



SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
ELIZABETH A. BROWN, CLERK
201 SOUTH CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

July 12, 2019

Joseph Laguna
Inmate ID: 60578
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

Re: Laguna (Joseph) vs. State, Supreme Court Case No. 71939

Dear Mr. Laguna:

We are returning, unfiled, the "Proper Person Motion Requesting Extension of Time" and "Proper Person Motion to Appoint Counsel at States Expense" received in this office on July 11, 2019 in the above-entitled matter.

A decision was filed in this case on December 29, 2017 and the remittitur issued on January 24, 2018. Therefore, this court no longer has jurisdiction over this matter.

Please do not resubmit these documents to this office. No action will be taken on them.

Sincerely,

D. Richards
Deputy Clerk

Enclosures

19-29698

1 IN THE SUPREME COURT OF THE STATE OF NEVADA
2

3 JOSEPH LAGUNA
4 # 60578 Appellant.
in PRO SE

5 VS.

6 THE STATE OF NEVADA,
7 Plaintiff

NO: 71939

RETURNED
UNFILED

JUL 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY DEPUTY CLERK

8
9 MOTION REQUESTING EXTENSION OF TIME.
10

11 The Defendant respectfully request that
12 this court order the EXTENSION OF TIME
13 OF 30 DAYS For The Petitioner brief of
14 The above-entitled case so that The Petitioner
15 will be able to adequately prepare a
16 Post-Conviction Petition Supplemental brief,
17 and possibly appoint appellate Counsel to The
18 Petitioner To help him file the brief with
19 EXTENSION OF Time if Granted.
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RECEIVED

JUL 11 2019

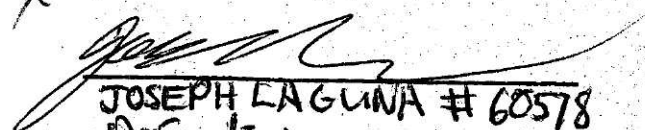
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 of Points and Authorities.

2 WHEREFORE, Appellant, JOSEPH LAGUNA #60578 prays that
3 this Court will issue an order granting petitioner's motion.

4 DATED this 4 day of JULY, 2019

6 Respectfully Submitted

7 X
8 
9 JOSEPH LAGUNA #60578
10 (Defendant In Proper Person)

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1 JOSEPH LAGUNA ID NO. 60578

2 HIGH DESERT STATE PRISON
3 22010 COLD CREEK ROAD
4 POST OFFICE BOX 650
5 INDIAN SPRINGS, NEVADA 89070

6 Defendant In Proper Person

RETURNED
UNFILED

JUL 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY DEPUTY CLERK

7 MOTION TO APPOINT APPEAL
8 CONSEL AT STATES EXPENSE

9 STATE OF NEVADA

10 Plaintiff

CASE NO.: C-15-30399 1-5

DEPT NO.: V

11 vs.

12 JOSEPH LAGUNA

13 Defendant

DATE OF HEARING: 7-15-19

TIME OF HEARING: 9:30 AM

14 #60578 in PROSE

MOTION TO APPOINT COUNSEL
AT STATE EXPENSE

15 COMES NOW, JOSEPH LAGUNA, Defendant, In Proper Person and

16 Petitions this Court To appoint Counsel and
17 Moves this Court for Requesting an Order granting him
18 Counsel in the proceeding action against him in this
19 case and Prays that this Court appoints him Counsel at States expense Due to his Poverty.

20 THIS MOTION, Is made and based upon the attached Memorandum of Points
21 and Authorities, all of the pleadings and other documents on file in this case, as well as
22 Financial certificate done with Habeas Showing Petitioners Poverty.

23 DATED This 4 day of July, 2019.

24 Respectfully submitted,

25 JOSEPH LAGUNA ID NO. 60578
26 Defendant In Proper Person

27 **RECEIVED**

28 JUL 11 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 JOSEPH LAGUNA
2 #60578 In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 STATE OF NEVADA
9 Plaintiff

10 vs.

11 JOSEPH LAGUNA
12 #60578 Defendant
13 in PRO SE

Case No. C-15-303991-5

Dept No. V

Docket 71939

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** The Defendant above
16 in the titled Motion to Appoint Counsel
17 will come on for hearing before the above-entitled Court on the 22 day of JULY, 2019,
18 at the hour of 9:30 o'clock P. M. In Department V, of said Court.

19
20 CC:FILE

21
22 **DATED:** this 4 day of July, 2019.

23
24 X BY: [Signature]
25 JOSEPH LAGUNA #60578
26 Defendant In Propria Personam
27
28

POINTS AND AUTHORITIES

NRS 34.750 Appointment of Counsel for indigents; Pleading Supplemental to Petition; Response to Dismiss.

"If the Court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the Court may appoint Counsel to represent Petitioner." See *Evitts v. Lucey*, 469 U.S. 387 (1985).

NRS 171.188 Procedure for appointment of Attorney for indigent defendant.

"Any defendant charged with a public offense who is an indigent may, by oral statement to the District Judge, Justice of Peace, Municipal Judge or master, request the appointment of an attorney to represent him." See *Jones v. Barnes* 77 LED 2D 987, 463 U.S. 745.

NRS 178.397 Assignment of Counsel.

"Every defendant accused of a gross misdemeanor or felony who is financially unable to obtain Counsel is entitled to have Counsel assigned to represent him at every stage of the proceedings from his initial appearance before a magistrate to the Court through appeal, unless he waives such appointment."

FACTS

The Facts Defendant relies on are as follows:
I do not have the means necessary to pay and hire an attorney to help me with my briefs or any other process of the proceedings of my Habeas

1 Corpus, Post Conviction Due to the Fact that
2 I am indigent, and can not AFFORD Counsel to
3 represent me, I was Sentenced to life in Prison, and
4 The direct appeal in my case is Finished. The
5 Remittitur from the Supreme Court of Nevada was
6 issued on January 24, 2018. The Supreme Court
7 noted on its Opinion several mistakes made by
8 The Trial Attorney and thereby I request, and
9 Pray this Honorable SUPREME Court may Appoint
10 Counsel to represent me in the preparation of Habeas
11 Corpus Petition asserting the ineffective assistance
12 of counsel, and Brady Violation Supplemental brief
13 I was Ambushed in trial with expert witness with
14 out Proper notice of the expert witness. There was
15 no physical evidence or witness Testimony Tying me
16 to this case what so ever. My Trial Attorney did not object
17 to more then several issues such as testimony of Persons not
18 listed on the witness list, therefor I was unable to obtain and
19 or present a Phone expert witness to testify on my behalf and also
20 any motions that I requested to be Filed on my behalf, were not Filed.
21 In addition, I became blind in my left eye, and Partially blind in my
22 Right eye while in Custody at the Clark County Detention Center,
23 and could not read the discovery or any information given to
24 me, even though that there was an Order from the Court to Obtain
25 Prescription glasses, which was highly needed to read the discovery. My Trial
26 Attorney in this case also did not go over any of the discovery with me I was
27 Ill represented and therefor had ineffective assistance of Counsel. I had to have
28 the Inmate in the cell next to me do this because my Vision is so bad, and I know nothing
on how to prepare motions WHEREFORE Petitioner Prays this Honorable Court will grant
his Motion for Appointment of Counsel to allow him the assistance that is so
much needed to ensure that justice is served. A. A. A.

CERTIFICATE OF SERVICE BY MAILING

I, JOSEPH LAGUNA, hereby certify, pursuant to NRCP 5(b), that on this 4
day of July, 2019, I mailed a true and correct copy of the foregoing, "Motion
TO Appoint Counsel"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

SUPREME COURT OF Nevada
Office of the Clerk
201 S. Carson Street Suite 201
Carson City Nevada 89701

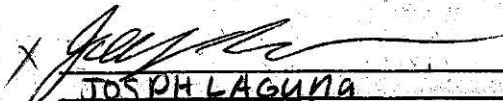
STEVEN D. GRIERSON,
Clerk of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas Nevada 89155

Steven B Wolfson
District Attorney
200 Lewis Ave.
Las Vegas, NV 89101-89155
(702) 671-2700

Judge Ellsworth
Eight Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas Nevada 89155

CC:FILE

DATED: this 4 day of July, 2019.

x 
JOSEPH LAGUNA # 60578
Defendant /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

TO Appoint Counsel at the expense of the State of Nevada
(Title of Document)

filed in District Court Case number C-15-303991-5

☒ Does not contain the social security number of any person.

-OR-

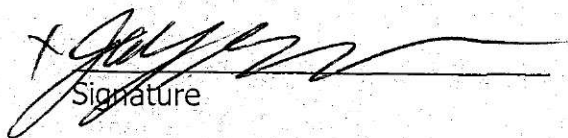
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

7-4-19
Date

JOSEPH LAGUNA
Print Name

Defendant, in PROSE
Title

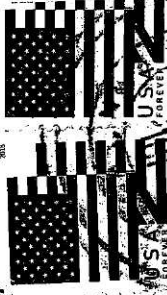
JOSEPH LAGUNA #60578

HJSP

P BOX 650
Indian Springs, Nevada

89070

LEGAL
MAIL



14941

SUPREME COURT OF NEVADA
OFFICE OF THE CLERK

201 S. CARSON STREET SUITE 201

CARSON CITY, NEVADA

89701

9570134760 0003

