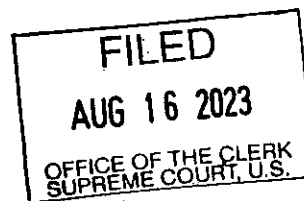


No. **23 - 5465**



IN THE
SUPREME COURT OF THE UNITED STATES

Steven Villalona — PETITIONER
(Your Name)

Warden, Oakdale-FCI-1, ~~et al.~~ ^{vs. et al.,} — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S.C.A., for the 11th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Steven Villalona, Reg #: 55457-018
(Your Name)

FCI - Fort Dix, PO Box 2000
(Address)

New Joint Base, MDL, NJ 08640
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

- ① Whether a violation of the notice requirement under Article III(c) of the Interstate Agreement on Detainers Act ("IAD") may amount to a Due Process violation?
- ② What remedy is available for a prisoner who is not informed of his right to demand a trial under Article III(c) of the IAD?
- ③ Whether a violation of the notice requirement under Article III(c) of the IAD may be adjudicated pursuant to this Court's analysis in Barker v. Wingo, 407 U.S. 514 (1972)?
- ④ Under Barker v. Wingo, how much weight should a court attach to the Government's failure to notify a prisoner of his right to demand a trial under Article III(c) of the IAD?
- ⑤ Whether the principles promulgated by this Court in U.S. v. Doggett, 505 U.S. 647 (1992), may be applied in the context of a prisoner who is unaware of pending charges?
- ⑥ Whether the filing of a detainer is sufficient evidence by the Government that a prisoner is aware of pending charges and how to request a trial under Article III(c) of the IAD?
- ⑦ How heavily should a prisoner's assertion of his right to speedy trial be weighed under Smith v. Hoey, 393 U.S. 374, (1969), if assertion happens before the arrest?
- ⑧ Under Smith v. Hoey, how should courts adjudicate a prisoner's claim that he was prejudiced by a failure to receive a concurrent sentence?

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:

- ① State of Florida;
- ② Warden of FCI-1, Oakdale.

RELATED CASES

Villalona v. Florida, 140 S. Ct. 444 (Oct 21, 2019)

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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STATUTES AND RULES

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 A to the petition and is

☒ reported at 2023 U.S. App. LEXIS 465; 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 C 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 01/09/2023.

☐ 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: 05/25/2023, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) 6th Amendment right to a speedy trial
- 2) 14th Amendment right to Due Process
- 3) Interstate Agreement on Detainers Act (herein after "IAD")

STATEMENT OF THE CASE

A Federal prisoner, unaware that the State of Florida wished to prosecute him, was denied a good prison job-which would have helped him become a productive member of society, because the State of Florida charges remained unresolved. Anxious and unaided by counsel, he requested action on the pending charges. Appendix D. However, his request went unanswered, so he began to study the law and learned that the IAD applies to his case.

Because he sought to resolve the pending charges, his security classification was increased and he was placed in a medium prison. Appendix E. After arriving in the State of Florida and being provided with incompetent counsel, he again began to study the law and presented his speedy trial claim to the State court. However, his claim was denied and after spending 64 months incarcerated he went to trial and lost. His appeals was also denied. Villalona v. Florida, 140 S.Ct. 444 (Oct 21, 2019).

After presenting his claim to the Federal courts which denied his petition for Writ of Habeas Corpus, the petitioner now seeks to have this Court adjudicate whether the 64 months of pre-trial incarceration violated his right to a speedy trial.

REASONS FOR GRANTING THE PETITION

Both in Smith v. Hooey, 393 U.S. 374, 375, and Fey v. Michigan, 507 U.S. 43, 46 (1993), the petitioners were informed that charges were pending against them. However, here, the petitioner was only made aware of the charges when he lost the chance to obtain favorable employment - because of the pending charges.
Appendix F.


Given the underlying policies of the right to a Speedy trial and the IAD, and its impact on society, this Court should grant this petition and address the questions presented here. Furthermore, this Court should explain in greater detail, how the right to a Speedy trial ~~prejudice~~^{Judice} inquiry is "both aggravated and compounded in the case of an accused who is imprisoned by another jurisdiction." Hooey, at 393 U.S. 378.

Lastly, any reasonable person would agree that a society is only as strong as its weakest link - the convicted criminal. Therefore, Society's interest in rehabilitating prisoners should be protected by the courts, as the courts have an "affirmative constitutional obligation" to provide Speedy trials, and conserve the peace by reducing recidivism.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 08/15/2023