SNELL & WILMER

10/28/2025 1:42 PM Steven D. Grierson CLERK OF THE COUR 1 Alex L. Fugazzi, Esq. Nevada Bar No. 9022 2 Alexis R. Wendl, Esq. Nevada Bar No. 15351 3 SNELL & WILMER L.L.P. 1700 South Pavilion Center Drive, Suite 700 4 Las Vegas, NV 89135 Telephone: (702) 784-5200 5 Facsimile: (702) 784-5252 Email: afugazzi@swlaw.com 6 awendl@swlaw.com 7 Attorneys for Las Vegas Metropolitan Police Department and Sheriff Kevin McMahill 8 9 DISTRICT COURT 10 CLARK COUNTY, NEVADA 11 12 AMERICAN CIVIL LIBERTIES UNION OF Case No. A-25-930343-W NEVADA, a domestic nonprofit organization; 13 SERGIO MORAIS-HECHAVARRIA, an Reassigned to Case No. C-25-392542-1 individual, 14 Department: XXI Petitioners, 15 RESPONDENTS' RESPONSE TO 16 PETITION FOR WRIT OF LAS VEGAS METROPOLITAN POLICE MANDAMUS OR, IN THE 17 DEPARTMENT, a governmental entity; ALTERNATIVE, VERIFIED PETITION KEVIN MCMAHILL, in his official capacity FOR WRIT OF HABEAS CORPUS 18 as Las Vegas Metropolitan Police Department Hearing Date: October 30, 2025 Sheriff, 19 Hearing Time: 10:00 a.m. Respondents. 20 21 Respondents Las Vegas Metropolitan Police Department ("LVMPD") and Sheriff Kevin McMahill ("Sheriff McMahill" and collectively "Respondents") submit their Brief in Response to 22 23 the Petition for Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus and Opening Brief (together, the "Petition"), filed by Petitioners American Civil Liberties Union of 24 25 Nevada ("ACLU") and Sergio Morais-Hechavarria ("Mr. Morais-Hechavarria"). 26 This Response is supported by the Memorandum of Points and Authorities below, the 27

Electronically Filed

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

papers and pleadings on file in this and the related action, the declaration of Deputy Chief Nita Schmidt attached as Exhibit A ("Schmidt Declaration"), the exhibits attached hereto, and any oral argument the Court may entertain.

MEMORANDUM OF POINTS AND AUTHORITIES INTRODUCTION

The Petition should be denied in its entirety on multiple independent grounds. Petitioners fail to identify unlawful conduct or a departure from LVMPD's established procedures. This case challenges a routine, policy-driven release. LVMPD followed Policy 4.166 and standard Clark County Detention Center ("CCDC") procedures to coordinate a same-morning transfer to federal custody when state criminal custody ended. Policy 4.166 requires Detention Services Division ("DSD") to notify ICE at booking and at release for specified public-safety offenses and directs release unless ICE is present at release or a federal judicial warrant exists.

That is exactly what happened here. When an inpatient bed aligned with release processing of Mr. Morais-Hechavarria on October 16, 2025, CCDC notified ICE, ICE confirmed a routine pickup window, and Mr. Morais-Hechavarria was transferred that morning before his criminal detention at CCDC ended. No LVMPD officer performed a civil immigration arrest. No one extended custody for investigation. The 287(g) memorandum of agreement ("Agreement" or "MOA") was not operational at that time and played no role in Mr. Morais-Hechavarria's release.

The record also shows why LVMPD treated this booking as a public-safety matter. Over the last two years, Mr. Morais-Hechavarria has engaged in repeated criminal conduct and evasive behavior. In June 2023, he was caught in a stolen Mercedes with methamphetamine, admitted he "kinda knew" the car was stolen, and then failed to appear in court, resulting in a bench warrant. In June 2025, he was re-arrested for domestic battery on a pregnant victim and for obstruction after giving officers a false identity, and while in custody he initiated a fight captured on video by throwing the first punches. Against that backdrop, LVMPD followed Policy 4.166 and routine

27

²⁶

¹ The Court may take judicial notice of filings and records in *State v. Morais-Hechavarria*, Case No. C-25-392542-1, because they are matters of public record directly relevant to this proceeding. See NRS 47.130(2); Mack v. State, 118 Nev. 124, 130, 40 P.3d 447, 450 (2002).

SNELL & WILMER

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

DSD release procedures and coordinated an ordinary ICE pickup at the release threshold.

The Petition fails at the threshold for multiple, independent reasons that make a merits ruling unnecessary. First, the challenged restraint is federal. Petitioners target an ICE detainer and a DHS Form I-205 Warrant of Removal, both federal administrative instruments issued and executed by federal officers. Nevada habeas must be directed to the custodian "who has the petitioner in custody or under restraint," and this Court cannot issue effective relief against nonparty federal custodians. NRS 34.390(2); NRS 34.400. The district court already recognized as much when it expressly stated it lacked jurisdiction to "lift" an ICE hold. Second, the detention claim is moot. Mr. Morais-Hechavarria was transferred to ICE on October 16, 2025. There is no ongoing LVMPD restraint to enjoin, and no exception to mootness applies to this unusual confluence of a state inpatient-transport order and a contemporaneous federal removal warrant. Third, Petitioners' attack on the 287(g) MOA is unripe: the MOA was signed but not operational. No LVMPD personnel have exercised any authority under the MOA and every step at issue occurred under Policy 4.166 and ordinary release procedures. Fourth, the ACLU lacks a beneficial interest for mandamus and cannot satisfy Nevada's associational standing requirements, particularly where individualized habeas was available to the directly affected individual. Finally, extraordinary writ review is unwarranted because ordinary remedies exist for any future controversy, Petitioners' remaining theories are fact-dependent, and, with the restraint ended, the Petition seeks advisory declarations untethered to a live dispute.

Even if the Court reached the merits, Petitioners still would not prevail on any of their asserted arguments. Their *ultra vires* theory rests on a misreading of both federal and Nevada law. As to federal law, Congress authorized cooperative 287(g) arrangements in the Immigration and Nationality Act and, where implemented, participating officers act under federal supervision to perform narrowly delineated federal functions at the moment of criminal release. As to Nevada law, the Sheriff's express duties to keep the peace, serve process, and apprehend offenders, together with LVMPD's consolidated authority and implied operational powers, comfortably encompass jail-based coordination and release-boundary handoffs to other agencies. Nothing in NRS 211.060,

NRS 31.470, or Chapter 171 prohibits a contemporaneous, federally supervised transfer at release. Policy 4.166 forbids detainer-only holds, requires no delay, and mandates release if ICE is not present and there is no judicial warrant. And if Petitioners' reading of state law were thought to disable federally supervised, time-of-release transfers or service of federal administrative paperwork, it would be preempted as an obstacle to Congress's objectives in the INA's cooperative framework.

On this record, there was no local civil or criminal arrest, no discretionary "hold," and no 287(g) enforcement. There was only a brief, federally supervised transfer at the release boundary, fully consistent with Policy 4.166 and Nevada law. The Court should deny the Petition in its entirety, dismissing the detention claim as moot, rejecting the challenge as unripe, dismissing the ACLU for lack of standing, declining extraordinary writ review, and, in all events, rejecting Petitioners' *ultra vires* theories on the merits.

FACTUAL BACKGROUND

I. Policy 4.166 Mandates Standardized ICE Notifications and a No-Delay Release Rule.

This matter arises from a routine, policy-driven jail release in which CCDC coordinated a same-morning, at-threshold transfer to federal custody after Mr. Morais-Hechavarria completed state criminal processing. The governing framework was LVMPD Policy 4.166 and complementary guidance, together with DSD's standard release procedures and recordkeeping. LVMPD Policy 4.166 (Jan./Feb. 2025), attached as **Exhibit B**; Nevada Sheriffs' & Chiefs' Association Immigration and Customs Enforcement Law Enforcement Model Policy (2025) (the "NVSCA Model Policy"), attached as **Exhibit C**; DSD Releasing Procedures (immigration-related release provisions) at 91–96, attached as **Exhibit D**. Policy 4.166 requires DSD to notify ICE at booking and again at release for qualifying public-safety offenses, prohibits any stop, detention, arrest, or "immigration hold" based solely on immigration status, and provides that LVMPD will not delay an inmate's release for ICE. Ex. B. If ICE is not present when an inmate otherwise becomes releasable and there is no federal judicial warrant, DSD must proceed with release. *Id*. DSD operationalizes these directives through standardized notifications and annotations, including

"IMM notified @ [date/time]" and "IMM WARRANT @ [date/time]," and through a Weekly Immigration Report that tracks outcomes as "Picked Up," "Released W/O Pick-Up," and "Total Notices Sent." Pet. Ex. 4 (Weekly DSD Immigration Report, reporting period 8/26/2025–9/1/2025); Ex. D at 92–96. The release procedures confirm that Records will email ICE a Transfer and Custody Receipt ("TCR") for qualifying foreign-born inmates, will not provide an approximate release time, and will not delay release for pickup. *See* Ex. D. If ICE has not arrived within a defined window after an I-205 pickup confirmation, Records proceeds with release. Ex. D at 91–96.

LVMPD also executed a Warrant Service Officer ("WSO") MOA with ICE on June 16, 2025. However, the MOA program ("Program") was not operational during the events at issue. Ex. A, Schmidt Declaration, ¶¶ 13–15, 21–22. Though LVMPD anticipates over two dozen officers will participate in the program, ICE had not issued or activated credentials for participating personnel, and no officer served or executed any ICE administrative warrant under § 287(g) in Mr. Morais-Hechavarria's case. *Id.* at ¶¶ 14–15, 21–22.

II. Mr. Morais-Hechavarria's Public-Safety Arrests Triggered Mandatory Booking-and-Release Notifications Under Policy 4.166.

The criminal record and custody posture establish why Policy 4.166 applied from intake through release. On June 3, 2023, LVMPD officers stopped a stolen 2016 Mercedes E350, recovered approximately three grams of methamphetamine from Mr. Morais-Hechavarria, and arrested him for possession/receipt of a stolen vehicle and possession of a Schedule I/II controlled substance. He admitted the substance was "Crystal" and acknowledged he "kinda knew" the vehicle was stolen. DOAR – x0883, attached as **Exhibit E**; EV Officer's Report – x0883, attached as **Exhibit F**; DOAR – x5161, attached as **Exhibit G**. He was released on his own recognizance the next day. Ex. A, Schmidt Decl. He failed to appear in September 2023, and a bench warrant issued. *Id.* at ¶ 4; *see also* DV Report – x1686, attached as **Exhibit H** (referencing Warrant #23-CR-041490).

Nearly two years later, on June 16, 2025, LVMPD re-arrested him for domestic battery on

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

a pregnant victim and obstruction by false identification. Ex. H. The arresting officers documented that he initially provided the name "Jorge Lezcano Garcia," then "Jorge Leandro," neither of which matched any record. *Id.* The victim identified him as "Sergio Morais," and officers confirmed his identity through SCOPE and a mugshot. Id. The DV report reflects high-risk indicators in the lethality assessment, including affirmative responses that the aggressor had threatened to kill the victim, had attempted to strangle, and had access to a gun, among other risk factors. Id. While in CCDC custody on June 20, 2025, he was involved in a fight captured on camera, where he threw the first two punches during a confrontation at medication pass. DOAR - x5161, attached as **Exhibit G.** Though rebooking for felony battery by a prisoner was recommended, no charges were made. See id.

These public-safety events placed him squarely within Policy 4.166's notification categories. Ex. B. Consistent with Policy 4.166 and DSD practice, ICE was notified at booking in June 2025. Ex. A, Schmidt Decl. ¶ 9–11, 16–17. On June 17, 2025, DHS issued an Immigration Detainer (Form I-247A) checking "A final order of removal" and requesting cooperation "NOT TO EXCEED 48 HOURS" after release when immediate physical custody is impracticable. Immigration Detainer (June 17, 2025), attached as Exhibit I (Form I-247A). DHS also issued a Form I-205 Warrant of Removal/Deportation. DHS Warrant of Removal/Deportation, attached as Exhibit J (Form I-205); See also Pet. Exs. 2–3; Ex. D (quoting 8 C.F.R. § 287.7 and describing detainer pickup coordination). Under Policy 4.166 and DSD Release Procedures, these are federal administrative instruments that become operative at the moment criminal custody ends. See Exs. B-D. They do not modify state custody in the interim and do not authorize LVMPD to delay a state release in the absence of ICE's contemporaneous presence at the jail release threshold or a federal judicial warrant. Ex. B; Ex. D at 92–96; see also Ex. A, Schmidt Decl. ¶ 16–19.

III. The Sentencing Order Required Continued CCDC Custody and Created an At-Release Sequencing Conflict with DHS Paperwork.

The criminal proceedings then defined the custody pathway. On July 8, 2025, in District Court Case C-25-392542-1, Mr. Morais-Hechavarria pleaded guilty to Attempted Possession of a

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Stolen Vehicle. He was sentenced on August 19, 2025, to a suspended 364-day term with up to twelve months of probation, with the specific condition that he "remain in custody pending Parole and Probation transport to an inpatient facility." The Judgment of Conviction was filed on September 2, 2025. Pet. Ex. 6 at 1–3. Immediately after sentencing, the public defender's social worker advised that he was ready to go "as soon as a bed becomes available." Pet. Ex. 5. DSD responded that an ICE warrant existed and explained that, for CCDC to release him to ICE rather than to Parole and Probation for inpatient transport, the inpatient order would need to be rescinded or clarified by the court. See Email RE Sergio Morais Hechaavarria, attached as Exhibit K ("In order for CCDC to release him to ICE, the order to go to Inpatient will have to be rescinded."). The point was sequencing, not discretion. The court's order required continued secure custody at CCDC pending a coordinated transport by Parole and Probation. The DHS I-205 would become actionable at the instant criminal custody ended. Ex. B; Ex. D at 92–96; Ex. A, Schmidt Decl. ¶¶ 23–25.

Because DSD had explained that both the inpatient condition and the federal administrative warrant would both trigger at the release boundary, DSD sought court direction. On September 9, 2025, DSD asked the court to calendar a status check because Mr. Morais-Hechavarria "is court ordered to Inpatient Treatment, but he also has an ICE warrant which prevents him from being transported." The matter was set for September 11, 2025. Email Fw: Sergio Morais-Hechavarria (Sept. 9, 2025 email to Court), attached as **Exhibit L**. The court set a status check for September 11. Id. Simultaneously, the public defender for Mr. Morais-Hechavarria sought court direction on "his transport to inpatient treatment." See Mot. for Status Check, Sept. 9, 2025, attached as Exhibit M.² At the status check, defense asked the court to "lift the ICE hold" so inpatient transport could proceed. Recorder's Tr. (Sept. 11, 2025) at 2, attached as Exhibit N. The court declined, explaining, "I don't have the jurisdiction to do that... That is federal government." *Id.*; see also Court Minutes (Sept. 11, 2025), attached as Exhibit O. No modification to the inpatient order issued. Ex. A, Schmidt Decl. ¶¶ 24–25. As a result, Mr. Morais-Hechavarria remained in criminal

27

28

²⁶

² Mr. Morais-Hechavarria's public defender, who had been copied on DSD's August 19 email explaining the issue with the order to go to inpatient, waited three weeks to seek judicial intervention.

custody at CCDC under the inpatient-transport condition. DSD did not hold him for immigration purposes and did not delay any release for ICE. Ex. A, Schmidt Decl. ¶¶ 25, 28.

IV. On October 16, 2025, CCDC executed a same-morning, at-threshold transfer to ICE consistent with Policy 4.166.

When Petitioners filed this civil action on October 13, 2025, release processing resumed. Ex. A, Schmidt Decl. ¶¶ 26–27. On October 14, DSD added Mr. Morais-Hechavarria to the October 16 inpatient list for WestCare after a bed was confirmed and initiated routine release-window steps, including recorded medication-order notifications for an anticipated October 16 transport slot. *See* Email Chain re Referral & Bed Availability (Aug. 19–Oct. 14, 2025), attached as **Exhibit P** ("I am adding Mr. Morais-Hechaavarria [sic] to the list for 10/16."); Medication Order Notification (Oct. 14, 2025) (listing 10/16/25 @ 0900 WestCare), attached as **Exhibit Q**; Email re Pending Transport List (Oct. 14, 2025), attached as **Exhibit R**.

Consistent with Policy 4.166 and DSD procedures, Records notified ICE at 6:56 a.m. on October 16 that Mr. Morais-Hechavarria had an I-205 and was being processed for release. Email—CCDC Records to ICE (Oct. 16, 2025), attached as Exhibit S; Ex. A, Schmidt Decl. ¶¶ 18–19, 26–28. ICE replied at 7:08 a.m., "We can pick up at 0700 with the rest." Ex. S. ICE assumed custody that morning at the release window. The handoff followed Policy 4.166's no-delay rule and DSD's documentation protocols ("IMM notified," "IMM WARRANT @ [pick-up time]"), and it mirrored the routine "Picked Up" outcomes reflected in the Weekly DSD Immigration Reports. Ex. B; Ex. D at 94–96; Pet. Ex. 4; Ex. A, Schmidt Decl. ¶¶ 18–20, 26–28. No LVMPD officer served or executed any ICE administrative warrant under § 287(g), and the non-operational MOA played no role. Ex. A, Schmidt Decl. ¶¶ 14–15, 21–22.

Routine DSD records corroborate standardized processing and no delay. The record reflects normal jail operations during this period. DSD maintained routine notifications and tracked outcomes through its Weekly Immigration Report, which for the reporting period of August 26 through September 1, 2025, listed qualifying foreign-born arrests, notices sent, I-200 and I-205 receipts, and the "Picked Up" and "Released W/O Pick-Up" results for each category. Pet. Ex. 4. That report underscores standardized, policy-based handling of release-threshold coordination. Ex.

A, Schmidt Decl. ¶ 12.

LEGAL STANDARD

The Court should deny the Petition in its entirety because Petitioners have not met the stringent prerequisites for emergency relief. A writ of mandamus is an extraordinary remedy issued only in the absence of a plain, speedy, and adequate remedy at law and lies to compel the performance of a legal duty or to control a manifest abuse of discretion. *See* NRS 34.160–.170; *Solid State Properties, LLC v. Eighth Jud. Dist. Court*, 133 Nev. 118, 121, 393 P.3d 666, 670 (2017) (noting that "writ relief is an extraordinary remedy"). The decision to entertain such relief is wholly discretionary. *Brown v. Eighth Jud. Dist. Court*, 133 Nev. 916, 918–19 (2017); *State, Dep't of Transp. v. Thompson*, 99 Nev. 358, 361, 662 P.2d 1338, 1340 (1983) (explaining that "a petitioner is never 'entitled' to a writ of mandamus" because "it is purely discretionary"). Whether to intervene "necessarily turns on the underlying proceedings' status, the types of issues raised in the writ petition, and whether a future appeal will permit this court to meaningfully review the issues presented." *Rolf Jensen & Associates v. Dist. Ct.*, 128 Nev. 441, 444, __ P.3d __ (2012) (citation omitted). Even when a petition invokes important public issues, courts will not "entertain a petition for a writ of mandamus ... unless legal, rather than factual, issues are presented." *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604 (1981) (citation omitted).

Habeas corpus, likewise, is limited to unlawful restraints on liberty and does not furnish relief where legal cause supports custody. By statute, "[e]very person unlawfully committed, detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint." NRS 34.360. If the writ issues, the custodian must produce the petitioner so the court may determine the legality of custody; the writ "requires only the production of the petitioner to determine the legality of the petitioner's custody or restraint." NRS 34.390(2). The court "shall discharge" the petitioner only "[i]f no legal cause be shown for such imprisonment or restraint, or for the continuation thereof." NRS 34.480. Nevada precedent recognizes that habeas relief addresses questions of law when ordinary procedures are inadequate, but it does not supplant other remedies or invite fact-intensive

SNELL & WILMER disputes where custody is supported by legal authority. *See Roberts v. Hocker*, 85 Nev. 390, 392, 456 P.2d 425, 426–27 (1969) (citation omitted); *Nev. Dep't of Prisons v. Arndt*, 98 Nev. 84, 85–86, 640 P.2d 1318, 1319 (1982); *see also* NRS 34.390(2); NRS 34.480.

As detailed below, the Petition should be denied because Petitioners possess adequate remedies in the ordinary course, their claims are fact-bound rather than purely legal, and they fail to demonstrate any unlawful restraint warranting habeas relief.

ARGUMENT

I. Relief Should Be Denied Because the Record Establishes a Lawful, Policy-Compliant Release-Boundary Transfer, Not a State Arrest or 287(g) Enforcement.

The undisputed record shows that LVMPD adhered to Policy 4.166 and routine DSD release procedures. LVMPD respected the line between the state sentencing order and ICE's civil process. The only action was a brief, federally supervised custody transfer at the jail's release threshold when state custody ended. The 287(g) agreement was not active and played no role. Those facts foreclose Petitioners' narrative and warrant denial.

Policy 4.166 governs ICE notifications and release coordination for qualifying charges. It provides that LVMPD "will not delay the release of an inmate for ICE. However, LVMPD will honor federal judicial warrants for arrest from ICE. If ICE is not present at the time of the inmate's release, and there is no judicial warrant, DSD will release the inmate." Ex. B; *see also* Ex. D at 91–96. Standard release annotations such as "IMM notified," "I-205," and "IMM WARRANT @ [time/date]" are DSD documentation protocols. They are not discretionary immigration enforcement. Pet. Ex. 4; Ex. D at 92–96.

On August 19, 2025, the court ordered Mr. Morais-Hechavarria to inpatient treatment as a condition of a suspended sentence and directed that he "remain in custody pending Parole and Probation transport to an inpatient facility." That order remained operative at all times relevant to this dispute. Separately, ICE had previously issued an administrative Warrant of Removal/Deportation (Form I-205) and an immigration detainer requesting coordination "at the time of the alien's scheduled release from criminal custody." *See, e.g.*, 8 C.F.R. §§ 241.2(a)(1)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

(I-205); 287.7. These are federal administrative instruments issued and executed by DHS officers; they are not Nevada judicial warrants.

The September 11 hearing confirmed the court lacked jurisdiction to lift an ICE hold. After CCDC explained it could not lawfully release Mr. Morais-Hechavarria for treatment while the inpatient-transport order remained in effect and an I-205 governed transfer at the criminal-release boundary, defense sought a status check. At the hearing, defense counsel asked the court to lift the ICE hold. The court responded, "I don't have the jurisdiction to do that. That is federal government." Ex. L at 2. The minute order reflects the same ruling: "Ms. Weis requested the Court lift the ICE hold ... Court advised it did not have jurisdiction." Ex. M. This confirms two points Petitioners do not confront. The hold was federal, and no state-court directive was defied.

The October 16 same-day transfer to ICE followed routine release procedures. The short interval between sentencing and release reflected procedural constraints. No inpatient bed was secured while the inpatient-transport order remained in place, and there was no change to the I-205. CCDC could not act unilaterally on either front. When this action prompted renewed coordination in mid-October, CCDC Records notified ICE during release processing on October 16. ICE confirmed morning pickup, and Mr. Morais-Hechavarria was transferred to ICE that morning. Ex. S. The transfer occurred at the criminal-release boundary and complied with Policy 4.166's no-delay rule. It mirrored routine DSD practice, including annotations and the "Picked Up" versus "Released W/O Pick-Up" outcomes reflected in the Weekly DSD Immigration Report. See Ex. S; Ex. B; Ex. D at 94–96; Pet. Ex. 4.

The 287(g) Agreement was not operational and played no role. Although the Agreement (WSO model) was executed June 16, 2025, LVMPD's program status was not active during the events at issue. ICE had not issued credentials to LVMPD personnel, and no LVMPD officer served an ICE administrative warrant under the Agreement. All communications with ICE and any pickup coordination proceeded under Policy 4.166 and DSD Release Procedures. Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22.

On this record, Petitioners' claims mischaracterize both what occurred and the legal limits

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

of LVMPD's role. The contemporaneous hearing record and policy framework show a standard administrative transition at the release boundary under federal authority, not a Nevada civil arrest, not an indefinite LVMPD detention, and not Agreement-based enforcement. Petitioners' Opening Brief advances several arguments the record does not support: that LVMPD executed ICE administrative warrants (it did not); that LVMPD imposed blanket "48-hour holds" (Policy 4.166 forbids detainer-only holds and the release procedures require release if ICE is not present within a defined window); that LVMPD prevented inpatient transport solely because of immigration status (the sentencing court's inpatient-transport order controlled custody until release). Ex. B; Ex. D, DSD Releasing Procedures at 91–96; Pet. Ex. 6. Petitioners' Opening Brief also advances legal theories that the record does not support. It assumes LVMPD executed ICE administrative warrants, demanded blanket 48-hour holds, and prevented inpatient transport solely because of immigration status. The documents show the opposite. Ex. B; Ex. D at 91–96; Pet. Ex. 6; Ex. L; Ex. M.

The Petition Fails on Threshold Jurisdictional and Procedural Grounds. II.

Each threshold defect independently warrants denial. Taken together, they confirm that no merits determination is necessary or appropriate.

A. Relief is Unavailable Because the Challenged Restraint is Federal and DHS/ICE—the Custodians—Are Not Parties.

To begin, Petitioners are not entitled to their requested relief because the challenged restraint is federal and DHS/ICE—the only custodians with control over an I-205—are not parties. Habeas must be directed to the custodian, and any effective remedy must run against the official "who has the petitioner in custody or under restraint." NRS 34.390(2); NRS 34.400. The restraint Petitioners target is an ICE administrative I-205 and detainer, both issued and executed by DHS officers under federal authority. See, e.g., 8 C.F.R. § 241.2(a)(1) (I-205); see also 8 U.S.C. § 1357(g) (defining the framework by which DHS may delegate limited functions to trained, designated local officers). At the September 11 hearing, defense counsel asked the court to "lift that ICE hold," and the court stated, "I don't have the jurisdiction to do that. ... That is federal

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

government." The minute entry order says the same. That record forecloses any theory that LVMPD can be compelled by writ to negate a federal administrative warrant and confirms this Court cannot issue effective relief against nonparty federal custodians.

At the September 11 hearing, defense counsel asked the court to lift the ICE hold. The court stated on the record that it lacked jurisdiction to do so because the hold is federal. The minute entry reflects the same point. That record forecloses any theory that LVMPD can be compelled by writ to negate a federal administrative warrant and confirms this Court cannot issue effective relief against nonparty federal custodians.

Petitioners' claims are also defective because they failed to name DHS/ICE as a necessary party to this action. Petitioners seek declarations and writ relief that would nullify LVMPD's cooperation with ICE and terminate the Agreement. They also specifically ask the Court to compel LVMPD to disregard ICE detainers and a federal I-205.

Conspicuously absent from the Petition, however, is ICE—one of the key players in this dispute. As a signatory to the Section 287(g) Agreement and the federal custodian whose administrative processes control any transfer at the moment of criminal release, ICE undoubtedly has an interest in its continued validity and would be directly and adversely impacted by Petitioners' requested relief. See Dawavendewa v. Salt River Project Agr. Imp. & Power Dist., 276 F.3d 1150, 1157 (9th Cir. 2002) ("a party to a contract is necessary, and if not susceptible to joinder, indispensable to litigation seeking to decimate that contract."); see also Queen's Med. Ctr. v. Kaiser Found. Health Plan, Inc., 948 F. Supp. 2d 1131, 1165 (D. Haw. 2013) (party deemed necessary where it "has an interest in at least one of the contracts at issue in this litigation"). Thus, disposing of the action without ICE would impair federal interests and prevent complete relief. NRCP 19(a)(1)(B) ("[a] person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if ... that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may ... as a practical matter impair or impede the person's ability to protect the interest..."). And the importance of ICE's participation cannot be overstated—as noted above,

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

when Mr. Morais-Hechavarria's counsel in his criminal case attempted to invalidate the ICE hold, the Court indicated that it did not even have jurisdiction to grant the request—underscoring that Petitioners' remedy, if any, runs against the federal custodian, not LVMPD. See NRS 34.390(2); NRS 34.400. As such, Petitioners' failure to join DHS/ICE is independently dispositive.

B. Petitioners' Detention Claims Are Moot Because Mr. Morais-Hechavarria Was Transferred to ICE on October 16.

Petitioners are also not entitled to relief because their claims against LVMPD are mooted by Mr. Morais-Hechavarria's release into ICE custody. Mootness is a question of justiciability. Personhood Nevada v. Bristol, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). Nevada courts do not issue advisory opinions and require a live controversy throughout the proceeding. (concluding that "a controversy must be present through all stages of the proceeding, and even though a case may present a live controversy at its beginning, subsequent events may render the case moot.").

These principles apply to writ matters, including challenges to custody status: once the restraint ends, the challenge to that restraint is moot. See Johnston v. Eighth Jud. Dist. Ct., 138 Nev. 700, 703, 518 P.3d 94, 97 (2022) (petitioner's challenge to procedures for addressing alleged violations of the terms of his pretrial release became moot because he was no longer in CCDC custody); Sheriff, Washoe Cnty. v. Myles, 99 Nev. 817, 819, 672 P.2d 639, 639 (1983) (same for habeas petitions once the alleged illegality of a detention ceases); cf. Hakimi v. Bank of New York Mellon, No. 2:14-CV-2215 JCM (CWH), 2015 WL 374465, *2 (D. Nev. May 5, 2015) (denying motion for temporary restraining order as moot because the activity sought to be enjoined had already occurred).

The linchpin of Petitioners' claims—including their challenge to the 287(g) Agreement arises out of the detention of Mr. Morais-Hechavarria. See Pet. ¶ 83, 85, 87, 89-90. Specifically, Petitioners seek mandamus relief to lift an "indefinite" CCDC detention hold against Mr. Morais-Hechavarria that they allege prevented his release into inpatient treatment. Pet. ¶ 90; Request for

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Relief ¶ (h)-(i). That claim, however, is no longer live because Mr. Morais-Hechavarria was released from CCDC to ICE on October 16, 2025. See Notice of Change (Oct. 23, 2025) ¶¶ 4–11.

Although courts "may" consider certain cases in extraordinary circumstances "if it involves a matter of widespread importance that is capable of repetition, yet evading review," Johnston, 138 Nev. at 704, this type of extraordinary relief is not warranted in this case. To invoke this exception, in addition to the duration of the challenged action, the party seeking to overcome mootness must show that "there is a likelihood that a similar issue will arise in the future" and "the matter is important." Id. Petitioners identify no concrete likelihood that the same unique confluence—an inpatient-transport order plus an active I-205 at the release boundary—will recur, and they offer no record support tying those circumstances to the non-operational § 287(g) MOA. Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22. Nor does Mr. Morais-Hechavarria's unusual situation justify a wholesale review of LVMPD's run-of-the-mill federal partnership. In fact, it was Policy 4.166, not the MOA, that governed notifications and release coordination. Ex. A, Schmidt Decl.; see Pet. Ex. 4. With the restraint terminated and no applicable exception, the detention claim must be dismissed as moot.

C. Petitioners Lack a Concrete Injury, and Their Programmatic Challenge to the 287(g) Agreement Is Unripe Because the Agreement Was Not Operational.

Petitioners' remaining claims regarding the validity of the Section 287(g) Agreement are also not fairly traceable to any current activity by LVMPD, nor are they ripe for this Court's review. "The question of standing concerns whether the party seeking relief has a sufficient interest in the litigation ... [t]hus, a requirement of standing is that the litigant personally suffer injury that can be fairly traced to the [alleged harm] and which would be redressed by invalidating the [unlawful act]." See Morency v. Dep't of Educ., 137 Nev. 622, 625, 496 P.3d 584, 588 (2021). Similarly, ripeness requires a sufficiently concrete harm, "rather than remote or hypothetical," and yields a justiciable controversy. Cote H. v. Eighth Judicial Dist. Court, 124 Nev. 36, 38, 175 P.3d 906, 907, n.1 (2008) (citation modified); Cnty. of Clark ex rel. Univ. Med. Ctr. v. Upchurch, 114 Nev. 749, 752, 961 P.2d 754, 756 (1998) (noting that ripeness is an essential requirement for declaratory relief).

2

3

4

5

6

7

8

9

10

11

12

13

14

16

17

18

19

20

21

22

23

24

25

26

27

28

Petitioners speculate that the Agreement lengthened Mr. Morais-Hechavarria's CCDC custody and that unnamed detainees might be harmed in the future. See Opening Br. at 9, 13-14. The record refutes both. The Agreement was signed but not operational. Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22. No LVMPD personnel were trained or designated, no delegated authority was exercised, no state funds have yet been expended on implementing the Program, and no administrative warrant was served by LVMPD under the Agreement. Ex. A, Schmidt Decl. All steps in this case occurred under Policy 4.166 and DSD Release Procedures. In other words, Petitioners identify no present, concrete injury traceable to Agreement operation. Any future dispute, if the Program becomes operational and facts ripen, can be litigated on a developed record. As of now, there is no present justiciable controversy about the Agreement, and without a concrete application or injury, the programmatic claims are premature.

D. The ACLU Lacks a Beneficial Interest and Does Not Meet Associational Standing Requirements.

Notwithstanding the above, the Court should independently dismiss the ACLU as a petitioner for lack of standing. "Standing is the legal right to set judicial machinery in motion." Heller v. Legislature, 120 Nev. 456, 460, 93 P.3d 746, 749 (2004) (internal quotation marks omitted). Nevada requires a mandamus petitioner to show a direct, substantial interest within the zone of interests protected by the duty asserted. *Id.* at 460–61; *State v. Gracev*, 11 Nev. 223, 225 (1876). The writ must be denied if the petitioner would gain no direct benefit from its issuance and suffer no direct detriment from its denial. Id.

Applied here, the ACLU identifies no concrete benefit it would obtain from issuance of the writ and no detriment from denial. Its allegations describe a generalized, programmatic interest in LVMPD's immigration-related practices and cite aggregate detainer activity, not a clear legal duty owed to the ACLU itself. See Opening Br. at 5, 13; Pet. ¶¶ 91–94; Pet. Ex. 7 (Haseebullah Decl.); Pet. Ex. 4 (DSD Immigration Report) at 1 (reporting "957" ICE requests). By contrast, any live liberty injury asserted by Mr. Morais-Hechavarria would be remediable through habeas. See NRS 34.360; NRS 34.390(1)–(2); Pet. ¶¶ 85–90; Pet. Exs. 5–6; Opening Br. at 8–9, 23–24. Where a

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

directly affected individual is before the Court and habeas relief is available to address any unlawful restraint, Nevada law provides no basis to relax standing for a non-injured organization. See Schwartz v. Lopez, 132 Nev. 732, 743, 382 P.3d 886, 894–95 (2016).

The narrow public-importance doctrine does not change the result. It applies only in limited circumstances and requires, among other things, that the plaintiff be an appropriate party—meaning a public actor with institutional responsibility when the dispute concerns the scope of local law-enforcement authority. See Nev. Pol'v Rsch. Inst., Inc. v. Cannizzaro, 138 Nev. 259, 262, 507 P.3d 1203, 1207–08 (2022). Petitioners themselves contend that LVMPD's authority "derives from, and is constrained by," the Legislature and county commission, underscoring that these are policy questions for public oversight, not organizational mandamus. See Opening Br. at 2–3, 11– 12; Pet. ¶¶ 5–8, 95–98.

Associational standing also fails. Nevada follows the familiar three-part test requiring member standing, germaneness, and that neither the claim nor relief requires individualized participation. See Nat'l Ass'n of Mut. Ins. Cos. v. State, Dep't of Bus. & Indus., 139 Nev. Adv. Op. 3, 524 P.3d 470, 478 (2023). The ACLU identifies no member with individual standing tied to the challenged actions, and the broad declarations and injunctions sought would require fact-specific inquiries into each person's custody status, the basis and timing of any detainer or administrative warrant, and the interaction with case-specific criminal orders. See id.; Opening Br. at 23–24; Pet. Prayer at 27–28. Unlike the homeowners' association in D.R. Horton, Inc. v. Eighth Judicial Dist. Court, 125 Nev. 449, 451–52, 215 P.3d 697, 699–700 (2009), no statute authorizes the ACLU to sue in a representative capacity here, and Petitioners have not invoked NRCP 23. The ACLU lacks a beneficial interest, does not satisfy Nevada's associational-standing test, and cannot invoke the narrow public-importance doctrine where an individualized habeas remedy is available to the directly affected person. The ACLU should be dismissed as a petitioner for lack of standing.

E. Extraordinary Mandamus Relief Is Unwarranted.

In light of the above, the Court should decline to accept mandamus jurisdiction over the Petition for at least three reasons.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

First, Petitioners' detention claim is moot, eliminating any urgency. As already noted, the circumstances of Mr. Morais-Hechavarrias's detention were highly unusual, and not representative of other foreign-born detainees. See Ex. A, Schmidt Decl. As to the remaining relief, the 287(g) Agreement has not been implemented or enforced. Instead, all contacts with ICE are conducted pursuant to Policy 4.166, which has been in place since at least January 2025 and has never been subject to challenge by Petitioners. As such, there is no reason to exercise emergency mandamus jurisdiction for what amounts to a purely advisory question about either the legality of Mr. Morais-Hechavarrias' detention or the scope of LVMPD's authority to perform under an Agreement that is not even in effect.

Second, to the extent any claim remains live, ordinary remedies exist for any future programmatic dispute if and when the Agreement becomes operational. R.J. Reynolds Tobacco Co. v. Eighth Judicial Dist. Court, 138 Nev. 585, 588, 514 P.3d 425, 428 (2022). And habeas remains available to any detainee who believes a future restraint is unlawful.

And third, even if the *legal* questions presented were important, this case presents disputed factual issues better addressed in ordinary litigation, including what policies controlled, whether the Agreement was operational, and whether the pre-release interval reflected discretion or constraints. See Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22. Courts reserve writ review for legal issues, not record disputes.

In sum, the Court should deny the Petition without reaching the merits because a necessary federal custodian is absent, the detention claim is moot, the programmatic claim is unripe, both Petitioners lack standing, and writ review is unwarranted.

III. Petitioners' Claims Also Fail on the Merits Because None of LVMPD's Actions Were Ultra Vires.

Even if the Court were to reach the merits, Petitioners cannot establish that LVMPD acted without authority. Their theory rests on a misreading of both federal and Nevada law. Petitioners argue that LVMPD is acting without authority under Nevada law because, under their flawed interpretation, the Program's operation is inconsistent with Nevada law. LVMPD's authority to

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

enter into and implement the 287(g) Agreement, however, arises under federal law, with ICE supervision, and the Agreement was not operational during the events at issue. See Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22. Additionally, Nevada law independently authorizes LVMPD's jail-based coordination and release-moment handoffs within the Sheriff's express and implied powers. On either ground, none of LVMPD's activities were *ultra vires*.

A. Because the 287(g) Agreement is Authorized Under a Federal Program, the INA Supplies LVMPD's Authority with ICE Supervision.

From the outset, Petitioners proceed from a flawed premise that Nevada law alone governs LVMPD's activities under Section 287(g). That view, however, misses the forest for the trees. In the absence of any prohibiting state law, it is *federal* law that authorizes local jurisdictions to participate in the Program, which permits ICE to designate qualified officers to perform limited immigration functions under federal supervision and at federal direction. And because certain aspects of those activities are essential to the object of federal law, any conflicting state law (to the extent it exists) must give way under the doctrine of preemption.

> 1. The INA Authorizes LVMPD to Enter Into 287(g) Agreements and for LVMPD Officers to Act as De Facto Immigration Officers.

As a general matter, a political subdivision's authority to enter into a 287(g) agreement derives from the INA, which allows local jurisdictions to play a cooperative role with the federal government in enforcing immigration law. Specifically, Section 287(g) of the INA provides that:

> Notwithstanding section 1342 of Title 31, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

8 U.S.C. § 1357(g)(1). These agreements must "require that an officer or employee ... have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees ... have received adequate training regarding the

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

enforcement of relevant Federal immigration laws." Id. at § 1357(g)(2). In other words, so long as the Attorney General (or his designee) has decided that a given officer or political employee is "qualified," and no state law stands directly to the contrary, any political subdivision can participate in the 287(g) Program. Compare with Ocean Cnty. Bd. of Comms. v. Attorney General of the State of New Jersey, 8 F.4th 176 (3d Cir. 2021) (noting that New Jersey expressly prohibits 287(g) agreements).

Once a political subdivision enters into a 287(g) agreement, the Program permits "ICE to deputize local law enforcement officers to perform immigration enforcement activities." United States v. Sosa-Carabantes, 561 F.3d 256, 257 (4th Cir. 2009). In this capacity, these "state and local officials become de facto immigration officers, competent to act on their own initiative." City of El Cenizo, Texas v. Texas, 890 F.3d 164, 180 (5th Cir. 2018); Arizona v. U.S., 567 U.S. 387, 408 (2012) (noting that the INA "specifies limited circumstances in which state officers may perform the functions of an immigration officer," with a "principal example" including the authority to specific officers in a formal [287(g)] agreement with a state or local government"). When acting under a 287(g) agreement, local officers act under color of federal authority. 8 U.S.C. § 1357(g)(3), (8); Chavez v. McFadden, 843 S.E.2d 139, 151 (N.C. 2020); Pet. Ex. 1 § H ("[T]he activities of participating LEA personnel under this MOA are undertaken under Federal authority..."). Thus, LVMPD must follow all DHS and ICE Policies and Procedures, Pet. Ex. 1 § F, are treated as federal employees under the FTCA and for workers' compensation claims when performing a function on behalf of ICE, and can request representation from the Department of Justice if sued in their individual capacity, id. § H.

Bolstering this point, both the INA and the Agreement are unambiguous that participating LVMPD officials are not operating in their normal chain of command when performing under the Agreement; rather, all immigration enforcement is "subject to the supervision of the U.S. Attorney General." Sosa-Carabantes, 561 F.3d at 257; 8 U.S.C.A. § 1357(g)(3) ("In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General"). To this end, the Agreement

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

specifies that ICE will "supervise and direct all immigration enforcement activities conducted by participating LEA personnel" (capitalization normalized) and will oversee those activities directly Petdirectly. Pet. Ex. 1 § F. This supervision extends to several oversight functions, including:

- Providing participating LVMPD personnel a signed authorization letter, along with ICE Form 70-006, authorizing them "to perform specified functions of an immigration officer." Id. § IV(D).
- Issue "official immigration officer credentials." *Id.*; Ex. A, Schmidt Decl. ¶¶ 13–15, 21– 22 (explaining that the LVMPD officers anticipated to participate in the Program had not yet received official immigration officer credentials).
- Evaluate candidates' suitability to participate in the enforcement of immigration authorities. Pet. Ex. 1 § VI(B).
- Require initial training for participating LVMPD personnel and direct all training requirements. Id. § IV(C); Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22.
- Withdraw credentials at any time and for any reason. Pet. Ex. 1 § IV(D).

Thus, at least for 287(g) activities, the Program contemplates that all eventual participating LVMPD personnel are operating within the contours of federal, rather than purely state, authority.

> 2. As De Facto Immigration Officers, the INA Authorizes 287(g) Participants to Carry Out a Limited Set of Immigration Enforcement Functions.

Even without a 287(g) agreement, political subdivisions may "cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States." 8 U.S.C. § 1357 (g)(10)(B); City of El Cenizo, Texas v. Texas, 890 F.3d 164, 180 (5th Cir. 2018) ("The savings clause in 8 U.S.C. § 1357(g)(10)(B) "indicates that Congress intended local cooperation [even] without a formal agreement in a range of key enforcement functions"). Detainer regulations contemplate coordination so DHS can assume custody "not to exceed 48 hours" after release when immediate physical custody is impracticable. 8 C.F.R. §§ 287.7(a) ("The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible."); 287.7(d).

2

3

4

5

6

7

8

9

10

11

12

13

14

16

17

18

19

20

21

22

23

24

25

26

27

28

As de facto immigration officers, LVMPD personnel may eventually be deputized to carry out certain aspects of federal law under the supervision of ICE—i.e., "investigat[ing], apprehend[ing], or det[aining]" certain aliens—as if they themselves were ICE officials. 8 U.S.C. § 1357(g)(1), (5). This means that, for all practical purposes, the provisions of the INA that enable ICE agents to enforce immigration law apply with equal force to LVMPD—including the power to detain individuals, see 8 U.S.C. § 1226(a), (c), and to issue and serve immigration arrest warrants, 8 U.S.C. § 1357(a); 8 C.F.R. § 236.1; 8 U.S.C. § 1226(a) (Attorney General may issue administrative arrest warrants and may arrest and detain aliens pending a decision on removal); Abel v. United States, 362 U.S. 217, 233 (1960); Lopez v. INS, 758 F.2d 1390, 1393 (10th Cir. 1985) (aliens "may be arrested [by] administrative warrant issued without an order of a magistrate"); see also Taylor v. Fine, 115 F. Supp. 68, 70 (S.D. Cal. 1953) (citing 8 U.S.C. §§ 1357(a)(2)) ("An immigration officer of the United States has the right to arrest a person [even] without a warrant if he has reasonable grounds to believe that a felony has been committed[.]").

In accordance with these provisions, under the Warrant Service Officer model, ICE delegates to nominated, trained, and authorized personnel the limited authority to serve and execute immigration arrest warrants and to serve warrants of removal, "in accordance with applicable law," at the time of criminal release. See Pet. ¶¶ 69–70; Pet. Ex. 1 § I & App'x A. These are federal functions performed under ICE's supervision. Petitioners' contrary assertion that LVMPD conducted state-law civil arrests or imposed blanket "48-hour holds" misreads both the Agreement and LVMPD policy. The MOA contemplates, if and when the Warrant Service Officer Program becomes operational, that credentialed officers may serve ICE administrative warrants at the time of a detainee's release and may maintain temporary custody for up to 48 hours solely to affect a custodial transfer to ICE, and only in accordance with applicable state and local law. It does not mandate blanket holds. And LVMPD's operative policy provides that LVMPD will not delay release for ICE absent a judicial warrant and will release if ICE is not present at the time of release. Moreover, during the period Petitioners cite, the Program was not active because the anticipated participants had not yet been credentialed. These activities fall directly within the scope of the

16

17

18

19

20

21

22

23

24

25

26

27

28

1

2

3

4

federal program and are conducted pursuant to the credentialed officers' limited authority, acting as de facto federal immigration officers under ICE's supervision. Thus, none of LVMPD's activities—whether in entering into or implementing the 287(g) Agreement—are *ultra vires*.

B. Nevada Law Authorizes LVMPD's Jail-Based Coordination at the Release Boundary Within the Sheriff's Express and Implied Powers.

Nevada's Constitution requires creation of the sheriff's office and allows the Legislature to fix its duties. Nev. Const. art. IV, § 32. By statute, the Sheriff must "keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections." The Sheriff is also responsible for "the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace." NRS 248.090; see also NRS 248.130 (sheriff liability for failure to execute process). In Clark County, a metropolitan police department "has every power and shall perform every duty conferred or imposed by law upon a county sheriff which relates to law enforcement," and Chapter 280 is "to be construed liberally" to effect consolidation without administrative difficulty. NRS 280.280(1). Nevada's Interlocal Cooperation Act authorizes Nevada public agencies to enter into joint or cooperative undertakings with other public agencies, including federal agencies, to carry out each agency's functions. NRS 277.110. These provisions, combined with Nevada's Dillon's Rule jurisprudence (Ronnow; List; Las Vegas Taxpayers Ass'n), recognize operational discretion to manage jail releases and to coordinate orderly, on-release custodial transfers to other agencies to preserve the peace. Standing alone, these provisions are more than sufficient to confer the authority necessary to enter into and implement federally supervised release-boundary coordination.

Petitioners' premise that Nevada must enact a statute naming "§ 287(g)" misstates Nevada law. Instead, Nevada's Dillon's Rule jurisprudence confirms that local governments possess not only powers "granted in express terms," but also those "necessarily or fairly implied in, or incident to," the express powers and those "essential to the declared objects and purposes" of the entity. Ronnow v. City of Las Vegas, 57 Nev. 332, 341–43, 65 P.2d 133, 136 (1937); State ex rel. List v. Cnty. of Douglas, 90 Nev. 272, 281, 524 P.2d 1271, 1276 (1974); Las Vegas Taxpayers Ass'n v. City Council, 125 Nev. 165, 168, 208 P.3d 429, 431 (2009); see also Flores v. Las Vegas-Clark

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

Cnty. Library Dist., 134 Nev. 827, 833 n.7, 432 P.3d 173, 178 n.7 (2018); NRS 244.137(2). Where express authority, implied operational powers, and interlocal tools exist, the absence of a 287(g)-specific statute does not imply prohibition. See Ronnow, 57 Nev. at 341–43, 65 P.2d at 136; List, 90 Nev. at 281, 524 P.2d at 1276; Las Vegas Taxpayers Ass'n, 125 Nev. at 168, 208 P.3d at 431; NRS 277.110; NRS 289.100(1). Coordinating a custodial handoff at the moment state criminal custody ends—particularly under a written, federally supervised 287(g) warrant-service arrangement—is an indispensable operational function within those implied powers.

Statewide governance guidance reflects this policy/operations divide. Commissions set policy, and staff implement day-to-day operations, including jail release coordination. See Nevada Ass'n of Counties, Nevada County Commissioner Handbook 5-6, 8-9 (Nov. 16, 2020). That distinction supports LVMPD's operational judgment to coordinate moment-of-release handoffs consistent with Policy 4.166.

The Interlocal Cooperation Act is consistent with, but does not expand, this authority. It permits Nevada public agencies to formalize "joint or cooperative" undertakings with other public agencies, including federal agencies, to carry out each agency's preexisting functions. NRS 277.110(1). It is not a new font of police power, but instead memorializes cooperation state law already allows.

LVMPD's Agreement fits within these bounds. It authorizes trained, supervised DSD personnel to serve ICE administrative paperwork (Forms I-200 and I-205) in the jail and to facilitate immediate, federally supervised transfers at the time of criminal release. It does not authorize LVMPD to initiate immigration arrests, extend custody for investigation, or house ICE detainees. See Policy 4.166 § III(A)(1) (no stop, question, detain, arrest, or immigration hold "solely" on immigration grounds); Policy 4.166 § IV(B)(2) states that LVMPD will not delay release for ICE, will honor federal judicial warrants, and will release if ICE is not present and there is no judicial warrant. Ex. B. Petitioners identify no Nevada statute that expressly prohibits jail-only, release-moment transfers. Nevada sheriff and metropolitan powers statutes confirm operational

authority for such coordination. See NRS 248.090(3); NRS 248.130; NRS 280.280(1); NRS 277.110.

C. Nevada's Targeted Statutes Do Not Prohibit Federally Supervised Transfers at Release.

Petitioners' reliance on NRS 211.060 for the proposition that the Agreement is unlawful absent a contract requiring the United States to pay "all actual and reasonably necessary costs" is misplaced. The provision is a fiscal cost-recovery statute for "prisoners" committed to county jails under federal authority; by text, title placement, and history, it addresses contracts to house federal criminal prisoners.³ NRS 211.060(1)(a)–(b); 1977 Nev. Stat. ch. 578 § 1.⁴ It does not regulate split-second, federally supervised pickups at the moment criminal custody ends or the service of federal administrative paperwork in a jail. See State v. Lucero, 127 Nev. 92, 96, 249 P.3d 1226, 1228 (2011) (expressio unius). Policy 4.166 § IV(B)(2) requires no delay and release if ICE is not present and there is no judicial warrant. Reading NRS 211.060 to bar release-moment transfers would improperly expand a cost-allocation statute into a prohibition on cooperative actions unrelated to contracted "housing." See Lucero, 127 Nev. at 96; see also 8 U.S.C. § 1365(a) (distinct federal reimbursement for imprisonment of certain criminal aliens).

NRS 31.470 fares no better. It concerns arrests "in a civil action" ordered by "the court in which the action is brought." NRS 31.490. An ICE administrative pickup at the criminal-release boundary arises from a distinct federal civil framework and is not a Nevada civil arrest. See City of El Cenizo v. Texas, 890 F.3d 164, 176–78 (5th Cir. 2018); Galarza v. Szalczyk, 745 F.3d 634, 645

22

23

24

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

²⁰ 21

³ The plain language is narrowly focused on reimbursement when "a person [is] committed under the authority of the United States to any county jail" pursuant to a contract with the sheriff, and then requires payment of "all actual and reasonably necessary costs" of that confinement, including the direct costs of support and an allocated share of maintaining the jail and guarding prisoners. Read in context, "committed" and "confinement" refer to sustained custody in the county jail for federal purposes, not the brief custodial handoff at release contemplated by the federal warrant service program. Its placement within Title 16's administrative provisions governing jails and prisoners further confirms a budgetary purpose – allocating costs when the jail functions as a longterm custodial facility for federal inmates – rather than defining or limiting the scope of lawful cooperation with federal officers.

⁴ Enacted long before modern immigration cooperation agreements and amended in the 1970s to

²⁵ 26 27

add the "all actual and reasonably necessary costs" language, the provision codifies a countyprotection rule ensuring full reimbursement when county resources are used to house federal prisoners. Nothing in that history transforms NRS 211.060 into an authorization or a prohibition on other forms of coordination with federal authorities that do not involve housing federal prisoners in county facilities.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(3d Cir. 2014). Petitioners' reliance on NRS 171.104 and *United States v. Place* presupposes state criminal process. A release-moment handoff to ICE under the Agreement/Policy 4.166 is federal civil custody at the moment criminal custody ends, not a new Nevada arrest. Policy 4.166 § IV(B)(2). The Colorado trial-court decision in Cisneros v. Elder does not change that analysis. Cisneros condemned detainer-only over-detention after state bases for custody were extinguished and in the absence of contemporaneous federal assumption of custody or state-law process authorizing a new hold, but Nevada's framework and the facts here are the opposite. Policy 4.166 forbids any delay, prohibits detainer-only holds, and requires release unless ICE is present at the threshold of release or there is a federal judicial warrant. That immediate, federally supervised transfer is not an arrest "in a civil action" under Chapter 31, and it is not a state criminal arrest under Chapter 171.⁵

Nor do Nevada's criminal-arrest statutes prohibit the conduct. Chapter 171 defines a Nevada criminal arrest warrant as an order "in the name of the State of Nevada, signed by a magistrate." NRS 171.108; see NRS 171.124(1). In contrast, ICE Forms I-200 and I-205 are federal administrative instruments under 8 C.F.R. § 287.5(e), and "as a general rule, it is not a crime for a removable alien to remain present in the United States." Arizona v. United States, 567 U.S. 387, 407 (2012). Petitioners cite no authority converting a federally supervised administrative transfer at release into a Nevada criminal arrest governed by Chapter 171.

Petitioners' additional arguments likewise fail. The Agreement authorizes transfers "in accordance with applicable law," and Policy 4.166 bars delay and requires release if ICE is not present. There is no Nevada statute expressly prohibiting moment-of-release transfers. The absence of a Nevada-specific 287(g) authorizing statute is immaterial in light of Nevada's express and implied operational powers and interlocal-cooperation authority. Model-policy provisions like

26

27

²⁴ 25

⁵ Cisneros addressed Colorado law and local practices; it did not interpret Nevada's Chapter 31 (civil arrests "in a civil action") or Chapter 171 (state criminal process), and it turned on a jail's continued confinement based solely on a civil detainer after state authority to hold the person had ended. However, Nevada's Policy 4.166 implements the opposite rule: no detainer-only holds, no delay at release, and release absent ICE's contemporaneous presence or a federal judicial warrant. Accordingly, Cisneros is neither binding nor persuasive in construing Nevada statutes or in assessing a brief, at-release, federally supervised transfer of custody.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

NRS 228.206(1)(b) are limited by applicable law and do not bar release-moment coordination. DMV confidentiality constraints in NRS 481.063 are unrelated to jail release processing.⁶ And where Policy 4.166 requires release absent ICE presence and a judicial warrant, the transfer that occurs when ICE is present and acting under federal authority is federal custody at release, not a local hold.7

D. Even if Petitioners' Reading Created a Conflict, Federal Law Would Preempt Contrary State-Law Constraints that Obstruct Congress's Objectives.

If, contrary to the foregoing, Petitioners' state-law readings created a conflict with the Agreement's federally supervised functions, federal law would control. Preemption arises from the Supremacy Clause and turns on congressional intent, including whether state law stands as an obstacle to Congress's objectives. See Nanopierce Techs., Inc. v. Depository Tr. & Clearing Corp., 123 Nev. 362, 370–72, 168 P.3d 73 (2007) ("The preemption doctrine, which provides that federal law supersedes conflicting state law, arises from the Supremacy Clause of the United States

⁶ As the Nevada Supreme Court recently noted, NRS Chapter 280 distinguishes a metropolitan police "department" from a "political subdivision." In re Public Records Requests to Las Vegas Metro. Police Dep't, 141 Nev., Adv. Op. 26 (May 29, 2025) (citing NRS 280.050; NRS 280.080). That definitional point is immaterial here. Sheriff McMahill (official capacity) and LVMPD's DSD control the custody and release at issue. The Court can resolve the Petition based on Policy 4.166's non-delay rule and the undisputed October 16 release-window handoff. And, to the extent Petitioners invoke materials directed to 'political subdivisions,' LVMPD has not adopted the Attorney General's Model Immigration Policies. ⁷LVMPD has not adopted the Attorney General's non-binding Model Immigration Policies and,

consistent with statewide law-enforcement stakeholders, continues to follow LVMPD Policy 4.166 and practices informed by the Nevada Sheriffs' & Chiefs' Association model policy. See Ex. A, Schmidt Decl. ¶¶ 35, 37. In any event, NRS 228.206(1)(b) is expressly limited by "applicable law" and cannot override duly enacted statutes, LVMPD's lawful operational discretion, or federally authorized release-moment coordination under Policy 4.166. See NRS 228.206(1)(b). The Governor likewise clarified the status of the AG's model policies. Governor Lombardo stated on February 26, 2025:

The Model Immigration Policies released by the Office of the Attorney General are currently under review by the Executive Branch. All affected state agencies will continue to comply with – and enforce – all applicable law. As the Attorney General has conceded, and as the governing statutes make clear, the Model Immigration Policies are non-binding and non-mandatory guidelines. Let me be clear: The Attorney General does not have the authority to make Nevada a sanctuary state or jurisdiction. As long as I am Governor, Nevada will continue to follow federal law.

Governor's Statement on Model Immigration Policies (Feb. 26, 2025), attached as Exhibit T.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Constitution."). This question "is fundamentally a question of congressional intent—did Congress expressly or impliedly intend to preempt state law?" *Id*.

Relevant here, conflict preemption "examines the federal statute as a whole to determine ... whether, in light of the federal statute's purpose and intended effects, state law poses an obstacle to the accomplishment of Congress's objectives." *Id.* at 371–72; see also City of El Cenizo, Texas v. Texas, 890 F.3d 164, 178 (5th Cir. 2018) ("Conflict preemption occurs when ... a state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress."). These principles are particularly salient in the immigration context, where "[t]he Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens." Arizona v. United States, 567 U.S. 387, 395 (2012) (citing Toll v. Moreno, 458 U.S. 1, 10 (1982)).

Throughout their briefing, Petitioners make several arguments regarding the 287(g) Program that, if true, would run directly against powers and duties that uniquely belong to the federal government. These arguments include dubious assertions that the state has the right to (1) effectively invalidate valid federal immigration warrants—simply because they are not signed by a magistrate—or (2) prohibit the temporary detention of individuals over whom the federal government has already assumed custody by virtue of its agents under the 287(g) Program. See O.B. at 18–23. But even if that was exactly what Nevada law required (it is not), Nevada has no authority to invalidate, obstruct, or impose additional state requirements on the execution of federal enforcement activities that are essential to the objectives of Congress—which, in this context, include enhancing cooperation between federal and local law enforcement in enforcing immigration law. See Oregon Prescription Drug Monitoring Program v. U.S. Drug Enforcement Administration, 860 F.3d 1228 (9th Cir. 2017); Chavez v. McFadden, 843 S.E.2d. 139, 149 (N.C. 2020) ("...state court judges cannot interfere with the custody and detention of individuals held pursuant to federal authority."). Indeed, state rules disabling federally supervised service of immigration paperwork at release, or forbidding federal custody at the release boundary, would

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

obstruct the INA's cooperative scheme. Accordingly, Petitioners' claims fail under the doctrine of federal obstacle preemption.

CONCLUSION

For these reasons, the Court should deny the Petition in its entirety—dismissing the detention claim as moot, rejecting the programmatic challenge as unripe, dismissing the ACLU for lack of standing, and declining extraordinary writ jurisdiction. On the merits, the undisputed record shows only a brief, federally supervised transfer at the release boundary consistent with Policy 4.166 and Nevada law, not a Nevada civil or criminal arrest and not 287(g) enforcement. Accordingly, the requested declarations and writs should be denied, and judgment entered for Respondents.

Dated: October 28, 2025.

SNELL & WILMER L.L.P.

By: /s/ Alex L. Fugazzi

Alex L. Fugazzi, Esq. Nevada Bar No. 9022 Alexis R. Wendl, Esq. Nevada Bar No. 15351

1700 South Pavilion Center Drive, Suite 700 Las Vegas, Nevada 89135

Attorneys for Las Vegas Metropolitan Police Department and Sheriff Kevin McMahill

SNELL & WILMER

1	<u>CERTIFICATE OF SERVICE</u>		
2	I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18)		
3	years, and not a party to, nor interested in, this action. On October 28, 2025, I caused to be served		
4	a true and correct copy of the foregoing RESPONDENTS' RESPONSE TO PETITION FOR		
5	WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION FOR		
6	WRIT OF HABEAS CORPUS by the method indicated:		
7 8	BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.		
9	BY EMAIL: by emailing a PDF of the document(s) listed above to the email addresses of the individual(s) listed below.		
10	BY ELECTRONIC SERVICE ONLY: Pursuant to NRCP 5(b) and Administrative Order 14-2, by submitting to the above-entitled Court for electronic service upon the		
11	following Court's e-service list for the above-referenced case BY ELECTRONIC FILING & ELECTRONIC SERVICE: Pursuant to NRCP		
12	BY ELECTRONIC FILING & ELECTRONIC SERVICE: Pursuant to NRCP 5(b) and Administrative Order 14-2, by submitting to the above-entitled Court for electronic filing and service upon the Court's e-service list for the above-referenced		
13	case.		
14			
15	And addressed to:		
16	Sadmira Ramic, Esq. Christopher M. Peterson, Esq.		
17	AMERĪCAN CIVIL LIBERTIES UNION OF NEVADA 4362 W. Cheyenne Ave.		
18	North Las Vegas, NV 89032 peterson@aclunv.org		
19	ramic@aclunv.org		
20	Attorneys for Petitioners		
21	/s/ Debbie Shuta An employee of Snell & Wilmer L.L.P.		
22			
23			
24			
25			
26			
27			
28			



1 2	Alex L. Fugazzi, Esq. Nevada Bar No. 9022 Alexis R. Wendl, Esq.		
3	Nevada Bar No. 15351 SNELL & WILMER L.L.P. 1700 South Pavilion Center Drive, Suite 700 Las Vegas, NV 89135 Telephone: (702) 784-5200 Facsimile: (702) 784-5252 Email: afugazzi@swlaw.com awendl@swlaw.com		
4			
5			
6			
7	Attorneys for Las Vegas Metropolitan Police Department and Sheriff Kevin McMahill		
8			
9	DISTRICT COURT		
10	CLARK COUNTY, NEVADA		
11			
12	AMERICAN CIVIL LIBERTIES UNION OF NEVADA, a domestic nonprofit organization;	Case No. A-25-930343-W	
13	SERGIO MORAIS-HECHAVARRIA, an	Department: XXI	
14	individual,	DECLADATION OF DEDUTY CHIEF	
15	Petitioners,	DECLARATION OF DEPUTY CHIEF NITA SCHMIDT IN SUPPORT OF	
16	V.	RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF	
17	LAS VEGAS METROPOLITAN POLICE DEPARTMENT, a governmental entity;	MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION	
18	KEVIN MCMAHILL, in his official capacity as Las Vegas Metropolitan Police Department	FOR WRIT OF HABEAS CORPUS	
19	Sheriff,	Hearing Date: October 30, 2025 Hearing Time: 10:00 A.M.	
20	Respondents.		
21	I, Deputy Chief Nita Schmidt, hereby declare:		
22	1. I am over the age of 18 and I have personal knowledge of all matters stated below		
23	and could competently testify to them if so required.		
24	2. I am employed by Respondent Las Vegas Metropolitan Police Department		
25	(" <u>LVMPD</u> ") as Deputy Chief with responsibility for the Detention Services Division (" <u>DSD</u> "),		
26	including the Clark County Detention Center ("CCDC"). I have held senior supervisory roles		
27	within LVMPD and DSD for multiple years and am familiar with LVMPD's custodial operations,		
28	release procedures, records systems, and interagency coordination practices		

- 3. I make this declaration in support of Respondents' Response to Petition for Writ of Mandamus or, In the Alternative, Verified Petition for Writ of Habeas Corpus ("Petition") based on my personal knowledge obtained through my official duties, my review of LVMPD and DSD records maintained in the ordinary course of business, and my familiarity with LVMPD Policies and DSD procedures.
- 4. LVMPD maintains records of arrests, bookings, court orders, detainee release processing, notifications to other agencies, and related communications in the ordinary course of business. Those records are created at or near the time of the events recorded by personnel with knowledge, are kept in the course of regularly conducted activity, and it is the regular practice of LVMPD and DSD to make and maintain such records. I am a qualified custodian of records for these purposes.
- 5. I have personally reviewed each of the following exhibits attached to the Response, and I authenticate, as true and correct copies of records maintained by LVMPD/DSD in the ordinary course of business or of records that LVMPD maintains or relies upon in the regular course of its operations, as indicated:

Exhibit B: LVMPD Policy 4.166, ICE Notifications (Jan./Feb. 2025) is an official LVMPD policy record maintained by LVMPD and DSD.

Exhibit C: Nevada Sheriffs' & Chiefs' Association Immigration and Customs Enforcement Law Enforcement Model Policy is a policy document maintained by LVMPD.

Exhibit D: DSD Releasing Procedures regarding immigration notifications and warrants contains the operational procedures maintained by DSD in the ordinary course.

Exhibits E–H: LVMPD incident, officer, and declaration-of-arrest reports associated with Mr. Morais-Hechavarria's arrests and related charges, which I understand were created at or near the time by LVMPD personnel with knowledge and maintained by LVMPD/DSD in the ordinary course.

Exhibits I-J: DHS Form I-247A Immigration Detainer (Notice of Action) and

2

3

4

5

6

7

8

9

10

11

12

13

14

16

17

18

19

20

21

22

23

24

25

26

27

28

DHS Form I-205 Warrant of Removal/Deportation are federal administrative records received and maintained by DSD in the ordinary course for release-window processing and interagency coordination.

Exhibits K-L: Email communications among LVMPD/DSD personnel, defense counsel, court staff, and service providers regarding Mr. Morais-Hechavarria's custody status, inpatient transport, and release logistics, which were kept by DSD in the ordinary course as part of inmate release processing.

Exhibits P-R: DSD transition, medication, and pending transport coordination records reflecting the October 2025 inpatient transport list and logistics, which are internal DSD records maintained in the ordinary course.

Exhibit S: October 16, 2025 release-window email exchange between DSD Records and ICE confirming routine, same-morning pickup, which is an interagency communication maintained in DSD's records in the ordinary course.

- 6. Certain exhibits attached to the Response contain redactions to safeguard sensitive information. Redactions were applied in accordance with LVMPD and DSD practices, court rules, and privacy-protection requirements, and include, without limitation: personally identifiable information ("PII") such as full dates of birth, Social Security numbers, driver's license numbers, FBI/SID identifiers, inmate booking numbers where not necessary to the point at issue, full residential addresses and telephone numbers of private individuals, victim names and contact information, victim private health information, direct phone numbers for personnel, and any similar sensitive personal or security-related information. Where possible, only the minimum necessary portions were redacted to protect PII and sensitive details, and the substantive, non-PII content is preserved. The redactions do not affect the accuracy of the records or the material facts relevant to LVMPD's release practices, ICE notification, or the timing and sequence of events in Mr. Morais-Hechavarria's case.
- 7. In addition, I understand that Exhibit L has been redacted to protect attorney—client privileged communications and attorney work product.

///

SNELL & WILMER

LVMPD Policy 4.166 and DSD Release Procedures

- 8. LVMPD Policy 4.166 has been in place since 2019 and was reaffirmed in 2023 and again in January and February 2025. Ex. B (Policy 4.166, Jan./Feb. 2025).
- 9. Since adoption, Policy 4.166 has provided that LVMPD officers will not stop, question, detain, arrest, or place an immigration hold on any individual solely on the grounds that the person is an undocumented immigrant, and that LVMPD will not delay the release of an inmate for U.S. Immigration and Customs Enforcement ("ICE").
- 10. If ICE is not present at the time of an inmate's release and there is no federal judicial warrant, DSD proceeds with release.
- 11. DSD's Release Procedures operationalize Policy 4.166 for jail based intake and release.
- 12. For qualifying public safety offenses, DSD Records notifies ICE at booking and again at release.
- 13. Records staff annotate inmate files with entries such as "IMM notified @ [date/time]" and, when applicable, "IMM WARRANT @ [pickup date/time]." If ICE confirms it will assume custody at the release window, DSD coordinates a routine, same moment handoff at the time of criminal release.
- 14. If ICE is not present when the inmate is otherwise due for release and there is no federal judicial warrant, DSD proceeds with release under the non-delay rule.
- 15. DSD tracks immigration related notifications and outcomes through a Weekly Immigration Report that includes categories such as "Picked Up," "Released W/O Pick Up," and "Total Notices Sent."

LVMPD's 287(g) Warrant Service Officer Agreement

16. On June 16, 2025, LVMPD executed the Warrant Service Officer ("WSO") Memorandum of Agreement with ICE pursuant to 8 U.S.C. § 1357(g). I am familiar with that agreement.

////

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

- 17. During the period relevant to Petitioner Sergio Morais-Hechavarria's ("Mr. Morais-Hechavarria") CCDC custody and release (June through October 2025), LVMPD's 287(g) WSO Program was not operational. Specifically:
 - a. LVMPD had not completed required ICE training and credentialing for participating personnel under the WSO model;
 - b. ICE had not issued operational authorization letters and credentials to any LVMPD officer for purposes of serving or executing immigration administrative warrants under the WSO agreement at the jail; and
 - c. No LVMPD officer or employee served or executed an ICE administrative immigration warrant (e.g., Forms I-200 or I-205) under the WSO agreement during that period.
- 18. Because the WSO program was not operational, LVMPD's coordination with ICE in mid-2025, including at the time of Mr. Morais-Hechavarria's release from criminal custody, occurred solely under existing LVMPD Policy 4.166 and DSD Release Procedures. No expanded or newly delegated federal authority under § 287(g) was exercised by LVMPD personnel in his case.

Notifications to ICE and Release-Window Coordination

- 19. Consistent with Policy 4.166 and DSD Release Procedures, DSD Records notifies ICE at booking and at release for qualifying cases, like Mr. Morais-Hechavarria.
- 20. In the ordinary course, when DHS has issued an immigration detainer (Form I-247A) and/or administrative warrant (e.g., Form I-205 Warrant of Removal/Deportation), DSD's practice is to coordinate a routine, time-of-release pickup with ICE. These documents are administrative instruments issued by DHS that do not alter the terms of the inmate's criminal custody and become operative only at criminal release, unless a federal judicial warrant is also present.
- 21. On October 16, 2025, DSD Records sent an early-morning release-processing email to ICE indicating that Mr. Morais-Hechavarria had an Immigration Warrant (I-205) and was being processed for release. ICE responded within minutes confirming that it could pick up Mr.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Morais-Hechavarria as part of its routine morning pickup. In line with standard procedures under Policy 4.166, the pickup occurred the same morning at the jail release window, without any delay of release to accommodate ICE and without any LVMPD service or execution of an ICE administrative warrant under § 287(g).

- 22. The October 16, 2025 release-window handoff described above followed DSD's established practice and documentation protocols. The fact that ICE was present and assumed custody at the precise moment of criminal release did not extend Mr. Morais-Hechavarria's criminal custody and was not a discretionary delay by LVMPD or DSD.
- 23. Mr. Morais-Hechavarria was not transported to inpatient prior to October 16 because the court's 'remain in custody pending P&P transport' order remained in effect until a bed was identified, and DSD coordinated release consistent with Policy 4.166 and the existence of an ICE I-205.

Program Non-Use & No LVMPD Service/Execution of ICE Administrative Warrants in. Mr. Morais-Hechavarria's Case

- 24. In connection with Mr. Morais-Hechavarria's custody and release, no LVMPD employee or officer served or executed an ICE administrative immigration warrant under the 287(g) WSO agreement. Any ICE administrative documents were issued by DHS and acted upon by DHS at the time of his release from criminal custody. LVMPD's role was limited to notification and release-moment coordination under Policy 4.166 and DSD procedures.
- 25. To my knowledge and based on my review of LVMPD/DSD records, there is no record entry reflecting LVMPD's service or execution of an I-200 or I-205 in Mr. Morais-Hechavarria's case under § 287(g). The contemporaneous release-processing email exchange with ICE reflects a standard "ready for release" notice and ICE's confirmation of same-morning pickup, consistent with the routine "Picked Up" outcome documented in DSD's Weekly Immigration Report categories.

Effect of the State Court's Sentencing Order and CCDC's Sequencing

26. I have reviewed the Judgment of Conviction, which imposed a suspended 364-day sentence with probation up to 12 months and ordered that Mr. Morais-Hechavarria remain in

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

custody pending Parole and Probation transport to an inpatient facility. In practice, that condition creates a transitional custody phase in which the inmate remains in secure custody at CCDC until a bed is identified and Parole and Probation ("P&P") can perform transport.

- 27. After sentencing, DSD Records received communications from defense representatives regarding bed availability and transport logistics. In the August 19, 2025 email exchange, DSD advised that Mr. Morais-Hechavarria had an ICE warrant and explained DSD's understanding that, to release him to ICE rather than to P&P for inpatient, the inpatient-transport order would need to be rescinded or clarified by the court.
- 28. Following the September 9, 2025 request for a status check and the September 11 hearing, DSD understood that the inpatient-transport condition remained in effect. During this period and consistent with Policy 4.166 and DSD Release Procedures, DSD did not hold Mr. Morais-Hechavarria for immigration purposes and did not delay his release for ICE. He remained in CCDC criminal custody under the existing court order.
- 29. After the Petition in this civil action was filed on October 13, 2025, DSD resumed release-window processing. On October 14, 2025, DSD added Mr. Morais-Hechavarria to the October 16 inpatient list based on a confirmed bed and recorded medication-order notifications for the anticipated October 16 transport slot. On October 16, DSD Records notified ICE that Mr. Morais-Hechavarria was being processed for release and had an I-205, and ICE confirmed morning pickup.
- 30. To the extent there is any ambiguity in the exhibit set regarding when a bed was identified, whether P&P transport was scheduled before ICE pickup, or how DSD sequenced those actions, I can attest based on DSD records and my supervision that: a. A bed was identified on October 16, 2025, contemporaneous with DSD's initiation of release processing; b. DSD and P&P discussed feasible transport sequencing, but ICE's same-morning presence at the release window, together with Policy 4.166's non-delay rule, resulted in ICE assuming custody at the release boundary; and c. DSD did not delay Mr. Morais-Hechavarria's release for ICE and did not exercise any delegated authority under § 287(g) in his case.

///

- 31. Throughout Mr. Morais-Hechavarria's custody and release, DSD complied with Policy 4.166's non-delay rule. DSD did not hold Mr. Morais-Hechavarria for immigration enforcement and did not delay his release for the purpose of allowing ICE to arrive. Instead, DSD executed its standard release-processing steps and coordinated a routine, release-moment handoff when ICE confirmed it would assume custody at the release window. If ICE had not been present or had declined pickup, and if no federal judicial warrant existed, DSD would have proceeded with release in accordance with Policy 4.166.
- 32. LVMPD did not initiate any new state-law arrest or hold on immigration grounds for Mr. Morais-Hechavarria. Any transfer at the release boundary was federal custody initiated and executed by ICE, consistent with the ordinary practice documented in DSD's Weekly Immigration Reports.

Mr. Morais-Hechavarria's Criminal History

- 33. Various summaries in LVMPD reports reflect Mr. Morais-Hechavarria's underlying charges, including prior events associated with a stolen vehicle, narcotics possession, a bench warrant for failure to appear, domestic battery, obstruction by false identification, and an in-custody fight. Those summaries are contained in LVMPD business records made in the ordinary course, including incident reports and detention records.
- 34. To the extent any specific characterizations (for example, descriptors such as "pregnant victim" or quotations about altercations) are not fully reflected in the exhibits attached to the Petition, I can confirm that LVMPD's internal records reflect those descriptors. If the Court requires, I can provide authenticated copies of the relevant pages to match precise phrasing and page citations. Nothing in this declaration is intended to generalize beyond what LVMPD's records show.

Attorney General Model-Policy Consultation and Post-October Clarifications

35. LVMPD has not adopted Office of the Attorney General's Model Immigration Policies issued in February 2025. LVMPD continues to follow applicable law and LVMPD's own policies, including Policy 4.166.

28 | ///

	\simeq
	甲
4	\leq
ゴ	\leq
<u>ラ</u>	8

36. During October 2025, DSD issued clarifying internal guidance and conducted
refresher training to address the precise sequencing scenario presented here — a concurrent
inpatient-transport order and DHS administrative paperwork at the release boundary — to ensure
that release-window processing occurs without delay consistent with Policy 4.166. These
clarifications are prospective and did not change what occurred on October 16, 2025.

37. With respect to the Nevada Sheriffs' & Chiefs' Association ("NV SCA") Immigration and Customs Enforcement Law Enforcement Model Policy, it is my understanding in my role as Deputy Chief that LVMPD is a stakeholder within the statewide law enforcement community that participates in and is represented by the NV SCA, the organization that released the model policy. My understanding is further that, following the Governor's statement objecting to the Attorney General's non-binding model immigration policies, LVMPD has continued to follow its own Policy 4.166 and operational practices that are consistent with, and informed by, the NV SCA model policy. Nothing in LVMPD's custodial operations at issue here with respect to Mr. Morais-Hechavarria involved adoption of the Attorney General's non-binding guidance.

I declare under penalty of perjury under the laws of the State of Nevada and the United States of America that the foregoing is true and correct.

DATED this 27th day of October 2025.

() Klinds Deputy Chief Nita Schmidt



LAS VEGAS METROPOLITAN POLICE DEPARTMENT POLICY AND PROCEDURE



Policy: Volume: 4.166, U.S. Immigration and Customs Enforcement (ICE) Notifications

4 - Field Operations

Chapter: 1 - Patrol Revised: 1/2025, 2/2025

4.166 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NOTIFICATIONS

It is the policy of this department to recognize the dignity of all persons, regardless of their national origin or immigration status. LVMPD strives to serve and protect the community with the highest regard for public safety and professionalism. LVMPD is committed to community-oriented policing as a strategy that focuses on developing relationships with community members regardless of the immigration status of a suspect or victim.

Although Nevada peace officers have the authority to assist in enforcing federal laws, LVMPD officers will not enforce immigration violations. Officers will not stop and question, detain, arrest, or place an immigration hold on any individuals on the grounds they are an undocumented immigrant. However, LVMPD will share criminal intelligence regarding transnational organized crime and international terrorism with any and all law enforcement agencies to include ICE. Citizens reporting suspected undocumented immigrants will be referred to the local ICE office.

When a foreign-born individual is arrested and charged with a felony, domestic violence, driving under the influence (DUI), burglary, theft, larceny, petit larceny, and/or assault of a law enforcement officer, the Detention Services Division (DSD) will notify ICE at the time of both booking and release. These charges have the highest impact on public safety. LVMPD will not delay the release of an inmate for ICE. However, LVMPD will honor federal judicial warrants for arrest from ICE. If ICE is not present at the time of the inmate's release, and there is no judicial warrant, DSD will release the inmate. (1/25, 2/25)



NEVADA SHERIFFS' & CHIEFS' ASSOCIATION



Immigration and Customs Enforcement (ICE) Law Enforcement Model Policy

Overview

The Nevada Sheriffs' and Chiefs' Association (NvSCA) has adopted a model U.S. Immigration and Customs Enforcement (ICE) policy for law enforcement agencies within the state. This policy serves as a framework for agencies to develop their own guidelines.

NvSCA recognizes that ICE has primary jurisdiction over the enforcement of federal immigration laws (Title 8, U.S. Code). Nevada peace officers may assist in the enforcement of federal immigration laws as deemed appropriate by the agency's executive authority, such as when ICE makes a specific request or when suspected criminal violations are discovered because of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C. §§ 1304, 1324, 1325 and 1326. Criminal intelligence related to transnational organized crime and international terrorism will be shared with all law enforcement agencies including ICE. *Officers will not obstruct federal law enforcement efforts, and officers will work with ICE upon request.*

Although officers have the authority to assist in enforcing federal laws, it is the role of ICE to actively enforce immigration violations. NvSCA officers will not stop, question, detain, arrest or place an immigration hold on any individual solely on the grounds that they are suspected of being an undocumented immigrant. Citizens who report suspected undocumented immigrants will be referred to the local ICE office.

NvSCA recognizes the dignity of all individuals, regardless of their national origin or immigration status. Our commitment is to serve and protect the communities of Nevada, prioritizing public safety and professionalism. We implement and prioritize community-oriented policing, which emphasizes building relationships with community members regardless of the immigration status of a suspect or victim. NvSCA shares federal law enforcement's zero tolerance policy for criminals endangering Nevada communities.

Procedure

When a foreign-born individual is arrested and charged with a crime:

- 1. The arrestee's details will be included in a daily report sent to the local ICE office.
- 2. If a criminal history check shows that the arrestee is a prior deportee, an agency representative will notify ICE per agency protocol.

Immigration and Customs Enforcement (ICE) Law Enforcement Model Policy

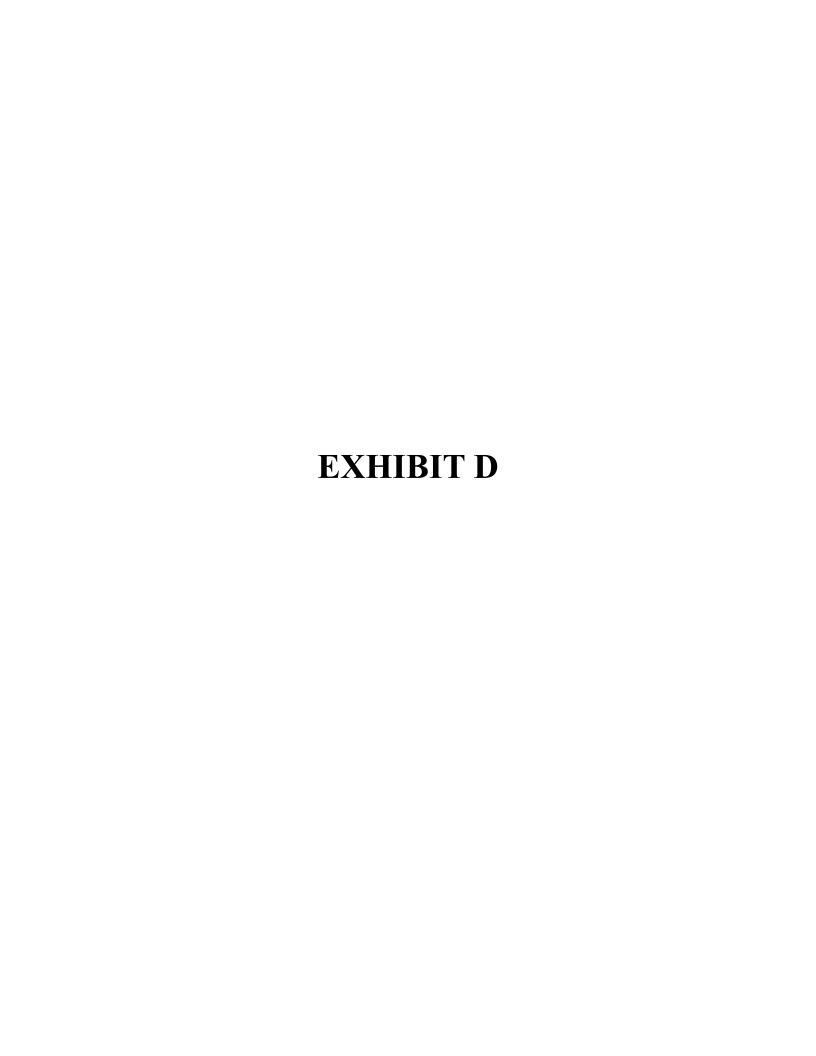
It is incumbent upon ICE to provide a detainer or make an arrest on federal statutes and to abide by all current federal mandates regarding arrest (i.e., ensuring they comply with the Laken Riley Act, which specifies arrests for burglary, theft, larceny, shoplifting, assault of a police officer, or any crime that results in death or serious bodily injury to another person).

Detention Centers/Jail Facilities will:

- 1. Honor federal judicial warrants for arrest issued by ICE.
- 2. Enforce detainer requests from ICE once local charges are resolved.
 - a. If an ICE detainer is in place (and local charges have been resolved), notify ICE that they may take custody of the inmate.
 - b. If ICE has not placed a detainer by the time of release and there are no outstanding arrest warrants, the inmate will be released.
- 3. Allow ICE complete access to detention centers and jail facilities.







RELEASING PROCEDURES PG 19 AND 98

Per District Court Administrative Order 18-11, dated October 8, 2018, District Court will accept the posting of bail bonds or cash bail without regard for a person's United States immigration status. This gives the Clark County Detention Center authority to accept bail on <u>District Court</u> cases for inmates with an active Immigration Detainer.

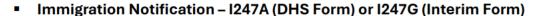
The Las Vegas Justice Court Order, dated February 2, 2001, has been rescinded by LVJC Administrative Order #18-03, dated October 19, 2018. Bail bond or cash bail WILL be accepted or posted on a <u>Justice Court</u> case for inmates that have a hold placed against him or her by Immigration.

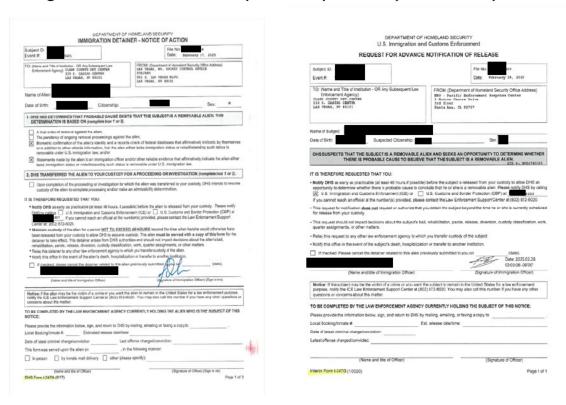
IMMIGRATION (IMM) RELEASES

Effective 01/30/2025, Records will email IMM TCRs for any <u>foreign-born</u> inmate who is booked on any qualifying charges referenced in LVMPD Department Policy, 4.166.

TCR's will **NOT** be emailed for those inmates who do not meet **BOTH** requirements of foreign-born **and** qualifying charges. This also applies to Notices/Detainer/Warrants (1247 A/G, 1200, and 1205) transferred from other agencies (NLV, Hend, etc.) If the charges do not meet the requirements, annotate on the document "NO ACTION NECESSARY" and place in inmate file.

- Once Immigration receives the TCR, they may choose to send an Immigration
 Detainer/Warrant for Arrest of Alien, Form I-200, or an Immigration Detainer/Warrant of
 Removal Deportation, Form I-205, to the Supervisor's email. The Offender Alert will be
 entered to contact Immigration at time of release.
- Immigration Detainers/Warrants for Removal Deportation, Form I-205, are accepted for all qualifying charges and Immigration will be contacted at time of release for pickup arrangements.
- Immigration is aware that they will be receiving notifications 24/7. All initial release notifications will be sent via email to ICE-ERO-Vegas-CapUsers@ice.dhs.gov. If a response is not received within 15 minutes of the release notification email, use the following contact numbers for those inmates that have an active warrant or notification in Offender Alert:
 - o 0600-1600 hours CAP Supervisor 702-388-6949
 - o 1600-2200 hours- Supervisory Officer 702-388-6630
 - 2200 0600 hours Duty-Line Officer 702-591-5321
 - Weekends & Holidays will go to Duty-Line Officer

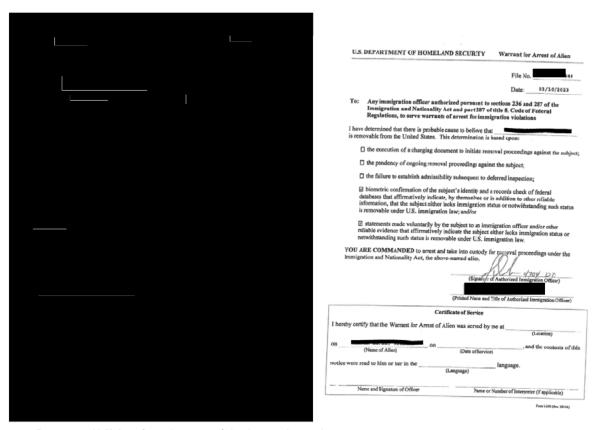




- Contact IMM using the provided number above
- Inform the IMM Officer the following:
 - "They are being notified, per the Immigration notification, that Inmate (Name & ID#) is being processed for release."
 - DO NOT provide an approximate time of release, nor delay the release for pickup
- Expire Offender Alert
- Create a new Interested Party line with who you spoke to along with the date/time
 - The IMM Officer may tell you at that time they will not pick up, if so, also enter this info in Interested Party
 - Enter Interested Party
 - NOTE TYPE: Release
 - NOTE SUBTYPE: Final Note

- CASE NOTE: IMM to pick up @ DATE/TIME P# or
- CASE NOTE: IMM will not pick up per IMM Officer (name) @ date/time
 P#
- Annotate "IMM notified @ (date/time)" on the Releasing Checklist
- Annotate "IMM notified @ (date/time)" on the Releasing Log
- Place the inmate file in a RED folder if Immigration is picking up.

IMMIGRATION NOTIFICATIONS - WARRANT FOR ARREST OF ALIEN FORM I-200

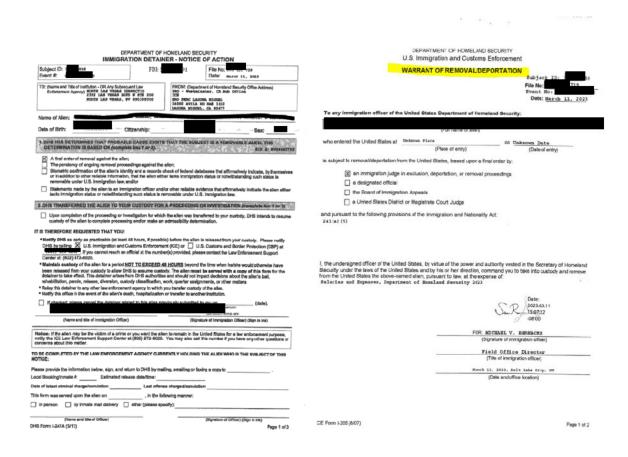


- Contact IMM using the provided number above
- Inform the IMM Officer the following:
 - "They are being notified, per the Immigration notification, that Inmate (Name & ID#) is being processed for release."
 - DO NOT provide an approximate time of release, nor delay the release for pickup
- Expire Offender Alert
- Create a new Interested Party line with who you spoke to along with the date/time
 - The IMM Officer may tell you at that time they will not pick up, if so, also enter this info in Interested Party
 - Enter Interested Party

RELEASING PROCEDURES PG 19 AND 98

- NOTE TYPE: Release
- NOTE SUBTYPE: Final Note
- CASE NOTE: IMM to pick up @ DATE/TIME P# or
- CASE NOTE: IMM will not pick up per IMM Officer (name) @ date/time
 P#
- Annotate "IMM notified @ (date/time)" on the Releasing Checklist
- Annotate "IMM notified @ (date/time)" on the Releasing Log
- Place the inmate file in a RED folder if Immigration is picking up.

IMMIGRATION WARRANTS - WARRANT OF REMOVAL/DEPORTATION FORM I-205



- Contact IMM using the provided number above.
- Inform the IMM Officer the following:
 - "They are being notified that Inmate (Name & ID#) has an Immigration Warrant and is being processed for release."
 - Inquire when IMM can pick up the subject.
 - If picking up, update Detainer Charge Status to "REL TO IMMIGRATION" & Add AOK line to final released County charge.

- If NOT picking up, update Detainer Charge Status to "Fail to Pick-up" & Add AOK line to the final released County charge.
- Expire Offender Alert
- Create a new Interested Party line with who you spoke to along with the date/time
- The IMM Officer may tell you at that time they will not pick up, if so, also enter this info in Interested Party
 - Enter Interested Party
 - NOTE TYPE: Release
 - NOTE SUBTYPE: Final Note
 - CASE NOTE: IMM to pick up @ DATE/TIME P# or
 - CASE NOTE: IMM will not pick up per IMM Officer (name) @ date/time
- Annotate "IMM WARRANT @ (pick up date/time)" on the Releasing Checklist
- Annotate "IMM WARRANT @ (pick up date/time)" on the Releasing Log
- Place the inmate file in a **RED** folder if Immigration is picking up.

If releasing to SCRAM, OPTIONS or a Treatment Facility, **Notify** IMM for the Immigration Notices.

 Inmates with Immigration Warrants (I205) would not qualify for these types of releases.

If releasing to EMP

 Inmates with Immigration Warrants (I205)/Notifications (I200) would not qualify for these types of releases. Remove them from the EMP release list and notify HAEC.

If releasing to another jurisdiction, contact IMM at the above number to inform them where the inmate is being released to

KICK-OUT POST

- IMMIGRATION WARRANTS 1247A (DHS Form) 1247G (Interim Form)
 - If IMM has not arrived to pick up, once the inmate has been fully dressed out, proceed with releasing of the inmate from CCDC
 - o If IMM picks up, **DO** have the officer sign the TCR
 - Release Lodging as "RIMM"

IMMIGRATION NOTIFICATIONS – WARRANT FOR ARREST OF ALIEN FORM I-200

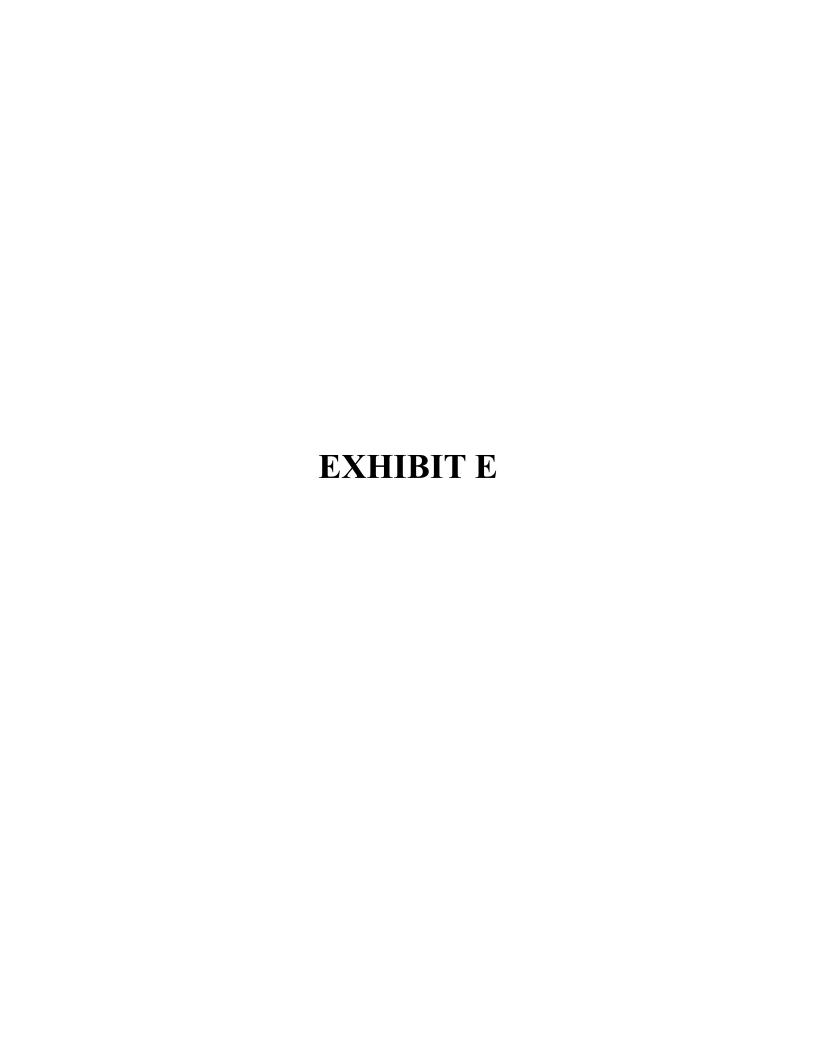
- If IMM has not arrived to pick up, once the inmate has been fully dressed out, proceed with releasing of the inmate from CCDC
- o If IMM picks up, **DO** have the officer sign the TCR

RELEASING PROCEDURES PG 19 AND 98

o Release Lodging as "DIMM"

• IMMIGRATION WARRANTS – WARRANT OF REMOVAL/DEPORTATION FORM 1-205

- o If IMM has not arrived to pick up in four hours from confirmation, proceed with releasing of the inmate from CCDC
- o If IMM picks up, **DO** have the officer sign the TCR
- o Release Lodging as "WIMM"



LAS VEGAS METROPOLITAN POLICE DEPARTMENT OFFICER'S REPORT

"Click to Edit Event# on ALL Pages"

Event #:	0883
	_
DT22	

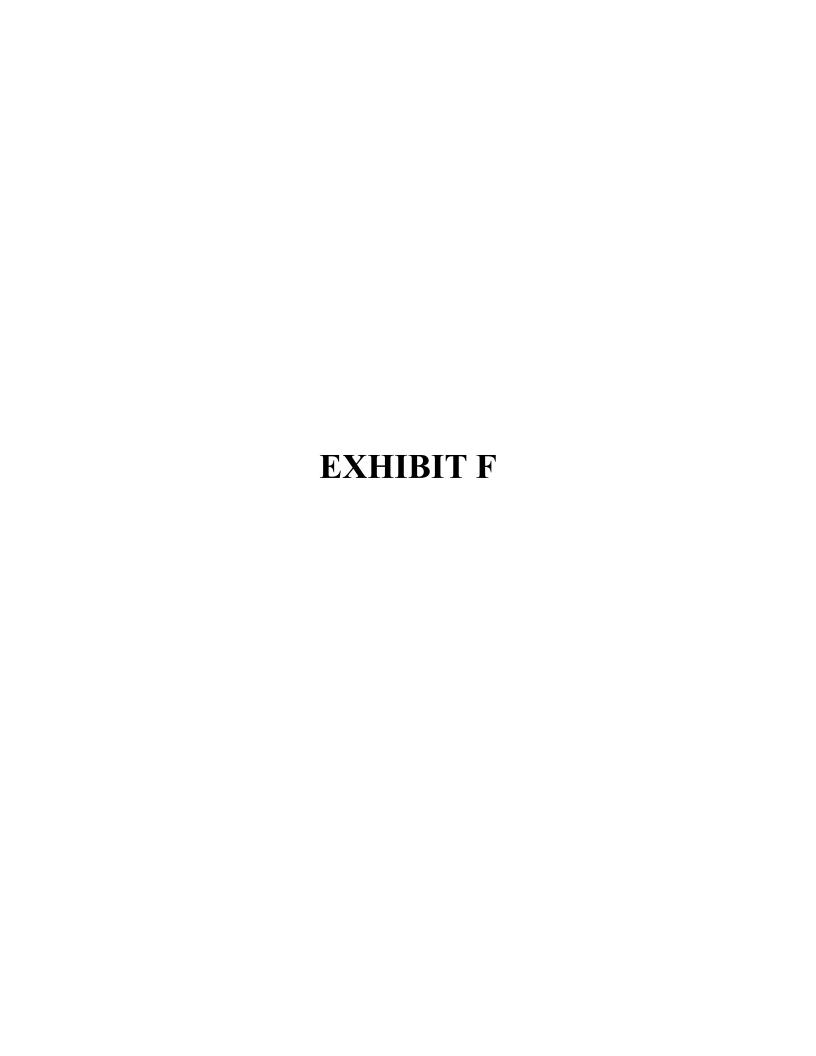
"Click to Edit Date/Time of Report"

"PRINT"

Morais-Hechavarria, Sergio SUBJECT **DIVISION OF** DIVISION DTAC OCCURRENCE: REPORTING: **LOCATION OF** DATE & TIME NV 89104 06/03/2023 0819 OCCURRENCE: OCCURRED: NARRATIVE: On 06/03/2023, at approximately 0819 hours, I Officer A. Buckland P#16388 while operating as marked patrol officer 2A52 conducted a vehicle stop on a white Mercedes sedan at Bruce / Lewis LV NV 89104 after a records check showed the vehicle to be stolen. The records check showed the vehicle to be a white 2016 Mercedes E350, VIN V 7194. license plate S81 and stolen on 05/22/2023 out of North Las Vegas. The driver was detained and identified verbally as Sergio Morais-Hechavarria DOB

Keys to the vehicle were located in the ignition at the time of Morais' arrest.

Date and Time of Report:	07/06/2023 1100	Officer:	A. Buckland	P#:	16388
Approved By:	Sgt Dowler	Officer:	111 -	P#:	
		SIGNATURE:			<u></u>



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

DECLARATION OF ARREST REPORT TCR1258974 City Jail Adult Juvenile County Jail Bureau: DTAC EVENT# tD# ARRESTEE'S NAME (LAST) (FIRST) (MIDDLE) SSN# MORAIS-HECHAVARRIA 8332753 0883 **SERGIO** 418 DOB HGT WGT HAIR **EYES** POB RACE SEX 5'10" 180 BLK BRO UNKNOWN, CUBA M 1989 ARRESTEE'S ADDRESS STREET BLDG/APT # STATE CITY ZIP CODE UNK LAS VEGAS NV 89101 OCCURRED ARREST LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) LAS VEGAS NEVADA 89104 DATE: 6/3/2023 TIME: 08:45 TIME: 08:20 DATE: 6/3/2023 LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) LAS VEGAS NEVADA 89104 CHARGES / OFFENSES PC - LVJCR - 61984 - F - POSS/RCV/TRNSFR STOLEN VEH PC - LVJCR - 62073 - F - POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF CONNECTING REPORTS (TYPE OR EVENT NUMBER) BWC, TCR, DOA, RFP, WITNESS LIST, PROPERTY REPORT, ODV CHECKLIST METHAMPHETAMINE The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer

with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 5 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of TAS VEGAS NEVADA 89104 and that the offense(s) occurred at approximately 08:20 hours on the 3rd day of June, 2023.

Details for Probable Cause:

BWC Video Available

OFFICERS INVOLVED

A. Buckland P#16388

D. Lewis P#17768

J. Cabada P#17151

N. Jensen P#16400

SUSPECT

Morais-Hechavarria, Sergio

DOB 89 2753

STOLEN VEHICLE

7194, License Plate S81/NV 2016 Mercedes E350, VIN

LOCATION

LV NV 89104

CHARGES

POSS/RCV/TRNSFR STOLEN VEH, NRS 205.273.1

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

CONTINUATION REPORT

SCOPE ID:

753 EVENT #:

10883 Page 2 of 2

POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF, NRS 453.336.2A

DETAILS

On 06/03/2023, at approximately 0819 hours, I Officer A. Buckland P#16388 while operating as marked patrol officer 2A52 conducted a vehicle stop on a white Mercedes sedan at V 89104 after a records check showed the vehicle to be stolen.

The records check showed the vehicle to be a white 2016 Mercedes E350, VIN 7194, license plate 81 and stolen on 05/22/2023 out of North Las Vegas.

CUSTODY PHASE/MIRANDA

The driver was detained and identified verbally as Sergio Morais-Hechavarria DOB 1989. Morais was read his Miranda rights via LVMPD GA 148 (Rev. 07-21) stock card by Officer N. Jensen P#16400 at 0830 hours to which Morais responded "Yes".

Officer Jensen asked Morais details about how he came to possess the Mercedes. Morais stated at 1300 hours on 06/02/2023 he was given the car from a homeless friend. When Morais asked his friend who's car it was his homeless friend refused to say that it was someone else's car.

Morais told Officer Jensen "I kinda knew it's gotta be stolen".

POSSESSION of STOLEN VEHICLE ARTICULATION

Due to my training and experience a reasonable person would not believe a vehicle, especially a Mercedes E350, which per Carvana sells for appx \$25,000 to not be stolen if it was just given to someone from an unhoused individual.

POSSESSION of CONTROLLED SUBSTANCE

During the search incident to arrest of Morais' person a small baggie with a white crystal like substance was located in his front right mini pocket. An additional tear off plastic bag was located in a pair of shorts Morais was wearing under his pants which again contained a white crystal like substance.

Due to my training and experience I immediately recognized this substance to be Methamphetamine. I asked Morais if he knew what the substance was to which he replied "Drugs", I asked what kind of drugs to which he replied "Crystal".

I Officer Buckland who was ODV certified in 06/2017 tested the substance at CCDC. I weighed a total of 3gg and tested positive for Methamphetamine. The test was witnessed by Officer A. Mortel P#16620 who was ODV certified in 08/2017.

ARREST PHASE

Due to Morais knowingly being in possession of the stolen Mercedes he was charged with Possession of Stolen Vehicle. Due to Morais being in possession of 3gg of Methamphetamine he was charged with Possession of Controlled Substance LT 14g.

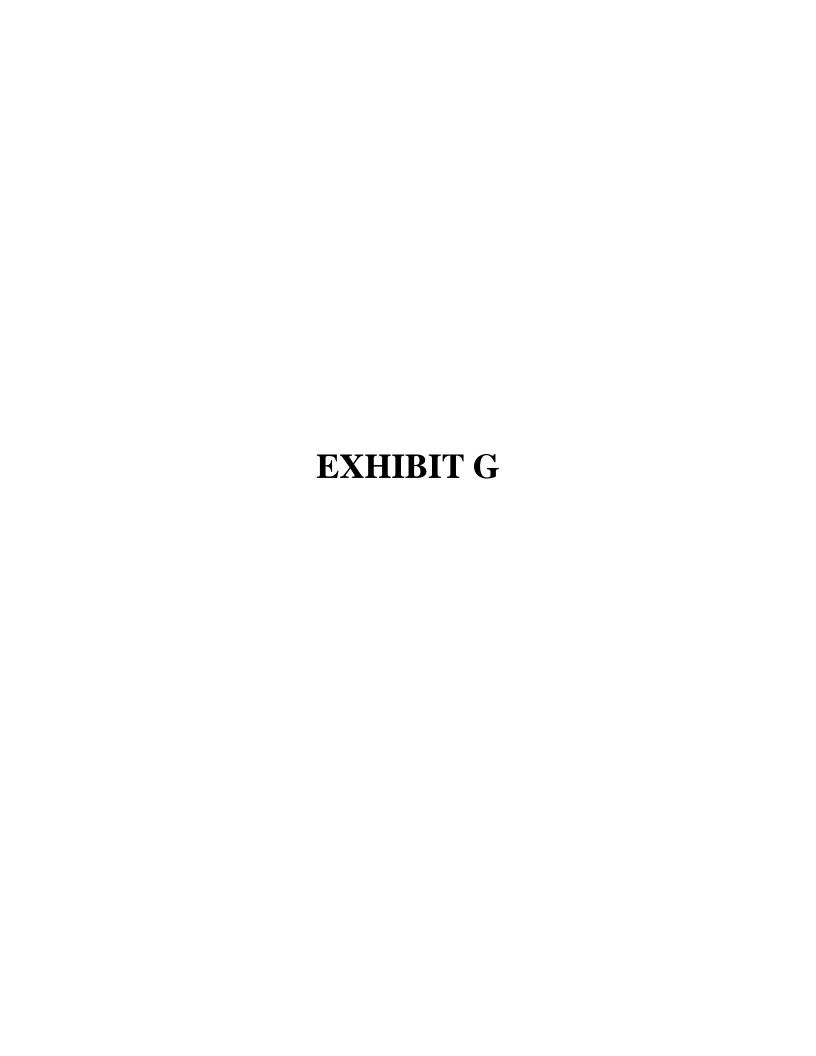
Morais was transported and booked into CCDC accordingly.

****** End ******

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: A BUCKLAND

P#: 16388



Page 1 of 5			Las \		opolitan Po	A STATE OF THE PARTY OF THE PAR			Event#		1686
		ļ		Domesti	ic Violenc	e Repor	t .		i, e		
Specific Crime	s					diction	Crir	ne Categor		ector/E	eat
Att Batt Dom V	iol on Pregna	nt Vic. 1st	Off(G)- NRS	200 485 4A	Clark	County			l W	14	
Location of Incid						City.	ST Zip				
		District of					Vegas, NV	89106			
Occurred	Date/Tim 5/16/2025 11:18	4 7 5 15 7 7 7 1	Day Monday	Report Taken	Date/T 6/16/2025 11		Body Ca Domesti Domesti Tempora Victim In Witness	Violence ry Custod formation	Information Rpt / Record Guide	Card	
						Reporting			Squ	ad	Follow-Up
and the second		Is there	physical evid	dence present	?	j20288t -	thayer, jus	tin	В	A11	
Nas there a witn	iess?			eapons, etc.)		Superviso	or Approvin	1			Follow-Up
Has victim reque temporary housi	ng?	Is there T#	a T.P.O. in e	effect?		T 75.7 LSS .	Solomon, G				
Assisting Office T18117C - Culv			Officer								
11811/C - Culv	erson, Tyron		Officer								
				Perso	ns (List Victim	s Firsti					
Victims				U La Cau							
Name (Last, Fi	rst Middle)						Non Englis	h Speaking	Lar	nguage	
Date of Birth	SSN	R	ace	Ethnicity	Sex	Ht. W	/t.	Hair	Eyes	1	DV Card
1992	5	510			Female				-		
Address Type	Add	ress				CSZ				Countr	
Residence						Las Ve	gas, NV	2		Un	ited States
Phone Type			Phone Nu	mber							
Victim / Suspec	t Relationship	Dating	1			Vict	m Demean	or			
Voluntary State	ement	Duting		s / Alcohol	Unknown	Pho	tographs	No-Photos	Not Taken		
Victim Injuries					DIRITOWII		3	THO I HOLO	HOL TURCH		
			100000	Tumo		Init	ury Descript	ion			
Injury Location			Injury 1	rype		311)					
	nt		Injury I	уре		111)					
Injury Location Children Preser	nt		Age	Location		1111		Witness		Sta	itement
Injury Location	nt		Age	Location	/ LAP (Sta	tement
Injury Location Children Preser Name			Age V Au	Location	/ LAP (Sta	tement
Injury Location Children Preser		D	Age V Au	Location	/ LAP (Sta	atement
Injury Location Children Preser Name Alcohol/Drugs In Relationship of	nvolved	Unkne	Age V Au	Location	/ LAP (Sta	ntement
Injury Location Children Preser Name Alcohol/Drugs In	nvolved	Unkno	Age OV Au	Location XIIIary Dating		Quest	iona	ire	:R	Sta	ntement
Injury Location Children Preser Name Alcohol/Drugs In	nvolved Aggressor to V	Unknown Unknow	Age OV Au Down the question of call an age	Location XIIIary Dating s below are a ency listed be	answered "YEs	Quest	iona	SK/DANGE	ox.		itement
Injury Location Children Preser Name Alcohol/Drugs In	nvolved Aggressor to V	Unknown Unknow	Age OWN he question o call an age or whoever the	Location XIIIary Dating s below are a ency listed be ne aggressor is	answered "YES elow and mark s) ever used a	Quest	iona	SK/DANGE	ox.		ntement
Injury Location Children Preser Name Alcohol/Drugs In Relationship of Notes:	Aggressor to V Has yo Has he	Unknown of the original of the	Age OWN he question o call an age or whoever the reatened to	Dating s below are a ency listed be he aggressor is kill you or your	answered "YES elow and mark s) ever used a	Quest	iona	SK/DANGE	ox.		ntement
Injury Location Children Preser Name Alcohol/Drugs In Relationship of Notes: 1 Yes	Aggressor to V Has yo Has he Do you	Unknown of to Officer is to ur partner (of /she ever the think he/she	Age OWN The question of call an age or whoever the treatened to be might try to	Location XIIIary Dating s below are a ency listed be ne aggressor is kill you?	answered "YES elow and mark s) ever used a r children?	Quest S", victim is the HIGH R weapon agai	in HIGH RI	SK/DANGE ER check be breatened y	ox. ou with a we		tement
Injury Location Children Preser Name Alcohol/Drugs In Relationship of Notes: 1 Yes 2 Yes	Aggressor to V Has yo Has he Do you	Unknown If any of to Officer is to ur partner (of she ever the think he/she any three of the Unknown In the	he question o call an age or whoever the reatened to the might try to of the question of the q	Dating s below are a ency listed be ne aggressor is kill you? ions below ar	answered "YES elow and mark s) ever used a r children? re answered "'	Quest S", victim is the HIGH R weapon agai	in HIGH RI	SK/DANGE ER check be preatened y	ox. ou with a we		itement
Injury Location Children Preser Name Alcohol/Drugs In Relationship of Notes: 1 Yes 2 Yes 3 Yes	Aggressor to V Has yo Has he Do you	Unknown of to Officer is to ur partner (of /she ever the think he/she any three coofficer is to officer is officer is to officer is	he question o call an age or whoever the reatened to be might try to of the question call an age	Dating s below are a ency listed be ne aggressor is kill you? ions below ar	answered "YES elow and mark s) ever used a r children? re answered "'	Quest S", victim is the HIGH R weapon agai	in HIGH RI	SK/DANGE ER check be preatened y	ox. ou with a we		atement
Injury Location Children Preser Name Alcohol/Drugs In Relationship of Notes: 1 Yes 2 Yes	Aggressor to V Has yo Has he Do you If	Unknown Unknown If any of to Officer is to ur partner (of /she ever the think he/she any three of Officer is to e/she have	he question o call an age or whoever the reatened to be might try to of the question call an age	Dating Dating Selow are a sency listed be ne aggressor is kill you or your or kill you? So kill you? So kill you? So kill you?	answered "YES elow and mark s) ever used a r children? re answered "'	Quest S", victim is the HIGH R weapon agai	in HIGH RI	SK/DANGE ER check be preatened y	ox. ou with a we		tement

Have you left him/her or separated after living together or being married?

7

Yes

Page 2	2015			Metropolitan Police Departme nestic Violence Report	ent	1686		
8	Yes	Is he/she une	employed?					
9	No	Has he/she	Has he/she ever tried to kill himself/herself?					
10	No	Do you have a blended family (step children)?						
11	No	Does he/she follow or spy on you or leave threatening messages?						
12	Yes	HIGH RISK/I	DANGER					
SafeNe	st - 646-4981			Call Completed	No			
	Refused Call		Yes	Busy/No Answer	No			

Page 3 of 5

Las Vegas Metropolitan Police Department Domestic Violence Report

Event#	
	1686

Arrestees

Name (Last, First		Non E	nglish Speakir	ng	Language				
Morais- Hechavai	rria, Sergio								Y 1 2 2
Date of Birth	SSN	Race	Ethnicity	Sex	Ht.	Wt.	Hair	Eyes	DV Card
/1989	9418	Black or African American	Not Hispanic or Latino	Male	5' 10"	180	Black	Brow	n No

Addresses

Address Type	Address		CSZ		Country
Residence			Las \	/egas, NV	United States
Phone Type	Phone	Number			
Voluntary Statement	Drugs / Alcohol	No	Photographs	Arrestee	Demeanor Angry
Primary Aggressor	Yes		TPO In Effe		1.00 513

Arrestee Injuries

Injury Longtion	Initian Time	Injunt Description	
Injury Location	Injury Type	Injury Description	

Witnesses

Received	Dispatched	Arrived	Caller
Primary Aggressor	Mitigating Factors	Arrested Both Parties	Medical Release
Background Noise on Arrival		Medical Attention	

Responding Agencies	Unit Number	

Page 4 of 5

Las Vegas Metropolitan Police Department Domestic Violence Report

Event# 1686

(Bwc Recording Available) On 06/16/25 at approximately 2318 hours a call for service was generated reference a family disturbance at the residence of Las Vegas NV. I, Officer J. Thayer P#20288 operating as marked patrol unit 1W4 along with Officer T. Culverson P#18117 operating as marked patrol unit 1W21 were dispatched to the residence. The call details stated that a male and female were in a verbally altercation and that it possibly was physical. PC for Obstruction: Upon arrival I made we made contact with the male that was involved. I asked him if he had an ID and he said no. I advised him that if he were to lie to me about any of his identifying information that it would be a charge and he would be taken to jail. He understood and told me that his name was Jorie Lezcano Garcia DOB /90. I went to confirm his identity through law enforcement date base and got no response. He told me that he has been arrested in Nevada before which means he should have a SCOPE that pops up. I advised him that the information he gave me did not come back with any response. He told me that he could write it down. He wrote down Jorge Leandro. I once again was not able to locate him. A picture of the name he wrote down was uploaded to OnBase. Officer Culverson asked the victim who was identified as /92 what the males name and date of birth was. She said his name was Sergio Morais DOB 01/06 (she did not know the year he was born but a candidate list popped up and officers were able to run his SCOPE ID number). When running the ID number his SCOPE popped up, his mugshot picture was attached and showed that it was the same male we had in custody. His actual information is Sergio Morais-Hechavarria DOB He requested to speak with a supervisor. Sergeant Solomon P#8458 operating as 803 arrived on scene to speak with Sergio. Sergio wanted a supervisor on scene so that he could give him his true personal information and that he had a warrant out for his arrest. A records check revealed that Sergio had a warrant out for his arrest for Possession of Stolen Vehicle, Warrant #23-CR-041490. Sergio Interview: The following information was obtained (not verbatim). Sergio went to friends house to pick up her bags. Her friends told Sergio that she has been lying to him about things (he did not say what). Sergio went back to the residence to confront her about her lying. They got into a verbal altercation but it never got physical. According to Sergio they decided to break up so he started to grab his belongings and bring them outside. That is when Officers showed up. Sergio stated that he has been in a relationship with for over a year coming up on two years. He also told me that she was pregnant. Interview: I, Officer T. Culverson P#18117 operating as marked patrol unit 1W21, interviewed told me that her and Sergio were arguing because when they left a friends house, she told Sergio that one of their friends "groped" her. Sergio went back to get both of their belongings because and Sergio were going to go to rehab to get clean for their child they are expecting due to months pregnant. When Sergio returned to , the argument began. said that she was sitting on the couch along the west side of the living room said that Sergio was trying to get her to leave the residences and go back to their friends house to confront them because he was told she lied. told Sergio that she did not want to go and Sergio began pulling her off of the couch. said that she put her hands up to stop Sergio from pulling on her, and then Sergio had hit the back of s neck. said that after Sergio hit her, she was on the floor. A resident of , identified as to the living room and told Sergio "to leave and not to be doing that shit in here."

Page **5** of **5**

Connecting

Documents Secondary

Event #

Vol. St.

Evid./Veh.

□ a.m.

□ p.m.

Other

Las Vegas Metropolitan Police Department Domestic Violence Report

Event#	
	1686

denied medical attention, safenest, and photos to document the injury because she did not want to get Sergio in trouble.

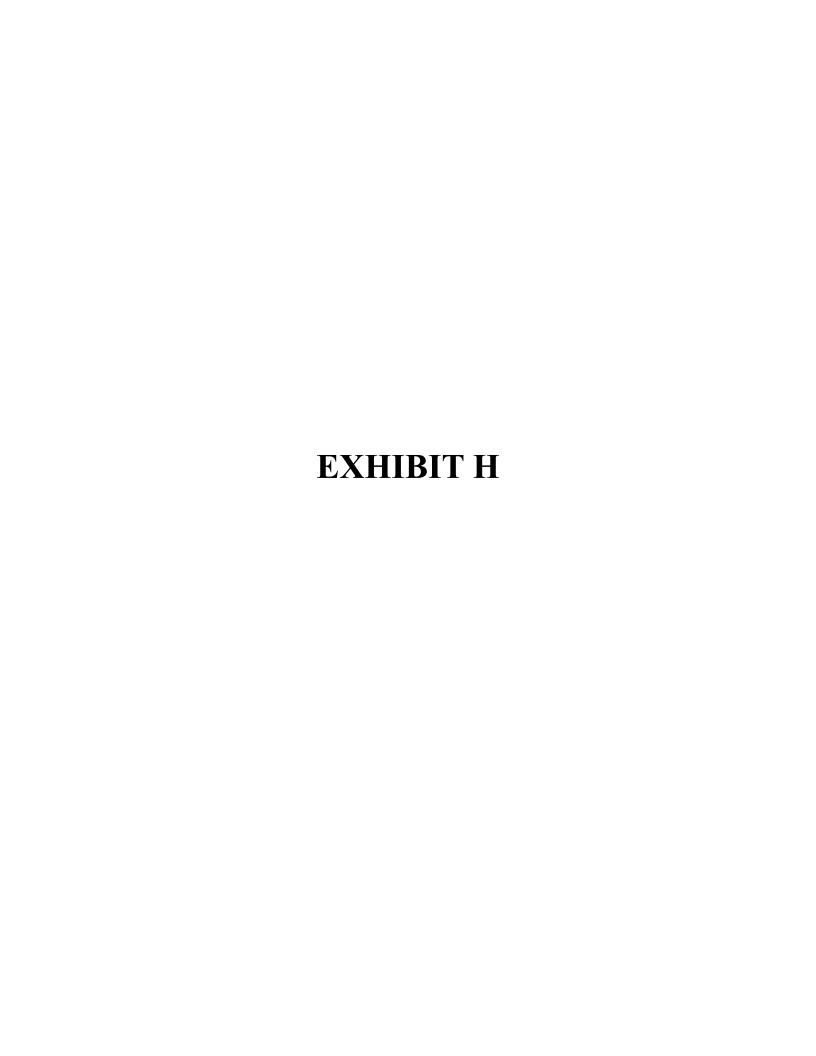
Due to the above facts and circumstances Sergio used force of violence (grabbing off the couch, hit her on the back of the head and while she was down) against the person of another (was) with whom that person shares a domestic relationship (dating for almost two years) knowing that was pregnant (he told me that she was). He was charged with Domestic battery on a pregnant person.

Due to the above facts and circumstances Sergio did after due notice, willfully hinder, delay a public officer (Officer J. Thayer P#20288 LVMPD in the lawful discharge of his duty (investigating a domestic battery) by (giving me the wrong name and date of birth). He was charged with Obstructing a Public Officer.

above inforr	nation use to	is true and believe tha	correct to the	best of r	ny knowled	Police Department for, declare, subjeted in the properties of the properties	e described information gives me	
In the location						within Clark County . Declarant prays that your er such charge(s).	· Honorable Magistrate finds that	
Dated this	16	Day of	October	, 2	025			
мт	Off	_	rred Court Tim	ne		Declarant (Sign and Print)		

Supervisor Name (Sign and Print)

(Must be signed by Supervisor if Felony)



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

DECLARATION OF ARREST REPORT

TCR1387511

County	y Jail	City Jail		Adu Adu	ılt		Juv	venile	Э	Вι	ıreau: [OSD	
ID# EVENT#			ARRESTEE'S NAME (LAST) (F						(FIRST)		(MIDDLE)	SSN#	
8332753			5161	MORA	AIS-HECHAVARRIA SEF			SERGIO			-9418		
RACE	SEX	DOB		HGT	Т	WGT H		HAIR		EYES	POB		
В	М	/1989	/1989			180	80 BLK			BRO	UNKNOWN, CUBA		
ARRESTEE	'S ADDRE	SS STRE	ET			BLDG/APT#			CITY			STATE	ZIP CODE
								LAS		VEGAS	NV		89101
	OCCURRED			ARREST				LOC	OCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE)				
DATE: 6/20	ATE: 6/20/2025 TIME: 08:45 DATE: 6/20/2025 TI			TIN	ие: 08:45					NEVADA 89101			
LOCATION	LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE)												
330 S CASINO CENTER BLVD LAS VEGAS NEVADA 89101													
CHARGES / OFFENSES													
PC - LVJCR - 50229 - F - BATTERY BY PRSNR/PNP													
CONNECTING REPORTS (TYPE OR EVENT NUMBER)													
WIT LIST, RFP, BWC, ETCR													

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 5 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 330 S CASINO CENTER BLVD LAS VEGAS NEVADA 89101 and that the offense(s) occurred at approximately 08:45 hours on the 20th day of June, 2025.

Details for Probable Cause:

Event Number:

5161

Facility Name: Clark County Detention Center, 330 South Casino Blvd Las Vegas NV 89101

Date: 06/20/2025 **Time of Report:** 0945

Reporting Officer: GREGA, TY PN18555

Suspect Information:

Morais-Hechavarria, Sergio ID# 8332753

Charge(s):

Battery by Prisoner (Felony-NRS 200.481.2F-NOC50229)

Victim Information:



Officers Involved:

Officer M. Kim PN 19392 (Module Officer) Sergeant B. Morris PN 14421(Floor Sergeant)

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: T GREGA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

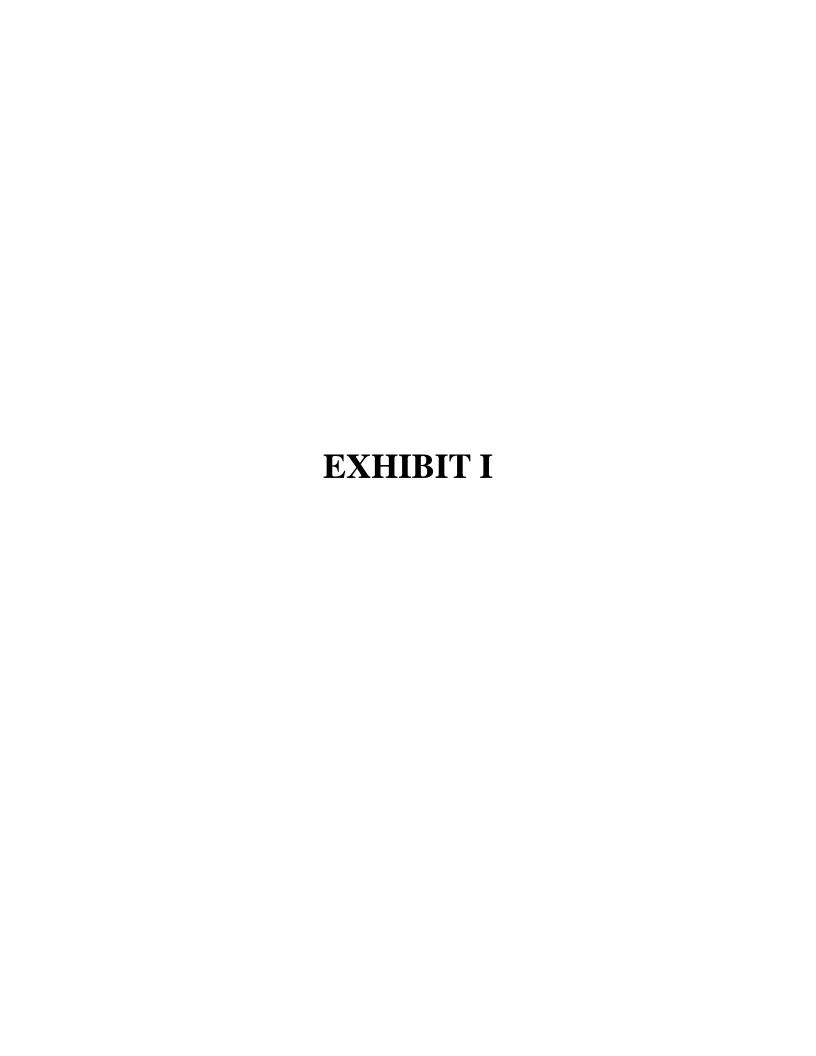
CONTINUATION REPORT

SCOPE ID: 8332753 EVENT #: 75161 Page 2 of 2

Persons Involved:
ID# 3182
Morais-Hechavarria, Sergio ID# 8332753
Evidence: Video of incident was captured by CCDC Camera #08023, BWC Interview
Incident Summary:
On June 20, 2025, at approximately 0845 hours a 416 (Fight) occurred on the upper tier of North Tower 7A during medication pass. CCDC video surveillance shows that inmates Morais-Hechavarria, Sergio ID#8332753 and ID
At approximately 0838 hours can be seen talking to Morais possibly about medication pass, but from the module cameras it appears that they are disagreeing about something, and the conversation doesn't seem friendly. This verbal dispute went on until 0840 hours when Morais went to the nurse.
At approximately 0844 hours while Morais is by the officers desk for medication pass, can be seen throwing Morais-Hechavarria, Sergio ID# 8332753 mattress, linen, books and other items over the railing near their cell (North Tower 7A-40). After receiving medications Morais was returning to his room at approximately 0845 hours, where confronted him in front of their cell. Morais can be seen via module cameras throwing the first two punches with a left and a right strike. after being hit by Morais, appears to attempt to protect himself but then engages in mutual combat. The fight then continues between the two with multiple punches being thrown by both parties involved. The fight makes its way in front of cell 35 where it appears that attempted to encircle Morais neck. At approximately 0844 appears that Morais talked Officer Kim PN 19392 about his items being thrown out. Officer Kim
then secured the nurse in the officer office and walked over to see what was going on. This is when he noticed the mutual combat between the two inmates.
At approximately 0845 hours, it appears that saw Officer Kim coming up the stairs while pulling out his ECD (Taser) and attempted to disengage and back away. Morais appears to be attempting to throw more punches while advancing towards both parties once fully disengaged from each other, complied with officers commands to get on the ground.
At approximately 0846, both parties were restrained in wrist restraints, separated and removed from the module.
Sergeant Morris read Miranda to Morais before questioning, Morais was read his at approximately 0853 hours. Morais stated to Sergeant Morris that (Not verbatim), he went for meds and saw his mattress and items on the floor downstairs. He went upstairs and asked his cellmate what is this, to which they started fighting. Both and Morais were seen by Naphcare staff (Morais at approximately 0850 hours and at approximately 0857 hours). Both and Morais had visual marks of an altercation that was treated by nursing staff. Both were cleared to be placed on Conduct Adjustment Board (CAB) status in 9CD disciplinary housing.
Recommendation: Rebooking is recommended for one count of Battery by a Prisoner (NRS 200.481.2F) based on the observed of both parties involved willful and unlawful use of force, and Morais both using their fists and swinging at each other, continuation of the assault until officers got involved while in lawful custody.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

****** End ******



DEPARTMENT OF HOMELAND SECURITY IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: 54461			File No:	421		
Event #: FBI:		16572FH5	Date: June	17, 2025		
TO: (Name and Title of Institution - OR A Enforcement Agency) CLARK COUNT 330 S. CASI LAS VEGAS, US 89101	Y DET.CENTER	ERO - 3 Hut- 3rd f	FROM: (Department of Homeland Security Office Address) ERO - Pacific Enforcement Response Center 3 Hutton Centre Drive 3rd floor Santa Ana, CA 92707			
Name of Individual: MORAIS HECHAVA	ARRIA, SERGIO					
Date of Birth:/1989	Citizenship:		CUBA	Sex:	м	
1. DHS HAS DETERMINED THAT P DETERMINATION IS BASED ON		TS THAT THE S	UBJECT IS A REMOVA	ABLE INDIVIDUA		
☐ The pendency of ongoing remo ☐ Biometric confirmation of the ind themselves or in addition to oth status is removable under U.S. ☐ Statements made by the individual either lacks immigration	dividual's identity and a re er reliable information, tha immigration law; and/or lual to an immigration offic	cords check of fe at the individual e cer and/or other r	ither lacks immigration a eliable evidence that aff	status or notwithst	anding such	
2. DHS TRANSFERRED THE INDIVI (complete box 1 or 2).	DUAL TO YOUR CUSTO	DY FOR A PRO	CEEDING OR INVEST	GATION		
Upon completion of the proceed resume custody of the individual					tends to	
Consistent with "the policy of the Uremovable allens, particularly those Executive Order 14159, Protecting twho:	allens who threaten the	e safety or secu	rity of the American p	eople," set forth	in	
illegally reentered the United Sta	ates after a prior removal;	Sales and	Village of the second			
is subject to the detainer provisi- by DHS pursuant to 8 U.S.C. §	on of the Laken Riley Act 1226(c)(3);	and is required to	be effectively and exp	editiously taken in	to custody	
is a member of a designated for otherwise poses a risk to national	eign terrorist organization		1.			
T IS THEREFORE REQUESTED THA	TYOU:					
 Serve the individual a copy of this detainer is not served, the detainer 					orm. If the	
 Notify DHS as early as practicable DHS by calling X U.S. Immigration 4260 						
 If you cannot reach an official at the 872-6020. Pursuant to 8 U.S.C. § 1 way restrict the sending to, or received of any individual. 	373(a), Federal, State, an	d local governme	ent entities and officials	may not prohibit o	r in any	
 Maintain custody of the individual have been released from your custo not impact decisions about the individual assignments, or other matters. 	dy to allow DHS to assun	ne custody. This	detainer arises from DF	S authorities and	should	

1.

DHS Form I-247A (5/25)

IT IS THEREFORE REQUESTED THAT YOU: (Continued)	
· Relay this detainer to any other law enforcement agency to which y	you transfer custody of the individual.
· Notify this office in the event of the individual's death, hospitaliza	ation or transfer to another institution.
If checked: please cancel the detainer related to this individual	al previously submitted to you on (date).
- DEPORTATION OFFICER	Describy spined by JULISIA HERMICE
	Dale: 20:5 06.1707.36:07-07:00
(Name and title of Immigration Officer)	(Signature of Immigration Officer)
Whoever harbors or conceals any person for whose arrest a warranthe United States, so as to prevent his discovery and arrest, after no issued for the apprehension of such person, shall be fined under this if the warrant or process issued on a charge of felony, or after convidence under this title, or imprisonment for not more than five years, or Pursuant to 8 U.S.C. § 1357(a)(1), DHS officers are authorized every be an alien as to his/her right to be or remain in the United States. DHS officers are authorized to arrest a removable alien under the indecision on whether they will be removed from the United States, unremoval, under 8 C.F.R. § 241.2(a)(1), and may arrest removable at U.S.C. § 1357(a). Under no circumstance is a judicial warrant required.	otice or knowledge of the fact that a warrant or process has been is title or imprisoned not more than one year, or both; except that iction of such person of any offense, the punishment shall be a both. 18 U.S.C. § 1071. In without a warrant to interrogate any alien or person believed to immigration laws pursuant to an administrative warrant pending a nider 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(b), or pending liens under certain circumstances without a warrant pursuant to 8
Notice: If the individual may be the victim of a crime or you want the purpose, notify the ICE Law Enforcement Support Center at (802) 8 questions or concerns about this matter.	
TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURF THIS NOTICE: Please provide the information below, sign, and return to DHS by mai	
Local Booking/Inmate #: Estimated release date/time:	
Date of latest criminal charge/conviction: Last offens	se charged/conviction:
	ne following manner:
in person by inmate mail delivery other (please spe	
(Name and title of Officer)	(Signature of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian (the agency that is holding you how) to inquire about your release. If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903 / (802) 872-1310.

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no exceda de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. Si usted cree que es un ciudadano de los Estados Unidos o la victima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903 / (802) 872-1310.

AVIS AU DETENU OU À LA DÉTENUE

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après celà vous pourrez par ailleurs être remis en liberté) parce qu'il y a une cause probable que vous soyez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures àu-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. Si le DHS ne vous prenne pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne) (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903 / (802) 872-1310.

NOTIFICAÇÃO AO DETENTO

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. ODHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. Se o DHS não leva-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903 / (802) 872-1310.

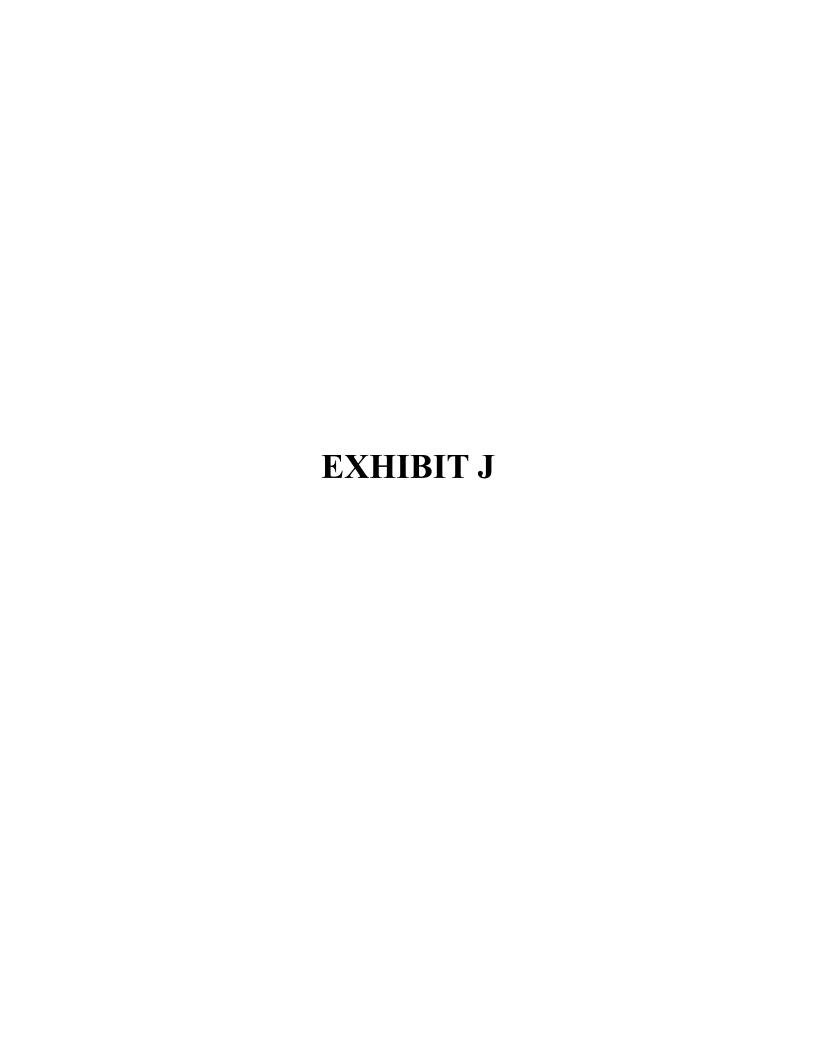
THÔNG BÁO CHO NGƯỜI BỊ GIAM

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tín quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thì hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quả 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị dể tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 / (802) 872-1310 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Dì Trú.

被拘留者通知書

國土安全部(Department of Homeland Security,簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書,闡明DHS意欲獲取對你的羈押權(若非有此羈押權,你將會被釋放);因為根據聯邦移民法例,並基於合理的原由,你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構,在你因受到刑事檢控或定罪後,而在本應被釋放的程序下,繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內,仍未及移交至DHS的監管下,你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者,請致電ICE執法部支援中心(Law Enforcement Support Center)知會DHS,免費電話號碼:(855)448-6903 / (802)872-1310。

DHS Form I-247A (5/25)



DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

Subject ID:	4461
File No:	421
Event No:	0564
Date: June 1	7, 2025

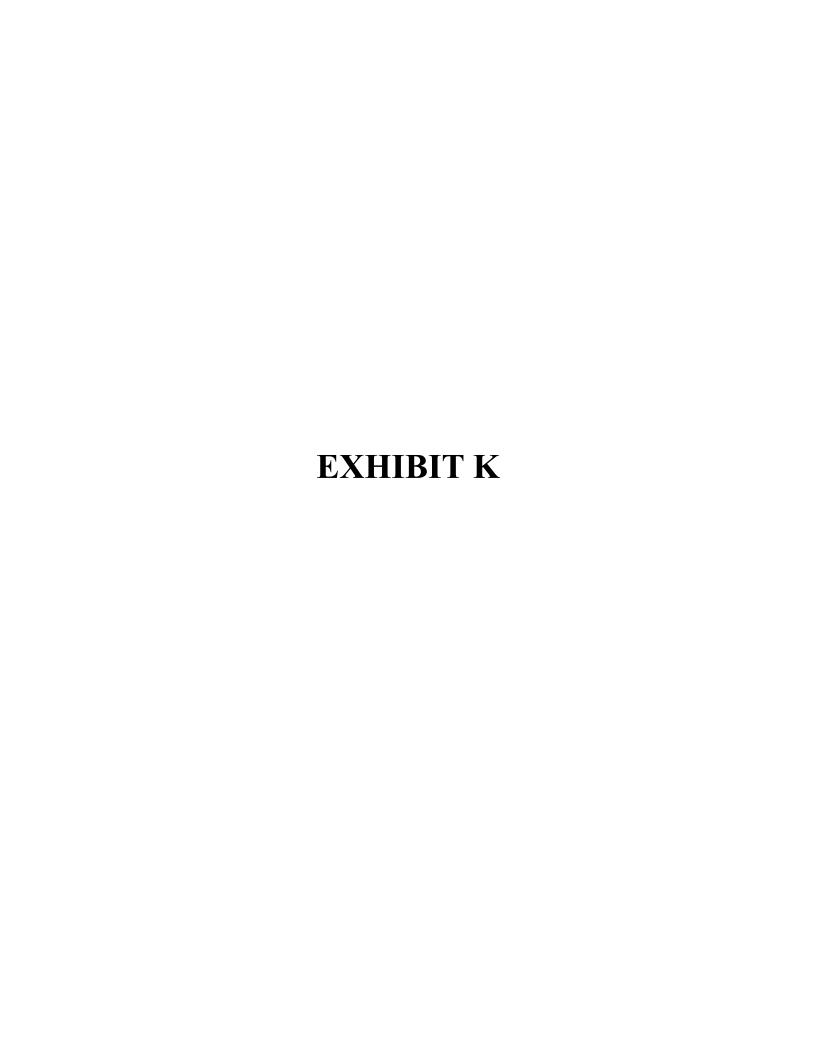
	(Full name of a	lien)
who entered the United States at	Unknown Place	on Unknown Date
	(Place of entry)	(Date of entry)
subject to removal/deportation for	rom the United States, based up	on a final order by:
x an immigration judge	in exclusion, deportation, or rer	moval proceedings
a designated official		
☐ the Board of Immigra	ation Appeals	*
a United States Distr	ict or Magistrate Court Judge	
2a7AiI;		*
curity under the laws of the Unit m the United States the above-n laxies and Expenses, Departmen	ed States and by his or her direct named alien, pursuant to law, at	er and authority vested in the Secretary of Homeland ction, command you to take into custody and remove the expense of:
		Date: 2025.06.17 07:30.41 -07'00'
	-	for: MICHAEL V. BERNACKE
		(Signature of immigration officer)
		FOD
		(Title of immigration officer)
		June 17, 2025, SALT LAKE CITY, UT
		(Date and office location)

ICE Form I-205 (8/07)

Page 1 of 2

All	ien	No	1	42
\sim		140		-42

Dank alaka and	or of romoval:	
Port, date, and mann	er or removal:	
ſ	, ,	
	Photograph of alien removed	Right index fingerprint of alien removed
	15110754	
(Sign	ature of alien being fingerprinted)	
3 -		
(Signature at	nd title of immigration officer taking print)	
(Olginalare al	ta tab of mining and ones to any	
Departure witnessed by	y:	"
	(Signature and title of	of immigration officer)
f actual departure is no	ot witnessed, fully identify source or me	ans of verification of departure:
		AND THE RESERVE OF THE PERSON
f self-removal (self-dep	ortation), pursuant to 8 CFR 241.7, ch	eck here.
Departure Verified by:	(0)	
	(Signature and title of in	imigration officer)
,		
,		
,		
,		
CE Form I-205 (8/07)		Page 2 of 2



From: Samiko Swonger

To: "Nicole Weis"; "Glennie Chavez"; "Tammy Singletary"; Amy Finley

Subject: RE: Sergio Morais Hechaavarria

The DC case is still active. In order for CCDC to release him to ICE, the order to go to Inpatient will have to be rescinded.

From: Nicole Weis < Nicole. Weis@ClarkCountyNV.gov>

Sent: Tuesday, August 19, 2025 6:27 PM

To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez

<Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy

Finley <a13103f@LVMPD.COM>

Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Right, his county charges were satisfied today (he was ordered to probation and to inpatient treatment). How long do you hold inmates on an ICE warrant/detainer if they are not picked up by ICE before they are released?

Get Outlook for iOS

From: Samiko Swonger < <u>S9615S@LVMPD.COM</u>>
Sent: Tuesday, August 19, 2025 6:22:47 PM

To: Nicole Weis < <u>Nicole.Weis@ClarkCountyNV.gov</u>>; Glennie Chavez

Finley <a13103f@LVMPD.COM>

Subject: RE: Sergio Morais Hechaavarria

He has a warrant so his county charges have to be satisfied before he can be released to ICE.

From: Nicole Weis < <u>Nicole.Weis@ClarkCountyNV.gov</u>>

Sent: Tuesday, August 19, 2025 6:20 PM

To: Samiko Swonger < <u>S9615S@LVMPD.COM</u>>; Glennie Chavez

<<u>Glennie.Chavez@ClarkCountyNV.gov</u>>; Tammy Singletary <<u>tammy.singletary@westcare.com</u>>; Amy

Finley <a13103f@LVMPD.COM>

Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking

links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

How long are you holding inmates on ICE detainers before they are released?

Thank you, Nicole Weis

Get Outlook for iOS

From: Samiko Swonger < <u>S9615S@LVMPD.COM</u>>
Sent: Tuesday, August 19, 2025 6:18:04 PM

To: Glennie Chavez < <u>Glennie.Chavez@ClarkCountyNV.gov</u>>; Tammy Singletary < <u>tammy.singletary@westcare.com</u>>; Amy Finley < <u>a13103f@LVMPD.COM</u>>

Cc: Nicole Weis < <u>Nicole.Weis@ClarkCountyNV.gov</u>>

Subject: RE: Sergio Morais Hechaavarria

He has an ICE warrant so he can't go to Inpatient Treatment.

From: Glennie Chavez < Glennie.Chavez@ClarkCountyNV.gov>

Sent: Tuesday, August 19, 2025 4:51 PM

To: Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>;

Samiko Swonger <<u>S9615S@LVMPD.COM</u>>

Cc: Nicole Weis < <u>Nicole.Weis@ClarkCountyNV.gov</u>>

Subject: Sergio Morais Hechaavarria

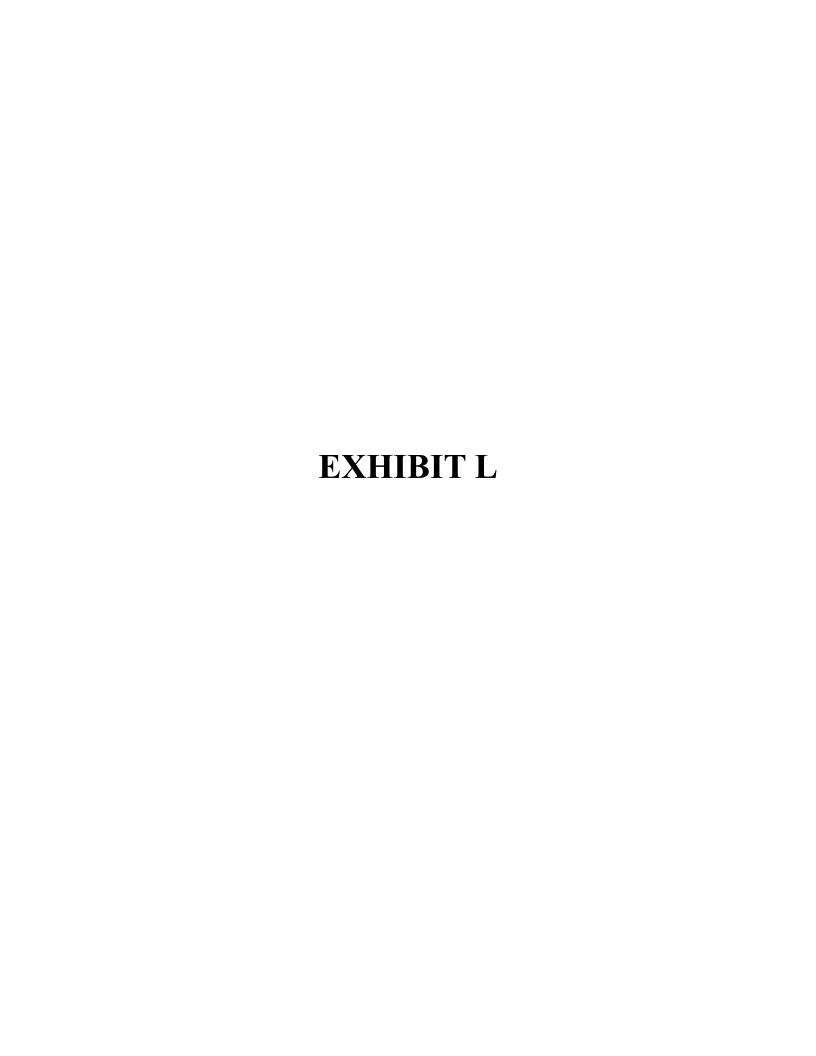
CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

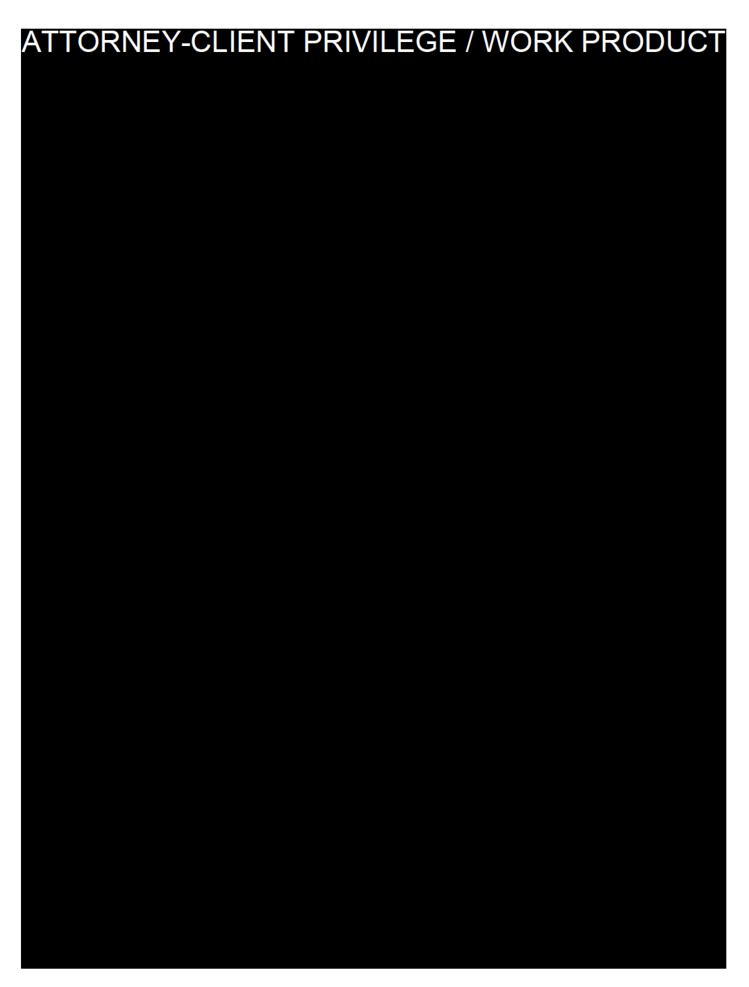
Please see above referral for Sergio Morais Hechaavarria, he is ready to go as soon as bed becomes available.

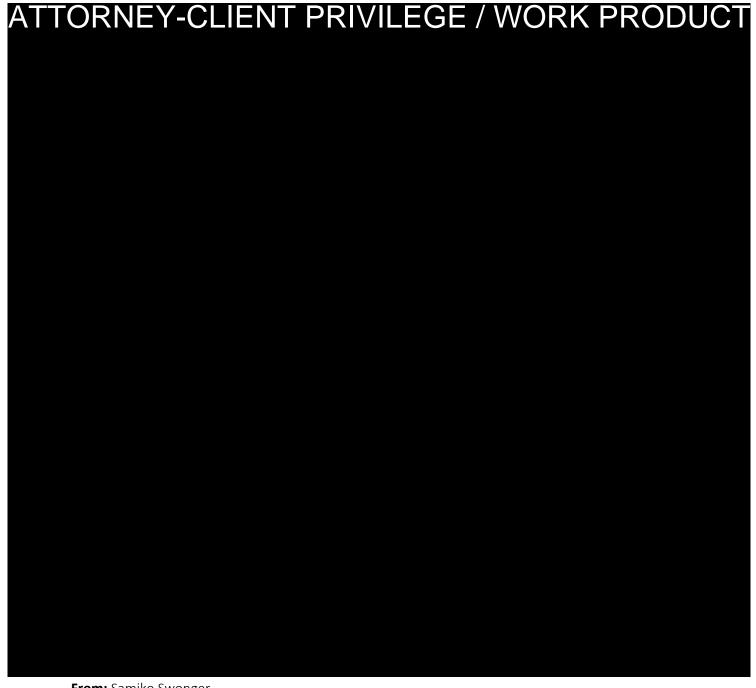
Glennie Chavez, LMSW

Social Worker

CLARK COUNTY PUBLIC DEFENDER'S OFFICE P: (702) 455 / F: (702) 383-2873
Glennie.chavez@clarkcountyNV.gov







From: Samiko Swonger

Sent: Tuesday, September 9, 2025 2:09 PM

To: Khoury, Nura < khouryn@clarkcountycourts.us>

Subject: RE: Sergio Morais-Hechavarria ID# 8332753 Case# C-25-392542-1

Thank You!

From: Khoury, Nura < khouryn@clarkcountycourts.us>

Sent: Tuesday, September 9, 2025 2:07 PM To: Samiko Swonger < <59615S@LVMPD.COM>

Subject: RE: Sergio Morais-Hechavarria ID# 8332753 Case# C-25-392542-1

You don't often get email from khouryn@clarkcountycourts.us. Learn why this is important

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Good afternoon,

This has been set for a status check for September 11, 2025 at 9:30 am.

Thank you,

Nura S. Khoury

Judicial Executive Assistant to
The Honorable Judge Tara Clark Newberry
Eighth Judicial District Court – Dept 21
Clark County – Regional Justice Center

Phone: (702) 671-4ATTOR

khouryn@clarkcountycourts.us

From: Samiko Swonger < <u>S9615S@LVMPD.COM</u>> **Sent:** Tuesday, September 9, 2025 9:09 AM

To: Khoury, Nura < khouryn@clarkcountycourts.us>

Subject: Sergio Morais-Hechavarria ID# 8332753 Case# C-25-392542-1

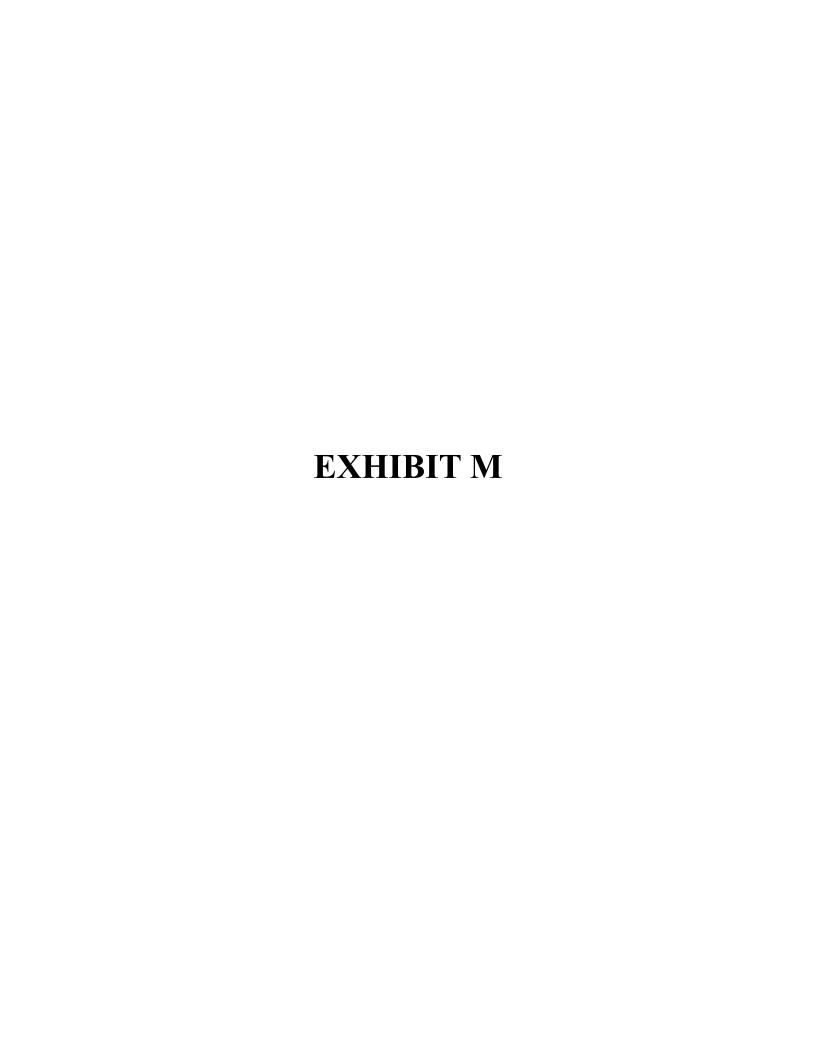
Good Morning,

The above defendant is court ordered to Inpatient Treatment, but he also has an ICE warrant which prevents from him from being transported. Is it possible to get him placed back on calendar to have this addressed?

Samiko Swonger P# 9615

Detention Transition Services Coordinator
(702)671-3

***** This electronic transmission is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original. Clark County Detention Center - Records



Electronically Filed 9/9/2025 8:09 AM Steven D. Grierson CLERK OF THE COURT

1	NANCY M. LEMCKE, PUBLIC DEFENDER	Clumb.
2	NEVADA BAR NO. 5416	
3	NEVADA BAR NO. 16465	
4	309 South Third Street, Suite 226	
5	Telephone: (702) 455-4685	
6	Nicole.Weis@clarkcountynv.gov	
7		URT
8	8 CLARK COUNTY, 1	NEVADA
9		
10)	CASE NO. C-25-392542-1
11)	DEPT. NO. XXI
12	Í	Hearing Date Requested:
13)	DATE: September 11, 2025 TIME: 9:30 a.m.
14)	111/12. 7.30 d.m.
15	5 MOTION FOR STATE	US CHECK
16		
17		• •
18		coy request a status effect for defendants
19		naners and pleadings on file herein, the
20		
21		_
22	Division day of Septemoet, 202	M. LEMCKE
23	CLARK	COUNTY PUBLIC DEFENDER
24		
25	By: /s/ i	Nicole A. Weis
26	NICO: Deput	LE A. WEIS, #16465 y Public Defender
27		
28		

DECLARATION

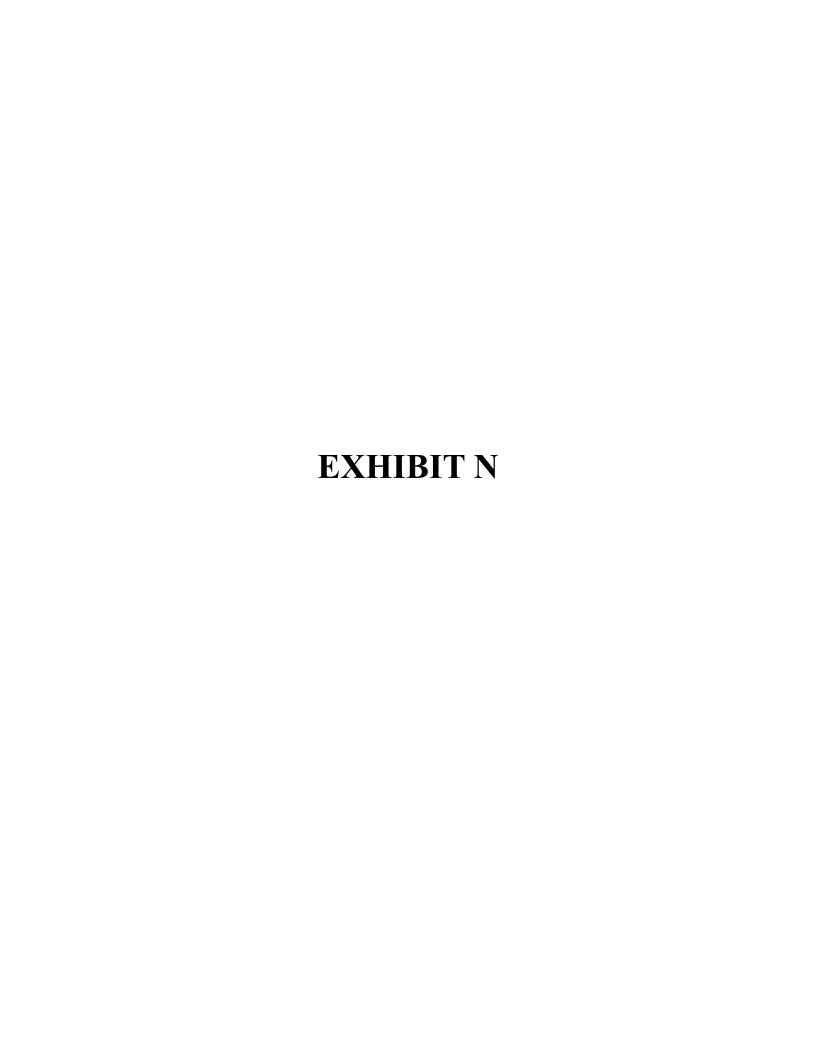
NICOLE A. WEIS makes the following declaration:

- 1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Sergio Morais-Hechavarria in the present matter;
- 2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.
- 3. Mr. Morais-Hechavarria was sentenced to probation on August 19, 2025 with the condition that he first be transported to an inpatient treatment facility.
- 4. Mr. Morais-Hechavarria requires a status check on his transport to inpatient treatment.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045). EXECUTED this 9th day of September, 2025.

/s/ Nicole A. Weis
NICOLE A. WEIS

NOTICE OF MOTION 1 2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff: 3 YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the 4 above and foregoing MOTION on for hearing before the Court on the 11th day of September, 5 2025, at 9:30 a.m. 6 DATED this 9th day of September, 2025. 7 NANCY M. LEMCKE CLARK COUNTY PUBLIC DEFENDER 8 9 By: /s/ Nicole A. Weis NICOLE A. WEIS, #16465 10 Deputy Public Defender 11 12 13 14 **CERTIFICATE OF ELECTRONIC SERVICE** 15 I hereby certify that service of the above and forgoing MOTION was served via 16 electronic e-filing Office to the Clark County District Attorney's at motions@clarkcountydanv.gov on this 9th day of September, 2025. 17 18 By: /s/ Nicole MB Walker An employee of the 19 Clark County Public Defender's Office 20 21 22 23 24 25 26 27 28



Electronically Filed 9/30/2025 3:26 PM Steven D. Grierson CLERK OF THE COUR

RTRAN 1 2 3 4 DISTRICT COURT 5 CLARK COUNTY, NEVADA 6 7 8 STATE OF NEVADA, CASE NO. C-25-392542-1 9 Plaintiff, DEPT. NO. XXI 10 VS. 11 **SERGIO MORAIS-**HECHAVARRIA, 12 Defendant. 13 BEFORE THE HONORABLE TARA CLARK NEWBERRY, 14 DISTRICT COURT JUDGE 15 THURSDAY, SEPTEMBER 11, 2025 16 RECORDER'S TRANSCRIPT OF HEARING RE: 17 **DEFENDANT'S MOTION FOR STATUS CHECK** 18 **APPEARANCES:** 19 For the State: CHASE CHRISTENSEN, ESQ. 20 **Deputy District Attorney** 21 For the Defendant: NICOLE A. WEIS, ESQ. 22 Deputy Public Defender 23 Also Present: RICHARD EVANS 24 Spanish Interpreter 25 RECORDED BY: ROBIN PAGE, COURT RECORDER

1	Las Vegas, Nevada; Thursday, September 11, 2025
2	* * * * *
3	[Proceeding commenced at 9:54 a.m.]
4	THE CLERK: C392542, State of Nevada versus Sergio
5	Morais-Hechavarria.
6	MS. WEIS: And Nicole Weis on behalf of Mr. Sergio Morais-
7	Hechavarria. He is present in custody.
8	THE COURT: Okay.
9	MR. CHRISTENSEN: Chase Christensen for the State.
10	MS. WEIS: And, Your Honor, he's present with the assistance
11	of the Spanish interpreter.
12	THE COURT: Okay.
13	Mr. Interpreter, your name, please.
14	THE SPANISH INTERPRETER: Richard Evans.
15	THE COURT: Okay.
16	MS. WEIS: And, Your Honor, I placed this on calendar for a
17	status check on inpatient. The jail has indicated that Mr. Morais-
18	Hechavarria has an ICE hold preventing him from being transported at
19	this time.
20	THE COURT: Okay.
21	MS. WEIS: My request today, and I understand that Your
22	Honor may not have jurisdiction to do this, but my request today is to
23	ask you to lift that ICE hold so that he can be transported to inpatient.
24	THE COURT: I don't have the jurisdiction to do that.
25	MS. WEIS: Understood.

1	THE COURT: Yeah.
2	MS. WEIS: Okay.
3	THE COURT: That is federal government.
4	MS. WEIS: Understood.
5	THE COURT: Okay.
6	MS. WEIS: Thank you. We'll we're going to address it
7	otherwise, but thank you.
8	THE COURT: Okay. All right.
9	MS. WEIS: Thank you so much.
10	[Proceeding concluded at 9:55 a.m.]
11	* * * * *
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my
22	ability.
23	Kotun 1 agg
24	Robin Page Court Recorder/Transcriber



DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2025

C-25-392542-1

State of Nevada

vs

Sergio Morais-Hechaavarria

September 11, 2025

9:30 AM

Motion

HEARD BY: Clark Newberry, Tara

COURTROOM: RJC Courtroom 14A

COURT CLERK: Evellene Cervantes

RECORDER: Robin Page

PARTIES Christensen, Chase

Attorney for Plaintiff

PRESENT:

Morais-Hechaavarria, Sergio Defendant State of Nevada Plaintiff

Weis, Nicole Adriana

Attorney for Defendant

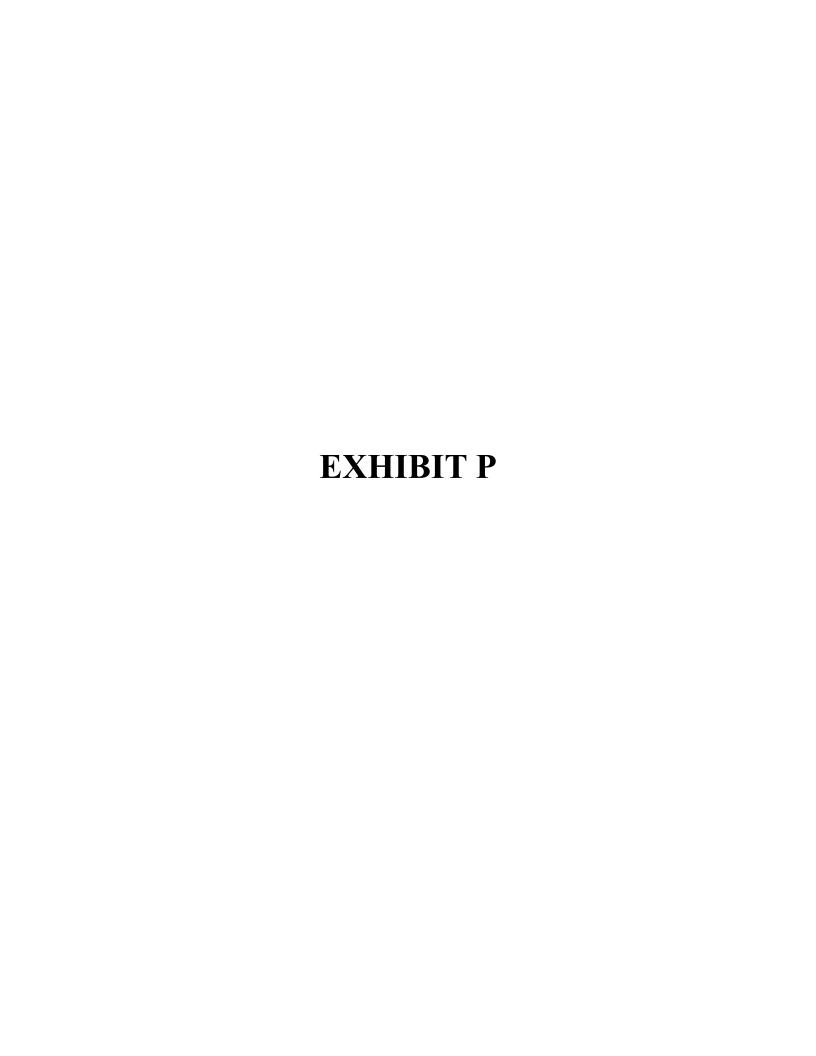
JOURNAL ENTRIES

Spanish Interpreter, Richard Evans, present.

Ms. Weis requested the Court lift the ICE hold so that the Defendant can be transported to inpatient treatment. Court advised it did not have jurisdiction.

CUSTODY

PRINT DATE: 09/22/2025 Page 1 of 1 Minutes Date: September 11, 2025



From:

Samiko Swonger

Sent:

Tuesday, October 14, 2025 4:36 PM

To:

Tammy Singletary; Gardis Canty

Subject:

RE: [EXTERNAL] FW: Sergio Morais Hechaavarria

Good Afternoon,

I am adding Mr. Morais-Hechaavarria to the list for 10/16.

From: Tammy Singletary < tammy.singletary@westcare.com>

Sent: Thursday, August 21, 2025 2:03 PM

To: Glennie Chavez < Glennie.Chavez@ClarkCountyNV.gov>; Gardis Canty < gardis.canty@westcare.com> **Cc:** Nicole Weis < Nicole.Weis@ClarkCountyNV.gov>; Samiko Swonger < S9615S@LVMPD.COM>; Amy Finley

<a13103f@LVMPD.COM>

Subject: RE: [EXTERNAL] FW: Sergio Morais Hechaavarria

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your LVMPD account credentials.

Adding Samiko and Amy to the thread so they can provide the release date.

From: Glennie Chavez < Glennie.Chavez@ClarkCountyNV.gov>

Sent: Thursday, August 21, 2025 12:17 PM

To: Tammy Singletary <tammy.singletary@westcare.com>; Gardis Canty <gardis.canty@westcare.com>

Cc: Nicole Weis < Nicole.Weis@ClarkCountyNV.gov > Subject: [EXTERNAL] FW: Sergio Morais Hechaavarria

CAUTION: This email originated from outside of WestCare. DO NOT click links or open attachments unless you were expecting the email, recognize the sender, and know the content is safe.

Referral was sent but we never got a response as to when I available. CCed is Mr. Hechavarria's attorney, and we would like to know when a bed becomes available. Thank you.

From: Glennie Chavez

Sent: Tuesday, August 19, 2025 4:51 PM

To: Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@lvmpd.com>; Samiko Swonger

<s9615s@lvmpd.com>

Cc: Nicole Weis < Nicole. Weis@ClarkCountyNV.gov>

Subject: Sergio Morais Hechaavarria

Please see above referral for Sergio Morais Hechaavarria, he is ready to go as soon as bed becomes available.

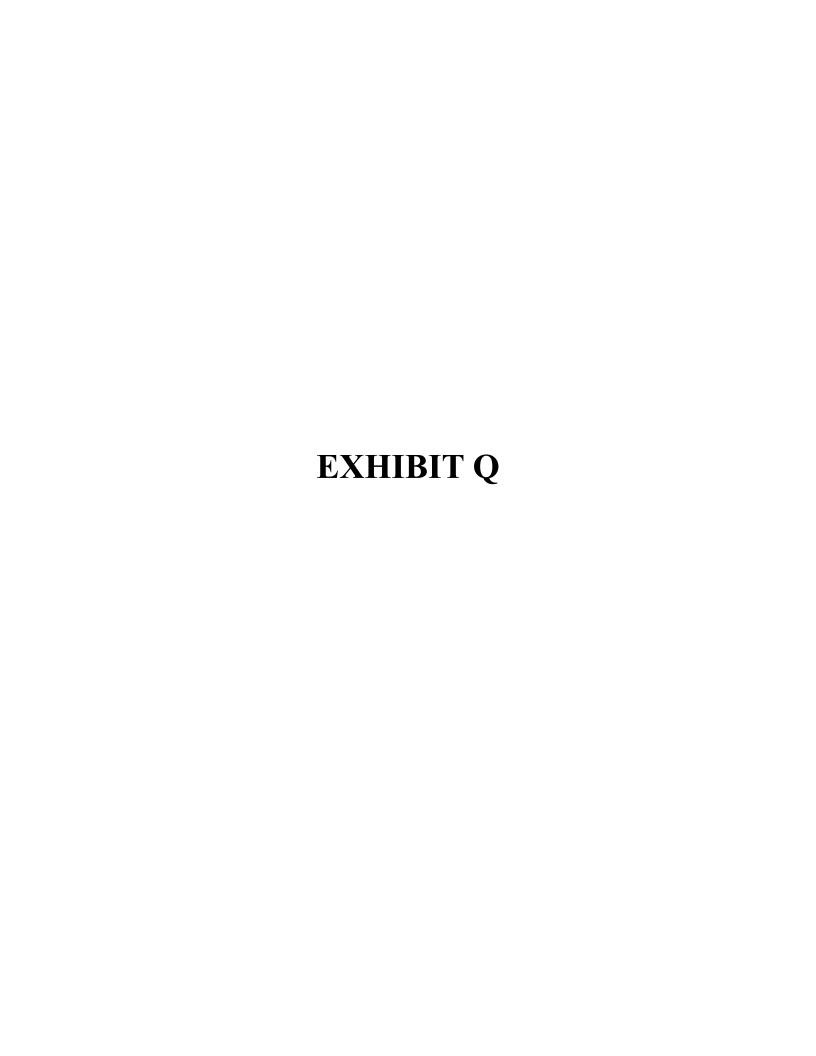
Glennie Chavez, LMSW

Social Worker

CLARK COUNTY PUBLIC DEFENDER'S OFFICE

P: (702) 455- / **F:** (702) 383-2873 Glennie.chavez@clarkcountyNV.gov

-- CONFIDENTIALITY NOTICE: This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. This communication may contain material protected by HIPAA legislation (45 CFR, Parts 160 & 164) or by 42 CFR Part 2. If you are not the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy all copies of the original message.



Samiko Swonger From:

Tuesday, October 14, 2025 4:38 PM Sent:

To: Amy Anapolsky; Amy Finley; ANGEL LASH; Courtney Martell;

Crystal.Acevedo@naphcare.com; Divinia Jackson; Dominique Carter;

EWimberly@naphcare.com; j.arabski@naphcare.com; Jlinares@naphcare.com; Josie

Bonomo; laquailor.burrell@naphcare.com; lina.hille@naphcare.com; NORMA GRIJALVA

Medication Order 10/14/25

Good Afternoon,

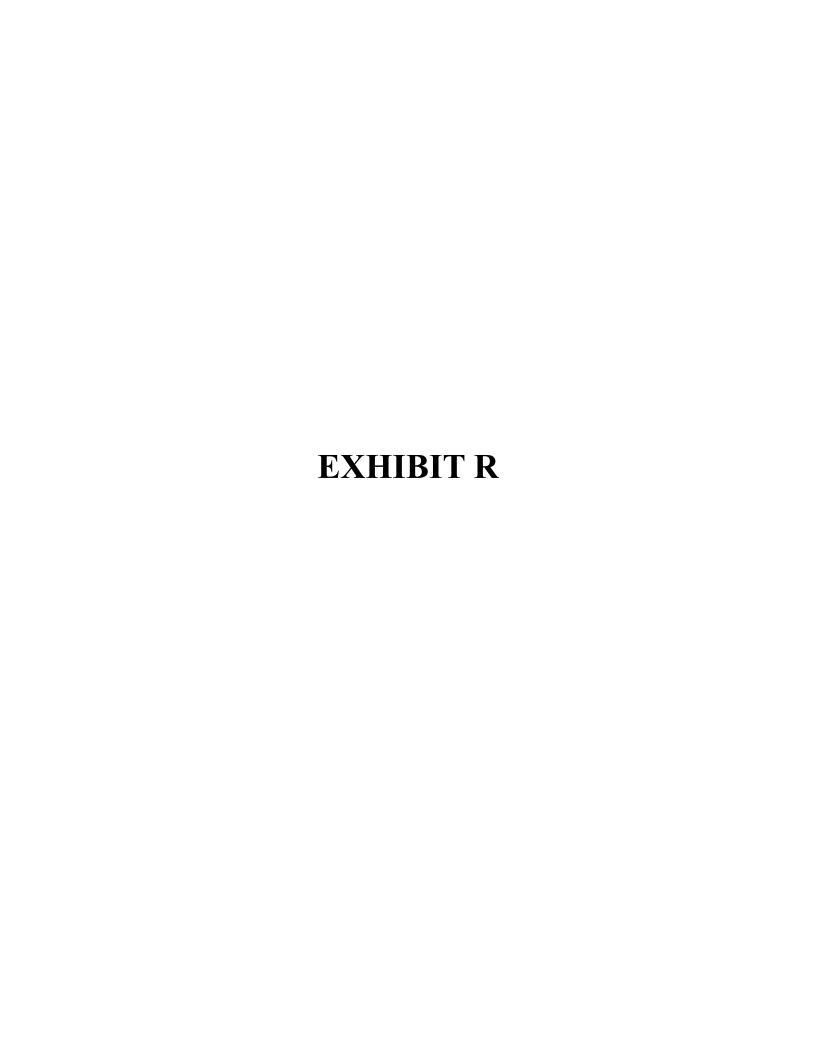
Subject:

Please order medication for the inmate(s) listed below if required.

Name	ID	DATE OF TRANSPORT	RESPONSIBLE TRANSPORTER	MEDS CONFIRMATION
Morais-Hechavarria,				
Sergio	753	10/16/25 @ 0900	Westcare	Order 10/14

Samiko Swonger P# 9615 Detention Transition Services Coordinator (702)671-

***** This electronic transmission is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original. Clark County Detention Center - Records *****



From: Sent:

To:

Samiko Swonger

Tuesday, October 14, 2025 6:35 PM

Aaron C White; akulkin; Alicia Davis; Allison Alegria; Amy Anapolsky; Amy Finley; Andrew E. Davis; Andrew J. Greenland; Andy Villagomez; ANGEL LASH; Anntonette Seeland; Ashlee Bahr; Catherine Hill; Charles Head; Cheryl Hawkes; Christopher Clifton; Courtney Martell; Daniel B. Glenn; DeJanique Williams; DENEESE PARKER; Denise Eaton; Dennis Zeemer; Divinia Jackson; Dominique Carter; DSD Court Calendars; Elizabeth Adelman; Eric Chandler; Erin Friedl; Frank Reagan; Glennie Chavez; haquilar@dps.state.nv.us; Jackie Watmore; James June; Jamie Hatfield; Jazmin Bravo-Rosas; Jeanette Velazquez; Jeannifer Anderson; Jeffrey Alvarez; Jennifer Hughes; Jenny Gratzke; Jeremy A. Geoffroy; Jlind@dps.state.nv.us; Joann Celeste; Josie Bonomo; Julianne Stepanovsky; Julius Arias; Justin T. Toranzo; Kelly Campbell; Kevin A. Smyth; Kevin Bonnell; Kevin Glover; Kimberly Padio; Kimvatta Divinity; Kourtney Campbell; Kyle Stewart; laquailor.burrell@naphcare.com; Lindsey Lee; Lisa Cole; Lori Walton; Mallory Triplett; Maria Job; Marty Lefler; Melissa Bowman; Michael VanDyke; Michelle Bruening; Nicol McNee; Nicole Christie; Nicole Pisarczyk; Patrick J. Quackenboss; Quentin J. O'Neal <qoneal@dps.state.nv.us>; Rebecca Reyes; Robert Banghart; Samantha Gowette; Schandler; Scott Brickey; Sqt P Jordan; Sharyne Suehiro; Sloane Livingston; Stacey Cramer, Stacy Ledesma; Stephen Harvey; Steven Maczka; Tamika Hawkins (TamHawkins@Wellpath.us); Tammy Singletary; Tara Chancellor; Taylor Johnson;

Subject:

Good Afternoon,

The below listed inmate(s) are pending transports; please review and confirm dates, times, and responsible transporting organization. If there are inmates, I failed to list or mistakenly altered the information please reply with the appropriate date and time. Additionally, please verify all medication requirements for the inmates listed below if this duty falls within your area of responsibility. Thank you for your time and have a great day.

Thomas L. Vernon; Tiffany Flournoy; Tina Canas-Brown

Pending Transport List 10/14/25

Name	ID	DATE OF TRANSPORT	RESPONSIBLE TRANSPORTER	MEDS CONFIRMATION
		(a)		
		(a)		_
				_
		(a)		
Morais-Hechavarria, Sergio	753	10/16/25 @ 0900	Westcare	Order 10/14
		@		



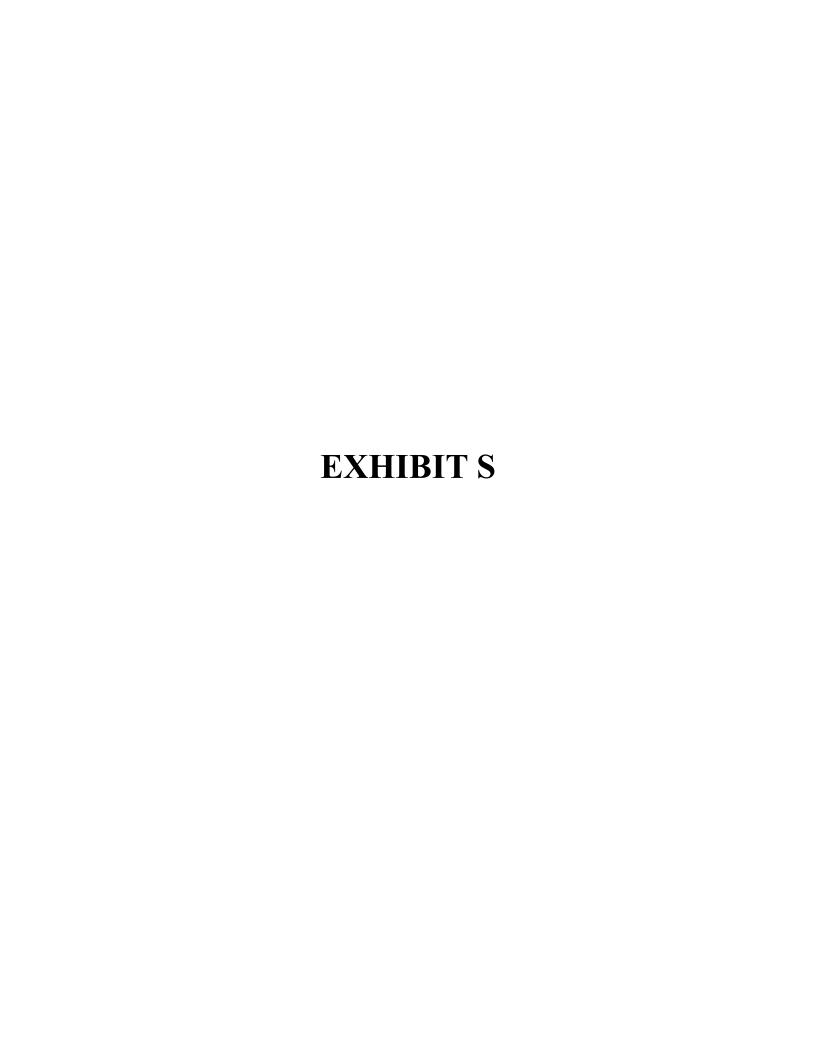
Released Inmates

Name	ID	DATE OF TRANSPORT	RESPONSIBLE TRANSPORTER	MEDS CONFIRMATION



Samiko Swonger P# 9615
Detention Transition Services Coordinator
(702)671

***** This electronic transmission is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original. Clark County Detention Center - Records *****





RE: ID 753 MORAIS-HECHAVARRIA, SERGIO

From Kelley, Matshabelly M < Matshabelly.M.Kelley@ice.dhs.gov>

Date Thu 10/16/2025 7:08 AM

To Nancy Urbina-Villanueva <N19473U@LVMPD.COM>; #ICE-ERO-Vegas-Cap Users <ICE-ERO-Vegas-CapUsers@ice.dhs.gov>

Cc DSD Records Supervisors & Seniors < DSDRecordsSupervisors@LVMPD.COM>

You don't often get email from matshabelly.m.kelley@ice.dhs.gov. Learn why this is important

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials**.

Good morning,

We can pick up at 0700 with the rest.

Thank you,

Sent with BlackBerry Work (www.blackberry.com)

From: Nancy Urbina-Villanueva < N19473U@LVMPD.COM>

Date: Thursday, Oct 16, 2025 at 6:56 AM

To: #ICE-ERO-Vegas-Cap Users < ice-ero-vegas-capusers@ice.dhs.gov>

Cc: DSD Records Supervisors & Seniors < <u>DSDRecordsSupervisors@LVMPD.COM</u>>

Subject: ID# 753 MORAIS-HECHAVARRIA, SERGIO

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click here and follow instructions.

Hello.

The above subject has an Immigration Warrant I-205 and is being processed for release.

Please advise when you would like to arrange pick up.

Thank you,

Nancy Urbina-Villanueva P#19473

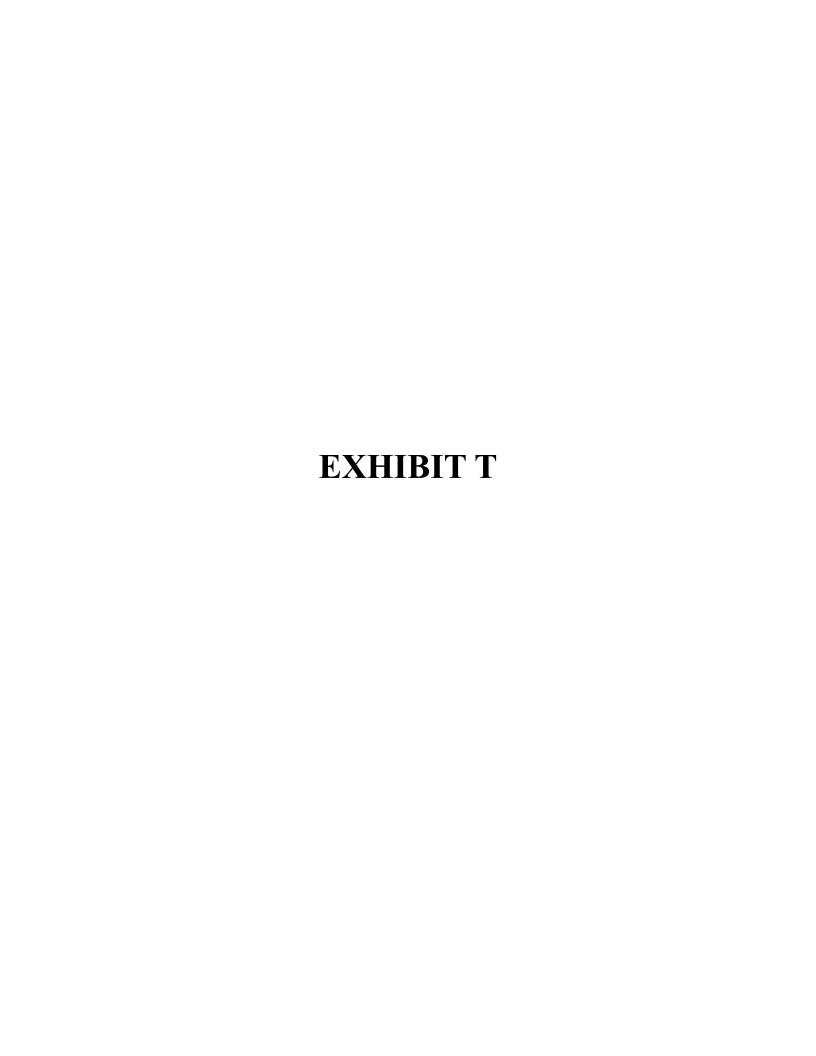
LEST DSD Records A PLT- W/HFS

Phone: (702) 671-

Email: N19473U@LVMPD.COM



This email is intended only for the person(s) indicated. The email may contain information that is privileged, confidential, law enforcement related or otherwise exempt from disclosure under applicable law. This email may not be copied, reproduced, referenced, forwarded or utilized without the express permission of the sender. The author of this email reserves any copyright privileges as granted under state and federal law. This email may contain discussions and work product as part of the deliberative process. If you are not the addressee, or it appears from the context or otherwise that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.





Nevada Governor Joe Lombardo

Statement from Governor Lombardo on the Model Immigration Policies

CARSON CITY, NV – February 26, 2025

Today, Governor Joe Lombardo released the following statement on the Model Immigration Policies released by the Office of the Attorney General.

"The Model Immigration Policies released by the Office of the Attorney General are currently under review by the Executive Branch. All affected state agencies will continue to comply with – and enforce – all applicable law.

"As the Attorney General has conceded, and as the governing statutes make clear, the Model Immigration Policies are non-binding and non-mandatory guidelines.

"Let me be clear: The Attorney General does not have the authority to make Nevada a sanctuary state or jurisdiction. As long as I am Governor, Nevada will continue to follow federal law."

###

Contact

Elizabeth Ray
Communications Director
press@gov.nv.gov

Executive Governor			
Lt. Governor			
Secretary of State			
Attorney General			
State Treasurer			
State Controller			
Legislature			
<u>Legislature Website</u>			
NELIS			
<u>Legislature Meetings</u>			
Find Your Legislator			
Nevada State Senate			
Nevada State Assembly			
Alasta			

Alerts

Amber Alerts

Consumer Affairs

Weather Alerts

211- Service Information

511 - Road Conditions

911 - Emergency Help

Text 988 - 24/7 Crisis & Support

About Nevada

Tourism Information

Economic Development

Start a Business

<u>SilverFlume - Business Portal</u>

Find a Job

Nevada Colleges & Universities









<u>Select Language</u> ▼

The Official State of Nevada Website | Copyright ©2019 State of Nevada - All Rights Reserved | Privacy Policy | ADA Technology Accessibility Guidelines | & Web Style Standards | & ADA Assistance | State ADA Website | Version 3.1