

IN THE SUPREME COURT OF THE
STATE OF NEVADA

DEREK JOHNSTON,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK, AND THE
HONORABLE MARY KAY
HOLTHUS, DISTRICT JUDGE,

Respondent.

and

THE STATE OF NEVADA,

Real Party in Interest

Supreme Court No.: 83968

District Court No.: C-21-3546894 JAN 12 2022

Dept. No.: 18

FILED

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

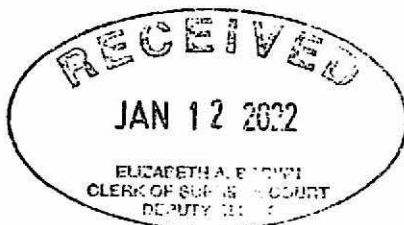
MOTION TO EXTEND TIME TO FILE REPLY TO ANSWER TO

EMERGENCY PETITION UNDER NRAP 27(e)

FOR A WRIT OF MANDAMUS

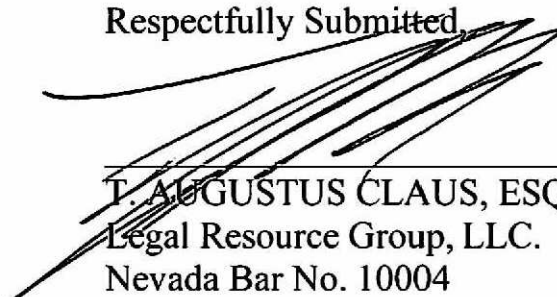
COMES NOW, Petitioner, DEREK JOHNSTON, by and through his attorney, T. AUGUSTUS CLAUS, ESQ. of the law firm of Legal Resource Group, LLC., and moves this Honorable Court to grant a nine (9) day extension of time to file the Petitioner's Reply to Answer to Emergency Petition Under NRAP 27(e) For a Writ of Mandamus. This Motion is based upon the following Memorandum of Points and Authorities.

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DATED this 10th day of January, 2022.

Respectfully Submitted,



T. AUGUSTUS CLAUS, ESQ.

Legal Resource Group, LLC.

Nevada Bar No. 10004

205 N. Stephanie St., Suite D221

Henderson, NV 89074

MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner initially requested action on the emergency writ prior to December 30th, 2021. Since that initial emergency writ's requested deadline, the District Court has held two hearings and set an evidentiary hearing for matters related to this emergency writ on January 10th, 2022. On Thursday, January 6th, 2022, based on the unavailability of the House Arrest personnel, the District Court moved all the hearings to January 12th, 2022. While Johnston remains in custody, and the issues of this writ are not moot, an extension of time to allow further evidence to be introduced into the record, the making of findings and finally time to obtain transcripts of the hearings, all of which should aid this Court in its decisions. Accordingly, Petitioner requests nine (9) days to allow the District Court hearings to be held and to allow for the preparation of transcripts of the District Court's findings and finalization of the Petitioner's Reply to Answer to Emergency Petition Under NRAP 27(e) For a Writ of Mandamus. This is the first extension of time requested by the Petitioner.

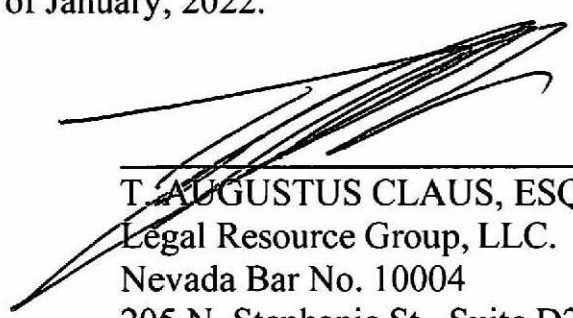
NRAP 26 governs computing and extending time, and reads, in pertinent part:

For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.

NRAP 26 (b)(1)(A).

Petitioner can demonstrate good cause, as described above. THEREFORE, Petitioner would request a nine (9) day extension to file the Petitioner's Reply to Answer to Emergency Petition Under NRAP 27(e) For a Writ of Mandamus.

DATED this 10th day of January, 2022.



T. AUGUSTUS CLAUS, ESQ.
Legal Resource Group, LLC.
Nevada Bar No. 10004
205 N. Stephanie St., Suite D221
Henderson, NV 89074

CERTIFICATE OF SERVICE

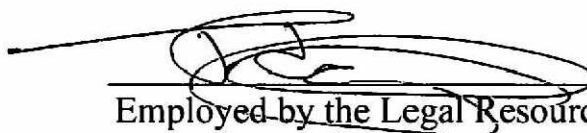
Pursuant to NRAP 4(b) and NRAP 25(d)(1)(B), I hereby certify that I am employed by the **LEGAL RESOURCE GROUP, LLC.**, and that on the 10th day of January, 2022, I caused the MOTION TO EXTEND TIME TO FILE REPLY TO ANSWER TO EMERGENCY PETITION UNDER NRAP 27(e) FOR A WRIT OF MANDAMUS to be served as follows:

- ☐ [] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ [] pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☒ [X] by hand delivery via runner
- ☐ [] via electronic service

to the attorneys listed below:

DISTRICT ATTORNEY'S OFFICE
Clark County District Attorney
200 South Lewis Avenue
Las Vegas, Nevada 89155

The Honorable Judge Mary Kay Holthus
Eighth Judicial District Court
200 S. Lewis Avenue
Las Vegas, Nevada 89155



Employed by the Legal Resource Group, LLC.