

* vacated per order 4/21/23 *

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMAR ANTWAN HARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70679

FILED

MAY 03 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING PETITION FOR REVIEW

Having considered the petition for review and response to the petition, we have determined that review is warranted. NRAP 40B(f). We further conclude that supplemental briefing would be of assistance to address the following issues: (1) whether the conduct of postconviction counsel can be good cause under NRS 34.726(1)(a) for a late postconviction habeas petition where counsel leads the client to believe a petition has been filed and subsequently abandons the client without notice and without filing a petition, and (2) whether this court's decision in *State v. Huebler*, 128 Nev. 192, 275 P.3d 91 (2012) set forth a flawed definition of undue prejudice for purposes of NRS 34.726(1)(b). NRAP 40B(g) (providing that the supreme court may require supplemental briefs).

Appellant shall have 30 days from the date of this order to file and serve a supplemental opening brief. Respondent shall have 30 days from service of the supplemental opening brief to file and serve a supplemental answering brief. Appellant shall have 15 days from service of the supplemental answering brief to file and serve a supplemental reply

brief, if warranted. The supplemental briefs shall comply with NRAP 28, 28.2, and 32.

It is so ORDERED.¹

Douglas, C.J.
Douglas

Cherry J.
Cherry

Pickering J.
Pickering

Hardesty J.
Hardesty

Parraguirre J.
Parraguirre

Stiglich J.
Stiglich

cc: Hon. Carolyn Ellsworth, District Judge
Matthew D. Carling
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The Honorable Mark Gibbons, Justice, did not participate in the decision of this matter.