

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MCNAIR

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 78871

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

**MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF (SECOND REQUEST)**

Navid Afshar
State Bar #14465
Deputy Special Public Defender
JoNell Thomas
State Bar #4771
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(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 10 days to file the reply brief in this matter, up to and including April 12, 2021. This is Appellant's second request.

STATEMENT OF THE CASE

Appellant Michael McNair (hereinafter referred to as Michael) filed his Opening Brief on November 16, 2020. Respondent's request for additional time to file their Answering Brief was granted by this Court, and the State filed their response on January 14, 2021. Michael previously requested additional time to file his Reply Brief which was granted and the Reply Brief is due April, 2, 2021. Based on the reasons set forth in the Declaration attached hereto, Michael is requesting a short continuance of 10 days to file the Reply Brief. This is his second request.

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.

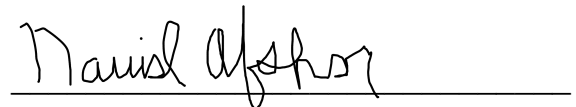
CONCLUSION

Based on the reasons set forth in the declaration attached hereto, Michael moves this Court for a short continuance to file the Reply Brief.

It is respectfully requested that this Court grant this second request for a continuance of 10 days, up to and including April 12, 2021.

DATED this 1st day of April, 2021.

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "David Afschar", is written over a horizontal line.

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 April 2, 2021.

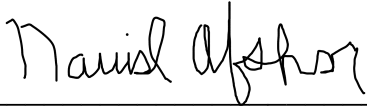
4. I have been working diligently on my review of the record and draft of the brief, but I have been unable to complete the brief due:

a. This Court recently issued a decision in *Ortiz v. State*, Unpublished, Lexis No. 204, Docket No. 78996, that directly relates to one of Appellant's claims. It is necessary to revise this argument in light of the Court's decision.

b. I may need to supplement the current appendix with additional material to address one of the State's claims in the Answering Brief. Additional time is required to research and determine if a supplemental record is needed.

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

Dated: 4/2/2021



NAVID AFSHAR
Attorney for McNair

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 4/1/2021, a copy of the foregoing MOTION was served as follows:

BY ELECTRONIC FILING TO

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

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

A handwritten signature in black ink, appearing to read "David Afshar", written over a horizontal line.

NAVID AFSHAR