

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
APPLICATION OF BRECK WARDEN
SMITH FOR A WRIT OF HABEAS
CORPUS

THE STATE OF NEVADA,

Appellant,

vs.

BRECK WARDEN SMITH,

Respondent.

Case No. 82696

Electronically Filed
Sep 03 2021 10:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR LEAVE
TO FILE AMICUS BRIEF OF THE NEVADA JUSTICE ASSOCIATION**
(First Request)

The Nevada Justice Association (NJA), a proposed *amicus curiae*, is a non-profit organization of independent lawyers in the State of Nevada. NJA is represented in this matter by Micah S. Echols, Esq. of Claggett & Sykes, Tom W. Stewart, Esq., of The Powell Law Firm, and A.J. Sharp, Esq. of Sharp Law Center. NJA respectfully moves this Court for an extension of 30 days from today to file its motion for leave to file an amicus brief and the proposed amicus brief pursuant to NRAP 26.

A non-governmental *amicus curiae* “may file a brief only by leave of court granted on motion or the court’s request or if accompanied by written consent of all

parties.” *See* NRAP 29(a). Both the proposed amicus brief and the motion for leave must be filed within seven days of the brief of the party being supported. *See* NRAP 29(f). However, “[t]he court may grant leave for later filing, specifying the time within which the opposing party may answer.” *Id.*

Here, the State of Nevada filed its opening brief on July 29, 2021, and respondent filed his answering brief on August 27, 2021. Thus, NJA’s proposed amicus brief (accompanied by its motion for leave) would be due October 4, 2021. No request for additional time has been denied or denied in part.

Good cause exists to allow NJA to extend the filing deadline for both its motion for leave and proposed amicus brief until 30 days after this Court’s Order for the following reasons:

1. NJA’s participation in this matter had to be approved by a Committee before counsel could make an appearance.
2. NJA first appeared in this matter on August 30, 2021, and counsel need time to familiarize themselves with the record, the legal arguments, and the briefing currently before the Court.
3. NJA believes it can assist this Court in the statutory-interpretation issues of first impression implicated by this appeal.

This motion is submitted in good faith and for good cause shown in

accordance with NRAP 26(1)(a). For the foregoing reasons, NJA respectfully moves this Court for an extension of time to file its proposed amicus brief (accompanied by its motion for leave) no later than 30 days after this Court's Order.

Dated this 3rd day of September 2021.

The Powell Law Firm

/s/ Tom W. Stewart

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE NEVADA JUSTICE ASSOCIATION (First Request)** was filed electronically with the Nevada Supreme Court on the 3rd day of September 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Aaron D. Ford, Esq.
Katrina A. Samuels, Esq.
Michael J. Mcavoyamaya, Esq.
Timothy E. Revero, Esq.

/s/ Tom W. Stewart
Tom W. Stewart, Esq.