*Form AG-102 – Rev. Dec. 16, 2020 (For persons physically present in Kansas when the offenses were committed.)*

**AG-102**

**APPLICATION FOR REQUISITION**

(To be made in Triplicate)

**To the Governor of the State of Kansas***:*

I respectfully request you issue a formal requisition demand of the Governor of the State of [ASYLUM STATE] for the apprehension and rendition of [full name of the Fugitive in CAPITAL LETTERS] who is charged in [KANSAS COURT NAME] Court, within and for the County of [KANSAS COUNTY], in this State, with the commission of the following criminal offense(s):

[*List title of crime(s) and statute numbers in this section*}:

That [full name of the Fugitive in CAPITAL LETTERS], at the time of committing said crime, was personally present in said County and State, and is now, as your petitioner verily believes, in the County of [ASYLUM COUNTY], and State of [ASYLUM STATE], and has refused to waive extradition. The grounds for such belief are:

[*Briefly set out information received such as correspondence, telegrams, etc., including the* ***DATE OF ARREST & DATE OF FIRST APPEARANCE*** *in the asylum state*]

Your petitioner verily believes [Full name of the Fugitive in CAPITAL LETTERS] [ ]  has [ ]  has not been released on bond and is next set to appear in [NAME OF ASYLUM STATE COURT] on [DATE OF NEXT COURT APPEARANCE IN ASYLUM STATE].

The ends of justice, in my opinion, require the fugitive defendant be brought back to this State for trial at the public expense. In support of this application, I herewith present a duly certified copies of the [“COMPLAINT”, “INFORMATION” OR “INDICTMENT” “JOURNAL ENTRY” “JUDGMENT” AS THE CASE MAY BE], supporting probable cause affidavit by law enforcement (*not required for indictments*), and arrest warrant now on file in the District Court of said County, which allege the facts required to be established, along with photographs and/or fingerprint cards, all of which are authentic and properly authenticated in accordance with the laws of this state; and that the copies of the papers submitted herewith have been compared with each other and are in all respects exact counterparts of this application and accompanying documents.

I nominate [COUNTY SHERIFF], or his/her designated officer or agent, of said County, as proper person to be appointed and commissioned by you as the agent of the State of Kansas to receive the said accused when apprehended, and bring him/her to this State and deliver him/her into the custody of the Sheriff of said County. I also certify that the above nominee has no private interest in the proposed arrest.

The facts constituting the offense are [BRIEFLY NARRATE THE UNDERLYING FACTS]:

**AFFIDAVIT OF APPLICANT**

STATE OF KANSAS )

 ) ss

COUNTY OF )

 I, [NAME OF PROSECUTING ATTORNEY], being first duly sworn upon oath, deposes and states:

1. I am a [ ]  duly-elected District/County [ ]  duly-appointed Deputy [ ]  duly-appointed Assistant prosecuting attorney for [KANSAS COUNTY NAME], Kansas, which is part of the [NUMBER OF JUDICIAL DISTRICT] District of Kansas.

2. **I HEREBY CERTIFY** I have carefully examined the case, and verily believe that the facts stated in the accompanying proof are true and that the fugitive is the person accused of the crime charged; that the ends of public justice require that the fugitive be brought back to this State at public expense; that I believe that I have sufficient evidence to secure a conviction; that the charge was preferred and this application is made in good faith and not for the purpose of the collection of a debt or for any private purpose, and that if the fugitive is returned to this State the criminal proceedings will not be used for any of such purposes, but that it is my intention to diligently prosecute said fugitive for the crime charged.

3. I further state the Honorable [NAME OF JUDGE], District Court Judge of the [NUMBER OF JUDICIAL DISTRICT] of the State of Kansas issued a warrant for the arrest of [NAME OF FUGITIVE] upon charges for the following crimes:

 [NAME OF CHARGES, STATUTE NUMBER, AND SEVERITY LEVEL]

4. I further state the accused was [ ]  present [ ]  not present in [NAME OF COUNTY], Kansas at the time part of the alleged crime(s) was committed.

 [ ]  District/County Attorney

 [ ]  Deputy District/County Attorney

 [ ]  Assistant District/County Attorney

 Subscribed and sworn before me this \_\_\_\_\_ day of , 20\_\_

 Judge of the District Court

 Judicial District

**JUDICIAL FINDING OF PROBABLE CAUSE FOR EXTRADITION**

 After review of the information contained in the Court’s file, the application for requisition, and affidavit submitted by [NAME OF PROSECUTOR] in State of Kansas vs. , I find there is sufficient probable cause to request extradition of:

[NAME OF FUGITIVE]

Case Number [CASE NUMBER]

Date of Birth: [FUGITIVE’S DATE OF BIRTH]

[ ]  - Defendant is wanted on criminal charges he/she has not yet been advised on.

[ ]  - Defendant is wanted for Failure to Appear

[ ]  - Defendant is wanted for Failure to Comply with terms of Probation

 Judge of the District Court

 Judicial District

***NOTE***: *The affidavit of probable cause must be sworn to before a JUDGE or MAGISTRATE*.

***NOTE****: In order for an INFORMATION to constitute such an “affidavit made before a magistrate” as is required by 18 U.S.C.A. § 3182 it must be sworn to POSITIVELY BEFORE A MAGISTRATE, and not on “information and belief.” A Clerk of a Court is not a MAGISTRATE—neither is a Notary Public.*

STATE OF KANSAS )

 )

OFFICE OF THE ATTORNEY GENERAL )

Topeka, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_

I have carefully examined the above and foregoing application for a requisition, and the accompanying papers thereto attached. It is my opinion, based upon such examination, that the application is in due for and complies with all the requirements of the law and the rules of interstate rendition of fugitives from justice, and that it would be proper for you as Governor to grant the application. I therefore approve the papers and advise for issuance of the requisition therein requested.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney General

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant Attorney General

***NOTE:*** *Hereafter, attach to the application court certified copies of Complaint or Information sworn to before a MAGISTRATE, the probable cause affidavit, the arrest warrant, and one informal copy of each statute violated.*