

IN THE  
**Supreme Court of the United States**

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GILBERTO GARZA JR.,  
*Petitioner,*

v.

STATE OF IDAHO,  
*Respondent.*

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On Writ of Certiorari to the  
Supreme Court of Idaho

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**MOTION FOR LEAVE TO DISPENSE WITH  
PREPARATION OF JOINT APPENDIX**

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Pursuant to Rule 26.8 of the Rules of this Court, Petitioner Gilberto Garza, Jr. moves for leave to dispense with the requirement of a joint appendix in this case.

This case presents the question of whether the “presumption of prejudice” recognized in *Roe v. Flores-Ortega*, 528 U.S. 470 (2000), applies where a criminal defendant instructs his trial counsel to file a notice of appeal but trial counsel decides not to do so because the defendant’s plea agreement included an appeal waiver. This is a question of law and the pertinent record materials, including the decisions below, the relevant plea agreements, and the affidavit of Petitioner’s trial attorney, have already been included in the petition appendix. In our view, no other portion of the record would assist the Court’s consideration of this case.

Respondent agrees that a joint appendix is not necessary.

Respectfully submitted,



AMIR H. ALI

*Counsel of Record*

RODERICK & SOLANGE

MACARTHUR JUSTICE CENTER

718 7th Street NW

Washington, DC 20001

(202) 869-3434

amir.ali@macarthurjustice.org

Date: July 17, 2018