

IN THE SUPREME COURT OF THE STATE OF NEVADA

Docket No.:

CHARLES ROCHA

Appellant,

v.

THE STATE OF NEVADA
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, DIVISION OF
PUBLIC AND BEHAVIORAL HEALTH,

Respondent.

Case No.: 82485

District Court Case No. A-19-804299-1

Electronically Filed
Jul 30 2021 03:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO EXTEND TIME TO FILE APPELLANT'S
OPENING BRIEF AND APPENDIX BASED UPON GOOD CAUSE**

Undersigned counsel moves the court for an extension of time to file the Opening Brief and Appendix on behalf of his client Appellant Charles Rocha. Appellant's counsel had previously received a 30 day extension by stipulation. Undersigned counsel is requesting an extension of an additional three (3) weeks from the current due date of August 5, 2021 until August 26, 2021.

Appellant's counsel was in the process of drafting the Opening Brief and anticipated that it would be filed by the August 5, 2021 due date. On the afternoon of Tuesday, July 27, 2021 undersigned counsel was driving home to continue to

work on the Opening Brief remotely when he received multiple emergency telephone calls from Troopers of the Nevada Highway Patrol ("NHP") regarding a pursuit ending with an Officer Involved Shooting ("OIS") on Southbound Interstate 15 near the Spring Valley Road exit. One of the Troopers requesting representation had shot the suspect.

Undersigned counsel diverted to University Medical Center to see the OIS Trooper who had sustained minor injuries in connection with the termination of the pursuit. Upon arrival at University Medical Center undersigned counsel learned that Trooper Micah May had been struck by the suspect vehicle, had gone through the windshield of the suspect vehicle, and was in critical condition.

Trooper May was a client of undersigned counsel who had represented him on more than one occasion during his career with NHP. Undersigned counsel had attempted to recruit him to another Department for which undersigned serves as general counsel for that Department's union.

Undersigned counsel and the OIS Trooper traveled to the scene of the OIS as the Trooper was required to assist Las Vegas Metropolitan Police Department's Force Investigation Team ("FIT") by issuing a Public Safety Statement regarding the number of times he discharged his service firearm, to be present for a countdown of the number of rounds remaining in his firearm, and to identify his position relative to the vehicle which the deceased suspect was driving when the OIS took place.

Peace officers who are involved in an OIS are not obligated to be interviewed by FIT as their investigation is criminal in nature, however many officers do so voluntarily.

In order to prepare my client for the walk-through of the scene with the FIT detectives, and to decide whether I would permit my client to be interviewed, it was necessary for undersigned counsel to watch the video from the LVMPD Air Unit as well as the body worn camera video of the involved officers. These videos were extremely graphic as it related to Trooper May. They affected undersigned counsel more profoundly than he ever could have guessed rendering him unable to work as he would normally be able to on the completion of the Opening Brief in this matter.

Trooper Micah May's watch ended on Thursday, July 29, 2021.

Accordingly, undersigned counsel requests an additional three week extension until August 26, 2021 to file the Opening Brief and Appendix in this matter.

DATED this 30th day of July 2021.

LAW OFFICE OF DANIEL MARKS

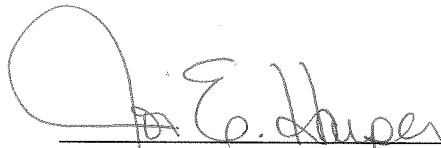


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CERTIFICATE OF SERVICE BY ELECTRONIC MEANS

I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 30th day of July 2021, I did serve the above and forgoing MOTION TO EXTEND TIME TO FILE APPELLANT'S OPENING BRIEF AND APPENDIX BASED UPON GOOD CAUSE, by way of Notice of Electronic Filing provided by the court mandated E-Flex filing service, at the following:

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