

[CAPTION]

PETITION UNDER I.C. 35-33-10-3(4) TO THE GOVERNOR, STATE OF INDIANA

The Defendant, by counsel, respectfully petitions the Honorable [insert governor's name], Governor, State of Indiana, to investigate the demand for the Defendant's extradition, to order a report prepared concerning the situation and circumstances of the Defendant, and to determine whether the Defendant ought to be surrendered to the [insert requesting state], before the issuance of any Governor's Warrant. In support this Petition, the Defendant would show the Governor as follows:

1. The Defendant is a citizen of the State of Indiana and a resident of [insert county], Indiana.
2. On [insert date]. The Defendant was charged with [insert offense].
3. Indiana Code 35-33-10-3(4), of the Uniform criminal Extradition Act, provides the following:

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

4. There are compelling reasons to order this investigation before any extradition warrant is approved. [Insert reasons. For example, the Defendant has been charged with a capital offense and the requesting state has ordered a moratorium on all executions due to their flawed system].
5. When a Defendant is arrested without a warrant, the judge must determine "that the person held is the person charged with having committed the crime alleged and that he probably committed the crime, and except in cases arising under subsection 7 of this section, that he has fled from jurisdiction. . ." I.C. 35-33-10-3 (15) (16). The issue of whether the Defendant "probably" committed the charged crime is pending before the

[insert Indiana trial court] and is scheduled to be determined on [insert date]. Thus, as Governor of the State of Indiana, the Defendant requests a Governor's warrant not issue until the trial court makes a determination of probable cause, or until an investigation is made pursuant to statute, and a report is prepared and presented to the Governor, detailing the Defendant's situation and circumstances, and whether she ought to be surrendered.

WHEREFORE, the Defendant respectfully requests the Honorable [insert governor's name], Governor of the State of Indiana, order an investigation into the situation and circumstances of the Defendant before any Governor's Warrant is issued, and facilitate the investigation by permitted the [insert trial court] to hear evidence concerning probable cause, and for all other relief just and proper in the premises.

(Signature)