

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES MAKI, #42820

Appellant.

vs.

WILLIAM A. GITTERE, WARDEN,

Respondent.

ND. 78260

FILED

MAR 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *J. Hendrich*
DEPUTY CLERK

MOTION TO APPOINT COUNSEL

Comes now, Charles Maki - Appellant pro se in the above captioned Appeal No. 78260, and Moves this Honorable Court for a Order Appointing Counsel in this Appeal foregoing proceeding.

This Motion is based upon all documents in the original record and for appellate record herein, NRAP 46(c) and the following:

This Court may appoint counsel to represent indigent criminal defendants in habeas corpus proceeding before it, NRAP 46(c). See also *George v. State*, 122 Nev. 1, 127 P.3d 1055 (2006) (Court may remand case to district court for appointment of counsel for appeal). Also the Appellant is not entitled to appointment of counsel at state's expense in postconviction proceedings. *Brown v. McDaniel*, 130 Nev. 565, 331 P.3d 867 (Nev. 2014) and *Coleman v. Thompson*, 501 U.S. 722, 755 (1991) and here Appellant is just requesting appointment of counsel on Appeal as he is indigent and this Court is empowered to do so.

Appointment would promote justice and fairness as the Appellant his convictions are complex, the issues raised based upon new evidence etc.

and it is very difficult to properly present articulate then for Appellant and appointed counsel could correct this with skill and put forth that

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1 the Appellant is Actually Innocent!

2 These Factors can additionally demonstrate propriety of appointment of
3 counsel herein. See e.g. NRS 34.750(1) (examples of criteria warranting
4 appointment of counsel in habeas corpus proceeding).

5 CONCLUSION, For the above reasons set forth above and the Record
6 On Appeal before the Court that Good Cause is shown that the Court
7 would Appoint Counsel For Appellant.

8 Dated this 14 day of MARCH, 2019.

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Respectfully Submitted,

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Charles Maki

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Charles Maki #42820

Ely State Prison

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P.O. Box 1989
Ely, NV
89301

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Appellant Pro Se

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17 CERTIFICATE OF SERVICE:

18 I, Charles Maki, hereby certifies pursuant to NRCR 5(1) that on the 14
19 day of March 2019, I mail a true and exact copy of MOTION TO
20 APPOINT COUNSEL to the following addresses:

21

Washoe County District Attorney

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Washoe County Dist. Atty Office

23

75 Court Street

Reno, NV

89501

Charles Maki

Charles Maki

Appellant Pro Se

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FOOTNOTES NO. 1: 1st Amendment Petition; Brady-Violation, post-conviction
Evidentiary Hearing; NRS 34.726; NRS 47.230; NRS 47.235; Destruction
OF Exculpatory Evidence, Actual/Factual, Innocence Evidence." NRS 174.
26 234(2)(c).

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