

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

THE STATE OF NEVADA,

Petitioner,

v.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
AND THE HONORABLE CONNIE J.  
STEINHEIMER, DISTRICT JUDGE,

Respondents.

and

MATTHEW GLENN HEARN,

Real Party In Interest.

Electronically Filed  
Sep 21 2017 03:46 p.m.  
No. 73475 Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR AN EXTENSION OF TIME AND FOR LEAVE TO  
FILE A SUPPLEMENTAL APPENDIX.**

In connection with this Petition for Writ of Mandamus, this Court entered an order on September 13, 2017, that required an answer and directed the State to file an appendix. The State has mostly complied. However, there are two transcripts that are not yet available. According to the Clerk's minutes, attached as Exhibit "A," all that occurred on June 1, 2017, and June 6, 2017, was to continue the sentencing hearing to allow the

defendant (now the real party in interest) to challenge the constitutionality of the statute that is now at issue. The actual challenge came later. The continuances do not seem terribly important, but the Court seems to have directed transmission of the complete record. So, the State seeks additional time in which to obtain the transcripts of those two proceedings in which the district court granted a continuance. Upon obtaining those transcripts, the State will file a supplemental appendix. On the other hand, if the Clerk's minutes lead this Court to conclude that those transcripts are not necessary, then it would seem appropriate to deny this motion and to proceed with what is available.

CHRISTOPHER J. HICKS  
DISTRICT ATTORNEY

By: TERRENCE P. McCARTHY  
Chief Appellate Deputy

EXHIBIT A

EXHIBIT A

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

## APPEARANCES-HEARING

**CONT'D TO**

6/1/17  
HONORABLE  
CONNIE  
STEINHEIMER  
DEPT. NO.4  
J. Martin  
(Clerk)  
J. Schonlau  
(Reporter)

### ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Adam Cate, Esq. represented the State. Defendant present with counsel, Deputy Public Defender, Kendra Bertschy, Esq. Specialist Heather Lutzow present on behalf of the Division of Parole and Probation.

Defense counsel discussed the Defendant's acceptance into Veteran's Court and requested a brief continuance to further speak with Veteran's Court regarding the nature of the Defendant's charge. Defense counsel requested the matter be set at the end of the Court's docket as there may be testimony required.

State's counsel did not object to a continuation.

Defense counsel discussed attempts to contact the VA on the Defendant's behalf based on the Court's previous suggestion and stated messages have yet to be returned by the VA.

**COURT ORDERED** matter continued.

Defendant remanded to the custody Sheriff.

6/6/17  
9:00 a.m.  
Continued  
Sentencing

CASE NO. CR17-0502

**TITLE: THE STATE OF NEVADA VS.**  
**MATTHEW GLENN HEARN**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

6/6/17	<b><u>ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE</u></b>	
HONORABLE	Deputy District Attorney Kevin Naughton represented the State. Defendant	6/21/17
CONNIE	present with counsel, Deputy Public Defender Kendra Bertschy. Specialist	10:30 a.m.
STEINHEIMER	Michael Gregg present on behalf of the Division of Parole and Probation.	Oral
DEPT. NO.4	Court noted receipt of report from the Division of Parole and Probation.	Arguments/
M. Stone	Defense counsel advised the Court that the Defendant is still requesting	Continued
(Clerk)	Veteran's Diversion over the State's objection and believes the Statute to be	Sentencing
K. Bokemann	unconstitutional.	
(Reporter)	State's counsel advised the Court that the State does still object to	
	Veteran's Diversion in this case and requests that the issue of	
	constitutionality be briefed.	
	Upon agreement of counsel as to the briefing deadlines, <b>COURT ENTERED</b>	
	<b>ORDER</b> directing defense counsel file a Motion as to the unconstitutionality	
	of the statute regarding Veteran's Diversion no later than June 9, 2017 and	
	the State shall file a response no later than June 16, 2017. Oral arguments	
	set.	
	Defense counsel requested the Court revisit the Defendant's custody status.	
	<b>COURT</b> directed defense counsel to file a Motion regarding Custody Status	
	if they so wish the Court to revisit the issue.	
	Defendant remanded to custody of the Sheriff.	

The document to which this certificate is  
attached is a true and correct copy of  
the original on file and of record in my office.  
JACQUILINE BRYANT, Clerk of the Second Judicial  
District Court, in and for the County of  
Washington, State of Nevada.  
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## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on September 21, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

John Reese Petty  
Chief Deputy Public Defender

Kendra Bertschy  
Deputy Public Defender

Destinee Allen  
Washoe County District Attorney's Office