Professor Paust was quoted in a story posted to Click2Houston.com about a Houston day care owner who fled to Nigeria but has surrendered to a U.S. Embassy in Nigeria. Professor Paust discussed issues relating to her being extradited back to this country.

This story was posted to Click2Houston.com on Saturday, March 19, 2011:

Neighbors Relieved At Fugitive Day Care Owner's Surrender
By Stephen Dean

POSTED: Saturday, March 19, 2011
HOUSTON -- People who live near the day care where four children died expressed relief over the surrender of fugitive day care owner Jessica Tata, Local 2 Investigates reported Saturday.

Relatives of the 22-year-old day care owner told U.S. Marshals that she surrendered to a U.S. Embassy in Nigeria, a fact that her mother confirmed for Local 2 Investigates.

The family stopped answering calls or knocks at their door around Noon at their home near Katy.

News of the surrender caused visible sighs of relief for those closest to the case.

"Thank God," said a woman who lives next door to the daycare. She declined to give her name.

"I was really hoping she would turn herself in and do the right thing," she said. "I'm glad to hear that. That's so awesome," said the neighbor, who added that it should provide closure to the victims' families and the daycare's neighbors.

Another neighbor who helped to console Tata as the fire was burning and children were dying said, "That's nice to know she turned herself in. I'm glad she's in custody, I think everybody is."

She also declined to provide her name since she is expected to be called to testify at Tata's trial. She said Tata, on the day of the fire, was terribly sad and shaken up and she "made it worse by leaving."

An expert on extradition treaties with Nigeria, University of Houston Law School Professor Jordan Paust said Tata will have to waive all of her rights to extradition under Nigerian law in order to return to Houston quickly.

"You don't arrest her, but will she consent to coming back? And she may not know about rights that she might have under Nigerian law, and I don't know if it's our duty to tell her her rights under Nigerian law," said Paust, who added that US Embassy officials are only required to inform her of international laws.

He said Tata cannot be arrested in Nigeria unless that government agrees, so he expected embassy officials to try to urge her to waive her extradition rights in order to send her back to Houston quickly.
Federal officials told Local 2 Investigates they were hoping to have Tata returned to Houston by Tuesday.

Professor Paust suggested that any lawyer involved in her criminal defense in Houston may challenge the manner in which her rights to formal extradition proceedings were avoided.

Even if she signs a full waiver of extradition, Paust said that could be challenged if she surrendered to the US to avoid a lynch mob in Nigeria.

The Harris County District Attorney's office declined comment, saying prosecutors have not yet been formally notified that she is in custody or returning to Houston.

Houston Fire Department leaders provided no immediate comment.