

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT OF
NEVADA RULE OF APPELLATE
PROCEDURE 3C.

ADKT 0510

FILED

MAY 10 2016

TRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

**ORDER AMENDING NEVADA RULE OF
APPELLATE PROCEDURE 3C**

WHEREAS, on November 6, 2015, the Hon. James Hardesty, Justice, and the Hon. Michael Cherry, Justice, filed a petition in this court seeking the amendment of Nevada Rule of Appellate Procedure (NRAP) 3C; and

WHEREAS, this court solicited comment from the bench, bar, and public on the proposed rule amendments and conducted a public hearing on the matter on December 10, 2015; and

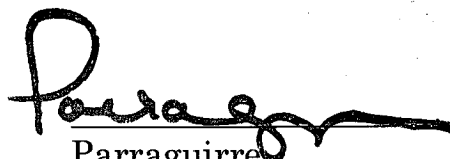
WHEREAS, this court has determined that amendment of NRAP 3C is warranted; accordingly,

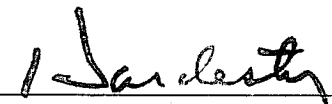
IT IS HEREBY ORDERED that NRAP 3C shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that these amendments shall be effective 30 days from the date of this order, and shall apply to all appeals docketed in the Nevada Supreme Court or Court of Appeals of Nevada on or after that date. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of

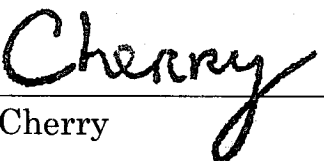
Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 10th day of May, 2016.

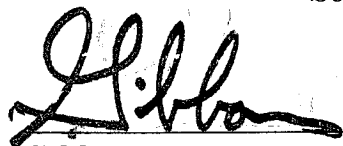

Parraguire C.J.


Hardesty, J.


Douglas, J.


Cherry, J.

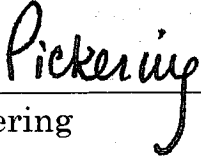

Saitta, J.


Gibbons, J.

PICKERING, J., concurring:

I concur in the foregoing amendments to NRAP 3C but write separately to state that the version the court adopts today differs from that originally proposed by ADKT 510 and as a result we are passing a

version of NRAP 3C without benefit of information as to the number of cases that will remain subject to fast track briefing or public input on the version of the rule we are adopting. It is not clear whether the Rule as amended now applies to so few cases that it should not be repealed outright. Further amendment and/or repeal of NRAP 3C may be in order.


_____, J.
Pickering

cc: Laurence P. Digesti, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO RULE 3C OF THE NEVADA RULES OF APPELLATE PROCEDURE

RULE 3C. FAST TRACK CRIMINAL APPEALS

(a) Applicability.

(1) This Rule applies to an appeal from a district court judgment or order entered in a criminal or post-conviction proceeding commenced after September 1, 1996, whether the appellant is the State or the defendant. A proceeding is commenced for the purposes of this Rule upon the filing of an indictment, information, or post-conviction application in the district court.

(2) The Supreme Court may exercise its discretion and apply this Rule to appeals arising from criminal and post-conviction proceedings that are not subject to this Rule.

(3) Unless the court otherwise orders, an appeal is not subject to this Rule if:

(A) the appeal challenges an order or judgment in a case involving a category A, category B, or non-probationable category C felony, as described in NRS ~~[193.130(2)(a), in which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole is actually imposed;]~~ 193.130(2)(a), (b), or (c);

(B) the appeal is brought by a defendant or petitioner who was not represented by counsel in the district court; or

(C) the appeal is filed in accordance with Rule 4(c).

* * *

(k) Full Briefing, Calendaring or Summary Disposition.

(1) Based solely upon review of the rough draft transcript, fast track statement, fast track response, and any supplemental documents, the Supreme Court may summarily dismiss the appeal, may affirm or reverse the decision appealed from without further briefing or argument, may order the appeal to be fully briefed and argued or submitted for decision without argument, may order that briefing and any argument be limited to specific issues, or may direct the appeal to proceed in any manner reasonably calculated to expedite its resolution and promote justice.

(2) Motion for Full Briefing.

(A) A party may seek leave of the Supreme Court to remove an appeal from the fast track program and direct full briefing. ~~[The motion]~~ A motion for full briefing shall be granted unless it is [may not be] filed solely for purposes of delay. It may be filed in addition to or in lieu of the fast track pleading.

(B) The motion must identify specific reasons why the appeal is not appropriate for resolution in the fast track program. Such reasons may include, but are not limited to, the following circumstances:

(i) The case raises one or more issues that involve substantial precedential, constitutional, or public policy questions; and/or

(ii) The case is legally or factually complex.

(C) ~~[If the issues or facts are numerous but not complex, full briefing will not be granted but an excess page motion may be entertained.]~~

~~(D)]~~ No opposition may be filed unless ordered by the court.

(3) If the Supreme Court orders an appeal to be fully briefed, and neither party objects to the sufficiency of the rough draft transcripts to

adequately inform this court of the issues raised in the appeal, counsel are not required to file certified transcript request forms under Rule 9(a). If a party's brief will cite to a transcript not previously included in an appendix submitted to this court, that party shall file and serve a transcript request form in accordance with Rule 9 within the time specified for filing the brief in the Supreme Court's briefing order. If a party's brief will cite to documents not previously filed in the Supreme Court, that party shall file and serve an appropriately documented supplemental appendix with the brief.

* * *