

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAFIQ AHMED AFZALI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54019

SHAFIQ AHMED AFZALI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67235 ✓

FILED

FEB 02 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

*ORDER ADMINISTRATIVELY CLOSING DOCKET NO. 67235 AND
GRANTING MOTION FOR LEAVE TO FILE SUPPLEMENTAL
BRIEFING AND APPENDIX*

On May 29, 2014, this court issued an opinion remanding this matter to the district court so that the district court could make certain information relating to the composition of the grand juries that indicted appellant and the venires from which those juries were chosen available to appellant. Upon receipt of that information, appellant was to determine whether he had grounds for a fair cross-section challenge and, if so, make the challenge in the district court. We directed the district court to resolve the challenge and enter appropriate findings of facts and conclusions of law and noted that the district court's decision would be subject to this court's review if challenged.

Appellant has now filed a motion in Docket No. 54019 requesting leave to file supplemental briefing and a supplemental appendix. Counsel for appellant represents that after the remand and appellant's receipt of the referenced information, appellant filed a motion

to dismiss based on a challenge to the grand jury and the district court denied that motion. Appellant has also filed a notice of appeal from the district court's order denying his motion to dismiss. That notice of appeal was inadvertently docketed as a separate matter in Docket No. 67235. We direct the clerk of this court to administratively close the appeal in Docket No. 67235. The parties shall disregard the order to show cause issued in Docket No. 67235 on January 27, 2015. The clerk of this court shall transfer to Docket No. 54019 all remaining documents filed or received in Docket No. 67235.

We agree that supplemental briefing and a supplemental appendix is warranted in Docket No. 54019 regarding the denial of appellant's motion to dismiss. Accordingly, we grant the motion. Appellant shall have 30 days from the date of this order to file and serve a supplemental opening brief that does not exceed 15 pages or 7,000 words and a supplemental appendix. Respondent shall have 30 days from the date the supplemental opening brief is filed to file and serve a supplemental answering brief that does not exceed 15 pages or 7,000 words. Appellant shall have 30 days from the date the supplemental answering brief is filed to file and serve a supplemental reply brief that does not exceed 8 pages or 3,500 words. Failure to comply with this order may result in the imposition of sanctions.

It is so ORDERED.

1 Jardesty, C.J.

cc: Hon. James M. Bixler, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk