

1  
2 IN THE COURT OF APPEALS OF THE STATE OF NEVADA

3 ANDREW YOUNG

4 Appellant,

5 vs.

6 THE STATE OF NEVADA,

7 Respondent.

8 Case No.: 83243-COA

9 Electronically Filed  
10 Jul 28 2023 05:18 AM  
11 Elizabeth A. Brown  
12 Clerk of Supreme Court

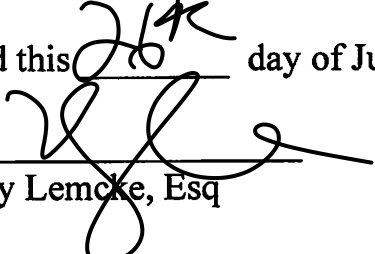
13 **SUBSTITUTION OF ATTORNEYS**

14 COMES NOW newly appointed Counsel Diane Lowe, pursuant to NRAP Rule 46,  
15 and advises this Honorable Court that prior appeal counsel Nancy Lemcke has taken  
16 a position with the Legal Aid Center of Southern Nevada and attorney Jason  
17 Margolis has accepted a position with the Nevada Attorney General. Given this,  
18 they are both unable to file a Petition for Rehearing with the Court of Appeals and a  
19 review petition with the Nevada Supreme Court if necessary. The rehearing petition  
20 is currently due August 7, 2023. The Office of Appointed Counsel was contacted  
21 for replacement counsel and this attorney agreed to step in.

22 ANDREW YOUNG, Appellant, has been contacted regarding the substitution of  
23 DIANE C. LOWE, ESQ, in the place and stead of NANCY LEMKE, ESQ. and  
24 JASON MARGOLIS, ESQ - and has expressed no objections.

1  
2 Nancy Lemcke, Esq. hereby agrees and consents to the substitution of, Diane C.  
3 Lowe Esq in her place and stead as the attorney of record for Appellant.

4 Dated this 26<sup>th</sup> day of July 2023

5  
6 /s/   
7 Nancy Lemcke, Esq

8  
9 Jason Margolis, Esq. hereby agrees and consents to the substitution of, Diane C.  
10 Lowe Esq in his place and stead as the attorney of record for Appellant.

11 Dated this 26<sup>th</sup> day of July 2023

12  
13 /s/   
14 Jason Margolis, Esq

15  
16  
17 DIANE C. LOWE, ESQ. hereby agrees and consents to be substituted in the place  
18 and stead of NANCY LEMCKE, ESQ and JASON MARGOLIS, ESQ, as the  
19 attorney of record for Appellant in the captioned matter.

20  
21 /s/ Diane C. Lowe  
22 Diane C. Lowe, Esq  
23 Lowe Law, LLC  
24 7350 W. Centennial Parkway #3078  
25 Las Vegas, NV, 89131  
26 (725)212 2451  
27 DianeLowe@LoweLawLLC.com  
28

1  
2  
3 CERTIFICATE OF SERVICE

4 In accordance with NRAP 25, I hereby certify and affirm  
5 that this document was electronically filed with the Nevada Court of  
6 Appeals on July 28, 2023. Electronic Service of the foregoing  
7 document shall be made in accordance with the Master Service list as  
8 follows:  
9

10  
11 Steven B. Wolfson Clark County District Attorney

12  
13 Aaron D. Ford Attorney General Carson City

14  
15 I further certify that I served a copy of this document by mailing a true and correct  
16 copy thereof, postage pre-paid addressed to:

17 ANDREW YOUNG  
18 NDOC No: 92511  
19 c/o High Desert State Prison  
20 PO Box 650  
21 Indian Springs, NV 89070

22 /s/ 

23 Diane C. Lowe, Esq

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9

10 **DECLARATION OF DIANE LOWE**

11  
12 1. I am an attorney licensed to practice law in the State of Nevada.

13 2. On July 27, 2023 I emailed Appellant Andrew Young and advised him of the  
14 issue regarding his attorney/s obtaining other jobs which requires that they no longer  
15 represent him in this case.  
16

17 3. I sent him an email on CorrLinks and gave him my phone number and asked that  
18 he call me collect to discuss any objections he may have as soon as possible.  
19

20 4. I have not heard back from him yet but am confident I will soon. In the meantime  
21 I do not want him to lose his rights by missing his current August 7 2023 filing  
22 deadline for a Petition for Rehearing.  
23

24 5. While NRAP 46(d)(2) requires that a substitution of counsel may be affective  
25 without the client's signature if an affidavit is provided stating the client has been  
26 informed of this change and consents – time factors prevent waiting for when he has  
27  
28

1 time to call this attorney and further he was asked via direct email to contact me if  
2 he had any objections and that was over 24 hours ago. No call yet.  
3

4 6. This attorney was appointed to this case by Marlee Morgan, Legal Specialist with  
5 the Office of Appointed Counsel.  
6

7 7. Thus Mr. Young is indigent.

8 8. An indigent inmate in Nevada does not have any right to chose who their  
9 appointed counsel is absent a showing of adequate cause. A defendant is not  
10 entitled to reject his court-appointed counsel and request substitution of other  
11 counsel at public expense absent a showing of adequate cause for such a change.  
12

13 Gallego v. State, 117 Nev. 348, 354, 23 P.3d 227, 232, 2001 Nev. LEXIS 33, \*1,  
14 117 Nev. Adv. Rep. 33. Thomas v. State, 94 Nev. 605 (Nev. 1978).  
15

16 9. I have never previously had the opportunity to represent Mr. Young or any of his  
17 colleagues or relatives to my knowledge, thus it is certain there would not be  
18 adequate cause at this juncture.  
19

20 I declare under penalty of perjury that the foregoing is true and correct.  
21

22 Executed on the 27<sup>th</sup> day of July 2023.

23 /s/ 

24 Diane C. Lowe, Esq  
25 Lowe Law, LLC  
26 7350 W. Centennial Parkway #3078  
27 Las Vegas, NV 89131  
28 (725)212 2451  
DianeLowe@LoweLawLLC.com