

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

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**MICHAEL MCNAIR**

Appellant,

vs.

**THE STATE OF NEVADA**

Respondent.

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**Docket No. 78871**

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Direct Appeal From A Judgment of Conviction  
Eighth Judicial District Court  
The Honorable Douglas Herndon, District Judge  
District Court No. C-17-327395-1

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**ERRATA TO MOTION FOR EXTENSION OF TIME  
FOR LIMITED REMAND DUE TO QUARANTINE  
AND TO TRANSFER APPELLANT**

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Navid Afshar  
State Bar #14465  
Deputy Special Public Defender  
JoNell Thomas  
State Bar #4771  
Special Public Defender  
330 South 3<sup>rd</sup> Street  
Las Vegas, NV 89155  
(702) 455-6265  
Attorney for McNair

COMES NOW, Appellant Michael McNair, by and through his attorneys JoNell Thomas, Special Public Defender and Navid Afshar, Deputy Special Public Defender, and submits the following Errata to Motion for Extension of Time for Limited Remand Due to Quarantine and to Transfer Appellant. In addition, the district court minutes (which were not available at the time of filing the motion) are attached hereto as Exhibit E to the motion, for this Court's review.

Errata to motion is as follows: In his motion for extension of time filed July 15, 2020, Appellant moved this Court for an extension of time of 60 days but mistakenly put the date of August 14, 2020 rather than September 13, 2020.

However, due to COVID-19 quarantine, and the district court's inclination to have Mr. McNair appear in person, as well as transferring him to High Desert State Prison, so that he may more easily communicate with counsel, on behalf of the district court, and Mr. McNair, counsel **respectfully requests 60 days** to have Mr. McNair transported and to enter an amended judgment of conviction, up to and including **August 14, 2020**. Emphasis added. (Motion, Page 5.)

In addition, the district court minutes from the hearing held July

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10, 2020 before the District Court are now available and attached hereto.

*See* Exhibit E.

Dated July 20, 2020.

SUBMITTED BY:

/s/ NAVID AFSHAR

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NAVID AFSHAR  
Deputy Special Public Defender  
330 S. Third St., Ste. 800  
Las Vegas, Nevada 89101  
702-455-6265  
Attorney for Appellant McNair

### **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on July 20, 2020, a copy of the foregoing document was served as follows:

#### **BY ELECTRONIC FILING TO**

District Attorney's Office  
200 Lewis Ave., 3<sup>rd</sup> Floor  
Las Vegas, NV 89155

Nevada Attorney General  
100 N. Carson St.  
Carson City NV 89701

/s/ *NAVID AFSHAR*

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NAVID AFSHAR

## EXHIBIT E

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2020

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C-17-327395-1      State of Nevada  
                                 vs  
                                 Michael McNair

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July 10, 2020      01:45 PM      All Pending Motions

HEARD BY:      Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Garcia, Louisa

RECORDER:      Ray, Stacey

REPORTER:

PARTIES PRESENT:

Jeffrey Rogan	Attorney for Plaintiff
Melinda E. Simpkins	Attorney for Defendant
Navid Afshar	Attorney for Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

DEFENDANT'S OBJECTION TO VIDEO PRESENCE AT SENTENCING, MOTION FOR PERSONAL PRESENCE AT SENTENCING AND REQUEST TO EXTEND SENTENCING DATE AND FOR ORDER SHORTENING TIME....ENTRY OF PLEA

Ms. Simpkins argued in support of motion stating they understand the administrative orders, however, it also has to do with the United States Constitution and NRS 178.388 which mandates Defendant's presence at sentencing. Ms. Simpkins indicated the Defendant was up in Ely and they have been communicating with him by telephone. They still need to go over the guilty plea agreement with him and they need to do it in person. Ms. Simpkins advised regardless of the ruling the Court makes on the motion to appear in person, she requested Defendant be moved to High Desert State Prison or Clark County Detention Center so they can go over the plea agreement with him in person. Counsel noted Defendant was in quarantine until July 21, so he cannot appear by telephone or video; therefore requested the change of plea/sentencing be continued until after the 14th. Ms. Simpkins advised they spoke with NDOC and they indicated they would transport Defendant if the Court would sign an order, noting the prison needs 14 business days to transport him. State had no representations. COURT ORDERED, matter CONTINUED. Court advised it was fine signing transport orders, but was not willing to sign an order requiring him to be in court in person right now. Court stated procedural history and ORDERED, matter CONTINUED. Court suggested counsel ask Justice Pickering for a 30-day extension from the August date she originally gave. Ms. Simpkins believed the date was July 15, noting Defendant would still be in quarantine. Court advised that counsel can represent, whatever request is made, that the Court has asked for them to consider giving them 60 days so parties can arrange for Defendant to be present in person.

CUSTODY

CONTINUED TO 7/31/20 1:45 PM