

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANGELO R. CARROLL, ) No. 64757

Appellant, )

v. )

THE STATE OF NEVADA, )

Respondent. )  
\_\_\_\_\_ )

Electronically Filed  
Jun 24 2016 11:56 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE A PETITION FOR EN BANC RECONSIDERATION  
(First Request)

Pursuant to NRAP 26(b)(1)(A), appellant, Deangelo R. Carroll, moves for a 30-day extension of time to file a petition for en banc reconsideration.

This is Carroll's first request for an extension. If Carroll decides to file a petition for en banc reconsideration, he currently must do so by July 8, 2016.

*See* NRAP 40A(b); NRAP 26(a)(2).<sup>1</sup> If this motion is granted, however, Carroll would have until August 8, 2016 to submit such a petition, if, after careful consideration, he believes there are meritorious grounds to do so.

This motion is unopposed. Counsel for Carroll discussed it and the

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<sup>1</sup> A petition for en banc reconsideration must be filed within 10 days after a panel's decision to deny rehearing is entered. *See* NRAP 40A(b). That decision was entered on June 23, 2016. However, in computing the due date, intermediate Saturdays, Sundays, and nonjudicial days (like Monday, July 4, 2016) are excluded. NRAP 26(a)(2).

reasons for the extension with counsel for the State, and he represented that the State has no opposition to it.

### Points and Authorities

“For good cause, the court may extend the time prescribed by [the rules of appellate procedure] or by its order to perform any act, or may permit an act to be done after that time expires.” NRAP 26(b)(1)(A).

Good cause exists to extend the time for Carroll to file a petition for en banc reconsideration. The panel decision denying Carroll’s petition for rehearing was entered yesterday, Thursday, June 23, 2016. Counsel for Carroll is a sole practitioner. He is currently working on an appeal brief that is due today, Friday, June 24, 2016, in the Ninth Circuit. The next day, Saturday, June 25, 2016, counsel for Carroll will be traveling and out of the State for an extended period of time — partly for a vacation and partly for personal family reasons. He will not be back to work until Tuesday, July 12, 2016; four days after the current due date for the petition.

The additional 30-days requested in this motion will give counsel the opportunity to carefully review the case, the issues raised on appeal, and the panel’s decision in order to determine whether grounds exist for seeking en banc reconsideration of the opinion entered in this case. There may not be, but

counsel won't know until he has sufficient time to review and carefully analyze the matter. If there are meritorious grounds for en banc reconsideration, the additional time requested in this motion will also give counsel the time he needs to prepare a petition and, if necessary, to discuss matters with Carroll.

As noted above, the State is aware of this motion and has no opposition to it.

### Conclusion

The Court should grant this unopposed motion and give Carroll until August 8, 2016 to file a petition for en banc reconsideration.

DATED: June 24, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on June 24, 2016. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
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/s/ Mario D. Valencia  
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