In a Houston Chronicle article posted online, Professor Paust explains the U.S./Nigerian extradition treaty regarding charges against the Houston daycare operator who fled to Nigeria. Professor Paust’s comments were also posted by KPRC Houston and can be accessed at:


Reward Leads To New Tips On Fugitive Day Care Owner

By Stephen Dean

Monday, March 7, 2011

Federal marshals said $30,000 in reward money was leading to new tips on fugitive day care owner Jessica Tata’s whereabouts, Local 2 Investigates reported Monday.

"From Friday until now, we've received several detailed tips," Deputy U.S. Marshal Alfredo Perez said. "The reward has definitely sparked the interest of the community."

While some tipsters reported spotting her in unlikely places like Chicago at a bowling alley, other tips were specific about her past travels to Nigeria, Perez said.

"Every once in a while you get a tip like, OK, well this tip sounds really good. It's a little bit more detailed. It's a lot more relevant to what Jessica has done in the past," he said.

A Harris County grand jury indicted Tata on four upgraded charges of manslaughter, making extradition from Nigeria now legally possible under a treaty between the United States and Nigeria.

Harris County prosecutors had originally resisted filing those more serious counts, but they apparently then realized that extradition would be impossible without those charges.

"Now manslaughter is an extraditable offense in the list of extraditable offenses in Article Three of the treaty, so we're there finally," said University of Houston Law Professor Dr. Jordan Paust, who has researched the treaty.

He said the charges originally filed by prosecutors against Tata, such as abandoning or endangering children, may be impossible to pursue in court.

"We can only prosecute for manslaughter if this accused person is extradited pursuant to that treaty, because Article Seven of the treaty states that she can only be prosecuted for the crime for which she was extradited," Faust said. "You cannot ignore it. Somebody should have been alerted that extradition might come up, we might have a problem, let's try to find the treaty. They could have done that fairly quickly."

He said prosecutors could have easily called the UH Law School for those particulars if they were unfamiliar with international extradition treaties.
As for the lesser charges originally filed by the Harris County district attorney, he said a jury may only consider those counts if Tata waives extradition or comes home on her own.

Paust said, "You could prosecute for any crime relevant under Texas law if she comes back on her own, and that's why these other charges are not silly."

The district attorney's office reported no changes in its case on Monday, and Houston Fire Department arson squad investigators reported no surprises. Officers have said they are trying to piece together detailed timelines from the parents of all children in the day care during that fire.

The fugitive's brother, Ron Tata, reached on his cell phone, said he was not speaking to any other reporters.

No charges are being considered against him at this time, and he said, "I've done nothing wrong."

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