

K. Ryan Helmick, Esq.  
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Electronically Filed  
Feb 13 2020 12:57 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

In the matter of the application of,

Case No.: 80318

KODY HARLAN,  
Appellant,

STATE OF NEVADA,  
Respondent

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW K. RYAN HELMICK, ESQ. of RICHARD HARRIS LAW FIRM, counsel for Appellant, KODY HARLAN, and hereby requests that this Court enter an Order allowing undersigned counsel to withdraw as attorney of record for the Appellant.

This Motion is made and based upon all the pleadings and papers on file herein, the within Point And Authorities, the Affidavit of K. Ryan Helmick, Esq. attached hereto and incorporated herein by reference, and any and all arguments adduced at the time of the hearing.

DATED this 13 day of February 2020.

Respectfully Submitted,

By: 

**K. RYAN HELMICK, ESQ.**

Nevada State Bar No. 12769

**RICHARD HARRIS LAW FIRM**

830 South Fourth Street

Las Vegas, Nevada 89101

Phone (702) 333-3333

Fax (702) 444-4466

**POINTS AND AUTHORITIES**

The Nevada Rules of Appellate Procedure provide for the withdrawal of Counsel.  
More specifically, NRAP Rule 46(e)(3) provides, in pertinent part, as follows:

**Withdrawal.** A withdrawal of counsel may be effected only by filing a motion in the court. The withdrawing attorney shall serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state the reasons for the attorney's withdrawal consistent with SCR 46 and RPC 1.16 ....

As detailed in the attached Affidavit of K. RYAN HELMICK, ESQ., Appellant, KODY HARLAN, only retained counsel in this case at the District Court level. Appellant has neither retained our office for the appeal nor has he paid attorney's fees for the appeal. Undersigned counsel therefore believes that the client's interests would be best served if the undersigned were able to withdraw as counsel from this matter. Attached as **Exhibit "A,"** is a signed and notarized affidavit of Mr. Harlan consenting to such withdraw as well as stating the reasons why.

**RICHARD HARRIS LAW FIRM**

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By:

K. R. L.

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**STATE OF NEVADA            )**  
                                       )**ss:**  
**COUNTY OF CLARK          )**

4. That your Affiant respectfully requests that he be allowed to withdraw as counsel.

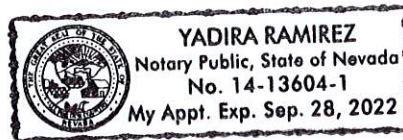
5. Appellant's last known address and telephone number are: KODY HARLAN,  
High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070-0650. Phone No.  
702-745-6656.

Further your Affiant sayeth naught.

By: *K. Ryan Helmick*  
K. RYAN HELMICK, ESQ.

SUBSCRIBED AND SWORN to before me  
This 13 day of February, 2020.

*Yadira Ramirez*  
NOTARY PUBLIC, In and for the  
County of Clark, State of Nevada



**CERTIFICATE OF SERVICE**

I hereby certify that on the 13 day of February, 2020, I  
served a true and correct copy of the foregoing document entitled **MOTION TO**  
**WITHDRAW** to those listed below by sending a copy via electronic mail and/or U.S.  
mail to and/or via hand delivery:

SUPREME COURT CLERK  
Supreme Court Building  
201 S. Carson Street  
Carson City, Nevada 89701

STEVE WOLFSON  
District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89101

**RICHARD HARRIS LAW FIRM**

801 S.4<sup>th</sup> St.

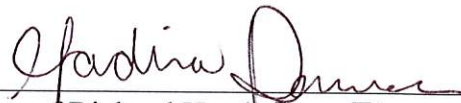
Las Vegas, NV 89101

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1 KODY HARLAN, ID# 1226941  
2 High Desert State Prison  
3 P.O. Box 650  
4 Indian Springs, NV 89070-0650

5 AARON FORD, ESQ.  
6 Nevada Attorney General  
7 100 North Carson Street  
8 Carson City, Nevada 89701-4717

By:

  
An employee of Richard Harris Law Firm

**RICHARD HARRIS LAW FIRM**

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**EXHIBIT "A"**

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1 **DECLARATION OF KODY HARLAN**

2 I, the undersigned, Kody Harlan, declare under the penalty of perjury  
3 as follows:  
4

- 5 1. I am 18 years of age or older, and I am competent to make this declaration.  
6 2. All statements contained herein are true and accurate to the best of my knowledge.  
7 3. I am currently incarcerated at the Nevada High Desert State Prison.  
8 4. Mr. Helmick handled my case Pro Bono for me at the Jury Trial stage of the case.  
9 5. Mr. Helmick never told me he would represent me at the appellate level or for any post-  
10 conviction work nor did I expect him to do so.  
11 6. I am asking for Mr. Helmick to be allowed to withdraw from my case so that I can be  
12 appointed appellate counsel.  
13 7. I have no liquid assets or other assets upon which I can obtain a loan or funding at this  
14 time.  
15 8. I was already declared indigent by the District Court.

16 

17 KODY HARLAN

18 State of Nevada  
19 County of Clark

20  
21 SUBSCRIBED and SWORN to before me this 13<sup>th</sup> day of February 2020.

22  
23   
24 NOTARY PUBLIC in and for said  
25 County and State.

