

IN THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

SUMMARY AND SUGGESTION OF NO ORAL ARGUMENT

At the request of the U.S. Immigration and Naturalization Service (INS), an officer of the Scottsbluff, Nebraska, Police Department arrested Ramon Villa-Velazquez

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United States v. Guzman

JURISDICTIONAL STATEMENT

I. WHETHER NEBRASKA LAW ALLOWS LOCAL LAW ENFORCEMENT OFFICIALS TO ENFORCE THE

On February 22, 2001, Villa appeared before a magistrate judge and was

STATEMENT OF THE FACTS

At the Suppression Hearing, Sergeant Ferguson, (hereafter Ferguson),
testified

conversation,

talking on the telephone. (Tr. 16:24-17:1). Miss Lara shut the door and Ferguson waited outside the residence at the front door. (Tr. 17:5-6).

While waiting at the front door, Ferguson thought he heard a noise at the back of the residence and thought Villa might be fleeing from the back of the residence. (Tr. 17:25-18:3). Ferguson walked to the corner of the residence but saw nothing unusual and returned to the front door. (Tr. p. 18:2-4).

When Ferguson returned to the front door, Miss Lara w7r(waiting at the fnd ropen25 -3

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SUMMARY OF THE ARGUMENT

Common law allows local law enforcement officials to enforce federal law, including federal immigration laws. This authority is also part of Nebraska's statutory law, which grants local law enforcement officers authority to arrest any individual believed to have committed a felony. Because the local law enforcement official who arrested Villa had personal knowledge of Villa's identity based upon a previous

ARGUMENT

I. LOCAL LAW ENFORCEMENT OFFICIALS CAN ENFORCE FEDERAL STATUTES

A. Standard of Review

This Court should conduct a de novo review of the district court's application of the law to the facts in a suppression order. United States v. Tavares, 223 F.3d 911, 914 (8th Cir. 2000)(Tj 2485llo review de novoae district court's

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Title 8, United States Code, Section 1252c provides:

(a) In general

Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States; and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction0 unt nsly afted

~~State law enforcement officials~~

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common law

offense.”

Villa's identity, Agent Dear's request to detain him and his reasonable belief Villa was in the United States illegally.

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**II. THE DISTRICT COURT PROPERLY DENIED THE
DEFENDANT'S MOTION TO SUPPRESS EVIDENCE OF HISI**

In New York v. Harris,

Villa's arguments that Ferguson lacked probable cause and authority to arrest

Additionally, *Tf 0 Tc 0 TwCla* relies on this Circuit's ruling in *633 286.5*

CONCLUSION

For

CERTIFICATION OF DISKETTE

Pursuant to Rule 28A(d) of the Eighth Circuit Rules of Appellate Procedure,
Id) ofure,

DANIEL A. MORRIS
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