

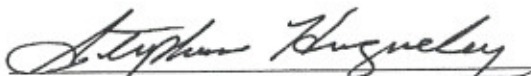
conviction petition which complies with the requirements of Tenn. S. Ct. Rule 28. In this pro se post-conviction petition, Mr. Hugueley has requested the appointment of counsel and he has asserted that he is indigent and unable to pay the costs of the post-conviction proceedings. Copies of Mr. Hugueley's pro se petition and accompanying affidavit of indigency were filed contemporaneously with this motion. Pursuant to Tenn. Code Ann. § 40-30-107, the appointment of counsel is mandatory upon the filing of such a petition.

It is appropriate for the Court to appoint, pursuant to this pro se motion, the Office of the Post-Conviction Defender, 530 Church Street, Suite 600, Nashville, TN 37243. "It is the primary responsibility of the post-conviction defender to represent, . . . any person convicted and sentenced to death in this state who is without counsel and who is unable to secure counsel due to indigency . . ." Tenn. Code Ann. § 40-30-206(a). Rule 13(h) of the Rules of the Tennessee Supreme Court also mandates the appointment of the Post-Conviction Defender in this matter. It is clear that the intent of Tenn. Code Ann. § 40-30-206(a) and Rule 13(h) is that the Office of the Post-Conviction Defender should be appointed unless there is a conflict. The Office of the Post-Conviction Defender is presumptively the appropriate public defender organization to be appointed in a post-conviction case filed by an indigent petitioner under a sentence of death.

CONCLUSION

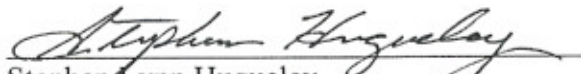
Pursuant to his statutory right to file a post-conviction petition, Stephen Lynn Hugueley is statutorily entitled to have the Office of the Post-Conviction Defender appointed to represent him in his post-conviction proceedings. Mr. Hugueley asks that this motion be heard at the soonest possible date.

Respectfully submitted,


Stephen Lynn Hugueley, #112195
Brushy Mountain Correctional Complex
HSA
P. O. Box 1000
Petros, TN 37845

CERTIFICATE OF SERVICE

I certify that I gave a copy of this motion to federal public defender^{agent} on the 20th day of July, 2006 to deliver, first class and postage prepaid, to Elizabeth T. Rice, District Attorney General for the 25th Judicial District, 302 Market Street, Somerville, TN 38068.


Stephen Lynn Hugueley