

AFFIDAVIT OF NON CONSENSUAL IN CUSTODY
BLOOD DRAW

COUNTY OF CLARK)
)§
STATE OF NEVADA)

Supreme Court No 81184

I, Baron Jones, with pure intentions, state, verify, and declare that the foregoing is true and correct to the best of my knowledge and ability. N.R.S. 53.045

1. On or about May 13, 2020, at or around 9:00 am, a deputy came to my room at the Clark County Detention Center, and informed me that I would be seeing a doctor to clear me to go to the mental health hospital next week; he showed me the order. I did not recognize any one and I asked him who several of the people were; he explained that Steven B. Wolfson, was representing the State through Glen O'Brien, his Deputy, and that Claudia Romney, Deputy Public Defender, was my counsel.
2. I found that strange that the Deputy Public Defender would represent me instead of Christie Craig, my public defender who was representing me. But it makes sense, in hindsight: because I complained about Craig, Navarro (her supervisor) and Eichapik (her supervisor), but none, not one answered or returned my ~~phone~~ ~~calls~~ and messages, there is a maxim in law.

Notice to Agent is Notice to Principal; and
Notice to Principal is Notice to Agent.

MAY 28 2020

ELIZABETH BROWN
CLERK OF DISTRICT COURT

Therefore, Romney should have been apprised of my grievances concerning the preliminary hearing still be set for April 22, 2020; N.R.S. 4.320; the erroneous probable cause evidence. Moreover, she did not say anything at all on May 8, 2020, hearing.

3. On or about May 13, 2020, at or around 1:00 pm, the deputy came back; as I explained to him earlier: there were an appeal I submitted and that I would have to respectfully decline their testing. He said they would have to take it by force; I said it does not say that in the order; and if I could speak to a Sgt.
4. Sgt. Trotter appeared and said they were going to take it by force; if I did not do it willingly; I explained to her the same thing about the appeal that was filed and that nowhere on the order does it say by force; she said that order gives her the power to take it by force. I respectfully declined again.
5. It shall be noted that I was nonconfrontational with them, and that the whole event was recorded; during the beginning of the recording I said that this was "in violation of Azarner v Justice Court, and N.R.S. 176.186" several times.
6. They strapped me to a chair; legs, arms, and waist; and proceeded to take my blood draw; however, I kept moving purposefully. One officer asked if I was afraid of needles and I said yes. Another officer tried to bend my thumb back and I said so. I was later brought down stairs to booking, to see if they had a more suitable chair to strap me to. I did not work.
7. The second time I believe there were 3 or 4 officers again. One for my legs, one for my right arm, and one who put his elbow in my upper back and held my head at an immovable angle, a acute angle (the upper part of my back still slightly aches). I tried in vain not to let them take my property (my blood), but they were eventually successful and transported me back to my room. I felt violated.

* Jones called Craig's client Social worker, Grace Viano and left a message to remind my ROJ on 4/29/20

1. I said appeals, motions, whatever; because I know they would not understand or take me serious if I explained my legal remedies I pursued. I called Claudia Romney on 5/19/20 to have her file motions on my behalf (I doubt she will)

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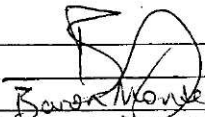
8. A blood draw is a search that is governed by the Fourth Amendment to the United States Constitution and prohibits against unreasonable searches and seizures. Thus a warrant or a recognized exception to the warrant requirement is necessary to justify a blood draw. See *Byars v. State*, 170 Nev. 848, 852, 336 P.3d 838, 849 (2014). It is unconstitutional for police officers to do it. *Id.* Also, in the context of defining lawful custody or confinement under N.R.S. 200.481, we noted that a person has no power when one is held in custody under process of law or under lawful arrest. *Id.*, see also, N.R.S. 200.481, (1d) (Battley, J. (Ret.)).

9. In addition, a municipal court judge lacks authority under current law to order Jones to submit to blood test to detect the presence of HIV-1993 Nev. A.C. COM. 142 (1993)?

AFFIANT FURTHER SAITH NOT

Respectfully
May 18, 2020.
Dated

Signed under penalty of
Perjury


Brandon Montero Jones
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2. A sidenote: I disclosed to both doctors, Daniel T. Malatesta and John Paglini, licensed and practicing psychologists and or psychiatrists in the state of Nevada, about the probable cause and N.R.S. 4.320; one of them said I am being discharged (that never occurred).

Also, I never recieved a copy of their final report; Case No. C-20-347963-1, Dep't VII.
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