

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN JAMES WENZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65136

STEVEN FONDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65277

JAMES DAEVON MANNING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65856 ✓

MATTHEW WARREN DUNCAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65928

JASON LANG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66324

FILED

NOV 25 2014

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

**ORDER OF REFERRAL TO CERTIFIED COURT REPORTERS'
BOARD OF NEVADA AND DIRECTING COURT REPORTER
SHARON HOWARD TO APPEAR BEFORE THIS COURT**

In each of these appeals, transcripts have been requested from court reporter Sharon Howard, the earliest transcript request form was filed in February 2014 (*Wenz v. State*, Docket No. 65136) and the most recent was filed in August 2014 (*Lang v. State*, Docket No. 66324). Despite orders by this court, it appears that with one exception noted in

the margin, the transcripts requested from Ms. Howard in these cases have not been prepared, filed in the district court, and delivered to the requesting party.¹ And with one exception, Ms. Howard has not otherwise responded to the most recent orders entered by this court regarding the transcripts in these cases.² The ongoing delay in preparing and delivering the requested transcripts has unnecessarily delayed the briefing, and therefore the resolution, of these appeals.

If a court reporter's failure to expeditiously prepare and punctually deliver transcripts requested for an appeal "threatens or adversely affects the efficiency or integrity" of this court, "appropriate sanctions will be imposed." NRAP 13(b). Among other sanctions, this court may "refer[] an apparent offending court reporter . . . to the certified court reporters' board of Nevada for disciplinary action" or "requir[e] an apparent offender to appear before the [court] . . . to show cause why he or

¹In *Wenz*, the transcript request form identifies 20 proceedings reported by Ms. Howard. One of those (February 11, 2014) is in error as court reporter Robert Cangemi reported that proceeding. Ms. Howard has filed a notice of delivery regarding the transcripts for 10 of the 19 proceedings that she reported. The notice does not mention the other 9 dates (April 25, 2013; July 2, 2013; August 6, 2013; August 19, 2013; August 22, 2013; August 27, 2013; December 17, 2013; January 16, 2014; January 23, 2014), and it does not appear that the transcripts for those proceedings have been filed in the district court.

²Ms. Howard did respond to the order entered on September 12, 2014, in *Wenz*. In that response, she represented that she would refrain from undertaking any further assignments that would interfere with her ability to meet her duties and obligations in preparing transcripts requested from her. See NRAP 13(a). She did not respond in any of the other cases addressed in the September 12, 2014, order.

she should not be precluded from undertaking to act as a reporter or recorder in regard to any trial, proceeding, administrative hearing, or deposition, that is subject to [this court's] review [and] why he or she should not be punished for contempt of court." *Id.* Ms. Howard has been cautioned about those sanctions in several of these cases and a monetary sanction has been imposed in one of the cases.

Given Ms. Howard's continued default and its effect on these cases, we conclude that sanctions are warranted. First, we refer Ms. Howard to the certified court reporters' board of Nevada for disciplinary action. When the clerk of this court transmits a copy of this order to the board, the clerk shall include a copy of the docket sheet, transcript request form(s), and orders directed to Ms. Howard in each of these appeals. Second, we order Ms. Howard to appear before this court at 4:30 p.m. on December 9, 2014, at the Regional Justice Center in Las Vegas, Nevada. Ms. Howard shall be prepared to update this court on the status of her progress in preparing the requested transcripts, address the timeframe in which she will be able to prepare and file the requested transcripts in these cases, and address whether additional sanctions, as set forth in NRAP 13(b), are warranted.³

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

³In the meantime, we encourage Ms. Howard to continue her work toward full compliance with her duties and obligations in these cases.

cc: Hon. Jennifer Togliatti, Chief Judge
Hon. David Barker, Chief Judge-Elect
Hon. Douglas W. Herndon, District Judge
Hon. Elizabeth Goff Gonzalez, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Sharon Howard, Court Reporter
Steven D. Grierson, Court Executive Officer
Certified Court Reporters' Board of Nevada