

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE SPARKS,
Petitioner,

vs.

THE HONORABLE ROB BARE,
DISTRICT JUDGE, EIGHTH JUDICIAL
DISTRICT COURT; STEVEN
GRIERSON, CLERK OF THE EIGHTH
JUDICIAL DISTRICT COURT;
HENDERSON CLERK OF THE
MUNICIPAL COURT; AND THE
HONORABLE MARK STEVENS,
Respondents,
and
CITY OF HENDERSON,
Real Party in Interest.

No. 69073

FILED

AUG 10 2016

RACE K. INDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING REHEARING

Petitioner Lawrence Sparks argues that he may only be charged a \$25 fee for the preparation and transmittal of transcripts for a misdemeanor appeal because justice and municipal courts are limited by statute on the fees charged, *see* NRS 4.080; NRS 4.120; NRS 4.130, and NRS 4.060(1)(j) expressly states that the fee for "preparation and transmittal of transcript and papers on appeal" is \$25. This argument is improper because it is raised for the first time in this court on rehearing. *See* NRAP 40(c)(1).

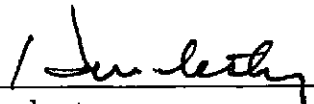
16-24823


Moreover, Sparks has not demonstrated that this court has overlooked, misapplied or failed to consider a statute directly controlling a dispositive issue. See NRAP 40(c)(2). Sparks' reading of these statutes ignores the interplay between NRS 4.410 (setting forth the guidelines for compensation for preparation of transcripts) and NRS 4.060(1)(j) (setting forth the fee for preparation and transmittal of transcripts on appeal), and ignores the holding in *Braham v. Fourth Judicial Dist. Court*, 103 Nev. 644, 647, 747 P.2d 1390, 1392 (1987) (holding that a non-indigent misdemeanor appellant may be required to pay for the costs of transcripts). If the person designated to prepare a transcript is "[r]egularly employed as a public employee," the person is not entitled to any additional compensation for preparing the transcript, NRS 4.410(1)(a), and the maximum amount that could be charged is \$25 to prepare and transmit the transcript for a misdemeanor appeal. But, it is not always the case that the person preparing a transcript is regularly employed as a public employee and NRS 4.410 sets forth guidelines regarding payment in these situations. For instance, NRS 4.410(1)(b) provides that if the person is not regularly employed as a public employee and is not a certified court reporter, "the person is entitled to such compensation for preparing the transcript as the board of county commissioners determines." And a certified court reporter is entitled to compensation as set forth in NRS 3.370. NRS 4.410(1)(c). Our opinion was written to address situations where the transcriptionist was not regularly employed as a public employee because the documents before this court indicated that the transcription in this case was to be done by a private transcriptionist or court reporter, who are entitled to compensation as set

forth in NRS 4.410(1)(b), (c). Accordingly, we conclude that rehearing is not warranted. NRAP 40(c).

We have considered the remaining contentions and conclude that Sparks has not demonstrated that rehearing is warranted. *Id.*

It is so ORDERED.

, J.
Hardesty

, J.
Saitta

, J.
Pickering

cc: Hon. Rob Bare, District Judge
Hon. Mark Stevens, Municipal Judge
Lawrence Sparks
Attorney General/Carson City
Henderson City Attorney
Eighth District Court Clerk
Henderson Municipal Court Clerk