



Writ of Habeas Corpus

Reference Sheriff's Policy and Procedure section Q.39 Writ of Habeas Corpus

Reference Sheriff's Policy and Procedure section Q.31 Federal Writs of Habeas Corpus Ad Prosequendum

WRIT OF HABEAS CORPUS

"Habeas Corpus" Latin: "You may have the body". In general, a Writ of Habeas corpus is a summons with the force of a court order requesting an incarcerated person to be produced from a Federal Correctional Institution to appear on a State's case. The Writ commands the United States Marshal to release said defendant to the County Sheriff. The County Sheriff is to return the defendant to the Federal Correctional Institution when local proceedings are concluded.

WRIT OF HABEAS CORPUS is an appeal of the sentence or conditions of a sentence already imposed on a defendant.

TWO TYPES OF WRITS:

WRIT OF HABEAS CORPUS AD PROSEQUENDUM - An order commanding the presence of a defendant to appear in court to answer charges on pending case.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM – An order commanding the presence of a witness to appear in court to testify in court proceedings.

TWO TYPES OF FEDERAL INCARCERATED INDIVIDUALS:

COMMITTED - A committed incarcerated person will remain in the county's custody until all proceedings are terminated.

NOT COMMITTED - An un-committed incarcerated person will remain in Federal custody. The incarcerated person will be transported from the Federal Institution to the court hearing and returned to the Federal Institution upon completion of each court appearance.