

OPINION OF INDIVIDUAL JUSTICE  
IN CHAMBERS ON JUNE 7, 1978

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LITTLE *v.* CIUROS, COMMISSIONER OF CORRECTION  
OF NEW YORK CITY, ET AL.

ON REAPPLICATION FOR STAY

No. A-1007. Decided June 7, 1978

Reapplication for stay denied. *United States v. Rauscher*, 119 U. S. 407, distinguished.

MR. JUSTICE MARSHALL, Circuit Justice.

The application for a stay in this case was denied by the Court on June 5, 1978. *Ante*, p. 943.

This new application is based on the following allegation:

“Following this Court’s denial on June 5, 1978, of Petitioner’s original application for the aforesaid stay, counsel for Petitioner has been informed that the Office of the Attorney General of the State of North Carolina has stated publicly that it intends to prosecute Petitioner for the crime of escape upon her return to said jurisdiction.”

In support of this new application it is stated:

“Under the principle of specialty, a demanding country may not try an individual who has been extradited [*sic*] for any offense other than that for which extradition was granted, unless the alleged offense was committed *after* extradition. *United States v. Rauscher*, 119 U. S. 407 (1886).”

It just so happens that *United States v. Rauscher* was controlled by a treaty between the United States and Great Britain. Needless to say, there is no treaty involved here.

The application is, therefore, without legal support and is

*Denied.*

OPINION OF INDIVIDUAL JUSTICE  
IN CHAMBERS ON JUNE 3, 1978

LITTLE & GIBSON, COMMISSIONER OF CORRECTION  
OF NEW YORK CITY ET AL.

ON PETITION FOR WRIT

No. 8-1007, Decided June 3, 1978

Application for writ denied. United States v. Hester, 119 U.S. 407  
distinguished.

Mr. Justice Mansfield, Circuit Justice.

The application for a writ in this case was denied by the  
Court on June 5, 1978. Order p. 442.

This new application is based on the following allegations:

Following the Court's denial on June 5, 1978, of Petitioner's original application for the aforesaid writ, counsel for Petitioner has been informed that the Office of the Attorney General of the State of North Carolina has stated publicly that it intends to prosecute Petitioner for the crime of escape upon her return to said jurisdiction.

In support of this new application it is stated:

Under the principle of specialty, a demanding country may not try an individual who has been extradited [sic] for any offense other than that for which extradition was granted, unless the alleged offense was committed after extradition. United States v. Hester, 119 U.S. 407 (1887).

It just so happens that United States v. Hester was controlled by a treaty between the United States and Great Britain. Needless to say, there is no treaty involved here. The application is therefore without legal support and is

Denied.