

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHERINE DEE FLETCHER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82047

FILED

OCT 18 2021

ELIZABETH A. DUNN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER GRANTING MOTION AND REGARDING COUNSEL*

Extraordinary circumstances and extreme need having been shown, appellant's motion requesting a third extension of time to file the opening brief is granted. NRAP 31(b)(3)(B). Appellant shall have until November 18, 2021, to file and serve the opening brief and appendix. Any additional extensions will be granted only on showing of extraordinary circumstances and extreme need. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions.

Appellant has also filed a pro se notice regarding her counsel. Appellant expresses concern that counsel may not have requested all pertinent records. If so, appellant requests a continuance so that counsel may request all relevant records. If this court is not inclined to grant a continuance, appellant requests a "Young hearing" and new counsel. Appellant states that counsel has not adequately consulted with her and appellant is concerned that counsel does not have an adequate defense prepared. Appellant further states that she would like to work with current counsel.

As this court has granted counsel a third extension of time to file the opening brief, no further action will be taken on appellant's notice. Appellant is reminded that it is counsel's decision whether to request certain records, whether to request an extension of time to file a brief, and what issues to raise on appeal. *See generally Jones v. Barnes*, 463 U.S. 745 (1983); *see also Thomas v. State*, 94 Nev. 605, 607-08, 584 P.2d 674, 676 (1978); *cf. Thomas v. Wainwright*, 767 F.2d 738, 742 (11th Cir. 1985) (appellant's general loss of confidence or trust in counsel alone is not adequate cause for appointment of new counsel). No extensions of time to file a brief will be granted based on a pro se request by appellant. Appellant should address all concerns regarding this appeal with her counsel.

It is so ORDERED.

 , C.J.

cc: Katherine Dee Fletcher  
Oldenburg Law Office  
Attorney General/Carson City  
Washoe County District Attorney