

IN THE SUPREME COURT OF THE STATE OF NEVADA

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SAMONE WESLEY. Appellant,

THE STATE OF NEVADA.

NARCUS S. WESLEY A/K/A NARCUS

Respondent.

Nevada Supreme Court Case No.: 52127

FILED

NOV 1 0 2008

TRACIE K. LINDEMAN

MOTION FOR RELIEF FROM SANCTIONS

COMES NOW, Dan M. Winder, Esq., court appointed counsel for Appellant, Narcus S. Wesley, and hereby request that this Honorable Court grant Dan M. Winder, Esq., relief from the \$500.00 sanction imposed upon him in this Court's November 3, 2008 Order Regarding Sanctions.

This motion is made and based upon the papers and pleadings on file and the affidavit of Dan M. Winder, Esq., attached hereto and incorporated herein by reference.

DATED this 5717 day of November, 2008

By:

DAN M. WINDER. Nevada Bar No. 001569

LAW OFFICE OF DAN M. WINDER, P.C.

3507 W. Charleston Blvd.

Las Vegas, NV 89102 (702) 474-0523

Attorney for Appellant

TRACIE K. LINDEMAN CLERK OF SUPHEME COUP DEPUTY CLERK

THE LAW OFFICES OF 28 DAN M. WINDER 3507 W. CHARLESTON BLVD LAS VEGAS NEVADA, 89102 (702) 878-6000

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THE LAW OFFICES OF 28
DAN M. WINDER

5507 W. CHARLESTON BLVD.
LAS VEGAS
NEVADA, 89102

702) 878-6000

AFFIDAVIT OF DAN M. WINDER, ESQ.

Dan W. Winder, Esq., being first duly sworn deposes and says:

- 1. That your Affiant is an attorney at law, duly licensed to practice law in the State of Nevada, and is the Court Appointed attorney for Appellant, Narcus S. Wesley, on the above entitled appeal. Your Affiant has personal knowledge of the facts stated herein and will testify under oath as to those facts if called upon.
- 2. That on or about September 30, 2008 your Affiant received and order conditionally imposing sanctions if your Affiant did not file a request for transcript by October 10, 2008. If that was not timely done your Affiant would be sanctioned \$500.00 payable to the Supreme Court Law Library.
- 3. That on October 7, 2008 your affiant completed and filed a Request for Transcript of Proceedings and mailed a copy to the Clark County District Attorney, (See Exhibit "A" attached hereto).
- 4. That your Affiant did not have a copy of the request mailed to the Supreme Court, thinking that the District Court would send a copy to the Supreme Court.
- 5. That your Affiant did timely comply with the September 30, 2008 Order, and your Affiant respectfully request that this Court withdraw the \$500.00 sanction imposed on your Affiant by the November 3, 2008 Order Regarding Sanctions.
- 6. That your Affiant is Court Appointed on the above appeal, and apologizes to this Court for any confusion or misapprehension on your Affiant's part.
- 7. That is this Court does not withdraw the \$500.00 sanction, your Affiant will pay the sanction within 10 days of notification.

FURTHER YOUR AFFIANT SAYETH NAUGHT

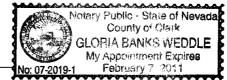
By:

DAN M. WINDER, ESO.

SUBSCRIBED and SWORN before me this 5 day of November, 2008.

OTARY PUBLIC in and for said

County and State



1	CERTIFICATE OF SERVICE
2	I certify that on the $\frac{51^{11}}{2}$ day of November, 2008, I served a copy of this Notice of Filing
3	Request for Transcript upon all counsel of record:
4	By personally serving it upon him/her; or
5	X By mailing it by first class mail with sufficient postage prepaid to the following
6	address(es):
7	
8	DAVID ROGER Clark County District Attorney 200 Lewis Ave.
9	Las Vegas, NV 89101 (702) 671-2700 Tele.
10	(702) 477-2900 Fax
11	Dated this 51H day of November, 2008.
12	
13	Shirt Mark
14	An employee of Dah M. Winder, Esq.
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