

IN THE SUPREME COURT OF THE STATE OF NEVADA

DALE EDWARD FLANAGAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40232

**FILED**

MAR 18 2003

ORDER

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
CHIEF DEPUTY CLERK

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus in a death penalty case. On January 6, 2003, appellant filed ten different Transcript Request Forms. Each form was directed to a different court reporter requesting the preparation of transcripts for proceedings held on various dates. On January 9, 2003, court reporter Sharleen Nicholson submitted a copy of a letter she wrote to appellant's counsel, Cal J. Potter, informing him that the transcript for one of the dates requested, January 24, 1994, is not available. In the event Mr. Potter believes that transcript is essential to this appeal but is unable to obtain a copy of the transcript, we direct Mr. Potter's attention to NRAP 9(d), which addresses such a circumstance.

On January 15, 2003, court reporter Tina Smith filed the transcripts for proceedings held on the following dates: January 19, 2000; January 31, 2000; and June 22, 2000. On January 17, 2003, court reporter Cathy Nelson filed transcripts for proceedings held on the following dates: November 25, 1998; May 17, 1999; September 8, 1999; and November 30, 1999. Finally, on March 10, 2003, court reporter Russell A. Garcia filed transcripts for proceedings held on August 31, 1993, and December 22, 1993. No other transcripts requested by appellant have been filed with this court.



A review of the district court docket reveals that many of the requested transcripts were filed in the district court prior to the docketing

of this appeal. Pursuant to NRAP 10 and 30, any such transcripts should be copied and included in the appendix to the opening brief and should not have been requested in the transcript request forms filed on January 6, 2003.

In order to determine whether preparation of any transcripts other than those that have already been filed with this court is necessary, we direct appellant to review the district court record to determine which transcripts should be included in the appendix to the opening brief. If it is necessary to request preparation of additional transcripts which will not be included in the appendix, appellant shall file an amended transcript request form within 15 days from the date of this order. If no additional transcripts are required to be prepared, appellant shall file a certificate indicating that no transcripts are being requested within the same time period. Further, the court reporters identified in the transcript request forms filed on January 6, 2003, shall not prepare the designated transcripts. If appellant does request the preparation of any transcripts in an amended transcript form, however, the court reporter responsible for the requested transcript(s) shall strictly comply with the filing deadlines of NRAP 9(b), or inform this court in writing within that time limitation if the transcripts cannot be prepared in a timely manner.

Finally, we note that the opening brief was due to be filed by January 16, 2003. To date, appellant has not filed a brief or a motion for an extension of time. In light of this order addressing the preparation of transcripts for this appeal, appellant shall file and serve the opening brief and appendix within 60 days from the date of this order. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

  C.J.

cc: Davis Wright Tremaine LLP  
Potter Law Offices  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Anita Springs-Walker, Court Reporter  
Joyce Brown, Court Reporter  
Patricia Loft, Court Reporter  
Cathy Nelson, Court Reporter  
Russell Garcia, Court Reporter  
Sharon Thielman, Court Reporter  
Donna Little, Court Reporter  
Renee Silvaggio, Court Reporter  
Alice Eastgate, Court Reporter  
Tina Smith, Court Reporter  
Sharleen Nicholson, Court Reporter