

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESEAN COLLINS

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 69269

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Kathleen Delaney, District Judge
District Court No. 09C252804

**MOTION FOR EXTENSION OF TIME TO FILE
THE OPENING BRIEF AND APPENDIX (FIRST REQUEST)**

JoNell Thomas
State Bar #4771
Chief Deputy Special Public Defender
David M. Schieck
State Bar #0824
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(702) 455-6265
Attorneys for COLLINS

MOTION FOR EXTENSION OF TIME TO FILE
THE OPENING BRIEF AND APPENDIX (FIRST REQUEST)

COMES NOW, JoNELL THOMAS, Chief Deputy Special Public Defender,
and hereby moves this Court for an extension of time to file the Opening Brief and
Appendix, up to and including May 15, 2016.

This Motion is made and based upon NRAP 31, and the Declaration
attached hereto.

STATEMENT OF FACTS

The Opening Brief and Appendix are due March 31, 2016. Based on the
reasons set forth in the Declaration of Attorney attached hereto, Appellant is
requesting an extension of 45 days, up to and including May 15, 2016, to file his
Opening Brief and Appendix.

POINTS AND AUTHORITIES

Pursuant to NRAP 31, a motion for an extension of time must be made no later
than the due date for the brief.

...

...

CONCLUSION

Appellant is requesting an extension of time to file his Opening Brief and Appendix.

Dated: March 30, 2016

RESPECTFULLY SUBMITTED

/s/ JONELL THOMAS

JoNell Thomas
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DECLARATION OF JONELL THOMAS

JONELL THOMAS, hereby declares as follows:

I am an attorney duly licensed to practice law in the State of Nevada, and the Chief Deputy Special Public Defender assigned to handle Mr. Collins direct appeal from his jury trial. The case was docketed on December 2, 2015 and the Opening Brief and Appendix are due March 31, 2016.

Most of the transcripts were not received until February, 2016 and preparation of the appendix could not begin until the transcripts were filed.

We attempted to send the appendix to the client at High Desert State Prison, but they were not delivered and were instead sent back to the counsel after approximately four weeks. It is counsel's understanding that this is not an isolated incident but is a reoccurring issue with the mail room at the Prison. A second attempt at mailing the appendix has been made and counsel is awaiting confirmation that it was received by the client. Hand-delivery of the appendix in person at the prison is not allowed.

I am almost finished review of the lengthy 11 volume record and have made a preliminary determination of the issues to be raised, but I still need to research and write the legal arguments and meet with the client to discuss the brief.

I declare that I make this request in good faith and not for purposes of undue delay.

/s/ JONELL THOMAS

JONELL THOMAS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 3/30/16, a copy of the Motion for Extension of Time to File the Opening Brief and Appendix (First Request) was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ JONELL THOMAS

JONELL THOMAS