

**NOTICE**

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2015 IL App (4th) 150222-U

NO. 4-15-0222

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

December 14, 2015

Carla Bender

4<sup>th</sup> District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Petitioner-Appellee,	)	Circuit Court of
v.	)	Schuyler County
JAMES E. LAMSON,	)	No. 15MR8
Respondent-Appellant.	)	
	)	Honorable
	)	Scott J. Butler,
	)	Judge Presiding.

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JUSTICE TURNER delivered the judgment of the court.  
Presiding Justice Knecht and Justice Steigmann concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court granted counsel's motion to withdraw and affirmed the trial court's judgment granting the State's petition to extradite respondent to the State of Michigan.

¶ 2 In March 2015, the State filed a petition for extradition pertaining to respondent, James E. Lamson. That same month, the trial court entered an order granting extradition.

¶ 3 On appeal, appointed counsel moves to withdraw his representation of respondent pursuant to *Anders v. California*, 386 U.S. 738 (1967), contending any appeal in this cause would be meritless. We grant counsel's motion and affirm the trial court's judgment.

¶ 4 I. BACKGROUND

¶ 5 On March 3, 2015, the State filed a petition for extradition pertaining to respondent. The petition stated a warrant had been issued in Michigan after he was alleged to have committed the offense of criminal sexual conduct in the first degree (Mich. Comp. Laws

§ 750.520b(1)(a) (West 2014)). Respondent had been detained in the Illinois Department of Human Services (DHS) in Rushville pursuant to an order for commitment in Cook County case No. 99-CR-80003. The petition stated the Governor of the State of Michigan had executed a requisition for rendition and appointment of agent on September 16, 2013, demanding respondent, a fugitive from justice, be apprehended, secured, and delivered to detectives of the Mecosta County sheriff's office. On October 3, 2013, the Governor of the State of Illinois issued a Governor's warrant of arrest, commanding peace officers to arrest respondent, bring him to court and, unless he was discharged, deliver him to the custody of the Michigan authorities. The Governors of Michigan and Illinois entered into an executive agreement authorizing the temporary transfer of custody to the State of Michigan. The State's petition requested that respondent be detained in custody and extradited to the State of Michigan pursuant to the Uniform Criminal Extradition Act (Act) (725 ILCS 225/1 to 32 (West 2014)).

¶ 6 On March 11, 2015, defendant appeared in custody. The trial court advised him of the allegations in the petition, appointed counsel Dennis Woodworth, and continued the hearing. On March 26, 2015, the court conducted a hearing on the petition. The State presented certified copies of the warrant from the State of Michigan, the requisition for rendition and appointment of agent, the Illinois Governor's warrant of arrest, and the executive agreement between the two states.

¶ 7 Respondent testified he was the same James Lamson alleged in the petition. He stated he had been civilly committed to DHS and objected to the extradition petition. Respondent stated he was in treatment, getting the help he needed, and hoped to continue with that treatment.

¶ 8 The trial court found respondent was the same person mentioned in the petition

for extradition and a fugitive from justice from the State of Michigan. The court granted extradition and remanded respondent to DHS to be held until custody could be turned over to Michigan authorities. The court entered a written order and appointed the office of the State Appellate Defender (OSAD) to represent respondent on appeal.

¶ 9 In April 2015, this court granted OSAD's motion to withdraw as counsel, as OSAD indicated it could not represent respondent in this civil matter. We also remanded to the trial court for the appointment of counsel. On remand, the court appointed Woodworth to represent respondent. This appeal followed.

¶ 10 II. ANALYSIS

¶ 11 On appeal, appointed counsel has filed a motion to withdraw as counsel and a brief pursuant to *Anders*. This court granted respondent leave to file additional points and authorities on or before October 5, 2015. None have been filed. Based on our examination of the record, we conclude, as has counsel, that an appeal in this cause would be meritless.

¶ 12 "Extradition is a summary and mandatory proceeding for the apprehension and return of fugitives from justice." *People v. Martin*, 208 Ill. App. 3d 857, 860, 567 N.E.2d 1097, 1099 (1991). Along with the applicable federal law, extradition is governed by article IV, section 2, clause 2, of the United States Constitution, which provides as follows:

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

See also 18 U.S.C. § 3182 (2012). "[T]o facilitate extradition proceedings," the State of Illinois

adopted the provisions of the Act. *Cohen v. Sheahan*, 298 Ill. App. 3d 961, 965, 700 N.E.2d 1122, 1125 (1998).

¶ 13 "Extradition is not a matter of mere comity, but an absolute right of the demanding State and the duty of the asylum State." *People v. Siler*, 85 Ill. App. 3d 304, 307, 406 N.E.2d 891, 894 (1980); see also 18 U.S.C. § 3182; 725 ILCS 225/2 (West 2014) (setting forth the duty of the Governor).

"A governor's grant of extradition is prima facie evidence that the constitutional and statutory requirements have been met.

[Citation.] Once the governor has granted extradition, a court considering release on habeas corpus can do no more than decide (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; (c) whether the petitioner is the person named in the request for extradition; and (d) whether the petitioner is a fugitive. These are historic facts readily verifiable." *Michigan v. Doran*, 439 U.S. 282, 289 (1978).

¶ 14 In the case *sub judice*, the State's evidence consisted of several exhibits. Exhibit A, an application for respondent's return from the prosecuting attorney from Mecosta County, Michigan, alleged respondent had been charged with two counts of criminal sexual assault, he was in Michigan at the time of the offense, and he thereafter fled the state. See 725 ILCS 225/3 (West 2014) (setting forth the form of demand). The application also included the two-count felony complaint against respondent and listed his date of birth as August 19, 1947.

¶ 15 Exhibit B was an August 2000 commitment order in Cook County case No. 99-

CR-80003. Exhibit C was a requisition for rendition from the Governor of Michigan to the Governor of Illinois, demanding respondent be apprehended, secured, and delivered to Michigan law-enforcement authorities. Exhibit D was the warrant of arrest signed by Illinois Governor Pat Quinn. See 725 ILCS 225/7 (West 2014) (setting forth the form of the warrant of arrest). Exhibit E consisted of the executive agreement between the two states authorizing the temporary transfer of respondent to the State of Michigan.

¶ 16 Here, the extradition documents on their face were in order and in accord with the Act. Further, the documents showed respondent had been charged with criminal offenses in the State of Michigan. At the initial hearing, respondent indicated he was James Lamson and gave his date of birth as August 19, 1947. The evidence also indicated respondent was no longer in the State of Michigan, as he was committed to DHS in Rushville, and was a fugitive. Respondent's only complaint at the hearing on the petition centered on his hope of continuing treatment in DHS. However, this was not an issue going to the validity of his extradition.

¶ 17 Counsel concludes no colorable argument can be made that would entitle respondent to relief. Our review of the record and the law reveals counsel is correct. Accordingly, we grant counsel's motion to withdraw.

¶ 18 III. CONCLUSION

¶ 19 For the reasons stated, we grant counsel's motion to withdraw and affirm the trial court's judgment.

¶ 20 Affirmed.