

1 **IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

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3 GENARO RICHARD PERRY,

4 Petitioner,

5 vs.

6 RENEE BAKER, WARDEN

7 Lovelock Correctional Center,

8 Respondent.

S.Ct. No. 82931

D.C. No. C298879-1

Electronically Filed
Apr 14 2022 11:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9

10 **MOTION TO WITHDRAW AS COUNSEL**

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12 COMES NOW JEAN J. SCHWARTZER, ESQ, counsel for Appellant,
13 GENARO PERRY, and moves this Court to withdraw as counsel at the request of
14 Appellant. This motion is based upon the following memorandum and all papers and
15 pleadings on file herein.

16 Dated this 14th day of April, 2022.

17

18 Respectfully submitted,

19

20 /s/ Jean J. Schwartzer
21 JEAN J. SCHWARTZER, ESQ.
22 Law Office of Jean J. Schwartzer
23 170 S. Green Valley Parkway
24 Suite 300
25 Henderson, NV 89012
26 Phone: 702-979-9941
27 jean.schwartzter@gmail.com
28 Counsel for Appellant

1 **MEMORANDUM**

2 I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case.
3 Pursuant to NRAP 46(d)(A)(iii), an attorney representing an appellant on appeal from
4 a post-conviction decision may move to withdraw provided the motion clearly state
5 whether counsel was appointed or retained and the reasons for the motion.
6 Additionally, an affidavit or signed statement from the defendant stating that the defendant
7 wants to proceed without counsel or with substitute counsel retained by defendant.

8 Counsel was appointed to represent Appellant.

9 Appellant indicated that he wished to proceed pro per until he could afford an
10 attorney and that he wanted counsel to withdraw from his case. He informed counsel
11 of this in a letter that contained additional information unrelated to his desire to
12 proceed pro per. Counsel mailed Appellant a lengthy letter informing him of his post
13 decision options and included the applicable portions of the Nevada Rules of
14 Appellate Procedure to assist him in filing a post-judgment petition if chose to do so.

15 Shortly thereafter and after reviewing NRAP 46(d)(A)(iii), counsel mailed a
16 form that stated Appellant wanted to proceed pro per and requested counsel to
17 withdraw. Counsel requested that he sign and return said form. Counsel did not
18 receive said form from client. Counsel sent the form again after reviewing the order
19 filed by this Court on March 30, 2022 directing counsel to either file a motion to
20 withdraw or Appellant to file a motion to remove counsel if Appellant's pro per
21 Petition for Rehearing was to be heard by this Court. Counsel has still not received
22 this form. Therefore, Counsel has filed, as Exhibit 1 and separately but
23 contemporaneously with this Motion, the original letter Appellant sent her making his
24 request of her to remove herself as counsel with certain portions of the letter redacted
25 so as to preserve Appellant's attorney-client privilege.

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This Motion is made in good faith and not for the purposes of undue delay.

I declare under penalty of perjury the factual representations set forth in the foregoing memorandum are true and correct.

Dated this 14th day of April, 2022.

Respectfully submitted,

/s/ Jean J. Schwartz
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Counsel for Appellant

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3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY AND AFFIRM that this document was filed
5 electronically with the Court of Appeal of the State of Nevada on April 14th, 2022.
6 Electronic Service of the foregoing document shall be made in accordance with the
7 Master Service List as follows:

8 AARON FORD, ESQ.
9 Nevada Attorney General

10 ALEXANDER G. CHEN, ESQ.
11 Chief Deputy District Attorney

12 /s/ Jean J. Schwartzer
13 JEAN J. SCHWARTZER, ESQ.
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17 Henderson, NV 89012
18 Phone: 702-979-9941
19 jean.schwartzter@gmail.com
20 Counsel for Appellant
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EXHIBIT 1

Jean J. Schwartz Esq.

1/14/22

[REDACTED]
[REDACTED]
[REDACTED] I would not like you to represent me
in District Court or Supreme Court; whatever you
have filed for me so far; Thank You; but I will be
going pro se: Represent Myself; [REDACTED]

[REDACTED] I will
go pro se until He and my family can Hire
[REDACTED] Esq. Please send me my
Entire File: Supreme Court Filings Etc.

Sincerely
Gerald L. Long.

P.S. Thank You for your time & work; But
please Remove Yourself off my 'Case: District
& Supreme...'
[REDACTED]
[REDACTED]