

## Detainers

### 2. Arrest--Interstate Agreement on Detainers—detainer

*State v. Prentice* 170 NCA 593 (2005)

The trial court did not violate the Interstate Agreement on Detainers (IAD) or unconstitutionally evade the operation of that statute by arraigning defendant in Orange County District Court and returning defendant to federal custody without resolving his first-degree rape, double first-degree sexual offense, and taking indecent liberties with a minor case, because “detainer” does not include the arrest warrant served on defendant in this case when: (1) although defendant did have an untried indictment pending in Orange County when he was served with the order while in federal custody, there is nothing in the record to suggest that the order for arrest was ever filed with the Federal Bureau of Prisons or any institution; and (2) there is nothing in the record to suggest that the State requested federal officials to hold defendant at the end of his federal sentence or notify it prior to defendant’s release from federal custody. **See Farb p. 19**

### 1. Criminal Law § 243 (NCI4th Rev.) - Interstate Agreement on Detainers - 180-day period for trial -beginning of period

*State v. Treece*, 129 N.C. App. 93 (1998)

The trial court did not err by not dismissing charges of trafficking in methamphetamine where defendant alleged that he was not timely tried in accordance with the Interstate Agreement on Detainers (IAD), as codified in N.C.G.S. § 15A-761, which requires that a prisoner shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court written notice of the place of his imprisonment and his request for a final disposition. Although defendant here argues that his 180 days began to run on the date the district attorney should have received the request rather than on the date the request was actually received, the language of the statute cannot be interpreted as requiring the district attorney to inquire as to whether a defendant has mailed a written notice of his request. The guarantee of a disposition within 180 days is mandated by the General Assembly and is not a constitutional request; therefore, policy arguments regarding whether defendant should bear the consequences of the failure of delivery are more appropriately addressed to the legislature