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3 **CERTIFICATE OF SERVICE**

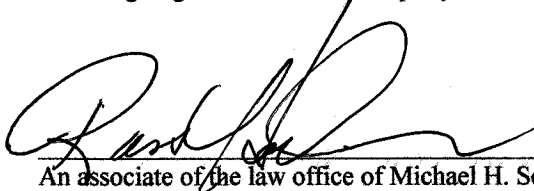
4 I, the undersigned, hereby acknowledge that on the 27 day of July, 2010, that I personally

- 5 ☐ Deposited the above and foregoing Motion, in a postage prepaid envelope, in the United States Mail and addressed as follows:

6 DAVID ROGERS, D.A.  
7 200 LEWIS AVENUE, 3<sup>RD</sup> FLOOR  
8 LAS VEGAS, NEVADA 89155

9 Their last known address(es).

- 10 ☒ Hand delivered a copy to the Counsel of the opposing party at the above stated address.  
11 ☐ Fax'ed a copy of the above and foregoing Motion to the other party and/or his Counsel of record at: (702)

12  
13   
14 An associate of the law office of Michael H. Schwarz, Esq.

ORIGINAL

FILED

1 KENNETH COUNTS, Pro Per  
2 NDOC# 1017559  
3 S.D.C.C.  
4 P.O. Box 208  
5 Indian Springs, Nevada 89070

SEP 30 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

6 KENNETH COUNTS,

CASE NO: 55608

7 Appellant,

PROPER PERSON  
RECEIVED/ENTERED

8 vs.

JUL 23 2010

9 STATE OF NEVADA,

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

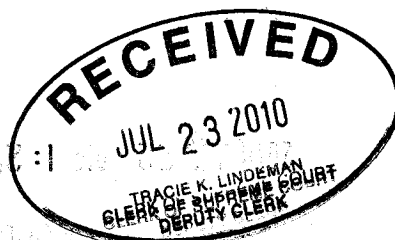
10 Respondent.

11  
12 NOTICE OF WITHDRAWAL  
13 OF APPEAL

14 COMES NOW the Appellant, KENNETH COUNTS, in proper person, and notifies this  
15 Honorable Court of the Appellant's intent to withdraw his appeal. Appellant has consulted with  
16 his Post Conviction Counsel, who has spoken to the Appellant at great length and has informed  
17 him of the pros and cons of maintaining this appeal as opposed to seeking post conviction relief  
18 through habeas corpus proceedings. The Appellant, after careful consideration, has determined  
19 that it is in his best interest to withdraw his appeal and pursue post conviction relief.

20 In the interests of conserving the judicial resources of the State of Nevada and this Court's;  
21 and, of seeking a speedy and adequate remedy in the best interest of KENNETH COUNTS - a  
22 convicted person, the Appellant requests that this Honorable Court permit him to withdraw his  
23 appeal filed under the above case number and that a *Remittitur* issue immediately so that his Post  
24 Conviction may be heard on August 19, 2010.

Respectfully submitted,



Kenneth Counts #1017559  
KENNETH COUNTS, PRO PER  
#1017559

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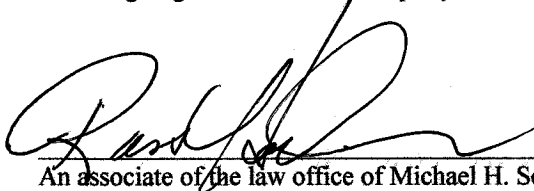
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