

Case No. _____

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

RANDALL ERIC LEVERTON,

Petitioner,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

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

Petitioner Randall Eric Leverton, pursuant to Supreme Court Rule 29, respectfully requests leave to file the accompanying Petition for Writ of Certiorari to the Colorado Court of Appeals without prepayment of costs and to proceed *in forma pauperis*. Petitioner was granted leave to proceed *in forma pauperis* in Colorado district court and on appeal. The undersigned counsel was appointed on appeal through the Office of Alternate Defense Counsel, pursuant to Colorado Revised Statutes section 16-8-119. (*See attached.*)

DATED this 30th day of December 2017.

Respectfully submitted,

KATAYOUN A. DONNELLY
Counsel of Record
Attorney for Petitioner
AZIZPOUR DONNELLY, LLC
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Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 12, 2015 2:24 PM CASE NUMBER: 2015CA50
El Paso County 2013CR123	△ COURT USE ONLY △ Case Number: 2015CA50
Plaintiff-Appellee: The People of the State of Colorado,	
v.	
Defendant-Appellant: Randall Eric Leverton.	
ORDER RE: MOTION TO WITHDRAW AND FOR APPOINTMENT OF CONFLICT-FREE COUNSEL ON APPEAL	

GRANTED.

Public Defender is withdrawn. The Office of Alternate Defense Counsel through Lindy Frolich is appointed as counsel on appeal. The record remains due April 13, 2015.

Issue Date: 1/12/2015

BY THE COURT

COURT OF APPEALS, STATE OF COLORADO 2 East 14th Avenue Denver, Colorado 80203	
El Paso County District Court Honorable Robert L. Lowrey, Judge Case Number: 13CR123 (Case Number 13M116 Consolidated on September 16, 2014)	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff-Appellee v. RANDALL ERIC LEVERTON Defendant-Appellant	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Karen N. Taylor, Chief Appellate Deputy 1300 Broadway, Suite 300 Denver, Colorado 80203 (303) 764-1400 (Telephone) PDApp.Service@coloradodefenders.us Registration Number: 24810	Case Number:
MOTION TO WITHDRAW AND FOR APPOINTMENT OF CONFLICT-FREE COUNSEL ON APPEAL	

The Office of the Colorado State Public Defender, pursuant to C.A.R. 5, respectfully requests leave to withdraw from representation of Randall Eric Leverton, and further requests this Court to issue an Order appointing conflict-free counsel to represent Mr. Leverton during the appeal of his conviction and sentence.

AS GROUNDS in support:

1. On September 17, 2014, after trial by jury, Mr. Leverton was convicted of one count of theft by receiving-\$1,000-\$20,000 and one count of drug

paraphernalia-possess. On November 24, 2014, Mr. Leverton was sentenced to three years probation and ordered to complete 48 hours useful public service.

2. On December 17, 2014, the Public Defender's Appellate Division was appointed to represent Mr. Leverton during the appeal of his conviction and sentence. This Office is simultaneously filing with this Motion a Notice of Appeal on Mr. Leverton's behalf.

3. Undersigned counsel has reviewed Mr. Leverton's file and determined that it would be a conflict of interest to represent him in this appeal due to the Public Defender's representation of the codefendant below.

4. The Office of the Colorado State Public Defender may apply at any stage of the proceedings on appeal for appointment of conflict-free counsel to represent the Defendant-Appellant. Withdrawal of counsel is required when counsel has a conflict of interest.

5. Counsel has notified the Defendant-Appellant of his rights and responsibilities pursuant to C.A.R. 5. *See* Appendix A, Written Notification Certificate. Counsel has also notified the Defendant-Appellant that steps are being taken to ensure the appointment of conflict-free appellate counsel.

6. Mr. Leverton's last known address is: 3109 North Arcadia, Colorado Springs, Colorado 80907.

WHEREFORE, the Office of the Colorado State Public Defender respectfully requests leave to withdraw from representation of Randall Eric Leverton on appeal, and for an Order appointing conflict-free counsel on appeal.

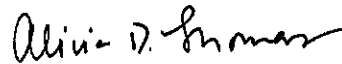
DOUGLAS K. WILSON
Colorado State Public Defender



KAREN N. TAYLOR, #24810
Chief Appellate Deputy
1300 Broadway, Suite 300
Denver, Colorado 80203
(303) 764-1400

CERTIFICATE OF SERVICE

I certify that on January 12, 2015, a copy of this Motion to Withdraw and for Appointment of Conflict-Free Counsel on Appeal was served on the Office of the Attorney General and Lindy Frolich, Alternate Defense Counsel, via the Integrated Colorado Courts E-filing System (ICCES).



WRITTEN NOTIFICATION CERTIFICATE

Undersigned counsel, pursuant to C.A.R. 5, hereby certifies the following:

By letter dated January 12, 2015, counsel has notified Defendant-Appellant of counsel's wish to withdraw and Defendant-Appellant's rights and responsibilities pursuant to C.A.R. 5 that:

1. The Colorado Court of Appeals retains jurisdiction over Defendant-Appellant's appeal;
2. Defendant-Appellant has the burden of keeping the court informed where notices, pleadings, or other papers may be served;
3. Defendant-Appellant has the obligation to prepare for all appellate proceedings, or secure other counsel to so prepare;
4. If Defendant-Appellant fails or refuses to meet these burdens, the court may impose appropriate sanctions;
5. The record on appeal is currently due April 13, 2015, and such date will not be affected by the withdrawal of counsel;
6. Process may be served upon Defendant-Appellant at the last known address;
7. Defendant-Appellant has the right to object to this withdrawal within 14 days of the date of notice;
8. Defendant-Appellant will be notified of the effective date of withdrawal.

Counsel has also notified Defendant-Appellant that steps are being taken to ensure the appointment of conflict-free counsel. Defendant-Appellant's last known address is: Mr. Randall Eric Levertson, 3109 North Arcadia, Colorado Springs, Colorado 80907.



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Appendix A

Attachment to Order - 2015CA50