

No. 21-_____

IN THE SUPREME COURT OF THE UNITED STATES

FRANK JARVIS ATWOOD, Petitioner

vs.

STATE OF ARIZONA, Respondent.

ON PETITION FOR WRIT OF CERTIORARI

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

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

DAVID A. LANE
Killmer, Lane & Newman, LLP
1543 Champa Street, Suite 400
Denver, CO 80202
Tel: (303) 571-1000
dlane@kln-law.com

AMY P. KNIGHT*
Knight Law Firm, PC
3849 E Broadway Blvd, #288
Tucson, AZ 85716-5407
Tel: (520) 878-8849
amy@amyknightlaw.com

SAM KOOISTRA
Arizona Capital Representation Project
25 S. Grande Ave.
Tucson, Arizona 85745
Tel: (520) 229-8550
sam@azcapitalproject.org

**Counsel of Record*

COMES NOW Petitioner FRANK JARVIS ATWOOD, by and through his appointed counsel, and asks this Court for leave to file his Application for Stay of Execution 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 8, 2022

Respectfully submitted,

AMY P. KNIGHT
Knight Law Firm, PC
3849 E Broadway Blvd, #288
Tucson, AZ 85716-5407
Tel: (520) 878-8849
amy@amyknightlaw.com

JOSEPH J. PERKOVICH
Phillips Black, Inc.
PO Box 4544
New York, NY 10163
Tel: (212) 400-1660
j.perkovich@phillipsblack.org

SAM KOOISTRA
Arizona Capital Representation
Project
25 S. Grande Ave.
Tucson, Arizona 85745
Phone (520) 229-8550
sam@azcapitalproject.org

Counsel for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Frank Jarvis Atwood,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondents.

No. CV-98-116-TUC-JCC
DEATH PENALTY CASE

ORDER
EX PARTE UNDER SEAL

The Court having reviewed Petitioner's *Ex Parte* and Under Seal Motion for Appointment (Doc. 546), and good cause appearing;

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 to initiate the budgeting process.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Frank Jarvis Atwood,
Petitioner,

vs.

Charles L. Ryan, et al.,
Respondents.

No. CV-98-116-TUC-JCC
DEATH PENALTY CASE

ORDER

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,

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.

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.

Dated this 13th day of April, 2022.



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.

ORDER

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.


HON. JEFFREY T. BERGIN

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

[DISTRIBUTION ONLY, NEXT PAGE]

Joyce Burbridge
Judicial Administrative Assistant