

Genaro Richard Perry 1153366  
Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070

FILED

APR 14 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

IN THE Appeals COURT OF  
THE STATE OF NEVADA IN AND FOR THE

Genaro Richard Perry  
Appellant

vs.

State of Nevada  
Respondant

Case No. 82931-COA

Dept. No. \_\_\_\_\_

Docket \_\_\_\_\_

MOTION TO WITHDRAW COUNSEL

Date of Hearing: \_\_\_\_\_

Time of Hearing: \_\_\_\_\_

ORAL ARGUMENT REQUESTED, Yes \_\_\_\_\_ No X

COMES NOW, Defendant, Genaro Richard Perry, proceeding in proper

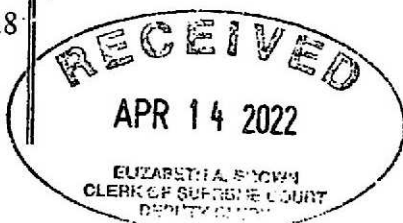
person, moves this Honorable Court for an ORDER Granting him permission to withdraw his  
present counsel of record in the proceeding action, namely,

Jean J. Schwartz

This Motion is made and based on all papers and pleadings on file with the Clerk of the Court  
which are hereby incorporated by this reference, the Points and Authorities herein, and attached  
Affidavit of Defendant.

DATED: this 8 day of April, 2022

BY: Genaro Richard Perry # 1153366  
Defendant/In Propria Personam



## POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number, 82931-COA, in Department No. \_\_\_\_\_.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a . . . prompt accounting of all his client's . . . property in his possession." This is echoed in Canon 2 of

the Code of Professional Responsibility of the American Bar Association, which states in pertinent

part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all

papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the

ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with

applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,

324 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney

refusing to deliver to a former client his documents after being requested to do so by the client. The

court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney

censored.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and  
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him  
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The  
8 attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11 DATED: this 8 day of April, 2022

12  
13 BY: Genaro Richard Perry  
14 Genaro Richard Perry #1153366  
15 Defendant/In Propria Personam  
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AFFIDAVIT OF: Genaro Richard Perry

STATE OF NEVADA )  
COUNTY OF CLARK ) ss:

TO WHOM IT MAY CONCERN:

I, Genaro Richard Perry the undersigned, do hereby swear that  
all statements, facts and events within my foregoing Affidavit are  
true and correct of my own knowledge, information and belief, and  
as to those, I believe them to be True and Correct. Signed under the  
penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state  
the following:

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 8 Day of April,  
2022.

BY: Genaro Richard Perry #1153366  
Post Office Box-208 (SDCC)  
Indian Springs, Nevada 89070  
Affiant, In Propria Personam:

**CERTIFICATE OF SERVICE BY MAILING**

I, Genaro Richard Perry, hereby certify, pursuant to NRCP 5(b), that on this 8  
day of April, 2022, I mailed a true and correct copy of the foregoing, “

Motion to withdraw counsel”

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

Supreme Court of Nevada  
Office of the Clerk  
201 S. Carson Street Suite 201  
Carson City NV  
89701

CC:FILE

DATED: this 8 day of April, 2022.

Genaro Richard Perry  
Genaro Richard Perry #1153366  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Motion To Withdraw Counsel

(Title of Document)

filed in District Court Case number 82931 COA



☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-OR-

B. For the administration of a public program or for an application  
for a federal or state grant.

Genaro Richard Perry  
Signature

4-8-22  
Date

Genaro Richard Perry  
Print Name

\_\_\_\_\_  
Title