

ORIGINAL

MOT

STANLEY A. WALTON, ESQ.

Nevada State Bar #: 004784

550 E. Charleston Suite A

Las Vegas, Nevada 89104

Attorney for Appellant

SUPREME COURT OF THE STATE OF NEVADA

ASHLEY WILLIAM BENNETT,

Appellant,

-vs-

THE STATE OF NEVADA,

Respondent.

Supreme Court No. 39864

District Court No. C175914

FILED

JAN 2 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

MOTION TO WITHDRAW AS ATTORNEY OF RECORD
(REQUEST TO BE FILED UNDER SEAL) *

COMES NOW, Stanley A. Walton, Esq., trial counsel for Appellant Ashley William Bennett pursuant to NRAP Rule 3C (1) and 46(d) and moves this Honorable Court for an order allowing Counsel to withdraw as Appellant's attorney of record.

////

////

////

////

////

////

////

////

* 05-02-03 Order: we deny Mr. Walton's request to file the motion under seal. The clerk shall unseal the motion filed on January 2, 2003.

9cl

RECEIVED

JAN 02 2003

CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

03-00128

1 This Motion is made and based upon the Affidavit of Stanley A. Walton, Esq.,
2
3 attached hereto, and the papers and pleadings on file herein.

4 DATED this 31st Day of December, 2002.

6 Stanley A. Walton
7 STANLEY A. WALTON, ESQ.
8 Nevada Bar No. 004784
9 550 E. Charleston Suite A.
10 Las Vegas, Nevada 89104
11 (702)383-8112
12 Attorney for Appellant
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3 POINTS AND AUTHORITIES

4 The Appellant's relationship with counsel has deteriorated to the point that
5 adequate representation would not be possible due to the fact that your Affiant was unable
6 to get the Defendant a new trial.

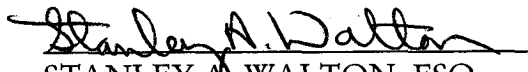
7 The Defendant's notice of appeal was filed as a courtesy on behalf of the
8 Defendant. Should this Court grant this request trial counsel will in compliance with
9 Appellate procedure fully cooperate with Appellate counsel during the appeal.

10 In addition, the Appellant is indigent and has indicated that he desires to proceed in
11 proper person if Appellate counsel is not appointed.

12 NRAP 3.C (1) states that to withdraw from representation during appeal, trial
13 counsel shall file with the Supreme Court a motion to withdraw from representation.
14 The granting of such motions shall be conditioned upon trial counsel's full cooperation
15 with appellate counsel during the appeal.
16

17 Pursuant to NRAP 3.C (1) and based upon the Affidavit of Stanley A.
18 Walton, Esq., attached hereto and incorporated herein by reference, Stanley A. Walton,
19 Esq., respectfully requests that he be allowed to withdraw as counsel of record for
20 Appellant herein.
21

22 DATED this 31st Day of December, 2002.
23

24 
25 STANLEY A. WALTON, ESQ.
26 Nevada Bar No. 004784
27 550 E. Charleston, Suite A
28 Las Vegas, Nevada 89104
Attorney for Appellant

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

STANLEY A. WALTON, being first duly sworn, deposes and says:

1. That he is an attorney duly licensed to practice law in the State of Nevada; that he is the attorney of record for Appellant, ASHLEY WILLIAM BENNETT, and that he has personal knowledge of the matters state herein in this Affidavit, except for those matters stated upon information and belief, and is competent to testify thereon.
2. That your Affiant is the Attorney of record for Appellant .
3. That Affiant requests this Court to allow him to withdraw as Attorney of Record in the above-entitled action.
4. That your Affiant filed a notice of appeal as a courtesy for the Appellant.
5. That your Affiant filed the appropriate case appeal statement as a courtesy for the appellant.
6. That during the course of investigating the Appellant's case for his appeal, your Affiant has developed information that puts counsel's ethics in direct conflict with counsel's representation of the Appellant.
7. That your Affiant's continued representation will only hurt the Appellant's appeal.
8. That your Affiant has an ethical dilemma that would prevent your Affiant from continuing to represent the Appellant in the course of Appellant's appeal.
9. That the Appellant's relationship with counsel has deteriorated to the point of no repair.

NOTARY PUBLIC in and for said
County and State

CERT
STANLEY A. WALTON, ESQ.
Nevada State Bar #: 004784
550 E. Charleston Suite A
Las Vegas, Nevada 89104
Attorney for Appellant

SUPREME COURT OF THE STATE OF NEVADA

ASHLEY WILLIAM BENNETT,

Appellant,

-vs-

THE STATE OF NEVADA,

Respondent.

Supreme Court No. 39864
District Court No. C175914

CERTIFICATE OF MAILING

I hereby certify that on the 31st Day of December, 2002 I mailed a true and correct copy of the foregoing "Motion to Withdraw as Attorney of Record" to the following individuals at their last known addresses, postage prepaid thereon, by placing the same in the United States mail.

Stewart Bell
District Attorney
C/O James Tufteland
Chief Deputy District Attorney
200 South Third Street
Las Vegas, Nevada 89155
Attorney for Plaintiff

Ashley Bennett #73265
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89018
Appellant