

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNESTO MANUEL GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64249

FILED

DEC 20 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DENYING MOTION

Appellant has filed a motion for leave to file an untimely fast track statement. The motion is denied. This appeal is not subject to NRAP 3C because appellant was convicted of a category A felony (first-degree murder) and sentenced to life in prison on that charge. NRAP 3C(a)(3)(A). Pursuant to NRAP 31(a)(1), the opening brief and appendix must be filed no later than February 18, 2014. Thus, any request to extend the time to file those documents is premature.¹

This court issued a notice to counsel on November 14, 2013, directing counsel to file the docketing statement and transcript request form within 10 days because those documents had not been filed within the time afforded by this court's rules. Counsel has not complied. The current motion indicates that counsel did not anticipate continuing as appellate counsel in this matter and apparently has filed a motion to withdraw as such in the district court. When counsel filed the notice of

¹Although counsel indicates in the motion that a fast track statement is attached to the motion, there was nothing attached.

appeal with this court, he became counsel of record for appellant. NRAP 46(a)(2). After a notice of appeal has been filed, only this court can entertain a motion to withdraw as appellate counsel or approve a substitution of appellate counsel. NRAP 46(d)(1). Attorney David R. Houston therefore remains counsel of record before this court and is obligated to comply with this court's rules and orders unless he is relieved by this court.

Counsel shall have 15 days from the date of this order to file and serve a docketing statement that complies with NRAP 14 and transcript request form that complies with NRAP 9. Failure to comply with this order may result in the imposition of sanctions.

It is so ORDERED.

Pickering, C.J.

cc: Hon. Connie J. Steinheimer, District Judge
Law Office of David R. Houston
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk