

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 80469

FILED

AUG 26 2022

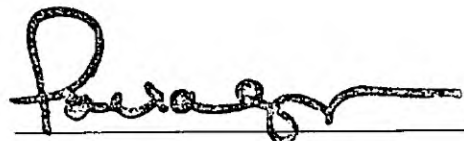
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY:  DEPUTY CLERK

ORDER DENYING MOTION

This is an appeal from a judgment of conviction. Appellant's counsel has filed a motion to withdraw as counsel of record. Counsel states that although he obtained an extension of time to file a petition for en banc reconsideration, he has determined that no such petition is warranted. Counsel states he informed appellant of that decision and that counsel would be moving to withdraw, so that, if he chooses, appellant may file a pro se petition for en banc reconsideration.

The certificate of service attached to the motion to withdraw does not indicate that counsel served the motion on appellant as required. *See* NRAP 46(d)(3)(A). The motion is not accompanied by an affidavit or signed statement from appellant, *see* NRAP 46(d)(3)(A)(ii), and does not explain the reasons for the omission, *see* NRAP 46(d)(3)(B). And appellant is not permitted to file a pro se petition for en banc reconsideration in this matter. *See* NRAP 46A(b)(1) ("A defendant who is appealing from a judgment of conviction may not appear without counsel."). For these reasons, the motion to withdraw is denied.

It is so ORDERED.

, C.J.

cc: Devohn Marks
Mario D. Valencia
Attorney General/Carson City
Clark County District Attorney