

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Dec 28 2021 01:27 p.m.

TULY LEPOLO  
Petitioner,  
vs.

No. 83755 Elizabeth A. Brown  
Clerk of Supreme Court  
(DC. No. C-20-345911-1)

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
COUNTY OF CLARK, THE  
HONORABLE MICHAEL P. VILLANI  
DISTRICT COURT JUDGE – Dept. 17,  
and THE HONORABLE DAVID  
BARKER, SENIOR DISTRICT COURT  
JUDGE – SITTING FOR Dept. 17,  
Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest,

**CLARK COUNTY SPECIAL PUBLIC  
DEFENDER'S MOTION TO WITHDRAW**

ATTORNEYS FOR PETITIONER

*W. JEREMY STORMS*  
*Chief Deputy Special Public Defender*  
*Nevada Bar #010772*  
*JoNELL THOMAS*  
*Special Public Defender*  
*Nevada Bar #004771*  
*330 South 3rd Street*  
*Las Vegas, Nevada 89155*  
*State of Nevada*  
*(702) 455-6265*

ATTORNEYS FOR  
RESPONDENT

*STEVEN B. WOLFSON*  
*Clark County District Attorney*  
*Nevada Bar #001565*  
*Regional Justice Center*  
*200 Lewis Ave.*  
*Las Vegas, Nevada 89155*  
*(702) 671-2500*

Comes Now, Chief Deputy Special Public Defender W. Jeremy Storms and submits the instant Motion to Withdraw from representation of Petitioner Tuly Lepolo. This motion is based upon the attached Declaration of Counsel.

DATED this 28th day of December, 2021.

JoNell Thomas  
Clark County Special Public Defender

  
Jeremy Storms (Dec 28, 2021 13:21 PST)

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W. JEREMY STORMS  
Chief Deputy Special Public Defender  
Nevada Bar No. 10772  
Attorney for Lepolo

**DECLARATION OF W. JEREMY STORMS**

1. I am an attorney duly licensed to practice law in the State of Nevada and a Chief Deputy for the Special Public Defender assigned to represent Mr. Lepolo on his writ of mandamus before this Court.

2. The Clark County Special Public Defender was appointed to represent Mr. Lepolo on October 29, 2019.

3. On November 10, 2021, a Petition for Writ of Mandamus was filed in the Nevada Supreme Court. While a decision was pending as to the Petition, there was a breakdown in the attorney/client relationship.

4. At a hearing on a motion to dismiss for a speedy trial violation on December 3, 2021, before the District Court in Case No. C-20-345911-1, the Court conducted *Young* hearing without the presence of the District Attorney. The Court ordered the Special Public Defender's Office was dismissed and set a hearing to appoint new counsel. See Minutes December 3, 2021 attached.

5. On December 10, 2021, the Court appointed Jason Margolis, Esq. as attorney for Mr. Lepolo in Case Number C-20-245911-1.

6. On December 23, 2021, this Court filed an Order that the Real Party in Interest's Answer to the Writ of Mandamus was due within 28 days of the Order and that the Petitioner would have 14 days thereafter to file a reply.

7. As the Special Public Defender was dismissed as counsel in the district court case which is the underlying case for the Writ of Mandamus, Counsel requests that this Court allow the Special Public Defender to withdraw as counsel in the instant matter. It is further requested that this Court allow Mr. Margolis to file the appropriate Notice of Appearance and take over representation in this case.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 28th day of December, 2021.

  
Jeremy Storms (Dec 28, 2021 13:21 PST)  
W. Jeremy Storms

## CERTIFICATE OF SERVICE

The undersigned does hereby certify that on December 28, 2021, a copy of the foregoing MOTION was filed with the Nevada Supreme Court. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Clark County District Attorney's Office  
Regional Justice Center  
200 Lewis Ave., 3rd Floor  
Las Vegas, NV 89155

I further certify that on December 28, 2021, a copy of the foregoing MOTION was mailed to the following:

The Honorable Michael P. Villani  
Eighth Judicial District Court, Department 17  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89101

The Honorable David Barker  
Eighth Judicial District Court, Senior Judge  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89101

RESPECTFULLY SUBMITTED BY:

  
Jeremy Storms (Dec 28, 2021 13:21 PST)

W. JEREMY STORMS  
Chief Deputy Special Public Defender  
Attorney for Lepolo

Felony/Gross Misdemeanor

COURT MINUTES

December 03, 2021

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C-20-345911-1      State of Nevada  
                                 vs  
                                 Tuly Lepolo

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**December 03, 2021      09:30 AM      Notice of Motion and Motion to Dismiss Informaiton for Violation  
of Right to Speedy Trial****HEARD BY:**      Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Lord, Rem**RECORDER:**      Takas, De'Awna**REPORTER:****PARTIES PRESENT:**

<b>Marc P. Di Giacomo</b>	<b>Attorney for Plaintiff</b>
<b>State of Nevada</b>	<b>Plaintiff</b>
<b>Tuly Lepolo</b>	<b>Defendant</b>
<b>William J. Storms</b>	<b>Attorney for Defendant</b>

**JOURNAL ENTRIES**

Mr. Storms stated he had reviewed the JAVS recording and noted the Defendant did waive his right to a speedy trial so the Notice of Motion and Motion to Dismiss Information for Violation of Right to Speedy Trial would be moot. COURT ORDERED, Motion WITHDRAWN. Court requested Mr. Di Giocomo leave the Blue Jeans call so the Court could proceed with a Young Hearing, Mr. Di Giocomo left the call. Upon the Court's inquiry the Defendant stated issues he had with Mr. Storms representation as counsel, Mr. Storms requested a non Public Defender be appointed as to not hinder the Defendant's case. COURT stated findings and ORDERED Mr. Storms dismiss and NOTED it would contact Mr. Christensen's office for appointment of new counsel. COURT ADMONISHED Defendant Lepolo stating the attorney appointed by Mr. Christensen's office will be his counsel for trial. COURT FURTHER ORDERED, settlement conference VACATED and status check SET for the confirmation of counsel.

CUSTODY

12/10/2021 11:00 AM STATUS CHECK: CONFIRMATION OF COUNSEL