

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMY LAQUADE STEWART,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80084

FILED

AUG 07 2020

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

*ORDER REMOVING COUNSEL, REFERRING COUNSEL TO STATE
BAR FOR INVESTIGATION, REMANDING FOR APPOINTMENT OF
COUNSEL, AND SUSPENDING BRIEFING*

This court previously remanded this matter to the district court for the limited purpose of securing appellate counsel for appellant. The district court appointed attorney Travis D. Akin as counsel for appellant. On February 7, 2020, this court entered an order setting the briefing schedule in this appeal, and directing Mr. Akin to file a transcript request form and docketing statement within 21 days.¹ Mr. Akin failed to file the transcript request form and docketing statement. Thus, on March 19, 2020,

¹A copy of this order is attached.

this court issued a notice directing Mr. Akin to file the transcript request form and docketing statement within 10 days.² Mr. Akin timely filed a motion for extension of time, and on April 15, 2020, this court entered an order granting Mr. Akin until May 6, 2020, to file the missing documents.³ When Mr. Akin failed to comply with that order, on May 22, 2020, this court directed him to file the required documents within 7 days or face sanctions.⁴ Mr. Akin again failed to comply. On June 25, 2020, this court entered an order conditionally imposing sanctions against Mr. Akin for his failure to file the transcript request form, docketing statement, and opening brief and appendix.⁵ If Mr. Akin timely filed the required documents, the sanction would be automatically vacated. This court cautioned Mr. Akin that failure to comply with the order or any other filing deadlines would result in his removal as counsel in this appeal. This court also cautioned that any such failure would result in referral to the State Bar of Nevada for investigation. To date, Mr. Akin has not filed the required documents or otherwise communicated with this court.

This court has repeatedly stated that all appeals are expected to be “pursued in a manner meeting high standards of diligence, professionalism, and competence.” *Cuzdey v. State*, 103 Nev. 575, 578, 747 P.2d 233, 235 (1987); *accord Polk v. State*, 126 Nev. 180, 184, 233 P.3d 357, 359 (2010); *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003); *State, Nev. Emp’t Sec. Dep’t v. Weber*, 100 Nev. 121, 123, 676 P.2d 1318,

²A copy of this notice is attached.

³A copy of this order is attached.

⁴A copy of this order is attached.

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1319 (1984). It is incumbent upon Mr. Akin, as part of his professional obligations of competence and diligence to his clients, to know and comply with all applicable court rules. *See* RPC 1.1; RPC 1.3. These rules have been implemented to promote cost-effective, timely access to the courts; it is “imperative” that he follow these rules and timely comply with our directives. *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011). Mr. Akin is “not at liberty to disobey notices, orders, or any other directives issued by this court.” *Id.* at 652, 261 P.3d at 1085.

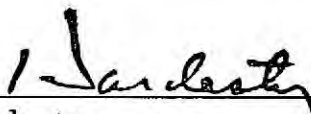
Mr. Akin’s failure to comply with this court’s rules and orders has forced this court to divert its limited resources to ensure his compliance and needlessly delayed the processing of this appeal. Therefore, Mr. Akin is removed as counsel in this appeal. Because it appears that Mr. Akin’s conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), this court refers Mr. Akin to the State Bar of Nevada for investigation pursuant to SCR 104-105. Bar counsel shall, within 90 days of the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings in this matter.

This appeal is remanded to the district court for the limited purpose of securing appellate counsel for appellant. If appellant is indigent, the district court shall have 30 days to appoint appellate counsel. Otherwise, the district court shall order that, within 30 days, appellant must retain appellate counsel and appellate counsel must enter an appearance in the district court. Upon the appointment of counsel, the district court clerk shall immediately transmit to the clerk of this court a copy of the district court’s written or minute order or counsel’s notice of appearance.

The briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.


Parraguirre, J.


Hardesty, J.


Cadish, J.

cc: Hon. Valerie Adair, District Judge
The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Travis D. Akin
Tommy LaQuade Stewart
Bar Counsel, State Bar of Nevada

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FEB 07 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER SETTING BRIEFING SCHEDULE

This is an appeal from an order denying a postconviction petition for a writ of habeas corpus. Pursuant to a limited remand, the district court has appointed attorney Travis D. Akin as counsel for appellant. Accordingly, this court sets the briefing schedule as follows.

Appellant shall have 21 days from the date of this order to file and serve a transcript request form or certificate that no transcripts will be requested, *see* NRAP 9, and a docketing statement, NRAP 14. Appellant shall have 120 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed as provided in NRAP 31(a)(1).

It is so ORDERED.

, C.J.

cc: The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney
Tommy LaQuade Stewart

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

TOMMY LAQUADE STEWART,
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vs.
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Respondent.

Supreme Court No. 80084
District Court Case No. C305984

NOTICE TO FILE DOCKETING STATEMENT AND REQUEST TRANSCRIPTS

TO: The Law Office of Travis Akin \ Travis D. Akin

To date, appellant has not filed the Docketing Statement and the Transcript Request Form in this appeal. NRAP 14(b); NRAP 9(a).

Please file and serve the Docketing Statement and either a 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 10(b); NRAP 30 (b)(1). Failure to file a Docketing Statement or the appropriate transcript document may result in the imposition of sanctions, including the dismissal of this appeal. See NRAP 9(a)(7); NRAP 14(c).

DATE: March 19, 2020

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

Notification List
Electronic
Clark County District Attorney \ Alexander G. Chen

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMY LAQUADE STEWART,
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APR 15 2020

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

ORDER GRANTING MOTIONS

Appellant's first and second motions for extensions of time to file the docketing statement and transcript request form are granted. NRAP 14(d); NRAP 26(b)(1)(A). Appellant shall have until May 6, 2020, to file and serve the docketing statement and transcript request form. Failure to comply may result in the imposition of sanctions. NRAP 14(c); NRAP 9(a)(7).

It is so ORDERED.

Pickering C.J.

cc: The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMY LAQUADE STEWART,
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No. 80084

FILED

MAY 22 2020

CLERK OF SUPREME COURT
BY  DEPUTY CLERK

***ORDER DIRECTING THE FILING OF DOCKETING STATEMENT AND
TRANSCRIPT REQUEST FORM***

On April 15, 2020, this court directed appellant to file and serve the docketing statement and transcript request by May 6, 2020. To date, the required documents have not been filed. Accordingly, appellant shall, within 7 days of the date of this order, file and serve the docketing statement and transcript request form. Failure to comply may result in the imposition of sanctions. See NRAP 14(c); NRAP 9(a)(7). Appellant's counsel is reminded that the opening brief and appendix are due to be filed on or before June 8, 2020.

It is so ORDERED.

Pickering, C.J.

cc: The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMY LAQUADE STEWART,
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JUN 25 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER CONDITIONALLY IMPOSING SANCTIONS

Appellant's counsel, Travis D. Akin, did not file the transcript request form and docketing statement. See NRAP 9(a)(3); NRAP 14(b). Accordingly, on May 22, 2020, this court entered an order directing Mr. Akin to file the missing documents within 7 days or face sanctions.¹ To date, Mr. Akin has not complied or otherwise communicated with this court. In addition, the opening brief and appendix are also overdue.

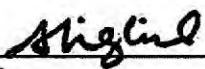
Mr. Akin's failure to file the transcript request form, docketing statement, and opening brief and appendix warrants the *conditional* imposition of sanctions. Mr. Akin shall pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment within 14 days from the date of this order. The conditional sanction will be automatically vacated if Mr. Akin files and serves the transcript request form, docketing statement, and opening brief and appendix, or a properly supported motion to extend time, see NRAP 26(b)(1)(A); NRAP 14(d); NRAP 31(b)(3), within the same time period.

¹A copy of this order is attached.

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 Mr. Akin's removal as counsel of record in this appeal. See NRAP 9(a)(7); NRAP 14(c). Further, because it appears that Mr. Akin'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. Akin's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.


Gibbons


Stiglich


Silver

cc: The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney
Supreme Court Law Librarian
Travis D. Akin