

No. 83864

IN THE NEVADA SUPREME COURT

Electronically Filed
Apr 05 2022 08:39 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Jermiah Dewight Thornburg,

Appellant,

v.

State of Nevada,

Respondent.

Direct Appeal from a Judgment of Conviction
Eighth Judicial District Court
Honorable Jerry Weise, District Court Judge
District Court Case No. C-20-348507-1

**Appellant's Motion to Extension of Time to File
Opening Brief and Appendix (First Request)**

JoNell Thomas
Special Public Defender
Nevada State Bar No. 4771
Julian Gregory
Deputy Special Public Defender
Nevada State Bar No. 11978
330 S. 3rd St., Suite 800
Las Vegas, Nevada 89155
(702) 455-6265
(702) 455-6273 (fax)
Julian.Gregory@ClarkCountyNV.gov
Counsel for Jermiah Thornburg

POINTS AND AUTHORITIES

This is a direct appeal from a guilty plea to Attempt Sexual Assault with a Minor Under 14 Years of Age. The Judgment of Conviction was filed November 11, 2021. The Notice of Appeal was filed November 24, 2021. The Amended Judgment of Conviction was filed December 27, 2021 and the Amended Notice of Appeal was filed December 27, 2021. The direct appeal was docketed in this Court on December 6, 2021 and the amended/supplemental notice of appeal was filed January 5, 2022. The Opening Brief and Appendix are due April 5, 2022. Based on the reasons set forth in the Declaration attached hereto, Appellant Jermiah Thornburg requests an extension to time to file his Opening Brief and Appendix. This is the first request for an extension of time.

It is respectfully requested that this Court grant this initial request for an extension of time of forty-five (45) days for Mr. Thornburg to file the Opening Brief and Appendix, up to and including May 20, 2022.

NRAP 31(b)(3)(B) sets forth in pertinent part:

A motion for extension of time for filing a brief may be made no later than the due date for the brief.....

(B) ...The court will grant an initial motion for extension of time for filing a brief only upon a clear showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.

CONCLUSION

Based on the Declaration attached hereto, Appellant Jermiah Thornburg requests the Court grant his motion for an extension of time to file the Opening Brief and Appendix, up to and including May 20, 2022.

DATED: April 5, 2022.

RESPECTFULLY SUBMITTED:

/s/ Julian Gregory

Julian Gregory
State Bar #11978
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorney for Thornburg

DECLARATION OF JULIAN GREGORY

Julian Gregory, hereby declares as follows:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and the deputy with the Clark County Special Public Defender's office assigned to represent Jermiah on his appeal from the Judgment of Conviction (Plea of Guilty) and Amended Judgment of Conviction (Plea of Guilty).

2. Jermiah pled guilty to one count of Attempt Sexual Assault of a Minor Under 14 Year of Age.
3. The Opening Brief and Appendix are due April 5, 2022.
4. I am requesting an extension of forty-five (45) days to file the Opening Brief, up to and including May 20, 2022 for the following reasons:
5. I began my employment with the Special Public Defender on February 8, 2022. This case was reassigned to me March 1, 2022 and I am still reviewing the pleadings and transcripts filed in the district court.
6. I am also assigned to the Quinn Zeger direct appeal from a non capital murder trial (83734). The first extension of time was requested and granted to file the Opening Brief. The Opening Brief is due April 22, 2022.
7. Additionally, Jermiah was remanded to federal custody after sentencing, and has been serving time in several southeast prisons, including Florida and Georgia. We have had no contact with him since the filing of the Notice of Appeal. The only way we learned he was moved to a new prison was when our

correspondence was returned. We recently found out he has been remanded to custody in Nevada within the last few weeks. I declare that I make this request in good faith and not for purposes of delay.

Dated: 4/5/2022

/s/ Julian Gregory

Julian Gregory
Deputy Special Public Defender
State Bar #11978

Certificate of Service

The undersigned does hereby certify that on the 5th day of April, 2022, a copy of the foregoing Motion was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ Kathleen Fitzgerald

Kathleen Fitzgerald
An employee of the Special Public
Defender's Office