

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

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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 14<sup>th</sup> day of April, 2022.

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18                                   Respectfully submitted,

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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 14<sup>th</sup> day of April, 2022.

Respectfully submitted,

/s/ Jean J. Schwartz

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Counsel for Appellant

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**CERTIFICATE OF SERVICE**

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

AARON FORD, ESQ.  
Nevada Attorney General

ALEXANDER G. CHEN, ESQ.  
Chief Deputy District Attorney

/s/ Jean J. Schwartzer  
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Phone: 702-979-9941  
jean.schwartzter@gmail.com  
Counsel for Appellant

# **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]