

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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ASHLEY KENNETH HUNTER – PETITIONER

VS.

STATE OF NORTH DAKOTA – RESPONDENT

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): \_\_\_\_\_

Petitioner has not previously been granted leave to proceed in forma pauperis in any court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provisions of law: N.D.C.C. § 54-61-01 & 02; North Dakota Rule of Criminal Procedure 44(a)(1); North Dakota Commission on Legal Counsel for Indigents, Policy on Assignment of Appellate Cases, or

A copy of the order of appointment is appended

  
Samuel A. Gereszek (ND Bar # 07040)

Hammarback & Scheving, P.L.C.

308 DeMers Avenue

East Grand Forks, MN 56721

Telephone: (218) 773-6841

[sam@egflawyer.com](mailto:sam@egflawyer.com)

ATTORNEY FOR PETITIONER



**NOTICE OF ELIGIBILITY FOR APPOINTED COUNSEL  
(CONFLICT RE-ASSIGNMENT)**

ND COMMISSION ON LEGAL COUNSEL FOR INDIGENTS  
SFN 59952 (2/2014)

NDOLCI  
PO Box 149  
Valley City, ND 58072  
Phone: (701)845-8632  
Fax: (701)845-8633  
Email: dovc@nd.gov

Name of attorney making request: <b>Kevin McCabe</b>	Date: <b>02/24/17</b>
Email address: <b> dickinsonpublicdefender@nd.gov</b>	Phone number: <b>701-227-7460</b>

Defendant name: <b>Ashley Kenneth Hunter</b>	County of case: <b>Cass</b>
Mailing address: <b>220 6th Ave N</b>	City, State, ZIP Code: <b>Fargo ND 58103</b>
Home phone number: <b>701-205-2095</b>	Work phone number:
	Cell phone number:
In Custody: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, where: <b>Cass County Jail</b>	

Case number(s): <b>09-2015-CR-02085</b>	Offense: <b>Murder</b>	Severity: <b>FAA</b>
"	Murder	FAA
"	Arson	FB

Pending deadlines: Motion Hearing 03/23/17 @ 9:00 am, PTC 05/18/17 @ 2:30 pm, Trial 05/22-06/02	County of case: <b>Cass</b>
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Co-defendant(s):	Victim(s): <b>Clarence Flowers, Samuel Traut</b>
Reason for conflict: <input type="checkbox"/> Represent co-defendant or alleged victim <input checked="" type="checkbox"/> Other (attach separate page with reason)	
<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied By: <i>DR</i> Date: <b>2/24/17</b> (Lead Counsel/Commission Personnel)	

**SEND TO AREA LEAD CONTRACTOR OR COMMISSION ON LEGAL COUNSEL FOR INDIGENTS**

<b>ASSIGNMENT OF COUNSEL - NOTICE OF CONFLICT RE-ASSIGNMENT</b> (Completed by Lead Contractor or Commission Personnel)		
New attorney assigned: <b>Samuel Goreszetz</b>	Attorney Bar ID #: <b>67040</b>	Date assigned: <b>2/24/17</b>
Phone number: <b>218-773-6841</b>	Email address: <b>Sam@egflawyer.com</b>	City, State, ZIP Code: <b>Eaton Grand Forks MN 56731</b>

E-filed with copy to <input checked="" type="checkbox"/> Conflicted attorney <input checked="" type="checkbox"/> Newly assigned attorney <input type="checkbox"/> Other _____
This is to certify that notification has been <input type="checkbox"/> faxed <input checked="" type="checkbox"/> mailed or <input type="checkbox"/> emailed to the defendant by _____ on _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

State of North Dakota,

)

Case No. 09-2015-CR-02085

Plaintiff,

)

-vs-

)

ORDER

Ashley Kenneth Hunter,

)

Defendant.

)

[¶1] Attorney Kevin McCabe having filed a Motion to Withdraw as Attorney of Record for Defendant herein; and after considering the evidence submitted to the Court as well as the records on file herein,

[¶2] IT IS HEREBY ORDERED that Kevin McCabe is hereby allowed to withdraw as attorney of record for Defendant herein effective immediately.

Dated: \_\_\_\_\_

BY THE COURT:

Signed: 3/9/2017 2:13:21 PM

  
\_\_\_\_\_  
Judge of the District Court

**COMMISSION ON LEGAL COUNSEL FOR INDIGENTS**  
**POLICY ON**  
**FILING THE NOTICE OF APPEAL**

If an indigent client who qualifies for appointed counsel wishes to file a notice of appeal, the notice shall be filed by the trial attorney. The appeal will be assigned pursuant to the Commission's Policy on Assignment of Appellate Cases, and if a different attorney is assigned to the matter, a substitution of counsel can be filed at a later date.

**COMMISSION ON LEGAL COUNSEL FOR INDIGENTS**  
**POLICY ON "ASSIGNMENT OF APPELLATE CASES"**

In general, an appeal will be handled by the attorney who handled the trial, or sentencing in the matter, if the attorney is a contract counsel or public defender. A request to assign the appeal to another attorney will be granted if issues are or will be raised regarding the trial or sentencing attorney's representation of the client. A request to assign the appeal to another attorney may be granted for other reasons in the discretion of the Director or Deputy Director.