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IN THE SUPREME COURT OF THE STATE OF NEVADA

CALVIN ELAM,
Appellant,
vs.
STATE OF NEVADA,
Respondent.

Case No. 74581

**APPELLANT'S MOTION TO
ENLARGE TIME TO FILE
OPENING BRIEF AND
APPENDIX (1st Request)**

Appellant CALVIN ELAM, by and through his counsel, THOMAS A.
ERICSSON, ESQ., respectfully submits this Motion to Enlarge Time to File
Opening Brief and Appendix.

FACTUAL AND PROCEDURAL BACKGROUND

On April 17, 2015, a grand jury charged Appellant Calvin Elam with Count
1- conspiracy to commit kidnapping; Count 2- first degree kidnapping with use of
a deadly weapon; Count 3- assault with a deadly weapon; Count 4- unlawful use of
an electronic stun device; Count 5- battery with intent to commit sexual assault;
Count 6- sexual assault with use of a deadly weapon; Count 7- attempt sexual
assault with use of a deadly weapon, and Count 8- ownership or possession of a
firearm by prohibited person. Trial commenced on June 19, 2017, and the jury

1 found the Appellant guilty on Counts 1, 2, 3, and 5. The jury returned not-guilty
2 verdicts on Counts 4, 6, and 7. The State elected not to proceed on Count 8, and
3 requested that the Court dismiss it.
4

5 The District Court sentenced the Appellant on October 19, 2017, and filed
6 the Judgment of Conviction on October 31, 2017. The District Court rendered the
7 following sentence: Count 1: 24-72 months in NDOC; Count 2: 5 years to Life in
8 NDOC, plus a consecutive term of 60-180 months for the use of a deadly weapon,
9 Count 2 to run concurrent with Count 1; Count 3: 12-72 months in NDOC, Count 3
10 to run consecutive to Count 2; Count 5: 2 years to Life in NDOC, Count 5 to run
11 consecutive to Count 3; and the Appellant received 928 days of credit for time
12 served. Counts 4, 6, and 7 were dismissed, and Count 8 was dismissed without
13 prejudice. The aggregate total sentence was 13 years to Life in NDOC.
14 Additionally, the District Court imposed a special sentence of lifetime supervision
15 to commence upon release of any term of imprisonment, probation, or parole, and
16 the Court ordered the Appellant to register as a sex offender.
17

18 The Appellant filed a timely Notice of Appeal on November 13, 2017. The
19 Opening Brief and Appendix are currently due on April 2, 2018, but Appellant
20 requests that this Court extend the time for filing the Opening Brief and Appendix
21 by 30 days.
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1 **ARGUMENT**

2 **Good cause exists to enlarge the time to file appellant's opening brief and**
3 **appendix.**

4 Nevada Rule of Appellate Procedure 26(b)(1)(A) provides in relevant part:

5 For good cause, the court may extend the time prescribed by
6 these Rules or by its order to perform any act, or may permit an
7 act to be done after that time expires.
8

9 The Appellant's Opening Brief and Appendix are currently due on April 2,
10 2018. No previous extensions have been requested or granted. The Appellant is
11 requesting a 30-day extension of time.
12

13 Good cause exists to grant this request to extend the briefing schedule by
14 thirty (30) days. The Appellant requests the additional time to finish analyzing the
15 case and reviewing all of the transcripts. The trial transcripts were filed on
16 February 13, 2018, and the final transcript of calendar call was filed on March 9,
17 2018. This case proceeded to a seven-day trial, and Counsel requires the additional
18 time to complete the review of the transcripts and to finalize all of the issues on
19 appeal. The Appellant's request takes into account any additional time needed to
20 research and draft arguments of potentially undiscovered issues. No previous
21 extensions have been requested or granted.
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25 Because the Appellant faces life in prison, it is imperative that Counsel and
26 the Appellant have enough time to review all the material in this case thoroughly,
27 in order to develop the appropriate issues before filing the Opening Brief and
28

1 Appendix. Therefore, good cause exists for this Court to enlarge the time to file the
2 Appellant's Opening Brief and Appendix by thirty (30) days.

3
4 **CONCLUSION**

5 Based on the foregoing, Appellant's Motion to Enlarge Time to File
6 Opening Brief and Appendix should be granted. Appellant respectfully requests an
7 enlargement of time of thirty (30) days.
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9
10 DATED this 2nd day of April, 2018.

11 ORONOZ & ERICSSON, LLC

12 /s/ Thomas A. Ericsson

13 THOAS A. ERICSSON, ESQ.

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 2, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

STEVEN S. OWENS
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THOMAS ERICSSON
Counsel for Appellant

By: /s/ Rachael Stewart
An employee of Oronoz & Ericsson LLC