

THIS IS A CAPITAL CASE
No.

IN THE SUPREME COURT OF THE UNITED STATES

JEFFREY HESSLER,
Petitioner,

v.

STATE OF NEBRASKA,
Respondent.

On Petition for a Writ of Certiorari
To the Nebraska Supreme Court

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner, Jeffrey Hessler, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis. On February 25, 2003 the District Court of Scotts Bluff County, Nebraska found Mr. Hessler indigent and appointed counsel to represent him in the underlying capital case. Mr. Hessler has remained incarcerated since that date. Later, in post-conviction proceedings the same court found Mr. Hessler "unable to pay fees, costs, or give security because of indigence." He was appointed counsel once again. On February

23, 2012 the United States District Court for the District of Nebraska found Mr. Hessler indigent and appointed counsel to represent him in federal habeas corpus proceedings.

The courts' orders are attached hereto.

Respectfully submitted,

s/ JERRY M. HUG
Counsel of Record
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Omaha, NE 68102
(402) 346-1733
jerry.hug@gmail.com

*Counsel for Jeffrey Hessler

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

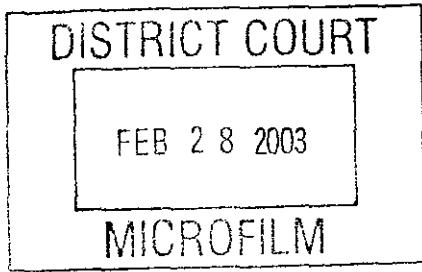
THE STATE OF NEBRASKA)
vs.)
Plaintiff,) CASE NO. CR 03-39
vs.)
Defendant.) JOURNAL ENTRY

FEB 27 2003

NOW ON THIS 25TH day of February, 2003, this matter came on for preliminary hearing upon the Complaint filed directed in District Court. The defendant was present and represented by counsel, James Mowbray and Jeffery Pickens. The State of Nebraska was represented by Deputy County Attorney Douglas Warner and Deputy County Jeffrey Hill. The Honorable Randall L. Lippstreu presided.

The defendant is determined to be indigent and the Court appoints James Mowbray and Jeffery Pickens from the Commission on Public Advocacy to represent the defendant at all future critical stages of these proceedings as provided for by law. The Court is advised that the defendant will waive preliminary hearing. The defendant is questioned by the Court concerning the waiver of preliminary hearing. The defendant verbally waives his right to a preliminary hearing. The Court finds that the defendant's waiver of preliminary hearing is made freely, voluntarily, and intelligently. The defendant's waiver of preliminary hearing is accepted by the Court and he is bound over to be held for trial in the District Court of Scotts Bluff County, Nebraska.

The defendant received a copy of the Information and waived the 24 hour waiting period. The defendant is arraigned on the Information. The Court advised the defendant of the possible penalties that could be imposed on all counts alleged in the Information. The defendant stands mute and a plea of not guilty is entered on his behalf by the Court.



FILED Feb 27 2003

Ann Rasmussen
CLERK OF THE DIST. COURT

The Court then considered the defendant's Motion for Discovery and Motion for Depositions which were filed. There is no objection by the State to the defendant's Motion for Discovery and no objection to the Motion for Depositions. The Motion for Discovery is sustained and the State is allowed reciprocal discovery. The Motion for Depositions is also sustained.

The Court will hold a scheduling conference with counsel and enter a later order setting trial and hearings for pretrial motions.

BY THE COURT:



A handwritten signature in black ink, appearing to read "Randall S. Johnson". The signature is fluid and cursive, with a large, stylized 'R' at the beginning.

District Judge

Dated 2-27-03

cc: CPA

FEB 27 2008

IN THE DISTRICT COURT FOR SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
Plaintiff,)
vs.)
JEFFREY A. HESSLER,)
Defendant.)

CASE NO: CR 03-39

Order allowing post conviction filing
in forma pauperis pursuant to Neb.
Rev. Stat. § 25-2301 et. seq.

Upon consideration of the defendant's motion and affidavit to proceed *in forma pauperis*, the court finds that the defendant is unable to pay fees, costs, or give security because of his indigence. It is therefore ordered:

1. That the defendant is authorized to file a post conviction proceeding without prepayment of fees or costs or security; and responsible officers of the court are to issue and serve all necessary writs, process, and proceedings and perform all such duties without charge.
2. If there is any necessary expense of publication of process, subpoena of witnesses, or expenses of printing the record or briefs on appeal, the cost shall be paid by Scotts Bluff County.
3. Transcripts shall be ordered to be furnished without cost if the proceeding is not frivolous and presents a substantial question; if the transcript is needed to prepare, present, or decide issues presented. The expense of preparation of such a transcript shall be paid by Scotts Bluff County.
4. The Scotts Bluff County Public Defender is appointed to represent the defendant in this post conviction proceeding.

DATED February 27, 2008.

BY THE COURT:

District Judge



000058434D21

cc: Defendant
Public Defender
County Attorney

FILED Feb 27 2008
Ann Rosenthal
CLERK OF THE DIST COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JEFFREY A. HESSLER,)	CASE NO. 8:12mc26
)	
Petitioner,)	SEALED
)	
vs.)	ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the Court on the Motion for Appointment of Counsel (Pre-Petition) (Filing No. 1) filed by the Petitioner, Jeffrey A. Hessler.

IT IS ORDERED:

1. The Petitioner's Motion for Appointment of Counsel (Filing No. 1) is granted;
2. The Court appoints the Capital Habeas Unit of the Federal Public Defender for the Eastern District of Arkansas and Alan G. Stoler to represent the Petitioner in this federal habeas corpus case and in any ancillary proceedings.

DATED this 23rd day of February, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge