

1 **THE SUPREME COURT OF NEVADA**

2 KIRSTIN BLAISE LOBATO,

CASE NO.: 58913

Electronically Filed
Jun 04 2013 11:09 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

3
4 Appellant,

v.

5 THE STATE OF NEVADA,

6
7 Respondent.

8
9 **MOTION TO ASSOCIATE COUNSEL**

10 COMES NOW the Appellant, KIRSTIN BLAISE LOBATO, by and through her
11 attorney, PHUNG H. JEFFERSON, ESQ., and moves this Honorable Court for an order
12 permitting JBEDIAKU AFOH-MANIN, ESQ. to practice in Nevada pursuant to Nevada
13 Supreme Court Rule 42 (SCR 42). This Motion is supported by the attached "Verified
14 Application of Association of Counsel" (Exhibit A), "Certificate/s of Good Standing" from New
15 York (Exhibit B), Appellant's "Conditional Substitution of Counsel" (Exhibit C) and the State
16 Bar of Nevada Statement (Exhibit D).

17 DATED this 3rd day of June, 2013.

18 Submitted by,

19 LAW OFFICE OF PHUNG H. JEFFERSON, P.C.

20
21 By: /s/ Phung H. Jefferson, Esq.
22 PHUNG H. JEFFERSON, ESQ.
23 Attorney for Appellant
24 Nevada Bar Number 007761
25 1448 E. Charleston Blvd.
26 Las Vegas, Nevada 89104

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28 ...

NOTICE OF MOTION

TO: ALL INTERESTED PARTIES; and

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that Appellant, KIRSTIN BLAISE LOBATO will bring the foregoing Motion to Associate Counsel on the _____ day of _____, 2013, at the hour of _____.m., in the above entitled Court.

DATED this 3rd day of June, 2013.

LAW OFFICE OF PHUNG H. JEFFERSON, P.C.

By: /s/ Phung H. Jefferson, Esq.
PHUNG H. JEFFERSON, ESQ.
Attorney for Appellant
Nevada Bar Number 007761
1448 E. Charleston Blvd.
Las Vegas, Nevada 89104

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of Phung H. Jefferson, Esq., A
3 Professional Corporation., and that on the 3rd day of June, 2013, a true and correct copy
4 of the foregoing MOTION TO ASSOCIATE COUNSEL was served via facsimile, upon
5 the following:

6
7 Steven B. Wolfson
8 Clark County District Attorney
9 200 Lewis Avenue
10 Las Vegas, NV 89155-2212

11 Catherine Cortez Masto
12 Attorney General
13 555 E. Washington Avenue, Suite 3900
14 Las Vegas, Nevada 89101

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/s/ Edna Ballesteros _____
An Employee of Phung Jefferson

EXHIBIT "A"

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRSTIN BLAISE LOBATO) No. 58913
)
v.) VERIFIED APPLICATION FOR
) ASSOCIATION OF COUNSEL UNDER
THE STATE OF NEVADA) NEVADA SUPREME COURT RULE 42
)
)
_____)

J BEDIAKU AFOH-MANIN _____, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 953 PARK PLACE _____
Street Address

BROOKLYN _____, KINGS _____, NY _____
City County State

11213 _____, (917) 270-6321 _____
Zip Code Telephone

2. Petitioner is an attorney at law and a member of the law firm of

PRIVATE PRACTICE _____

with offices at 953 PARK PLACE #1R _____
Street Address

BROOKLYN _____, KINGS _____, NY _____
City County State

11213 _____, (917) 270-6321 _____ AFREEKA1@HOTMAIL.COM
Zip Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by KIRSTIN BLAISE LOBATO to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since FEB of 2007, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of NEW YORK where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

N/A

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: NO

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: NO

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: NO

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>N/A</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

PHUNG H. JEFFERSON 7761
First Name Middle Name Last Name NV Bar #

who has offices at LAW OFFICES OF PHUNG H. JEFFERSON
Firm Name/Company

1448 E. CHARLSTON BLVD., LAS VEGAS CLARK
Street Address City County

89104, (702) 382-4061
Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME MAILING ADDRESS

PLEASE SEE ATTACHED EXHIBIT.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, J. BEDIAKU AFOH MANIN, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

That I am the Petitioner in the above entitled matter; that I have read the foregoing and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 4th day of April, 2013

J.B AFOH-Manin
Petitioner/Affiant

If this signature is not in blue ink, you have a copy.

STATE OF New York)
) ss
COUNTY OF Kings)

Subscribed and sworn to before me

this 4th day of April, 2013

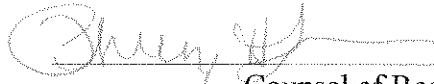
Gweneth Lester Morrison
Notary Public

GWENETH LESTER MORRISON
Notary Public, State of New York
No. 01M98229956
Qualified in King County
Commission Expires August 27, 2014

I Phung Horton Jefferson hereby consent as Nevada Counsel of Record to the
Print NV Counsel name

designation of Petitioner to associate in this cause pursuant to SCR 42.

DATED this 14 day of May, 2013



Counsel of Record

If this signature is not in blue ink, you have a copy.

STATE OF NEVADA)
COUNTY OF CLARK) ss

Subscribed and sworn to before me

this 14th day of May, 2013

Notary Public

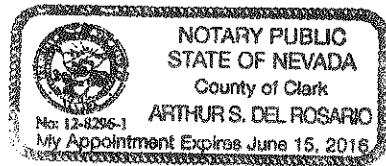


EXHIBIT "B"

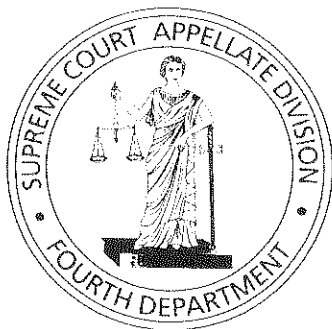
**SUPREME COURT OF
THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT
ROCHESTER, NEW YORK**

I, ALAN L. ROSS, Deputy Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, State of New York, do hereby certify that

J. Bediaku Afoh Manin

*was duly admitted to practice as an attorney and counselor at law in all courts of this state by this Court on **February 22, 2007**, and appears in good standing upon the roll of attorneys and counselors, and other records, in this office and has registered with the administrative office of the Courts as required by Judiciary Law §468-a.*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Court, at the City of Rochester, April 30, 2013.



Alan L. Ross

Deputy Clerk of the Court

EXHIBIT "C"

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRSTIN BLAISE LOBATO,

Appellant,

vs.

THE STATE OF NEVADA,

} Case No. 58913
}
}
}
}

Respondent.

CONDITIONAL SUBSTITUTION OF COUNSEL

COMES NOW, the Appellant KIRSTIN BLAISE LOBATO, and conditioned upon this Court granting approval of the Application for Association of Counsel Pursuant to SCR 42 by J. Bediaku Afoh-Manin, Ms. Lobato consents to the substitution of Mr. Afoh-Manin in the place and stead of Travis Barrick as her counsel.

Dated this 21 day of December, 2012.



KIRSTIN BLAISE LOBATO
Kirstin Lobato 95558
FMWCC
4370 Smiley Road
Las Vegas, Nevada 89115-1808

EXHIBIT "D"

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 58913

5
6 Kirstin Blaise Lobato

7 vs.

8 The State of Nevada
9 _____/

10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
11 42 (3) (b)

12
13 THE STATE BAR OF NEVADA, in response to the application of
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 **SCR42(6) Discretion.** The granting or denial of a motion to associate
16 counsel pursuant to this rule by the court is discretionary. The
17 court, arbitrator, mediator, or administrative or governmental
18 hearing officer may revoke the authority of the person permitted to
19 appear under this rule. Absent special circumstances, repeated
20 appearances by any person or firm of attorneys pursuant to this rule
21 shall be cause for denial of the motion to associate such person.

22 (a) **Limitation.** It shall be presumed, absent special
23 circumstances, and only upon showing of good cause, that
24 more than 5 appearances by any attorney granted under
25 this rule in a 3-year period is excessive use of this
26 rule.

27 (b) **Burden on applicant.** The applicant shall have the
28 burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

1. DATE OF APPLICATION: 5/14/2013

2. APPLYING ATTORNEY: J. Bediaku Afoh-Manin, Esq.


3. FIRM NAME AND ADDRESS: 953 Park Place, #1R, Brooklyn, NY 11213

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4. NEVADA COUNSEL OF RECORD: Phung H. Jefferson, Esq., The Law Office of Phung Jefferson, P.C., 1448 E. Charleston Blvd., Las Vegas, NV 89104

5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this May 21, 2013


Mary Jorgensen
Mary Jorgensen
Member Services Manager
Pro Hac Vice Processor
STATE BAR OF NEVADA