

EXTRADITION FORMS 1-9

FORM 1

Name of fugitive: _____
State/County of Refuge: _____
Agency Making Application: _____
Official Making Application: _____
Phone Number: _____

**APPLICATION FOR REQUISITION
Standard Fugitive Form for
Persons charged with a crime(s)**

To the Governor of the State of _____ (demanding state):

I HAVE THE HONOR HEREWITH TO MAKE APPLICATION for a requisition upon the governor of the State of _____ (asylum state) for the arrest and rendition of _____ who is charged in this county and state with the commission of the following criminal offense(s):

(List title of crime(s)) and code section(s.)

and who appears from the accompanying proof, and particularly the annexed affidavit submitted herewith, and who, as appears from that affidavit, is a fugitive from the justice of this state, and has taken refuge in the State of _____.

I HEREBY CERTIFY:

THAT the full name of the person for whom requisition is asked is _____.

THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof are true and that the fugitive is guilty of the crime(s) charged; that the ends of public justice require that the fugitive be brought back to this state at public expense; that I believe I have sufficient evidence to secure the fugitive's conviction; that the charge was preferred and this application is made in good faith and not for the purpose of enforcing the collection of any debt or for any private purpose, and that if the fugitive is returned to this state the criminal proceedings will not be used for any of these purposes, but that it is my intention to diligently prosecute the fugitive for the crime(s) charged.

THAT no other application has been made for a requisition for this fugitive growing out of the transaction from which the charge herein originated.

THAT the fugitive is properly charged in accordance with the laws of this state; that to the best of my belief the fugitive was personally and physically present in this state at the time of the commission of the crime, and thereafter was found in the State of _____; that the definition of the aforesaid crime of which the fugitive is charged, and the punishment therefor, as prescribed by the laws of this state, are as follows:

(Insert copies of the relevant statutes or refer to an attachment containing those statutes.)

THAT the fugitive is now under arrest in (city or county) _____, the State of _____, having been arrested on _____.

THAT in support of this application, I enclose true and correct copies of the [INDICTMENT] [INFORMATION and AFFIDAVIT] [AFFIDAVIT BEFORE A MAGISTRATE] [and WARRANT OF ARREST], which allege the facts required to be established, along with the following additional documents:

(Such as identification packet; UIFSA affidavit if applicable; and court exemplification/certification.)

all of which are authentic and properly authenticated in accordance with the laws of this state; and that the copies of the papers submitted herewith have been compared with each other and are in all respects exact counterparts of this application and accompanying documents.

I NOMINATE and propose the name of _____ (sheriff, police chief, etc.) of the _____ (law enforcement agency) and/or his/her designated authorized agent(s) for designation as agent of this state to return the fugitive and represent that he is a proper person for such designation; that he/she has no private interest in the arrest of the fugitive other than in the discharge of his duty as such officer. (***Some states require the nomination of a female officer for the transport of a female fugitive.***)

DATED this ____ day of _____, 20____.

Respectfully submitted,

(Name)

(Title)

STATE OF _____)
) ss.
County of _____)

_____, being first duly sworn, deposes and says:

THAT he/she is the (title) _____, with the office of (agency), _____ State of _____; that he/she has read the attached application for requisition directed to the Governor of this State and knows and understands its contents; and that he/she is informed and believes and on such information and belief alleges, that the statements made in the application are true.

(prosecuting attorney; corrections or parole official; etc.)

Subscribed and sworn to me this ___ day of _____, 20____.

County Clerk of the County of _____

State of _____.

By: _____

[Court Executive Officer] [(Deputy) County Clerk] [Notary]

(If notary used)

My Commission Expires:

FORM 1-A

Name of accused: _____
State/County of Refuge: _____
Agency Making Application: _____
Official Making Application: _____
Phone Number: _____

APPLICATION FOR REQUISITION

**Nonfugitive Form Where Act[s] in
Another State Constitute a Crime in This State**

To the Governor of the State of _____ (demanding state):

I HAVE THE HONOR HEREWITH TO MAKE APPLICATION for a requisition upon the governor of the State of _____ (asylum state) for the arrest and rendition of _____ who is charged in this county and state with the commission of the following criminal offense(s):

(List title of crime(s) and code section(s).)

and who appears from the accompanying proof, and particularly the annexed affidavit submitted herewith, and who, as appears from that affidavit, committed the act(s) which intentionally resulted in the commission of the crime(s) in this state, even though the accused was not personally or physically present in this state at the time of the commission of the crime(s), and has taken refuge in the State of _____.

I HEREBY CERTIFY:

THAT the full name of the person for whom requisition is asked is _____.

THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof are true and that the accused is guilty of the crime(s) charged; that the ends of public justice require that the accused be brought back to this state at public expense; that I believe I have sufficient evidence to secure the accused's conviction; that the charge was preferred and this application is made in good faith and not for the purpose of enforcing the collection of any debt or for any private purpose, and that if the accused is returned to this state the criminal proceedings will not be used for any of these purposes, but that it is

my intention to diligently prosecute the accused for the crime(s) charged.

THAT no other application has been made for a requisition for the accused growing out of the transaction from which the charge herein originated.

THAT the accused is properly charged in accordance with the laws of this state; that to the best of my belief the accused was not personally or physically present in this state at the time of the commission of the crime, but his/her acts outside the state constitute a crime within this state; that the definition of the aforesaid crime of which the accused is charged, and the punishment therefor, as prescribed by the laws of this state, are as follows:

(Insert copies of the relevant statutes or refer to an attachment containing those statutes.)

THAT the accused is now under arrest in (city or county) _____, in the State of _____, having been arrested on _____, and has refused to waive extradition.

THAT in support of this application, I enclose true and correct copies of the [INDICTMENT] [INFORMATION AND AFFIDAVIT] [AFFIDAVIT BEFORE A MAGISTRATE] [and WARRANT OF ARREST], which allege the facts required to be established, along with the following additional documents:

(Such as identification packet; UIFSA affidavit if applicable, and court exemplification/certification.)

all of which are authentic and properly authenticated in accordance with the laws of this State; and that the copies of the papers submitted herewith have been compared with each other and are in all respects exact counterparts of this application and accompanying documents.

I NOMINATE and propose the name of _____ (sheriff, police chief, etc.) of the _____ (law enforcement agency) and/or his/her designated authorized agent(s) for designation as agent of this state to return the accused and represent that he/she is a proper person for such designation; that he/she has no private interest in the arrest of the accused other than in the discharge of his duty as such officer. *(*Some states require the nomination of a female officer for the transport of a female defendant.)**

DATED this ____ day of _____, 20____.

Respectfully submitted,

(Name)

(Title)

STATE OF _____)
) ss.
County of _____)

_____, being first duly sworn, deposes and says:

THAT he/she is the (title) _____, with the office of (agency) _____, State of _____; that he/she has read the attached application for requisition directed to the Governor of this State and knows and understands its contents; and that he/she is informed and believes and on such information and belief alleges, that the statements made in the application are true.

(prosecuting attorney; corrections or parole official; etc.)

Subscribed and sworn to me this ___ day of _____, 20____.

County Clerk of the County of _____

State of _____.

By: _____

[Court Executive Officer] [(Deputy) County Clerk] [Notary]

(If notary used)

My Commission Expires:

FORM 1-B

Name of Fugitive: _____
State/County of Refuge: _____
Agency Making Application: _____
Official Making Application: _____
Phone Number: _____

APPLICATION FOR REQUISITION

For Escapees, Probation and Parole Violators

To the Governor of the State of _____ (demanding state):

I HAVE THE HONOR HEREWITH TO MAKE APPLICATION for a requisition upon the governor of the State of _____ (asylum state) for the arrest and rendition of _____ who stands convicted by virtue of the final judgment and sentence in this county and state of the commission of the following criminal offense(s):

(List title of crime(s) and code section.)

and who on or about

(date) [escaped from custody] [violated the terms and conditions of probation]
[or violated the terms and conditions of parole]

as appears from the accompanying proof, and particularly the annexed affidavit submitted herewith, and who, as appears from that affidavit, is a fugitive from the justice of this state and has taken refuge in the State of _____.

I HEREBY CERTIFY:

THAT the full name of the person for whom requisition is asked is _____.

THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof relating to the fugitive's conviction of the offenses, and the subsequent [escape] [probation violation] [parole violation] are true; that the ends of public justice require that the fugitive be brought back to this state at public expense; and this application is made in good faith and not for the purpose of enforcing the collection of any debt or for

any private purpose, and that if the fugitive is returned to this state the criminal proceedings will not be used for any of these purposes.

THAT no other application has been made for a requisition for the fugitive growing out of the facts and circumstances upon which this application is made.

THAT the fugitive is now under arrest in (city or county _____), in the State of _____, having been arrested on _____, and has refused to waive extradition.

THAT in support of this application, I enclose true and correct copies of the [JUDGMENT OF CONVICTION] [SENTENCING ORDER] [ORDER FOR PROBATION] , [WARRANT OF ARREST (e.g., bench warrant, parole board warrant)], and AFFIDAVIT, which allege the facts required to be established, along with the following additional documents:

(Such as identification packet; probation or parole documents, affidavits and court or Department of Corrections exemplification/certification.)

all of which are authentic and properly authenticated in accordance with the laws of this state; and that the copies of the papers submitted herewith have been compared with each other and are in all respects exact counterparts of this application and accompanying documents.

I **NOMINATE** and propose the name of _____ (sheriff, police chief, etc.) of the _____ (law enforcement agency) and/or his/her designated authorized agent(s) for designation as agent of this state to return the fugitive and represent that he is a proper person for such designation; that he/she has no private interest in the arrest of the fugitive other than in the discharge of his duty as such officer. (*Some states require the nomination of a female officer for the transport of a female fugitive.)

DATED this ____ day of _____, 20 ____.

Respectfully submitted,

(Name)

(Title)

STATE OF _____)
) ss.

County of _____)
_____, being first duly sworn, deposes and says:

THAT he/she is the (title) _____, with the office of (agency) _____, State of _____; that he/she has read the attached application for requisition directed to the Governor of this State and knows and understands its contents; and that he/she is informed and believes and on such information and belief alleges, that the statements made in the application are true.

(prosecuting attorney; corrections or parole official; etc.)

Subscribed and sworn to me this ____ day of _____, 20 ____.

County Clerk of the County of _____

State of _____

By: _____

[Court Executive Officer] [(Deputy) County Clerk] [Notary]

(If notary used)

My Commission Expires:

THAT thereafter, _____ left this State and was found in the State of _____;

THAT this affidavit is not made for the purpose of enforcing the collection of any debt, or for any private purpose whatsoever, and if the requisition applied for is granted, the criminal proceedings shall not be used for any of these purposes;

THAT _____ is a fugitive from the justice of this state, was arrested on _____, and is now located in the City/County of _____, State of _____.

Name of Declarant

Position/Title

SUBSCRIBED AND SWORN to before me on this ____ day of _____, 20____, and based on the foregoing I find probable cause exists for the issuance of a warrant of arrest for the above-named defendant and the warrant is so ordered.

Judge

Court

[Alternative: use a Notary]

SUBSCRIBED AND SWORN to before me on this ____ day of _____, 20____.

Notary

My Commission Expires:

THAT the accused has taken refuge in the State of _____, City/County of _____, and was arrested on _____ 20 ____.

THAT this affidavit is not made for the purpose of enforcing the collection of any debt, or for any private purpose whatsoever, and if the requisition applied for is granted, the criminal proceedings shall not be used for any of these purposes;

Name of Declarant

Position/Title

SUBSCRIBED AND SWORN to before me on this ____ day of _____, 20 ____, and based on the foregoing I find probable cause exists for the issuance of a warrant of arrest for the above-named defendant and the warrant is so ordered.

Judge

Court

[Alternative: use a Notary]

SUBSCRIBED AND SWORN to before me on this ____ day of _____, 20 ____.

Notary

My Commission Expires:

FORM 3

CERTIFICATION FORM

State of _____)

) ss.

Re: _____

County of _____)

I, Judge/Court Administrator/Clerk of the Court, County
of do hereby certify that I have examined the foregoing attached documents and
find them to be full, true and complete copies of the originals on file in and/or issued by this
Court.

In testimony whereof, I do hereto subscribe my name at,

_____, this day of, 20 ____.
(state)

**JUDGE/COURT ADMINISTRATOR/
CLERK OF THE _____ COURT**

I, _____, Judge/Court Administrator/County Clerk of the
_____ Court of County, do hereby certify that
, whose signature is affixed above, was at the time of subscribing the same,
a judge/court administrator/clerk of said Court, and that full faith and credit are due
all his/her official acts as such.

In testimony whereof, I do hereby subscribe my name at,

_____ this day of, 20 ____.

**JUDGE/COURT ADMINISTRATOR/
CLERK OF THE _____ COURT**

FORM 4

EXECUTIVE DEPARTMENT

State of _____

EXECUTIVE AGREEMENT

**TO THE EXECUTIVE AUTHORITY OF THE
STATE OF _____:**

WHEREAS, the undersigned as Governor of the State of [demanding state], has made demand upon the executive authority of the State of [asylum state] for the rendition of JOHN DOE as a fugitive from justice of the State of [demanding state], and which demand is in the hands of the executive authority of the State of [asylum state], and

WHEREAS, the said JOHN DOE stands charged in the State of [demanding state] with the crimes of [list charged crimes], committed in said State, as more fully appears from the requisition and the papers and exhibits attached thereto, and

WHEREAS, the said JOHN DOE [asylum state identification no. ____] is now under the jurisdiction of the [asylum state] Department of Corrections at [name and location of the institution], and

WHEREAS, the undersigned is informed and believes that said JOHN DOE will not be released and discharged from said imprisonment for a considerable length of time, and

WHEREAS, the undersigned and the prosecuting authorities of the State of [demanding state] are desirous that said JOHN DOE be brought to trial at the earliest possible date, and

WHEREAS, the powers and duties of the several states, including the State [demanding state], in matters relating to interstate extradition are contained and prescribed in Article IV, section 2, of the Constitution of the United States, and are implemented by Congress in 18 U.S.C. § 3182;

AND WHEREAS, the People of the State of [demanding state] have enacted the Uniform Criminal Extradition Act [demanding state's code section] whereby, in section [____] thereof, it is provided as follows:

When it is desired to have returned to this State a person charged in this State with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another State, the Governor of this State may agree with the executive authority of such other State for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other State, upon the condition that such person be returned to such other State at the expense of this State as soon as the prosecution in this State is terminated.

The Governor of this State may also surrender on demand of the executive authority of any other State any person in this State who is charged in the manner provided in section [_____] of this code with having violated the laws of the demanding state even though such person left such demanding State involuntarily.

AND WHEREAS, the law of the State of [asylum state] similarly provides in section [asylum state's code section], that the Governor of the State of [asylum state] may, in appropriate cases, by agreement with the executive authority of another state, authorize the extradition from [asylum state] to such other state of a person imprisoned in [asylum state] in order to render such person amenable to the jurisdiction of such other state, upon the condition that he be returned to [asylum state];

THEREFORE, based upon the foregoing legal authority, it is hereby agreed by the undersigned, Governor of the State of [demanding state], and Governor of the State of [asylum state], that JOHN DOE will be extradited from the State of [asylum state] to the State of [demanding state] for the crimes of [list charged crimes], committed in the State of [demanding state], as more fully appears in the requisition and supporting documents attached thereto; and

IT IS HEREBY AGREED by the undersigned, Governor of the State of [demanding state], and the Governor of the State of [asylum state], that in the event said JOHN DOE shall be acquitted following a trial in the courts of the State of [demanding state], or the prosecution in the State of [demanding state] is terminated in any manner, other than by the imposition of a judgment and sentence of death, said JOHN DOE shall be returned to the State of [asylum state] at the expense of the State of [demanding state], and that the Governor, or other acting executive authority of the State of [demanding state], shall upon demand of the executive authority of the State of [asylum state] surrender said JOHN DOE to the duly authorized agents of the State of [asylum state].

[Optional paragraph]

IT IS FURTHER HEREBY AGREED by the undersigned, Governor of the State of [demanding state] and the Governor of the State of [asylum state], that in the event said JOHN DOE is returned to the State of [asylum state] following conviction and the imposition of a term of imprisonment in the State of [demanding state], said JOHN DOE shall be returned to the State of [demanding state] at the expense of the State of [demanding state], without formalities to serve said term of imprisonment upon his completion of his term of imprisonment and eligibility for parole in the State of [asylum state].

IN WITNESS WHEREOF, the undersigned Governor of the State of [demanding state] [and Governor of the State of [asylum state]], does [do] hereby covenant and agree that the above express conditions upon which the custody of JOHN DOE is granted, shall be in all respects fulfilled and complied with and are expressly accepted as the terms and conditions of his custody.

IN WITNESS WHEREOF, I have here unto set my hand at [county], in the State of [demanding state], and cause to be affixed the Seal of the State of [demanding state], on this ____ day of _____, 20____.

NAME OF EXECUTIVE AUTHORITY
Governor of the State of [demanding state]

By the Governor:

Secretary of State

[Optional]

NAME OF EXECUTIVE AUTHORITY
Governor of the State of [asylum state]

By the Governor:

Secretary of State

FORM 6

-oo00oo-

_____ COURT OF THE STATE OF _____
IN AND FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF _____,

Plaintiffs,

v.

**WAIVER OF EXTRADITION
UCEA Code §**

(NAME OF FUGITIVE),

Defendant.

I, _____, aka, _____, have been informed by the court that a demand is made for my surrender to the County of _____, State of _____, based upon criminal proceedings there [charging me with the commission of an offense] [alleging that I have escaped from confinement] [alleging that I have broken the terms of bail, probation, or parole].

I have been informed by the court of my right to the issuance and service of a governor's extradition warrant, as provided for in the Uniform Criminal Extradition Act, and I fully understand that right.

I knowingly and voluntarily, and without promise of reward or leniency, state that I am the identical person sought by the demanding state, that I waive the issuance and service of the governor's extradition warrant and any other legal documents and procedures which otherwise would be required to secure my return to the demanding state, and that I knowingly and voluntarily consent to my return to that state.

I wholly exonerate and hold blameless in this matter the [Sheriff of _____ County] [Chief of Police of _____] [_____ Board of Prison Terms/Pardons] [_____ Department of Corrections] and all persons acting under the same, and agree to accompany to the demanding state any peace officer who may be sent to take me there, without requisition papers, warrant or rendition or other legal forms of process intended to effect my return to that state.

This agreement and waiver is made by me without reference to my guilt or innocence and shall not be considered in any manner as prejudicing my case and is not in any sense an admission of guilt.

Executed before the above-captioned court.

[signature]

[date]

I certify that I informed the above individual of the criminal proceedings pending against him/her and of the right to require the issuance and service of a governor's warrant of extradition as provided in the Uniform Criminal Extradition Act; and that the above individual knowingly and voluntarily, without promise, executed the foregoing waiver of extradition in my presence.

[Judge]

[Court]

Seal

[Forward one copy to the governor's office, and provide copies to the agent[s] of the demanding state].

FORM 7

[NEW CRIME]

-oo0oo-

_____ COURT OF THE STATE OF _____
IN AND FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF _____,

Plaintiffs,

v.

FUGITIVE COMPLAINT
(UCEA Code §

(NAME OF FUGITIVE),

Defendant.

The undersigned (name & title), under oath, complains that committed the crime of in the State of and that on or about a warrant for the arrest of the said was issued in case No.:, filed in the Court in an for the County of, State of, which case charges said defendant with the commission of such crime, and that said defendant is within the State of _____ and the County of, and is a Fugitive from Justice, within the meaning of (UCEA Code §).

Date

Complainant

FORM 7(a)

[ESCAPE/ABSCOND]

-oo00oo-

_____ COURT OF THE STATE OF _____
IN AND FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF _____,

Plaintiffs,

FUGITIVE COMPLAINT

UCEA Code §

v.

(NAME OF FUGITIVE),

Defendant.

The undersigned (name & title), under oath, complains that has been convicted in case No. in the Court in and for the County of , State of , of the crime of and that on or about , a warrant was issued in said case for the arrest of said defendant for:

violation of the terms of his/her bail;

[or] escape from bail;

[or] violation of the terms of probation;

[or] violation of the terms of parole;

[or] escape from confinement;

in such case, and that said defendant is within the State of _____, County of _____, and is a Fugitive from Justice, within the meaning of (UCEA Code §.)

Date

Complainant

FORM 8

**AGREEMENT TO TOLL THE
EXTRADITION PERIODS**

_____ Court
State of _____

Before _____
Judge

-oo00oo-

IN THE MATTER OF)
the EXTRADITION OF:)
)
)
_____)

STIPULATION & ORDER
Case No.:

_____ [Defendant], by and through his/her counsel
_____, and _____
[prosecutor], stipulate that the statutory periods provided for in Sections 15
and 17 of the Uniform Criminal Extradition Act, _____
[state code section], may be tolled to allow time for the Governor of this
State, pursuant to Section 4 of that Act, _____
[state code section], to investigate the demand from the State of _____
for the extradition of defendant.

The periods shall be tolled until this Court is further advised by the
parties that the Governor's investigation is completed.

Dated this _____ day of _____, 20____.

[Defendant]

[Counsel for Defendant]

[Prosecuting Attorney]

Based upon the stipulation of the parties, and good cause shown,
IT IS ORDERED that the above-described statutory periods in this extradition matter are tolled to allow the Governor of this State time to investigate the demand for the defendant's extradition made by the State of _____. The periods shall be tolled until the parties further advise this Court that the investigation has been completed.

Copies of the Stipulation and this Order shall be served upon the Governor of the State of _____ [asylum state], and the prosecutor is further ordered to advise appropriate officials in the State of _____ [demanding state] of this action.

DATED this ____ day of _____, 20 ____.

By the Court:

Judge

FORM 9

**DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM**

TO: State Authority: _____

FROM: Warden: _____

Institution: _____

SUBJECT: Instructions for Transfer of Inmates to State Agents for Production on State Writs

Inmate's Name: _____

Reg. No.: _____

The request for transfer of an inmate to state agents for production on state writs should contain as a minimum the following information:

1. Need for appearance of inmate;
2. Name and address of court issuing writ - name of judge, name of clerk, phone number of clerk and address;
3. Nature of action;
4. Party seeking production or making request for production to state court;
5. Reason production on writ necessary and some other alternative is not available (for civil cases);
6. The name and location where the inmate will be confined during legal proceedings;
7. The date for requested proceedings;

8. The name and phone number of state agency, and specific name of agent(s) who will transport the inmate at direction of the court;
9. The projected date of return to the federal institution; and
10. A statement by the state authority assuming custody:

This is to certify that the above-named inmate will be provided safekeeping, custody, and care while in the custody of the (state authority), and that said (state authority) will assume full responsibility for that custody, and will return the inmate on conclusion of the inmate's appearance in the proceeding for which the writ issues, and that I have the full power and authority to make this certification for said (state authority) as the (title or position) for that authority.

(Printed name/signature)

(Date)

(Witness' printed name/signature)

(Date)