

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78590

FILED

MAY 31 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER CONDITIONALLY IMPOSING SANCTIONS

This appeal was docketed in this court on April 17, 2019. Because the notice of appeal was not accompanied by the rough draft transcript request form, *see* NRAP 3C(d)(3)(A)(ii), on April 17, 2019, this court issued a notice directing appellant's counsel, Michael W. Sanft, to file the rough draft transcript request form within 10 days or face sanctions.¹ *See* NRAP 3C(n). To date, Mr. Sanft has not complied or otherwise communicated with this court. Further, the fast track statement and appendix are now overdue.

This court concludes that Mr. Sanft's failure to file the rough draft transcript request form, fast track statement, and appendix warrants the *conditional* imposition of sanctions. *See id.* Within 14 days from the date of this order, Mr. Sanft shall pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment. Mr. Sanft shall have 14 days from the date of this order to file 2 file-stamped copies of the rough draft transcript request form, proof of service of the rough draft transcript request form or a certificate that no transcripts are being

¹A copy of the notice is attached.

requested, and the fast track statement and appendix. See NRAP 3C(d)(3)(A)(iii), (D); NRAP 3C(e). If the required documents are timely filed, the conditional sanction will be automatically vacated. If the required documents are not timely filed, the sanction will no longer be conditional and must be paid.

Failure to comply with this order or any other filing deadlines will result in the removal of Mr. Sanft as counsel of record in this appeal. See NRCP 3C(n). Further, because it appears that Mr. Sanft's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), failure to comply with this order or any other filing deadlines will also result in Mr. Sanft's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Sanft Law, P.C.
Michael W. Sanft
Attorney General/Carson City
Clark County District Attorney
Supreme Court Law Librarian

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

JAMES HOWARD HAYES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 78590
District Court Case No. C315718

NOTICE TO REQUEST ROUGH DRAFT TRANSCRIPTS

TO: Sanft Law, P.C. \ Michael W. Sanft

To date, the appellant has failed to request transcripts in this appeal. Please file and serve a Rough Draft Transcript Request Form or, alternatively, a certificate that preparation of transcripts is not requested within 10 days from the date of this notice. See NRAP 3C(d)(3). Failure to request transcripts in compliance with NRAP 3C(d)(3) may result in the imposition of sanctions. See NRAP 3C(n).

DATE: April 17, 2019

Elizabeth A. Brown, Clerk of Court

By: Linda Hamilton
Deputy Clerk

Notification List

Electronic

Sanft Law, P.C. \ Michael W. Sanft

Clark County District Attorney \ Steven S. Owens, Chief Deputy District Attorney

Attorney General/Carson City \ Aaron D. Ford, Attorney General

Steven D. Grierson, Eighth District Court Clerk