## 1 IN THE SUPREME COURT OF THE STATE OF NEVADA 2 3 JAMES COOPER. **Electronically Filed** 4 Jul 27 2017 01:32 p.m. Appellant, Elizabeth A. Brown Case Noerk of Supreme Court 5 VS. 6 7 THE STATE OF NEVADA, 8 Respondent. 9 10 NOTICE TO SUPREME COURT: 11 BRIEFING SCHEDULE RENDERED INOPERABLE OR 12 MOOT DUE TO NONCOMPLIANCE BY COURT REPORTERS AND UNAVAILABILITY OF REQUESTED TRANSCRIPTS 13 14 Comes Now Appellant JAMES COOPER, by and through 15 Chief Deputy Public Defender SHARON G. DICKINSON, and pursuant to 16 17 NRAP 27, NRAP 9, and NRAP 31, provides the Supreme Court with Notice 18 that the Briefing Schedule outlined in the appellate rules has been rendered 19 inoperable and moot because court recorders/reporters have not prepared or 20 21 filed all the transcripts requested in this matter. The details of this notice are 22 within the attached Declaration of Counsel. 23 DATED this 27<sup>th</sup> day of July, 2017. 24 25 PHILIP J. KOHN 26 CLARK COUNTY PUBLIC DEFENDER 27 By\_\_\_/s/ Sharon G. Dickinson 28 SHARON G. DICKINSON, #3710

Chief Deputy Public Defender

DECLARATION OF SHARON G. DICKINSON

- 1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender assigned to represent James Cooper in the appeal of his conviction.
- 2. James Cooper's Opening Brief is due July 28, 2017. James is unable to prepare and file his brief because he is missing 17 requested transcripts.
- 3. On April 10, 2017, the Clark County Public Defender filed a Request for Certified Transcripts of Proceedings with the District Court and on April 14, 2017, with this Honorable Court for the following dates: 03/03/16, 04/25/16, 04/27/16, 04/28/16, 05/16/16, 05/18/16, 06/20/16, 07/06/16, 07/13/16, 08/04/16, 09/07/16, 10/31/16, 11/07/16, 11/14/16, 11/15/16, 11/17/16, 11/18/16, 02/08/17, 02/15/17 and 03/27/17.
- 4. The Transcript Requests were delivered to the court recorder/reporters that same day.
- 5. In the ordinary full-briefing system, NRAP 9(b)(1)(A) mandates a court recorder/reporter shall prepare a requested transcript within 30 days after the Transcript Request Form has been delivered. Under NRAP 31(a)(1)(A), Appellant shall file the Opening Brief within 120 days after the docketing date. So, according to the Rules, court recorders/reporters shall have 30 days to

prepare the transcripts and Appellant's counsel shall have 90 days to read the record, research the issues, and prepare and file the Opening Brief.

- 6. Here, court recorders/reporters were required to file all requested transcripts by May 10. 2017. However, as of today, July 27, 2017, James has only received 3 of the 20 transcripts requested. This means that 106 days after the delivery of the Transcript Request Form, some of the court recorders/reporters have still not fulfilled their duties under NRAP 9.
- 7. James is unable to comply with the Briefing Schedule in place under Supreme Court Rules because he is waiting for transcripts. Accordingly, James asks for a revised briefing schedule.
- 8. When the Supreme Court issues a new Briefing Schedule, James respectfully requests that the Court honor the intent of the Nevada Rules of Appellate Procedure which provides that an Appellant shall have 90 days (120 days minus the 30 days for transcript preparation) to review the record, research the issues, and prepare and file the Opening Brief. Also, James respectfully requests he be entitled to an additional 30 days by stipulation as allowed in NRAP 31(b)(2).

I declare under penalty of perjury that the foregoing is true and correct. EXECUTED on the 27<sup>th</sup> day of July, 2017.

<u>/s/ Sharon G. Dickinson</u> SHARON G. DICKINSON Chief Deputy Public Defender

## 1 **CERTIFICATE OF SERVICE** 2 I hereby certify that this document was filed electronically with the 3 Nevada Supreme Court on the 27<sup>th</sup> day of July, 2017. Electronic Service of the 4 5 foregoing document shall be made in accordance with the Master Service List as 6 follows: 7 8 ADAM LAXALT SHARON G. DICKINSON STEVEN S. OWENS HOWARD S. BROOKS 10 I further certify that I served a copy of this document by mailing a 11 true and correct copy thereof, postage pre-paid, addressed to: 12 JAMES COOPER 13 NDOC No. 1174054 14 c/o High Desert State Prison 15 P.O. Box 650 Indian Springs, NV 89070 16 17 18 19 BY\_\_\_\_/s/ Carrie M. Connolly\_ 20 Employee, Clark County Public 21 Defender's Office 22 23 24 25 26 27 28