

# EXTRADITION

## The Paperwork

Dawn M. Stott  
Extradition Officer  
CA Department of Justice  
Office of the Attorney General  
Phone: (916) 210-7577  
Email: [Dawn.Stott@doj.ca.gov](mailto:Dawn.Stott@doj.ca.gov)

Angie West Byrd  
Extradition Secretary  
NC Department of Justice  
Office of the Attorney General  
(919) 716-6578  
Email: [abyrd@ncdoj.gov](mailto:abyrd@ncdoj.gov)

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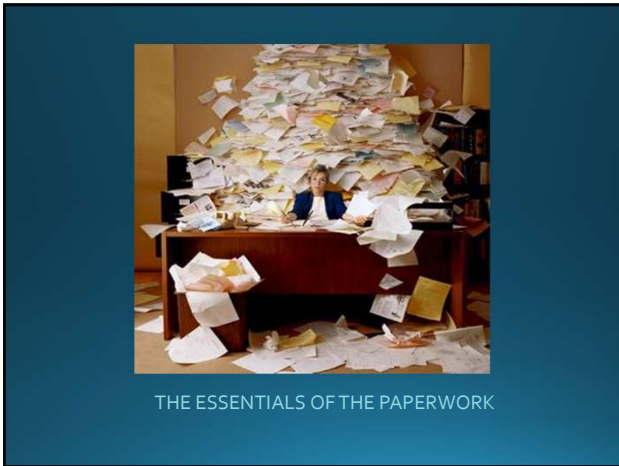
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## JUDICIAL WAIVER

**FORMS**

This agreement and waiver is made to me without reference to my guilt or innocence and shall not be considered as any promise or prejudice as to my guilt or innocence or otherwise.

Executed before the above-captioned court.

I, Candice Smitty [signature]  
[name]

I certify that I understand the above substance of the nature and contents of the foregoing, and that I voluntarily and knowingly and without coercion, duress, or threat, and that I knowingly and voluntarily consent to my return to that state.

I hereby execute and hold harmless in this matter the [State] of [State] Department of Corrections and all persons acting under the same, and agree to accept to the foregoing rules and provisions which otherwise would be required to secure my return to that state.

I hereby execute and hold harmless in this matter the [State] of [State] Department of Corrections and all persons acting under the same, and agree to accept to the foregoing rules and provisions which otherwise would be required to secure my return to that state.

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**APPLICATION FOR REQUISITION:** Demanding State's prosecutor's formal request for extradition to demanding State's Governor

**GOVERNOR'S REQUISITION:** The Demanding State's governor's formal extradition request to the Asylum State's Governor requesting issuance of a Governor's Warrant

**GOVERNOR'S WARRANT:** Arrest warrant issued by the Asylum State's Governor upon receipt of the demanding state's requisition.

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Demanding State

# Governor's Requisition Application Process



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## APPLICATION FOR REQUISITION

Three types of applications for extradition:

1. **Form 1– Fugitive:** Person charged with a crime committed while in the Demanding State
2. **Form 1A– Non-Fugitive:** Person committed an act in one state that resulted in a crime in the Demanding State
3. **Form 1B– Violators:** Person violated parole, probation or escaped

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# All Applications Must Include

- NAME OF FUGITIVE
- CRIMES CHARGED/COMMITTED
- LOCATION OF FUGITIVE
- AGENT NOMINATED
- EXTRADITION IS NOT BEING USED TO ENFORCE A CIVIL CLAIM
- MUST BE VERIFIED
- MUST BE ACCOMPANIED BY SUPPORTING DOCUMENTS (see supporting document sections)

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# ALL applications must include full name and ALL aliases



Name of Fugitive: Candace Smitty (aka, Candy Smitty, Smitty C)

State/Country of Origin: \_\_\_\_\_

Agency Making Application: \_\_\_\_\_

Official Making Application: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**APPLICATION FOR REQUISITION**  
Standard Fugitive Form for  
Persons charged with a crime(s)

To the Governor of the State of California:

I HAVE THE HONOR HERETOBY TO MAKE APPLICATION for a requisition upon the Governor of the State of \_\_\_\_\_ for the arrest and rendition of Candace Smitty, who is charged in this country and state with the commission of the following named offense(s):

\_\_\_\_\_

\_\_\_\_\_

and who appears from the accompanying proof, and particularly the sworn affidavit returned herewith, is a fugitive from the justice of this state, and has taken refuge in the State of \_\_\_\_\_.

HEREBY CERTIFY:

THAT the full name of the person for whom requisition is asked is Candace Smitty (aka, Candy Smitty, Smitty C).

THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof are true and that the fugitive is guilty of the crime(s) charged, that the ends of public justice require that the fugitive be brought back to this state at public expense, that I believe I have sufficient evidence to secure the fugitive's conviction, that the charges were preferred and the application is made in good faith and not for the purpose of relieving the collection of any debt or in any private purpose, and that if the fugitive is returned to this state the consular proceedings will not be used for any of these purposes, but that in any event he will be promptly proceeded for the crime(s) charged.

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# ALL APPLICATIONS MUST LIST THE LOCATION OF FUGITIVE



Must include the asylum state AND county

Name of Fugitive: \_\_\_\_\_

State/Country of Origin: North Carolina, Guilford County

Agency Making Application: Candace Smitty (aka, Candy Smitty, Smitty C)

Official Making Application: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**APPLICATION FOR REQUISITION**  
Standard Fugitive Form for  
Persons Charged with a Crime(s)

To the Governor of the State of California (demanding state):

I HAVE THE HONOR HERETOBY TO MAKE APPLICATION for a requisition upon the Governor of the State of North Carolina for the arrest and rendition of Candace Smitty, who is charged in this country and state with the commission of the following named offense(s):

(List title of crime(s) and code section(s))

\_\_\_\_\_

and who appears from the accompanying proof, and particularly the sworn affidavit returned herewith, is a fugitive from the justice of this state, and has taken refuge in the State of North Carolina.

HEREBY CERTIFY:

THAT the full name of the person, including any known alias(es), for whose requisition is asked is Candace Smitty (aka, Candy Smitty, Smitty C).

THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof are true and that the fugitive is guilty of the crime(s) charged, that the ends of public justice require that the fugitive be brought back to this state at public expense, that I believe I have sufficient evidence to secure the fugitive's conviction, that the charges were preferred and this application is made in good faith and not for the purpose of relieving the collection of any debt or in any private purpose, and that if the fugitive is returned to this state the consular proceedings will not be used for any of these purposes, but that in any event he will be promptly proceeded for the crime(s) charged.

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# APPLICATION CAPTION

Name of fugitive: \_\_\_\_\_  
State/County of Refuge: \_\_\_\_\_  
Agency Making Application: Department of Justice, AG  
Official Making Application: Tia Coronado, DAG  
Phone Number: (916) 123-4567

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# CRIMES CHARGED

## Fugitive and Non-Fugitive Applications

**NOTE:**  
Extradition only requires one criminal offense. Additional charges and/or cases can be added once the person is returned to the demanding state.

Name of Fugitive: Candace Smitty (aka: Candy Smitty, Smitty C.)  
State/County of Refuge: North Carolina, Guilford County  
Agency Making Application: Department of Justice, Attorney General  
Official Making Application: Tia Coronado, Deputy Attorney General  
Phone Number: (916) 123-4567

### APPLICATION FOR REQUISITION Standard Fugitive Form for Persons charged with a crime(s)

To the Governor of the State of California:  
I HAVE THE HONOR HEREWITH TO MAKE APPLICATION for a requisition upon the governor of the State of North Carolina for the arrest and rendition of \_\_\_\_\_ who is charged in this county and state with the commission of the following criminal offense(s):

- Assault: Penal Code, § 240; two counts
  - Battery: Penal Code, § 242; two counts
  - Identity Theft: Penal Code, § 530.01(a)
  - Grand Theft Auto: Penal Code, § 487(d)(1)
- and who appears from the accompanying proof, and particularly the annexed affidavit submitted herewith, and who, in accordance therewith, is a fugitive from the justice of this state, and has taken refuge in the State of \_\_\_\_\_.

I HEREBY CERTIFY:  
THAT the full name of the person for whom requisition is asked is Candace Smitty (aka: Candy Smitty, Smitty C.)

THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof are true and that the fugitive is guilty of the crime(s) charged; that the ends of public justice require that the fugitive be brought back to this state or public expense; that I believe I have sufficient evidence to secure the fugitive's conviction; that the charge was preferred and this application is made on good faith and not for the purpose of enforcing the collection of any 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 those purposes, but that it is my intention to diligently prosecute the fugitive for the crime(s) charged.

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# ALL APPLICATIONS MUST INCLUDE A NOMINATED AGENT COMPLETE NAME, TITLE AND LAW ENFORCEMENT AGENCY

I NOMINATE and propose the name of Tia Coronado, Sheriff of the San Bernardino County Sheriff's Office (law enforcement agency) and to his/her designated authorized agent(s) for designation as agent of this state to return the fugitive and represent that he is a proper person for such designation; that he/she has no private interest in the arrest of the fugitive other than in the discharge of his duty as such officer. (*\*Some states require the nomination of a female officer for the transport of a female fugitive.*)

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Respectfully submitted,  
Tia Coronado  
(Name)  
Deputy Attorney General  
(Title)

Note: Some states require a same sex agent and for a transgender fugitive offer both

Some states will not accept a transport company as the named authorized agent

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**EXTRADITION IS NOT BEING USED TO ENFORCE A CIVIL CLAIM**  
 Must be for a criminal matter either a felony or misdemeanor

**FORM 1**

Name of Fugitive: \_\_\_\_\_  
 State/Country of Birth: \_\_\_\_\_  
 Agency Making Application: \_\_\_\_\_  
 Official Making Application: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

APPLICATION FOR REQUISITION  
 Standard Fugitive Form for  
 Persons charged with a crime(s)

To the Governor of the State of \_\_\_\_\_ (demanding state)

I HAVE THE HONOR HEREWITH TO MAKE APPLICATION for a requisition upon the governor of the State of \_\_\_\_\_ (my/their state) for the arrest and extradition of \_\_\_\_\_ (name of fugitive) who is charged in this country and state with the commission of the following criminal offense(s):  
 \_\_\_\_\_  
*(List title of crime(s) and code section(s).)*

and who appears from the accompanying proof, and particularly the sworn affidavit submitted herewith, and who, so appears from that affidavit, is a fugitive from the justice of this state, and has taken refuge in the State of \_\_\_\_\_


I HEREBY CERTIFY:

THAT the full name of the person for whom requisition is asked is \_\_\_\_\_

**THAT I have carefully examined the case, and believe that the facts stated in the accompanying proof are true and that the fugitive is guilty of the crime(s) charged, that the mode of public notice require that the fugitive be brought back to this state or public expense that I believe I have sufficient evidence to secure the fugitive's conviction, that the charge was preferred and this application is made in good faith, and for the purpose of enforcing the collection of any debt or for any person's property, and that if the fugitive is returned to this state the criminal proceedings will not be used for any of these purposes, but that it is my intention to diligently prosecute the fugitive for the crime(s) charged.**

NOTICE

PLEASE LOOK  
BUT DO NOT  
TOUCH



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**APPLICATION MUST BE VERIFIED**

Court Executive Officer

Deputy County Clerk

STATE OF \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss.  
 \_\_\_\_\_, being first duly sworn, deposes and says:

THAT he/she is the (title) \_\_\_\_\_ with the office of (agency) \_\_\_\_\_ State of \_\_\_\_\_ that he/she has read the attached application for requisition directed to the Governor of this State and knows and understands its contents, and that he is informed and believes and on such information and belief alleges, that the statements made in the application are true.  
(governing authority: constitution or public official, etc.)

Subscribed and sworn to on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 County Clerk of the County of \_\_\_\_\_  
 State of \_\_\_\_\_  
 By: \_\_\_\_\_  
(Court Executive Officer) [(Deputy) County Clerk] [Notary]  
(if notary used)  
 My Commission Expires: \_\_\_\_\_

Notary Public



County Clerk



BEST PRACTICE: Anytime the judge or clerk signs have them stamp the court seal

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ESSENTIAL DOCUMENTS



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## Required Documents to Support Requisition Fugitive/Nonfugitive



- CERTIFIED COPY OF CHARGING DOCUMENT
- CERTIFIED WARRANT
- CERTIFICATION FORM



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### ❖ *Indictment*

### ❖ *Information*

Must be accompanied by an affidavit except in California  
See forms 2 to 2-A

### ❖ *Affidavit Made Before a Magistrate*

Can be an amended complaint signed before a magistrate with a finding of probable cause statement

## CERTIFIED COPY OF CHARGING DOCUMENT

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## "SUBSTANTIALLY" CHARGED

Documents must "substantially" charge the fugitive with having committed a crime under the Demanding State's laws.

- You cannot extradite on Capias alone
- Habeas law says "substantially" charged with a crime
- "Substantially charged" means there must be a showing of probable cause.
  - See *Michigan v. Doran*, 439 U.S. at 285 (1978)

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# CERTIFICATION FORM

- Judge/Clerk signs attesting to copies of the documents provided from the court file.
- Judge/Clerk signs verifying the person who signed above
- All signatures are verified by secretary of state. Signatories must be on file with the Secretary of State

**NOTE:** Cross-certification is a matter of State law in the Demanding State ONLY. The Asylum State should not look past the Demanding State's Governor's certification contained in the requisition

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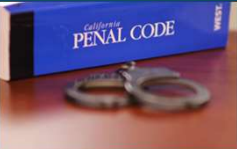
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# SUPPORTING DOCUMENTS



➤ IDENTITY

➤ STATUTES



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# IDENTITY

- Demanding State Driver's License Photo
- Out of State Photo with Affidavit of Identity



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# FINGERPRINTS



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# STATUTES



Make sure statute is for the same year the offense was committed

Years 1840-1960 (14)

[ 245. Assault with deadly weapon or force likely to produce great bodily injury; punishment

Crime(s)

(1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for one, three, or five years, or in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

(2) Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or five years, or in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), and imprisonment.

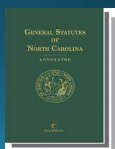
(3) Any person who commits an assault upon the person of another with a knife, or an assault weapon, as defined in Section 100-1, or a BB gun, as defined in Section 100-2, shall be punished by imprisonment in the state prison for 1/2, 1, or 2 years.

(4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or five years, or in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

(5) Any person who commits an assault upon the person of another with a paralytic, poison, or a substance, firearm shall be punished by imprisonment in the state prison for two, three, four, or five years.

(6) Any person who commits an assault upon the person of another with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of another with a knife, or an assault weapon, as defined in Section 100-1, or a BB gun, as defined in Section 100-2, or by any means of force likely to produce great bodily injury upon the person of another with a paralytic, poison, or a substance, shall be punished by imprisonment in the state prison for two, three, four, or five years.

NOTE: Only one copy of the statute required where multiple counts are the same offense



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# CHECKLIST



- ✓ **Application** - fugitive or non-fugitive, spelling of subject's name correct, include all aliases, location of fugitive, crimes charged, name/title of agent and verified signature
- ✓ **Charging Document** - indictment, information, amended complaint sworn before a magistrate
- ✓ **Warrant** - supported by current charging document
- ✓ **Court Certification of Documents** - clerk and judge's signatures to be verified by the Secretary of State
- ✓ **Identity** - Photo and/or Certified Fingerprints
- ✓ **Statutes** - Statute(s) of charged offense(s) listed in charging document

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## REQUEST/MOTION TO REVOKE PROBATION AND ORDER



**NOTE:** The motion/request to revoke **MUST** indicate which conditions were violated and when the violation occurred

## CHECKLIST FOR PROBATION/PAROLE VIOLATION:

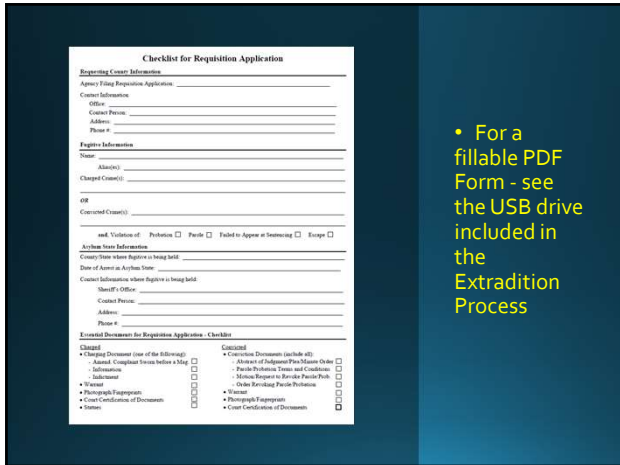


- Application (Form 1-B)
- Abstract of Judgment/Plea Form/Minute Order
- Probation Terms and Conditions
- Motion/Request to Revoke Probation
- Order Revoking Probation
- Warrant (does not need to be issued)
- Court Certification
- Identity



## WARRANT VOP





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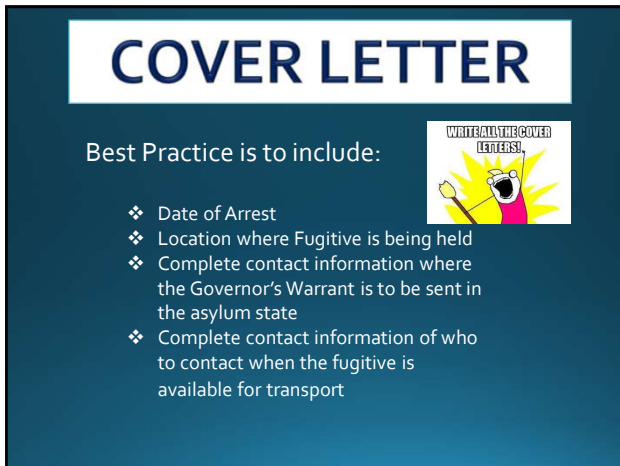
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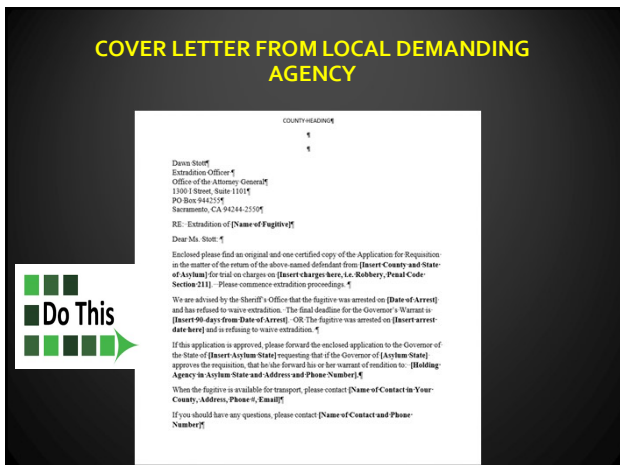
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## SPECIAL REQUIREMENTS BY STATE



- Check NAEO Manual for each State's Special Requirements. Appendix A-1
- Also, check your State's preferences in the directory and if any changes need to be made please notify NAEO.

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## TIME FRAMES

Most states are 30 days with the option for a 60 day extension – total of 90 days - Send Requisition Application to your state's designated extradition officer as soon as possible.

Extensions are not automatic – communication with the holding agency is key in making sure a fugitive is not released prior to the receipt of a governor's warrant.

**Best Practice: calculate time from date of arrest.**

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I'M DONE

COMPLETED EXTRADITION REQUISITION PACKET



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## MAIL ORIGINAL AND SPECIFIED COPIES

Each State has a designated extradition official, mail your originals and required copies to your State's extradition official



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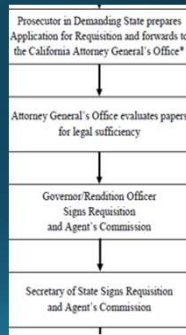
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- Attorney General's or Governor's Office receives request
- Extradition Official reviews
- Deputy Attorney General approves
- Governor's Office signs Requisition
- Sent to Secretary of State's Office for signature authentication

AND LAST BUT NOT LEAST .....



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# GOVERNORS REQUISITION




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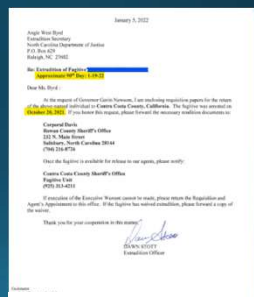
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# COVER LETTER TO ASYLUM AGENCY EXTRADITION OFFICIAL

Demanding State's official sends the Governor's Requisition and supporting documents to the Asylum State's extradition official

TIP: Providing the Asylum State's official with as much information as possible can prevent mishaps.




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# ASYLUM STATE GOVERNOR'S WARRANT

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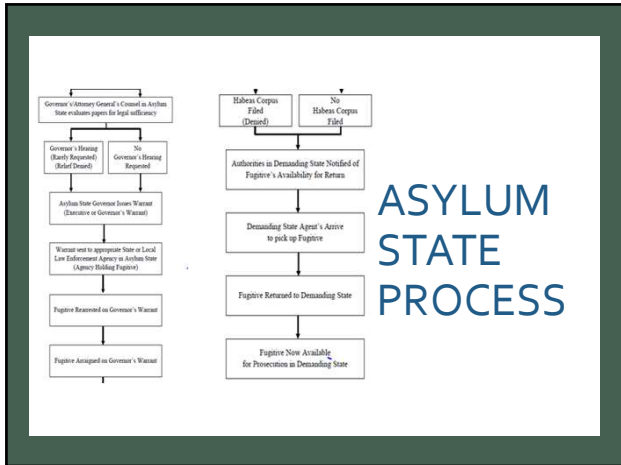
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### ASYLUM STATE'S ISSUANCE OF THE GOVERNOR'S WARRANT

Attorney General or Governor's Office in the Asylum State receives and reviews the Demanding State's Governor's Requisition and supporting documents for legal sufficiency

Requests changes if necessary

The image shows a document titled "OFFICE OF THE GOVERNOR, GOVERNOR'S REQUISITION AND WARRANT APPORTIONMENT TO THE GOVERNMENT OF THE STATE OF NORTH CAROLINA". It includes sections for WHEREAS, NOW, THEREFORE, and IN WITNESS WHEREOF, with signatures of the Governor and the Secretary of State.

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### The Asylum State's Governor issues the Governor's Warrant

The image shows a document titled "STATE OF NORTH CAROLINA, GOVERNOR'S WARRANT". It includes sections for WHEREAS, NOW, THEREFORE, and IN WITNESS WHEREOF, with a signature of the Governor.

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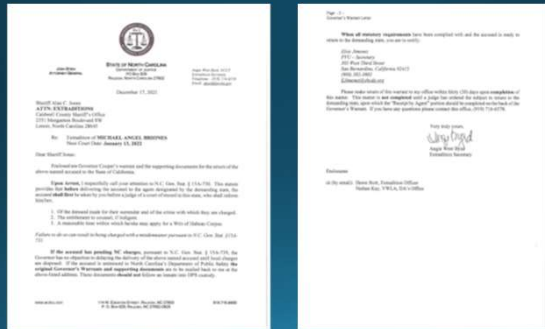
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The Asylum State's extradition official will review the Governor's Warrant and send to the Asylum State's HOLDING agency for service of the Governor's Warrant




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WHAT TO DO WHEN YOU RECEIVE THE GOVERNOR'S WARRANT:

Serve Governor's Warrant on fugitive (if not in custody, attempt to find and arrest fugitive)

Not the original!!



Arraign fugitive on Governor's Warrant

Forthwith -- No bail



Notify Demanding State when the fugitive is available for pick up

Allow reasonable amount of time for fugitive to file a habeas-usually 10 days

Deliver fugitive and duplicate copy of Governor's Warrant and supporting documents

Complete the certificate of delivery on the back of the ORIGINAL Governor's Warrant and return to your State's extradition official

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**STATE'S EXTRADITION OFFICIAL**

- ❖ COMMUNICATION – Have solid contacts at your State's Prosecutors and Sheriff's Offices
- ❖ COMMUNICATION – Know your counterparts, especially in the States you work with the most
- ❖ COVER LETTER – The perfect cover letter may seem like a small detail, but it sets out the important dates and contacts and may limit follow-up questions or research in the Asylum State



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**PROSECUTOR'S OFFICE**

COMMUNICATION – Have contacts at your sheriff's office and local police departments who handle extraditions

COMMUNICATION – Establish a good relationship with your State's extradition official

COLLATE: Please make an entire extradition packet and then the required number of copies

ASK AWAY – Do not be afraid to ask questions – your state officials are there to help you

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## LAW ENFORCEMENT OFFICERS

- COMMUNICATION – Have a contact at your prosecutor's office
- COMMUNICATION – Establish a good relationship with your State's extradition official
- COVER LETTER does not need to be served
- ASK AWAY – Do not be afraid to ask questions



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Contact:

Dawn Stott  
(916) 210-7677  
[Dawn.Stott@doj.ca.gov](mailto:Dawn.Stott@doj.ca.gov)

Angie Byrd  
(919) 716-6578  
[abyrd@ncdoj.gov](mailto:abyrd@ncdoj.gov)

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