

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Aug 09 2021 03:14 p.m.

Elizabeth A. Brown

Docket No. 82465
Clerk of Supreme Court

THOMAS JAMES BERNAL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

MOTION FOR CONTINUANCE/ EXTENSION OF TIME IN WHICH TO
FILE APPELLANT'S OPENING BRIEF

COMES NOW, Defendant/Appellant, THOMAS JAMES BERNAL, by and through Karla K. Butko, court-appointed counsel of record, and hereby requests leave of court for an extension of time in which to file Appellant's Opening Brief in this matter.

Counsel certifies the following information to this Court:

1. Counsel has contacted Stephen Rye, District Attorney for Lyon County, assigned to this appeal and he has no objection to this continuance.

2. Counsel sent a letter explaining the need for a continuance to her client and has not received an objection to this continuance.

3. Counsel began a dialogue with the prison system to visit with this client on July 8, 2021. The earliest date available to visit this inmate is August 16, 2021, and counsel accepted that date. Counsel's standard of practice is to personally meet every client on every case.

4. This case proceeded to a lengthy jury trial and there were pretrial motions that went to hearing. It has been a lengthy review process. The Appendix is over 1200 pages. The Appendix is prepared. Counsel has reviewed the bulk of the Appendix. The sentence imposed was life in prison with parole eligibility after service of 25 years so this is a very serious appeal for Mr. Bernal.

5. Counsel certifies that this request for continuance is not for purposes of delay and is required in order to properly litigate this appeal and provide to this Court the best project possible for such a serious homicide case. It is necessary to provide this Court with all transcripts of this jury trial.

WHEREFORE, counsel requests an extension for a forty-five day period of time, from the current due date, in which to file Appellant's Opening Brief, i.e. to the date of October 1, 2021.

DATED this 9th day of August, 2021.

By: Karla K. Butko
KARLA K. BUTKO, ESQ.
ATTORNEY FOR APPELLANT
P. O. Box 1249
Verdi, NV 89439
(775) 786-7118
Nevada State Bar No. 3307

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of KARLA K. BUTKO, LTD., P. O. Box 1249, Verdi, NV 89439, and that on this date I caused the foregoing document to be delivered to all parties to this action by

X e-flex delivery of the Nevada Supreme Court

addressed as follows:

Stephen Rye
Lyon County District Attorney

DATED this 9th day of August, 2021.



Karla K. Butko, Esq.