

Extradition Procedure

1. Law enforcement makes contact with the individual and determines they have a warrant out of another state. If the warrant-holding state wants the individual held, law enforcement arrests the individual.
2. The next morning, the booking sheet and LEIN sheet are given to the prosecutor's office by jail staff. The prosecutor's office assigns the case to a prosecutor, generates a complaint for a fugitive status, attaches a pink sheet indicating that the prosecutor needs to be notified of the time of arraignment so they can attend, and a deputy from the arresting agency takes the complaint and swears to it in front of the magistrate.
3. Once the magistrate signs the complaint, it is immediately given to the District Court Criminal Coordinator, who opens the file and enters the case into the computer system. The Criminal Coordinator then calls the arraignment judge's clerk or the assignment clerk to notify them when the file is sent upstairs in the dumbwaiter.
4. The arraignment judge's clerk shall notify the prosecutor's office of the time that the individual is going to be arraigned.

Arraignment

5. The accused must be taken before a judge or magistrate for arraignment with "all practicable speed." MCL 780.13.
6. At the initial arraignment, the court shall arraign the defendant on the complaint generated by the prosecutor's office. The court must inform the defendant of the demand made for the defendant's surrender, of the crime with which the defendant is charged, that he or she has the right to demand and procure legal counsel, and that if the defendant or his or her counsel desire to test the legality of the defendant's arrest, they may apply for a writ of habeas corpus. MCL 780.9.
7. The defendant may sign a Waiver of Extradition. This waives the issuance and service of a Michigan Governor's Warrant and all other procedures incidental to the extradition proceedings and indicates that the defendant will voluntarily return to the demanding state. If a waiver is executed, the court shall remand the defendant to custody of the County Jail without bond. The prosecutor shall notify the demanding state that the defendant is ready to be picked up by agents of that state. MCL 780.25.
8. If the defendant does not wish to sign the Waiver of Extradition, the prosecutor's office must contact the demanding state to begin the process of obtaining a Michigan Governor's Warrant.

Commitment to County Jail/Bond

7. If from examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and that he has fled from justice, the judge or

magistrate must commit the defendant to the county jail for a time not exceeding 30 days. MCL 780.14. However, if a criminal prosecution has been instituted against the defendant under the laws of this state and is still pending, this restriction on the length of commitment is not applicable during the period that the criminal prosecution is pending in this state. MCL 780.18.

8. Unless the offense with which the defendant is charged is an offense punishable by death, life imprisonment, or imprisonment for 20 years or more under the laws of the state in which it was committed or is for escaping from custody or confinement, the court may allow the defendant to be released on bond in an amount that, after reviewing the defendant's criminal history, the court considers proper. However, once the Michigan Governor's Warrant is received, the defendant must be arrested and is not entitled to bond. MCL 780.15.

9. If the defendant is not arrested under the Michigan Governor's Warrant by the expiration of 30 days, this court may recommit the accused for additional periods not to exceed a total extension of 60 days. Again, if there is a pending criminal prosecution against the defendant in this state, this restriction on the length of commitment is not applicable. MCL 780.18.

Receipt of Michigan Governor's Warrant/Arrest Upon Governor's Warrant

10. When the Michigan Governor's Warrant is received by the prosecutor's office, if the defendant was released on bond, the court shall immediately revoke bond and shall detain the defendant subject only to habeas corpus review. MCL 780.6.

11. When the defendant is arrested pursuant to the Michigan Governor's warrant, the defendant shall "be taken forthwith before a judge of a court of record in this state." MCL 780.9. The court must inform the defendant of the demand made for the defendant's surrender, of the crime with which the defendant is charged, that he or she has the right to demand and procure legal counsel, and that if the defendant or his or her counsel desire to test the legality of the defendant's arrest, they may apply for a writ of habeas corpus. MCL 780.9.

Writ of Habeas Corpus

12. If the defendant applies for a writ of habeas corpus, the prosecutor's office and the agent of the demanding state must be given notice of the time and place of the hearing on defendant's application. MCL 780.9.

13. Once the Michigan Governor has granted extradition by means of the Michigan Governor's Warrant, this court's inquiry on habeas corpus is limited to the following topics: (1) whether the extradition documents on their face are in order, (2) whether the defendant has been charged with a crime in the demanding state, (3) whether he or she is the person named in the extradition request, and (4) whether he or she is a fugitive. *Michigan v Doran*, 439 US 282 (1978). The court shall not inquire into the defendant's guilt or innocence as to the crime charged by the demanding state. MCL 780.19.

Commitment to Jail After Arrest Under Governor's Warrant

14. Once the defendant has been arrested under the Governor's Warrant, the prosecutor shall notify the appropriate authorities in the demanding state. The defendant shall be delivered to these authorities or the agents of these authorities when they appear to transport the defendant to the demanding state. MCL 780.7; 18 USC 3182.

15. If no agent appears to transport the defendant within 30 days of the defendant's arrest under the Governor's Warrant, the defendant may be discharged. 18 USC 3182.