

*Steven D. Grierson*

Anthony Barr  
#1212761  
E.S.P.  
P.O.-Box 1989  
Ely Nevada, 89301

Electronically Filed  
Oct 06 2021 09:51 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

Anthony Barr  
Petitioner

Case NO: A-21-835125-W

vs-

Dept NO: 23

State of Nevada,  
Respondent

Motion for Notice  
of Appeal

Comes Now, Petitioner Anthony Barr, Respectfully  
moves this Court to file this motion for  
an Appeal on the Denial of the Court's  
hearing on 7-26-2021 for Petition for  
writ of Habeas Corpus, Motion to Appointment  
Counsel, Motion for leave to proceed  
In forma Pauperis

RECEIVED  
SEP 27 2021

CLERK OF THE COURT

This Motion is made and based

Docket 83575 Document 2021-28646

upon all papers and pleadings on file herein and the Attached points and Authorities in Support herein.

## Points And Authorities

On 5-24-2021, Petitioner filed an Motion to Appoint Counsel, Petition for Writ of Habeas Corpus, Motion for leave to proceed Inferme Pauperis Pursuant to NRS 34.750

In Ford v. State, 281 P.3d 1172 (Nev 2009) the Nevada Supreme Court found the District Court's failure to Appoint post-Conviction Counsel Deprived the Defendant of a Meaningful opportunity to litigate where Defendant was serving a lengthy sentence and the issues raised in the Defendants petition were complex.

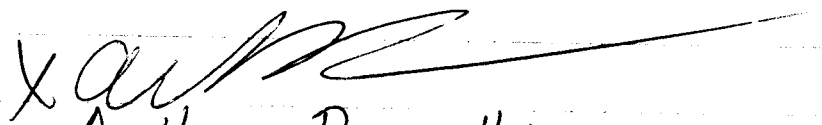
The issues necessitated in Defendants Petition are likely complex given the Seriousness of Defendants offense and that Defendants Conviction was the result of a Jury trial...

## Conclusion

For the reasons stated above petitioner  
2,

Respectfully prays this Honorable Court  
Grant his request ~~to~~ to file his Motion  
for Notice of Appeal

Dated this 14<sup>th</sup> Day of Sept. 2021

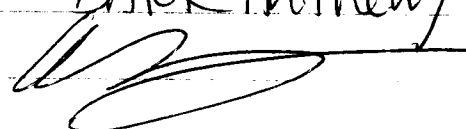
X   
Anthony Barr #1212761  
E. Sif  
P.O. Box 1989  
Ely Nevada 89301

Clerk of the courts.

9-19-21

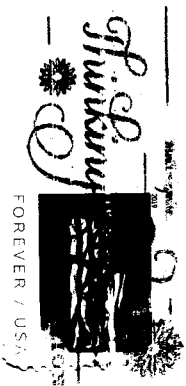
I'm writing this to  
State for the Record that I AM NOT  
WRITING MY Habeas ON MY OWN AND THAT  
I AM GETTING HELP FROM ANOTHER INMATE  
WHO I AM PLAYING WITH TOOD ITEMS OFF OF  
MY TRAYS TO HELP ME BECAUSE I'M BROKE,  
INNOCENT AND DO NOT UNDERSTAND THE  
HABEAS BOOK IN THE LAW LIBRARY, PLUS I HAVE  
NO CLUE HOW TO FILE MY APPEAL PROCESS  
CORRECTLY DO TO THE GUIDELINES I'M SUPPOSE TO  
FOLLOW. I AM PLACING MYSELF TO THE MERCY  
OF THE COURTS ASKING FOR HELP, MY P.S. I  
SHOWS THAT I ONLY HAVE A 6 GRADE EDUCATION  
AND I BEEN IN SPECIAL ADD SO HOW I'M  
GUNNA UNDERSTAND THIS LEGAL STUFF BY MY  
SELF, I ALSO HAVE MENTAL HELP ISSUES ON  
RECORD STATING THAT I'M SUFFERING MULTIPLE  
PERSONALITY DISORDERS AND IS SUFFERING  
FROM ABUSE SUBSTANCES. THE INMATE WHO  
IS HELPING ME IS SOON TO BE TRANSPORTED  
TO ANOTHER PRISON. I'M ASKING COULD I PLEASE  
GET APPOINTED COUNSEL TO HELP ME FIGHT  
FOR MY FREEDOM?

(GOD) Bless

BARR Anthony  


BARB Anthony # 101076  
PO Box 1808  
ELY NV 89301

LAS VEGAS NV 890  
21 SEP 2021 PM 5 L



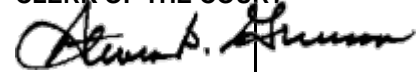
CERT OF THE COURT  
PO BOX 1808  
LAS VEGAS NV 89155-1160

Legal mail 9-14-21

89104-630000



US  
SEP 19 2021  
ELY STATE PRISON



1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 ANTHONY BARR,

11 Plaintiff(s),

12 vs.

13 GITTERE WILLIAM; STATE OF NEVADA,

14 Defendant(s),  
15

Case No: A-21-835125-W

Dept No: IX

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Anthony Barr

20 2. Judge: Jasmin Lilly-Spells

21 3. Appellant(s): Anthony Barr

22 Counsel:

23 Anthony Barr #1212761  
24 P.O. Box 1989  
Ely, NV 89301

25 4. Respondent (s): Gittere William; State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89155-2212

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A

8 \*\*Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: May 24, 2021

10 9. Date Commenced in District Court: May 24, 2021

11 10. Brief Description of the Nature of the Action: Civil Writ

12 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

13 11. Previous Appeal: No

14 Supreme Court Docket Number(s): N/A

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

17 Dated This 29 day of September 2021.

18 Steven D. Grierson, Clerk of the Court

19  
20  
21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk  
23 200 Lewis Ave  
24 PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

25 cc: Anthony Barr  
26  
27  
28

# CASE SUMMARY

## CASE NO. A-21-835125-W

Anthony Barr, Plaintiff(s)  
vs.  
Gittere William, Defendant(s)

§  
§  
§  
§  
§

Location: **Department 9**  
Judicial Officer: **Silva, Cristina D.**  
Filed on: **05/24/2021**  
Case Number History:  
Cross-Reference Case Number: **A835125**

### CASE INFORMATION

**Related Cases**  
C-18-335500-2 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **05/24/2021 Open**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-21-835125-W  
Court Department 9  
Date Assigned 09/07/2021  
Judicial Officer Silva, Cristina D.

### PARTY INFORMATION

#### Plaintiff

**Barr, Anthony**

*Lead Attorneys*

**Pro Se**

#### Defendant

**Gittere William**

**State of Nevada**

**Chen, Alexander G.**  
*Retained*  
702-671-2500(W)


### DATE

### EVENTS & ORDERS OF THE COURT


### INDEX

#### EVENTS


05/24/2021

 Inmate Filed - Petition for Writ of Habeas Corpus  
Party: Plaintiff Barr, Anthony  
[1] Post Conviction


05/24/2021

 Motion for Appointment of Attorney  
Filed By: Plaintiff Barr, Anthony  
[2] Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing


05/24/2021

 Application to Proceed in Forma Pauperis  
Filed By: Plaintiff Barr, Anthony  
[3]

05/24/2021







 Affidavit in Support of Application Proceed Forma Pauperis  
Filed By: Plaintiff Barr, Anthony  
[4] Affidavit in Support of Application to Proceed in Forma Pauperis

05/25/2021


 Order for Petition for Writ of Habeas Corpus  
[5] Order for Petition for Writ of Habeas Corpus



**CASE SUMMARY**  
**CASE NO. A-21-835125-W**

06/01/2021	 Clerk's Notice of Hearing <i>[6] Notice of Hearing</i>
07/07/2021	 Response Filed by: Defendant State of Nevada <i>[7] State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Appoint Counsel</i>
08/17/2021	 Order Filed By: Defendant State of Nevada <i>[8] Order Denying Defendant's Motion to Appoint Counsel</i>
09/07/2021	Case Reassigned to Department 9 <i>From Judge Jasmin Lilly-Spells to Judge Cristina Silva</i>
09/20/2021	 Motion Filed By: Plaintiff Barr, Anthony <i>[9] Motion for Clarification and Status Check</i>
09/27/2021	 Notice of Appeal <i>[10] Notice of Appeal</i>
09/29/2021	 Case Appeal Statement Filed By: Plaintiff Barr, Anthony <i>Case Appeal Statement</i>

**HEARINGS**

07/26/2021	<b>Petition for Writ of Habeas Corpus (12:30 PM)</b> (Judicial Officer: Lilly-Spells, Jasmin) Denied;
07/26/2021	<b>Motion for Appointment of Attorney (12:30 PM)</b> (Judicial Officer: Lilly-Spells, Jasmin) <i>Plaintiff's Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i> Denied;
07/26/2021	 <b>All Pending Motions (12:30 PM)</b> (Judicial Officer: Lilly-Spells, Jasmin) Denied; Journal Entry Details: <i>DA- JAY RAMAN The Court finds that the petition is naked and bare, only indicating the grounds for the Writ without any underlying facts to support the allegations. A petition for post-conviction relief must be supported with factual allegations, which if true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). There is no 6th amendment constitutional right to counsel in post-conviction proceedings. Coleman v. Thompson 501 U.S. 722, 111 S.Ct. 2546 (1991). NV courts have ruled that the NV constitution does not provide a right to post-conviction counsel either. McKague v. Warden, 112 Nev. 159, 912 P.2d (1996). NV courts have discretion to appoint post-conviction counsel if the court is satisfied that the individual is indigent and the petition cannot be dismissed summarily. NRS 34.750. In making this determination the court can consider: (1) whether the issues are difficult; (2) whether the defendant is unable to comprehend the proceedings and (3) whether counsel is necessary to proceed with discovery. The court finds here that although the defendant is indigent that the petition can be dismissed summarily and thus petitioner is not entitled to counsel. The request for an evidentiary hearing is also denied as there is no basis. State to prepare the order. NDC;</i>

## DISTRICT COURT CIVIL COVER SHEET

A-21-835125-W

County, Nevada

Dept. 23

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Anthony Barr	Defendant(s) (name/address/phone): Guittere, William
Attorney (name/address/phone):	Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

May 24, 2021

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANTHONY BARR, #8437104,

Defendant.

CASE NO: A-21-835125-W

DEPT NO: XXIII

**ORDER DENYING DEFENDANT'S MOTION TO APPOINT COUNSEL**

DATE OF HEARING: 07/26/2021

TIME OF HEARING: 12:30 P.M.

THIS MATTER having come on for hearing before the above entitled Court on the 26th day of July, 2021, the Defendant being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through ALEXANDER CHEN, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Defendant's Motion to Appoint Counsel, shall be,  
2 and it is Denied.

3 DATED this \_\_\_\_\_ day of July, 2021.

Dated this 17th day of August, 2021



4  
5 DISTRICT JUDGE

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
Nevada Bar #001565

5C9 8F8 E2E6 8FB9  
Jasmin Lilly-Spells  
District Court Judge

8  
9 BY /s/ Alexander Chen  
10 ALEXANDER CHEN  
11 Chief Deputy District Attorney  
12 Nevada Bar #010539

13 CERTIFICATE OF ELECTRONIC TRANSMISSION

14 I hereby certify that service of the above and foregoing was made this 30th day of July,  
15 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

16 Anthony Barr, BAC#1212761  
17 Ely State Prison  
18 P.O. Box 1989  
Ely, NV 89301

19 BY /s/ Zem Martinez  
20 Zem Martinez,  
21 Secretary for the District Attorney's  
22 Office

23  
24  
25  
26  
27  
28 zm/L5

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Anthony Barr, Plaintiff(s)

CASE NO: A-21-835125-W

7 vs.

DEPT. NO. Department 23

8 Gittere William, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's  
12 electronic filing system, but there were no registered users on the case. The filer has been  
13 notified to serve all parties by traditional means.  
14  
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## Writ of Habeas Corpus

## COURT MINUTES

July 26, 2021

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A-21-835125-W      Anthony Barr, Plaintiff(s)  
vs.  
Gittere William, Defendant(s)

---

July 26, 2021      12:30 PM      All Pending Motions

HEARD BY:      Lilly-Spells, Jasmin      COURTROOM: RJC Courtroom 12D

COURT CLERK: Jacobson, Alice

RECORDER:      Garibay, Maria

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

DA- JAY RAMAN

The Court finds that the petition is naked and bare, only indicating the grounds for the Writ without any underlying facts to support the allegations. A petition for post-conviction relief must be supported with factual allegations, which if true, would entitle the petitioner to relief. *Hargrove v. State*, 100 Nev. 498, 686 P.2d 222 (1984).

There is no 6th amendment constitutional right to counsel in post-conviction proceedings. *Coleman v. Thompson* 501 U.S. 722, 111 S.Ct. 2546 (1991). NV courts have ruled that the NV constitution does not provide a right to post-conviction counsel either. *McKague v. Warden*, 112 Nev. 159, 912 P.2d (1996). NV courts have discretion to appoint post-conviction counsel if the court is satisfied that the individual is indigent and the petition cannot be dismissed summarily. NRS 34.750. In making this determination the court can consider: (1) whether the issues are difficult; (2) whether the defendant is unable to comprehend the proceedings and (3) whether counsel is necessary to proceed with discovery.

The court finds here that although the defendant is indigent that the petition can be dismissed summarily and thus petitioner is not entitled to counsel.

The request for an evidentiary hearing is also denied as there is no basis.

State to prepare the order.

NDC



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**ANTHONY BARR #1212761**  
**P.O. BOX 1989**  
**ELY, NV 89301**

**DATE: September 29, 2021**  
**CASE: A-21-835125-W**

**RE CASE:** ANTHONY BARR vs. GITTERE WILLIAM; STATE OF NEVADA

NOTICE OF APPEAL FILED: September 27, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☒ Order *re: Denial of Petition for Writ of Habeas Corpus*
- ☒ Notice of Entry of Orders

---

**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

---

***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

MOTION FOR NOTICE OF APPEAL; CASE APPEAL STATEMENT;  
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT'S  
MOTION TO APPOINT COUNSEL; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ANTHONY BARR,

Plaintiff(s),

vs.

GITTERE WILLIAM; STATE OF NEVADA,

Defendant(s),


Case No: A-21-835125-W

Dept No: IX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 29 day of September 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk