

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**

DEC 03 2008

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

ORDER GRANTING MOTION AND VACATING SANCTIONS

On September 30, 2008, this court entered an order conditionally imposing sanctions against appellant's counsel, Dan M. Winder, for his failure to file the transcript request form. Specifically, we directed Mr. Winder to pay the sum of \$500.00 to the Supreme Court Law Library and provide this court with proof of such payment by October 15, 2008. However, these sanctions would be automatically vacated if Mr. Winder filed and served the transcript request form or, alternatively, a motion to extend time by October 10, 2008.

As no transcript request form was filed, on November 3, 2008, this court entered an order enforcing the conditional sanctions previously imposed in our September 30, 2008, order. Our November 3, 2008, order directed Mr. Winder to provide proof of payment of the sanctions and file a transcript request form by November 10, 2008.

In response to our November 3, 2008, order, Mr. Winder has filed a transcript request form and a "Motion for Relief From Sanctions." In support of the motion, Mr. Winder informs this court that he filed a transcript request form in the district court on October 7, 2008, upon the mistaken belief that the clerk of the district court would transmit the

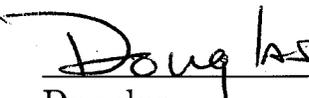
transcript request form to this court for filing. Cause appearing, we grant Mr. Winder's motion. The sanctions previously imposed against Mr. Winder are vacated. However, we admonish Mr. Winder for his failure to comply with the Nevada Rules of Appellate Procedure.

We note that on November 14, 2008, court reporter Bill Nelson filed a certificate acknowledging delivery of "the Transcript of Proceedings" to the parties to this appeal. This certificate of delivery does not comply with NRAP 9(b). In the future, any certificate of delivery filed in this court by Mr. Nelson shall strictly comply with the provisions of NRAP 9(b). Specifically, the certificate of delivery shall specify the transcripts that were delivered and the date they were delivered. Id.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

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