

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ASHLEY KENNETH HUNTER – PETITIONER

VS.

STATE OF NORTH DAKOTA – RESPONDENT

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): _____

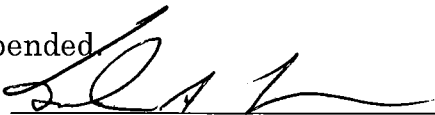
☐ Petitioner has not previously been granted leave to proceed in forma pauperis in any court.

☐ 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
ATTORNEY FOR PETITIONER



**NOTICE OF ELIGIBILITY FOR APPOINTED COUNSEL
(CONFLICT RE-ASSIGNMENT)**
ND COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
SFN 58352 (2/2014)

NDOLCI
Po Box 148
Valley City, ND 58072
Phone: (701)845-8632
Fax: (701)845-8633
Email: ndolci@nd.gov

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

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

Case number(s): 09-2015-CR-02085	Offense: Murder	Severity: FAA
"	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: Cass
Co-defendant(s):	Victim(s): Clarence Flowers, Samuel Traut	
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: <u><i>DM</i></u> Date: <u>2/24/17</u> (Lead Counsel/Commission Personnel)		

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

ASSIGNMENT OF COUNSEL - NOTICE OF CONFLICT RE-ASSIGNMENT (Completed by Lead Contractor or Commission Personnel)		
New attorney assigned: Samuel Greengard	Attorney Bar ID #: 07040	Date assigned: 2/24/17
Phone number: 701-773-6841	Email address: Sam@ggflawyer.com	
Street address: Po Box 4	City, State, ZIP Code: East Grand Forks MN 56721	
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,

Plaintiff,

-vs-

Ashley Kenneth Hunter,

Defendant.

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Case No. 09-2015-CR-02085

ORDER

[¶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.