

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

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

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IN RE FRANK JARVIS ATWOOD, Petitioner

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ON PETITION FOR A WRIT OF HABEAS CORPUS

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**MOTION FOR LEAVE TO PROCEED  
*IN FORMA PAUPERIS***

**CAPITAL CASE – EXECUTION SCHEDULED  
FOR JUNE 8, 2022 AT 10:00 AM MST**

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*\*Counsel of Record*

COMES NOW Petitioner FRANK JARVIS ATWOOD, by and through his appointed counsel, and asks this Court for leave to file his Petition for writ of habeas corpus without prepayment of costs and to proceed *in forma pauperis*.

Mr. Atwood has counsel appointed in state court (Messrs. Lane and Kooistra) and also has counsel appointed in federal court pursuant to 18 U.S.C. § 3599(d) (Mr. Perkovich and Ms. Knight). The orders of their appointment are attached to this motion.

Dated: June 7, 2022

Respectfully submitted,

JOSEPH J. PERKOVICH\*  
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*Counsel for Petitioner*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Frank Jarvis Atwood, Petitioner, vs. Charles L. Ryan, et al., Respondents.	No. CV-98-116-TUC-JCC <b><u>DEATH PENALTY CASE</u></b> <b>ORDER</b> <b>EX PARTE UNDER SEAL</b>
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The Court having reviewed Petitioner's *Ex Parte* and Under Seal Motion for Appointment (Doc. 546), and good cause appearing;

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**IT IS ORDERED** that Petitioner's motion is **GRANTED**. Attorney Joseph J. Perkovich is appointed to represent Mr. Atwood, as Co-Counsel at the current CJA maximum rate of \$195/hour Based on counsel's substantial experience. Future increases to the maximum rate for lead counsel adopted by the District of Arizona shall apply automatically.

**IT IS FURTHER ORDERED** that counsel's representation of Petitioner shall be budgeted, as required by the Judicial Council of the Ninth Circuit. *See* Ninth Circuit CJA Policies and Procedures, available at <http://www.azd.uscourts.gov/attorneys/cja>. Counsel is directed to contact Ninth Circuit CJA Case Managing Attorney Jennifer Naegele at [JNaegele@ce9.uscourts.gov](mailto:JNaegele@ce9.uscourts.gov) to initiate the budgeting process.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Frank Jarvis Atwood,

No. CV-98-116-TUC-JCC

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Petitioner,

DEATH PENALTY CASE

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vs.

**ORDER**

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Charles L. Ryan, et al.,

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Respondents.

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Pending before the Court is Petitioner Frank Jarvis Atwood's unopposed Motion to Appoint Counsel pursuant to 18 U.S.C. § 3599(d). (Doc. 568.) For good cause shown,

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**IT IS HEREBY ORDERED** that Petitioner's motion is **GRANTED**. Attorney Amy P. Knight is appointed to represent Mr. Atwood as Co-Counsel, nunc pro tunc to April 11, 2022, at the current CJA maximum rate of \$202/hour based on counsel's substantial experience. Future increases to the maximum rate for lead counsel adopted by the District of Arizona shall apply automatically.

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**IT IS FURTHER ORDERED** directing the Clerk to distribute a copy of this order to all counsel of record and to the CJA Voucher Review Unit.

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Dated this 13th day of April, 2022.

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Honorable James A. Soto  
United States District Judge

FILED  
GARY L. HARRISON  
CLERK, SUPERIOR COURT  
6/2/2022 2:59:13 PM

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. JEFFREY T. BERGIN

CASE NO. CR014065  
CR015397

DATE: June 02, 2022

STATE OF ARIZONA

Plaintiff,

vs.

FRANK JARVIS ATWOOD

Defendant.

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**O R D E R**

**IN CHAMBERS ORDER: NOTICE OF POST-CONVICTION RELIEF**

The Defendant having filed a Notice for Post-Conviction Relief,

**IT IS ORDERED** that **Sam Kooistra, Esq., and David Lane, Esq.**, are appointed to represent the Defendant in this Rule 32 proceeding.

The record and transcripts having been prepared on appeal,

**IT IS ORDERED** that the request for preparation of the record and transcripts is DENIED.

**IT IS FURTHER ORDERED** the Defendant's petition be filed within **sixty (60) days** of this date.

**Pursuant to Rule 32.5, a Certification is required to be filed with the Petition.**

**IT IS FURTHER ORDERED** permanently assigning CR014054 and CR015397 to Hon. Catherine Woods, Div. 17, for all further proceedings.

If the Court, in its discretion decides to set a hearing on the Post-Conviction Petition, notice will be given to the parties at a later point. Any other requests for additional records or transcripts shall be directed by the parties to the assigned judge.



Jeffrey T. Bergin  
HON. JEFFREY T. BERGIN

(ID: ad75e3c7-275a-440f-8585-dcc03743ce6a)

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Joyce Burbridge  
Judicial Administrative Assistant