Office of Civil Rights
1200 Pennsylvania ave NW/MC
2731A/Washington, DC 20460-0001

December 9, 2022

Dear Director or assistant Director:

I am sure you recognize the name [redacted] (me) As you got a corrected criminal complaint and two (2) sets of proofs supporting my complaint as I realize my being a man of color, I have to prove what I say. I have [redacted] FBI identification record [redacted] from United States Department of justice identification Division, Washington, D.C., at that time June 13, 1990 I was able to Foia all of [redacted] prison records and inside of his records were his fingerprints, and my people paid $1400 to them identified by the identification Division in Washington, D.C., [redacted] birth date is [redacted]. My birth date is [redacted] even though I am a man of color, I am only one (1) person. I shall show this identification sheet to my new P.C., Being a man of color my word has no value as no person of color do, only our proofs can speak for us.

The next thing I want to bring to your attention is the legal procedure that should have taken place but didn't take place. I am sending a section of the

wallet, my apartment and car Keys. My counselor at that time (was March of 1991) as I was assigned to 8 unit which was inside the wall of Jackson was [redacted]. I told [redacted] what happen to me and I did not belong in Michigan prison and I was Kidnapped from Knox county facility in Knoxville, Tennessee against the law and my will and the fact I was [redacted] not [redacted] conducted a investigation and at the end of her investigation she filed a five page criminal complaint on the Jackson prison officials. [redacted] Knew I was falsely incarcerated and I never recovered my personal property. Because [redacted] was a woman of color, the criminal complaint was never answered by the Jackson county state police. [redacted] can be my witness.

Everyone donot believe in wrong doing. what about you?,.

Sincerely

PS. See:
Williams V. Wayne County Sheriff. 395 Mich 204

[redacted]

Kincheloe, Mi 49788 [redacted]

that due process principles would absolutely bar the government from invoking judicial processes to obtain a conviction."[40]

(c) Extradition proceedings. In *Ker v. Illinois,*[41] discussed above, where the Court held that due process had not been violated by kidnapping the defendant in Peru and bringing him to Illinois for trial, the defendant also objected that there had been certain defects in the extradition proceedings which brought about his transfer from California, where he arrived back into the United States, to Illinois. The Court responded that "it is hardly a proper subject of inquiry on the trial of the case to examine into the details of the proceedings by which the demand was made by the one state, and the manner in which it was responded to by the other." However, the Court cautioned that it was *not* saying that a person seized in an asylum state for extradition was foreclosed to "test the authority by which he was held." Thus, while no effort will be made herein to survey the entire range of legal problems which attend the extradition process,[42] it is appropriate to inquire whether the Fourth Amendment offers some protection to the person against whom extradition proceedings are undertaken.[43]

Extradition, or, more precisely, interstate rendition,[44] is specifically provided for in the United States Constitution.[45] In order to implement

40. Quoting from United States v. Russell, 411 U.S. 423, 93 S.Ct. 1637, 36 L.Ed.2d 366 (1973). In United States v. Lawrence, 434 F.Supp. 441 (D.D.C.1977), the court, citing *Toscanino* and *Russell,* said there could be a situation where the arrest was so outrageous as to bar jurisdiction, but concluded the instant case (defendant was shot at close range with unauthorized ammunition at time of arrest) was not such a situation.

In Commonwealth v. Phillips, 413 Mass. 50, 595 N.E.2d 310 (1992), the trial judge apparently believed he was dealing with such an outrageous situation, as he concluded the defendant's arrests were pursuant to "a Boston police department policy to 'search on sight' all young, black persons in Roxbury suspected of being gang members or of being in the company of a gang member," but the appellate court concluded that even if that were so evidence suppression rather than dismissal of indictments was the proper remedy, as "the deterrent effect of dismissal of these indictments would be little, if any, more than the deterrent effect of suppression of the unlawfully obtained evidence."

41. 119 U.S. 436, 7 S.Ct. 225, 30 L.Ed. 421 (1886).

42. See Council of State Governments, The Handbook on Interstate Crime Control (1977); R. Hurd, Interstate Rendition (2d ed. 1876); J. Moore, Extradition and Interstate Rendition (1891); J. Scott, Interstate Rendition (1917); S. Spear, Law of Rendition (3d ed. 1885); Abramson, Extradition in America: Of Uniform Acts and Government Discretion, 33 Baylor L.Rev. 793 (1981); Glander, Practice in Ohio Under the Uniform Criminal Extradition Act, 8 Ohio St.L.J. 255 (1942); Green, Duties of the Asylum State Under the Uniform Criminal Extradition Act, 30 J.Crim.L. & Criminology 295 (1939); Hoague, Extradition Between States, 13 Am.L.Rev. 181 (1879); Horowitz & Steinberg, The Fourteenth Amendment, Its Newly Recognized Impact on the "Scope" of Habeas Corpus in Extradition, 23 S.Cal.L.Rev. 441 (1950); Kopelman, Extradition and Rendition, History, Law, Recommendations, 14 B.U.L.Rev. 596 (1934); Murphy, Revising Domestic Extradition Law, 131 U.Pa.L.Rev. 1063 (1983); Snow, The Arrest Prior to Extradition of Fugitives from Justice of Another State, 17 Hastings L.J. 767 (1966); Comment, 21 U.Chi.L.Rev. 735 (1954); Note, 74 Yale L.J. 78 (1964) (both on extradition habeas corpus); Note, 66 Yale L.J. 970 (1956) (on executive discretion).

43. For a more extended discussion of this topic, see Note, 24 Rutgers L.Rev. 551 (1970).

44. Id. at 551, noting that the word extradition is more properly employed to describe the surrender of fugitives between nations.

45. U.S. Const. art. IV, § 2: "A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice,

the rendition clause, Congress enacted the Federal Rendition Act, which requires that the demanding state produce "a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor."[46] While that Act provides no details concerning the procedures to be used in apprehending and returning suspected fugitives, virtually all jurisdictions have adopted the Uniform Criminal Extradition Act.[47] The Uniform Act provides that the demand must be

> accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the Executive Authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. 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 indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the Executive Authority making the demand.[48]

Both Acts, it will be noted, permit the arrest of an individual upon an affidavit alleging that he has committed a crime in the demanding state; and in neither instance is there any specific mention of a requirement that the affidavit set forth underlying facts showing probable cause to believe he has done so. It is none too surprising, therefore, that the traditional view, developed well before the *Mapp* decision or even *Wolf,* was that no such showing was required to justify rendition.[49] But even in more recent times, the courts were inclined to accept as indisputable the propositions that "the question of whether or not the demanding state has sufficient evidence * * * cannot be considered in an extradition proceeding"[50] and that "the sufficiency of the affidavit * * * is not open to inquiry on habeas corpus proceedings to review the issuance of a rendition warrant."[51]

Then, in 1967, the District of Columbia Court of Appeals decided *Kirkland v. Preston,*[52] a habeas corpus proceeding challenging confinement under an extradition arrest warrant issued upon a Florida affidavit stating in conclusory terms that petitioner had committed the crime of

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."

46. 18 U.S.C.A. § 3182.

47. See 11 U.L.A. 93 (2003).

48. Section 3.

49. See cases collected in Note, supra note 43, at 560–65; Annot., 40 A.L.R.2d 1158 (1955).

50. State v. Limberg, 274 Minn. 31, 142 N.W.2d 563 (1966).

51. Smith v. State, 89 Idaho 70, 403 P.2d 221 (1965).

52. 385 F.2d 670 (D.C.Cir.1967).

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Many other courts thereafter reached essentially the same conclusion,[53] but some declined to do so.[54]

One argument against *Kirkland* is that the prosecutor's decision is entitled to as much respect as a grand jury indictment; it is presumed "that a public prosecutor, like any other public official, will be true to the duties of his office" and "that he, like the grand jury, will exercise his powers in accordance with the law," meaning that "the issuance of an information" should be afforded "the same degree of sanctity" as "the return of an indictment."[55] But in *Coolidge v. New Hampshire*[56] the Supreme Court held that a prosecutor was not sufficiently "neutral and detached" to be entrusted with the authority to issue search warrants. Even more significant is the fact that in *Gerstein v. Pugh*[57] the Court, in holding that "the Fourth Amendment requires a judicial determination of probable cause as a prerequisite to extended restraint on liberty following arrest" without a warrant, rejected the contention "that the prosecutor's decision to file an information is itself a determination of probable cause that furnishes sufficient reason to detain a defendant pending trial." It may be argued, of course, that the *Coolidge* and *Gerstein* analogies are imperfect in that there is a greater likelihood a prosecutor will exercise restraint when the question is whether public moneys should be expended to bring a person back to the state for purposes of trial. But, while there may be some truth to this,[58] it is not correct to say that prosecutors always make a careful probable cause determination before commencing extradition proceedings. The cases indicate otherwise.[59]

A second objection to the *Kirkland* rule is that an inquiry into probable cause in the asylum state is, in effect, premature. It is asserted

53. Ierardi v. Gunter, 528 F.2d 929 (1st Cir.1976); United States ex rel. Grano v. Anderson, 446 F.2d 272 (3d Cir.1971); Montague v. Smedley, 557 P.2d 774 (Alaska 1976); Renton v. Cronin, 196 Colo. 109, 582 P.2d 677 (1978); Grano v. State, 257 A.2d 768 (Del.Super.1969); Tucker v. Commonwealth, 308 A.2d 783 (D.C.App.1973); Struve v. Wilcox, 99 Idaho 205, 579 P.2d 1188 (1978); Wilbanks v. State, 224 Kan. 66, 579 P.2d 132 (1978); In re Consalvi, 376 Mass. 699, 382 N.E.2d 734 (1978); People v. Doran, 401 Mich. 235, 258 N.W.2d 406 (1977); Sheriff, Clark County v. Thompson, 85 Nev. 211, 452 P.2d 911 (1969); People ex rel. Miller v. Krueger, 35 A.D.2d 743, 316 N.Y.S.2d 246 (1970); Clement v. Cox, 118 N.H. 246, 385 A.2d 841 (1978); State v. Towne, 46 Wis.2d 169, 174 N.W.2d 251 (1970).

54. People ex rel. Kubala v. Woods, 52 Ill.2d 48, 284 N.E.2d 286 (1972); Bailey v. Cox, 260 Ind. 448, 296 N.E.2d 422 (1973); In re Ierardi, 366 Mass. 640, 321 N.E.2d 921 (1975); McEwen v. State, 224 So.2d 206 (Miss.1969); Salvail v. Sharkey, 108 R.I. 63, 271 A.2d 814 (1970).

55. Salvail v. Sharkey, 108 R.I. 63, 271 A.2d 814 (1970).

56. 403 U.S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971).

57. 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975).

58. However, it overlooks the possibility that the prosecutor may approve an information at a time when it was not known the accused was in another jurisdiction and that he might not thereafter reconsider the matter before the extradition process is commenced.

59. Thus, in *Kirkland* the court noted that it had turned out "that the prosecution against the fugitive is unfounded," as the court had given the Florida authorities two weeks to correct the defective affidavit, but they had not done so. And in People ex rel. Gatto v. District Attorney, 32 A.D.2d 1053, 303 N.Y.S.2d 726 (1969), when the demanding state attempted to supply the missing underlying facts it was established that the defendant had not committed the crime alleged.

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61. Grano v. State,
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