

# Executive Document

This document was published in the September 15, 2010, issue (Vol. 2010, No. 18) of the Utah State Bulletin.

## **Governor, Administration: Governor's Executive Agreement EO/006/2010: Executive Agreement to the Executive Authority of the State of Idaho**

Issued: June 10, 2010

---

### EXECUTIVE AGREEMENT

#### TO THE EXECUTIVE AUTHORITY OF THE STATE OF IDAHO

WHEREAS; the undersigned as Governor of the State of Utah, has made demand upon the executive authority of the State of Idaho for the rendition of Matthew John Breck White, Male, DOB: [XX-XX-XXXX], presently incarcerated in the State of Idaho, Idaho Correctional Institution, Orofino, Clearwater County, Idaho, as a fugitive from the State of Utah, and which demand is in the hands of the executive authority of the State of Idaho, and

WHEREAS; the said Matthew John Breck stands charged in the State of Utah in the Third District Court in Salt County in the case of *State of Utah v. Matthew John Breck*, case number [XXXXXXXXXX], with the crimes of Criminal Homicide, Aggravated Murder in violation of Utah Code Section 76-5-202, Aggravated Sexual Abuse of a Child a First Degree Felony in violation of Utah Code Section 76-5-404.1 and Child Abuse a Second Degree Felony in violation of Utah Code Subsection 76-5-109(2)(a) committed in said State, as more fully appears from the requisition and the papers and exhibits attached thereto, and

WHEREAS; the said Matthew John Breck, Offender number [XXXXXX], is now under the jurisdiction of the State of Idaho, Idaho Correctional Institution, Department of Corrections, and

WHEREAS; the undersigned is informed and believes that the said Matthew John Breck, will not be released and discharged from imprisonment for a considerable length of time, and

WHEREAS; the undersigned and the prosecuting authorities of the State of Utah are desirous that the said Matthew John Breck, be brought to arraignment and trial at the earliest possible date, and

WHEREAS; the powers and duties of the several states, including the State of Utah, in matters relating to inter-State extradition are contained and prescribed in Article IV, Section 2 of the Constitution of the United States which reads, in pertinent part as follows:

A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be

removed to the State having Jurisdiction of the Crime.

AND WHEREAS; the above provisions of the Constitution have been further implemented by the enactment by Congress of Section 3182 of Title 18, United States Code Annotated,

AND WHEREAS, the state of Utah has enacted the Uniform Criminal Extradition Act, which provides at Utah Code of Criminal Procedure, Section 77-30-5 that:

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in Section 77-30-23 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

AND WHEREAS; the state of Utah agrees that the rendition of Matthew John Breck is only for the purpose of the criminal proceedings in the Third District Court in Salt County in the case of *State of Utah v. Matthew John Breck*, case number [XXXXXXXXXX], and for prosecution of no other cause,

AND WHEREAS; pursuant to the authority hereinabove set forth and in consideration of the granting of said demand for the rendition, said Matthew John Breck, shall be held in custody of the demanding state at all times thereafter;

NOW THEREFORE; pursuant to the authority hereinabove set forth and in consideration of the granting of said demand for the rendition of said Matthew John Breck, and the issuance of a warrant of arrest and a delivering up of said Matthew John Breck to duly authorized agents of the State of Utah by the executive authority of the State of Idaho, which said acts by the executive authority of the State of Idaho shall constitute an acceptance of this agreement.

IT IS HEREBY AGREED by the undersigned, Governor of the State of Utah, that in the event that Matthew John Breck shall be acquitted following a trial in the courts of the State of Utah in the cause of the Third District Court in Salt County in the case of *State of Utah v. Matthew John Breck*, [XXXXXXXXXX], or in the event that the prosecution in the State of Utah in said matter is concluded in any manner other than by the imposition and execution of the judgment and sentence of death or commitment to prison, or in the event that Matthew John Breck is released from the custody of the State of Utah for any other reason before the expiration of his current sentence in the State of Idaho, said Matthew John Breck shall be returned to the State of Idaho and to the physical and legal custody of the Idaho Department of Correction at the expense of the State of Utah, and that the Governor, or other acting executive authority of the State of Utah, shall upon demand of the executive authority of

the state of Idaho, surrender said Matthew John Breck to the duly authorized agents of the State of Idaho.

IT IS FURTHER AGREED by the undersigned Governor of the State of Utah and the Governor of the State of Idaho, that in the event of escape of Matthew John Breck from the Utah authorities, it shall be the responsibility of said authorities to locate and return Matthew John Breck to the duly authorized agents of the State of Idaho at the expense of the State of Utah.

IN WITNESS WHEREOF; the undersigned Governor of the State of Utah and the Governor of the State of Idaho, do hereby join in the agreement for the purposes aforesaid and it is ordered and directed that the custody of the said Matthew John Breck be surrendered by the authorities of the State of Idaho to the agents of the State of Utah, to be by them transported to the State of Utah to appear in order to answer charges pending, all at the expense of the State of Utah.

IN WITNESS WHEREOF, we have here unto signed our names at Salt Lake City, County of Salt Lake, in the State of Utah, and cause the Great Seal of the State of Utah to be affixed, on this 10th day of June 2010.

(State Seal of Utah)

Gary R. Herbert  
Governor of the State of Utah

Attest:

Greg Bell  
Lieutenant Governor

IN WITNESS WHEREOF, we have here unto signed our names at Boise Idaho County of Ada, and cause the Great Seal of the State of Idaho to be affixed, on this 10th day of June 2010

(State Seal of Idaho)

C. L. "Butch" Otter  
Governor of the State of Idaho

Attest:

Ben Ysursa  
Secretary of State

EO/006/2010

---

[Office of Administrative Rules Note: [XX...] indicates information that has been redacted for privacy reasons.]

---

## **Additional Information**

Each executive document is published from an electronic version provided by the Governor's Office. Occasionally, special symbols or characters may appear in the original document, e.g., a section character for the word "section", a publishing quote for a regular quote, among others. These special symbols or characters may not translate well across computer systems or applications. In cases where special symbols or characters have been used in the original, the Office of Administrative Rules may substitute the full word or standard character.

For questions regarding the *content* or *application* of this document, please contact the Governor's Office at [801-538-1000](tel:801-538-1000) or at [the Governor's Office's online contact form](#).

Further historical executive documents may be found at the [Office of Administrative Rules' Executive Documents resource](#) or the [Division of Archives and Records Service's Governors' Records research guides](#).