

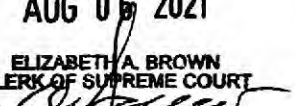
IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN WARREN DRYDEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83233

FILED

AUG 06 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING MOTION

This is a direct appeal from a judgment of conviction. Appointed attorney Tony Abbatangelo has filed a motion to withdraw as counsel for appellant. In support of the motion, Mr. Abbatangelo indicates that appellant has repeatedly expressed dissatisfaction with Mr. Abbatangelo, and that there has been a complete breakdown in communication between himself and appellant. As a result, Mr. Abbatangelo claims that he can no longer effectively represent appellant in this appeal.

The removal of appointed counsel on direct appeal is not warranted absent a showing of good cause. *See Thomas v. State*, 94 Nev. 605, 584 P.2d 674 (1978); *cf. Thomas v. Wainwright*, 767 F.2d 738, 742 (11th Cir. 1985) (appellant's general loss of confidence or trust in counsel alone is not adequate cause for appointment of new counsel). Although appellate counsel in a criminal case should communicate with the defendant as necessary, *see Nevada Indigent Defense Standards of Performance*, Standard 3-5, 9, the decision as to what issues to raise in an appeal rests within counsel's professional judgment. *Jones v. Barnes*, 463 U.S. 745, 751-54 (1983). Accordingly, this court concludes that Mr. Abbatangelo does not

demonstrate good cause warranting his withdrawal as counsel, and the motion is denied.

It is so ORDERED.

J. Sanders, C.J.

cc: Paul Padda Law, PLLC
Attorney General/Carson City
Clark County District Attorney