



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Electronically Filed
Oct 26 2021 03:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

October 26, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

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

S.C. CASE: 83575

D.C. CASE: A-21-835125-W

Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated October 19, 2021, enclosed is a certified copy of the Order Denying Petition for Writ of Habeas Corpus filed October 26, 2021 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk

Heaven S. Linn

CLERK OF THE COURT

1 ORDD

2 Judge Cristina D. Silva
3 Eighth Judicial District Court
4 Department IX
5 Regional Justice Center
6 200 Lewis Avenue
7 Las Vegas, Nevada 89155

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**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

7 ANTHONY TERREL BARR,

8 Petitioner,

9 -vs-

10 GITTERE WILLIAM,

11 Respondent.

CASE NO: A-21-835125-W

DEPT NO: IX

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ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER having presented before Judge Jasmin Lilly-Spells on the 26th day of July, 2021; Petitioner ANTHONY BARR not present; Respondent represented by STEVEN B. WOLFSON, District Attorney, through JAY RAMAN Deputy District Attorney; and having heard the arguments of counsel and good cause appearing,

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 relied must be supported with factual allegations, which if true, would entitle the petitioner to relief. *Hangrove v. State*, 100 Nev. 498. 686 P.2d 222 (1984).

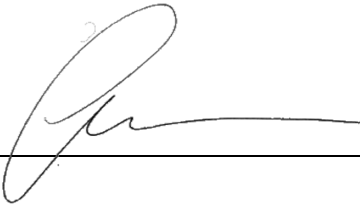
There is no sixth amendment constitutional right to counsel in post-conviction proceedings. *Coleman v. Thompson*, 501 U.S. 722. 111 S. Ct 2546 (1991). Nevada courts have ruled

1 that the Nevada constitution does not provide a right to post-conviction counsel either.
2 *McKague v. Warden*, 112 Nev. 159, 912 P.2d (1996). Nevada courts have discretion to appoint
3 post-conviction counsel if the Court is satisfied that the individual is indigent and the petition
4 cannot be dismissed summarily. *See* NRS 34.750. In making this determination, the Court can
5 consider: (1) whether the issues are difficult; (2) whether the defendant is unable to
6 comprehend the proceedings; and (3) whether counsel is necessary to proceed with discovery.
7

8 Here, the Court finds that although the Petitioner is indigent the petition can be
9 dismissed summarily and thus petitioner is not entitled to counsel. Additionally, the request
10 for an evidentiary hearing is DENIED as there is no basis to grant the hearing at this time.

11 IT IS HEREBY ORDERED that Petitioner's Post-Conviction Writ for Habeas Corpus,
12 is DENIED.

Dated this 26th day of October, 2021

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16 **64B 13E 96A2 89B0**
17 **Cristina D. Silva**
18 **District Court Judge**

19
20 October 26, 2021



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Anthony Barr, Plaintiff(s)

CASE NO: A-21-835125-W

7 vs.

DEPT. NO. Department 9

8 Gittere William, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/26/2021

15 Steven Wolfson

motions@clarkcountynv.com

16
17 If indicated below, a copy of the above mentioned filings were also served by mail
18 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 10/27/2021

19 Alexander Chen

200 Lewis Avenue
Las Vegas, NV, 89155

21 Anthony Barr

#1212761
ESP
P.O. Box 1989
Ely, NV, 89301