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2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 ALISHA BURNS,
5 Appellant,
6 vs.
7 THE STATE OF NEVADA,
8 Respondent
9

} CASE NO. 82686

} D.C. CASE NO: 03C191253
}

Electronically Filed
Jan 24 2022 05:48 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10
11 **MOTION FOR EXTENSION OF TIME TO FILE AND SERVE OPENING**
12 **BRIEF AND APPENDIX/THIRD REQUEST/NOTICE OF TRANSCRIPTS**
13 **JUST FILED BY REPORTER**
14

15 COMES NOW, ALISHA BURNS, by and through her attorney of record,
16 TONY ABBATANGELO ESQ., and moves this court for an order extending time
17 to file and serve her Opening Brief and Appendix brief under **NRAP 31**. Appellant
18 asks that this Court grant a 90 day extension from the date of this filing in order
19 that the transcripts will be ready and Appellant can adequately prepare her
20 Opening Brief and Appendix. As grounds, the Appellant submits the following:
21

22 **FACTS IN SUPPORT OF MOTION FOR EXTENSION**

23 On September 28, 2021, this Court order the Court Reporter, Victoria
24 Boyd, to file notice that the requested transcripts had been filed. **Exh 1**. This
25 Honorable Court then ordered that Appellant would have 120 days from that date
26 to file and serve her Appendix and Opening Brief, *id*. This would make the
27 Appendix and Opening Brief due on or before **January 26, 2022**.

28 On January 18, 2022, this Court filed Notice that the transcripts were
delivered, and that not all of the transcripts could be prepared. **Exh 2**. Now that

1 counsel knows the full extent of what transcripts are available, Appellant should be
2 permitted 90 days from the date of this filing to file and serve her Appendix and
3 Opening Brief.

4 As further grounds, the Appellant herself is relocating to Clark County,
5 with of course, permission from her parole officer in Washington.¹ Her relocation
6 is imminent; although she is enterprising and hardworking, she simply could not
7 afford housing. Appellant has contributed substantially to her case; she is without
8 question the brightest and most diligent client with whom counsel has ever worked.
9 Now that she will be in Las Vegas, she is able to significantly assist in all phases of
10 this post-conviction work.

11 The incident that forms the basis of this case occurred when she was a 15 year
12 old youth who was trafficked by co-defendant Steve Kaczmarek. This appeal is
13 complex and raises serious issues surrounding fair and reasonable culpability of
14 child-victims of sex trafficking, if any.

15 A thorough evidentiary hearing was conducted in this Both Federal and State
16 constitutional issues exist in this case, which will be addressed by this Honorable
17 Court, and possibly beyond. Appellant was a victim of sex trafficking at the very,
18 very young age of 15 years. Had advances in the forensic science regarding sex
19 trafficking victims existed at the time of the offense, there is a substantial
20 likelihood that Appellant would have never been charged, irregardless of her
21 refusal to testify against Kaczmarek due to the ability of Kaczmarek to control
22 Appellant's every thoughts and actions This was not Bonnie and Clyde, rather it
23 was a master-trafficker/servant-traffickee situation.

24 Appellant's personal and live (not remote) input is welcomed in this significant
25 case. Appellant asks that she be granted an extension of 90 days from the date
26
27

28 ¹Ms. Burns is, at current, on lifetime supervision.

1 the date of this filing, January 24, 2022, which would make this Opening Brief and
2 Appendix due Monday, April 25, 2022.

3
4 **POINTS AND AUTHORITIES**

5
6 Nevada Rules of Appellate Procedure, **Rule 31** states as follows:

7 (3) **Motions for Extensions of Time.** A motion for extension of time for filing
8 a brief may be made no later than the due date for the brief and must comply
9 with the provisions of this Rule and Rule 27.

10 (A) **Contents of Motion.** A motion for extension of time for filing a brief shall
include the following:

11 (i) The date when the brief is due;

12 (ii) The number of extensions of time previously granted, and if extensions
were granted, the original date when the brief was due;

13 (iii) Whether any previous requests for extensions of time have been denied or
denied in part;

14 (iv) The reasons or grounds why an extension is necessary; and

15 (v) The length of the extension requested and the date on which the brief
would become due.

16
17 This motion for extension of time is reasonable, fair, and there is clearly good
18 cause to grant a 90 day extension from today's date, which would be Monday,
19 April 25, 2022. This is the third request for an extension, no previous extension
20 requests have been denied.
21

22 The appellant, as well as counsel, are in the utmost of good faith, and there
23 cannot be any prejudice to any party since Appellant now knows what transcripts
24 are actually available for the prosecution of this important Appeal.
25
26

27 ///

28 ///

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2
3 **PRAYER**
4

5 WHEREFORE, the Appellant prays that this Court grant this her third request for
6
7 an extension of time to file and serve her Appendix and Opening

8 Dated this 24th day of January, 2022
9

10
11 /s/ Tony Abbatangelo, Esq.
12 TONY L. ABBATANGELO, ESQ.
13 State Bar Number 3897
14 4560 S. Decatur, Ste 300
15 Las Vegas, Nevada 89103
16 702-707-7000 FAX (702) 366-1940
17 tony@thevegaslawyers.com
18 Attorney for Appellant

19 **CERTIFICATE OF SERVICE**

20 I certify that on the 24th day of January, 2022, I electronically served a copy of
21 this docketing statement upon all counsel of record:

22 STEVE WOLFSON, ESQ. 200 S. Lewis Avenue Las Vegas NV 89101, and
23 AARON FORD, ESQ. 100 N. Carson Avenue, Carson City, NV 89710
24

25 /s/ Tony L. Abbatangelo, Esq.
26
27
28

EXHIBIT 1

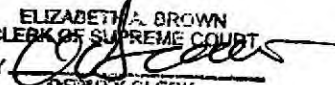
IN THE SUPREME COURT OF THE STATE OF NEVADA

ALISHA BURNS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82686

FILED

SEP 28 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER

Court recorder Victoria Boyd has filed a motion for an extension of time to prepare the transcripts requested in this appeal. Cause appearing, the motion is granted. *See* NRAP 9(c)(4). Ms. Boyd shall have until November 19, 2021, to file the requested transcripts in the district court and deliver copies to the requesting party. *See* NRAP 9(c)(1)(A). Within the same time period, Ms. Boyd shall file a notice with this court that the completed transcripts have been filed and delivered. The notice must comply with NRAP 9(c)(2).

Given this extension of time to prepare the requested transcripts, appellant shall have 120 days from the date of this order to file and serve the opening brief and appendix. Failure to timely file and serve the opening brief and appendix may result in the imposition of sanctions on counsel for appellant.

Within her motion, Ms. Boyd indicates that appellant served the transcript request form at an incorrect electronic address. Counsel for appellant shall consider the email address provided by Ms. Boyd in her motion and update his records accordingly, if warranted.

It is so ORDERED.

, C.J.


cc: Victoria Boyd, Court Recorder
Anthony L. Abbatangelo
Attorney General/Carson City
Clark County District Attorney

EXHIBIT 2

No- 82686

FILED

JAN 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK



Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

January 10, 2022

CERTIFICATE OF ACKNOWLEDGMENT

Re: District Court Case No.: 03C191253
Case Name: State of Nevada v. Alisha Burns

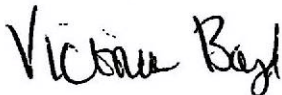
To Whom It May Concern:

I received a request for transcripts on appeal on the above referenced case on May 12, 2021, from Tony Abbatangelo, attorney for defendant. I had the transcripts prepared and filed between November 2021 and January 2022 in District Court. The requested dates were filed: 4-10-19, 7-15-19, 1-13-20, 2-24-20, 3-2-20, 3-4-20, 6-15-20, 6-29-20, 1-22-21, 1-28-21. Retention has passed for 1-7-04, 3-8-04 and 6-3-03. No hearings were held on 7-5-19 and 6-5-20.

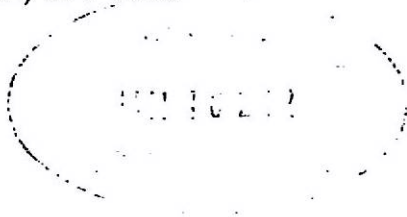
This fulfills my obligation with respect to transcripts in the above named case.

Please feel free to contact me with any questions regarding the above.

Sincerely,



Victoria Boyd
Court Recorder to the
Honorable Judge Tierra Jones
District Court - Department X
(702) 671-4388



22-01743