

1 18 USC Section 4205(b)(1), the Court stipulating
2 that Julienne would be eligible for parole after
3 eight years. Zvonko, on the otherhand, was not
4 eligible for parole until the lapse of ten years.

5 Peter Matanic and Frane Pesut were each
6 sentenced to the maximum term of 30 years, so that
7 they will not be eligible for parole until they
8 serve ten years.

9 Mark Vlastic pleaded guilty before trial and
10 pursuant to the agreement accepting the plea, he
11 was sentenced to 30 years imprisonment subject to
12 18 USC 4205(b)(2), making him eligible for parole
13 at such time as the Parole Commission may determine.

14 In support of this application for reduction
15 this Court has received petitions, letters and
16 telegrams by approximately 15,925 Croatsians
17 requesting reduction of the sentences of Zvonko
18 and Julienne Busic, Peter Matanic and Frane Pesut.
19 No mention is made of Mark Vlastic. Is it because
20 he pled guilty and did not force the Government
21 to trial? Is he less a patriot than the rest?
22 After all, he did participate in the hijacking.

23 The petitions were signed by residents of
24 22-States-in the District of Columbia and 13
25 foreign countries.

1 Similarly, this Court has received
2 affidavits from over 162 individuals offering to
3 spend a year in prison in the place and stead of
4 these defendants. All of these defendants have
5 also delivered to the Court an appendix of
6 exhibits in which they have individually explained
7 their position in committing this crime and in
8 addition, Zvonko and Julienne Basic have
9 established a trust for the children of Bryan
10 Murray, the deceased Policeman, in the amount
11 of \$4000 until these children reach the age of
12 21 years, and the Basics have pledged one-tenth
13 of their future earnings beginning with the date
14 of their release from prison until the children
15 are 21 years old.

16 I also read the letters of Julienne Basic's
17 mother, father and relatives asking for reduction
18 or modification of her sentence.

19 More important than anything else in these
20 applications is the fact that the Bureau of
21 Prisons in each case has indicated that these
22 defendants have made an excellent adjustment in
23 the various institutions not only in their
24 behavior and their work, but also in their effort
25 to improve themselves.

1 In addition, Charles A. Turnbo, Warden
2 of the Pleasanton Institution, has congratulated
3 Julianne Busic on her exceptional institutional
4 adjustment, and her progress report from the
5 institution is exceptionally complimentary for the
6 work she has done and the responsibility she
7 assumed in the institution.

8 At the outset, it is important to note that
9 the Court is fully aware of the purpose of Rule 35
10 of the Federal Rules of Criminal Procedure as
11 offering an opportunity to consider a plea for
12 leniency and also an opportunity to reconsider
13 the sentences imposed upon the defendants in
14 light of further information now available.
15 It is often an unpleasant and certainly an
16 unwelcomed task to consider and pass upon sentences
17 even in an application under Rule 35.

18 To properly consider the motion, the Court
19 has carefully read the petitions of the defendants
20 as well as the petitions of other Croats and the
21 letters and exhibits submitted as well as the
22 briefs furnished in support of reduction and
23 modification of their sentences.

24 At the same time, the Court has discussed
25 these applications and these documents with a

1 panel of Judges who advised the Court upon the
2 original sentencing, and also with other Judges,
3 as well as with two Probation Officers.

4 In considering applications of this kind
5 the Court, in the interest of justice and in the
6 interest of the public, must weigh the nature of
7 the offense and the victims involved.

8 Here, the defendants were guilty of
9 intentionally hijacking a plane in which they
10 in effect kidnapped 85 passengers and which
11 hijacking ultimately resulted in the death of
12 one policeman, the blinding of another policeman,
13 and the defacing of a third policeman.

14 It is also appropriate at this time that
15 the Court considers the rights and feelings of
16 the widow and families of these victims as well
17 as the former passengers of the hijacking plane
18 at the same time to consider this application.

19 In her petition Julianne Busic outlines
20 the principles to be considered on sentencing
21 and states that the present sentences of the
22 defendants will not act as a deterrent and will
23 not afford rehabilitation but would simply act
24 as punishment.

25 The Court, having much more experience in

1 exercise of misguided patriotism without full
2 consideration of the offense against the laws of
3 the United States. They, too, would have been
4 better advised to enclose a contribution to Bryan
5 Murray's children's trust.

6 Well, the above comments concerning the
7 Croatians' petitions are not addressed to these
8 defendants. They have shown remorse and I do not
9 consider them terrorists. In fact, I have decided
10 to make some modification in the sentences of
11 these defendants, not because of the blizzard and
12 avalanche of petitions under which I have been
13 buried, but because of the exemplary readjustment
14 they have made in these horrible institutions and
15 the record of these defendants in these correctional
16 centers.

17 Now, it would be unfair to permit these
18 petitions of these Croatians to which I just
19 referred to prejudice the cause of the defendants.
20 However, I find no reason to reduce their sentences,
21 but I will, pursuant to 18 USC Section 4205(b)(2)
22 modify their sentences, all of these defendants,
23 to specify that they may be released on parole
24 on and after December 31, 1979 at such time as
25 the Parole Commission may determine.