

STATE OF New Mexico
County OF Guadalupe
4th Judicial district

Jason White

Vs

CASE# _____

Warden
David Gonzalez

Petition for Writ of Habeas

Come now Jason White #86663 Pro-se filing this Petition for writ of Habeas due to his confinement is base UNLAWFUL in violation of his STATE AND federal Constitution.

- 1) ON MAY 20 2019 the Petitioner was sent out of state to New Mexico Correction Department from Tennessee Department through the inter-state Compact Agreement.
- 2) The Petitioner is currently fighting a Post-conviction Proceeding in the STATE of Tennessee case # 17-01568 Pro-se with Judge Robert B. Carter Jr sign Pro-se documents (see Attach "A" legal documents)
- 3) The New Mexico Correction Department does not provide OUT-OF-STATE Inmate any kind of Tennessee Law, status, or any other kind of legal Assissions.

4) Petitioner further states that his Legal mail from the Courts are being held up at the hands of the New Mexico Correction Department over a month before given it to the Petitioner (see attach copy of envelope Post mark January-10-22 Appendix "B") Also (see attach N.M.C.D incoming Legal mail $\hat{=}$ Privileged Correspondence Log sign showing Date receive February ~~7-22~~ Appendix "C") 28 days later.

5) Petitioner states on 12/20/21 Tennessee Appellate Courts deny his Accelerated interlocutory Appeal file against his Judge case number W2021-01473-CCA-T10B-CO this was deny due to it was file untimely and not within the 21 days set out by the Rule of the Tenn. Sup. Ct. R 10B, $\hat{=}$ 1.01. (see attach "Case Disposition Decision" Appendix "D")

6) The Petitioner states that it would be Logically impossible for anyone to defend, ~~or~~ argue, or reach dead lines in any kind of litigation when the state can use the inter-state compact to have a person removed to a whole different state that has no way to study or find any status laws that could help assist. *McKaskle v. Wiggins*, 465 U.S. 168, 174, 104 S.Ct. 944, 79 L.Ed.2d (1984) A pro-se defendant must be allowed to control the organization and content of his own defense, to make motions, to argue points of law, to participate in voir dire, to question witnesses, and to ~~address~~ address the courts and jury at appropriate points in the trial. The appointment of standby counsel does not violate the Sixth Amendment. The denial of right to proceed pro-se is either respected or denied and not subject to harmless error analysis but requires reversal per-se. Here the courts could not deny my rights to pro-se under the fact that I had personally

~~had~~ demonstrated my ability to represent myself during my sentence, motion for new trial, as well as my direct appeals (see STATE vs. Jason White W2018-00329-CCA-R3-CD).

1 The Petitioner states under his birth right as a citizen of this United States provides under the 14th Amendment that ~~no~~ a person shall not be deprived of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. It is clear the Petitioner is ~~being~~ being denied his opportunity to access the courts, laws and status in order to defend himself at the hands of the New Mexico Correction Department.

1 The Petitioner can also demonstrate to the courts that Guadalupe County Correctional Facility is not the only New Mexico institution that has interfered or delayed my ability to defend or cause me to be untimely. Northeastern New Mexico Correctional Facility also stops my privileged communication with my private investigator (see file inmate grievance by petitioner in February 19, 21 appendix E). This shows a pattern of New Mexico Department behavior and its interference with the petitioner's ability to access the courts set by the rules of courts, within a timely matter.

WHEREFORE: Petitioner respectfully moves this court to have New Mexico Department to have petitioner sent back to the STATE OF Tennessee Department for

His Appeals or that the New Mexico Department
to provide Petitioner with all Access to what
He would be able to Access in the Tennessee
Department.

This 28 day of March 2022

Jason White

Jason White 86663

Pro-se

G.C.C.F

P.O. Box 520

Santa Rosa, NM. 88435

"A Request for electronic service"

Petitioner Request if the Court could
Please serve this Petition for writ of
Habeas on the following people.

Warden DAVID Gonzalez
G.C.C.F

Attorney General Hector BALDERAS

Jason White
Jason White. 866663
Pro-se

ANGIE DEMPSEY
CHIEF DEPUTY CLERK
APPELLATE COURTS, WESTERN DIVISION
P.O. BOX 909
JACKSON, TN 38302-0909

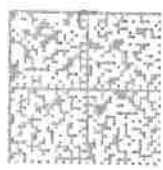
cc: Jason L. White
Andrew Craio Conlam

88495-552020



fold 1

MEMPHIS TN 380
10 JAN 2022 PM 2



US POSTAGE and OTHER FEES

ZIP 38301 \$ **000.53**⁰
02 4M
0000379760 JAN 10 2022



NEW MEXICO CORRECTIONS DEPARTMENT

PNM-5
Cabinet Secretary
Alisha Tafoya Lucero

4337 State Road 14, Santa Fe, NM 87508 - PO Box 27116, Santa Fe, NM 87502-0116
Phone: 505.827.8645 Fax: 505.827.8593 cd.nm.gov

Jason White #86663
NENMCF
Grievance Appeal 21-02-09

Resolved

This is in response to your grievance appeal you filed claiming that NENMCF staff is not allowing you legal access to speak to a private investigator. You are requesting to be allowed to speak to a private investigator, that the facility pay your private investigator for her time and not be retaliated against as relief.

The initial investigation indicates you were informed of the results by the grievance officer of the investigation in regards to the issues noted. The grievance officer response is correct in the decision to you.

We are in agreement with the decision and your grievance has failed to provide any additional evidence to support your claim; therefore, this grievance appeal is resolved. Your relief requested for the facility to pay an investigator that you hired is denied.

You exhausted your administrative remedies.



Gary Maciel, Director of Adult Prisons

3-23-21
Date

New Mexico Corrections Department

This was return to me on ~~the~~ 2-19-21 not the date given below

PLACE IN mail box ON 2-19-21

Form CD-150501.1
Revised 07/12/17 Page 2

NEW MEXICO CORRECTIONS DEPARTMENT
INMATE GRIEVANCE

Grievance File #: 21-02-09
White, Jason #86663

STEP 3- Grievance Investigation and Recommendation:

1. Witness Statement:
2. Witness Statement:
3. Grievance Officer Investigation Results and Recommendation

Based on the response received today from Legal Counsel, your request to contact Private Investigator, Dana Young, via privileged Attorney Calls, is now granted. This Grievance is considered resolved.

Crystal Rivera
Grievance Officer's Signature

2/11/21
Date

STEP 4 - Decision of Warden/Designee: Date received by Grievance Officer: 2/15/21

Denied () Granted () Dismissed () Resolved () Referred ()
Per legal counsel this is now considered resolved

Signature: [Signature] Date: 2-15-21

Date Returned to Inmate: 2/15/21

STEP 5 - Departmental Appeal: (Return grievance to Grievance Officer for processing.)

A. Reason for appeal: (See Attachment)

Inmate's Signature Jason White Date 2-19-21

Date Received by Grievance Officer: 3/1/21
Date Sent to Grievance Coordinator: 3/1/21

B. Department Decision:

Cabinet Secretary / Designee Date: _____

Inmate Jason White # 81663 Grievance was only Resolved through thier own perspective by the Institution. The action taken by the Institution/Warden Hatch was never Justifiable in the first place. The action only hinder the Inmate from being able to further pursue what is written in stone by his Constitutional Right. The Inmate's Relief Requested was not only to be allow to speake with Ms. Young but for someone to be held responsible to pay for the time that was taken during this unnecessary delay. This was not the inmate responsibility nor shall the Inmate be held financially Responsible. When the Institution in no way could find any justification why the Privileged Communication was terminated in the first place. It took the Inmate and his Private Investigator over a month filen paper work, making phone calls in order to regain communication. Due to the Institution/Warden Hatch, someone shall be held responsible for thier own action. Ms. Young Contract is A 100th a hour and it should not be the Inmate responsibility to pay, but the Institution or Warden Hatch.

Place in mail Box 1-24-21
RECEIVED
FEB 01 2021

Form CD-150501.1
(page #1)

INMATE GRIEVANCE

BY: cfj
Inmate's Name: Jason White NMCD#: 86663 Grievance File #: NE 21-02-09
~~21-04-133~~

Institution: NEWMCIF Housing Unit: 2B-216 Date of Incident: 1-8-21

Date Received by Grievance Officer: 2/1/21

Grievance Officer's Signature: cfj

INSTRUCTIONS: It is expected that problems be resolved in an informal manner. Please read policy/procedure CD-150500 before filing a grievance. Your grievance must be typed or clearly written so as to be readable after photocopying. The grievance must be filed with the Institutional Grievance Officer to be valid. Copies sent elsewhere will be considered informational copies only, not requiring a response.

STEP 1 - Grievance: Include documentation and names of any witnesses to support your claim. For your grievance to be accepted, you must state the relief requested. Use additional pages, if necessary.

(see Attachments)

Inmate's Signature: Jason White Date: 1-23-21

Relief Requested: 1) Be allow to continue to pursue my legal access by being allowed to speak with private investigator through Privilege Communication.
2) That this institution or someone from this institution to pay my private investigator for her time.
3) No kind of retaliation against me due to this Grievance

STEP 2 - To Be Completed by the Grievance Officer:

- A. Your grievance is **accepted** for consideration.
- B. Your grievance is **being returned** to you because of the following reason:
 - 1. The grievance is not readable.
 - 2. The matter has been answered in previous grievance #: _____
 - 3. The grievance concerns material not grievous under present policy.
 - 4. The grievance is a group grievance or petition. (Submit individually.)
 - 5. The grievance is not timely.
 - 6. Other Specify: _____

Grievance Officer's Signature: cfj Date: 2/1/21

The informal Complaint did NOT Resolve " the issue due to the very fact's Warden Hatch still fail to give ANY justification why my Communication was Terminated, When Policy CD-12100 (N.) Privileged Correspondence; Any Correspondence • Recognized Agencies that provide legal assistance.

The Warden Hatch & Ms Frazier is Violating the Inmate Constitutional right as well as a Court order by which the Honorable Judge Robert B. Carter Jr. order the Inmate to represent himself in his past-conviction in the State of Tennessee. This institution has no right to stand in the way of any person pursuit in his legal defence. The Inmate legal defence isn't free and because of the Warden Hatch action is causing the Inmate to enable himself from paying his private investigator. Warden Hatch has even deny the Inmate to speak with his elbow counsel Shae Atkinson, I have e-mail where Mr. Atkinson stated to my mother Kimbly Underwood this institution had deny him to speak with Inmate Jason White, further any more Ms DANA Young and my mother has e-mail from Ms. Frazier about the Inmate speaking to his private investigator. There is no justification other than Inmate Jason White is being single out by Warden Hatch, This is clearly Abuse of his Authority. It has been pointed out in the informal that Inmate Jason White did speak with Ms. Young on Dec. 14, Dec 21 and Dec. 30.20 by Mr. Coyer and Ms. Truillo. Ms. Frazier has been given all records on the Court-order by my Judge and document's by Ms. Young (Private Investigator). Warden Hatch

* Action is clearly in concern of people trying to pursue law-suit against him due to the very facts Ms. Dana Young is also involve with another inmate that was house at this institution that was in his own pursuit in a ~~criminal~~ civil action against warden Hatch as well as other staff at this institution. This would explain why warden Hatch wanted Ms Young to provide documents in how she was helping me. Ms. Young assist would had nothing to do with any lawsuit until he decided to violate my own constitutional rights. "MILTON V. MORRIS 767 F.2d 1443, 1446-47 (9th Cir 1985): A defendant's due process was violated when state unjustifiably hindered self-representation by denying defendant meaningful access to telephone or current research materials..."

U. Rivera

NEW MEXICO CORRECTIONS DEPARTMENT

INMATE INFORMAL COMPLAINT

Inmate Name: Jason White NMCD#: 86663

Facility: NENMCF HU/Cell #: 3-A-105 Date of Incident: 1-8-21

Name of subject or person to whom the complaint was filed against: WARDEN HATCH, MS. FRAZIER

Explain your complaint in detail: On the date above, I Inmate Jason White WAS verbally inform by Ms. Frazier that Warden Hatch has decided NOT to allow me to speak with my private investigator. I have been Allowed on Dec 14, Dec 21, Dec 30 2020 to speak with my private investigator via-phone throw case-worker Ms Cryer, & Ms Trujillo. (see attach for further explanation.)
Inmate Signature: Jason White Date: 1-8-21

Unit Manager/Chief of Security/Designee
Date Received: 1/17/21

I, MMF have reviewed the above informal complaint and
Unit Manager/Chief of Security/Designee
Recommend: Resolution Recommend formal grievance

Explain: the investigators calls are under review from the legal department.

Staff Member: MMF, MCA Date: 1/17/21
Print / Sign

Acknowledged by the signatures below, this informal complaint is: Resolved Unresolved

Unit Mgr/Chief of Security/Designee: _____ Date: _____
Print / Sign

Staff Witness: _____ Date: _____
Print / Sign

Inmate: _____ Date: _____
Print / Sign

If this informal complaint could not be resolved, the inmate may pursue a formal grievance within 5 working days of the date of resolution.

At time of resolution-the inmate must be given a copy of the completed copy of the Informal Complaint

Inmate must attach this document if the formal grievance is to be submitted.

The Action taken by Warden Hatch would be in direct violation of the Inmate Constitutional Rights, this would further be in direct violation of the New Mexico Correction Department Policy CD-12100 Title Legal Access. Ms Frazier also stated Ms Dana Young would have to provide document to show what case that she is assisting me on, this would be in direct violation under the legal terms of contract due to the confidentiality. Ms Young only has to prove to the Institution that she is a License Private Investigator. This Institution is already fully aware of Ms Young certification, due to the fact I have already spoken with her on previous date's given above. So Warden Hatch decision to terminate my communication with my Private Investigator without any justification would show his deep rooted dislike toward me. His action is depriving me my rights to self-representation under the 6th Amendment rights as well as my 14th Amendment rights to due process. The Inmate has the right to hire any Attorney or other License Agencies to assist him in, his legal defence. No person employed by the institution shall be allowed to discriminate against someone who is confined in that institution including the Warden... I would like Warden Hatch to put in writing his decision and justification of his action and how in anyway my communication with my private investigator would "interfer" with the safety or the "security" of this institution... I have legal document to show, I have an open case and I have dead ends to meet...