#### RICHARD HARRIS LAW FIRM 801 S.4<sup>th</sup> St. Las Vegas, NV 89101 Tel (702) 333-3333 | Fax (702) 444-4466

1	K. Ryan Helmick, Esq. Richard Harris Law Firm, LLP.						
2	801 S. 4 <sup>th</sup> St.						
3	Las Vegas, NV 89101						
100	Telephone (702) 333-3333  Ryan@thedefenders.net  Floctronically Filed						
4	Electronically Filed Feb 13 2020 12:57 p.m.						
5	Elizabeth A. Brown						
6	Clerk of Supreme Court						
	IN THE SUPREME COURT OF THE STATE OF NEVADA						
7	In the matter of the application of,						
8	Case No.: 80318						
9	KODY HARLAN,						
10	Appellant,						
	STATE OF NEVADA,						
11	Respondent						
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0.001 69							
14	MOTION TO WITHDRAW AS COUNSEL OF RECORD						
15	COMES NOW K. RYAN HELMICK, ESQ. of RICHARD HARRIS LAW						
16							
17	FIRM, counsel for Appellant, KODY HARLAN, and hereby requests that this Court						
18	enter an Order allowing undersigned counsel to withdraw as attorney of record for the						
19	Appellant.						
20	This Motion is made and based upon all the pleadings and papers on file herein,						
21							
22	the within Point And Authorities, the Affidavit of K. Ryan Helmick, Esq. attached hereto						
23	and incorporated herein by reference, and any and all arguments adduced at the time of						
24	the hearing.						
25	DATED this 13 day of February 2020.						
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Respect	full	V	Su	bmit	ted.
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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.

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#### **CONCLUSION**

It is therefore respectfully requested that this Court enter an Order allowing counsel for the Appellant to withdraw as counsel of record.

K. RYAN HELMICK, ESO.

Nevada State Bar No. 12769

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801 South Fourth Street Las Vegas, Nevada 89101 Phone (702) 333-3333 (702) 444-4466 Fax

#### AFFIDAVIT OF K. RYAN HELMICK, ESQ.

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

- K. RYAN HELMICK, ESQ., being first duly sworn, deposes and says that I have personal knowledge of and am competent to testify to the following facts.
- 1. That I was the attorney of record for Defendant, KODY HARLAN (hereinafter "Appellant"), in the District Court case, Case No. C-18-333318-2.
- 2. Appellant only retained counsel for the District Court case. Appellant has neither retained our office for the appeal nor has he paid attorney's fees for the appeal.
- 3. As counsel for the Appellant, I submit that the client's interests would be best served if I were allowed to withdraw from this action.
- 4. That your Affiant respectfully requests that he be allowed to withdraw as counsel.

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1	5. Appellant's last known address and telephone number are: KODY HARLAN,						
2	High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070-0650. Phone No.						
3	702-745-6656.						
4	Further your Affiant sayeth naught.						
5	a secretary construction of the family construct						
6	1 110						
7	By: K. RYAN HELMICK, ESO.						
8	K. KTAN HELMICK, ESQ.						
9	SUBSCRIBED AND SWORN to before me This 12 day of Flow and . 2020.						
10	This 6 day of Howard, 2020.						
11	YADIRA RAMIREZ Notary Public, State of Nevada						
12	NOTARY PUBLIC, In and for the						
13	County of Clark, State of Nevada						
14	CERTIFICATE OF SERVICE						
15	I hereby certify that on the B day of Telman 2020, I						
16	served a true and correct copy of the foregoing document entitled <b>MOTION TO</b>						
17	WITHDDAW to those listed below by conding a conveying electronic mail and/an LIS						
18	WITHDRAW to those listed below by sending a copy via electronic mail and/or U.S.						
19	mail to and/or via hand delivery:						
20							
21	SUPREME COURT CLERK Supreme Court Building						
22	201 S. Carson Street						
23	Carson City, Nevada 89701						
24	STEVE WOLFSON District Attorney						
25	200 Lewis Avenue						
26	Las Vegas, Nevada 89101						
27	•						
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### RICHARD HARRIS LAW FIRM 801 S.4<sup>th</sup> St.

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KODY HARLAN, ID# 122694	4 ]
High Desert State Prison	
P.O. Box 650	
Indian Springs, NV 89070-065	0

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

By:

An employee of Richard Harris Law Firm

#### **EXHIBIT "A"**

#### RICHARD HARRIS LAW FIRM 801 S.4<sup>th</sup> St. Las Vegas, NV 89101 Tel (702) 333-3333 | Fax (702) 444-4466

#### DECLARATION OF KODY HARLAN

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

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

KODY HARLAN

State of Nevada County of Clark

SUBSCRIBED and SWORN to before me this 13th day of February 2020.

NOTARY DUBLIC in and for said County and State.

