

OPINION

This is an appeal pursuant to Rule 3 of the Tennessee Rules of Appellate Procedure. The Defendant filed a petition for a writ of habeas corpus to test the legality of the Defendant's arrest on a warrant issued by the Governor of Tennessee directing that the Defendant be extradited to Missouri. After conducting an evidentiary hearing, the trial court dismissed the Defendant's petition for writ of habeas corpus. We affirm the judgment of the trial court.

The record herein reflects that by judgment entered November 18, 1988, the Defendant was convicted of several offenses in the state of Missouri and was sentenced to an effective sentence of life imprisonment plus sixty years. On November 5, 1994, the Defendant escaped from the institution in which he was incarcerated in Missouri. Shortly thereafter, he was charged in Missouri with the offense of escaping from confinement. On November 15, 1994, the Defendant was apprehended in Memphis, Tennessee by officers of the Federal Bureau of Investigation.

Thereafter, the State of Missouri initiated extradition proceedings against the Defendant. In response to the formal demand by the executive authority of Missouri, the Governor of Tennessee issued an arrest and extradition warrant for the Defendant on December 16, 1994. The Defendant filed a petition for writ of habeas corpus challenging in general terms the validity of the Tennessee Governor's warrant directing that the Defendant be extradited to Missouri.

When reviewing a governor's extradition action, the role of the trial court in the asylum state is limited to a review of the following issues: (1) Whether the extradition documents are in order on their face; (2) whether the petitioner has been charged with

a crime in the demanding state; (3) whether the petitioner is the person named in the request for extradition; and (4) whether the petitioner is a fugitive. Michigan v. Doran, 439 U.S. 282, 289, (1978); de la Beckwith v. Evatt, 819 S.W.2d 453, 456 (Tenn. Crim. App.), perm. to appeal denied, id. (Tenn. 1991).

After conducting an evidentiary hearing in the case sub judice, the trial court specifically found these four factors to be present. The record supports the findings of the trial court.

On this appeal, the Defendant argues that "the extradition documents are not in order on their face." The Defendant makes no specific argument concerning what portion of the documents he believes are not in order. Issues which are not supported by argument, citation to authorities, or appropriate references to the record are treated as waived in this court. Tenn. R. Crim. App. 10(b). This court will not conduct an independent search for irregularities on the face of the extradition documents.

The Defendant also argues that "the trial court erred in appointing the Shelby County Public Defender to appeal this case while contemporaneously ordering that the petitioner be taken forthwith to the demanding state and refusing to stay its order pending the appeal." In effect, the Defendant argues that the trial court erred by refusing to stay its order because once the Defendant has been returned to Missouri, that state legally takes custody of the Defendant even if the extradition proceedings are subsequently ruled invalid. While we acknowledge the dilemma in which the trial court placed counsel for the Defendant on this appeal, it is apparent from this record that the Defendant has long since been returned to Missouri and the issues raised in this appeal are, for all practical purposes, moot.

As a general rule, Tennessee courts will not entertain a case that is moot. A case will generally be considered moot if it no longer serves as a means to provide relief to the prevailing party. McIntyre v. Traughber, 884 S.W.2d 134, 137 (Tenn. App. 1994). The Defendant concedes that this Court would not be able to provide him relief even if we found error in the judgment of the trial court. One of the recognized exceptions to the mootness rule involves issues capable of repetition yet evading review. Id. Refusing to grant a stay pending appeal of an extradition challenge may well be such an issue. However, whether to take up a case as an exception to the mootness doctrine is discretionary with the appellate courts. Id. We choose not to consider this moot issue.

Based upon our thorough review of this record and the issues presented on appeal, we are unable to conclude that the trial court erred by dismissing the Defendant's petition for writ of habeas corpus and ordering him delivered to the appropriate authorities from the State of Missouri.

The judgment of the trial court is affirmed.

DAVID H. WELLES, JUDGE

CONCUR:

GARY R. WADE, JUDGE

JOHN H. PEAY, JUDGE