

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TIMOTHY JACK KOPP,

Respondent.

No. 36457

FILED

APR 18 2001

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

O R D E R

This appeal was docketed on July 19, 2000, as a fast track appeal. See NRAP 3C. On August 22, 2000, appellant State of Nevada filed the fast track statement. On October 16, 2000, respondent's counsel, attorney John C. Wawerna, filed the fast track response.

October 24, 2000, after consideration of the fast track statement and response, this court entered an order in which we determined that this appeal should be fully briefed. See NRAP 3C(j). On November 3, 2000, counsel for respondent, attorney John C. Wawerna, filed a motion to withdraw as attorney of record for respondent.

On December 5, 2000, appellant filed the opening brief and appendix. On December 11, 2000, respondent filed a motion to suspend the briefing schedule pending resolution of the motion to withdraw. However, on January 9, 2001, attorney Wawerna filed respondent's answering brief and appendix. On February 8, 2001, appellant filed the reply brief.

All required briefs having been filed in this appeal, we deny respondent's motion to suspend the briefing schedule as moot. Further, good cause appearing, we grant attorney Wawerna's motion to withdraw as counsel of record for respondent. See NRAP 3C(b)(1) (trial counsel may file a motion to withdraw after fulfilling the obligations imposed by

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the fast track rule). Further, we remand this appeal to the district court for the limited purpose of securing new counsel for respondent. If respondent is indigent, the district court shall have thirty (30) days within which to appoint counsel for respondent.¹ Otherwise, the district court shall order that, within thirty (30) days, respondent must retain counsel and counsel must enter an appearance in the district court.

Within five (5) days from the appointment or appearance of counsel in the district court, the district court clerk shall: (1) transmit to the clerk of this court a copy of the district court's written or minute order; and (2) serve a copy of this order of remand on respondent's new counsel. Within twenty (20) days from appointment or appearance in the district court, counsel shall have ten (10) days within which to file a notice of appearance with the clerk of this court.

In the event new counsel determines that the filing of a supplemental answering brief is warranted, the brief shall be filed within forty (40) days from the filing of the notice of appearance with the clerk of this court. If new counsel fails to file a supplemental answering brief within this time frame, briefing shall be deemed completed in this appeal.

It is so ORDERED.

 C.J.

¹ Attorney Wawerna has informed this court that the Clark County Public Defender has been appointed to represent respondent in the continued proceedings below. The district court may want to consider whether the Clark County Public Defender should also be appointed to represent respondent in this appeal.

cc: Hon. Sally L. Loehrer, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
John C. Wawerna
Clark County Clerk