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IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 16 2022 04:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SARAH ELIZABETH GRAVELLE,

Appellant,

vs.

CASE NO. 83781

THE STATE OF NEVADA,

Respondent.

MOTION FOR EXTENSION OF TIME

FOR RESPONDENT’S OPENING BRIEF

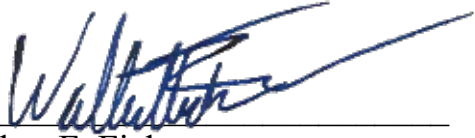
COMES NOW, Respondent, State of Nevada, by and through its attorneys, TYLER J. INGRAM, District Attorney for the County of Elko, and Walter F. Fick, Deputy District Attorney, and submits this Motion for Extension of Time for Respondent’s Opening Brief. This Motion is

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1 made and based upon the following Memorandum of Points and
2 Authorities.

3 Dated this 16th day of February 2022.

4 TYLER J. INGRAM
5 ELKO COUNTY DISTRICT ATTORNEY

6 By: 
7 Walter F. Fick
8 Deputy District Attorney
9 State Bar No. 14193

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 Nev. R. App. P. 26(b)(1) permits the Court to extend the time for a
11 party to file an opening brief. Pursuant to subsection (2), “a party may,
12 on or before the due date sought to be extended, request by telephone a
13 single 14-day extension of time for performing any act except the filing
14 of a notice of appeal. If good cause is shown, the clerk may grant such a
15 request by telephone or by written order of the clerk.” Nev. R. App. P.
16 26(b)(1)(B). After a deadline has expired, the Court may still extend the
17 time for “good cause.” Nev. R. App. P. 26(b)(1)(A).

18 In this Fast Track Appeal, Respondent’s office (the Elko County
19 District Attorney’s Office) erroneously entered the opening brief deadline
20 as February 19, 2022, which with the intervening holiday weekend would

1 make the actual deadline February 22, 2022. *See* Nev. R. App. P.
2 26(a)(1)(C). When Respondent's office telephonically contacted the
3 Clerk to request the 14-day extension on February 16, 2022, the Clerk
4 informed Respondent that the deadline had already passed. Respondent
5 is now promptly filing this Motion to request a brief extension of the
6 deadline. The Elko County District Attorney's Office is budgeted for
7 nine deputy district attorneys, but currently employs only five. As a
8 results, appellate counsel, as of the time this Motion was prepared, has
9 530 cases assigned to him, ranging from category A felonies to
10 misdemeanors. This is appellate counsel's first criminal appeal, and due
11 to inexperience and the foregoing heavy caseload, appellate counsel
12 failed to catch his office's erroneous calendaring. Respondent recognizes
13 the critical importance of appellate deadlines, but respectfully submits
14 that this constitutes good cause to grant a brief extension of the deadline
15 to file Respondent's opening brief. Appellant has previously requested
16 and obtained an extension for filing her opening brief, and she would not
17 suffer any prejudice from a brief extension of Respondent's deadline.

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1 Respondent, therefore, respectfully requests that this Motion be granted
2 and that the deadline for Respondent's Opening Brief be extended to
3 February 28, 2022.

4 Dated this 16th day of February 2022.

5 TYLER J. INGRAM
6 ELKO COUNTY DISTRICT ATTORNEY

7 By: 
8 Walter F. Fick
9 Deputy District Attorney
10 State Bar No. 14193
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