

1 DAVID R. FISCHER, ESQ.
Nevada Bar No. 010348
2 THE LAW OFFICE OF DAVID R. FISCHER
400 S. 4th Street, Suite 500
3 Las Vegas, NV 89101
(702) 547-3944
4 (702) 974-1458 (Fax)
Counsel for Appellant *Darnell Buchanan*

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Elizabeth A. Brown
Clerk of Supreme Court

5
6 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

7 DARNELL BUCHANAN.,

NO. 82869

Appellant,

8 vs.

**MOTION TO WITHDRAW AS
ATTORNEY OF RECORD**

9 THE STATE OF NEVADA,

10 Respondent.

11 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

12 COMES NOW the Appellant, DARNELL BUCHANAN, by and through his attorney
13 DAVID R. FISCHER, ESQ., and pursuant to NRAP 3C(b)(3), hereby moves this honorable Court
14 for an order allowing counsel to withdraw as attorney of record, and allow Appellant to proceed
15 pro se or with new appointed counsel. In support, Appellant gives the Court to understand as
16 follows:

- 17 1. This is a direct appeal from the Judgment upon guilty plea entered on April 6, 2021,
18 District Court Case Number C-20-352528-1.
- 19 2. Appellant filed a timely Notice of Appeal on April 30, 2020.
- 20 3. The Opening Brief and Appendix are currently due September 4, 2021.
- 21 4. Appellant requested that plea counsel file an appeal to his sentence (following a guilty
22 plea agreement with a stipulated sentence which the court followed) on April 27, 2021
23 herein.

5. Counsel for Appellant discussed the consequences of the plea with a stipulated sentence in great detail and multiple times with Appellant by reviewing the entirety of the written guilty plea agreement with him.
6. Counsel specifically reviewed pg. 4 of the district court guilty plea agreement with Appellant wherein appellant waives his rights to an appeal whereas as is the case here, he entered in to a guilty plea agreement with the State of Nevada.
7. Counsel remains of the opinion that the plea herein is in the Appellant's best interest.
8. Counsel for Appellant filed said appeal only to comply with the requirements under NRAP 3C with respect to counsel's obligation to file a direct appeal after counsel was contacted multiple times by Appellant and family members of appellant requesting that counsel file the instant appeal.
9. There may be a potential 6th Amendment claim regarding appellant's counsel advice to accept the very plea and stipulated prison sentence, the subject of the appeal.
10. Counsel can't review counsel's effectiveness with respect to the plea advice counsel provided.
11. Thus counsel requests leave to withdraw as attorney of record and allow Appellant to pursue his direct appeal pro per or with substitute appointed counsel.
12. Granting this motion is in the best interests of justice.

RESPECTFULLY SUBMITTED this 14th day of June, 2021.

THE LAW OFFICE OF DAVID R. FISCHER

BY: /s/ David R Fischer
DAVID R. FISCHER, ESQ.
Nevada Bar No. 10348
Counsel for Appellant *DARNELL BUCHANAN*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2021, I served a true and correct copy of the above and foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD to the parties, first-class postage fully prepaid thereon, by placing the same in the United States Mail at Las Vegas, Nevada, addressed as follows:

STEVEN B. WOLFSON, ESQ.
District Attorney
Clark County District Attorney's Office
200 Lewis Avenue
3rd Floor
Las Vegas, NV 89155

Aaron Ford, ESQ.
Attorney General
Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701

/s/ David R Fischer
DAVID R. FISCHER, ESQ.
Nevada Bar No. 10348
Counsel for Appellant *DARNELL BUCHANAN*