

1 CONCERNED WITH THESE ISSUES.

2 FIRST AND FOREMOST IS THE ISSUE OF IDENTITY.

3 THE STATE OF WEST VIRGINIA WOULD HAVE TO ESTABLISH THAT

4 YOU ARE THE SAME ROBERT JOSEPH FERRANTE NAMED AND

5 DESCRIBED IN THIS PAPERWORK ARISING FROM ALLEGHENY

6 COUNTY, PENNSYLVANIA.

7 SECONDLY, I WOULD LOOK AT THE NATURE OF THE

8 CHARGE IN THIS CASE. AND THE CHARGE THAT WE ARE

9 ADDRESSING IS COMMITTING CRIMINAL HOMICIDE. I HAVE TO

10 MAKE SURE THAT THAT IS A LEGITIMATE CHARGE, THAT IT IS

11 NOT SOMETHING THAT IS MADE UP OR ASSERTED WITHOUT CARE

12 OR WARRANT.

13 THIRDLY, IS THE ISSUE OF OPPORTUNITY. YOU WOULD

14 HAVE HAD TO HAVE BEEN IN ALLEGHENY COUNTY IN AND ABOUT

15 THE TIME OF THE CHARGE IN ORDER TO HAVE PRESUMABLY

16 COMMITTED AN OFFENSE, OR YOU WOULD HAVE HAD TO HAVE HAD

17 SOME DEALING WITH ALLEGHENY, PENNSYLVANIA IN AND ABOUT

18 THAT TIME. SO THE STATE OF WEST VIRGINIA WOULD HAVE TO

19 DEAL WITH THE ISSUE OF OPPORTUNITY AND PROVE IT TO THIS

20 COURT'S SATISFACTION AS THE THIRD PRONG OF THIS TEST.

21 NOW, WHAT I WOULD NOT BE CONCERNED WITH IS
22 WHETHER OR NOT YOU ARE GUILTY OR NOT GUILTY OF
23 COMMITTING CRIMINAL HOMICIDE, BECAUSE THAT IS SOMETHING
24 FOR THE COMMONWEALTH TO DETERMINE. I MERELY HAVE TO
25 DETERMINE WHETHER OR NOT TO SEND YOU BACK TO THE

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1 COMMONWEALTH TO FACE THOSE CHARGES THERE.

2 SIR, DO YOU UNDERSTAND THE RIGHTS THAT I HAVE
3 EXPLAINED TO YOU?

4 MR. FERRANTE: YES, SIR.

5 THE COURT: NOW HAVING EXPLAINED YOUR RIGHTS, DO
6 YOU STILL WISH TO WAIVE EXTRADITION AND TO RETURN
7 VOLUNTARILY TO THE COMMONWEALTH OF PENNSYLVANIA.

8 MR. FERRANTE: YES, SIR.

9 THE COURT: ALL RIGHT. I AM NOT ASKING YOU TO
10 PLEAD GUILTY TO ANYTHING, BUT I ASK YOU NOW IF YOU
11 BELIEVE YOU ARE THE SAME ROBERT JOSEPH FERRANTE NAMED
12 AND DESCRIBED IN THIS PAPERWORK?

13 MR. FERRANTE: YES, SIR.

14 THE COURT: AND AM I PRONOUNCING YOUR LAST NAME

15 CORRECTLY?

16 MR. FERRANTE: YES, SIR.

17 THE COURT: I HAVE PREPARED FOR YOUR

18 CONSIDERATION A WAIVER OF EXTRADITION AND I WILL READ IT

19 INTO THE RECORD NOW. IF YOU HAVE ANY QUESTIONS ABOUT

20 IT, I'LL BE HAPPY TO ANSWER THEM, AND OF COURSE, YOU CAN

21 CONFER WITH YOUR ATTORNEY, MS. HEBB ABOUT THE WAIVER IF

22 YOU HAVE ANY QUESTIONS OF HER.

23 IT IS ENTITLED WAIVER OF EXTRADITION. STATE OF

24 WEST VIRGINIA, COUNTY OF RALEIGH, TO WIT, IT STATES AS

25 FOLLOWS:

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1 I, ROBERT JOSEPH FERRANTE, NOW IN CUSTODY BEING

2 CHARGED WITH COMMITTING CRIMINAL HOMICIDE IN THE STATE

3 OF PENNSYLVANIA HAVING BEEN INFORMED BY THE JUDGE OF THE

4 CIRCUIT COURT IN THE COUNTY AND STATE AFORESAID OF MY

5 RIGHTS WITH RESPECT TO THE ISSUANCE AND SERVICE OF A

6 WARRANT OF EXTRADITION AND WITH RESPECT TO OBTAINING A

7 WRIT OF HABEAS CORPUS UNDER PROVISIONS OF LAW, DO HEREBY

8 WAIVE THE ISSUANCE AND SERVICE OF AN EXTRADITION WARRANT
9 AND ALL OTHER PROCEDURE INCIDENTAL TO EXTRADITION AND
10 FREELY AND VOLUNTARILY CONSENT TO RETURN TO THE STATE OF
11 PENNSYLVANIA IN COMPANY WITH THE AGENT THEREOF TO ANSWER
12 THE AFORESAID CHARGES THERE PENDING AGAINST ME.

13 NOW, DR. FERRANTE, DO YOU HAVE ANY QUESTIONS
14 ABOUT THIS PROPOSED WAIVER?

15 DR. FERRANTE: NO, SIR.

16 THE COURT: ALL RIGHT. I WOULD ASK THE BAILIFF
17 TO DELIVER THE WAIVER TO COUNSEL TABLE SO IT MAY BE
18 EXECUTED IN OPEN COURT PLEASE.

19 (THE DEFENDANT SIGNS THE DOCUMENT.)

20 (THE COURT SIGNS THE DOCUMENT.)

21 THE COURT: ALL RIGHT. THE COURT RECEIVES THE
22 FULLY EXECUTED WAIVER OF EXTRADITION. IT IS MADE A PART
23 OF THIS RECORD AND CASE FILE.

24 NOW, DR. FERRANTE, LET ME EXPLAIN TO YOU WHAT
25 WILL HAPPEN NOW. THE AUTHORITIES FROM PENNSYLVANIA HAVE

2 THE COMMONWEALTH. THE 10-DAY PERIOD STARTS TOMORROW.
3 IT INCLUDES SATURDAYS AND SUNDAYS AND ANY HOLIDAY THAT
4 MIGHT FALL WITHIN THE MIX. IF SOMEONE DOES NOT COME AND
5 GET YOU FROM THE SOUTHERN REGIONAL JAIL TO TAKE YOU BACK
6 TO PENNSYLVANIA WITHIN THE 10-DAY PERIOD, I WILL RELEASE
7 YOU OUTRIGHT AT THE CLOSE OF THE BUSINESS DAY ON THE
8 10TH DAY. SO THAT IS 4:30 ON THE 10TH DAY.

9 I SUSPECT IN THIS CASE THAT THE AGENTS FROM THE
10 COMMONWEALTH WILL BE HERE RATHER QUICKLY, POSSIBLY
11 TOMORROW OR THE NEXT DAY. BUT WE DON'T WANT YOU TO
12 LINGER HERE MORE THAN NECESSARY. AND SO IF YOU ARE HERE
13 10 DAYS, YOU WILL BE RELEASED IF THEY HAVE NOT COME TO
14 RETRIEVE YOU.

15 YOUR ATTORNEY WILL ADVISE YOU FURTHER IN THE
16 MATTER. SHE WILL GIVE YOU A CARD WHERE YOU CAN CALL HER
17 IF YOU HAVE ANY QUESTIONS. IF YOU DON'T HEAR ANYTHING
18 WITHIN THE 10-DAY PERIOD, IF SOMEONE HASN'T COME TO PICK
19 YOU UP AND TAKE YOU BACK TO PENNSYLVANIA, YOU SHOULD
20 CONSULT WITH YOUR ATTORNEY. COMPLAIN TO HER, SHE WILL
21 IN TURN COMPLAIN TO ME, AND I'LL TAKE APPROPRIATE
22 ACTION.

23 DO YOU HAVE ANY QUESTIONS, SIR?
24 DR. FERRANTE: NO, SIR.
25 THE COURT: ANYTHING FURTHER MS. HEBB?

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1 MS. HEBB: NO, YOUR HONOR. THANK YOU.
2 THE COURT: ANYTHING, MR. DIMLICH.
3 MR. DIMLICH: NO, JUDGE.
4 THE COURT: VERY WELL. THIS HEARING IS
5 CONCLUDED.

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