

IN THE SUPREME COURT OF THE STATE OF NEVADA

NARCUS S. WESLEY A/K/A NARCUS
SAMONE WESLEY,

Appellant,

vs.

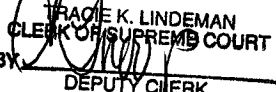
THE STATE OF NEVADA,

Respondent.

No. 52127

FILED

SEP 30 2008

THOMAS K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER GRANTING MOTION AND
CONDITIONALLY IMPOSING SANCTIONS

This appeal was docketed in this court on July 31, 2008. Accordingly, appellant was required to file the docketing statement and transcript request form by August 15, 2008.¹ See NRAP 9(a) and 14(b). As appellant failed to file these documents, on August 27, 2008, the clerk of this court issued a notice directing appellant to file the docketing statement and transcript request form by September 8, 2008.

On September 12, 2008, appellant filed an untimely motion for an extension of time to file the docketing statement. Notwithstanding its untimeliness and cause appearing, appellant's motion is granted to the following extent. NRAP 14(d). Appellant shall have 20 days from the date of this order to file and serve the docketing statement.

To date, appellant has failed to file the transcript request form.² The failure of a party to file documents that are essential to the

¹If no transcript is to be requested, appellant was required to file a certificate to that effect within the same time period. See NRAP 9(a).

²On July 25, 2008, the State of Nevada filed a transcript request form requesting court reporter Bill Nelson to prepare the transcript of
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efficient processing of an appeal deprives the parties of a prompt resolution of their case. See Dougan v. Gustaveson, 108 Nev. 517, 523, 835 P.2d 795, 799 (1992) (recognizing this court's commitment to the proposition that "justice delayed is justice denied"). Consequently, this court has declared in the Nevada Rules of Appellate Procedure that the failure to pay the filing fee, or to file a case appeal statement, docketing statement, transcript request form, transcripts, or briefs in a timely manner, may be grounds for the imposition of sanctions, including dismissal of an appeal. See NRAP 3(a); NRAP 9(a)(3); NRAP 13(b); NRAP 14(c).

We conclude that appellant's counsel's failure to file the transcript request form in compliance with the court's procedural rules and the notice issued in this matter warrants the *conditional* imposition of sanctions. Accordingly, appellant's counsel shall, within 15 days from the date of this order, pay the sum of \$500.00 to the Supreme Court Law Library and provide this court with proof of such payment. However, this sanction shall be automatically vacated if appellant's counsel files and

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proceedings held on July 3, 2008. However, the State of Nevada's appeal was dismissed by order of this court entered on September 3, 2008. Accordingly, Mr. Nelson is no longer obligated to prepare the July 3, 2008, transcript as requested by the State of Nevada.

serves the transcript request form³ or, alternatively, a motion to extend time, within ten days from the date of this order.⁴

It is so ORDERED.

1 Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: The Law Office of Dan M. Winder, P.C.
Clark County District Attorney David J. Roger
Bill Nelson, Court Reporter
Supreme Court Law Librarian

³If no transcript is to be requested, appellant's counsel shall file a certificate to that effect within the same time period. See NRAP 9(a).

⁴Any motion for extension of time shall explain the reasons for appellant's counsel's failure to file the missing document in a timely manner and shall set forth sufficient cause for the requested extension of time.