

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAIMON MONROE A/K/A DAIMON
DEVI HOYT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52788

FILED

FEB 06 2009

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

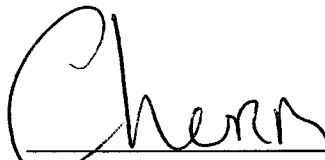

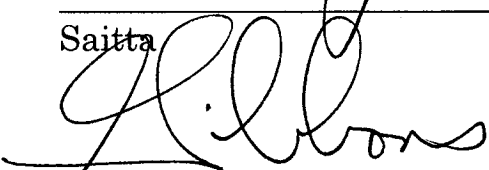
ORDER CONDITIONALLY IMPOSING SANCTIONS

This appeal was docketed in this court on November 20, 2008. Appellant's counsel, Martin Hart, failed to file the docketing statement, which was due to be filed no later than December 5, 2008. See NRAP 14(b). Accordingly, on January 8, 2009, this court issued a notice directing Mr. Hart to file the docketing statement on or before January 20, 2009. To date, Mr. Hart has failed to file the docketing statement.

The failure of a party to file documents that are essential to the 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 Mr. Hart's failure to file the docketing statement in compliance with the court's procedural rules and the notice issued in this matter warrants the *conditional* imposition of sanctions. Accordingly, Mr. Hart 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, these sanctions shall be automatically vacated if Mr. Hart files and serves the docketing statement or, alternatively, a motion to extend time, within 10 days from the date of this order. Any motion for extension of time shall explain the reasons for the failure to file the missing documents in a timely manner and shall set forth sufficient cause for the requested extension of time.

It is so ORDERED.


Cherry, J.

Saitta, J.

Gibbons, J.

cc: Law Offices of Martin Hart, LLC
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Kathleen Harrington, Supreme Court Law Librarian