

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONEY ANTHONY WHITE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82889-COA

**FILED**

APR 04 2022

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

*ORDER TO SHOW CAUSE*

Toney Anthony White appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 5, 2020. In his petition, White raised numerous claims including that trial counsel was ineffective for failing to object to the imposition of restitution and appellate counsel was ineffective for failing to raise the trial court's failure to consider his self-representation request at a hearing held on April 18, 2017. Our review of the record reveals that these claims may have merit. *See Cruzado v. State*, 110 Nev. 745, 747, 879 P.2d 1195, 1196 (1994) (holding that restitution is a direct consequence of a guilty plea of which the defendant must be informed), *overruled on other grounds by Lee v. State*, 115 Nev. 207, 985 P.2d 164 (1999); *see also Lyons v. State*, 106 Nev. 438, 443, 796 P.2d 210, 213 (1999) (holding that criminal defendants have an unqualified right to represent themselves and "the denial of this right is never subject to harmless error analysis; it is per se harmful"), *clarified on other grounds by Vanisi v. State*, 117 Nev. 330, 341, 22 P.3d 1164, 1171-72 (2001).

Therefore, we conclude a response from the State would be helpful. Accordingly, we order the State to respond within 30 days of the

date of this order to show cause why this petition should not be remanded to the district court for an evidentiary hearing.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

cc: Toney Anthony White  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk