

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF NEVADA RULE OF
APPELLATE PROCEDURE 3C.

ADKT 0510

FILED

NOV 06 2015

**ORDER SCHEDULING PUBLIC HEARING
AND REQUESTING PUBLIC COMMENT**

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

On November 6, 2015, the Honorable James W. Hardesty, Chief Justice and the Honorable Michael A. Cherry, Associate Justice filed a petition in this court requesting that Nevada Rule of Appellate Procedure (NRAP) 3C be amended. A copy of the petition with the proposed amendments is attached.

The Nevada Supreme Court will conduct a public hearing on the petition on Thursday, December 10, 2015, at 1:30 p.m. in the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor (Regional Justice Center), Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

Further, this court invites written comment from the bench, bar and public regarding the proposed amendments. An original and 8 copies of written comments are to be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., December 4, 2015. Comments must be submitted in hard-copy format. Comments submitted electronically will not be docketed. Persons interested in participating in the hearing must notify the Clerk no later than December 4, 2015.

15-34056

Hearing date: December 10, 2015, at 1:30 p.m.
Supreme Court Courtroom
200 Lewis Avenue, 17th Floor
Regional Justice Center
Las Vegas, Nevada

Comment deadline: December 4, 2015, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 6th day of November, 2015.

Jan Lester, C.J.

cc: Laurence P. Digesti, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
Administrative Office of the Courts

IN THE SUPREME COURT OF THE STATE OF NEVADA
IN THE MATTER OF AMENDMENT OF
NEVADA RULE OF APPELLATE
PROCEDURE 3C.

ADKT 0510

FILED

NOV 06 2015

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
CHIEF DEPUTY CLERK

**PETITION TO AMEND NEVADA RULE OF
APPELLATE PROCEDURE 3C**

James Hardesty, Chief Justice of the Nevada Supreme Court,
and Michael Cherry, Justices of the Nevada Supreme Court hereby
petition the Nevada Supreme Court to amend Nevada Rule of Appellate
Procedure (NRAP) 3C for the following reasons:

1. NRAP 3C regarding fast track criminal appeals was developed and implemented by this court to allow for the expeditious resolution of certain criminal cases;
2. This court has recently experienced procedural and caseload changes, in part due to the establishment of the Court of Appeals;
3. Because of these changes, it appears that a change to the scope of NRAP 3C is warranted.

Accordingly, we request that the Nevada Supreme Court amend NRAP 3C as shown in as Exhibit A.

DATED this 6th day of November, 2015.

James Hardesty, C.J.
Hardesty

Michael Cherry, J.
Cherry

EXHIBIT A

AMENDMENT TO NEVADA RULE OF APPELLATE PROCEDURE 3C

RULE 3C. FAST TRACK CRIMINAL APPEALS

(a) Applicability.

(1) This Rule applies to an appeal from a district court judgment or order entered in a criminal or post-conviction proceeding commenced after September 1, 1996, whether the appellant is the State or the defendant. A proceeding is commenced for the purposes of this Rule upon the filing of an indictment, information, or post-conviction application in the district court.

(2) The Supreme Court may exercise its discretion and apply this Rule to appeals arising from criminal and post-conviction proceedings that are not subject to this Rule.

(3) Unless the court otherwise orders, an appeal is not subject to this Rule if:

(A) the appeal challenges ~~[an order or]~~ a judgment based on a jury verdict or an order resolving a post-conviction habeas petition in a case involving a category A or category B felony, as described in NRS 193.130(2)~~[(a), in which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole is actually imposed];~~

(B) the appeal is brought by a defendant or petitioner who was not represented by counsel in the district court; or

(C) the appeal is filed in accordance with Rule 4(c).