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Elizabeth A. Brown
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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 (3rd 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 by three (3) days.

FACTUAL AND PROCEDURAL BACKGROUND

On April 17, 2015, a grand jury charged Appellant Calvin Elam with the
following crimes: (1) Conspiracy to Commit Kidnapping; (2) First Degree
Kidnapping with Use of a Deadly Weapon; (3) Assault with a Deadly Weapon; (4)
Unlawful Use of an Electronic Stun Device; (5) Battery with Intent to Commit
Sexual Assault; (6) Sexual Assault with Use of a Deadly Weapon; (7) Attempt
Sexual Assault with Use of a Deadly Weapon; and (8) Ownership or Possession of
Firearm by Prohibited Person. The Appellant proceeded to trial on June 19, 2017,

1 and the jury rendered guilty verdicts on Counts 1, 2, 3, and 5. The jury rendered
2 not guilty verdicts on Counts 4, 6, and 7. The State elected not to proceed on Count
3 8, and the State requested that the Court dismiss it.
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5 On October 19, 2017, the District Court sentenced the Appellant as follows:
6 Count 1- 24 to 72 months in NDOC; Count 2- 5 years to Life in prison, plus a
7 consecutive term of 60 to 180 months for the use of a deadly weapon, Count 2 to
8 run concurrent with Count 1; Count 3- 12 to 72 months in NDOC, Count 3 to run
9 consecutive to Count 2; Count 5- 2 years to Life in prison, Count 5 to run
10 consecutive to Count 3. Counts 4, 6, and 7 are dismissed. Count 8 is dismissed
11 without prejudice. The aggregate total sentence is 13 years to Life in prison.
12 Further ordered, the District Court imposed a special sentence of lifetime
13 supervision upon release of any term of imprisonment, probation, or parole.
14 Additionally, the Appellant must register as a sex offender after release from
15 custody. The District Court filed the Judgment of Conviction on October 31, 2017,
16 and the Appellant filed a timely Notice of Appeal on November 13, 2017.
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21 On May 2, 2018, Appellant filed a motion to extend time to file Opening
22 Brief and Appendix by 10 days, which would make the Brief and Appendix due
23 May 14, 2018. The Court has not yet ruled on said motion. Appellant respectfully
24 requests and additional three (3) days to file the Opening Brief and Appendix,
25 which if granted would make them due on May 17, 2018.
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Nevada Rule of Appellate Procedure 26(b)(1)(A) provides in relevant part:

Good cause exists to grant this request to extend the briefing schedule by three (3) days beyond the pending request to extend the briefing schedule by ten (10) days. While Counsel has been diligently preparing the Opening Brief in this case including working the last two weekends, Counsel requires additional time to finish researching and drafting the issues from the trial in this case. Counsel requires more time than previously anticipated and respectfully requests three (3) additional days to file the Opening Brief and Appendix.

Because the Appellant faces life in prison, it is imperative that Counsel and the Appellant have enough time to review all the material in this case thoroughly, in order to develop the appropriate issues before filing the Opening Brief and Appendix. Therefore, good cause exists for this Court to enlarge the time to file the Appellant's Opening Brief and Appendix by an additional three (3) days.

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DATED this 14th day of May, 2018.

/s/ Thomas A. Ericsson
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on May 14, 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
Chief Deputy District Attorney

THOMAS ERICSSON
Counsel for Appellant

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