

SUPREME COURT OF THE STATE OF DELAWARE

Clay v. Johnson

Clay v. Johnson · No. No. 213, 2015 · Decided November 5, 2015

SUMMARY

The Delaware Supreme Court affirmed the denial of James Clay’s petition for a writ of habeas corpus challenging his extradition to Arkansas. The Court held that the extradition documents were facially sufficient, that Clay was arrested under the Governor’s Warrant within the statutory thirty-day period, and that the warrant adequately identified the murder charge.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Holland, Justice; Valihura, Justice; Vaughn, Justice
JURISDICTION	Delaware
DECIDED	November 5, 2015
DOCKET	No. 213, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of a petition for a writ of habeas corpus challenging extradition to Arkansas.
STANDARD OF REVIEW	In an extradition habeas proceeding, review is limited to whether the extradition documents are facially in order, whether the petitioner has been charged with a crime in the demanding state, whether the petitioner is the person named in the request, and whether the petitioner is a fugitive.
PRECEDENTIAL VALUE	Published per curiam order
PARTIES	James Clay v. Warden G.R. Johnson

TOPICS

- habeas corpus
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- habeas corpus
- extradition
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Arkansas extradition requisition was facially defective because the sheriff's probable-cause affidavit was not notarized.
2. Whether Clay was held in violation of 11 Del. C. § 2515 because his extradition hearing occurred outside the thirty-day period.
3. Whether the Governor's Warrant was ambiguous concerning the Arkansas charges.

HOLDINGS

1. The extradition documents satisfied Delaware's statutory requirements. The sheriff's affidavit, read in context, supported an inference that it was signed in the presence of the circuit judge, and the Arkansas information supported by the prosecuting attorney's affidavit independently cured any alleged defect.
2. Clay was not detained in violation of § 2515 because he was arrested on March 10 and the Governor's Warrant was issued on April 1, within the thirty-day commitment period. The later hearing date, which accommodated counsel, did not invalidate the detention.
3. The Governor's Warrant and accompanying documents clearly identified the charge as first-degree murder, providing Clay adequate notice. The fact that the original bench warrant also referenced kidnapping did not create an actionable ambiguity.
4. Delaware habeas review in an extradition case is limited to facial validity of the extradition documents, whether the petitioner has been charged with a crime in the demanding state, identity of the person sought, and fugitive status; Delaware courts may not review a demanding state's probable-cause determination after a neutral judicial officer has made that determination.

KEY QUOTATIONS

“In the context of extradition, this Court may decide only: (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; © whether the petitioner is the person named in the request for extradition; and (cl) whether the petitioner is a fugitive.”
((7))

“A governor’s grant of extradition is prima facie evidence that the constitutional and statutory requirements have been met.” ((7))

FACTUAL BACKGROUND

Arkansas authorities sought Clay's extradition for a first-degree murder charge arising from an unsolved 1967 homicide. Delaware police arrested Clay after confirming the Arkansas warrant, and Clay made admissions before and after being advised of his Miranda rights. Arkansas submitted certified extradition documents, Delaware Governor Markell issued a Governor's Warrant on April 1, 2015, and Clay challenged the extradition on defects in the affidavit, the thirty-day detention period, and ambiguity concerning the charges.

PROCEDURAL HISTORY

Arkansas issued a bench warrant for Clay, and Delaware authorities arrested him. Arkansas submitted a requisition, Delaware's Governor issued a Governor's Warrant, and Clay sought habeas relief in the Delaware Superior Court. The Superior Court denied the petition, and the Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Moore v. [name unclear in source], 2002 WL 31631302, at *1 (Del. Nov. 25, 2002)
- Michigan v. Doran, 439 U.S. 282 (1978)

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