

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVOHN MARKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80469

FILED

FEB 08 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER GRANTING MOTION TO DISMISS COUNSEL AND
REMANDING TO SECURE APPELLATE COUNSEL**

This is an appeal from a judgment of conviction. Appellant has filed a pro se motion to dismiss his counsel. Appellant asserts that his counsel was ineffective in the district court. It appears that appellant wishes to raise claims of ineffective assistance of counsel in this appeal. Although such claims are not generally appropriately raised on direct appeal, *see, e.g., Pellegrini v. State*, 117 Nev. 860, 882-83, 34 P.3d 519, 534-35 (2001), here it appears that appellant alleged in the district court that his counsel was ineffective. In order to challenge the district court's handling of appellant's allegations on appeal, appellant's counsel may be required to argue his own ineffectiveness. Under these circumstances, the motion is granted to the following extent.¹ The clerk shall remove Jess Y. Matsuda as counsel of record for appellant.

This appeal is remanded to the district court for the limited purpose of appointing appellate counsel for appellant. *See Evitts v. Lucey*, 469 U.S. 387 (1985). The district court shall have 30 days from the date of

¹This court makes no determination regarding whether any ineffective-assistance claim is appropriately considered on appeal or the merits of any such claim. *See id.*

this order to appoint new appellate counsel. Upon the appointment of appellate counsel, the district court clerk shall immediately transmit to the clerk of this court a copy of the district court's written or minute order.

As no fees or costs are due in this matter, appellant's pro se motion to proceed in forma pauperis is denied as moot.

It is so ORDERED.

1. J. J. J., C.J.

cc: Hon. Eric Johnson, District Judge
Devohn Marks
Matsuda & Associates, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk