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**U.S. DEPARTMENT OF JUSTICE  
United States Parole Commission**

5550 Friendship Boulevard  
Chevy Chase, Maryland 20815-7201  
Telephone: (301)492-5821  
Facsimile: (301)492-5525

March 4, 2008

Chris J. Stanton  
Chief U.S. Probation Officer  
Southern District of New York  
500 Pearl Street, 7th Floor  
New York, NY 10007-1312

Dear Chief Stanton:

The Commission recently completed a Transfer Treaty Determination pursuant to 18 U.S.C. 4106A for Diego MAS MARQUES, Reg. No. 13537-007. Mr. MAS MARQUES has transferred to the U.S. to continue serving the remainder of the sentence imposed upon him by the foreign court. Under 18 U.S.C. §4106A(b)(3), when a transferee who has committed his offense on or after November 1, 1987 is released, the district court supervises that transferee in the community. The Commission has no authority other than setting a release date. Please follow your local procedures for establishing a supervision file and case with the district court clerk. The attached documents are to be included in your file.

The transferee's proposed residence is located within the jurisdiction of your district. If the transferee has been rejected for supervision within your district or if another release plan has been developed, please contact the Bureau of Prisons to determine the appropriate district and forward the attached documents to that district. Your continued cooperation is greatly appreciated.

If our office can be of any further assistance to you in this matter, please call us at 301-492-5821, ext. 134.

Sincerely,

THOMAS W. HUTCHISON  
Chief of Staff

Maria D. Rustin  
Parole Action Review Specialist

Enclosures

MDR

**TRANSFER TRIAL DETERMINATION UNDER 18 U.S.C. §4106A****Name:** MAS MARQUES, Diego**Institution:** New York MCC**Register Number:** 13537-007**Date:** February 28, 2008**Offense**

Transferee was convicted of (1) Burglary (2 counts) and (2) Willful Homicide in Spain and sentenced to serve 15 years imprisonment. The Commission finds that transferee's offense is most similar to (1) Burglary and (2) Voluntary Manslaughter.

**Sentencing Guideline Determination**

The Commission finds that transferee's total offense level is 27, transferee's criminal history category is I, and the guideline range applicable to transferee is 70-87 months.

**Release Date Determination**

The Commission sets a release date after service of 120 months. Foreign labor credits and good conduct time credits, if any, will be deducted from this release date under Bureau of Prisons' procedures.

**Reason for Release Date Determination**

The release date departs from the applicable guideline range because (1) the guideline range does not take into account prior acts of domestic violence against the same victim and (2) the criminal history category does not take into account that Mas Marques was found guilty of a "misdemeanor of bodily harm" in Spain for driving his car at a man who was in the company of Mas Marques' former girlfriend.

**Period and Conditions of Supervised Release**

The Commission finds that transferee is subject to a maximum period of supervised release of 3 years and that the applicable guideline period of supervised release under §5D1.2 is 24 to 36 months.

**Period of Supervised Release**

The Commission orders that transferee, immediately upon release from imprisonment, begin serving a 36-month period of supervised release, or until the full-term date of transferee's foreign sentence (currently calculated to be 12/3/2014), whichever is earlier. If the full-term date of transferee's foreign sentence occurs before completion of the period of supervised release the Commission has imposed, transferee's period of supervised release shall end on the date transferee's foreign sentence expires.



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US PAROLE COMMISSION

004/008

**TRANSFER TREATY DETERMINATION UNDER 18 U.S.C. §410A****Name:** MAS MARQUES, Diego**Institution:** New York MCC**Register Number:** 13537-007**Date:** February 28, 2008

While on supervised release, you shall abide by the following conditions:

1. You shall report in person to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons;
2. You shall not commit another federal, state or local crime;
3. You shall not leave the judicial district without the permission of the court or probation officer;
4. You shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
5. You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
6. You shall support your dependents and meet other family responsibilities;
7. You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
8. You shall notify the probation officer within seventy-two hours of any change in residence or employment;
9. You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Pursuant to 18 U.S.C. §3583(g), the revocation of supervised release is mandatory for possession of a controlled substance;
10. You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
11. You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
12. You shall permit a probation officer to visit you at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
13. You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
14. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

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US PAROLE COMMISSION

005/006

**TRANSFER TREATY DETERMINATION UNDER 18 U.S.C. §4106A**

Name: MAS MARQUES, Diego

Institution: New York MCC

Register Number: 13537-007

Date: February 28, 2008

15. As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement;
16. You shall not possess a firearm or other dangerous weapon.

**NOTE:** If the Commission has ordered a period of supervised release that expires before the full term of your foreign sentence, your foreign sentence remains in effect and continues to serve as the maximum authorized term that you may be required to serve. The district court will, therefore, have the option under 18 U.S.C. §3583(e)(2) to extend your period of supervised release to the full term of your foreign sentence. If your supervised release is revoked, the district court may order any combination of reimprisonment and supervised release that does not exceed the sentence imposed by the foreign court, as authorized by 18 U.S.C. §4106A(b)(1)(C).

I have read, or had read to me, the conditions of release printed on this statement and received a copy thereof. I fully understand the conditions and know that if I violate any conditions I may have my supervised release revoked.

*X Diego Mar Marques, Jr. 6/27/08*

*Diego Mar Marques, Jr.*

*[Signature]*

*6/27/08*

Signature of Transferee

Reg. No. 13537-007

*Joyce Moore*

Witnessed

*4/16/08*

Date

An original signed copy of this statement must be returned to the National Appeals Board of the U.S. Parole Commission within 10 days of receipt.



**TRANSFER TRUSTY DETERMINATION UNDER 18 U.S.C. §4106A**

Name: MAS MARQUES, Diego

Institution: New York MCC

Register Number: 13537-007

Date: February 28, 2008

**Conditions of Supervised Release**

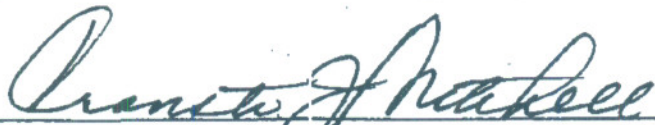
The Commission imposes the standard conditions of supervised release (see attached).

The Commission imposes the following special condition (see attached):

In addition, you shall be subject to the Special Mental Health Aftercare Condition that requires that you participate in an in-patient or an out-patient mental health program as directed by your U.S. Probation Officer.

In addition, you shall reside in and participate in a program of the Community Corrections Center as instructed by your U.S. Probation Officer until discharged by the Center Director, but no later than 120 days from admission.

The Commission imposes this condition because 1) you have a problem controlling your anger; and 2) you need assistance to obtain an approved release plan.

  
Cranston J. Mitchell, National Commissioner

2-28-08

Date

  
Patricia K. Cusha National Commissioner

2-29-08

Date

**Notice**

This determination was made on the record without a hearing because transferee waived a hearing to expedite the decision.

This action may be appealed within 45 days after receipt to the United States Court of Appeals for the circuit in which transferee is imprisoned. The notice of appeal must be filed in accordance with Title IV of the Federal Rules of Appellate Procedure. A notice of appeal must also be filed with the United States Parole Commission (to the attention of the General Counsel's office).

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US PAROLE COMMISSIONPAGE 06/06  
006/006**TRANSFER OF JURISDICTION FOR SUPERVISED RELEASEE;  
TRANSFERRED TO U.S. PURSUANT TO TREATY**

Name &amp; Address of Supervised Releasee:

Register Number:

MAS MARQUES, Diego  
Correctional Treatment Center  
New York City, NY

13537-007

Country of Transfer &amp; Offense:

Period of Supervised Release:

Spain

36 Months

Burglary (2 counts) and Willful Homicide

NOTE: The period may extend to the  
foreign full-term date but no longer.  
Full-term date controls unless supervised  
releasee absconds.

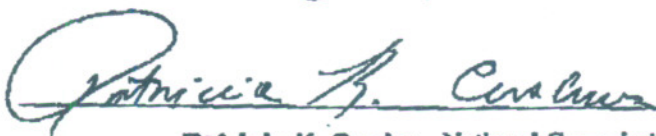
Pursuant to 18 U.S.C. §4106A(b)(3) the jurisdiction over the above named supervised releasee is conferred upon the United States District Court for the Southern District of New York. Along with this Notice of Transfer of Jurisdiction are the records compiled by the U.S. Parole Commission for the purpose of determining a release date and periods and conditions of supervised release pursuant to 18 U.S.C. §4106A(b)(1)(A). The transfer of jurisdiction is effective on the date that this transfer is filed with the district court clerk or on the date the transferee is released from custody, whichever is earlier.



Cranston J. Mitchell, National Commissioner

2-28-08

Date



Patricia K. Cusha National Commissioner

2-29-08

Date