

**\*\*\*THIS IS A CAPITAL CASE\*\*\***  
No.

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**JEFFREY HESSLER,**  
Petitioner,

v.

**STATE OF NEBRASKA,**  
Respondent.

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

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**PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS**

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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  
209 S . 19<sup>th</sup> St, #323,  
Omaha, NE 68102  
(402) 346-1733  
jerry.hug@gmail.com

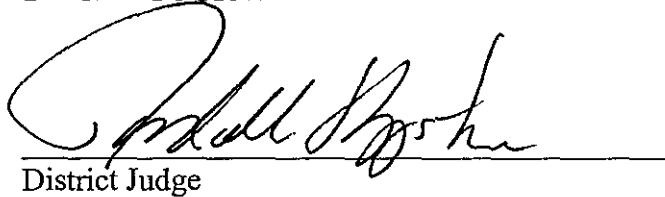
\*Counsel for Jeffrey Hessler



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 cursive script, appearing to read "Richard Spitzer", is written over a horizontal line. Below the line, the text "District Judge" is printed.

Dated 2-27-03

cc: CPA

IN THE DISTRICT COURT FOR SCOTTS BLUFF COUNTY, NEBRASKA

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

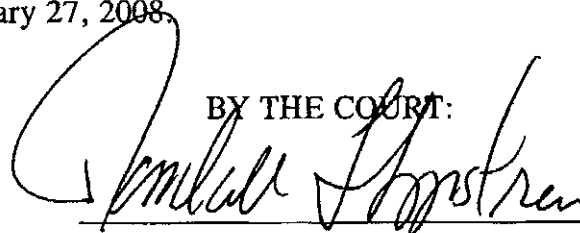
CASE NO: CR 03-39

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.

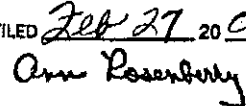
DATED February 27, 2008.

BY THE COURT:  
  
District Judge



000058434D21

cc: Defendant  
Public Defender  
County Attorney

FILED Feb 27 20 08  
  
CLERK OF THE DIST COURT

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

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

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 23<sup>rd</sup> day of February, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge