

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW YOUNG,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

Electronically Filed
Feb 14 2022 02:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 83243

APPELLANT’S SECOND MOTION FOR EXTENSION OF TIME

Comes now Appellant, Andrew Young, by and through his counsel, Nancy M. Lemcke, and hereby moves this Honorable Court to extend the time for the filing of Appellant’s Opening Brief thirty (30) days from Tuesday, February 15, 2021 to and including Tuesday, March 15, 2022. This Motion is based upon the Declaration of Counsel attached hereto.

DATED this 14th day of February, 2022.

Nancy Lemcke Law, LLC.

By /s/ Nancy M. Lemcke
NANCY M. LEMCKE, #5416
Nancy Lemcke Law, LLC
10161 Park Run Drive, Suite #150
Las Vegas, NV 89145
(702) 902-6691
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DECLARATION OF NANCY M. LEMCKE

1. I am an attorney licensed to practice law in the State of Nevada; I am handling the appeal of this matter; I am familiar with the procedural history of this case.

2. The Notice of Appeal was filed by David Fischer, Esq., on July 15, 2021.

3. Approximately two months later, I was appointed to represent Andrew Young on appeal. On September 22, 2021, I filed a Notice of Appearance before this Honorable Court.

4. On October 5, 2021, I submitted a Stipulation to enlarge the time for filing the Opening Brief. Pursuant to that Stipulation, this Honorable Court entered an Order setting a deadline of December 17, 2021 for the filing of the Opening Brief.

5. The final transcripts were not filed until November 1, 2021. Shortly thereafter, the Appendix was assembled and Bates stamped.

6. Appellant was convicted of over 20 felony offenses, several of which resulted in habitual criminal adjudications. Appellant received multiple, consecutive, 10-life sentences on those habitual criminal adjudications. The instant Appendix consists of seven volumes and over 1300 pages of transcripts and other material. As currently constituted, this does not

include the numerous trial exhibits, many of which are CDs with surveillance footage from several Las Vegas-area businesses.

7. The nature of the appellate briefing is more complex than I initially appreciated. Of the over 20 felony offenses charged in the instant case, a few occurred before July 1, 2020; the rest occurred after. This is significant because it appears (based upon my review of the record and the research conducted to date) that statutory changes to certain of the charged crimes, as well as the habitual criminal statutes, took effect on July 1, 2020. While this may or may not impact the briefing in the instant matter, due diligence requires that I review the sentences, convictions, jury instructions, and evidence as it/they relate to each statutory variation.

8. Additionally, Appellant was adjudicated under one of Nevada's habitual criminal statutes on approximately nine (9) of the charged crimes. Unfortunately, trial counsel failed to proffer any argument at sentencing regarding the nature and number of Appellant's prior convictions upon which the court based its habitual criminal adjudications. As such, I am trying to explore issues relating to the propriety of those adjudications without the benefit of challenges articulated by trial counsel.

9. Given the somewhat voluminous nature of the lower court record; the number and nature of the crimes of which Appellant was

convicted; and the severity of the sentences imposed; I am requesting that this Honorable Court enlarge the time for submission of Appellant's Opening Brief 30 days, through and including March 15, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 14th day of February, 2022.

/s/ Nancy M. Lemcke
NANCY M. LEMCKE

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 14th day of February, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
ALEXANDER CHEN

NANCY M. LEMCKE

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

ANDREW YOUNG
NDOC No: 92511
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

BY /s/ Nancy M. Lemcke
Employee, Nancy Lemcke Law, LLC