



THE HIGH COURT

Record No. 2025 66 EXT

[2026] IEHC 541

BETWEEN

ATTORNEY GENERAL

APPLICANT

AND

JOHN PATRICK NAVARRO

RESPONDENT

JUDGMENT delivered by Mr. Justice Sean Gillane on 29 July 2026

Introduction

1. This is an application for the surrender of the respondent to the United States of America (“the requesting state”) pursuant to extradition agreements between this State and the requesting state within the meaning of section 8(1) of the Extradition Act 1965, as amended (“the 1965 Act”).
2. The respondent is a citizen of the requesting state and has a date of birth of the 23rd of December 1988.
3. The respondent’s surrender is sought for the purpose of sentencing him for eleven counts in relation to the possession of pornography involving juveniles.

4. The respondent pleaded guilty to the offences on the 6th of February 2018 in the Criminal District Court for the Parish of Orleans, Louisiana. He was legally represented by his attorney at that time.
5. After pleading guilty, the respondent was granted bail and his case was listed for sentencing on the 27th of February 2018. He failed to appear on that date and a domestic arrest warrant issued on the 19th of April 2018.
6. On the 12th of December 2024, an extradition request relating to the respondent was received by the Department of Foreign Affairs and Trade and the Minister for Justice, Home Affairs and Migration (“the Minister”). The extradition request was made in writing and communicated by Diplomatic Note No. 24-674 from the Embassy of the United States of America, Dublin dated the 9th of December 2024.
7. On the 21st of March 2025, the Minister certified that the extradition request had been duly made by and on behalf of the requesting state and received by him in accordance with Part II of the 1965 Act. Thereafter, on the 31st of March 2025, an application was made to this Court in accordance with the provisions of the 1965 Act and a warrant issued for the respondent’s arrest.
8. The respondent was arrested on foot of the warrant on the 1st of April 2025 and brought before this Court.

9. The respondent objects to his surrender and points of objection were delivered on the 16th of June 2025.
10. The hearing was opened before me on the 26th of March 2026 and concluded on the 15th of July 2026.

Background

11. Ireland and the United States of America are parties to the following extradition agreements within the meaning of section 8(1) of the 1965 Act:
 - (a) A bilateral Treaty on Extradition between Ireland and the United States of America, done at Washington on the 13th of July 1983 (“the Washington Treaty”) (the terms of which were approved by Dáil Éireann on the 25th of November 1986);
 - (b) A multilateral Agreement on Extradition between the European Union and the United States of America, done at Washington on the 25th of June 2003 (“the 2003 EU-USA Agreement”) (the terms of which were approved by both Dáil Éireann and Seanad Éireann on the 16th of October 2008); and
 - (c) A further bilateral Instrument as contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed 25 June 2003, as to the application of the Treaty on Extradition between Ireland and the United States of America signed 13 July 1983, done at Dublin on the 14th of July 2005 (“the Instrument”) (the terms of which were approved by Dáil Éireann on the 21st of October 2008). The annex to the Instrument reflects the integrated text of the provisions of the Washington Treaty and the 2003 EU-USA Agreement (“the integrated Washington Treaty”).

12. The 2003 EU-USA Agreement was approved on behalf of the European Union on the 23rd of October 2009 by European Council Decision 2009/820/CFSP. Notifications were exchanged on the 11th of August 2009 and the 12th of August 2009 between Ireland and the United States of America in accordance with Article 5(a) of the Instrument, notifying each other that their respective applicable internal procedures for the entry into force of the Instrument had been completed.
13. Following a consultation with the Minister, the Minister for Foreign Affairs and Trade made an order pursuant to section 8 of the 1965 Act, namely S.I. No. 393 of 2019 - Extradition (United States of America) Order 2019, which applied the provisions of Part II of the 1965 Act to the United States of America.
14. S.I. No. 393 of 2019 came into operation on the 22nd of July 2019 and notice of the making of the statutory instrument was published in Iris Oifigiúil on the 9th August 2019, as required by section 8(8) of the 1965 Act.
15. Schedule 1 of S.I. No. 393 of 2019 contains the 2003 EU-USA Agreement and Schedule 2 contains the Instrument and the integrated Washington Treaty.
16. By Diplomatic Note No. 25-143 from the Embassy of the United States of America, Dublin dated the 10th of March 2025, the location of the respondent's residence and place of work within the State was confirmed in compliance with the provisions of Article VIII(2)(b) of the integrated Washington Treaty.

17. In addition to Diplomatic Note No. 24-674, the Embassy of the United States of America, Dublin provided the following documents signed and certified as being under the seal of the Department of Justice of the United States of America:

- A sealed certificate from the United States Department of Justice dated the 24th of October 2024, certifying that Jason E. Carter, whose name is signed on the accompanying paper, was on that date and at the time of signing, the Associate Director of the Office of International Affairs, Criminal Division, US Department of Justice, Washington D.C., duly commissioned and qualified. This was witnessed and signed by Merrick B. Garland, Attorney General of the United States of America. It was also signed by Randy Toledo, Director/Deputy Director of the Office of International Affairs, Criminal Division;
- A certification signed by Jason E. Carter, Associate Director of the Office of International Affairs, Criminal Division, Department of Justice, United States of America on the 23rd of October 2024, certifying the affidavit of Craig Famularo, Assistant District Attorney of the Orleans Parish District of Louisiana, sworn before the Honourable Rhonda Goode Douglas, Judge of Louisiana Criminal District Court for the Parish of Orleans on the 10th of October 2024;
- An Affidavit in support of Request for Extradition of John Navarro sworn and signed by Craig Famularo on the 10th of October 2024, together with exhibits.

18. Supplemental information was provided by Diplomatic Note No. 25-143 and a letter dated the 19th of February 2026 from Andre C. Gaudin, Jr., Assistant District Attorney, Orleans Parish District Attorney's Office. This letter was also certified as being under the seal of the Department of Justice of the United States of America.

19. The documents supporting the extradition request are averred to and exhibited in the affidavit of Mr. Famularo, consistent with the provisions of section 25 of the 1965 Act.
20. A detailed history of the investigation into the respondent has been set out in the affidavit of Mr. Famularo. A certified true and accurate copy of the Bill of Information from the Clerk of the Criminal District Court for the Parish of Orleans was exhibited and contains the eleven counts with which the respondent was charged. The relevant domestic legislation from the State of Louisiana was also exhibited.
21. On the occasion of his arraignment on the 6th of February 2018, a “*Felony Waiver of Constitutional Rights Plea of Guilty Form*” was signed by the respondent, his attorney and the presiding judge. This document was exhibited in the affidavit of Mr. Famularo.
22. This document recites that the respondent is entering a plea of guilty because he is in fact guilty and acknowledges that the sentence he will receive is one of five years’ detention. This sentence was to be imposed in respect of eleven counts, with the sentences to run concurrently and with credit to be applied for time served. It also recites the respondent’s acknowledgment that, by virtue of the fact that this is a plea agreement, he had waived his right to appeal the sentence.
23. A transcript of the court hearing on the 6th of February 2018 was also exhibited. On that date, the respondent gave sworn evidence indicating his understanding of the plea agreement being entered into. The transcript also contains the following exchange between the presiding judge and the respondent:

“THE COURT:

So, but Mr. Navarro, let me just make myself clear. I have agreed to allow you to enter the guilty plea this morning and be sentenced on 2/27. If you do not avail yourself to the Court on 2/27, the Court is not going to allow you to withdraw your guilty plea. But I will not adhere to the five-year sentence that you’ve agreed with the state. You understand that?

THE DEFENDANT:

Yes, Your Honor.

THE COURT:

Alright. So, just to make sure you know, it’s a 5-to-20-year sentence. And for -- if you don’t come back on the 27th, as long as you stay away, the sentence would increase.

THE DEFENDANT:

Understood, Your Honor.”

24. It is clear from the affidavit of Mr. Famularo that the respondent failed to appear for sentencing on the 27th of February 2018 and a domestic arrest warrant issued as a result.
25. Diplomatic Note No. 24-674 confirmed that the arrest warrant remains valid and enforceable to apprehend the respondent for sentencing for the eleven offences, the subject matter of the extradition request.

26. Section 10(1) of the 1965 Act provides that:

“... extradition shall be granted only in respect of an offence which is punishable under the laws of the requesting country and of the State by imprisonment for a maximum period of at least one year or by a more severe penalty and for which, if there has been a conviction and sentence in the requesting country, imprisonment for a period of at least four months or a more severe penalty has been imposed.”

27. Section 10(3)(a) of the 1965 Act further defines the term “*an offence punishable under the laws of the State*” as meaning “*an act that, if committed in the State on the day on which the request for extradition is made, would constitute an offence...*”

28. Therefore, it is necessary to establish that the offence with which a respondent is accused is also an offence under the laws of the State.

29. Each count on the Bill of Information carries a term of imprisonment of five to twenty years and/or a maximum fine of \$50,000. Therefore, the requirements of minimum gravity are met.

30. The affidavit evidence establishes that the offences involve possession of images of male and female children between five and seven years of age, naked in various positions with a focus on their genitals. There were also images of male and female children between five and eleven years of age performing oral sex on male adults and an image depicting an adult male vaginally raping a female child between seven and ten years of age.

31. It seems to me that correspondence is manifestly made out with the offence in this State of possession of child pornography contrary to section 6 of the Child Trafficking and Pornography Act 1988, as amended. A conviction for this offence on indictment carries a punishment of a fine and/or imprisonment for a term not exceeding five years.
32. It was confirmed by Diplomatic Note No. 25-143 that the offences, the subject matter of the extradition request, were offences punishable under the laws of the requesting state on the 12th of December 2024, the date on which the extradition request was made, thus satisfying the requirements of section 10(4)(b) of the 1965 Act.
33. No issue has been raised by the respondent in relation to his identity and Detective Sergeant Murray gave evidence before this Court on the 1st of April 2025 that he was satisfied that the respondent was the person identified in the warrant.
34. The above matters represent the formal proofs that the Court must be satisfied of before an order for surrender can be made under the 1965 Act and, while the points of objection required proof of the formal, procedural and evidentiary requirements of the 1965 Act, it does not appear to me that there was any real controversy between the parties in respect of same.

Discussion

35. As originally framed, the central argument advanced by the respondent was on the basis of a real risk of inhuman or degrading treatment on account of prevailing systemic conditions of detention in Louisiana. The identified deficiencies included unlawful

over-detention; inadequate cell space; dangerous exposure to heat and lack of ventilation; environmental, healthcare, and safety risks and “*other inhumane and degrading treatment.*”

36. As the case progressed, the arguments in relation to over-detention took on a ‘standalone’ quality and most of the oral argument related to this topic. The applicant complains that this issue did not feature at all in the filed points of objection, and only emerged after the respondent commissioned an expert report from Professor Andrea C. Armstrong on prison conditions in Louisiana.

37. The prison conditions issue was expressed in the following way at paragraph 5 of the points of objection:

“Arising from conditions of incarceration in prisons in the state of Louisiana, there is a significant risk that the Respondent would be subjected to flagrant breaches of his constitutional and Convention rights; including his right to life, to bodily integrity, to protection of his person, to human dignity and his right not to be subjected to inhuman and degrading treatment.”

38. Before preparing her report, Professor Armstrong was sent a number of “*guiding questions*” by the solicitor for the respondent. Five of those questions were specific in relation to conditions of detention in Louisiana. A sixth question was asked in the following terms:

“Please provide any other relevant information within your knowledge regarding the conditions of detention at the prison where the requested person is likely to be detained in the event of his extradition to the United States.”

39. It was in response to this question that Professor Armstrong included a passage in her report dated the 14th of December 2025 in relation to litigation in Louisiana arising out of “*the practice*” of holding people for longer than their judicially ordered sentence.
40. Arising out of that, the respondent sought to introduce and rely on a document entitled the Report of the United States Department of Justice Civil Rights Division dated the 25th of January 2023 – ‘Investigation of the Louisiana Department of Public Safety & Corrections’ produced by the United States Department of Justice, Civil Rights Division (“the 2023 Report”). The 2023 Report was not placed on affidavit but was appended to the respondent’s written submissions dated the 18th of March 2026. However, there is no question as to its authenticity.
41. While the way in which the argument on this topic emerged led to a degree of ‘disconnect’ as to what was being responded to by the requesting state in terms of some of the papers filed, counsel for the applicant took a sensible approach and dealt with the issues raised on the merits.
42. I am of the view that it is appropriate to deal with the issues of over-detention and generalised deficiencies separately, and do so, below.

Legal Principles

43. There seems to be no dispute between the parties as to the true nature of the legal test to be applied.

44. At paragraph 31 of *Minister for Justice, Equality and Law Reform v. Rettinger* [2010] 3 I.R. 783, Denham J. set out the applicable principles in a European Arrest Warrant context:

“(i) a court should consider all the material before it, and if necessary material obtained of its own motion;

(ii) a court should examine whether there is a real risk, in a rigorous examination;

(iii) the burden rests upon a respondent, such as the respondent in this case, to adduce evidence capable of proving that there are substantial grounds for believing that if he (or she) were returned to the requesting country he, or she, would be exposed to a real risk of being subjected to treatment contrary to article 3 of the Convention;

(iv) it is open to a requesting state to dispel any doubts by evidence. This does not mean that the burden has shifted. Thus, if there is information from a respondent as to conditions in the prisons of a requesting state with no replying information, a court may have sufficient evidence to find that there are substantial grounds for believing that if the respondent were returned to the requesting state he would be exposed to a real risk of being subjected to treatment contrary to article 3 of the Convention. On the other hand, the requesting state may present evidence which would, or would not, dispel the view of the court;

(v) the court should examine the foreseeable consequences of sending a person to the requesting state;

(vi) the court may attach importance to reports of independent international human rights organisations, such as Amnesty International, and to

governmental sources, such as the State Department of the United States of America;

(vii) the mere possibility of ill-treatment is not sufficient to establish a respondent's case;

(viii) the relevant time to consider the conditions in the requesting state is at the time of the hearing in the High Court. Although, of course, on an appeal to this court an application could be made, under the rules of court, seeking to admit additional evidence, if necessary."

45. At paragraph 34(iii), Denham J. continued:

"the burden rests upon the respondent to adduce evidence capable of proving that there are substantial grounds for believing that if he is returned to Poland he would be exposed to real risk of being subjected to treatment contrary to article 3 of the Convention. However, the requesting state may present evidence to dispel doubts."

46. At paragraph 80, Fennelly J. made the following important observation:

"It is neither possible nor appropriate to prescribe too narrowly the way in which a judge should assess the evidence, whose quality necessarily varies enormously. The credibility of any evidence will depend on all the circumstances of the individual case. In the final analysis, it is a matter for the judge to decide whether the necessary substantial grounds have been established for believing that there is a real risk of ill-treatment contrary to article 3. He does not have to be convinced that ill-treatment would probably occur. There is no shifting of the burden of proof in the absence of evidence of substantial grounds. The judge

may, however, regard the failure of the applicant to respond to evidence produced as significant. In that situation, he may reasonably expect the applicant to produce some evidence.”

47. Also in a European Arrest Warrant context, Burns J. said at paragraph 45 of *Minister for Justice and Equality v. Angel* [2020] IEHC 699:

“From the review of the relevant authorities carried out by McDermott J. in Minister for Justice and Equality v. Pal [2020] IEHC 143, the following non-exhaustive list of principles emerges:-

(a) the cornerstone of the Framework Decision is that member states, save in exceptional circumstances, are required to execute any European arrest warrant on the basis of the principles of mutual recognition and mutual trust;

(b) a refusal to execute a European arrest warrant is intended to be an exception;

(c) one of the exceptions arises when there is a real or substantial risk of inhuman or degrading treatment contrary to article 3 ECHR or article 4 of the Charter of Fundamental Rights of the European Union (‘the Charter’);

(d) the prohibition of surrender where there is a real or substantial risk of inhuman or degrading treatment is mandatory. The objectives of the Framework Decision cannot defeat an established risk of ill-treatment;

(e) the burden rests upon a respondent to adduce evidence capable of proving that there are substantial/reasonable grounds for believing that if he or she were returned to the requesting country, he or she will be

exposed to a real risk of being subjected to treatment contrary to article 3 ECHR;

(f) the threshold which a respondent must meet in order to prevent extradition is not a low one. There is a default presumption that the requesting country will act in good faith and will respect the requested person's fundamental rights. Whilst the presumption can be rebutted, such a conclusion will not be reached lightly;

(g) in examining whether there is a real risk, the Court should consider all of the material before it and if necessary, material obtained of its own motion;

(h) the Court may attach importance to reports of independent international human rights organisations or reports from government sources;

(i) the relevant time to consider the conditions in the requesting state is at the time of the hearing;

(j) when the personal space available to a detainee falls below 3m² of floor surface in multi-occupancy accommodation in prisons, the lack of personal space is considered so severe that a strong presumption of a violation of article 3 ECHR arises. The burden of proof is then on the issuing state to rebut the presumption by demonstrating that there are factors capable of adequately compensating for the scarce allocation of personal space, and this presumption will normally be capable of being rebutted only if the following factors are cumulatively met:-

(1) the reductions in the required minimum personal space of 3m² are short, occasional and minor;

(2) such reductions are accompanied by sufficient freedom of movement outside the cell and adequate out-of-cell activities; and

(3) the detainee is confined to what is, when viewed generally, an appropriate detention facility, and there are no aggravating aspects of the conditions of his or her detention;

(k) a finding that there is a real risk of inhuman or degrading treatment by virtue of general conditions of confinement in the issuing member state cannot lead, in itself, to the refusal to execute a European arrest warrant. Whenever the existence of such a risk is identified, it is then necessary for the executing judicial authority to make a further assessment, specific and precise, of whether there are substantial grounds to believe that the individual concerned will be exposed to that risk. The executing judicial authority should request of the issuing member state all necessary supplementary information on the conditions in which it is envisaged that the individual concerned will be detained;

(l) an assurance provided by the competent authorities of the issuing state that, irrespective of where he is detained, the person will not suffer inhuman or degrading treatment is something which the executing state cannot disregard and the executing judicial authority, in view of the mutual trust which must exist between the judicial authorities of the member states on which the European arrest warrant system is based, must rely on that assurance, at least in the absence of any specific indications that the detention conditions in a particular detention centre are in breach of article 3 ECHR or article 4 of the Charter; and

(m) it is only in exceptional circumstances, and on the basis of precise information, that the executing judicial authority can find that, notwithstanding such an assurance, there is a real risk of the person concerned being subjected to inhuman or degrading treatment because of the conditions of that person's detention in the issuing member state."

48. It is recognised that these principles have to be appropriately modified outside the European Arrest Warrant context in circumstances where the European Council Framework Decision dated the 13th of June 2002 on the European Arrest Warrant and the Surrender Procedures Between Member States is entirely based on the concepts of mutual trust, confidence and mutual recognition between the signatory nations.

49. In *Attorney General v. O'Gara* [2012] IEHC 179, Edwards J. dealt with an extradition request from the United States of America. At paragraphs 10.3-10.4, he stated that:

"... The Court considers that a default presumption does arise in extradition cases that the other country will act in good faith and that it will respect a proposed extraditee's fundamental rights.... However, in conventional extradition cases the presumption is much weaker and is much more easily rebutted than is the presumption that arises under the European arrest warrant system.... That is not to say that no presumption at all arises, but as the Court has stated it is very much weaker and more easily rebutted than is the case under the European arrest warrant system. Furthermore, it needs to be emphasised that rebuttal of the presumption does not of itself establish the existence of a real risk. It merely means that the Court is put on inquiry as to whether there is a real risk.

For the avoidance of doubt the Court does agree with the parties that the Rettinger principles must otherwise apply in this case.”

50. The test was considered by the Supreme Court in *Attorney General v. Davis* [2018] 2 I.R. 357. McKechnie J. put the matter in the following way at paragraphs 88-89:

*“Regardless of whether the proper test is couched in terms of ‘reasonable grounds’ or ‘substantial grounds’, it may be thought that in some respects this is not a difficult bar for a proposed extraditee to overcome: the combination of ‘reasonable/substantial grounds’, allied to the inherently forward-looking assessment of ‘real risk’, may at first blush suggest a low threshold to be met in order to prevent one’s extradition. This is not so. There is a default presumption that the other country will act in good faith and that it will respect a proposed extraditee’s fundamental rights; although this presumption is weaker and more easily rebutted in respect of countries outside of the European arrest warrant system, it remains in play and it is for the proposed extraditee to rebut (see, for example, the judgment of Edwards J. in *Attorney General v. O’Gara*[2012] IEHC 179, (Unreported, High Court, Edwards J., 1 May 2012) at para. 10.3, pp. 52 and 53). The basis for this presumption is the underlying principle of mutual trust, reciprocity and confidence which goes to the heart of the bilateral/multilateral extradition arrangements that have been entered into by the State on the international plane. Experience has shown that the presumption can indeed be rebutted, but such a conclusion will not be reached lightly. Thus while the courts will conduct a rigorous inquiry into any proposed objections to extradition, intervening where necessary to safeguard the subject respondent’s*

fundamental rights, the onus is on that person to establish by evidence that there is a real risk of a violation of such rights if surrendered and extradited. In so stating I am not endeavouring to set forth any new principle, but merely summarising the practice that the courts in this jurisdiction have hitherto engaged in when called upon to assess the objections so raised.

Accordingly, it is the Minister for Justice v. Rettinger[2010] IESC 45, [2010] 3 I.R. 783 principles, as subsequently explained and adapted in Attorney General v. O’Gara[2012] IEHC 179, (Unreported, High Court, Edwards J., 1 May 2012) and Attorney General v. Marques[2015] IEHC 798, (Unreported, High Court, Donnelly J., 16 December 2015) in relation to extradition to the U.S., which form the applicable test in an article 3 situation: the question, as stated, is whether the evidence establishes that there is a real risk that, if surrendered and extradited, the proposed extraditee will be subjected to torture or inhuman or degrading treatment. This test applies where the objection raised is based on what is prohibited by that provision, including where a person who is suffering from a mental condition or disorder would be detained in a foreign country. As one can never be definite regarding future events, the aim of the exercise is to measure risk. This requires a fact-specific inquiry conducted in part against known facts and in part against future events. The matters for consideration will inevitably be particular to the person concerned and may range over an extensive area; likewise in relation to the prison conditions, and perhaps even in respect of the legal and judicial regimes of his intended destination. The exercise so conducted should and must be as thorough as the facts and circumstances demand.”

51. This area of law was the subject of recent discussion by McGrath J. in *Minister for Justice v. Dumitri [AKA Cerban]* [2025] IEHC 69 in the context of an application under the Trade and Cooperation Agreement. McGrath J. stated at paragraphs 19-20 that:

“The principles governing the consideration of such objections would appear largely similar to those which have been applied by the Irish Courts when considering applications for surrender from other third countries with which this State has more traditional extradition arrangements, such as by way of example the United States of America, Canada and Australia. In considering any application from a third country, and objections made to surrender thereto, a Court will proceed on the basis that the third country will act in good faith and furthermore that such a state, with whom Ireland has after all agreed to enter into an extradition arrangement or treaty, will behave in a manner which will respect and vindicate the rights of the proposed extraditee.

Furthermore, although the Court will of course consider any relevant past or historic matters which touch upon any claim that there is a substantial risk that extradition to a third country will expose an extraditee to a risk of harm if now surrendered to that state, any assessment of such a risk must be forward looking and therefore any past matters must be relevant to the assessment of any future risk.”

52. In essence, it seems that the applicable test must be forward looking and fact specific.

The Over-detention Issue

53. Professor Armstrong is a Professor of Law at Loyola University, New Orleans, College of Law. She has published widely on issues relating to conditions of detention in the requesting state and I do not believe that any issue arises in relation to her expertise.
54. The final paragraph of her report refers to the 2023 Report, where she stated that the investigation found that inmates were routinely held in custody beyond the date that they were entitled to be released. She concluded that:
- “... Factors contributing to over-detention included delays in obtaining records from local clerks of courts and sheriffs and errors in sentence calculation. Louisiana has recently adopted safeguards, including automatic processing and an online portal, to prevent over-detention but has not yet produced data indicating over-detention is no longer occurring.”*
55. The 2023 Report was opened before me and counsel for the respondent placed considerable emphasis on it. The report followed an investigation into the Louisiana Department of Public Safety & Corrections (“LDOC”) under the Civil Rights of Institutionalized Persons Act.
56. The Department of Justice found that LDOC was systematically holding inmates beyond their lawful release dates and this problem was stated to be longstanding, widespread, and caused by deficiencies in LDOC’s policies, procedures, training, and management systems.

57. Counsel for the respondent submitted that the statistical analysis in the report was very significant and indicative of the scale of the problem. Between January and April 2022, LDOC released 4,135 people, 1,108 (26.8%) of which were held beyond their legal release dates. It appears as though the median over-detention period was 29 days. 31% of those detained were held more than 60 days beyond release while 24% were held more than 90 days beyond release.
58. The investigation found several systemic failures, to include a lack of a uniform process for transmitting sentencing paperwork between courts, sheriffs, and LDOC. There was a reliance on outdated systems and manual sentence calculations prone to error. There was also a failure to collect and analyse data about over-detentions, thereby preventing effective reform. The investigation found inadequate staff training and supervision, and poor auditing and quality-control procedures.
59. The report stated that legislative audits in 2017 and 2019 identified persistent errors and inadequate controls and referred to numerous private lawsuits which alleged systemic over-detention, including cases where individuals were held up to 164 days beyond release. Past attempts to address the problem were found to have failed or been insufficient to achieve reform. The report concluded that LDOC's failure to fix these known issues despite a decade of notice amounted to "*deliberate indifference.*"
60. A number of reforms were recommended, to include electronic information-sharing systems between courts, jails and LDOC; automated sentence-calculation and release-tracking tools; better auditing and data collection; standardised timelines and

procedures; improved staff training and certification; and stronger oversight and accountability measures.

61. The report concluded in the following terms:

“In summary, our investigation found reasonable cause to believe that LDOC consistently detains incarcerated individuals past their release dates in violation of their rights under the Fourteenth Amendment to the United States Constitution. We conclude that these violations are pursuant to a pattern or practice of infringement on the constitutional rights of incarcerated persons.”

62. Counsel for the respondent also drew the Court’s attention to Professor Armstrong’s footnoted reference to litigation initiated by the federal government of the requesting state against the State of Louisiana and LDOC. At the time of the hearing, there was a degree of uncertainty about the status of those proceedings and reference was made by counsel to papers filed by the Attorney General. I was subsequently able to access and review a document in the form of a statement of claim in which the Attorney General alleged a violation of the Fourteenth Amendment and sought a number of injunctive reliefs against the State of Louisiana.

63. I adjourned the matter for further consideration and, arising out of all of the foregoing, I was satisfied that further specific information and assurances should be sought from the requesting state.

64. On the 23rd of April 2026, the requesting state was asked the following:

*“1. Please confirm the exact status of the proceedings initiated by the former US Attorney General, Merrick B. Garland, in the case of **United States of America v. The State of Louisiana and the Louisiana Department of Public Safety and Corrections** (Case 3:24-cv-01041-BAJ-RLB).*

*2. If Mr John Patrick Navarro is to be extradited to the United States of America, please **provide a specific assurance** that, if Mr John Patrick Navarro receives a custodial sentence in relation to the eleven offences to which he has pleaded guilty, the subject matter of the extradition request, (subject to any local/federal laws in relation to parole), his release date will be calculated and he will **not** be detained beyond his actual release date.”* (Emphasis in the original.)

65. A response to this request dated the 27th of May 2026 was received under seal on the 9th of June 2026.

66. In relation to the proceedings initiated by the Attorney General, the requesting state confirmed that this lawsuit was filed on the 20th of December 2024 and that no “*material developments on the merits*” had occurred following this. It was further confirmed that in February 2025, the federal court administratively closed the case on the parties’ joint motion and the proceedings remain stayed. It was indicated that the parties have “*filed status reports with the federal court advising the court that the parties are continuing discussions to resolve the lawsuit collaboratively.*”

67. In relation to the specific assurance sought in respect of the calculation of the sentence and release date of the respondent, the requesting state indicated that it was in a position

to give that assurance. The requesting state set forth detailed information in relation to the reforms implemented by LDOC in respect of the calculation of inmates' dates of release. Many of these reforms postdate the 2023 Report.

68. In summary, the structural reforms incorporate the following:

- A new Offender Management System that went live on the 9th of February 2026;
- An automated sentence-computation engine specifically designed to eliminate calculation errors and ensure the timely release of LDOC inmates;
- Act 7 of 2024 which simplified the calculation of time served by eliminating pretrial good-time credit;
- A statewide electronic submission portal deployed by LDOC in July 2023 for the transmission of post-sentencing documentation from clerks of court and parish sheriffs to LDOC (the portal is currently in use in 62 of Louisiana's 64 parishes and electronic submission was made mandatory by Act 46 of 2025);
- Centralised pre-classification which standardises intake, sentence computation and release processing across Louisiana;
- A dedicated Audit and Compliance Section in LDOC responsible for independent secondary review of all inmate intake files within 30 days;
- A senior legal oversight position responsible for pre-classification and compliance;
- Recruiting and compensation reforms that have significantly reduced staff turnover;

- The codification of structural reforms in LDOC Department Regulation IS-B-3 and related regulations.

69. In response to this further information, the solicitor for the respondent filed a supplemental expert report from Professor Armstrong dated the 14th of June 2026. In that report, having considered the information provided, she opines:

“In my opinion, the information submitted thus far to the Irish High Court on the status of reforms to address over-detention in Louisiana is not complete and evidentiary proof on the success of the reforms has not yet been made public. The U.S. reply to this court fails to note two additional certified class action lawsuits challenging over-detention that are being actively litigated. As of this writing, no court has found that over-detention is no longer a problem in Louisiana and there is no public data to evaluate the assurances made in the U.S. reply. To fully evaluate the claims in the U.S. reply about the success of the mitigation efforts, I would suggest this court request a copy of the current ‘pull document’ to assess whether or not the over-detention problem has been solved.”

70. The two lawsuits referred to involve a claim for damages and injunctive relief respectively. The reference to a “pull document” appears to be a reference to a spreadsheet that provides raw data on sentence calculations for inmates, which indicates the scope of the over-detention issue.

71. Professor Armstrong criticised the unavailability of sufficient public data to assess the impact of the reforms and referred to an email from counsel for the plaintiffs in the

above-mentioned litigation suggesting that approximately 1,000 people were over-detained in 2025 alone.

72. Counsel for the respondent urged that surrender ought to be refused on the basis of Professor Armstrong's expressed opinion and submitted that the above-mentioned litigation and the absence from this Court of the "*granular and detailed*" data which these "*pull documents*" might reveal demonstrate that the assurances given by the requesting state cannot be relied upon.
73. Counsel for the applicant made the point that the above-mentioned litigation was not regarded as so significant as to be included in Professor Armstrong's initial report, even though both cases had been initiated prior to that report. He submitted that the cases concerned private litigation in relation to sentences imposed five and seven years ago respectively. He also submitted that Professor Armstrong does not suggest that the reforms have not been implemented and pointed to the fact that the new Offender Management System went live on the 9th of February 2026. Counsel submitted that a specific assurance had been given by the requesting state which can, and should, be relied upon by this Court.
74. Counsel for the applicant also emphasised the availability of legal remedies, including *habeus corpus*, in the requesting state.
75. I am of the view that what is contended for on behalf of the respondent misunderstands the nature of this Court's role and the test to be applied. It is not for me to police LDOC or to conduct a general examination or analysis of the factors involved in the

computation of sentences and release dates. I must conduct a fact-specific and forward-looking analysis.

76. I made it clear in the course of argument, prior to requesting further information and assurances, that I was not particularly interested in generalities, rather I was concerned with the position in relation to this particular respondent. I am grateful to the requesting state for providing details in relation to the structural reforms being implemented in order to ensure that the requirement of Louisiana law that an inmate is released upon completion of a lawfully imposed sentence is met in every instance.
77. However, what is of greater significance is that the response concludes after setting out the structural reforms with the heading “*Specific Assurance.*” Under that heading, the requesting state said that:

“Taken together, the structural reforms described above – specifically directed at the calculation and timeliness of release – provide the institutional safeguards necessary to ensure that La.Doc does not detain any inmate beyond the lawfully calculated expiration of his or her sentence. On the basis of those safeguards, and as confirmed by La.Doc, this office is authorized to provide the following assurance to the Irish High Court:

In the event that Mr. John Patrick Navarro is extradited to the United States and receives a custodial sentence on the eleven felony counts to which he pled guilty on February 6, 2018, his release date will be calculated by La.Doc under Louisiana law using the CIPRS/Mi-Case automated computation system, with secondary review by La.Doc’s Audit and Compliance Section. Subject to any

applicable local, state, or federal laws relating to parole, Mr. Navarro will not be detained beyond his lawfully calculated release date.” (Emphasis added.)

78. I cannot ignore the “*default*” presumption that the requesting state will act in good faith and respect the fundamental human rights of the respondent. Even though the presumption may be described as weaker, or more easily rebutted, than in a European Arrest Warrant case, it must be borne in mind that it is well established on the authorities that the basis for this presumption is the underlying principle of mutual trust, reciprocity and confidence, which is at the core of the bilateral/multilateral extradition arrangements that have been entered into by the State and the requesting state.
79. I am of the view that the above assurance is clear, specific and directly responsive to the request and can be relied on by this Court. I am satisfied that in this regard, the respondent’s rights will be upheld by the requesting state.
80. For these reasons, I reject this point of objection.

Conditions of Detention

81. The respondent argues that his surrender should be refused on the basis of a real risk of inhuman or degrading treatment on account of prevailing conditions of detention in Louisiana.
82. In this regard, the respondent relies again on the initial report of Professor Armstrong to demonstrate that there is a real risk of a breach of his rights under Article 3 of the European Convention on Human Rights (“ECHR”) in the event of his extradition in

circumstances where he may undergo a period of remand detention and thereafter a sentence of imprisonment.

83. The requesting state, having considered the report of Professor Armstrong, replied by letter dated the 19th of February 2026 from Andre C. Gaudin, Jr., Assistant District Attorney, Orleans Parish District Attorney's Office.
84. The respondent also sought to rely on the ruling of District Judge Brian A. Jackson of the United States District Court, Middle District of Louisiana in *Voice of the Experienced (VOTE) et al v. Le Blanc* NO. 23-01304-BAJ-EWD, 2025 LX 317182 (E.D. La. 2025) dated the 23rd of May 2025. *VOTE* was a case relating to the conditions at Louisiana State Penitentiary in Tunica, Louisiana, also known as "*Angola*." It appears that this ruling was appended to the respondent's written submissions dated the 18th of March 2026, i.e., after the letter from Mr. Gaudin, Jr.
85. In respect of this point of objection, both parties largely rested on their written submissions and, at the time of the hearing, neither party suggested that further information needed to be sought from the requesting state.
86. Professor Armstrong opined that there are serious systemic problems within Louisiana's prison system which may expose detainees and inmates to conditions which counsel for the respondent submitted are incompatible with Article 3 of the ECHR.
87. She said that a major concern is the prevalence of extreme heat and lack of full air conditioning in most Louisiana prisons. Her report also relies on the ruling in *VOTE*,

where a United States federal court found sufficient evidence of serious risks at ‘Angola’ due to excessive heat and ordered corrective measures.

88. Those interlocutory proceedings concerned an examination of what was described as the “*Farm Line*” where inmates working outdoors were said to be subject to extreme heat. The ruling related to an application for an order requiring the defendant to issue a “*Heat Alert*” whenever the heat index reached a particular point.
89. In that case, temperatures were found to regularly exceed levels associated with heat-related illnesses and inmates were potentially being exposed to dangerous heat for prolonged periods. The cited scientific evidence indicated that heat indices above 88°F (31°C) significantly increase the risk of heat stroke, organ damage, permanent disability and death.
90. She made specific reference to the incarcerated population at ‘Angola’ who work on a farm line in what she described as “*sweltering heat.*”
91. In relation to conditions of confinement generally, the report refers to concerns relating to sanitation and hygiene; food standards; healthcare access; safety and prison oversight and conditions in solitary confinement.
92. One of the questions posed to Professor Armstrong by the solicitor for the respondent states that the respondent “*reports that he suffers from complex Post Traumatic Stress Disorder and from Dissociative identity disorder.*” Based on that premise, Professor Armstrong commented on the availability of mental health services within Louisiana

prisons and the challenges in healthcare delivery in both state prisons and local jails, and stated that there were currently two significant lawsuits against LDOC regarding healthcare services.

93. Another one of the questions posed states that the respondent is of bisexual persuasion and Professor Armstrong was asked to comment on measures available to prevent or control sexual violence. On that premise, Professor Armstrong commented that *“LGBTQ+ individuals face a higher risk of violence in carceral spaces in the United States.”*
94. She also made a number of specific references to a facility known as Bayou Dorcheat Correctional Center, which is at overcapacity and in respect of which she had concerns in relation to the personal space afforded to inmates; bedding; ventilation and temperature; and sanitation standards.
95. Professor Armstrong was not able to say where the respondent will be incarcerated as this will be entirely subject to the discretion of LDOC and is dependent on a range of factors, to include custody classification, space availability, care needs and other factors. As a consequence, Professor Armstrong was also, inevitably, unable to determine what particular type of cell area the respondent would likely be detained in as this would also depend on a range of factors, to include his security classification.
96. The requesting state confirmed in the letter from Mr. Gaudin, Jr. dated the 19th of February 2026 that if extradited, the respondent would first be held at the Orleans Parish Sheriff’s Office (“the OPSO”) until sentenced. The OPSO is said to operate under

constitutional safeguards for unsentenced detainees, federal judicial oversight and independent monitoring.

97. The OPSO is said to comply with the United States Prison Rape Elimination Act of 2003. Applicable measures were stated to include intake vulnerability screening; individual housing determinations; confidential reporting mechanisms; mandatory investigation of allegations and protective custody arrangements for vulnerable detainees, including those convicted of sexual offences.
98. When sentenced to imprisonment, the respondent would then enter into LDOC custody. The letter confirms that the relevant offences carry a sentence of “*imprisonment at hard labor*”, which is a legal classification only and does not mean forced or punitive physical labour. Inmates may be assigned work based on ability, classification, and institutional needs, and are generally compensated.
99. The letter states that Louisiana correctional facilities operate under American Correctional Association (“ACA”) standards. This is a national professional organisation that promulgates performance-based standards in correctional facilities, to include housing space; sanitation and hygiene; ventilation; lighting; bedding and inmate safety.
100. It is stated that ACA standards and practices also cover functional toilets and sinks; access to showers; and maintained living conditions consistent with health and human dignity. Housing areas generally have fans and ventilation systems, although air-

conditioning is mainly limited to medical and service areas. It is stated that there are regular opportunities for exercise, education, work, and out-of-cell activity.

101. A specific assurance was given that approximately 35 square feet (3.25m²) of unencumbered space in single-occupancy cells exclusive of sanitation fixtures is required. Counsel for the applicant pointed out that this is in excess of the minimum space required in ECHR jurisprudence.
102. The response stated that inmates receive medical and mental-health screening at intake; ongoing healthcare and medication management; suicide-risk assessment and prevention protocols; and access to specialist or hospital treatment when necessary.
103. Compliance is stated to be subject to external audit.
104. In relation to the Bayou Dorcheat Correctional Center, the requesting state has confirmed that this facility is now a “*parish jail*” and is no longer used for housing sex offenders in LDOC custody. Therefore, the respondent would not be housed at this facility.
105. Again, the analysis under this point of objection must be fact specific and forward looking and it is not sufficient to assert, or even establish, that violations of fundamental human rights take place in the requesting state. The focus must remain on this particular respondent and the relevant prison conditions concerned within the requesting state. The presumption of good faith and respect for fundamental human rights is also an essential part of the analysis.

106. No affidavit was filed by the respondent himself, who was arrested on the 1st of April 2025, and as can be observed from the foregoing, Professor Armstrong was asked to opine on two issues based on a premise not established in evidence *at all*. I think it is correct to observe that the objection to surrender under this heading cannot be said to be based on the premise that, by virtue of some characteristic or characteristics unique to the respondent, he is at risk of having his rights violated.
107. Further, it is accepted that Professor Armstrong was not able to say that the respondent would be detained in a particular institution and it seems that the general criticisms made in relation to the Bayou Dorcheat Correctional Center are of no relevance, having regard to the further information provided by the requesting state.
108. Even though it is unknown as to where the respondent would be detained post sentence, Professor Armstrong placed particular emphasis on the conditions in ‘Angola’ in her report, which explains the reliance placed by the respondent on the interlocutory proceedings ruled on by District Judge Jackson.
109. It appears to be common case that over 70% of the inmates in that facility are serving life sentences. Counsel for the applicant submitted, not unreasonably, that in circumstances where the plea arrangement here (prior to absconding) was concurrent sentences of five years on all counts, it is very unlikely that a life sentence would be imposed and, therefore, it is highly speculative that the respondent, if surrendered, would be at risk of being placed on the “*farm line*” in that facility.

110. I agree with the submission of counsel for the applicant that the evidence on which the respondent relies appears to amount to a general critique of the Louisiana prison system and that nothing specific or concrete has been established to show that there is a real risk that the respondent will be subjected to inhuman or degrading treatment.
111. The general claims made do not discharge the onus on the respondent to establish that a real risk of a violation of his fundamental human rights arises. Further, there is nothing in this case to establish a basis for rejecting the specific assurances that have been given in relation to the conditions in which the respondent will be held.

Decision

112. For the above reasons, I am of the view that the points of objection raised on behalf of the respondent must be rejected.
113. I find that the respondent's surrender is not precluded by any of the provisions of the 1965 Act and that I am required to make an order pursuant to section 29(1) of the 1965 Act committing the respondent to prison to await the order of the Minister for his extradition to the requesting state.