

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN FERGASON,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 62357

FILED

SEP 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER REGARDING PRO BONO COUNSEL

Upon review of the record and briefing, the court has determined that the appointment of pro bono counsel to represent appellant would benefit the court's review. The court by this order expresses no opinion as to the merits of this appeal.

If appellant does not wish to have pro bono counsel, appellant shall so advise the court in writing within 30 days of the date of this order.

The clerk of this court shall transmit a copy of this order and the attached case summary to the Appellate Law Section, Pro Bono Committee, State Bar of Nevada, for selection of pro bono counsel who shall, if pro bono counsel is accepted, enter an appearance for purposes of this appeal only within 30 days from the date of this order. Pro bono counsel shall consult with appellant to determine whether: (1) replacement briefing; or (2) supplemental briefing will be submitted. The court encourages the submission of replacement briefing rather than supplemental briefing. Appellant shall state on the cover page of his brief whether it is a replacement brief or a supplement to appellant's previously filed proper person appeal statement. This court shall establish a revised briefing schedule. Pro bono counsel shall appear at oral argument.

This appeal no longer stands submitted for a decision on the appeal statement. The appeal is stayed pending further order of this court.

It is so ORDERED.

Pickering, C.J.

cc: Bryan Fergason
Clark County District Attorney
Anne Traum, Coordinator, Appellate Law Section
Pro Bono Committee, State Bar of Nevada

62357 – Fergason v. LV Metro Police Dept.

Las Vegas Metro Police Department instituted the underlying forfeiture proceeding against appellant, contending that roughly \$125,000 seized from appellant's bank account were the proceeds of illegal activity. After appellant was convicted in a criminal case on multiple counts of possessing stolen property, the district court in this proceeding granted summary judgment in favor of LVMPD, reasoning that appellant's possession-of-stolen-property convictions were conclusive evidence that the \$125,000 in his bank account were the proceeds of illegal activity.