

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS RANDOLPH

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 73825

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Stefany Miley, District Judge
District Court No. 09C250966

**MOTION TO WITHDRAW AS COUNSEL AND FOR
LIMITED REMAND FOR APPOINTMENT OF NEW COUNSEL**

JoNell Thomas
State Bar #4771
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorney for Thomas Randolph

Electronically Filed
Apr 11 2018 02:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

COMES NOW JoNell Thomas, Clark County Special Public Defender, appointed attorney for Appellant Thomas Randolph and respectfully moves this Honorable Court for an order allowing her to withdraw as counsel and for a limited remand for appointment of new counsel.

This Motion is made and based upon Nevada Rule of Appellate Procedure 46(d) and Counsel's Declaration attached hereto.

DATED this 11th day of April, 2018.

SUBMITTED BY:

/s/ JONELL THOMAS

JONELL THOMAS
Special Public Defender
Nevada Bar No. 4771
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

DECLARATION OF JONELL THOMAS

JONELL THOMAS, hereby declares as follows:

I am an attorney duly licensed to practice law in the State of Nevada, and serve as the Clark County Special Public Defender. The Clark County Special Public

Defender's Office was appointed to represent Mr. Randolph for trial and represented him in that proceeding. I assumed responsibility for handling Mr. Randolph's direct appeal. This is a capital case.

Pursuant to Nevada Supreme Court Rule 1.16(b)(4) and (b)(7), I request permission to withdraw as counsel in this matter. There has been a complete breakdown in attorney-client communication, in addition to other reasons which are not appropriate for public disclosure, which necessitate my removal as counsel in this matter.

I have not reached the decision to file this motion lightly, and do not recall another time in which I have requested this relief in my numerous appearances before this Court over the last two decades. I have consulted with Assistant Bar Counsel at the Nevada State Bar and the Office of Appointed Counsel regarding this matter. Both are in agreement that it is appropriate for me to withdraw from this case.

Drew Christiansen of the Clark County Office of Appointed Counsel informs me that he has a qualified attorney who can be appointed to this case. I ask that this case be remanded for the limited purpose of appointing new counsel. I will fully cooperate with the new attorney in transferring my files and providing the research which I have conducted.

NRAP 46(d)(3)(B) provides that a motion to withdraw by appointed counsel

shall be accompanied by “an affidavit or signed statement from the defendant stating that the defendant consents to appointed counsel’s being relieved and requesting the appointment of substitute counsel . . . or [the motion] . . . shall set forth the reasons for the omission.” The Appellant is incarcerated and I am unable to meet with him. He has, however, attempted to file and has filed several documents in the district court, and has written several letters to me, in which he has demanded that I withdraw from his case. Moreover, I have discussed this matter with him on the telephone and he is in agreement that I should no longer serve as his counsel.

I respectfully request that under the unique and difficult situation presented that this Court grant this motion to withdraw and issue a limited remand for the appointment of new counsel.

I declare that I make this request in good faith and not for purposes of delay.

/s/ JONELL THOMAS

JONELL THOMAS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on April 11, 2018, a copy of the foregoing Motion to Withdraw as Counsel and Limited Remand for Appointment of New Counsel was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

BY MAILING

Thomas Randolph, ID 1183344
High Desert State Prison
P.O. Box 650
Indian Springs NV 89070

Thomas Randolph ID 1183344
Ely State Prison
P.O. Box 1989
Ely NV 89301

/s/ JONELL THOMAS

JONELL THOMAS