

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2           TYRONE JAMES SR.,

3                   Appellant,

4           vs.

5                   THE STATE OF NEVADA,  
6                   Respondent.

Case No. 71935

Electronically Filed  
Mar 27 2017 11:28 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

7                   **UNOPPOSED MOTION FOR EXTENSION TO FILE APPELLANT'S**  
8                   **OPENING BRIEF AND APPENDIX [FIRST REQUEST]**

9           Appellant TYRONE JAMES SR., hereby respectfully request thirty (30)  
10           days, until May 17, 2017, to file his Opening Brief and Appendix. Appellant's  
11           Opening Brief and Appendix, which is currently due on April 17, 2017. This  
12           is Appellant's first request for an extension in this matter. This motion is  
13           based on the following memorandum and all papers and pleadings on file  
14           herein. Steven Owens, counsel for Respondent, has indicated Respondent has  
15           no objection to this request.

16           Respectfully submitted this 27<sup>th</sup> day of March, 2017.

17                   /s/ Margaret A. McLetchie

18                   MARGARET A. MCLETCHIE, Nevada Bar No. 10931

19                   **MCLETCHIE SHELL LLC**

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25                   Attorney for Appellant

**MEMORANDUM**

I, Margaret A. McLetchie, am an attorney of record in the above-captioned case.

This Court may “[f]or good cause” extend the time “prescribed by the [Nev. R. App. P.] 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). Here, there is “good cause” because the undersigned counsel and her firm have conflicting deadlines in several other matters.

For example, counsel had a motion for summary judgment due on March 15, 2017 in *Gurshin v. Bank of America, N.A.*, U.S. Dist. Ct. Case No. 2:15-cv-00323-GMN-VCF, a complex Title VII employment case. Counsel also had a reply to an opposition for leave to amend due on March 23, 2017 in *Gayler v. High Desert State Prison, et al.*, U.S. Dist. Ct. Case No. 2:14-cv-00769-APG-CWH, a case in which the undersigned is appointed *pro bono* counsel. That same day, counsel also had a reply to a response to an Amended Public Records Act Application Pursuant To NRS § 239.001/ Petition For Writ Of Mandamus/ Application For Declaratory And Injunctive Relief due in *Las Vegas Review-Journal v. City of Henderson*, Eighth Judicial Dist. Ct. Case No. A-16-747289-W.

Counsel also has several other matters which conflict with the current briefing schedule in this matter. To wit, counsel has an evidentiary hearing

1 scheduled for March 31, 2017 in *Mathis v. State*, Eighth Judicial Dist. Ct.  
2 Case 05-C216498-1, a post-conviction matter. Counsel also has a response to  
3 the defendant's motion for summary judgment due in *Gurshin v. Bank of*  
4 *America, N.A.*, U.S. Dist. Ct. Case No. 2:15-cv-00323-GMN-VCF on April 5,  
5 2017. In addition, counsel has a joint pretrial order due in *Howard v. Foster*,  
6 U.S. Dist. Ct. Case No. 2:13-cv-001368-RFB-NJK on April 10, 2017, a case  
7 in which the undersigned is appointed *pro bono* counsel. Counsel also has a  
8 reply to a motion to dismiss and a motion to strike due on April 17, 2017 in  
9 *Abrams v. Schneider, et al.*, Eighth Judicial Dist. Ct. Case A-17-749318-C.

13 Additionally, counsel's law partner, who will be assisting in this matter,  
14 has an oral argument scheduled for April 20, 2017 in *United States v. Grimm*,  
15 Case No. 16-10007 in the United States Court of Appeals for the Ninth  
16 Circuit.

19 Finally, counsel needs additional time to communicate with Mr. James  
20 prior to the filing of the opening brief. Mr. James is currently in the custody of  
21 the Nevada Department of Corrections, and is incarcerated in High Desert  
22 State Prison in Indian Springs, Nevada.

24 The Opening Brief and Appendix are currently due April 17, 2017. An  
25 extension is necessary in this case for the aforementioned circumstances and  
26 to ensure proper briefing. Appellant thus respectfully requests an extension of  
27 30 days for the Opening Brief and Appendix, which would move that deadline  
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1 from April 17, 2017 to May 17, 2017.

2 This extension is sought in good faith and not for the purpose of delay.

3 This request is made in the interests of effectively representing the interests of  
4 Appellants and adequately and concisely briefing the issues in the appeal.  
5

6 The undersigned's law partner contacted Steven Owens, counsel for  
7 Respondent on March 24, 2017. Mr. Owens indicated Respondent has no  
8 objection to this request. The undersigned appreciates opposing counsel's  
9 professional courtesy.  
10

11 The undersigned declares under penalty of perjury the factual  
12 representations set forth in the foregoing memorandum are true and correct.  
13

14 Respectfully submitted this 27<sup>th</sup> day of March, 2017.  
15

16 /s/ Margaret A. McLetchie

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