

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKIE LAMONT SLAUGHTER A/K/A
RICKIE LAMONT SLAUGHTER, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61991

FILED

APR 30 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

Appellant has filed a motion for an extension of time to file a petition for rehearing of the panel's decision in this matter. The motion was not timely filed as it was submitted to this court's electronic filing system after the deadline for filing a petition for rehearing as provided in NRAP 40(a)(1). "For good cause," this court "may permit an act to be done after [the time prescribed by the court's rules to perform an act] expires." NRAP 26(b)(1)(A). As good cause, counsel explains that appellant contacted him after the time for filing the petition had expired and asked him to file a petition for reconsideration, asserts the difficulty in communicating with an incarcerated client and the short period of time for filing a petition for rehearing, and points out that he did not mail the decision to his client until shortly before the time for filing a petition expired. Counsel suggests that additional time is needed so that he can meet with appellant and discuss the merits of a rehearing petition.

We are not convinced that appellant has demonstrated good cause. The time for filing a petition for rehearing is short because the grounds for filing a petition for rehearing are limited, *see* NRAP 40(c)(2),

and the issuance of the court's remittitur should not be unnecessarily delayed. This court's decision was entered on March 12, 2014, and served on counsel promptly through the court's electronic filing system. The grounds asserted in the instant motion could be asserted as good cause to extend that time period in virtually every criminal appeal. Doing that would render the time limit ineffectual in those cases. We decline to follow that course. And although we appreciate that it is best practice for counsel to confer with a client regarding the availability of rehearing and the benefits or disadvantages of filing a petition for rehearing, *see Nevada Indigent Defense Standards of Performance, Standard 3-8(a)*, ultimately the decision whether to file a petition for rehearing is a matter of counsel's professional judgment based on whether grounds for filing such a petition exist, *see Nevada Indigent Defense Standards of Performance, Standard 3-8(b)*; *see also Jones v. Barnes*, 463 U.S. 745, 751-54 (1983). Counsel has not suggested that there are any grounds for rehearing or circumstances amounting to good cause that precluded him from filing a petition or a motion for extension of time within the period provided by NRAP 40(a)(1). Accordingly, the motion is denied. As the time to issue the remittitur has expired, *see NRAP 41(a)(1)*, the clerk of this court shall issue the remittitur in this matter without further delay.

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Law Offices of Gamage & Gamage
Attorney General/Carson City
Clark County District Attorney