

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

JAN 27 2009

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER REGARDING TRANSCRIPTS AND
DENYING MOTION AS MOOT

Appellant filed a transcript request form on December 11, 2008, requesting that the court recorder for district court Department 7 produce transcripts for certain proceedings. Under NRAP 9(b), the court recorder had 30 days from that date to deliver the transcripts to appellant and 10 days thereafter to file a certificate with this court acknowledging delivery of the transcripts. The court recorder's certificate was thus due to be filed in this court on January 20, 2009. On that date, court recorder Renee Vincent filed a motion for an extension of time to file the transcripts requested in this appeal. A few days later, on January 23, 2009, Ms. Vincent filed a certificate acknowledging delivery of the requested transcripts for proceedings in district court on January 30, 2008; February 5, 2008; May 1, 2008; May 12-16 and May 19, 2008; August 7, 2008; August 21, 2008; and October 1, 2008. See NRAP 9(b). Because the certificate was filed, Ms. Vincent's motion is denied as moot. See NRAP 9(c).

The certificate filed by Ms. Vincent does not include two of the dates requested in the transcript request form filed on

09-02262

December 11, 2008.¹ In particular, the certificate does not mention the proceedings on December 13, 2006, and those on January 24, 2008. Upon review of the district court docket entries and minutes, however, it appears that Ms. Vincent need not produce those transcripts. First, to the extent that appellant sought the transcripts for the grand jury proceedings from December 13, 2006, the district court docket entries indicate that a transcript of those proceedings was filed in the district court on January 8, 2007, and therefore appellant may obtain a copy of that transcript from the district court clerk. To the extent that appellant sought transcripts of the proceedings in district court regarding the return of the indictment on December 13, 2006, we note that Ms. Vincent was not the court recorder present for that proceeding. Second, a review of the district court minutes indicates that there were no proceedings and no court recorder present on January 24, 2008; rather, on that date, the district court entered a minute order. Under the circumstances, we conclude that Ms. Vincent has met her obligations under the transcript request form filed on December 11, 2008.²

It is so ORDERED.

 Harrelson , C.J.

¹A copy of the transcript request form is attached.

²We note that appellant appears to have served Ms. Vincent with another transcript request from in October of 2008, which was filed in this court on January 15, 2009. A copy of that transcript request form is attached. To the extent that it requests additional transcripts, Ms. Vincent's certificate of delivery is due on February 24, 2009. See NRAP 9(b).

cc: Law Offices of Martin Hart, LLC
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Renee Vincent, Court Recorder

ORIGINAL

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Las Vegas Drop Box
CLERK OF SUPREME COURT

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2008 DEC -9 PM 12:17

DEC 11 2008

DAIMON MONROE,
aka DAIMON HOYT

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Case: 52788
District Court Case: C228752

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

REQUEST FOR TRANSCRIPTS

TO: Court Reporter District Court, Department No. VII

Daimon Monroe, Appellant named above, requests a preparation of a transcripts, at State expense, of certain portions of the hearings and trial proceedings before the District Court as follows:

Dates of Proceedings:

December 13, 2006; January 24, 2008; January 30, 2008; February 5, 2008; February 13, 2008; May 1, 2008; May 12, 2008; May 13, 2008; May 14, 2008; May 15, 2008; May 16, 2008; May 19, 2008; August 7, 2008; August 21, 2008; and October 1, 2008.

Portion of the transcript requested: Complete trial and hearings transcripts including testimony, matters heard outside the presence of the jury, settling of instructions, closing arguments and verdict. All transcripts to include word index.

This Notice requests a transcript of only those portions of the District Court proceedings which counsel reasonably and in good faith believe are necessary to determine whether appellate issues are present.

I recognize that I must personally serve a copy of this form on the above-named court reporter and opposing counsel.

That the above-named court reporter shall have twenty (20) days from the date of service of this document to prepare an original plus three copies at State expense and file with the District Court Clerk the original transcript(s) requested herein.

LAW OFFICES OF MARTIN HART, L.L.C.
229 Las Vegas Blvd. South, Suite 200
Las Vegas, Nevada 89101
Phone: 702/380/4278 Fax: 702/384-6006


THADIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

AR-31585

1 Further, pursuant to NRAP 3C(d) (3) (iii), the court reporter shall also deliver copies
2 of the transcripts to the Supreme Court Clerk, to appellant's counsel and respondent
3 counsel no more than twenty (20) days after the date of the appellant's request.

4
5 DATED this 9 day of December, 2008.

6
7 LAW OFFICES OF MARTIN HART, LLC

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MARTIN HART, ESQ.

10 Nevada Bar #005984

11 229 South Las Vegas Blvd., Ste. 200

12 Las Vegas, Nevada 89101

13 (702) 380-4278

14 *Attorney for Defendant*

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CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of December, 2008, I served a true and correct copy of the foregoing Request for Transcripts on:

Court Reporter
District Court, Department No. ~~XX~~ VTB
200 Lewis Ave
Las Vegas, NV 89101

David Roger
District Attorney
200 Lewis Ave
Las Vegas, Nevada 89101



Employee of Martin Hart, Esq.

LAW OFFICES OF MARTIN HART, L.L.C.
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CLERK OF SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA
2009 JAN 14 AM 9:25

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3 DAIMON MONROE,
4 aka DAIMON HOYT
5 Appellant,
6 vs.
7 THE STATE OF NEVADA,
8 Respondent.

) Case: 52788
) District Court Case: C228752
)
)
)
)

FILED

JAN 15 2009

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

REQUEST FOR TRANSCRIPTS

9
10 TO: Court Reporter District Court, Department No. VII
11 Daimon Monroe, Appellant named above, requests a preparation of a transcripts, at State
12 expense, of certain portions of the hearings and trial proceedings before the District Court as
13 follows:

14 **Dates of Proceedings:**

15 December 20, 2006; January 4, 2007; January 11, 2007; February 13, 2007; February
16 20, 2007; March 6, 2007; May 29, 2007; October 2, 2007; November 8, 2007 and January 23,
17 2008.

18 **Portion of the transcript requested:** Complete trial and hearings transcripts
19 including testimony, matters heard outside the presence of the jury, settling of instructions,
20 closing arguments and verdict. All transcripts to include word index.

21 This Notice requests a transcript of only those portions of the District Court proceedings
22 which counsel reasonably and in good faith believe are necessary to determine whether appellate
23 issues are present.

24 I recognize that I must personally serve a copy of this form on the above-named court
25 reporter and opposing counsel.

26 That the above-named court reporter shall have twenty (20) days from the date of service
27 of this document to prepare an original plus three copies at State expense and file with the
District Court Clerk the original transcript(s) requested herein.

LAW OFFICES OF MARTIN HART, L.L.C.
229 Las Vegas Blvd. South, Suite 200
Las Vegas, Nevada 89101
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09-01245

1 Further, pursuant to NRAP 3C(d) (3) (iii), the court reporter shall also deliver copies
2 of the transcripts to the Supreme Court Clerk, to appellant's counsel and respondent
3 counsel no more than twenty (20) days after the date of the appellant's request.
4

5 DATED this ____ day of September, 2008.

6 LAW OFFICES OF MARTIN HART, LLC

7
8 
9 MARTIN HART, ESQ.

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11 229 South Las Vegas Blvd., Ste. 200
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14 Attorney for Defendant
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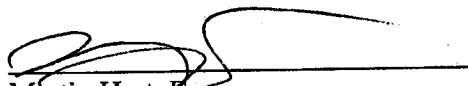
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CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of October, 2008, I served a true and correct copy of the foregoing Request for Transcripts on:

Court Reporter
District Court, Department No. ~~XX~~ VII
200 Lewis Ave
Las Vegas, NV 89101

David Roger
District Attorney
200 Lewis Ave
Las Vegas, Nevada 89101


Martin Hart, Esq.

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