

1 Thomas Cash  
2 1203562  
3 P.O. Box  
4 City, NV. 89301

FILED

DEC 08 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

5  
6 IN THE SUPREME COURT OF  
7 THE STATE OF NEVADA  
8  
9

10 Thomas Cash  
11  
12 Petitioner,

CASE NUMBER: S.C. 82060

13 vs.

EX PARTE MOTION FOR  
APPOINTMENT OF COUNSEL AND  
REQUEST FOR EVIDENTIARY  
HEARING AND TO FILE  
OPENING BRIEF  
FOR A APPEAL

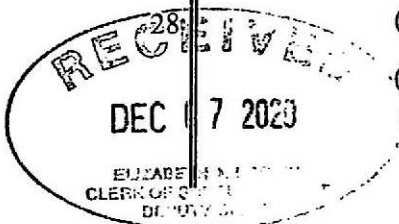
14  
15 William A. Gittere  
16 Warden; State of Nevada,  
17 Respondents.

18 COMES NOW, Thomas Cash the Petitioner, in proper person, and moves this Court  
19 for its order allowing the appointment of counsel for Petitioner and for an evidentiary hearing. This  
20 motion is made and based in the interest of justice.

21 Pursuant to NRS 34.750(1):

22 A petition may allege that the petitioner is unable to pay the costs of the  
23 proceedings or to employ counsel. If the court is satisfied that the  
24 allegation of indigency is true and the petitioner is not dismissed  
25 summarily, the court may appoint counsel to represent the petitioner. In  
26 making its determination, the court may consider, among other things, the  
27 severity of the consequences facing the petitioner and whether:

- (a) The issues presented are difficult;  
(b) The petitioner is unable to comprehend the proceedings; or



20-44588

1 (c) Counsel is necessary to proceed with discovery.

2 Petitioner is presently incarcerated at ELY STATE PRISON, is  
3 indigent and unable to retain private counsel to represent him.

4 Petitioner is unlearned and unfamiliar with the complexities of Nevada state law, particularly  
5 state post-conviction proceedings. Further, Petitioner alleges that the issues in this case are complex and  
6 require an evidentiary hearing. Petitioner is unable to factually develop and adequately present the  
7 claims without the assistance of counsel. Counsel is unable to adequately present the claims without an  
8 evidentiary hearing.

9 Dated this 1 day of DEC., 2020.

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Thomas Cash

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*In Proper Person*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is a person of such age and discretion as to be competent to serve papers.

That on Dec. 1, 2020, he served a copy of the foregoing Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing by personally mailing said copy to:

District Attorney's Office  
Address:

WILLIAM A. GITTERE  
Warden  
Address:

Thomas Cash  
Petitioner

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Appointment of Counsel  
(Title of Document)

filed in District Court Case number A818971; C329699  
SUPREME COURT No. 82060

☒ 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.

Thomas Cash  
Signature

12-1-20  
Date

THOMAS CASH  
Print Name

PETITIONER  
Title