

**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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**MOTION TO RESET BRIEFING SCHEDULE**

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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 Motion to Reset the Briefing Schedule.

### **PROCEDURAL HISTORY**

On June 15, 2020, this Court entered an Order of Limited Remand, suspending briefing in the instant matter, and remanding the case to the district court for an entry of plea and re-sentencing. On August 5, 2020, this Court granted an extension for the district court to accept the plea and re-sentencing, in order for Mr. McNair to appear in person. On September 2, 2020, the Guilty Plea Agreement was filed with the district court. On September 4, 2020, the client appeared via video to enter his plea. The client has elected not to enter his plea and has decided to move forward with his direct appeal.

### **CONCLUSION**

Based on the Declaration attached hereto, Appellant respectfully requests that this Court grant his Motion to ReSet the Briefing Schedule.

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Appellant moves this Court for not less than 60 days from their Order to file his Opening Brief.

Dated September 14, 2020.

SUBMITTED BY:



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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

**DECLARATION OF NAVID AFSHAR**

NAVID AFSHAR, hereby declares as follows:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and the deputy with the Clark County Special Public Defender's office assigned to represent Mr. McNair on his direct appeal from a Judgment of Conviction (Verdict From Jury Trial).
2. I was not the trial attorney in this case but assisted trial counsel at certain points.

3. This matter had resolved pursuant to negotiation with Respondent, the State of Nevada.

4. The district court had certified its intention to have this matter remanded for entry of plea and enter an amended judgment of conviction.

5. The district court elected to have Mr. McNair appear via video on September 4, 2020.

6. On September 2, 2020, the guilty plea agreement was electronically filed with the district court.

7. On September 4, 2020, Mr. McNair appeared via video to enter his plea but elected not to enter his plea on that date.

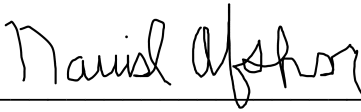
8. After recently communicating with Mr. McNair, he indicated that he wants to move forward with his direct appeal.

9. I am requesting the Court reset the briefing schedule with the Opening Brief due not less than 60 days from the Court's Order.

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I declare that I make this request in good faith and not for purposes of delay.

Dated: 9/14/2020

  
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NAVID AFSHAR  
Attorney for McNair

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on September 14, 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

  
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NAVID AFSHAR