

MAINE STATE LEGISLATURE

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October 26, 1959

Honorable Clinton A. Clausen, Governor

Executive

James G. Frost, Deputy Atty. Gen.

Attorney General

Extradition of Jack Synrex

On September 8, 1959, you received from the Governor of Illinois a request for the extradition of the above-captioned Jack Synrex, the said Synrex being charged in the State of Illinois, by indictments, with the crime of contributing to the delinquency of a minor child.

The papers being in proper form, the Governor's warrant for the arrest of said Jack Synrex was prepared and mailed to the Chief of Police, Portland, Maine, on September 14, 1959.

At the request of Richard J. Dubord, Esquire, attorney for said Synrex, the Governor's warrant for the arrest of said Synrex was recalled so that opportunity might be had for the said Synrex to present evidence as to why he should not be returned to the State of Illinois under the extradition process.

In order to permit the petitioner to adequately present his case, the matter was referred to the Attorney General for investigation and the Attorney General set the matter for hearing, giving notice to the interested parties that a hearing would be held on October 20, 1959, at 10:00 A.M.

The papers contained in the request for extradition reveal that Mr. Synrex is charged in the State of Illinois with several counts of contributing to the delinquency of a minor child (a girl under 18 years of age).

The various counts allege that he induced a certain girl to go with him to Calumet City, Illinois, and once there, that he induced that girl to frequent a house of ill repute; to perform indecent, immoral, and lascivious dances in a public place; to expose her body and perform lewd acts with male members of the public; to solicit in a public place intoxicating drinks from males in that public place.

The contention of petition is twofold:

- (1) That no crime was committed by the said Synrex;
- (2) That Synrex was not a fugitive from justice.

With respect to (1) above, a statement from the girl involved was submitted, the effect of the statement being that her employment at the Club where the complained of activities were conducted was voluntary on her part; initiated by her, and that Mr. Synrex was not involved in such employment but, rather, opposed to it.

The evidence tends to show that Mr. Synrex transported to Calumet City, with the subject girl, several other girls, with the intent that they were to work in such a night club.

It was admitted that contact with the Club operators had been made before arrival at that city; that upon arrival, Mr. Synrex received an advance on the payment due for supplying the girls.

It was admitted that the subject girl commenced work within a day or two of her arrival in that area, and it was also admitted by Mr. Synrex that he received \$10 per week for each girl supplied, and that he received such sum for the services of the subject girl.

Bearing upon this point is the fact that under the usual procedure in extradition cases, the governor of the asylum state must only ascertain that a crime is substantially alleged. Any evidence going to the contrary bears upon the guilt or innocence of the accused and it is a general principle that such matters must be left to the courts of the demanding state.

In fact, Section 20, Chapter 132, R. S. 1954, being our Uniform Extradition Act, expressly provides that:

"The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime."

This section would prohibit both the governor and a court from inquiring into such guilt or innocence.

It is our opinion that both under the statute above referred to, and in the face of the evidence elicited from Mr. Synrex, there is sufficient cause for the courts in Illinois to inquire into the matter.

In so far as identity of Synrex is concerned, the officer who arrested Synrex on August 16, 1958, personally identified Mr. Synrex as being the person arrested, and the person charged in the indictments contained in the papers authenticated by the Governor of Illinois and sent to you.

There is the remaining question as to whether Mr. Synrex is a fugitive from the State of Illinois.

Counsel for Synrex claims that, despite the general rule, if a crime is claimed to have been committed by a person in one state, and that person is found in another state, then such person is a fugitive for the purpose of extradition; in Maine the rule is different.

It is claimed that in Maine the Governor may inquire into the circumstances of the offense, the subsequent conduct of the accused, the time and manner of his leaving the state having jurisdiction of the offense, etc., etc., in order to determine the question whether he has fled to avoid a prosecution. Our attention is drawn to 13 A L R 420 as being authority for the above, the article discussing an opinion of Governor Fairfield (1839-40).

For the background of this case, which evidently concerned a request for the return to the State of Georgia of two Maine citizens charged with the abduction of a slave from that State, and the retaliatory action by the Governor of Georgia upon the request being refused, see Laws of Maine, 1840, page 240.

No such national and interstate tensions as accompanied the question of slavery are involved in the present case; and since that last case the states have generally adopted the Uniform Extradition Act, and a large body of case law has been developed, with the majority rule on the question of fugitives being as above stated.

We would note too, that Governor Fairfield was concerned with persons leaving a state without knowledge that they had been charged, or committed, a crime.

In the present case, Synrex had been arrested, released on bail, and then left the State of Illinois.

It is his claim that, being driven from the State, at gun point, by members of a group concerning which group Synrex had "too much information," then his flight was not to avoid prosecution, but to save his life - and for that reason he should not be subject to extradition.

It is our opinion that Mr. Synrex's status as a fugitive is adequately established. He is substantially charged with a crime in the State of Illinois. He was, according to his own admission, and according to an Illinois officer in attendance at the hearing, present in the State of Illinois at the time of the crime. He was, subsequently, found in the State of Maine, after his arrest and release on bail in the State of Illinois.

Having been requested to inquire into this matter under the provision of section 4 of Chapter 152, R. S. 1954, and being obliged to advise you whether the person charged with a crime ought to be surrendered, we cannot conscientiously advise you in any way other than to recommend that you honor the demand of the State of Illinois by issuing your warrant for the arrest of Jack Synzen.

James Glyn Frost
Deputy Attorney General

JGF:CDH