

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEACY M. JONES,
Appellant,

vs.

THE STATE OF NEVADA; OFFICE OF
THE ATTORNEY GENERAL; JOHN M.
WARWICK; CARSON CITY JUSTICE
COURT; AND SUPERIOR COURT OF
THE STATE OF WASHINGTON,
Respondents.

No. 41487

FILED

AUG 19 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of habeas corpus.

On March 31, 2003, a fugitive complaint was filed in the justice court of Carson Township, Carson City, Nevada, charging appellant with being a fugitive from justice from the State of Washington. The fugitive complaint was filed pursuant to Article IV of the Interstate Agreement on Detainers (IAD). The complaint sought appellant's return to the State of Washington to face a criminal charge of violating the Uniformed Controlled Substances Act. Appellant challenged his extradition by filing a petition for a writ of habeas corpus in the district court. The State opposed the petition. On May 15, 2003, the district court denied appellant's petition. This appeal followed.

In his petition, appellant argued that Washington improperly sought his extradition on a charge of flight to avoid prosecution because Washington had previously unconditionally released appellant into the

custody of California and Nevada for parole violation charges. Appellant appeared to argue that he was not a fugitive.

A prisoner may contest the legality of his delivery to another state pursuant to Article IV(d) of the IAD.¹ Based upon our review of the record on appeal, we conclude that appellant failed to show that any requirements in Article IV of the IAD have been violated. A written request for temporary custody was presented to the appropriate authorities in Nevada. The King County Superior Court approved, recorded and transmitted the written request. The fugitive complaint states that the thirty-day period set forth in Article IV had elapsed without the governor of the State of Nevada disapproving the written request. Thus, appellant failed to demonstrate any error.

Furthermore, to the extent that appellant challenged extradition under the Uniform Criminal Extradition Act, we conclude that appellant failed to demonstrate any error. "The courts of asylum States may do no more than ascertain whether the requisites of the Extradition Act have been met."² Further,

Once the governor has granted extradition, a court considering release on habeas corpus can do no more than decide (a) whether the extradition documents on their face are in order; (b) whether the petitioner has been charged with a crime in the demanding state; (c) whether the petitioner is

¹See NRS 178.620.

²California v. Superior Court of California, 482 U.S. 400, 408 (1987).

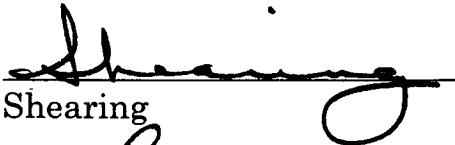
the person named in the request for extradition;
and (d) whether the petitioner is a fugitive.³


The record on appeal reveals that the documents on their face are in order. Contrary to appellant's claim that he was charged with the crime of flight to avoid prosecution, the documents in the record reveal that appellant was charged with violating the Uniform Controlled Substances Act. Appellant is the person named in the request for extradition. The information states that appellant committed the charged offense in King County, Washington. Moreover, substantial evidence in the record supports the district court's determination that appellant is a fugitive from justice.⁴ Thus, appellant's claims challenging extradition are without merit.

³Michigan v. Doran, 439 U.S. 282, 289 (1978).

⁴See NRS 179.187(2) ("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 NRS 179.223 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily."); see also Appleyard v. Massachusetts, 203 U.S. 222, 227 (1906) ("A person charged . . . with the commission within a State of a crime covered by its laws, and who, after the date of the commission of such crime leaves the State—no matter for what purpose or with what motive, nor under what belief—becomes, from the time of such leaving . . . a fugitive from justice . . ."); Castriotta v. State, 111 Nev. 67, 69 n.2, 888 P.2d 927, 929 n.2 (1995) (recognizing that a person is a fugitive from justice if: "(1) a crime has been committed in another state; (2) the accused has been charged in that state with the commission of such crime; and (3) the accused fled from the jurisdiction and is within this state.").

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁵ Accordingly, we ORDER the judgment of the district court AFFIRMED.⁶

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. William A. Maddox, District Judge
Leacy M. Jones
Attorney General Brian Sandoval/Carson City
Carson City Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.