

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BRIAN DALE NIXON,
PETITIONER,

v.

STATE OF TEXAS,
RESPONDENT.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Brian Dale Nixon, the Petitioner, asks leave to file the attached petition for a writ of certiorari, without prepayment of costs, and to proceed *in forma pauperis*. The Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding and a copy of the order of appointment is appended.

/s/ Michael C. Gross

Michael C. Gross
Counsel of Record
1524 North Alamo Street
San Antonio, Texas 78215
lawofcmg@gmail.com
(210) 354-1919
(210) 354-1920 Fax

FILED
HOUR 11:11 am

JUL 16 2021

66.

CAUSE NO. 16-04-11937-CR

By GINDY FOWLER
Dist Clerk, Medina County, Texas Deputy

THE STATE OF TEXAS

V.

BRIAN DALE NIXON

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IN THE DISTRICT COURT

454TH JUDICIAL DISTRICT

MEDINA COUNTY, TEXAS

ORDER on Appellate
MOTION TO WITHDRAW AND TO APPOINT APPELLATE COUNSEL

On this date came to be considered a Motion to Withdraw and to Appoint Appellate Counsel for defendant, Brian Dale Nixon, who was convicted of Capital Murder on July 14, 2021 and assessed a sentence of Life Without the Possibility of Parole.

The Court finds that Brian Dale Nixon has been represented by appointed counsel, the Regional Public Defenders Office, and that his financial situation has not changed since the initial appointment. The Court finds that Mr. Nixon is entitled to appointed counsel for the purposes of appeal from his conviction.

IT IS THEREFORE ORDERED, that the Regional Public Defenders Office shall be granted leave to withdraw and discharged from further responsibilities for the representation of Brian Dale Nixon.

IT IS FURTHER ORDERED that attorney Michael Gross shall be appointed to represent Brian Dale Nixon on appeal to the intermediary court of appeals and any subsequent appeal to the Texas Court of Criminal Appeal, or until such appointment is terminated by this Court.

Signed on the 15th day of July 2021.

Sid Harle
SID HARLE
VISITING JUDGE PRESIDING