

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERICK M. BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47856

**FILED**

SEP 11 2007

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

ORDER DENYING MOTION

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary while in possession of a firearm; one count of first-degree kidnapping with the use of a deadly weapon, victim 65 years of age or older, resulting in substantial bodily harm; one count of first-degree kidnapping with the use of a deadly weapon, victim 65 years of age or older; one count of robbery with the use of a deadly weapon, victim 65 years of age or older; and one count of robbery with the use of a deadly weapon. This appeal is subject to the provisions of Nevada Rule of Appellate Procedure 3C.

On August 20, 2007, appellant's counsel, Michael Cristalli, filed a motion to supplement the fast track statement in this appeal. In the motion, Cristalli informs this court that he represented appellant at trial, that appellant submitted ten additional claims of error for this court's consideration before the fast track statement was prepared, and

that Cristalli did not include the issues in the fast track statement. Citing to Anders v. California,<sup>1</sup> Cristalli argues that that the ten claims addressed in the provisionally submitted supplemental fast track statement should be considered because they are meritorious.

NRAP 3C(g) provides that a supplemental fast track statement “may be filed by appellate counsel if appellate counsel differs from trial counsel and if appellate counsel can assert material issues which should be considered and which were not raised in the fast track statement.” NRAP 3C(g) further provides that the supplemental fast track statement must be submitted to this court “no more than 20 days after the filing of the fast track statement or appellate counsel’s appointment, whichever is later.”

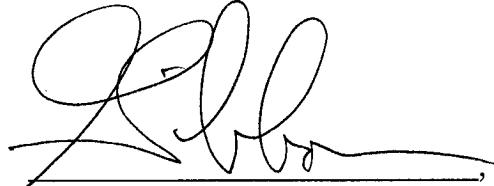
In this case, Cristalli has not satisfied the requirements set forth in NRAP 3C(g), allowing for the filing of a supplemental fast track statement. Cristalli represented appellant at trial and concedes that he was aware of the appellate issues before he prepared the fast track statement. Further, the motion to supplement the fast track statement is untimely. The fast track statement was filed on April 17, 2007, and any motion to supplement was due on or before May 7, 2007. Cristalli has not proffered any explanation for the three-month delay in submitting the

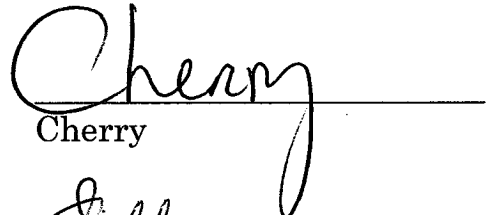
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<sup>1</sup>386 U.S. 738 (1967) (appellate counsel’s conclusion that an appeal had no merit was not an adequate substitute for a defendant’s right to appellate review).

motion. Accordingly, we deny the motion to supplement the fast track statement.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Cristalli & Saggese, Ltd.  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger