

Supreme Court No. 79023, 72805, 78907
District Court No. C-14-297388-1

19-6523

In The
United States of America Supreme Court

Pascual Andres McMurray Rivera
Petitioner,

✓
The State of Nevada
Respondent,

ORIGINAL

Petition For Writ of Certiorari

Pascual Andres McMurray Rivera
High Desert State Prison
22010 Cold Creek Road
Indian Springs, NV 89070
(702) 879-6789

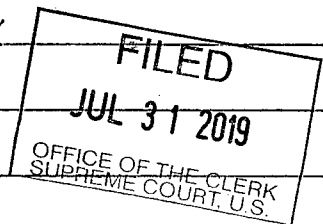


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List of Parties

All parties appear in the caption of the case on the cover page.

In The United States of America Supreme Court

Petition For Writ of Certiorari

The Petitioner respectfully requests that a Writ of Certiorari be granted to review the judgement of Nevada Supreme Court No. 79023, 72805, 78907.

Opinions Below

The opinion of the highest court to review the merits is the Nevada Supreme Court No. 79023,

Jurisdiction

The date on which the highest state court being the Supreme Court of the State of Nevada decided the appeal from an order denying a motion opposing the withdrawal of court-appointed counsel was the 3rd day of June, 2019

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(v).

Questions Presented

Effective Assistance of Counsel is guaranteed to the Petitioner by the United States of America's Constitution's Sixth Amendment. At every stage of the trial of the case or appeal this right is active. The petitioner was not transported from the Nevada Department of Corrections' High Desert State Prison and thus was not present to present an argument to support the Motion Opposing The Withdrawal of Court Appointed Counsel.

I. Why was Counsel for the Petitioner allowed to withdraw as advocate prematurely when a request for the filing of a Writ of Certiorari was made?

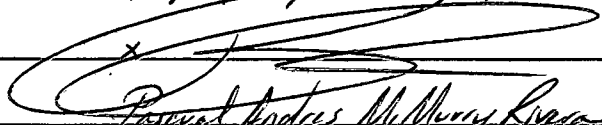
William H. Brown was appointed as advocate for the petitioner in the appeal of case C-14-297388-1 of the Eighth Judicial District Court in the State of Nevada, in the Nevada Supreme Court #72805, 78907. In accordance with the United States Court of Appeals for the Sixth Circuit Criminal Justice Act Plan, the appointed counsel for an appellant must file a Writ of Certiorari if the appellant requests the appointed counsel to seek discretionary review.

This issue supports the claim of Ineffective Assistance of Counsel and is a blatant violation of the petitioners United States of America's Constitution Sixth Amendment Right.

Conclusion

I respectfully request this Writ of Certiorari be granted.

Respectfully Submitted,



Donald Andrew McMurtry

High Desert State Prison

22010 Cold Creek Road

Indian Springs, NV 89070

(702) 879-6789

September 17th, 2019

Case Statement

The petitioner was not transported from the Nevada Department of Corrections - High Desert State Prison and

this was not present to present an argument to support

the motion opposing the withdrawal of court appointed counsel

for appeal, William H. Brown. Counsel was appointed to be the

petitioner's advocate in an appeal in the Nevada Supreme

Court No. 72805. The appeal was ineffectively represented

by counsel and the petitioner opposes counsels withdrawal

due to the request made by the petitioner for William H.

Brown to file a writ of Certiorari.

In accordance with the United States Court of Appeals

for the Sixth Circuit Criminal Justice Act Plan, the appointed

counsel for an appellant must file a Writ of Certiorari if

the appellant requests the appointed counsel to seek

discretionary review.

Judge Kathleen E. Dulaney heard the matter of the

petitioners Motion To Oppose Withdrawal of Court Appointed

Counsel on the 3rd day of June, 2019 at 9:00am in

the Eighth Judicial District Court in the State of Nevada

William J. Merbok was the Deputy District Attorney for

the State of Nevada. The petitioner passed Andrew McIlwain, Jr.

proceeds in Forme Papers.

Dated this 17th day of September, 2019

Respectfully Submitted,



Rosevelt W. Murray, Director
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