

Electronically Filed  
Jan 17 2018 12:41 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Respondent.

1 new counsel. Appellant would not have sought new representation  
2 had the actions of the Public Defender been communicated to him  
3 at his and his family's request during the proceedings occurring  
4 prior to the substitution being filed. (See attached Declaration  
5 of Counsel and Statement of Appellant)

6 Due to his financial condition, the Appellant does qualify  
7 for the appointment of counsel, the Appellant previously  
8 qualified for the appointment of the public defender.

9 This motion is based on the papers and pleadings on file,  
10 and the attached Declaration of Counsel. This motion is not  
11 made for the purposes of delay.

12 Dated this 17<sup>th</sup> day of January, 2018.

13  
14 Timothy R. Treffinger  
15 Timothy R. Treffinger, Esq.  
16 Nevada Bar No.: 12877  
17 Attorney for Appellant  
18  
19  
20  
21  
22  
23  
24

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

After having little communication from the Public Defender's Office, who was my prior counsel, aside from being told the case was being continued, I sought new counsel. I did not know about the investigative and legal work that was being done on my case, until I received a call from the Public Defender following Mr. Treffinger's substitution. Had I known what was going on, I would not have sought new counsel.

I believe keeping Mr. Treffinger on my case will cause delays as he is required to repeat the investigative and other work I was unaware was completed by the Public Defender, and I wish to resolve my appellant case as quickly and efficiently as possible.

//

Due to the time constraints on filing this withdrawal, I have authorized Attorney Treffinger to affix my electronic signature to this document.

Dated this 17<sup>th</sup> day of January, 2018.

|                          |
|--------------------------|
| <u>/x/ Alfred Harvey</u> |
| Alfred Harvey, 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 15<sup>th</sup>, 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 5<sup>th</sup>, 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 7<sup>th</sup>, 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 proceeding declaration under the  
17 penalties of perjury pursuant to the laws of the State of  
18 Nevada.

19 Dated this 18<sup>th</sup> day of January, 2018.  
20  
21

22   
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 2<sup>nd</sup> 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

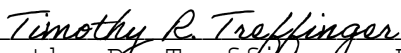
TIMOTHY TREFFINGER

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 18<sup>th</sup> day of January, 2018.

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