

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

GARY LYNN LEWIS,)
)
Appellant,)
)
-VS-)
)
THE STATE OF NEVADA)
)
)
Respondent.)

Case No. 82942

FILED

SEP 23 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

MOTION TO APPOINT COUNSEL

Comes now, Gary Lynn Lewis, Appellant in pro
se¹, and moves the Court for an order appointing him counsel for
the foregoing proceedings.

This motion is based upon all documents in the original
record and/or appellate record herein, NRAP 46(c) and the
following.

This Court may "appoint counsel to represent indigent
criminal defendants and indigent habeas corpus petitioners in
original proceedings" 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).

Appointment would properly promote justice herein, as (1)
the issues at bar are complex, (2) the movant is financially
unable to obtain counsel at his own expense, and (3) the issues
presented in this matter are meritorious and entitle movant to
relief. (Check if applicable) ☒ There are additional or
expanded reasons supporting appointment of counsel attached
hereto on additional page(s), which are incorporated as if set

FN1) With assistance by inmate Daniel Riggs.

21-27552

1 forth herein. These factors demonstrate the propriety of
2 appointment of counsel herein. See e.g. NRS 34.750(1) (examples
3 of criteria warranting appointment of counsel in habeas corpus
4 proceedings).

5 For the reasons set forth herein, the Court should order
6 the appointment of counsel for and in relation to the instant
7 proceedings.

8 Dated this 21st day of September, 2021.

9 Gary Lynn Lewis
10 Gary Lynn Lewis # 47615
11 Lovelock Correctional Center
12 1200 Prison Road
13 Lovelock, Nevada 89419

14 Appellant In Pro Se

15 CERTIFICATE OF SERVICE

16 I do certify that I mailed a true and correct copy of
17 the foregoing to the below address(es) on this 21st day of
18 September, 2021, by placing same in the U.S. Mail via
19 prison law library staff:

20 Clark County D.A.
21 200 Lewis Ave.
22 Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701

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24
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26 Gary Lynn Lewis
27 Gary Lynn Lewis

28 Appellant In Pro Se

1. Appellant is schizophrenic and illiterate. To date, he has relied on the assistance of various inmates in all of his pro se post-conviction proceedings.

2. Prison officials have severely restricted inmate movement at Lovelock Correctional Center, where Appellant is confined. As a result, Appellant no longer has access to the inmate who prepared the actual innocence petition that lead to this appeal, one Norman Powell.

3. Appellant's Informal Brief, filed today, and this Motion, were prepared by inmate Daniel Riggs. Riggs is neither schizophrenic nor illiterate, but otherwise woefully incompetent generally and inadequate to the task of effectively presenting the relevant facts and law of this case to this Honorable Court.

4. Prison officials do not provide affirmative assistance to inmates preparing legal papers.

5. Appellant fears he may also lose access to inmate Riggs in the near future.

6. Inmate Riggs has explained the benefits

of being represented by counsel to Appellant. While Appellant has been skeptical of the intentions of hypothetical appointed counsel in the past — likely due to his schizophrenia — Appellant now realizes that the appointment of counsel is in his best interest.

7. Appellant submits that the appointment of counsel will also assist the court in determining the relevant facts and law necessary to the disposition of this appeal.

8. The record on appeal submitted by the district court appears to be 381 pages. Appellant does not possess the full record but merely an index of it and various misc. papers.

9. Appellant vaguely recalled to inmate Riggs a visit by an attorney some years ago, but he could not recall the specifics of that visit. Appellant communicated to inmate Riggs that, at the time, he feared that attorney was acting to keep him in prison.

10. Inmate Riggs has assured Appellant that any future appointed attorney will work to get him out of prison.