

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBURT HICKMAN, JR. A/K/A
WILLIAM HICKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64776

FILED

MAY 05 2014

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

ORDER TO APPEAR AND SHOW CAUSE

This is an appeal from a judgment of conviction. Because the transcript request form was not filed with the notice of appeal, *see* NRAP 3C(d)(3)(A)(ii), on January 10, 2014, we directed appellant's counsel, Mitchell L. Posin, to file the rough draft transcript request form within 10 days or face sanctions. *See* NRAP 3C(n). Mr. Posin did not comply and on February 13, 2014, we imposed a conditional sanction against him and directed him to file the required document within 11 days. We also reminded Mr. Posin that the fast track statement and appendix were due to be filed by February 19, 2014. Mr. Posin filed the rough draft transcript request form and the conditional sanction was automatically vacated. However, he failed to file the fast track statement and appendix as directed. Therefore, on March 14, 2014, we entered a second conditional sanction order against Mr. Posin directing him to file the fast track statement and appendix by March 24, 2014, or pay a \$1000 sanction by March 31, 2014. To date, Mr. Posin has not filed the fast track statement

and appendix, paid the sanction, or otherwise communicated with this court.

Mr. Posin's disregard of this court's rules, notice, and orders has unnecessarily delayed this appeal. This conduct is unacceptable and fails to meet the "high standards of diligence, professionalism, and competence" we expect from counsel appearing in this court. *Cuzdey v. State*, 103 Nev. 575, 578, 747 P.2d 233, 235 (1987); *accord Polk v. Sate*, 126 Nev. ___, ___, 233 P.3d 357, 359 (2010); *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003); *State, Nev. Emp't Sec. Dep't v. Weber*, 100 Nev. 121, 123, 676 P.2d 1318, 1319 (1984).

Mr. Posin shall personally appear before this court on June 12, 2014, at 3:00 p.m., in Las Vegas, and show cause why additional sanctions, including, but not limited to, monetary sanctions, removal as counsel in this appeal, referral to the State Bar for investigation, and/or prohibition from practicing before this court, should not be imposed. *See* NRAP 3C(n). Any evidence which Mr. Posin desires to present on his

behalf shall be filed in affidavit form on or before 5:00 p.m. on June 9, 2014.¹

It is so ORDERED.

1 Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Posin & Posin
Attorney General/Carson City
Clark County District Attorney

¹We suspend application of NRAP 25(a)(2)(B)(ii)-(iv), which provides that a document is timely filed if, on or before its due date, it is mailed to this court, dispatched for delivery within three calendar days by a third party commercial carrier, or deposited in the Supreme Court drop box. See NRAP 2. Any affidavit Mr. Posin wishes to file shall be filed personally, electronically, or by facsimile transmission with the clerk of this court in Carson City. See NRAP 25(a)(2)(B)(i), (v); NRAP 25(a)(4).