


IN THE SUPREME COURT OF THE STATE OF NEVADA

DARNELL BUCHANAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82869

**FILED**

JUN 25 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING MOTION TO WITHDRAW*

This is a direct appeal from a judgment of conviction. Appellant appears to be represented by appointed counsel. Counsel has filed a motion to withdraw on the grounds that appellant may have a claim of ineffective assistance of counsel related to the acceptance of the guilty plea and suggests that it would present a conflict of interest for counsel to review his own effectiveness.<sup>1</sup>

The motion was not served on appellant as required by NRAP 46(d)(3). Additionally, it does not appear that counsel can raise claims of ineffective assistance of trial counsel in this appeal from the judgment of conviction where it does not appear that any such claims were raised in the district court in the first instance. *See Rippo v. State*, 122 Nev. 1086, 1096, 146 P.3d 279, 286 (2006) (recognizing that this court does not address claims of ineffective assistance of counsel on direct appeal unless the district court

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<sup>1</sup>The motion does not clearly state whether counsel was appointed or retained, as required by NRAP 46(d)(3)(A). Appellant's case appeal statement also does not state whether appellant was represented by appointed counsel in the district court and whether appellant is represented by appointed counsel on appeal. *See* NRAP 3(f)(3)(F).

has held an evidentiary hearing on the question or an evidentiary hearing would be unnecessary). Accordingly, the motion is denied.

It is so ORDERED.

1. Sanders, C.J.

cc: Darnell Buchanan  
The Law Office of David R. Fischer  
Attorney General/Carson City  
Clark County District Attorney