

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELARIAN K. WILSON A/K/A
DELARIAN KAMERON WILSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52104

FILED

JAN 12 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER REGARDING TRANSCRIPTS AND
GRANTING MOTION IN PART

Appellant has filed a motion for a 60-day extension of time to file the opening brief and appendix. In support of the motion, appellant explains that he has not yet received transcripts for the district court proceedings conducted on the following dates: April 10, 2008; April 11, 2008; April 14-18, 2008; and April 21, 2008.¹

Upon review of the district court minutes, it is not clear that these transcripts are necessary for this court's review of this appeal. See NRAP 9(a) ("Counsel have a duty to confer and attempt to reach an agreement concerning the transcripts necessary for the Supreme Court's

¹A copy of the transcript request form is attached. Appellant also requested transcripts of proceedings conducted on March 28, 2008; July 3, 2008; and April 9-11, 2008. Based on certificates of delivery filed by court reporters in this appeal, those transcripts have been delivered to counsel for appellant. It appears that other of the requested transcripts may have been delivered to counsel for appellant as well; however, not all of the certificates of delivery received in this case specifically identified the dates of the transcripts produced and delivered. See NRAP 9(b).

review on appeal.”); NRAP 10(b) (“For the purposes of appeal, the parties shall submit to the Supreme Court . . . copies of all transcripts necessary to the Supreme Court’s review, as appendices to their briefs.”); NRAP 30(b)(1) (“Copies of all transcripts that are necessary to the Supreme Court’s review of the issues presented on appeal shall be included in the appendix.”). In particular, appellant pleaded guilty on March 28, 2008. It appears that he thereafter testified against his codefendant, Narcus Wesley. According to this court’s review of the district court minutes, there were no proceedings involving appellant during April 2008; rather, the requested transcripts identified above appear to be for proceedings involving codefendant Wesley.² And documents submitted in connection with codefendant Wesley’s pending appeal, Docket No. 52127, indicate that the transcripts of his trial have been produced and filed in the district court. Under the circumstances, we relieve the court reporters of any further obligation to produce transcripts or file a certificate of delivery based on appellant’s transcript request form. To the extent that counsel for appellant has not received the requested transcripts of codefendant Wesley’s trial, he may obtain copies of those transcripts from the district court and, to the degree that they have any relevance to this court’s review of this appeal, include them in an appendix as provided in NRAP 10 and 30.

Cause appearing, the motion for an extension of time to file the opening brief and appendix is granted in part. See NRAP 31(a)(1). Appellant shall have until February 25, 2008, to file and serve the opening

²We note that it appears from the district court records that there were no proceedings involving either defendant on April 21, 2008.

brief and appendix. No further extensions shall be permitted absent extreme and unforeseeable circumstances. Counsel's caseload will not be deemed such a circumstance. Cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974).

It is so ORDERED.

1. J. J. J., C.J.

cc: Draskovich & Oronoz, P.C.
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Jackie Jennelle, Court Reporter
Lee Bahr, Court Reporter
Bill Nelson, Court Reporter

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IN THE SUPREME COURT OF THE STATE OF NEVADA

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DELARIAN WILSON,

NO. 52104

FILED

Appellant,

SEP 10 2008

vs.

THE STATE OF NEVADA,

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

Respondent.

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: J&B Nelson, Court Reporter, District Court, Department No. XXIV

Appellant requests preparation of a transcript of the proceedings before the district court as follows:

Judge or officer hearing the proceeding: The Honorable James Bixler.

Number of copies required: one

<u>Date</u>	<u>Proceeding</u>	<u>Reporter</u>
March 28, 2008	change of plea	J&B Nelson
July 3, 2008	Sentencing	J&B Nelson
April 9, 2008	Trial by Jury	J&B Nelson
April 10, 2008	Trial by Jury	J&B Nelson
April 11, 2008	Trial by Jury	J&B Nelson
April 14, 2008	Trial by Jury	J&B Nelson
April 15, 2008	Trial by Jury	J&B Nelson
April 16, 2008	Trial by Jury	J&B Nelson
April 17, 2008	Trial by Jury	J&B Nelson
April 18, 2008	Trial by Jury	J&B Nelson
April 21, 2008	Trial by Jury	J&B Nelson

RECEIVED

SEP 10 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 I hereby certify that on or about the 5th day of September 2008, an Order
2 requesting these transcripts was submitted to the district court and the court reporter
3 named above. A deposit was not paid as this is a criminal case and the Defendant is
4 indigent.

5 Dated this 5th day of September, 2008.

6 DRASKOVICH & ORONOV, P.C.

7 
8 JAMES A. ORONOV, ESQ.
9 Nevada Bar No. 6769

10 CERTIFICATE OF MAILING

11 I hereby certify that in accordance with NRAP 25(1)(d) I sent true and accurate
12 copies of the Request for Transcript of Proceedings, on the 5th day of September,
13 2008, via United States mail, prepaid First-Class postage affixed thereto and
addressed as follows:

14 J&B Nelson
15 Clark County District Attorney
16 c/o Department Appellate Division
District Court
200 S. Lewis Avenue
Las Vegas, NV 89155

17 Attorney General
18 Criminal Division
555 E. Washington Ave, #3900
Las Vegas, NV 89101

19 
20 An employee of DRASKOVICH & ORONOV, P.C.

21 Dated this 5th day of September, 2008.

22 DRASKOVICH & ORONOV, P.C.

23 
24 JAMES A. ORONOV, ESQ.
Nevada Bar No. 6769