

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM DENNIS BLANDINO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84433

FILED

SEP 06 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

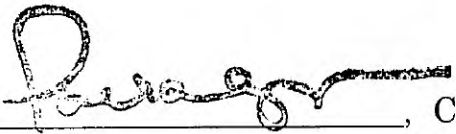
ORDER

This is a direct appeal from a judgment of conviction. Appellant's appointed counsel, Joseph Z. Gersten, has filed a motion and amended motion to withdraw, to allow appellant to proceed pro se, and for an extension of time to file the docketing statement. In support of the motion to withdraw, counsel states that appellant wishes to proceed pro se and this has caused an "irreparable conflict." Counsel fails to demonstrate a conflict of interest sufficient to allow withdrawal. A conflict of interest arises when counsel's loyalty to or efforts on behalf of a client are threatened by his or her responsibilities to another client or a third person or by his or her own interests. It is counsel's responsibility, rather than his client's, to identify the issues to be raised on appeal. *See generally Jones v. Barnes*, 463 U.S. 745, 751-54 (1983) (the decision as to what issues to raise on appeal resides within counsel's professional judgment). Moreover, appellant has no right to proceed pro se on direct appeal from a judgment of conviction. *See* NRAP 46A(b)(1); *Blandino v. State*, 112 Nev. 352, 356, 914 P.2d 624, 627 (1996); *see also Martinez v. Court of Appeal of Cal., Fourth Appellate Dist.*, 528 U.S. 152, 163-64 (2000). The motion is denied.

Appellant's request for an extension of time to file the docketing statement is granted to the following extent. NRAP 14(d). Appellant shall

have 7 days from the date of this order to file and serve the docketing statement.

It is so ORDERED.

  
\_\_\_\_\_, C.J.

cc: The Gersten Law Firm PLLC  
Attorney General/Carson City  
Clark County District Attorney