

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANE ANDREW JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48508

FILED

SEP 12 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER VACATING SANCTIONS, DENYING MOTION
AND DISMISSING APPEAL

This is a direct appeal from a sentence of life imprisonment. On April 16, 2008, this court entered an order conditionally imposing sanctions on counsel for appellant, Joseph Sciscento, for his failure to file the transcript request form. The order noted that the sanctions would be automatically vacated if the transcript request form was filed within ten days of the date of the order. Accordingly, the sanctions were automatically vacated upon the filing of the transcript request forms on April 29, 2008.¹

¹The transcript request forms were deposited in the Las Vegas drop box on April 25, 2008. See NRAP 25(1)(a)(iii)(a document is timely filed if, on or before the last day for filing, it is deposited in the Supreme Court drop box).

On June 9, 2008, this court entered a second order conditionally imposing sanctions against counsel for appellant, this time for his failure to file the opening brief and appendix.² Specifically, we directed counsel for appellant to pay the sum of \$500.00 to the Supreme Court Law Library and provide this court with proof of payment by June 24, 2008. However, this sanction would be automatically vacated if appellant filed and served the opening brief and appendix or, alternatively, a motion to extend time, by June 19, 2008.

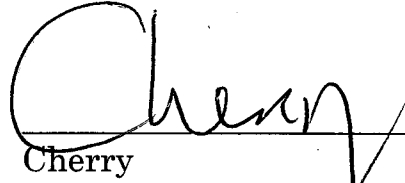
On July 7, 2008, appellant filed an untimely motion for an extension of time to “file pleadings in this case.” Because this motion was untimely filed, the sanctions imposed in our June 9, 2008, were not automatically vacated. Nevertheless, in the interest of judicial efficiency, we elect to vacate the sanctions.


Appellant has also filed a “Notice of Withdrawal of Appeal,” in which counsel asserts that appellant “consents to a voluntary dismissal” of this appeal. We elect to treat this notice as a motion for voluntary dismissal of this appeal and grant it as such. This appeal is dismissed.

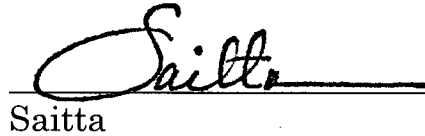
²On February 13, 2008, this court entered an order directing Mr. Sciscento to file the opening brief and appendix by April 14, 2008. As appellant failed to comply with that order, this court issued a notice on April 23, 2008, directing Mr. Sciscento to file the brief and appendix within 15 days, i.e., by May 8, 2008. Mr. Sciscento’s failure to comply with the order of February 13, 2008, and the notice of April 23, 2008, resulted in the issuance of this second conditional sanction order.

NRAP 42(b). In light of this order, the motion for extension of time to file pleadings is denied as moot.

It is so ORDERED.

 J.
Cherry

 J.
Maupin

 J.
Saitta

cc: Joseph S. Sciscento
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Supreme Court Law Librarian