

**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 FOR EXTENSION OF TIME TO FILE  
REPLY BRIEF (1<sup>st</sup> REQUEST)**

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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 89101  
(702) 455-6265  
Attorney for McNair

COMES NOW, Appellant Michael McNair, by and through his attorney, Navid Afshar, Deputy Special Public Defender, and requests this Honorable Court to grant an extension of 45 days to file the reply brief in this matter, up to and including April 2, 2021. This is Appellant's 1<sup>st</sup> request.

### STATEMENT OF THE CASE

Appellant's Opening Brief was filed on November 16, 2020. On December 16, 2020, the State requested their first extension, granted by this Court, and filed their Answering Brief on January 14, 2021. Appellant's Reply Brief is due February 16, 2021.

### POINTS AND AUTHORITIES

NRAP 31(b)(3)(B) sets forth in pertinent part:

A motion for extension of time for filing a brief may be made no later than the due date for the brief....

(B) ...The court will grant an initial motion for extension of time for filing a brief only upon a clear showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.

### CONCLUSION


Based on the reasons set forth in the declaration attached hereto, counsel for Appellant is requesting an extension of time to file the Reply Brief.

It is respectfully requested that this Court grant this first request for a continuance of 45 days for Appellant to file the Reply Brief, up to and including April 2, 2021.

DATED this 16<sup>th</sup> day of February, 2021.

SUBMITTED BY:

/s/ NAVID AFSHAR



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.

3. That Mr. McNair's Reply Brief is due February 16, 2021.


4. I have been working diligently on my review of the record and draft of the brief, but I have been unable to complete the brief due:

a. I am currently dealing with a medical issue and per doctor instructions, I am only allowed to work a limited duty schedule until my condition improves.

b. Given my current medical situation, I respectfully request an extension of 45 days, up to and including April 2, 2021.

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

Dated: 2/16/2021

/s/ NAVID AFSHAR  
  
NAVID AFSHAR  
Attorney for McNair

## **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on 2/16/2021, a copy of the foregoing MOTION 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