

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

Respondent.

Timothy R. Treffinger
Timothy R. Treffinger, Esq.
Nevada Bar No.: 12877
Attorney for Appellant

1 **DECLARATION OF TIMOTHY R. TREFFINGER, ESQ.**

2 Declarant hereby declares as follows:

3 1. That I am an attorney duly licensed to practice law in the
4 State of Nevada, holding Bar License Number 12877.

5 2. That on November 15th, I filed a substitution of counsel to
6 become attorney of record on Nevada Supreme Court Case
7 Number 72829, for Appellant Alfred Harvey.

8 3. Within a few weeks of the filing of that Substitution I was
9 contacted by both my client, and his wife, who informed me
10 that they were contacted by the Public Defender's Office
11 regarding the investigation that they were in the midst of
12 when my substitution was filed, and that they were told
13 that grounds had been uncovered to possibly overturn the
14 conviction.

15 4. In late November 2017 I was again contacted by Mr. Harvey
16 and informed that after several conversations with the
17 public defender's office, he had decided he wanted them to
18 remain on his case.

19 5. On December 5th, 2017, I was contacted by prior counsel of
20 record Sharon Dickinson regarding obtaining the file from
21 the Public Defender.

22 6. On December 7th, 2017, I responded to that message and noted
23 the conversation I had with Mr. Harvey, and asked how Ms.
24

1 Dickinson wished me to proceed as far as withdrawal or
2 substitution off of the case to allow her to regain the
3 case. It was noted that a motion to withdraw would be most
4 appropriate.

5 7. Around this time counsel was undergoing medical issues that
6 kept him in and out of the office, and resulted in the
7 delay of filing this withdrawal, through no fault of Mr.
8 Harvey.

9 8. Because of whatever was discussed between the Public
10 Defender's Office and Mr. Harvey following the filing of
11 the substitution of counsel, it is counsel's belief that
12 Mr. Harvey is only comfortable with the Public Defender's
13 Office proceeding with this appellate action.

14 9. This motion to withdraw is not made for the purpose of
15 delay.

16 The declarant makes the preceeding declaration under the
17 penalties of perjury pursuant to the laws of the State of
18 Nevada.

19 Dated this 2nd day of January, 2018.

20
21
22 Timothy R. Treffinger
23 Timothy R. Treffinger, Esq.
24 Nevada Bar No.: 12877
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2nd day of January, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

NEVADA ATTORNEY GENERAL

STEVEN S. OWENS

TIMOTHY TREFFINGER

HOWARD S. BROOKS.

I further certify that I served a copy of this document by mailing a true and correct copy, postage prepaid to:

Alfred C. Harvey
NDOC No. 1174900
P.O. Box 650
Indian Springs, NV 89018

Dated this 2nd day of January, 2018.

Timothy R. Treffinger
Timothy R. Treffinger, Esq.
Nevada Bar No.: 12877
Attorney for Appellant