

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTIAN STEPHON MILES,) No. 79554

Appellant,)

v.)

THE STATE OF NEVADA,)

Respondent.)

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Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME
TO FILE A PETITION FOR SUPREME COURT REVIEW
(First Request)

Appellant, Christian Stephon Miles, moves for a 30-day extension of time to file a petition for Supreme Court review in accordance with NRAP 40B. *See* NRAP 26(b)(1)(A). This is Miles' first request for an extension to file such a petition.

Miles' direct appeal was decided by the Court of Appeals on October 21, 2020. *See* Order of Affirmance (No. 79554-COA). Miles filed a petition for rehearing on December 3, 2020. In response, the Court of Appeals filed an Amended Order of Affirmance on January 29, 2021. *See* Amended Order of Affirmance (No. 79554-COA). In that same order, the Court of Appeals denied Miles' request for rehearing. *Id.* at 1 n.1.

A petition for Supreme Court review, therefore, would be due by February

16, 2021. *See* NRAP 40B(c) (petition is due 18 days after the filing of the Court of Appeals' decision on rehearing under Rule 40).¹ If this motion is granted, the petition will be due March 18, 2021.

Grounds for the Request

Miles raised several constitutional issues on direct appeal. The Court of Appeals, in counsel's opinion, however, did not address the constitutional aspects of the issues. An initial review of the Court of Appeals' decision and the direct appeal briefs indicates that some of these issues may warrant Supreme Court review as outlined in NRAP 40B(a)(1)-(3). Counsel needs more time to finish his research and analysis of the Court of Appeals' rational and decision on the issues, however, in order to make that determination. He also needs more time to discuss a petition for Supreme Court review and the issues with Miles, who is incarcerated, as well as related matters and options available to Miles in challenging his convictions and sentences at this stage of the case.

Thus, counsel for Miles respectfully requests an extension of time of 30 days to file a petition for Supreme Court review.

¹ The Court of Appeals' decision on rehearing was entered on January 29, 2021. *See* Amended Order of Affirmance and Order Denying Rehearing (No. 79554-COA). Eighteen days after that is February 16, 2021. *See* NRAP 26(a)(1)(A).

Conclusion

For the reasons stated above, the Court should grant this motion for a 30-day extension of time to file a petition for Supreme Court review, and give Miles until March 18, 2021 to file the petition.

DATED: February 11, 2021.

/s/ Mario D. Valencia
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on February 11, 2021. 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