

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS JASON BERNAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82465

FILED

APR 07 2021

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

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

This is a direct appeal from a judgment of conviction. On March 15, 2021, the district court's order appointing attorney Thomas Qualls as counsel for appellant was filed in this appeal. Mr. Qualls has now filed a motion to withdraw informing this court that he has taken a position with the State of Nevada and is closing his practice. Cause appearing, the motion is granted. *See* NRAP 46(d)(3); RPC 1.16(b)(7). The clerk of this court shall remove Thomas Qualls as counsel of record for appellant.

This court remands this appeal to the district court for the limited purpose of securing counsel for appellant. *See Evitts v. Lucey*, 469 U.S. 387 (1985). If appellant is indigent, the district court shall have 30 days from the date of this order to appoint counsel for appellant. Otherwise, within 30 days from the date of this order, the district court shall order that appellant must retain counsel and that retained counsel must enter an appearance in the district court on appellant's behalf within 30 days from the date of the district court's order. Within five (5) days from the appointment or appearance of counsel, the district court clerk shall transmit to the clerk of this court: (1) a copy of the district court's written

order appointing appellate counsel; or (2) a copy of the notice of appearance filed by retained counsel.

The deadlines for filing documents in this appeal are suspended until further order of this court.

It is so ORDERED.

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

cc: Hon. John Schlegelmilch, District Judge
Thomas L. Qualls
Thomas Jason Bernal
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk