taken into custody, and that he will make his initial appearance in this district shortly after that.

s/Anthony M. Bruce
ANTHONY M. BRUCE
Assistant United States Attorney

Subscribed to me this
1st day of December, 2008.

s/Linda F. Swiatek
LINDA F. SWIATEK
NOTARY PUBLIC
STATE OF NEW YORK
Qualified in Erie County
My Commission expires 12/20/2009

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2008, I electronically filed the attached **AFFIDAVIT**, with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Joseph V. Sedita, Esq.

s/Linda F. Swiatek
LINDA F. SWIATEK