

21-7209

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

FEB 03 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Juan Alfonso Nuño Velasco — PETITIONER
(Your Name)

THE HONORABLE STEVE SASOLAK ^{VS.} AS
GOVERNOR OF THE STATE OF NEVADA ^{"et al."} — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF NEVADA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Juan Alfonso Nuño Velasco
(Your Name)

1200 Prison Rd
(Address)

Love/ock, Nevada. 89419
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1) Is there a legal path that Nevada has taken to disregard Interstate Agreement on Detainers/United States Treaty of Consulate access to foreign nationals with no exceptions?

2) After review of this High Court, one question, if Nevada claims any nature of immunity from Interstate Agreement on Detainers, is valid as a matter of Law?

3) The D.O.J. and D.H.S. has address notification of individual alien home country, this is choice of the individual not to the respective governments, is Nevada under some legal or qualified immunity to Article 36 Consular Relations?

4) Under the extreme violation on Uniform Criminal Extradition Act, Mr Nuno is entitle to move to file a civil complain 42 U.S.C. 1983?

5) It's clear the Respondents' actions, who conspire to obstruct the due course of justice in the state courts with the intent to deny Mr Nuno for enforcing or attempting to enforce the right to equal protection under Uniform Criminal Extradition Act, Mr Nuno is intitle to file a civil complain 42 U.S.C. 1985, 1986?

6) Mr Nuno as a foreign national who is not in form of his right to Consular notification under Article 36 Vienna Convention on Consular Relations has any individual remedy available to him in United States Court?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

The Honorable Steve Sisolak, as Governor of the State of Nevada.

AARON D. FORD, Nevada Attorney General

KATRINA A. SAMUELS, Deputy Attorney General.

Heather D Procter, Chief Deputy, Attorney General.

Mark Rutledge Warrant Coordinator Nevada Department of Corr.

RELATED CASES

STATE OF NEVADA V. Juan Nuno-Velasco case no. CR02-2297B.

Juan Alfonso Nuno Velasco V. Rene Baker et al. case no. 3:13-cv-431-MMD-VPC.

Juan Alfonso Nuno Velasco V The Honorable Steve Sisolak, as Governor of the State of Nevada case 82879.

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- A) *Cuyler v Adams* 101 S ct 703
- B) *Kroc v. Sheriff of Clark County* 85 Nev. 91, 450 1969.
- C) *McNilton v State* 115 Nev. 396 (1999)
- D) *US v. Tumanolo* 822 F Supp 1561

Constitutional Provisions:
U.S. Const. Article IV.
U.S. Const. Amend. XIV.

STATUTES AND RULES

289.99 S ct at 535
42 USC 1985, 1986
42 USC 1983
28 USC. 2254
18 USC. 3182
NRS 178.620
NRS 179.188
cal-Penal Code § 1548-1556.2
cal-Penal Code § 1389-1389.7.

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 11/11/21

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 11/11/21, and a copy of the order denying rehearing appears at Appendix 1.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including 11/11/21 (date) on 11/11/21 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was Oct. 08-2021.
A copy of that decision appears at Appendix App 2,3

☐ A timely petition for rehearing was thereafter denied on the following date: Nov. 08-2021, and a copy of the order denying rehearing appears at Appendix App 1

☐ An extension of time to file the petition for a writ of certiorari was granted to and including 11/11/21 (date) on 11/11/21 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

8

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article IV, Section 2 of the United States Constitution provides: the powers and duties of the several states, including the State of Nevada and the State of California, in matters relating to interstate extradition. U.S. Const. IV.

Section 1 of the Fourteenth Amendment to the United States Constitution provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. Const. amend. XIV.

STATEMENT OF THE CASE

A. Proceedings at the Superior Court of California

1) Background of the Charges: ON 04-24-2002 Mr Nuno was Booked into the Fresno county jail. App'D pg 2. ON 05-01-2002 Mr Nuno was informed for additional charge: PC 187 Warrant from Reno NV. App'D pg 3. Superior Court of California, twice refused to extradite Mr Nuno App'D pg 4. ON 07-09-2002 The Executive Department of Nevada, sent a Requisition Demand to the Governor of the State of California App'D pg 5. ON 07-16-2002 The Executive Department of California signed a warrant. App'D pg 6. Attached to these official warrants, was an Executive Agreement, "setting the terms whereby Nevada was to obtain Rendition of Mr Nuno App'D pg 7. 8, 9. Interstate extradition was intended to be a summary and mandatory executive proceeding..." Id. at 289, 99, S Ct at 535. (1980 U.S. App) While the executive plays the primary role in extradition, the court do have a limited role.

2) Mr. Nuno's Extradition: ON July 26, 2002 Nevada authorities forcibly removed Mr Nuno from California to Nevada. Denying the Court of California, give Mr Nuno a Arraignment on Governor Warrant App'D pg 10. The U.S. Supreme Court held in Cayler v. Adams, 449 U.S. 433, 101 S Ct 703, 66 L Ed 2d 641 (1981) that a prisoner incarcerated in a jurisdiction that has adopted the Uniform Criminal Extradition Act is entitled to the procedural protection of that Act including the right to a pre-transfer hearing, before being transferred (647 F 2d 77) to another jurisdiction pursuant to Article IV of the Detainer Agreement. California has adopted the Uniform Criminal Extradition Act, Cal Penal Code §§ 1548-1556.2, along with the IAD. Cal Penal Code 1389-1389.7. Article IV of the IAD specifically provide that it should not be construed to deprive a prisoner of any right which he may have to contest the legality of his delivery. The Arraignment list all the rights Mr Nuno was entitled and was denying all them.

B) Proceeding at the District Court in the State of Nevada:

1) Mr Nuno arrived to the Washoe County Detention on July 26, 2002 without a copy of the Governors Warrant & Executive Agreement.

1

Documents obtain by Mr Nuno, he never was able to get this document until Oct 2021. Attorney General of Nevada always denied to Mr Nuno these documents.

1 In pre-trial proceedings the District attorney never give the information to the
2 Court nor the defence about the Executive Agreement. On 12-26-2002
3 Mr. Nuño's case was closed AppA pg 4. "Equally important the rule and language of
4 the Interstate Agreement on Detainers Act, the clock does not stop running ~~except~~
5 except the time explicitly excluded, that is for good cause showing in open
6 court, the otherwise a trial shall be commenced within 120 days, the language
7 is mandatory. 960 F.2d 1454; McNilton v. State 115 Nev. 396 (1999) finds
8 the Article III (a) Interstate Agreement on Detainers and Nevada prior issues
9 with this matter of laws. (copied by 178.620) OR, NRS 178.620
10 Article IV (e) If the trial is not had on any indictment, information or complaint
11 contemplated hereby prior to the prisoner's being return to the original place
12 of imprisonment pursuant to Article V. (e) hereof, such indictment,
13 information or complaint shall not be of any further force or effect, and the
14 Court shall enter an order dismissing the same with prejudice. NRS 178.
15 188. Individual who was present in this state by virtue of extradition agreement
16 between the governors of this state and of California was still a constructive
17 prisoner of California, on loan to this state for the sole purpose of affording
18 him a speedy trial. Kroc v. Sheriff of Clark County, 85 Nev. 450 P.2d. 1969.
19 Violating all above, over a year Mr. Nuño been held in jail without
20 any proceedings, until 1-5-2004 Mr. Nuño's case was reopened AppA pg 5. And
21 another pre-trial proceeding start over again, without the Nevada authorities
22 inform about the Executive Agreement. Prisoners right to speedy trial
23 under Interstate Agreement on Detainers Act. (IADA) was not eliminated
24 where prisoners failure to comply with notice requirements of IADA was
25 result of government negligence in failing to inform prisoner of his rights
26 under IADA see U.S. v. Tummo 822 F Supp 1561. This proceed-
27 ings length another 3 years more until sentence day. on 5-1-2007.
28 AppA pg 6. A erroneous and fraudulent and illegal Sentence.

1 because Mr Nuno is under the Executive Agreement and Nevada State law
2 which set that Nevada state must be paid the expenses. see NRS 179.25.
3 Cost and expenses. Violating again the Executive Agreement and Nevada
4 state law, rather return Mr Nuno to California, was placed in NDEC.
5 see Declaration of Hether Procter App C' p 1-3. and Declaration of Mark
6 Rutledge App C pg 4-5. In these Declarations this Hight Court can find.
7 Fraud & crimes that the Nevada authorities does not want face. Fraud:
8 the money \$1213.10 for extradition of Nuno Velasco; crimes: Destruction of
9 documents (files). on 2008 Mr Nuno in contradiction to Respondents'
10 statement that Mr Nuno never before brought this issue. Mr Nuno
11 file a pos-conviction habeas corpus, which until 2012 held a hearing
12 App A pg 7 Mr Polaha state in record that he did not find anything
13 to indicate that Mr Nuno was brought under the detainer agreement.
14 and he's denied summarily App A pg 8, 9.
15 Proceeding in Federal Court: like the Respondents stated in the answering
16 filed Sep 27 2021. Mr Nuno raising similar issues his state claims RA001542
17 00178. but he abandoned that claims before the Federal district court made
18 a decision on the Merit. RA 00179-00187, 00188-00204. Respondents
19 expended every effort to frustrate Mr Nuno's attempt to conduct
20 discovery until the Federal District Court granted (ECF N. 30) Motion
21 for Reconsideration; vacating (ECF 29.) see (ECF N. 41) and (ECF 30-40);
22 without evidence Mr Nuno cannot proof his claims, and the Federal
23 court close his case. on Sep 23 2019 Mr Nuno file a Motion for
24 transcripts and case files App D pg 11, on Aug 13, 2019 clerk B by the
25 sent a true copy of the Complete file of Mr. Nuno. App D pg 1.
26 After Mr Nuno learn about the document, which set forth the terms of
27 his extradition to Nevada, he moves to The Supreme Court of Nevada
28 D). Proceedings at the Supreme Court of Nevada.

1 ON 5-11-2021 Mr Nuno Giled a Petition for Writ of Mandamus case N. 8289
2 ON 9-27-2021 Respondents Giled a answering to petition trying to
3 gross over the facts which are that the Executive Agreement.
4 Respondents also admits and blames California for failure to take
5 necessary steps consistent with the Executive Agreement.

6 ON 10-07-2021 The COA Giled Order Denying Petition. The Court
7 erroneous stated that Mr Nuno has not demonstrated that the
8 executive authority of California has demanded his surrender.

9 App A pg 2, 3.
10 Erroneously because not by law nor by the Executive Agreement
11 indicate that California (Governor, Court nor County) have
12 had or has to fight for return Mr Nuno to California
13 on 10-20-21 Mr Nuno Submitted a Petition for Review by The
14 Supreme Court of Nevada. ON 11-08-2021 Supreme Court Filed
15 an order Denying Petition for Review. App A pg 1.

16 Now Mr Nuno moves to this high Court.

17
18 Notice to this High Court Mr Nuno apologize himself for
19 be unable to a large claim on the Vienna Convention
20 Topic. But in this institution do not have such material
21 see App B p 1.

22 With the pandemic, covid-19 we are very limit to the materials
23 or access of them.

REASONS FOR GRANTING THE PETITION

This extreme violation for 20 years to a prisoner's procedural safeguards by The Uniform Criminal Extradition Act, and the attitude of Respondents to don't Honor the terms of Executive Agreement, blaming to California State for Respondents' obligations to return Mr Nuno back to the original jurisdiction its Unique and serious harmful to the smooth functioning of the criminal justice system, and all people under Uniform Criminal Extradition Act.

It's matter of law and order to the interest of justice would be served, this High Court shall grant this petition.

CONCLUSION

For the foregoing reason.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Juan Alfonso Nino Velasco

Date: Feb 2 - 2022

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Juan Alfonso Nuno Velasco — PETITIONER
(Your Name)

The Honorable Steve Sisolak VS.
as Governor of the State of Nevada, et al. — RESPONDENT(S)

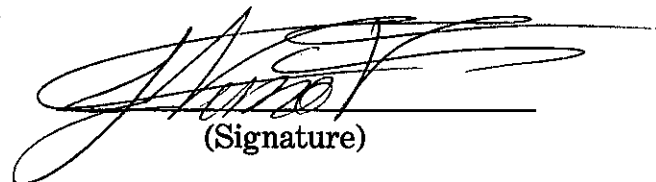
PROOF OF SERVICE

I, Juan Alfonso Nuno Velasco, do swear or declare that on this date, Feb. 02, 2022, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb 02, 2022


(Signature)