

1 IN THE Supreme Court of The State of Nevada

2
3
4
5 JEMAR MATTHEWS
6 PETITIONER

VS

7 THE STATE OF NEVADA
8 RESPONDENT

No. 62241

Case no. C-228460

DEPT NO: 18

PROPER PERSON
RECEIVED/ENTERED

DEC 26 2012

9
10 Motion For Appointment
11 of Counsel on Appeal From
12 Post-Conviction Writ of
13 Habeas Corpus & Evidentiary
14 Proceedings...

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

15
16
17 Comes now the Petitioner, Jemar Matthews in
18 proper per with the assistance of a Legal Assistance
19 (Jail House Lawyer) and hereby motions this court to
20 "Appoint Counsel on Appeal From Post-Conviction"
21 (Writ of Habeas Corpus & Evidentiary Proceeding....)

22 This Motion is made and based upon the
23 attached memorandum of authorities, all paper and pleading
24 on file herein and any arguments allowed by the court
25 at time of the hearing...

26
27 RECEIVED

28 DEC 24 2012

29 TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
CHIEF DEPUTY CLERK

Dated this day 18th of December 2012

12-40766

Memorandum of Points and Authorities

Statement of Facts.

The action commenced by Petitioner Jemar Matthews in State Custody pursuant to Chapter 34 et seq. Petitioner petition for "Post-Conviction Relief via Writ of Habeas Corpus" on December 14, 2010. The court appointed "Luke Ciciliano" on Jan 15, 2010. Mr. Ciciliano for unknown reason discontinued practicing Law. Mr. Ciciliano nor the "Court's" advised petitioner of this fact. Petitioner with the assistance of legal Assistance (Jail House Lawyer) filed a motion for Appointment of Counsel on Jan 13, 2012. The court then appointed Carmine J. Colucci on Feb 6, 2012. On July 9, 2012 Mr. Colucci filed a supplemental Petition Writ of Habeas Corpus (Post Conviction). The state filed a response on September 10, 2012 and Evidentiary Hearing was held on October 12, 2012. (The Petitioner was present for this hearing)

At the conclusion of the said hearing the Petitioner's Writ of habeas Corpus was denied and a Find of facts was filed Nov 13, 2012. The court made the following findings of facts and conclusion of Law: 1) (see Exhibit 2)

"Finding of fact. Conclusions of Law and Order"

Nov. 19, 2012 a hearing was held, (note: (Petitioner not present.) before the court Mr. Colucci advised all that has been worked out with the state. Further Mr. Colucci stated that "the Petitioner needs new counsel and "not him".

1 Mr. Colucci did not file a written "motion to withdraw"

2 Nor did Mr. Colucci inform the Petitioner of his "last minute" desire

3 to withdraw from the case. Previously noted the Petitioner was not

4 present for such hearing nor was he informed prior to the hearing

5 that a hearing would be held concerning counsel withdrawal.

7 Ultimately the court denied counsel

8 request for appointment of counsel on appeal. The court stated

9 her reasons: 1) he felt that the petitioner did not have a consti-

10 tutional right to an appointed attorney for an appeal after conviction

11 proceeding. Second, he also wanted a full-blown petition/motion

12 requesting the appointment of an attorney and submitting a affidavit

13 with the request.

14 The defendant/petitioner is uncertain

15 whether or not the court granted counsel request to withdraw, because

16 no formal written motion was ever filed and the Petitioner was not

17 present for this hearing. Due to the above mention statement of

18 fact and the ambiguous order of the court, the Petition moves

19 this court to appoint a new counsel on appeal or alternatively

20 man date that previous counsel of record represent said Petitioner

21 on appeal before this Honorable court, and file all necessary documents.

23 Argument.

24 Motion for the appointment of counsel are made

25 pursuant to MRS. 34.750 and are addressed to the sound

26 discretion of the court. Under 34.750 the court may request an

27 attorney to represent any such person unable to employ counsel

28

1 On a Motion for Appointment of Counsel pursuant to N.R.S.
2 34.750, the Supreme court should consider whether appointment
3 of Counsel would be of service to the indigent petitioner, the
4 court, and respondents as well, by sharpening the issues in the
5 case. Sharpening examination witnesses, and ultimately shortening
6 the appeal process and consumption of time on deciding the appeal.

7 In order for the appointment of
8 Counsel to be granted, the court must consider several factors
9 to be met in order for the appointment of Counsel to be granted
10 (1) The merits of the claim for relief; (2) The ability to investigate
11 crucial factors (3) Whether evidence consists of conflicting
12 testimony effectively treated only by Counsel; (4) The ability to
13 present the case; and (5) The complexity of the legal issues
14 raised on the petition.

15 1) Petitioner is unable to afford Counsel.
16 He has requested leave to proceed in forma pauperis.

17 2) Petitioner's imprisonment will greatly limit
18 his ability to litigate. The issue involved in this case are
19 complex, and will require significant research and investigation.
20 Petitioner has limited access to the law library and limited
21 knowledge of the law.

22 (3) The prison severely limits the hours that
23 petitioner may have access to the law library, and as well
24 the facility has very limited legal research materials and sources.

25 (4) While the Petitioner does have the assistance
26 of law clerk he is not an attorney and not allowed to plead before
27 the and like Petitioner the legal ~~assistance~~ assistance have —
28

1 limited knowledge and expertise.

2

3 (5) The Petitioner and his assisting law clerks, by reason
4 of their imprisonment have a severely limited ability to
5 investigate, or take depositions, expand the record or otherwise
6 litigate this action.

7

8 (6) The ends of justice will be served in
9 this case by the appointment of professional and competent
10 counsel to represent Petitioner.

10

11 "Any defendant charged with a public offense
12 who is an indigent may be oral statement to the District
13 Court Judge, justice of peace, municipal judge or master
14 request the appointment of an attorney to represent him"

15 N.R.S. 171.188

16

N.R.S. 178.397 Assignment of Counsel

17 "Every defendant accused of a gross misdemeanor or felony
18 who is financially unable to obtain counsel is entitled to
19 have counsel assigned to represent him at every stage of
20 the proceedings from his initial appearance before a mag-
21 istrate or the court through appeal, unless he waives such appointment."

22

23 Appointment of counsel in 2254 cases is authorized
24 within 18 U.S.C. 3006A(g) and 28 U.S.C. 1915(e)(1); 2254(h).
25 This court may appoint counsel where the "interests of
26 justice" so require. *Jeffers v. Lewis*, 68 F.3d 295, 297-98
27 (9th Cir. 1995). This interest is best served when indigent
28

1 petitioners who are unable to "adequately present their
2 cases" are appointed counsel to do so for them. Id.

3 Although appointment is usually within this court's
4 sound discretion, a handy formula for this court's
5 consideration is a balancing of the complexities of
6 the issues with a consideration of the severity of the
7 petitioner's penalty. Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir.),
8 Cert. denied, 481 U.S. 1023 (1987). Ultimately, however,
9 absent a due process implication, this Court has discretion
10 to appoint counsel when it feels that it promotes justice
11 in doing so. Id. See Brown v. United States, 623 F.2d 54,
12 61 (9th Cir. 1980) (Court must appoint counsel where the
13 complexities of the case are such that denial of counsel
14 would amount to denial of due process); Hawkins v. Bennett,
15 423 F.2d 948 (8th Cir. 1970) (counsel must be appointed
16 where petitioner is a person of such limited education
17 as to be incapable of presenting his claims fairly).

18 Petitioner submits that the facts above, in con-
19 junction with these legal principles, compel appointment
20 of counsel. Indeed, the complexities of the issues in
21 relation to petitioner's sentence, implicate the need
22 of counsel to promote not only justice, but fairness,
23 as well. Jeffers, 68 F.3d at 297-98.

24

25

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28

Conclusion

Based upon the facts and law Presented herein. Petitioner would respectfully this court to weigh the factors involved within this case, appoint counsel for Petitioner to assist this Court in the just determination of this action....

Dated this 18th day of December 2016.

Sincerely Petitioner
Jemar Matthews
Jemar Matthews #1014654

The Supreme Court
State of Nevada

JEMAR MATTHEWS

PETITIONER

VS.

THE STATE OF NEVADA

RESPONDENT

Case No. C-228460

AFFIDAVIT

On Jan 15th 2010 I petitioner Jemar Matthews was appointed "Luke Ciciliano" by the court's to handle my "Post-Conviction Relief via writ of habeas Corpus". Months later I petitioner started having problems hearing from and contacting MR Ciciliano. I started writing letters to MR Ciciliano as soon as May 2010 and as late as Aug 2010 (see Exhibit A Letters to MR Ciciliano) I also started writing the court's to inform them of the problems I was having with the attorney Luke Ciciliano that the court's appointed.

On 9/29/10, I wrote the court's stating my concerns and showing them copies of writing phone docket sheets I wrote showing every time I called and didn't get any response from MR. Ciciliano, the court's stamped the letter Recieved date 10/14/10 but still nothing was done.

I continued writing the court's with nothing being done well on to 10/5/11 (see Exhibit B Letter to the court) and also —

Affidavit Continued

1 See Exhibit C letters from the court telling me they recieved
2 my letters and the date they recieved them).

3 Through my family I found out that I had a evidentiary
4 hearing dated March 23, 11 (see case summary date 3/23/11)
5 being that that time had come and past.

6 I became very concerned and started to call around and
7 found out that MR. Ciciliano for a unknown reason to me,
8 discontinued practicing law, MR. Ciciliano nor the court's
9 advised (me) pititioner of this fact.

10 In 2012 Jan with legal assistance (Jail house lawyer) I filed a
11 motion for Appointment of Counsel (see motion filed stamp
12 dated Jan 13, 2012).

13 The court's then appointed Carmine J.-
14 Colucci on Feb 6, 2012, MR. Colucci filed a supplemental
15 Petition Writ of Habeas Corpus (Post-conviction) On July 9th 2012,
16 the hearing was held on Oct. 12, 2012 and at the conclusion
17 the Petition was denied. On Nov 19th, 2012 a hearing was
18 held with out my knowledge, and so on Nov 21, 2012 I
19 recieved a letter from MR. Colucci, stating he is no longer
20 my attorney and I have to file my Notice of Appeal
21 on my own. Knowing I have no knowledge of the law (see exhibit D)
22 ("Letter from MR Colucci").

23 I managed to file my Notice of Appeal with
24 legal assistance (Jail House Lawyer) File date Dec. 4th, 2012.

25 I'm pleading to the court to appoint me appealant counsel
26 to assist me with my appeal. "Thank You".

27 Jernar Matthews

28

Respectfully Jernar Matthews #101454

Case No. CA28460

Dept. No. 18

IN THE 8 JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF Clark.

JEMAR MATTHEWS
Petitioner,

v.

THE STATE OF NEVADA
Respondent.

**MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

COMES NOW, the Petitioner,, in propria persona, pursuant to N.R.S. 12.015, and respectfully moves this Honorable Court for an Order granting Petitioner leave to proceed in the above-entitled action in forma pauperis, without requiring Petitioner to pay or provide security for the payment of costs of prosecuting this action.

This motion is made and based upon the attached affidavit and certificate.

Dated this 18 day of December, 2012.

Respectfully submitted,

Jemar Matthews Jemar Matthe
Petitioner

Case No. C228460

Dept. No. 18

IN THE 8 JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK.

JEMAR MATTHEWS
Petitioner,

v.

THE STATE OF NEVADA
Respondent.

**AFFIDAVIT IN SUPPORT OF
MOTION TO PROCEED
IN FORMA PAUPERIS**

I, Jemar Matthews being first duly sworn, depose and say that I am the
Petitioner in the above-entitled case; that in support of my motion to proceed without being required to
prepay fees, cost or give security therefor, I state that because of my poverty I am unable to pay the costs of
said proceeding or to give security therefor; that I believe I am entitled to relief.

I do ☒ do not ☐ request an attorney be appointed to represent me.

I further swear that the responses which I have made to the questions and instructions below
relating to my ability to pay the cost of prosecuting the proceeding are true.

1. Are you presently employed? Yes ☐ No ☒

a. If the answer is yes, state the amount of your salary or wages per month and give the
name and address of your employer.

EMPLOYER

EMPLOYER

Salary or Wage per month

Salary or Wage per month

b. If the answer is no, state the date of your last employment and the amount of the
salary or wages per month which you received.

SEPTEMBER 30th 2006
Date of last Employment

Date of last Employment

675.00 _____
 Salary or Wage per month Salary or Wage per month

2. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment?
 Yes _____ No ✓
- b. Rent payments, interest or dividends?
 Yes _____ No ✓
- c. Pensions, annuities or life insurance payments?
 Yes _____ No ✓
- d. Gifts or inheritances?
 Yes _____ No ✓
- e. Any other sources?
 Yes _____ No ✓

If the answer to any of the above is "Yes" describe each source of money and state the amount received from each during the past twelve months:

_____	_____
Source of Income	Source of Income
_____	_____
Amount Received (in the past year)	Amount Received (in the past year)

3. Do you own any cash or checking or savings account? Yes _____ No ✓

a. If the answer is yes, state the total value of the items owned.

_____	_____	_____
Item	Item	Item
_____	_____	_____
Total Value	Total Value	Total Value

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

a. If the answer is yes, describe the property and state its approximate value.

_____	_____	_____
Property	Property	Property
_____	_____	_____
Approximate value	Approximate value	Approximate value

5. List the persons who are dependent upon you for support and state your relationship to those Persons, and indicate how much you contribute towards their support.

Person	Person	Person
Relationship	Relationship	Relationship
Contribution	Contribution	Contribution

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Jemar Matthews Jemar Matthe
Petitioner

EXECUTION OF INSTRUMENT BY PRISONER

Pursuant to N.R.S. 208.165, I hereby declare under the penalty of perjury that the contents of the above documents are true and correct to the best of my knowledge.

Jemar Matthews Jemar Matthe
Petitioner/Declarant

ORDER

Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.

DATED this ____ day of _____, 200__.

District Judge

5-31-10

To:

Luke Ciciliano, Esq.
Ciciliano & Associates, LLC
621 South 10th Street
Las Vegas, NV, 89101

From:

ID. 101465

Jemar D. Matthews
Ely State Prison
P.O. Box 1989
Ely, NV, 89301

Dear Ciciliano

The reason I'm writing this letter is because I have more than a few concerns pertaining to my case. First off I want to address the issues I'm uncomfortable with concerning my past conviction. Also the lack of communication I have with you. Alright I've tried to reach you on many occasions and every time your not in or your in court and I've called almost everyday for the last two months and still haven't talk to you and your secretary gives me different information and the run around everytime basically trying to rush me off the phone. One time she told me my appeal would be filed in a matter of days I called back and she told me that you have to send off for my paper work again which I was told a while back that you already had my paper work ~~ag~~ and was going through it. So I got tired of the lies or what not so I made a phone appointment so I could make sure I'd get to talk to you then when I call they put me on the phone with some lady who says shes an

an attorney but the way she was spoken I can't tell she didn't help me at all and to be honest she seemed lost and didn't know what she was talking about. Luke I told you I really wanted to be informed about my case and I'd need to talk to you cause my last attorney never contacted me until my appeal was denied and I feel that was wrong and not being a good attorney and it feels like the same is going to happen with you. I don't know too much about the law so my life is in your hands and I don't feel safe. For one my time is running out to file my appeal I only got six months left and nothing has been filed and even though I don't know much I do know something is not right. Please if you feel you can't put your all in to my case please give it to some one who can cause this is my life on the line. By the way I would should be going to another prison in Carson City soon. I've told your secretary many times so when I do leave I will inform you. I would appreciate it if you contacted me and let me know something cause as of now I know nothing and your secretary is not my lawyer so I don't want to talk to her every time I call so please make it a way for me to talk to you so I can know how my case is going and another thing here is ~~some~~ a case I feel

EX-A

may apply and help my appeal so can you look into it and see (Duckworth v. State 942 P.2d 157113) (1997). Once again Luke my life is in your hands so please help me. Contact me and let me know something
Thank you!

P.S.

Forther more the reason I'm sending you the Duckworth case is because my case should have been severed for a seperate trail I'm actually up here with Carl Lee Martin who is apart of the case and I would like for this to go in my appeal also can you try to get me an exculpatory evidence hearing which I should have had before that my previous lawyer failed to get me to prove there isn't any evidence against me. God Bless!

Sincerely

Jemar D. Matthews #1014654

Jemar Matthews

EX-A

Dear Mr. Ciciliano

8-25-10

I'm writing this letter because I haven't heard anything from you or your law firm. I've called many of times but I get the same thing either I get no answer or your not avilible to talk to me. The prison gave me a paper telling me that Chris Ciciliano was supouse to come visit me on the 16th of this month and hear it is the 25th and still nothing. I haven't called and talk to you once sence you became my lawyer. I've went through the right channels I've set up phone appointments many of times but everytime I've called for the appointments you are not avilible to take my calls. I really dont understand your action but I do know you haven't contact me at all I mean at all sence you became my lawyer. Here it is a few months to my postconviction and I dont have any copies of any motions or from what your secratary tells me nothing has been filed. So from what I can tell you are not doing the right thing. Please before you file anything I want to see it first so I can go over it and add something if I see fit and I feel I should get my appeal filed before a few weeks before the dead lines. I will continue to call and try to talk to you but I will really thank you if you contact me and let me know something because I've been in the dark the whole time you've been my lawyer on my post appeal so please let me know something...

Sincerely

Jemar Matthews 1014654
Jemar Matthews

EX-A

TO: G. LUKE CICILIANO, ATTORNEY AT LAW
% CICILIANO AND ASSOCIATES, LLC
621 S. 10TH STREET
LAS VEGAS, NV 89101

[CONFIRMATION COPY TO BE
"STAMPED" AND RETURNED]
08/28/11

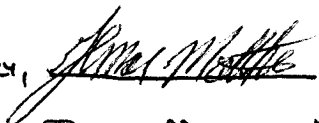
RE: REQUEST FOR RESPONSIVE ACTIONS

DEAR COUNSEL CICILIANO:

I AM CONCERNED THAT YOU HAVE NOT SO CONTACTED ME. AFTER A REVIEW OF MY DOCUMENTS I DO HAVE (THE HABEAS YOU FILED DECEMBER 14, 2010) I FIND YOU HAVE NOT RESPONDED TO THREE (3) PREVIOUS LETTERS;¹ AND I HAVE SO HAD FAITH² IN YOUR SERVICES; HOWEVER, I NOW FORMALLY³ REMIND YOU OF YOUR DUTY TO "KEEP ME INFORMED"³ AS TO MY MATTERS.

SIR, I HAVE MY LIFE IN YOUR HANDS, AND OVER SIX (6) MONTHS TO EIGHT (8) MONTHS IS A VERY LONG TIME TO NOT BE IN CONTACT AND FOR YOU NOT TO ANSWER MY COMMUNICATIONS. COMMUNICATIONS THAT DETAIL MY THOUGHTS AS TO MY CASE AND INSIGHT THEREOF. I NEED AN ADVOCATE! IF YOU FEEL THAT YOU CAN'T BE THAT "ADVOCATE" I RESPECTFULLY ASK THAT YOU MOTION THE COURT - AS LAW AND ETHICS/CANONS PROVIDE - TO REMOVE YOURSELF AND TO SO MOVE TO HAVE "AN ADVOCATE" TO REPRESENT ME.

SINCERELY,



JEMAR MATTHEWS # 1014654

WSCC - P.O. BOX 7007

CC, NV 89702

RECEIVED
SEP 13 2011
CLERK OF THE COURT

1/ N.R.P.C. RULE 3

2/ N.R.P.C. RULE 3 (AS RELEVANT) AND RULE 9 (WHERE RELEVANT "DUTIES" TO CLIENT ARE EXPRESSED)

3/ N.R.P.C. RULE 3, RULES 2 AND 1

EX-A

9-29-10

To Whom it may Concern,

To day is 9-29-10 and I'm writing this letter on behalf of myself. My name is Jemar D. Matthews Case # C228460. I want to bring to the courts attention that the state appointed attorney Luke Ciciliano with Ciciliano and Associates the court appointed me for my habeas corpus post conviction appeal. Hasn't help me at all from the day he was appointed to my case. I haven't recieved anything telling me anything that about my case or anything that been filed on my ~~behalf~~ behalf. Luke Ciciliano has made two appointments to come see me to talk about my appeal but hasn't showed up for neither one and didn't give me so much as a call or letter letting me know why not. I've tried calling to talk to him about my case since he became my attorney and he's never available I haven't talk to him once sence he became my attorney not once when I call the secutary always gives me the run around saying his in a meeting or in court. So I've set up phone confrences with him hoping he'd be able to take my calls but when I call for the confrences he is not available. I start writing down every time I call cause now it's to the point where the secutary doesn't answer my calls on purpose and I know that because I have my family threatening for me right after I try to call strate through and they pick up so I can't help but see what's going on. I will attach the calling log. Here it is almost my appeal dead line and Luke Ciciliano hasn't filed anything or sent me anything letting me know something about my case. I was hoping the courts can help me with this big problem. Because this is my life at stake and this attorney Luke Ciciliano the secutary even told me is not helping me

EXHIBIT-B

RECEIVED

OCT 14 2010

CLERK OF THE COURT

at all he doesn't even take my calls. I don't know anything that's going on in my appeal or with my appeal and I really don't want to get time barred for the ~~late~~ lack of work of a lazy state appointed attorney. Can the court please send me a docket sheet, my court minutes on my appeal and anything else that will help me know something, because I really need to be updated on my case. I really feel I need a better attorney that's gonna really help me cause this is serious to my life this is my life that Luke Ciciliano is playing with and only the court who appointed him can help me. If I need to file something to get a new better attorney please let me know the steps I have to take. Can the court send me something letting me know anything about my case. I really need help with this matter. Also can the court copy this letter and stamp it and put it in my file please. I feel the best move to help me is to dismiss Counsel and get me another one that's gonna help me. I explained why in the letter so please let me know something about my case soon thank you for your time.

Sincerely
Jemar Matthews #1014654
Case # C228460 DC 18

Ex-B

EXB

Today is 9-8-10 3:00pm I called
my lawyer Luke Ciciliano and
I got no answer ~~from Matthew~~

Today is still 9-8-10 4:00pm

I tried to call my lawyer and still
I didn't get a answer! ~~James~~

Today is ~~the~~ 9-10-10 ^{10:30am} and I
still haven't got a answer from

my lawyer office ~~from Matthew~~

It's still 9-10-10 1:00pm and
there is ~~is~~ still no answer at my
lawyer's office! ~~James~~ Matthew

Today is still 9-10-10 at 3:05 I
tried to call my lawyer office but
still no answer

Today is 9-13-10 12:00pm
and I'm still not getting a
at my lawyer Luke Ciciliano office
~~from Matthew~~

Today is 9-17-10 ~~I~~ I've tried
to call my attorney three today
once at 10:30am and again
at 12:15pm and I didn't get
an answer neither time ~~from Matthew~~

Today is 9-21-10 10:37am I just
called my attorney's office and
didn't get an answer! ~~James~~
I've tried to call my Attorney
it's still 9-21-10 ~~at~~ 12:30pm
and still no answer ~~from Matthew~~

CALLING LOG

Today is 9-3-10 10:21AM
and I called my lawyers office
and didn't get a answer

Today is 9-3-10 1:30 pm I
called my lawyers office but
there was no answer
~~from Matthew~~

Today is 9-6-10 12:40pm and
I call my Attorney Luke Ciciliano
office and I got no answer
~~from Matthew~~

Today is 9-7-10 I tried to call
my lawyer 3 times today once at
9:00AM once at 1:30" and once 2:00pm
and didn't get an answer at all. ~~from Matthew~~

Today is 8-25-10 12:20pm I tried
to call my lawyer office today
three times in a row and every attempt
was denied the first attempt some one
answered and didn't except the call
the second attempt some one picked up
and hung up, the third attempt no one
picked up at all. ~~from Matthew~~

Today is 8-27-10 10:57AM I tried
to call my lawyer but there wasn't
a answer ~~from Matthew~~

Today is 8-30-10 4:15 pm ~~and I~~
~~got an answer~~ Carmin pick up the
phone told me Luke is not available
and that two attorneys are no longer
there and ask me to call back ~~from Matthew~~

Today is the the 31st of Aug I
tried to call my attorney office
at 9:40th but I got no answer so
I called at 4:25pm at Carmin one
of the Secretary picked up and told
me that I need to call in the ~~morning~~
morning so I can speak with the other
Secretary cause she can't tell me
anything then I had her put me
through to Luke's voice mail and
I left a message. ~~from Matthew~~
Today is 9-1-10 12:42pm and I
called my lawyer office and got no
answer!! ~~from Matthew~~
Today is 9-1-10 3:07pm I called
my lawyer office and got no answer
~~from Matthew~~



**CLARK COUNTY COURTS
EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554
FAX (702) 474-2434

Steven D. Grierson
Clerk of the Court

Vacant
Assistant Clerk of the Court

CHRIS FORD-CICILIANO & ASSOCIATES

cc: Jemar D Matthews

Date: October 25, 2010
Case No: C228460

Attached are pleadings received by the Office of the District Court Clerk on:

October 25, 2010

Pleadings: INMATE LETTER REQUESTING CONTACT BY ATTORNEY

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC

EXHIBIT C



**CLARK COUNTY COURTS
EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554
FAX (702) 474-2434

Edward A. Friedland
Clerk of the Court

Steven D. Grierson
Assistant Clerk of the Court

FIGLER DAVID

Date: February 7, 2011
Case No: C228460

Attached are pleadings received by the Office of the District Court Clerk on:

February 7, 2011

Pleadings: CORRESPONDENCE.

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC

(EXHIBIT C)



**CLARK COUNTY COURTS
EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554
FAX (702) 474-2434

Edward A. Friedland
Clerk of the Court

Steven D. Grierson
Assistant Clerk of the Court

FIGLER DAVID J.

Date: October 5, 2011
Case No: C228460

Attached are pleadings received by the Office of the District Court Clerk on:

October 5, 2011

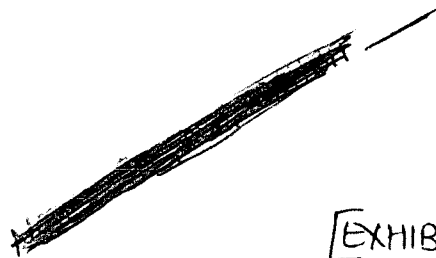
Pleadings: NOTICE OF COMMUNICATION PROBLEMS WITH COUNSEL OF RECORD.

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC

A handwritten signature, possibly "David J. Figler", written in dark ink.

[EXHIBIT  C]

CARMINE J. COLUCCI, CHTD.

ATTORNEY AT LAW

629 SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

(702) 384-1274
FAX: (702) 384-4453

November 19, 2012

Jemar Matthews 1014654
P.O. Box 650
Indian Springs, NV 89070

Dear Mr. Matthews:

Today I appeared in court for you and the judge refused to appoint appellate counsel for you for two reasons. First, he felt that you did not have a constitutional right to an appointed attorney for an appeal after a post-conviction proceeding. Second, he also wanted a full-blown petition/motion requesting the appointment of an attorney and submitting your affidavit with the request.

The enclosed Findings of Fact, Conclusions of Law was filed on November 13, 2012. You have 30 days from the filing date to file a Notice of Appeal. Time is of the essence! If you do nothing else, get that Notice of Appeal filed. I have enclosed a Notice of Appeal in proper person that you can file with the Clerk of the Court of the Eighth Judicial District Court. The address is Clerk of the Court, Eighth Judicial District Court, Regional Justice Center, 200 E. Lewis Avenue, Las Vegas, NV 89101. When you file the Notice of Appeal, you should also accompany it with a letter requesting that the court appoint you appellate counsel.

Additionally, I urge you to get one of the law clerks there to get on this matter immediately to help you complete all requirements. The hearing transcript will also need to be ordered. You could also hire an attorney which would be your best bet but again, time is critical.

This letter is also to confirm that you were provided with a copy of your complete file in May, 2012, and that you have been provided with a copy of all documents that I have filed since that time.

Best of luck to you.

Sincerely,

CARMINE J. COLUCCI, CHTD.

Carmine J. Colucci
CARMINE J. COLUCCI, ESQ.

EXHIBIT D

CJC:zam