

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK LEAL,
Appellant,

vs.

JERRY HOWELL, WARDEN,
SOUTHERN DESERT
CORRECTIONAL CENTER,
Respondent.

Electronically Filed
Supreme Court No. 79243
Jul 26 2019 10:11 a.m.
District Court Case No. CR20664
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO WITHDRAW

Pursuant to Rule 46 of the Nevada Supreme Court Rules, Joseph Gersten and The Gersten Law Firm PLLC, hereby moves to withdraw as attorney for Appellant Defendant Jack Leal. A Notice of Appeal was filed by Defense counsel so as to avoid a Lozada situation, See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994), however, undersigned Counsel was not hired by Appellant to prosecute this appeal.

Dated this 26 day of July 2019.

Respectfully submitted,

Joseph Z. Gersten

JOSEPH Z. GERSTEN

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MEMORANDUM AND DECLARATION OF COUNSEL

I, **JOSPEH Z. GERSTEN**, am a duly licensed attorney in the State of Nevada and am employed by The Gersten Law Firm PLLC. On December 21, 2018, As a courtesy, I filed a Notice of Intent to Appeal for the Defendant so as to avoid a Lozada situation. See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). Essentially, while Appellant is incarcerated at Southern High Desert State Prison and incommunicado, Counsel filed said Notice of Appeal to preserve Appellant's rights. However, undersigned Counsel was not hired for by Appellant to prosecute this appeal.

Due to the above described circumstances, Attorney Gersten respectfully requests this Honorable Court accept and/or grant this Withdrawal.

This motion is made in good faith and not for purposes of undue delay.

I declare under penalty of perjury that the factual representations set forth in the foregoing memorandum are true and correct.

///

Dated this 26 day of July 2019.

Joseph Z. Gersten
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 26 day of July 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

JERRY HOWELL, WARDEN
Southern Desert Correctional Center
20825 Cold Creek Road
P.O. Box 208
Indian Springs, NV 89070-0208

STEVEN B. WOLFSON, ESQ.
Clark County District Attorney
200 Lewis Avenue
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AARON FORD, ESQ.
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100 North Carson Street
Carson City, NV 89701

And by regular mail to:

JACK LEAL, #1183500
Southern Desert Correctional Center
P.O. Box 208
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BY Joseph Z. Gersten

Employee of The Gersten Law Firm PLLC