

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,

Appellant,

VS.

THE STATE OF NEVADA.

Respondent.

CASE NUMBER: 74288

(District Court Case No. 26269095) 4:37 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF AND APPENDIX**

COMES NOW the Appellant, DUSTIN JAMES BARRAL, by and through his attorneys of record, MICHAEL L. BECKER, ESQ. and MICHAEL V. CASTILLO, ESQ., and respectfully requests that this Honorable Court grant Appellant's request for an extension of time to file the Appellant's Opening Brief and Appendix by three (3) weeks to March 20, 2018 for the reasons set forth in the points and authorities therein and the attached declaration of counsel.

This request is predicated on NRAP 26(b)(1)(a), NRAP 3(C)(i)(2)(b) and the attached declaration of counsel.

DATED this 28 day of February 2018.

MICHAEL V. CASTILLO, ESQ.
Nevada Bar No. 11531
Attorneys for Appellant

1 **POINTS AND AUTHORITIES**

2 NRAP 26(b)(1)(A) provides as follows: “For good cause, the Court may
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4 extend the time prescribed by these Rules or by its order to perform any act, or
5 may permit an act to be done after that time expires.” NRAP 26(b)(1)(A).
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7 **DECLARATION OF MICHAEL V. CASTILLO, ESQ.**
8 **PURSUANT TO NRS 53.045**

9 MICHAEL V. CASTILLO, ESQ. deposes and states as follows:
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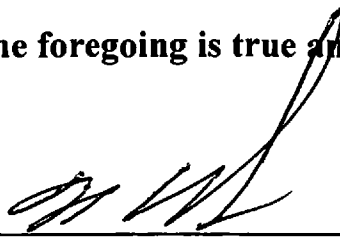
- 11 1. That I am an attorney duly licensed to practice law in the State of
12 Nevada and co-counsel of record for the Appellant, DUSTIN
13 BARRAL on his appeal currently pending before this Honorable
14 Court along with MICHAEL L. BECKER, ESQ.;
- 15 2. That Appellant’s Opening Brief is due on February 27, 2018.
- 16 3. That Counsel is requesting a three (3) week extension of time from
17 February 27, 2018 to March 20, 2018.
- 18 4. That Counsel requests this extension of time for the following
19 reasons:
- 20 a. That the undersigned’s ability to communicate with the
21 Appellant is limited due to the fact that he is currently incarcerated
22 with the Nevada Department of Corrections housed in High Desert
23 State Prison.
- 24 b. That the undersigned needs additional time to confer with the
25 client in order to identify meritorious issues for appeal.
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1 c. That the undersigned will also need additional time to
2 correspond/discuss the final draft of the Fast Track Statement with the
3 Appellant prior to filing.
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5 5. That Counsel has not previously been granted extensions in this case.

6 6. That this request for an extension of time is made in good faith and
7 not for purposes of delay.

8 **Pursuant to NRS 53.045, I MICHAEL V. CASTILLO, ESQ., declare**
9 **under penalty of perjury that the foregoing is true and correct.**
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13 _____
14 MICHAEL V. CASTILLO, ESQ.
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CERTIFICATE OF SERVICE BY E-FILING

I hereby certify that I am an employee of Las Vegas Defense Group, LLC. and that this 28 day of February 2018, I electronically filed the foregoing **Appellant's Motion For Extension of Time to File Opening Brief and Appendix** with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

STEVEN S. OWENS, ESQ.
Chief Deputy District Attorney
Nevada Bar #4352
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89101
Fax: (702) 382-5815
steven.owens@clarkcountynvda.com
Counsel for the Respondent

ADAM P. LAXALT, ESQ.
NEVADA ATTORNEY GENERAL
Nevada Bar #12426
100 North Carson Street
Carson City, Nevada 89701
Adam.Laxalt@ag.nv.gov
(702) 486-3768-Fax

An employee of Las Vegas Defense Group, LLC

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Defense Group, LLC., hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 28 day of February 2018, declarant deposited in the United States mail, a copy of the **Appellant's Motion For Extension of Time to File Opening Brief and Appendix** in the case of State of Nevada vs. Dustin Barral, Case No. 74288, enclosed in a sealed envelope upon which first class postage was fully prepaid to:

I further certify that there is regular communication by mail between the place of mailing and the place so addressed.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 28 day of February 2018.

An employee of Las Vegas Defense Group, LLC.