

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTIAN STEPHON MILES,) No. 79554-COA

Appellant,)

v.)

THE STATE OF NEVADA,)

Respondent.)

Electronically Filed
Nov 06 2020 03:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE
A PETITION FOR REHEARING
(First Request)

Appellant, Christian Stephon Miles, moves for a 30-day extension of time to file a petition for rehearing. *See* NRAP 26(b)(1)(A) & 40(a)(1). This is Miles's first such request.

The petition for rehearing is currently due Monday, November 9, 2020, because the Order of Affirmance was entered on October 21, 2020. *See* NRAP 40(a)(1) (“[A] petition for rehearing may be filed within 18 days after the filing of the appellate court’s decision under Rule 36.”); *see also* NRAP 26(a)(1)(C) (When computing any time period specified in the rules of appellate procedure, “include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”) If this request is granted, the petition for

rehearing will be due December 9, 2020.

Points and Authorities

The time to file a petition for hearing may be enlarged by court order. *See* NRAP 26(b)(1)(A) & 40(a)(1).

Court-appointed counsel for Miles needs more to discuss the following matters with Miles: the Court of Appeals' decision and its reasoning, the grounds for seeking rehearing, whether or not Miles would like to petition for rehearing, or whether he wants to pursue other relief from his convictions and sentences.

Counsel and Miles communicate mostly by mail. On October 23, 2020, counsel mailed the Order of Affirmance and a letter to Miles, and asked him to please contact him to discuss the matters mentioned above. Miles has yet to respond. There may be several reasons for this, such as issues related to COVID-19 (e.g., having to quarantine and thus not having access to a phone or being able to receive and send mail), Miles may not feel comfortable calling collect since such phone calls are not always private and confidential (i.e., they are often recorded), or he has responded but counsel has yet to receive the letter.

Nevertheless, counsel needs more time to communicate with Miles and fully discuss these issues with him before filing a petition for rehearing, and Miles will need time to consider what's discussed and make a decision on how he'd like to

proceed.

Conclusion

For these reasons, Miles respectfully requests the Court grant this motion and give him until December 9, 2020 to file a petition for rehearing.

DATED: November 6, 2020.

/s/ Mario D. Valencia
MARIO D. VALENCIA
Nevada Bar No. 6154
40 S. Stephanie St., Ste. 201
Henderson, NV 89012
(702) 384-7494
Counsel for Christian Stephon Miles

CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on November 6, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

ALEXANDER CHEN
Chief Deputy District Attorney

JOHN NIMAN
Deputy District Attorney

/s/ Mario D. Valencia
MARIO D. VALENCIA