

Article - Criminal Procedure

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§9–123.

(a) (1) When the return to this State of a person charged with a crime in this State is required, the State's Attorney shall present to the Governor a written application for a requisition for the return of the person charged.

(2) The application shall state:

(i) the name of the person charged;

(ii) the crime charged against the person;

(iii) the approximate time, place, and circumstances of its commission; and

(iv) the state in which the person is believed to be, including the location of the accused therein, when the application is made.

(3) The application shall certify that in the opinion of the State's Attorney, the ends of justice require the arrest and return of the accused to this State for trial, and the proceeding is not instituted to enforce a private claim.

(b) (1) When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of bail, probation, or parole, the State's Attorney of the county in which the crime was committed, the parole commission, or the managing official of the correctional facility or sheriff of the county from which escape was made shall present to the Governor a written application for a requisition for the return of the person.

(2) The application shall state:

(i) the name of the person;

(ii) the crime of which the person was convicted;

(iii) the circumstances of the escape from confinement or of the breach of the terms of bail, probation, or parole; and

(iv) the state in which the person is believed to be, including the location of the person therein when application is made.

(c) (1) The application shall be verified by affidavit, be executed in duplicate, and be accompanied by two certified copies of:

(i) the indictment returned;

(ii) the information and affidavit filed;

(iii) the complaint made to the judge or District Court commissioner, stating the crime with which the accused is charged; or

(iv) the judgment of conviction or the sentence.

(2) The applicant may also attach further affidavits and other documents in duplicate.

(3) One copy of the application with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, affidavits, judgment of conviction, or sentence shall be filed in the office of the Secretary of State, to remain of record in that office.

(4) The other copies of all papers shall be forwarded with the Governor's requisition.

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