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FILED  
UTAH APPELLATE COURTS  
NOV 17 2010

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IN THE UTAH COURT OF APPEALS

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**IN RE: EXTRADITION OF WARREN  
STEED JEFFS**

**MEMORANDUM IN OPPOSITION TO  
PETITION FOR EMERGENCY RELIEF**

**Case no. 20100903**

**Third District Court**

**Trial Court Case No. 101401820**

**Judge Terry L. Christiansen**

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**INTRODUCTION**

In accordance with the Uniform Criminal Extradition Act ("UCEA"), the Governor of Texas requested that Warren Steed Jeffs be returned to Texas to stand trial on charges of sexual assault, aggravated sexual assault, and bigamy. Utah Governor, Gary R. Herbert, agreed to extradite Jeffs to Texas. Jeffs asked the Third District Court to issue writs of habeas corpus and mandamus to block his extradition. The State of Utah filed motions to dismiss and to deny Jeffs' petitions. On November 15, 2010, the district court granted the State's motions and ordered the extradition of Mr. Jeffs. Mr. Jeffs

requested a stay in district court, but the request was denied. Mr. Jeffs now seeks emergency relief to stay his extradition to Texas.

### **STATEMENT OF FACTS**

1. In September of 2007, a Utah jury convicted Jeffs of two counts of rape as an accomplice, a first degree felony, in violation of Utah Code Ann. §§ 76-5-402 and 76-2-202. *State v. Jeffs*, 2010 UT 49, ¶ 1 ---P.3d---. As a result of these convictions, Jeffs was sentenced to two consecutive prison terms of five years to life. *Id.*

2. Jeffs appealed his convictions to the Utah Supreme Court. *Id.* On July 27, 2010, the Court reversed Jeffs' convictions. *Id.* at ¶ 53. The State of Utah filed a Petition for Rehearing, and the Utah Supreme Court ordered Jeffs to file a response. The Court has not yet ruled on the petition for rehearing.

3. On July 22, 2008, August 21, 2008, and November 11, 2008, grand juries in Schleicher County, Texas returned indictments against Jeffs for sexual assault, aggravated sexual assault, and bigamy. Addendum A, Grand Jury Indictments. The Schleicher County district court issued capias warrants for Jeffs. Addendum B, Capias Warrants.

4. There was an application for no bail on the fugitive warrant in Texas. After reviewing the application, the district court in Texas found that the grounds were sufficient, and ordered no bail. Addendum C.

5. Texas Governor Rick Perry sent extradition documents to Utah requesting that Jeffs be returned to Texas to stand trial on the Texas charges. Addendum D. The appropriate authorities signed these extradition documents. *Id.* In addition, the documents are notarized, signed by a witness, or contain a state seal if necessary. *Id.*

6. Pursuant to Governor Perry's request, Utah Governor Gary R. Herbert issued an arrest warrant granting extradition. Addendum D, Governor's Warrant. Governors Herbert and Perry also entered into an agreement regarding the terms of extradition. Addendum D, Executive Agreement.

7. Jeffs challenged his extradition to Texas by filing petitions of habeas corpus and mandamus, and moving the district court to quash the governor's warrant. (Attached to Appellant's Petition for Emergency Relief, Addendum A).

8. On November 15, 2010, following oral argument, the district court denied Mr. Jeff's petitions and motion, and granted the State's motions, thus allowing the warrant to issue.

9. Mr. Jeffs has now filed a petition for emergency relief in this Court, requesting a stay of the district court's order.

### **ARGUMENT**

#### **I. THIS COURT SHOULD NOT STAY MR. JEFFS' EXTRADITION TO TEXAS.**

The issue before the Court is whether to grant emergency relief that would stay Mr. Jeffs' extradition to Texas. Extradition is a power explicitly granted to the executive branch in Article IV, § 2, cl. 2 of the United States Constitution. ("A person charged in any State with Treason, Felony or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled be delivered up, to be removed to the State having Jurisdiction of the Crime."). *See also*, Utah Code Ann. §77-30-2 (West 2010) ("Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the governor of this state to have

arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime who has fled from justice and is found in this state.”). The United States Supreme Court has never swayed from its holding that interstate extradition was intended to be a summary and mandatory executive proceeding. See *In re Strauss*, 197 U.S. 324, 332 (1905); see also, *Holmes v. Jennison*, 39 U.S. 540 (1840), *Michigan v. Doran*, 439 U.S. 282, 288 (1978). Utah courts have agreed. *Boudreaux v. State*, 1999 UT APP 310 ¶ 9, 989 P.2d 1103, 1160. *Emig v. Hayward*, 703 P.2d 1043, 1046 (Utah 1985) (“There are very few grounds upon which one held awaiting extradition can challenge the extradition to the holding state.”).

Mr. Jeffs is asking this Court to turn its back on a rich history of extradition law by raising legal issues that are not relevant to the extradition proceeding. Issues relating to the criminal cases in Texas and in Utah are not ripe nor are they justiciable in the context of an extradition proceeding. The trial court did not err when it determined that extradition should proceed. This Court should uphold that finding and deny Mr. Jeffs’ petition for emergency relief.

**A. All of the Grounds for Extradition Exist.**

Once a governor has granted extradition, a court considering a habeas corpus petition is limited to determining: “(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 the person named in the request for extradition; and (d) whether the petitioner is a fugitive.” *Doran*, 439 U.S. at 289; *Baldwin v. State*, 842 P.2d 927, 928 (Utah Ct. App. 1992). Mr. Jeffs has never disputed the last three factors, and

has only ever disputed whether the extradition documents were “on their face in order.”  
Jeffs’ Memorandum, p. 7 (Appellants Addendum A).

In determining whether extradition documents are “in order,” a governor’s warrant is presumed valid, and a governor’s grant of extradition is prima facie evidence that the constitutional and statutory requirements have been met. *Edwards v. State*, 2003 UT App 167, 2003 WL 21290719 (unpublished opinion, attached as Addendum E); *See also, Tippet v. Sanpete County*, 2002 UT App 216, 2002 WL 1340268 (unpublished opinion, attached as Addendum E). In *Edwards*, the court found that the extradition documents were in order because “[t]he Governor of California certified that the extradition documents are authentic.” *Id.* Utah courts have held “that a governor’s certification is sufficient compliance with the law as to the authentication.” *Id.*, *see also Birmingham v. Larsen*, 490 P.2d 893, 894 (Utah 1971). Similarly, other courts have found that “only the appearance of authenticity is required” when reviewing whether extradition documents on their face are in order. *United States v. Gordon*, 901 F.2d 48, 50 (5th Cir. 1990)(suggesting facial defect would cause a person looking simply at a document to suspect it was invalid); *Reed v. State ex re. Ortiz*, 947 P.2d 86 (N.M. 1997).

The UCEA, codified in Utah at § 77-30-1 to -28, is also helpful in determining whether extradition documents are in order “on their face.” Specifically, the Act provides:

The indictment, information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state and the copy of the indictment, information, affidavit, judgment of conviction or sentence *must be authenticated by the executive authority making the demand.* (emphasis added).

Utah Code Ann. § 77-30-3 (West 2010). Mr. Jeffs concedes that the extradition documents are authentic. Jeffs' reply memorandum, p. 2, Appellants Addendum A. Mr. Jeffs fails to make any valid legal or factual argument supporting his assertion that authentic extradition documents are nevertheless "not in order on their face."

In oral argument to the trial court, Mr. Jeffs argued that the documents were not "in order" because they contain an agreement regarding bail. ("It is further agreed that upon surrender of Warren Steed Jeffs to the duly authorized agents of the State of Texas, Warren Steed Jeffs shall be held in the custody of the state of Texas at all times, and shall not be eligible for release on bail or bond."). This statement does not render the extradition improper, nor does it support Mr. Jeff's contention that the documents are not "in order on their face". Addendum D, Executive Agreement, p. 3.

First, the UCEA allows the denial of bail in cases where the judge or magistrate in the demanding state has ordered the person held without bail. Utah Code Ann. § 77-30-16 (2) (2010). *See also Boudreaux*, 1999 Ut App 310 ¶ 29. (holding that it was not an abuse of discretion to deny bail when the demanding state had ordered it), *Emig*, 703 P.2d at 1043 (recognizing that : "One of the reasons supporting the rule against granting bail in extradition cases where the fugitive has been reduced to custody by the execution of a governor's rendition warrant, is because the offense is not cognizable in the courts of the asylum state, whereas the demanding state has all the facilities to determine the gravity of the offense, the amount of bail, if any, and the conditions thereof." *Id.*).

Texas also has provisions for withholding bail when a person is imprisoned in another state. Vernon's Ann. Texas C.C.P. Art. 17.151 (2)(1) (providing that the release or reduction of bail provisions related to state delay do not apply to a defendant who is "serving a sentence of imprisonment for another offense while the defendant is serving that sentence.") Addendum C. At the time the agreement was executed, Mr. Jeffs was still a prisoner in the State of Utah because his case had not been remitted. This is still true today. The denial of bail was not improper under the circumstances that existed at the time the agreement was executed, and any further relief regarding bail should be sought in Texas.

Further, as the state argued below, and as the trial court recognized in its oral decision, bail is a judicial function, not an executive one. *See, e.g.*, Utah Code Ann. §77-30-16 (2010). The governors' agreement would have no bearing on whether a Texas court could grant bail, even though the court in Texas did not order bail in this case. Addendum C. Also, the clear purpose of the statement in the governors' agreement was to acknowledge Utah's continued custodial interest in Mr. Jeffs and to ensure that if bail was offered and posted, that Utah would be able to exercise custody over Mr. Jeffs as long as he remained a prisoner here. This agreement merely memorializes this status; there is nothing "out of order" or improper about the Executive Agreement.

In the present case, the Governor of Texas certified that the extradition documents are authentic. Addendum D. Because Texas provided Utah with the appropriate extradition documents, and Governor Perry authenticated these documents, the extradition documents are "in order." Addendum D. Jeffs misconstrues the only *Doran*

element he challenges and fails to present sufficient evidence or legal authority that the extradition documents are not authentic. Since the authenticity of the paperwork is the only issue properly before the Court, the Court should deny Mr. Jeffs' petition for emergency relief.

**B. The Issues Raised by Mr. Jeffs in his Petitions and, by Incorporation, in his Motion for Emergency Relief, are not Justiciable.**

Jeffs incorrectly raised a number of constitutional concerns to the trial court that are immaterial to the sufficiency of the extradition warrant. The trial court correctly found that the issues were improperly raised in a habeas corpus or mandamus petition challenging extradition, particularly when the only issue before the court was whether the extradition documents were facially adequate. Mr. Jeffs' petition for emergency relief is primarily based on these improperly raised issues. The petition should therefore be denied.

Both Utah and Federal courts have repeatedly reinforced the limitations to judicial review of extradition warrants set forth in *Doran*. *Boudreaux v. State*, 989 P.2d 1103 (Utah App. 1999); *Edwards v. State*, 2003 WL 21290719 (Utah App.); *New Mexico, ex rel. Ortiz v. Reed*, 524 U.S. 151 (1998); *Pfaff v. Wells*, 648 F.2d 689 (10th Cir. 1981); *Gee v. State of Kansas*, 912 F.2d 414 (10<sup>th</sup> Cir. 1990). Asylum states are not permitted to review the merits of the charges in the demanding state. Utah Code Ann §77-30-20 (2010) ("The guilt or innocence of the accused as to the crime of which he is charged in another state may not be inquired into by the governor or in any proceeding after the demand for extradition . . . h[as] been presented to the governor. . . ."), *Emig*, 703 P.2d at 1047 ("In contrast, the inquiry into participation in the underlying crimes goes to the

merits of the charge in the demanding state and is beyond the ambit of the asylum state's interest in the matter.”).

The constitutional claims asserted by Jeffs are not justiciable by this Court. At the present time, the only issue before the Court is the limited inquiry into the propriety of extradition. But even if the Court could consider his claims, Mr. Jeffs' constitutional rights have not been violated, his assertions are all prospective. If Jeffs' rights are violated in the future, he will be able to raise the appropriate concern in the appropriate forum. This Court has no jurisdiction over potential, future speedy trial violations in a case that may eventually be remitted to the Fifth District. Jeffs can raise his speedy trial concerns to the Fifth District Court if he believes his rights have been violated at that time. This is neither the time nor the place for Jeffs to argue these issues.

Jeffs also argues that his case is not “the typical extradition case” because he has cases pending in both Utah and Texas. Jeffs' Memorandum, 14. Jeffs' argument is specious. The UCEA specifically provides for cases, such as Jeffs, where a person faces charges in more than one state. The UCEA provides:

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor, in his discretion, may either surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

Utah Code Ann. § 77-30-19 (2010). Mr. Jeffs' status is not “unprecedented.” It is common.

In summary, the only relevant matter before the trial court was whether the extradition documents, on their face, were in order. Jeffs supplied no facts or authorities supporting his claim that the extradition documents are not in order, and the trial court ruled that they were. The necessary extradition documents have been signed and

authenticated by the appropriate authorities. Jeffs is attempting to sidetrack his extradition by arguing below, and now appealing, legal theories that have no place in a petition challenging extradition. Furthermore, those legal theories are not ripe for consideration by this court. Jeffs' petition for emergency relief should be denied.

**C. This Court's Review is limited to the *Doran* Factors, and this Court can not consider any other matters "on the merits."**

Both Utah and Federal courts have repeatedly held that judicial review of extradition warrants is limited to the factors set forth in *Doran*. See *Boudreaux v. State*, 989 P.2d 1103 (Utah App. 1999); *Edwards v. State*, 2003 WL 21290719 (Utah App.); *New Mexico, ex rel. Ortiz v. Reed*, 524 U.S. 151 (1998); *Pfaff v. Wells*, 648 F.2d 689 (10th Cir. 1981); *Gee v. State of Kansas*, 912 F.2d 414 (10<sup>th</sup> Cir. 1990). Asylum states are not permitted to review the merits of the underlying cases. Utah Code Ann §77-30-20 (2010) ("The guilt or innocence of the accord as to the crime of which he is charged in another state may not be inquired into by the governor or in any proceeding after the demand for extradition . . . h[as] been presented to the governor. . . ."), *Emig*, 703 P.2d at 1047 ("In contrast, the inquiry into participation in the underlying crimes goes to the merits of the charge in the demanding state and is beyond the ambit of the asylum state's interest in the matter."). *Emig*, a unanimous opinion authored by Justice Zimmerman, makes clear that appellate review of the denial of a writ of habeas corpus challenging extradition is limited to consideration of the *Doran* factors. *Id.*

Mr. Jeffs inappropriately raises issues that go well beyond the *Doran* factors, and improperly seeks emergency relief based on those issues. In his Petition for Emergency Relief, Mr. Jeffs claims that a stay is necessary "until after this Court has had an opportunity to review the case on its merits." Plaintiff's Petition for Emergency Relief, P.

3. Again, on p. 4, Mr. Jeffs claims that “[i]f Mr. Jeffs is extradited before this Court can review and decide this case on the merits ...” that irreparable harm will occur. Even this Court’s order states that “Appellants extradition is stayed pending the consideration of his 8A petition for stay pending appeal of the merits of his case.” The only “merits” that this Court can consider are those set forth in *Doran*, and, in this case, the only factor at issue is whether the documents are “in order on their face.” The trial court correctly held that the documents were in order, and this Court must affirm that finding.

**D. The Trial Court Correctly Denied Jeffs’ Petition for a Writ of Mandamus.**

Because Mr. Jeffs’ petition for mandamus, as incorporated into his Motion for Emergency Relief, improperly asks this Court to direct how an official shall exercise his discretion, the motion for emergency relief should be denied.

The writ of mandamus was designed to compel a person to “perform a legal duty incumbent on him by virtue of his office or as required by law.” *Hogs R Us v. Town of Fairfield*, 207 P.3d 1221 (Utah 2009). A citizen can seek a writ of mandamus to compel officers to exercise their discretion when they have refused to act. *Id.* Accordingly, a petitioner may request the district court to direct an officer to exercise his discretion, but the “writ is *not* available to direct the exercise of judgment or discretion in a *particular way*.” *Id.*; *Rice v. Taggart*, 2004 UT APP 215 ¶ 7, 95 P.3d 1169. In other words, a court may order an official to act, but may not order how that official is to act. *Id.* The language of this statute is clear.

Governor Herbert has the discretion to either surrender Jeffs to Texas now or wait until Jeffs has been tried in Utah. No authority exists under the UCEA or case law for

this Court to interfere with the Governor's discretion to act in a particular way in granting a valid extradition request.

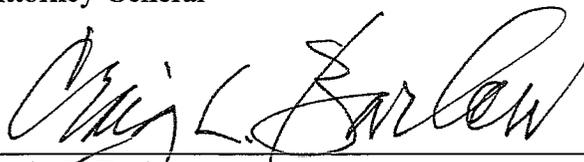
As noted above, Utah Code Ann. § 77-30-19 (2010) grants Governor Herbert the authority to exercise discretion in extradition matters. Governor Herbert has already exercised his discretion by signing an extradition warrant. Therefore, Jeffs' request for a writ of mandamus to change the governor's action (as opposed to compelling him to act) was inappropriate and was correctly denied by the trial court. This court should not grant Mr. Jeffs' request for emergency relief.

**CONCLUSION**

Mr. Jeffs has conceded that the requirements for extradition have been met, but seeks to avoid or delay transfer to Texas. This Court should not interfere with this executive function, particularly when the substantive and procedural requirements have been met. Mr. Jeffs should be extradited. His petition for emergency relief should be denied.

DATED this 17<sup>th</sup> day of November 2010

MARK L. SHURTLEFF  
Attorney General

  
\_\_\_\_\_  
Craig L. Barlow  
Assistant Attorney General

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing Memorandum in Opposition to Petition for Emergency Relief was faxed this 17<sup>th</sup> day of November 2010, to the following:

Walter F. Bugden, Jr.  
Tara L. Isaacson  
Bugden & Isaacson  
445 East 200 South, Suite 150  
Salt Lake City, UT 84111  
Fax: (801) 746-8600

  
Attorney General's Office

# **ADDENDUM A**

**ORIGINAL**



**GRAND JURY INDICTMENT**

No. 990

Bond \$ 100,000.00 B.W.

True and Correct Copy of the Original Filed in the Office of the County or District Clerk Schleicher County, Texas

**THE STATE OF TEXAS VS. WARREN STEED JEFFS**

Charge: **SEXUAL ASSAULT**  
Texas Penal Code Sec. 22.011(a)(2) - 1<sup>st</sup> Degree Felony

Court: 51<sup>ST</sup> JUDICIAL DISTRICT COURT

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

THE GRAND JURY, for the County of Schleicher, State of Texas, duly selected, impaneled, sworn, charged, and organized as such at the June term, 2008 of the 51<sup>st</sup> Judicial District Court of said County upon their oaths present in and to said court at said term that:

**WARREN STEED JEFFS**

hereinafter styled Defendant, on or about the 14<sup>th</sup> day of January, 2005, and before the presentment of this indictment, in the County and State aforesaid, did then and there, intentionally or knowingly cause the penetration of the female sexual organ of V. L. Keate, a child who was then and there younger than 17 years of age and not legally married to the Defendant, by the said Defendant's sexual organ;

And it is further presented in and to said Court that the said V. L. Keate was a person who the Defendant was prohibited from marrying or purporting to marry or with whom the Defendant was prohibited from living under the appearance of being married under Texas Penal Code Sec. 25.01;

against the peace and dignity of the State.

FILED 1/22 08 11:28 AM RECORD  
PEGGY WILLIAMS, CLERK  
COUNTY AND DISTRICT COURT  
SCHLEICHER COUNTY, TEXAS  
*Peggy Williams*  
01/22/08 PM

*Ray Ballard*  
**Foreman of the Grand Jury**

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in said office.

Peggy Williams, County or District Clerk  
Schleicher County, Texas  
*Peggy Williams*

# GRAND JURY INDICTMENT



True and Correct Copy of the Original  
In the Office of the County or District  
Schleicher County, Texas

No. 997

Bond \$ 10,000 Surety

No Contact with M. Jessop

## THE STATE OF TEXAS VS. WARREN STEED JEFFS

Charge: Bigamy  
(Texas Penal Code Sec. 25.01) - 1<sup>ST</sup> Degree Felony

Court: 51<sup>st</sup> Judicial District

### IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Schleicher, State of Texas, duly selected, impaneled, sworn, charged, and organized as such at the June term, 2008 of the 51<sup>st</sup> Judicial District Court of said County upon their oaths present in and to said court at said term that:

### WARREN STEED JEFFS

hereinafter styled Defendant, on or about the 27<sup>th</sup> day of July, 2006, and before the presentment of this indictment, in the County and State aforesaid:

did then and there, while being legally married to Annette Barlow, intentionally or knowingly purport to marry M. Jessop, a person other than his spouse, said purported marriage occurring in the State of Texas under circumstances that would, but for the defendant's prior marriage, constitute a marriage, and the said M. JESSOP was then and there younger than 16 years of age,

against the peace and dignity of the State.

Roy E. Baller  
Foreman of the Grand Jury

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in any office

Attest: 7/21 2010

Peggy Williams, County or District Clerk  
Schleicher County, Texas

Peggy Williams Deputy

FILED 8/21 2008 FOR RECORD  
PEGGY WILLIAMS, CLERK  
COUNTY AND DISTRICT COURT  
SCHLEICHER COUNTY, TEXAS

Carson M. Mealy  
7:44P M



# GRAND JURY INDICTMENT

True and Correct Copy of the Original Filed  
in the Office of the County or District Clerk  
Schleicher County, Texas

No. 1017

Bond \$ 100,000.

*No contact with victim*

## THE STATE OF TEXAS VS. WARREN STEED JEFFS

Charge: **AGGRAVATED SEXUAL ASSAULT**  
(Texas Penal Code Sec. 22.021(a)(1)(A)(i)) - First Degree Felony  
Court: 51<sup>st</sup> Judicial District

### IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Schleicher, State of Texas, duly selected, impaneled, sworn, charged, and organized as such at the April Term, 2008 of the 51<sup>st</sup> Judicial District Court of said County upon their oaths present in and to said court at said term that:

### WARREN STEED JEFFS

hereinafter styled Defendant, on or about August 6, 2006, and before the presentment of this indictment, in the County and State aforesaid, did then and there, intentionally or knowingly cause the penetration of the female sexual organ of M. JESSOP, a child who was then and there younger than 14 years of age and not legally married to the Defendant, by the said Defendant's sexual organ,

against the peace and dignity of the State.

*Ray Baller*  
\_\_\_\_\_  
Foreman of the Grand Jury

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in any office

Attest July 27 2010  
Peggy Williams, County or District Clerk  
Schleicher County, Texas

*Peggy Williams*  
\_\_\_\_\_  
Deputy

FILED 11/12/08 FOR RECORD  
PEGGY WILLIAMS, CLERK  
COUNTY AND DISTRICT COURT  
SCHLEICHER COUNTY, TEXAS  
*[Signature]*  
10-1 2:10 P.M.

# **ADDENDUM B**

CAUSE #1017



True and Correct Copy of the Original Filed in the Office of the County or District Clerk Schleicher County, Texas

CAPIAS

THE STATE OF TEXAS  
VS  
WARREN STEED JEFFS

THE STATE OF TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETING:

YOU ARE HEREBY COMMANDED TO ARREST:

WARREN STEED JEFFS

and bring him forthwith before the Honorable District Court of Schleicher County, Texas at the Courthouse of said County in Eldorado, Texas, then and there to answer the State of Texas upon an Information pending in said Court, Charging him with the offense of:

**AGGRAVATED SEXUAL ASSAULT**  
(Texas Penal Code Sec. 22.021(a)(1)(A)(i)) - First Degree Felony

said offense being a felony.

WITNESS my hand and seal of office, at Eldorado, Texas the 12<sup>th</sup> day of November, 2008.

BARBARA L. WALTHER, 51ST DISTRICT JUDGE  
DISTRICT COURT, SCHLEICHER COUNTY



*Peggy Williams*  
By: Peggy Williams, District Clerk

BOND AMOUNT: \$100,000.00  
1) NO CONTACT WITH VICTIM

SHERIFF'S RETURN

Came to hand the 12<sup>th</sup> day of Nov. A.D. 2008, at 5:30 o'clock P.M., and executed on the 12<sup>th</sup> day of November A.D. 2008, at 11:35 o'clock A.M., by arresting the within named Warren Steed Jeffs at Eldorado County, Texas County, Texas.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this capias in addition to my other mileage I may have traveled in arresting or conveying other prisoners in this or any other case during the same trip. Returned to the Clerk this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

DAVID DORAN, SHERIFF  
Schleicher County, Texas

Fee: Arrest Fee: \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Taking Bond: \_\_\_\_\_  
Committment: \_\_\_\_\_  
Total: \_\_\_\_\_

By: *Stacy Williams*

FILED FOR RECORD  
PEGGY WIL LIAMS, CLERK  
COUNTY AND DISTRICT COURT,  
SCHLEICHER COUNTY, TEXAS

*Peggy Williams*

The document to which this certificate is  
affixed is a full, true and correct copy of the  
original on file and of record in any office

Attest: 11/27/10 20 10

Peggy Williams, County or District Clerk,  
Schlesher County, Texas

 Deputy

CAUSE #990

CAPIAS



This And Correct Copy of the Original Filed in the Office of the County at District Clerk Schleicher County, Texas

THE STATE OF TEXAS  
VS  
WARREN STEED JEFFS

THE STATE OF TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETING:

YOU ARE HEREBY COMMANDED TO ARREST:

Warren Steed Jeffs

and bring him forthwith before the Honorable District Court of Schleicher County, Texas at the Courthouse of said County in Eldorado, Texas, then and there to answer the State of Texas upon an Information pending in said Court, Charging him with the offense of:

SEXUAL ASSAULT  
Sec. 22.011(a)(2)

said offense being a felony.

WITNESS my hand and seal of office, at Eldorado, Texas the 22<sup>nd</sup> day of July, 2008.

BARBARA L. WALTHER, 51ST DISTRICT JUDGE  
DISTRICT COURT, SCHLEICHER COUNTY

*[Signature]*

By: Peggy Williams, District Clerk

BOND: \$100,000.00

SHERIFF'S RETURN

Came to hand the 22 day of July A.D. 2008, at 7:49 o'clock P m., and executed on the 22<sup>nd</sup> day of July A.D. 2008, at 11:33 o'clock A m., by arresting the within named WARREN STEED JEFFS at Schleicher County, Texas.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this capias in addition to any other mileage I may have traveled in arresting or conveying other prisoners in this or any other case during the same trip. Returned to the Clerk this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

DAVID DORAN, SHERIFF  
Schleicher County, Texas

Fee: Arrest Fee \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Taking Bond: \_\_\_\_\_  
Complement: \_\_\_\_\_  
Total: \$ \_\_\_\_\_

By: *[Signature]* 095

FILED FOR RECORD  
PEGGY WILLIAMS, CLERK  
COUNTY AND DISTRICT COURT  
SCHLEICHER COUNTY, TEXAS

*[Signature]*

The document to which this certificate is  
affixed is a full, true and correct copy of the  
original on file and of record in my office

Attest: 7/17/10 20 10

Peggy Williams, County or District Clerk,  
Schleicher County, Texas

Peggy Williams Deputy

CAUSE #997



This and Correct Copy of the Original Filed  
in the Office of the County or District Clerk  
Schleicher County, Texas

CAPIAS

THE STATE OF TEXAS  
VS  
WARREN STEED JEFFS

THE STATE OF TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETING:

YOU ARE HEREBY COMMANDED TO ARREST:

Warren Steed Jeffs

and bring him forewith before the Honorable District Court of Schleicher County, Texas at  
the Courthouse of said County in Eldorado, Texas, then and there to answer the State of Texas  
upon an Information pending in said Court, Charging him with the offense of:

BIGAMY  
(Sec. 25.01)

said offense being a felony.

WITNESS my hand and seal of office, at Eldorado, Texas the 22<sup>nd</sup> day of August, 2008.

BARBARA L. WALTHER, DISTRICT JUDGE  
DISTRICT COURT, SCHLEICHER COUNTY

*Carol Williams*  
By Carol Williams, District Clerk



BOND: \$10,000.00  
(No Contact with M. Jessop)

SHERIFF'S RETURN

Came to hand the 22<sup>nd</sup> day of Aug A.D. 2008, at 5:30 o'clock P m., and  
executed on the 22<sup>nd</sup> day of August A.D. 2008, at 11:25 o'clock A m., by  
arresting the within named WARREN STEED JEFFS at Schleicher County County, Texas.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this capias in addition  
to any other mileage I may have traveled in arresting or conveying other prisoners in this or any  
other case during the same trip. Returned to the Clerk this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

DAVID DORAN, SHERIFF  
Schleicher County, Texas

By: *Steph Williams* Deputy

Fee: Arrest Fee \_\_\_\_\_  
Mileage: \_\_\_\_\_  
Taking Bond: \_\_\_\_\_  
Comandment: \_\_\_\_\_  
Total: \_\_\_\_\_

FILED 8/22/08 11:25 AM  
- ERSOYAN, CLERK  
- COUNTY CLERK  
- DISTRICT COURT  
- SCHLEICHER COUNTY, TEXAS

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office

Attest: 10/21/2010

Peggy Williams, County or District Clerk  
Schleicher County, Texas

By Peggy Williams County Clerk

# **ADDENDUM C**



True and Correct Copy of the Original Filed  
in the Office of the County or District Clerk  
Schleicher County, Texas

CAUSE NO. 990

STATE OF TEXAS

§

IN THE DISTRICT COURT

V.

§

51st JUDICIAL DISTRICT

§

WARREN STEED JEFFS

§

SCHLEICHER COUNTY, TEXAS

**ORDER**

BE IT REMEMBERED that on this day came on to be considered the State's Motion to Deny Bond in the above-captioned and numbered cause.

The Court, having considered the Motion, is of the opinion that it should be granted.

It is THEREFORE ORDERED, ADJUDGED, and DECREED that bond in this cause be denied at this time.

SIGNED on this 22 day of June, 2010.

JUDGE BARBARA WALTHER  
51<sup>st</sup> Judicial District Court

The document to which this certificate is  
affixed is a full, true and correct copy of the  
original on file and of record in any office

Attest June 22 20 10

Peggy Williams, County or District Clerk  
Schleicher County, Texas

By Jenny Lee Porter Deputy



True and Correct Copy of the Original Filed  
in the Office of the County or District Clerk  
Schleicher County, Texas

CAUSE NO. 997

STATE OF TEXAS	§	IN THE DISTRICT COURT
V.	§	51st JUDICIAL DISTRICT
WARREN STEED JEFFS	§	SCHLEICHER COUNTY, TEXAS

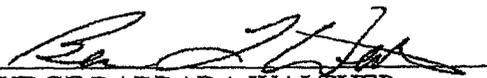
**ORDER**

BE IT REMEMBERED that on this day came on to be considered the State's Motion to Deny Bond in the above-captioned and numbered cause.

The Court, having considered the Motion, is of the opinion that it should be granted.

It is THEREFORE ORDERED, ADJUDGED, and DECREED that bond in this cause be denied at this time.

SIGNED on this 22 day of June, 2010.

  
 JUDGE BARBARA WALTHER  
 51<sup>st</sup> Judicial District Court

The document to which this certificate is  
 attixed is a full, true and correct copy of the  
 original on file and of record in any office  
 Attest June 22 2010  
 Peggy Williams, County or District Clerk  
 Schleicher County, Texas  
 By Jennyfer Porter Deputy



True and Correct Copy of the Original Filed  
in the Office of the County or District Clerk  
Schleicher County, Texas

CAUSE NO. 1017

STATE OF TEXAS	§	IN THE DISTRICT COURT
V.	§	51st JUDICIAL DISTRICT
WARREN STEED JEFFS	§	SCHLEICHER COUNTY, TEXAS

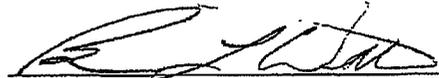
**ORDER**

BE IT REMEMBERED that on this day came on to be considered the State's Motion to Deny Bond in the above-captioned and numbered cause.

The Court, having considered the Motion, is of the opinion that it should be granted.

It is THEREFORE ORDERED, ADJUDGED, and DECREED that bond in this cause be denied at this time.

SIGNED on this 22 day of June, 2010.

  
 \_\_\_\_\_  
 JUDGE BARBARA WALTHER  
 51<sup>st</sup> Judicial District Court

The instrument to which this certificate is  
 annexed is a full, true and correct copy of the  
 original on file and of record in any office  
 Attest June 22 2010  
 Peggy Williams, County or District Clerk  
 Schleicher County, Texas  
 By Jennifer Booth Deputy

**C****Effective: September 1, 2005**

Vernon's Texas Statutes and Codes Annotated Currentness

Code of Criminal Procedure (Refs &amp; Annos)

Title 1. Code of Criminal Procedure of 1965

▣ Arrest, Commitment and Bail

▣ Chapter Seventeen. Bail (Refs &amp; Annos)

→ **Art. 17.151. Release because of delay**

Sec. 1. A defendant who is detained in jail pending trial of an accusation against him must be released either on personal bond or by reducing the amount of bail required, if the state is not ready for trial of the criminal action for which he is being detained within:

- (1) 90 days from the commencement of his detention if he is accused of a felony;
- (2) 30 days from the commencement of his detention if he is accused of a misdemeanor punishable by a sentence of imprisonment in jail for more than 180 days;
- (3) 15 days from the commencement of his detention if he is accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less; or
- (4) five days from the commencement of his detention if he is accused of a misdemeanor punishable by a fine only.

Sec. 2. The provisions of this article do not apply to a defendant who is:

- (1) serving a sentence of imprisonment for another offense while the defendant is serving that sentence;
- (2) being detained pending trial of another accusation against the defendant as to which the applicable period has not yet elapsed;
- (3) incompetent to stand trial, during the period of the defendant's incompetence; or
- (4) being detained for a violation of the conditions of a previous release related to the safety of a victim of the alleged offense or to the safety of the community under this article.

Sec. 3. Repealed by Acts 2005, 79th Leg., ch. 110, § 2.

CREDIT(S)

Added by Acts 1977, 65th Leg., p. 1972, ch. 787, § 2, eff. July 1, 1978. Amended by Acts 2005, 79th Leg., ch. 110, §§ 1, 2, eff. Sept. 1, 2005.

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

2005 Legislation

Acts 2005, 79th Leg., ch. 110 in § 2 made gender neutral changes; added § 2(4); and repealed § 3 which prior thereto read:

“If a person released under this article is arrested and detained for a violation of the conditions of his release, the time for release under Section 1 of this article begins to run on the date of the arrest for violation of conditions of the release.”

Section 3 of Acts 2005, 79th Leg., ch. 110 provides:

“This Act applies only to a person who is arrested on or after the effective date of this Act, regardless of when the offense giving rise to the arrest was committed. A person who is arrested before the effective date of this Act is governed by the law in effect at the time of the arrest, and the former law is continued in effect for that purpose.”

CROSS REFERENCES

Criminal jurisdiction, see V.T.C.A., Government Code § 54.1356.  
Speedy trial, see Vernon's Ann.C.C.P. art. 32A.01 et seq.

LIBRARY REFERENCES

2005 Main Volume

Bail  40, 42.  
Westlaw Topic No. 49.  
C.J.S. Bail; Release and Detention Pending Proceedings §§ 6, 8 to 15, 17 to 18, 24 to 25, 31 to 32.

RESEARCH REFERENCES

2010 Electronic Update

# **ADDENDUM D**

\*\*\*\*\*

AFFIDAVIT FOR EXTRADITION

\*\*\*\*\*

THE STATE OF TEXAS

§

THE COUNTY OF TOM GREEN

§

§

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn, on oath stated:

"My name is Wesley Hensley, and I am an investigator employed by the Texas Attorney General's Office, and I am a certified peace officer under the laws of the State of Texas.

"I have good reason to believe and do believe that WARREN STEED JEFFS, Male, DOB: 12-03-1955, Social Security Number 529-86-4117, Height 6' 3", Weight 145 lbs., has been indicted in the County of Schleicher, State of Texas, for the felony offenses of Aggravated Sexual Assault, Sexual Assault, and Bigamy, in violation of Tex. Penal Code §§22.021(a)(1)(A)(i), 22.011(a)(2), and 25.01, respectively. These charges provide that:

"WARREN STEED JEFFS did then and there:

on or about August 6, 2006, and before the presentment of the indictment, intentionally or knowingly cause the penetration of the female sexual organ of M. JESSOP, a child who was then and there younger than 14 years of age and not legally married to the Defendant, by the said Defendant's sexual organ;

on or about January 14, 2005, and before the presentment of the indictment, intentionally or knowingly cause the penetration of the female sexual organ of V.L. Keate, a child who was then and there younger than 17 years of age and not legally married to the Defendant, by the said Defendant's sexual organ; and the said V.L. Keate was a person whom the Defendant was prohibited from marrying or purporting to marry or with whom the Defendant was prohibited from living under the appearance of being married under Texas Penal Code Sec. 25.01;

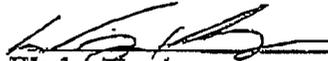
on or about the July 27, 2006, and before the presentment of the indictment, while being legally married to Annette Barlow, intentionally or knowingly purport to marry M. Jessop, a person other than his spouse, said purported marriage occurring in the State of Texas under circumstances that would, but for the defendant's prior marriage, constitute a marriage, and the said M. Jessop was then and there younger than 16 years of age,

"My belief is based, in part, upon the following facts and information: that the Grand Jury of Schleicher County, Texas for the April 2008 Term returned True Bills of Indictment against the aforesaid WARREN STEED JEFFS, as follows:

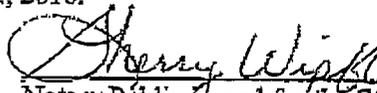
Cause Number 1017, wherein he is charged with the first degree felony offense of Aggravated Sexual Assault;

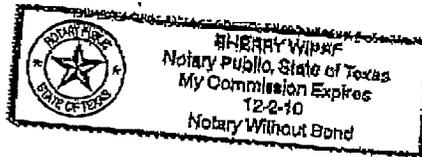
~~Cause Number 990, wherein he is charged with the second degree felony offense of Sexual Assault; and~~

Cause Number 997, wherein he is charged with the first degree felony offense of Bigamy."

  
Wesley Hensley  
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority on this the 23<sup>rd</sup> day of JULY, A.D., 2010.

  
Notary Public in and for the State of Texas  
My commission expires: 12-2-10



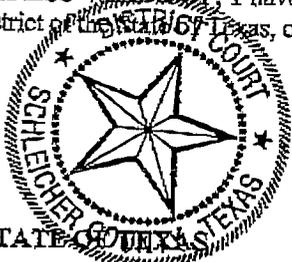
THE STATE OF TEXAS

§  
§  
§

THE COUNTY OF TOM GREEN

I, Peggy Williams, District Clerk for the County of Schleicher, State of Texas, do certify that the attached transcript of record is a true and correct copy of the indictments and capias warrants on file in my office in Cause Numbers 990, 997, and 1017, each entitled **THE STATE OF TEXAS vs. WARREN STEED JEFFS**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court of the 51<sup>st</sup> Judicial District of the State of Texas, on this the 27 day of July A.D., 2010.



*Peggy Williams*  
Peggy Williams District Clerk  
51<sup>st</sup> Judicial District  
Schleicher County, Texas

THE STATE OF TEXAS

§

THE COUNTY OF TOM GREEN

§

§

I, Barbara Walther, Judge of the 51<sup>st</sup> Judicial District Court, State of Texas, do hereby certify that the foregoing certificate and attestation of Peggy Williams District Clerk in and for the County of Schleicher, State of Texas, is in due form; and that the said Peggy Williams, District Clerk in and for the County of Schleicher, State of Texas, is the proper custodian of the files and records referred to in the said certificate, and is authorized by law to make exemplified copies of the same, and is authorized by law to affix the seal of said Court thereto; and that the signature of Peggy Williams affixed to the foregoing certificate is her genuine signature and the authentic seal of said Court.

SIGNED on this the 27 day of July A.D., 2010.

*Barbara Walther*  
Barbara Walther, Judge Presiding  
51<sup>st</sup> Judicial District Court  
Schleicher County, Texas

THE STATE OF TEXAS

§  
§  
§

THE COUNTY OF TOM GREEN

I, Peggy Williams District Clerk for the County of Schleicher, State of Texas, do hereby certify that Judge Barbara Walther, who signed the foregoing certificate, is the duly commissioned and qualified judge of said Court and that her signature to the foregoing certificate is her genuine signature.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, in Eldorado, Schleicher County, Texas, on this the 27 day of July A.D., 2010.



*Peggy Williams*  
Peggy Williams District Clerk  
51<sup>st</sup> Judicial District  
Schleicher County, Texas

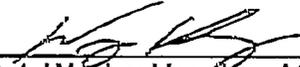
STATE OF TEXAS §

COUNTY OF TOM GREEN §

**AFFIDAVIT OF IDENTIFICATION**

"I, Sgt. Wes Hensley, a certified peace officer under the laws of the State of Texas, employed by the Texas Attorney General's Office, hereby swear and affirm that the attached certified copies of the Washington County, Utah booking photo, finger print card and identifying information depict the individual known to me as WARREN STEED JEFFS, and that the said WARREN STEED JEFFS is the same individual indicted in Texas for Aggravated Sexual Assault, Sexual Assault, and Bigamy, in violation of Tex. Penal Code §§22.021(a)(1)(A)(i), 22.011(a)(2), and 25.01.

"I have personally seen the WARREN STEED JEFFS who is currently being detained in Utah, and he is one and the same WARREN STEED JEFFS who is being sought by the State of Texas."

  
Sgt. Wesley Hensley, Affiant

STATE OF TEXAS §

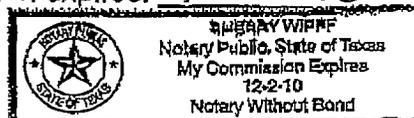
COUNTY OF TOM GREEN §

Before me, the undersigned authority, Sgt. Wesley Hensley, personally appeared and stated under oath that he is fully qualified and authorized to make this Affidavit, and the foregoing statements in this Affidavit of Identification are true and correct.

SWORN TO AND SUBSCRIBED before me on this 28<sup>th</sup> day of July, 2010.

  
Notary Public in and for the State of Texas

My commission expires: 12-2-10





**THE STATE OF TEXAS**  
**EXECUTIVE DEPARTMENT**

THE EXECUTIVE AUTHORITIES OF THE STATES OF TEXAS AND UTAH  
AGREE AS FOLLOWS:

WHEREAS, the undersigned, as Governor of the State of Texas, has made demand upon the executive authority of the State of Utah for the rendition of WARREN STEED JEFFS as a fugitive from justice of the State of Texas, and which demand is in the hands of the executive authority of the State of Utah; and

WHEREAS, WARREN STEED JEFFS stands charged in the County of Schleicher, State of Texas with the crimes of Aggravated Sexual Assault, Sexual Assault, and Bigamy, in violation of Texas Penal Code Section 22.021(a)(1), 22.011(a)(2), and 25.01, committed in said County and State, as more fully appears from the requisition and the papers and exhibits attached thereto; and

WHEREAS, WARREN STEED JEFFS is now under the jurisdiction of the Warden of the Utah State Penitentiary in Draper, Utah; and

WHEREAS, the undersigned and the prosecuting authorities of the State of Texas desire that WARREN STEED JEFFS be brought to trial at the earliest possible date, and the prosecuting authorities of the State of Texas are prepared to pursue trial on these charges pending in the State of Texas at the earliest possible date; and

WHEREAS, the powers and duties of the several states, including the State of Texas, 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 Texas have enacted the Uniform Criminal Extradition Act, in Texas Code of Criminal Procedure art. 51.13, whereby, in section 5 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 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 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.

AND WHEREAS, the laws of the State of Utah contain a similar provision that authorizes the Governor of the State of Utah to agree for the extradition of a person imprisoned or held under criminal proceedings then pending in the State of Utah, before the conclusion of such proceedings or his term of sentence, upon condition that such person be returned to the State of Utah at the expense of the demanding State, as soon as the prosecution in the demanding State is terminated;

AND WHEREAS, the prosecuting authorities of the State of Utah are reserving the right to pursue a retrial of criminal charges pending against WARREN STEED JEFFS in the State of Utah;

NOW, THEREFORE, pursuant to the authority hereinabove set forth and in consideration of the granting of said demand for the rendition of WARREN STEED JEFFS, and the issuance of a warrant of arrest and delivering up of WARREN STEED JEFFS to the duly authorized agents of the State of Texas by the executive authority of the State of Utah;

IT IS HEREBY AGREED by the undersigned Governor of the State of Texas and Governor of the State of Utah that WARREN STEED JEFFS shall be extradited to Texas, and that following

final disposition of all charges pending against WARREN STEED JEFFS in Texas, the State of Texas shall notify the State of Utah, and WARREN STEED JEFFS shall be returned to Utah upon request of the State of Utah at the earliest reasonable time at the expense of the State of Texas, and that the Governor or other acting executive authority of the State of Texas shall upon demand of the Governor or other acting executive authority of the State of Utah surrender WARREN STEED JEFFS to the duly authorized agents of the State of Utah.

IT IS FURTHER HEREBY AGREED by the undersigned Governor of the State of Texas and Governor of the State of Utah that in the event WARREN STEED JEFFS is returned to the State of Utah following conviction and the imposition of a term of imprisonment in the State of Texas, WARREN STEED JEFFS shall be returned upon such a request to the State of Utah without formalities to serve said term of imprisonment to completion prior to such a return, and that any such return to Utah of WARREN STEED JEFFS under the terms of this Agreement shall not be delayed by the pendency of any appeal or post-conviction proceeding filed in the Courts of the State of Texas or the United States.

IT IS FURTHER HEREBY AGREED that upon surrender of WARREN STEED JEFFS to the duly authorized agents of the State of Texas, WARREN STEED JEFFS shall be held in the custody of the State of Texas at all times, and shall not be eligible for release on bail or bond.

IN WITNESS WHEREOF, the undersigned Governor of the State of Texas and Governor of the State of Utah do hereby covenant and agree that the above express conditions upon which the custody of WARREN STEED JEFFS 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, we have hereunto set our hands and caused to be fixed the Seals  
of the State of Texas and the State of Utah.

DATED this 9<sup>th</sup> day of August, 2010.



*Rick Perry*

Rick Perry  
Governor of Texas

ATTEST:

*Esperanza "Hope" Andrade*

Esperanza "Hope" Andrade  
Texas Secretary of State



*Gary R. Herbert*

Gary R. Herbert  
Governor of Utah

ATTEST:

*Greg Bell*

Greg Bell  
Lieutenant Governor of Utah



# STATE OF UTAH

GARY R. HERBERT  
GOVERNOR

OFFICE OF THE GOVERNOR  
SALT LAKE CITY, UTAH  
84114-2220

GREG BELL  
LIEUTENANT GOVERNOR

TO: ANY SHERIFF, DEPUTY SHERIFF AND OTHER PEACE OFFICERS of and in the several cities and counties of the State of Utah:

WHEREAS, the Governor of the State of TEXAS has directed a requisition for rendition to me, duly authenticated in accordance with the laws of that State showing that WARREN STEED JEFFS stands charged with the crime(s) of AGGRAVATED SEXUAL ASSAULT OF A CHILD; SEXUAL ASSAULT; AND BIGAMY, which has been certified to be a crime under the laws of said State, committed in the County of SCHLEICHER in said State; and that the fugitive has fled from the justice of said State and has taken refuge in the State of Utah; and,

WHEREAS, the Governor of said State, pursuant to the Constitution and laws of the United States, and of said State, and of the State of Utah, has demanded of me that I cause this person to be arrested and delivered to TEXAS RANGER NICK HANNA and/or authorized agent who is, as is satisfactorily shown, duly authorized to receive the accused into custody and convey the accused back to said State of TEXAS; and,

WHEREAS, the requisition is accompanied by copies of the application for requisition, supported by a charging document and other papers duly certified as authenticated by the Governor of said State.

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and laws of this State, and the United States, I issue this, my warrant, which requires you to arrest and secure the said WARREN STEED JEFFS wherever found within this State, and afford said person such opportunity to petition for a writ of habeas corpus as is prescribed by the extradition laws of this State, and to thereafter deliver said person into the custody of the said authorized agent to be returned to the State of TEXAS, there to be dealt with according to law.

IN WITNESS WHEREOF, We have hereto signed our names and have caused the Great Seal of this State to be affixed at Salt Lake City, County of Salt Lake, State of Utah, on this 10<sup>TH</sup> day of AUGUST, 2010.



*Gary R. Herbert*  
Governor

*Greg Bell*  
Lieutenant Governor



**THE STATE OF TEXAS**  
EXECUTIVE DEPARTMENT

THE GOVERNOR OF THE STATE OF TEXAS, TO HIS EXCELLENCY THE GOVERNOR OF THE STATE OF UTAH:

WHEREAS, it appears by the annexed application for requisition and copies of INDICTMENTS AND CAPIASES which I certify are authentic and duly authenticated in accordance with the laws of the State of Texas, that under the laws of this State WARREN STEED JEFFS stands charged with the crimes of AGGRAVATED SEXUAL ASSAULT OF A CHILD; SEXUAL ASSAULT; AND BIGAMY committed in this State, and it has been represented and is satisfactorily shown to me that the accused was present in this State at the time of the commission of said crimes and thereafter fled from the justice of this State, and has taken refuge and is now to be found in the State of UTAH;

NOW, THEREFORE, pursuant to the provisions of the Constitution and the laws of the United States and the laws of the State of Texas and the laws of the State of UTAH, I do hereby respectfully demand that the above-named fugitive from justice be arrested and secured and delivered to TEXAS RANGER NICK HANNA OF THE TEXAS RANGER DIVISION OF THE TEXAS DEPARTMENT OF PUBLIC SAFETY, OR ANOTHER TEXAS RANGER DESIGNATED BY THE TEXAS RANGER DIVISION as agent(s) hereby authorized to receive, convey, and transport said fugitive to this State, here to be dealt with according to law.

IN WITNESS WHEREOF, I have hereunto signed my name and caused to be affixed the Great Seal of State, at Austin, Texas, this 29<sup>th</sup> day of July, A.D., 2010.



*Rick Perry*  
RICK PERRY, GOVERNOR

By the Governor:

*Esperanza Andrade*  
ESPERANZA "HOPE" ANDRADE  
SECRETARY OF STATE



THE STATE OF TEXAS  
EXECUTIVE DEPARTMENT

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RICK PERRY, Governor of Texas, do hereby appoint TEXAS RANGER NICK HANNA OF THE TEXAS RANGER DIVISION OF THE TEXAS DEPARTMENT OF PUBLIC SAFETY, OR ANOTHER TEXAS RANGER DESIGNATED BY THE TEXAS RANGER DIVISION as agent(s) to receive WARREN STEED JEFFS, fugitive from justice, from the appropriate authorities of the State of UTAH, and convey said fugitive to the State of Texas, there to be dealt with according to law.

IN WITNESS WHEREOF, I have hereunto signed my name and caused to be affixed the Great Seal of State, at Austin, Texas, this 29<sup>th</sup> day of July, A.D., 2010.



Rick Perry  
RICK PERRY, GOVERNOR

By the Governor:

Esperanza Andrade  
ESPERANZA "HOPE" ANDRADE  
SECRETARY OF STATE

\*\*\*\*\*

APPLICATION FOR REQUISITION

OF

WARREN STEED JEFFS

\*\*\*\*\*

TO HIS EXCELLENCY RICK PERRY, GOVERNOR OF THE STATE OF TEXAS:

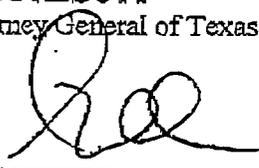
I, Eric J.R. Nichols, Deputy Attorney General for Criminal Justice, and Assistant Prosecuting Attorney by Appointment for the 51st Judicial District of Texas, do hereby make Application for Requisition and Return to this State of Texas for WARREN STEED JEFFS, who stands charged by accompanying copies of indictments now pending in the 51st Judicial District Court of Schleicher County, Texas, with the felony offenses of: AGGRAVATED SEXUAL ASSAULT OF A CHILD; SEXUAL ASSAULT; and BIGAMY, in violation of Tex. Penal Code §§22.021(a)(1)(A)(i), 22.011(a)(2), and 25.01, respectively. It is alleged that WARREN STEED JEFFS committed the acts on or about August 6, 2006, on or about January 14, 2005, and on or about July 27, 2006, for which he has been charged by indictment while he was physically present in said County and State, but WARREN STEED JEFFS has, since the commission of said offenses, left the jurisdiction of this State and is currently held in the Utah State Penitentiary in Draper, Utah.

The ends of justice require and demand that WARREN STEED JEFFS be brought back to this State for trial. The State intends to seek justice in these cases by bringing WARREN STEED JEFFS to trial for the acts set out in the indictments.

I nominate Texas Ranger Nick Hanna of the Texas Ranger Division of the Texas Department of Public Safety, or another Texas Ranger designated by the Texas Ranger Division, as a proper person to be appointed and commissioned by you as the Agent of this State to receive the said fugitive and to deliver him into the custody of the Sheriff of Schleicher County. I do hereby certify that the Agent has no private interest in the proposed arrest. This demand for requisition of said fugitive is not sought for the purpose of collecting a debt, or enforcing a civil remedy, or to answer any other private end whatsoever.

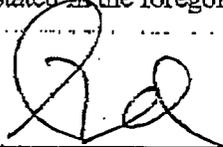
Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

By:   
Eric J.R. Nichols  
Deputy Attorney General for Criminal Justice  
State Bar No. 14994900  
P.O. Box 12548  
Austin, Texas 78711  
(512) 936-1311

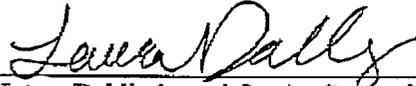
THE STATE OF TEXAS §  
THE COUNTY OF TRAVIS §

I, Eric J.R. Nichols, Deputy Attorney General for Criminal Justice in and for the State of Texas, being duly sworn, on my oath say that the facts stated in the foregoing Application for Requisition are true and correct.

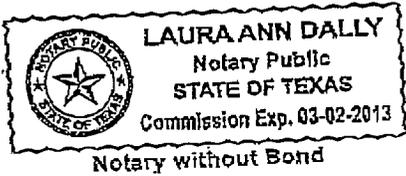


Eric J.R. Nichols

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority on this the 29 day of July, 2010.



Notary Public in and for the State of Texas  
My commission expires: 3-2-2013



# **ADDENDUM E**

IN THE UTAH COURT OF APPEALS

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Randy Dervon Edwards,  
Petitioner and Appellant,

v.

State of Utah, Salt Lake County, Salt Lake County Sheriff's  
Office,  
Office of the District Attorney, and Aaron Kennard,  
Respondents and Appellees.

MEMORANDUM DECISION  
(Not For Official Publication)

Case No. 20010885-CA

F I L E D  
(May 30, 2003)

2003 UT App 167

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Third District, Salt Lake Department

The Honorable Tyrone Medley

Attorneys: Robert L. Booker, Salt Lake City, for Appellant

Richard D. McKelvie and David E. Yocom, Salt Lake City, for  
Appellees

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Before Judges Bench, Davis, and Greenwood.

BENCH, Judge:

Petitioner attempts to raise a number of issues on appeal but fails to fully comply with the requirements of rule 24 of the Utah Rules of Appellate Procedure. See Utah R. App. P. 24. Despite the deficiencies in Petitioner's brief, the trial court's denial of his habeas corpus petition challenging extradition is clearly sustainable on the merits.

"Interstate extradition [i]s intended to be a summary and mandatory executive proceeding derived from the language of . . . the Constitution." Michigan v. Doran, 439 U.S. 282, 288, 99 S. Ct. 530, 535 (1978). When "presented with authentic documents from a demanding state, the asylum state's governor must issue an extradition warrant." Boudreaux v. State, 1999 Utah App 310, ¶9, 989 P.2d 1103; see also Utah Code Ann. § 77-30-2 (1999). "A governor's grant of extradition is prima facie evidence that the constitutional and statutory requirements have been met." Doran, 439 U.S. at 289, 99 S. Ct. at 535.

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

Id. Governor Leavitt issued an arrest warrant granting extradition on June 27, 2001.

After reviewing the record, we conclude that each of the Doran elements are met in this case. The Governor of California certified that the extradition documents are authentic. Our supreme court has stated that a governor's certification "is sufficient compliance with the law as to the authentication." Birmingham v. Larson, 26 Utah 2d 414, 490 P.2d 893, 894 (1971). According to the certification, Petitioner is charged with "Conspiracy to Commit a Crime and Murder." There is no dispute as to Petitioner's identity as California has provided both a picture of Petitioner and a copy of his fingerprints. Finally, Petitioner is alleged to have been in California on the date of the crime and is sought to face trial in California's criminal justice system although he is currently within the jurisdiction of Utah. See Emig v. Hayward, 703 P.2d 1043, 1046 (Utah 1985) ("[I]f the person sought to be extradited was not in the demanding state on the date of the crime, or if he is not the person named in the extradition warrant, he cannot be a 'fugitive from justice[.]'"). Based on the record before us and on Petitioner's failure to show that he is not a fugitive from justice, we conclude that Petitioner is properly considered a fugitive.

Affirmed.

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Russell W. Bench, Judge

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WE CONCUR:

James Z. Davis, Judge

Pamela T. Greenwood, Judge

Not Reported in P.3d, 2002 WL 1340268 (Utah App.), 2002 UT App 216  
(Cite as: 2002 WL 1340268 (Utah App.))

**H**  
UNPUBLISHED OPINION. CHECK COURT  
RULES BEFORE CITING.

Court of Appeals of Utah.  
Wayne S. TIPPETT, Petitioner and Appellant,  
v.  
SANPETE COUNTY, Respondent and Appellee.  
No. 20020270-CA.

June 20, 2002.

Sixth District, Manti Department; The Honorable  
David L. Mower.  
Wayne S. Tippett, Manti, Appellant Pro Se.

Mark L. Shurtleff and Mark E. Burns, Salt Lake  
City, for Appellee.

Before Judges BENCH, DAVIS, and THORNE.

MEMORANDUM DECISION (Not For Official  
Publication)

PER CURIAM:

\*1 This matter is before the court on a sua sponte motion pursuant to rule 10(a)(2) of the Utah Rules of Appellate Procedure. Tippett asserts that the district court improperly dismissed his petition for a writ of habeas corpus challenging extradition to South Carolina to complete the remaining twenty-one years of his twenty-five year sentence.

“Interstate extradition was intended to be a summary and mandatory executive proceeding derived from the language of Art. IV, § 2, cl. 2, of the Constitution. The Clause never contemplated that the asylum state was to conduct the kind of preliminary inquiry traditionally intervening between the initial arrest and trial.” *Michigan v. Doran*, 439 U.S. 282,

288, 99 S.Ct. 530, 535 (1978) (internal citations omitted); see also Utah Code Ann. § 77-30-20 (1999) (“The guilt or innocence of the accused as to the crime of which he is charged in another state may not be inquired into.”); *Emig v. Hayward*, 703 P. 2d 1043, 1046-47 (Utah 1985) (“[T]he inquiry into participation in the underlying crimes goes to the merits of the charge in the demanding state and is beyond the ambit of the asylum state's interest in the matter.”).

The United States Supreme Court has clearly defined the limited scope of judicial review permitted in a habeas corpus petition challenging 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 the person named in the request for extradition; and (d) whether the petitioner is a fugitive. These are historic facts readily verifiable.

*Doran*, 439 U.S. at 289, 99 S.Ct. at 535. Because Utah, as the asylum state, may not inquire into the guilt or innocence of the accused, Tippett's request for discovery from South Carolina was beyond the scope of the habeas corpus proceeding in Utah.

Tippett argues that the district court erred in finding the extradition papers were facially correct because he is not currently charged with the crime of escape in South Carolina. However, there is no dispute that Tippett has been charged with, and convicted of, the underlying offenses that are the subject of the extradition. Tippett concedes that he “left” the Oaklawn Correction Facility in Greenville, South Carolina before he completed his sentence.

The Uniform Criminal Extradition Act (UCEA), codified at Utah Code Ann. §§ 77-30-1 to-28 (1999), “ensures that ‘the demanded person's due process

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rights are safeguarded.’ “ *Boudreaux v. State*, 1999 UT App 310, ¶ 24, 989 P.2d 1103 (quoting *State v. Phillips*, 587 N.W.2d 29, 34 (Minn.1998)). In compliance with UCEA, the South Carolina governor's demand for extradition contained all the necessary documents, including a “statement by the executive authority of the demanding state that the person claimed has escaped from confinement.” Utah Code Ann. § 77-30-3. Thus, because Tippet had already been convicted, and failed to complete his sentence in the demanding state, South Carolina did not need to charge him with another crime to extradite him. See *Walker v. United States*, 775 A.2d 1107, 1109 (D.C.2001) (“[A]ppellant ‘overlooks the fact that he has already been found guilty beyond a reasonable doubt by the demanding state for the crime which forms the basis of the extradition request.’ “ (Quoting *Lykins v. Steinhorst*, 541 N.W.2d 234, 237 (Wis.Ct.App.1995))).

\*2 The Governor of South Carolina certified that the extradition documents are authentic. “This is a sufficient compliance with the law as to the authentication.” *Birmingham v. Larson*, 26 Utah 2d 414, 490 P.2d 893, 894 (1971). The Governor of Utah, once presented with the authentic documents from the demanding state, properly issued a rendition warrant. See Utah Code Ann. § 77-30-2 (stating “it is the duty of the governor” to extradite fugitive upon proper demand); *Boudreaux*, 1999 UT App 310 at ¶ 9. “A governor's warrant is presumed valid, and ‘[a] governor's grant of extradition is prima facie evidence that the constitutional and statutory requirements have been met.’ “ *Boudreaux*, 1999 UT App 310 at ¶ 24 (quoting *Doran*, 439 U.S. at 289, 99 S.Ct. at 535); accord *Emig*, 703 P. 2d at 1047. Tippet failed to rebut the prima facie case established through issuance of the Utah governor's warrant. See *Emig*, 703 P. 2d at 1047-48 (“To prevail at the hearing on this petition, [Petitioner] had to carry the burden of refuting the prima facie case of fugitivity that had been established through issuance of the Utah governor's warrant.”). Consequently, once the district court found that all the *Doran* factors had been met, including the finding

that Tippet has already been convicted of a crime in South Carolina, it properly dismissed the petition for writ of habeas corpus.

Finally, Tippet contends that Utah violated state law and denied him due process and equal protection. Tippet bases this argument on his contention that the Interstate Agreement on Detainers, Utah Code Ann. §§ 77-29-5 to-11 (1999), applies to his extradition case. However, the Interstate Agreement on Detainers applies only to “detainers based on untried indictments, informations or complaints .” Utah Code Ann. § 77-29-5. Because Tippet's extradition is based on his conviction, rather than an untried charge, the Interstate Agreement on Detainers is inapplicable. See *State v. Kahl*, 814 P.2d 1151, 1152 n. 1 (Utah Ct.App.1991).

Accordingly, we grant the sua sponte motion, affirm the district court's dismissal of the petition for writ of habeas corpus, and order Tippet's immediate extradition to South Carolina.

Utah App.,2002.

Tippet v. Sanpete County  
Not Reported in P.3d, 2002 WL 1340268 (Utah App.), 2002 UT App 216

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