

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JUL 01 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malm*
DEPUTY CLERK

ROBERT HOLMES,
Appellant,

vs.

CASE NO: 58625

THE STATE OF NEVADA,
Respondent.

NOTICE THAT COUNSEL IS NOT TRIAL COUNSEL FOR THE ISSUES
APPEALED FROM AND, IF NECESSARY, MOTION TO WITHDRAW AS
COUNSEL

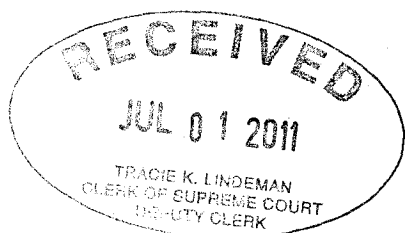
COMES NOW, JAMES J. RUGGEROLI, ESQ., former counsel for the above-
referenced Appellant, and respectfully hereby respectfully notifies this court that he is not trial
counsel, however, if necessary moves this Court to allow him to withdraw if this Court finds
otherwise.

DATED this 29 day of June, 2011.

JAMES J. RUGGEROLI, P.C.

By 

JAMES J. RUGGEROLI, ESQ.
Nevada State Bar No. 7891
500 South Rancho Dr., Suite 16
Las Vegas, Nevada 89106
Attorney for Appellant



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2 **DECLARATION OF JAMES J. RUGGEROLI**

3 STATE OF NEVADA)
) ss:
4 COUNTY OF CLARK)

5 **JAMES J. RUGGEROLI**, being first duly sworn, deposes and says:

6 1. That I am a licensed attorney practicing law in the State of Nevada and that I have
7 been *previously* appointed to represent the Appellant, ROBERT HOLMES, in **case number 53848**.

8 2. That I have personal knowledge of the facts contained in this Affidavit and am
9 competent to testify as to those facts.

10 3. That Mr. Holmes had been represented in District Court by Joseph Sciscento prior
11 to any appeal. Mr. Sciscento filed a motion to withdraw guilty plea in the District Court. The
12 District Court denied the motion and Mr. Sciscento appealed. After filing notice of appeal, Mr.
13 Sciscento became a justice of the peace, and this Court removed Appellant's Counsel for the appeal
14 of the order denying the motion to withdraw guilty plea on July 2, 2009 in case number 53848. This
15 Court remanded the matter to the District Court to appoint appellate counsel, which the District
16 Court ordered in August of 2009.

17 4. That Counsel completed all Fast Track Requirements in this appeal, and this Court
18 ultimately filed an Order of Affirmance on May 7, 2011.

19 5. That Counsel's received notice from Mr. Holmes that he intended to pursue post-
20 conviction proceedings in proper person, and that he wanted the entire file that Counsel had in his
21 possession, which Counsel provided.

22 6. That Counsel never acted as attorney of record or trial counsel after this Court's Order
23 of Affirmance, and that Mr. Holmes then represented himself at all further stages, post-conviction,
24 in the District Court.
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7. That it appears that Mr. Holmes has now filed notice of appeal for his post-conviction proceedings in which Counsel was not “trial counsel.”

6. That due to the fact that Counsel was not “trial counsel” for the issues appealed from, Counsel hereby respectfully give notices that he should no longer be deemed attorney of record in this or any other matters regarding Mr. Holmes.

7. However, to the extent that this Honorable Court finds that Counsel's obligation in any way remains, Counsel respectfully requests that he be allowed to withdraw as counsel.

FURTHER, your affiant sayeth not.

Signed under penalty of perjury pursuant to statute.



JAMES J. RUGGEROLI

CERTIFICATE OF MAILING

The undersigned hereby declares that on the 29 day of June, 2010
deposited a true and correct copy of the foregoing **NOTICE THAT COUNSEL IS NOT TRIAL
COUNSEL FOR THE ISSUES APPEALED FROM AND, IF NECESSARY, MOTION TO
WITHDRAW AS COUNSEL** in the United States Mail, postage fully prepaid, addressed to the
following:

DAVID ROGER, ESQ.
Clark County District Attorney
200 Lewis Avenue
Las Vegas, NV 89155-2211


James J. Ruggeroli, Esq.

James J. Ruggeroli, Esq.