

1 SUPREME COURT OF THE STATE OF NEVADA

2
3 KEVIN JOHN MENTABERRY)

DOCKET NO. 83878

4 Appellant,)

5 vs.)

6 STATE OF NEVADA,)

7 Respondent.)

FILED

APR 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

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10 APPELLANT'S MOTION FOR EXTENSION OF TIME
11 (Second Request)

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13 Appellant's opening brief and the appendix are currently due April 21, 2022,
14 pursuant to a telephonic extension granted NRAP 26(b). Over the past two weeks
15 two things have occurred that have made a second request necessary. First, counsel
16 was unexpectedly obligated to move his entire office, including all furniture,
17 computers, files, etc. Second, in the course of preparing the brief and appendix,
18 appellate counsel has discovered that the file he received from trial counsel is
19 incomplete and that the missing materials are necessary for the presentation of one
20 of the major issues to be raised on appeal. Appellant submits that the need for
21 these materials constitutes extreme and compelling circumstances justifying a
22 second extension of time under NRAP 26(b).
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22-12396

1 Appellant must obtain the missing materials from trial counsel and the Elko
2 district court in support of one of the primary issues to be raised on appeal.

3 Accordingly, appellant requests a second extension of time until May 23, 2022, to
4 enable him to secure the materials and to prepare the brief and appendix.
5

6 DATED: 4/19/22

By: John E. Malone

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12 *Attorney for Appellant*
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CERTIFICATE OF SERVICE

I affirm that on April 18th I served the foregoing Appellant's Motion for Extension of Time (Second Request) on the following parties:

Elko County District Attorney by: U.S. Mail ☒
540 Court St. 2nd Floor Electronic ☐
Elko, Nevada 89801 Personal ☐

Attorney General by: U.S. Mail ☒
100 N. Carson St. Electronic ☐
Carson City, Nevada 89701 Personal ☐

Dated this: 18 day of April, 2022

By: 