

C#30012
CI/31369

COURT OF APPEAL FOR ONTARIO

BETWEEN:

MINISTER OF JUSTICE FOR CANADA

Respondent

-and-

THE UNITED STATES OF AMERICA

Respondent

- and -

HARMON WILFRED

Appellant

NOTICE OF ABANDONMENT OF APPEAL

TAKE NOTICE that the Appellant hereby wholly abandons the within appeals.

DATED at Toronto, this 31st day of March, 2000.

Alan Gold

Alan D. Gold
Counsel for the Appellant

TO:

Registrar
Court of Appeal for Ontario

AND TO:

The Attorney General of Canada
Department of Justice
3400 First Canadian Place, Exchange Tower
P.O. Box 36, Stn. 1st Canadian Place
Toronto, Ontario
M5X 1A9

C#30012
C#31369

COURT OF APPEAL FOR ONTARIO

BETWEEN:

MINISTER OF JUSTICE FOR CANADA

Respondent

-and-

THE UNITED STATES OF AMERICA

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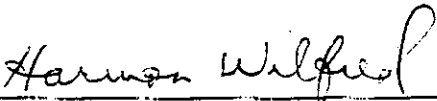
HARMON WILFRED

Appellant

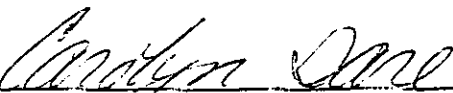
NOTICE OF ABANDONMENT OF APPEAL

TAKE NOTICE that I, Harmon Wilfred, hereby wholly abandons the within appeals.

DATED at Toronto, this 31st day of March, 2000.



Harmon Wilfred



Witness

COURT OF APPEAL FOR ONTARIO

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

and

HARMON WILFRED

Appellant

NOTICE OF ABANDONMENT

Alan D. Gold
GOLD & FUERST
Barristers
20 Adelaide Street East
Suite 210
Toronto, Ontario
M5C 2T6

DIRECTION

I, HARMON WILFRED, hereby declare my notice of intention to file a Notice of Abandonment by April 4, 2000 with the Court of Appeal for Ontario, abandoning my outstanding Extradition Appeal and Judicial Review, and hereby further indicate my intention to waive any further or other right of appeal or review and waive any other right I have to delay return to the United States and hereby indicate my intention to return to the United States immediately.

DATED this 30th day of March, 2000.

Harmon Wilfred
HARMON WILFRED

**GOLD & FUERST
Barristers**

APR 3/00

20 Adelaide Street East, Suite 210
Toronto, Ontario
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From: Karen Unger
To: Mr. Robert Harward, Esq.
Deputy District Attorney
El Paso County, Colorado
Date: April 3, 2000
Fax Number: (719) 520-6185

No. of Pages (incl. this one): 3

Re: *R. v. Harmon Wilfred*

Message:

Please see attached letter.

Gold & Fuerst

Barristers

20 Adelaide Street East
Suite #210
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Alan D. Gold, B.Sc., LL.B.*
Michelle K. Fuerst, LL.B.*
Karen B. Unger, B.Sc., LL.B.
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*Certified by the Law Society as a
Specialist in Criminal Litigation

SENT BY FAX

April 3, 2000

Robert Harward, Esq.
Deputy District Attorney
El Paso County, Colorado

Fax: (719) 520-6185

Re: Minister of Justice for Canada and
The United States of America v. Harmon Wilfred
Court of Appeal #30012, #31369

Dear Mr. Harward:

It has come to my attention that steps may be taken to arrest or detain Mr. Wilfred when he is returned to El Paso County, Colorado for some matter related to the non payment of child support and maintenance in Arapahoe County, Colorado through Deputy District Attorney Larry Bowling.

Mr. Wilfred is being returned pursuant to an order for his extradition of the Honourable Mr. Justice Glithero, dated June 1, 1998. He abandoned his appeal against this order so this order has been allowed to take effect but it is the authority pursuant to our *Extradition Act* and the *U.S.-Canada Extradition Treaty* by which he is being returned to El Paso County, Colorado.

The Rule of Speciality is a recognized Rule of International Law and expressly set out in our *Extradition Act* and also expressly in the *U.S.-Canada Extradition Treaty*, and provides that Mr. Wilfred can only be dealt with in the United States solely for the extradition offences for which he was ordered extradited and cannot be detained or arrested for any other cause, including, but not limited to, any amendments to charges as listed on the Information of the District Court, El Paso County, Colorado. Although this Rule does not apply to those who have waived extradition

proceedings, it must be clearly understood that Mr. Wilfred did not waive extradition, but merely submitted to the order for extradition as a result of abandoning his appeal against that order.

Article 12 of the *U.S.-Canada Extradition Treaty* expressly provides:

- (1) A person extradited under the present *Treaty* shall not be detained, tried or punished in the territory of the requesting State for an offense other than that for which extradition has been granted nor be extradited by the State to a third State unless:
 - (i) he has left the territory of the requesting State after his extradition and has voluntarily return to it;
 - (ii) He has not left the territory of the requesting State within thirty days after being free to do so; or
 - (iii) The requested State has consented to his detention, trial, punishment for an offense other than that for which extradition was granted or to his extradition to a third State, provided such other offense is covered by Article 2.
- (2) The foregoing shall not apply to offenses committed after the extradition.

If this agreement is violated in any way, we are prepared to file a complaint on behalf of Mr. Wilfred which will immediately be taken up by diplomatic representation by the Government of Canada. I hope this clarifies matters and no attempt will be made to detain Mr. Wilfred in violation of these laws and legal principals. Mr. Wilfred is currently due to depart Toronto, Canada for Colorado by escort of U.S. Marshall on Tuesday April 4, 2000.

Yours very truly,

Alan Gold

Alan D. Gold

cc: Mr. Dale Parrish - (303) 820-3449

TRANSACTION REPORT

APR-03-2000 MON 09:10 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
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