

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 vs.) Case No. 2:11-cr-00304-RCJ-PAL
13 DARRELL CONNERS,) **ORDER**
14 Defendant.)
15 _____)

Pending before the Court is Counsel’s Amended Motion to Withdraw as Counsel of Record for Darrell Conners, (Dkt. 156).¹ For the following reasons, the Court grants the motion and recommends that CJA attorney Jamie Resch be appointed as counsel of record in this case.

Lisa A. Rasmussen was appointed to represent Conners in this case on April 9, 2018. (Dkt. 156 at 1); (*see also* Dkt. 115). This case is currently on appeal at the Ninth Circuit. (Dkt. 156 at

¹ Counsel filed the pending motion amending only to correct the mailing address provided for Conners. (Dkt. 156 at 1). Thus, the Court will consider moot counsel's original motion to withdraw, (Dkt. 155).

1 2); (*see also* Dkt. 150). At times, Rasmussen and Conners have had a “difference of opinion . . .
2 as to what the priorities are in his case.” (Dkt. 156 at 2). The motion states that “[t]here are times
3 in cases when a defendant and his lawyer do not see eye to eye on the preferred course of action
4 and this is one of those instances.” (*Id.* at 2–3). Therefore, the motion argues that due to Conners’
5 frustration, it “appears that he would be better served by having a different attorney represent him
6 in this matter.” (*Id.* at 3).

7 Currently pending in state court is another case involving Conners, where he is represented
8 by CJA attorney Jamie Resch. (Dkt. 156 at 2, 4). At Conners’ request, Rasmussen believes that
9 it would be best if she withdraws as Conners’ counsel in this case. (*Id.* at 2–3). She recommends
10 that the Court consider appointing Mr. Resch as her replacement as he is handling “the state court
11 post-conviction matter and its resolution could impact the Judgment in this case.” (*Id.* at 3, 4–5).
12 Further, Rasmussen notes that “there is no upcoming trial or hearing” in this case where a chance
13 of counsel could materially affect Conners’ case. (*Id.* at 3).

14 Rule 1.16 of the Nevada Rules of Professional Conduct allows a lawyer to seek to withdraw
15 from a case where good cause exists and if withdraw can be accomplished without any adverse
16 impact on the interests of the client. Rule 1.16(b)(1) (“[A] lawyer may withdraw from representing
17 a client if . . . [w]ithdrawal can be accomplished without material adverse effect on the interests of
18 the client[.]”). Rasmussen has established that good cause exists in this case to permit withdrawal
19 and that withdrawal would not harm her client. The Court agrees with Rasmussen and
20 recommends that Jamie Resch be appointed as counsel in this case.

21
22
23

CONCLUSION

IT IS HEREBY ORDERED that Counsel's Amended Motion to Withdraw as Counsel of Record for Darrell Conners, (Dkt. 156), is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of the Court is **DIRECTED to NOTIFY CJA** appointing authority for the District of Nevada regarding the appointment of Jamie Resch as counsel for Conners in this case.

IT IS FURTHER ORDERED that Counsel's Motion to Withdraw as Counsel of Record for Darrell Conners, (Dkt. 155), is **TERMINATED** as **MOOT**.

IT IS SO ORDERED.

Dated November 28, 2023.

ROBERT C. JONES
United States District Judge