

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONTE JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 36991

FILED

MAY 31 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER GRANTING MOTION

On July 18, 2001, we entered an order imposing sanctions in the sum of \$500 against Deputy Special Public Defender Dayvid Figler. Those sanctions were imposed as this court was led to believe that Mr. Figler was counsel of record for appellant in this appeal, and was responsible for the significant delay in the briefing of this appeal. Further, we noted that Mr. Figler had failed to respond to previous orders of this court entered in this appeal.

On July 30, 2001, Deputy Public Defender Lee-Elizabeth McMahon filed a motion for reconsideration of our order and requested that we vacate the sanctions imposed against Mr. Figler. Attached to the motion are affidavits signed by Ms. McMahon and Mr. Figler. Essentially, those affidavits explain that there was some confusion within the Special Public Defender's Office concerning which Deputy Public Defender was responsible for this appeal, and that Mr. Figler did not receive copies of the orders that this court mailed to the Special Public Defender's Office, despite the fact that those orders referred to Mr. Figler as counsel of record for this appeal.

In light of the explanation provided primarily by Ms. McMahon, we grant the motion and hereby vacate the sanctions imposed against Mr. Figler in our July 18, 2001, order. We admonish Mr. Figler

and the Special Public Defender's Office that this court expects attorneys to respond to orders of this court. Finally, we recommend that upon receipt of notices or orders from this court, the Special Public Defender's Office immediately determine which deputy is counsel of record and notify this court of any change or error to prevent unnecessary delays in the resolution of appeals before this court.

It is so ORDERED.

Young, J.
Young

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Clark County Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Clark County Law Librarian