

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENNETT GRIMES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Nov 21 2017 11:24 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No. 74419

MOTION TO SET BRIEFING SCHEDULE

COMES NOW Appellant, Bennett Grimes, by and through counsel, Jamie Resch, Esq., and files this Motion to Set Briefing Schedule. This motion is based on the following memorandum and all papers and pleadings on file herein.

DATED this 21st day of November, 2017.

RESCH LAW, PLLC d/b/a Conviction
Solutions

By: _____

JAMIE J. RESCH

Attorney for Respondent

MEMORANDUM

In the proceedings below, Appellant Bennet Grimes was appointed counsel to assist with the presentation of a post-conviction petition for writ of habeas corpus. The District Court orally denied the counseled petition on October 5, 2017. At that hearing, counsel requested to be appointed for any subsequent appeal and the court so ordered.

However, on November 2, 2017, Grimes, out of what is believed to be an abundance of caution, filed a notice of appeal in proper person which led to the instant appeal being docketed. In addition to the fact the notice of appeal was not prepared by counsel, it also appeared to be premature.

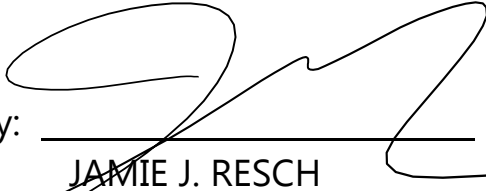
On November 20, 2017, the District Court's findings of fact and conclusions of law and order denying post-conviction relief was filed with the court. As such, the issue of the notice of appeal being premature has been resolved. Likewise, counsel is filing a notice of appearance contemporaneous with this motion.

Grimes' proper person notice of appeal sufficiently identifies the order to be appealed, i.e. the District Court's order denying post-conviction relief, and by definition reveals his desire to appeal. As such, proceeding in this already filed action appears to be the most efficient way to proceed.

WHEREFORE, Appellant requests this Court set a briefing schedule pursuant to NRAP 31. Counsel would respectfully request time in which to file the request for transcripts and docketing statement, but the appeal is otherwise in a procedural posture where it can proceed in the normal course as an appeal from the denial of a request for post-conviction relief where the petitioner is represented by counsel.

DATED this 21st day of November, 2017.

RESCH LAW, PLLC d/b/a Conviction
Solutions

By: 

JAMIE J. RESCH
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 21, 2017. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

STEVEN B. WOLFSON
Clark County District Attorney

ADAM P. LAXALT
Nevada Attorney General



An Employee of RESCH LAW, PLLC, d/b/a
Conviction Solutions