

IN THE SUPREME COURT OF THE STATE OF NEVADA

MYRTIS TYRONE JAMES AKA  
TYRONE MYRTIS JAMES,

Appellant,

*v.*

THE STATE OF NEVADA,

Respondent.

No. **83439**

Electronically Filed  
Sep 16 2021 03:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Motion for Permission to Late File Case Appeal Statement**

Comes Now Appellant, Myrtis James, by his counsel, Richard W. Sears who seeks the court's permission to untimely file his Case Appeal Statement form.

Counsel has been required to prepare and file a Plan for Indigent Services conforming to new regulations promulgated by the Department of Indigent Services. This Plan has consumed substantial time to comply with new rules and regulations. At the same time, counsel has been litigating a life without parole case before the Nevada Supreme Court, a death penalty case in the final phases of sentencing, two attempted murder cases in the Nevada Prison system, along with the normal requirements of his criminal defense cases.

After filing his Case Appeal Statement, counsel believed it had been accepted and filed by the Supreme Court Clerk. Counsel neglected to double check with the Supreme Court website or see an

email issued on September 10, 2021 rejecting his Case Appeal Statement. Counsel saw the notice on September 16, 2021, one day too late to meet the requirement, and is late again. Other than the press of his obligations in other cases, counsel has no excuse for failing to follow the Supreme Court rules in this matter.

Counsel accepts whatever sanctions are necessary and appropriate for his failure.

Counsel seeks leave of the court to now untimely file the proper Case Appeal Statement. The two forms are functionally the identical but the submission date.

Dated this 16<sup>th</sup> day of September, 2021.



(Signature of Attorney)

5489

(Nevada Bar Identification No.)

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