

IN THE SUPREME COURT OF THE STATE OF NEVADA

**FILED**

JUL 16 2008

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5 WILLIAM LESTER WITTER,

6 Appellant,

7 v.

8 THE STATE OF NEVADA,

9 Respondent

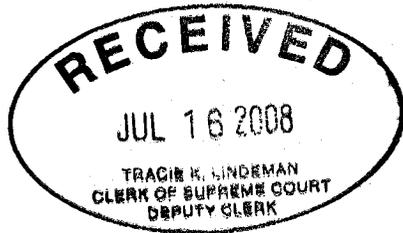
Case No. 50447

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11 **MOTION FOR ENLARGEMENT OF TIME**

12  
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24  
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27 Counsel for Appellant

Counsel for Respondent

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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5 WILLIAM LESTER WITTER, )

6 Appellant, )

7 v. )

Case No. 50447

8 THE STATE OF NEVADA, )

9 Respondent )

10  
11 **MOTION FOR ENLARGEMENT OF TIME**

12 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District  
13 Attorney, through his Chief Deputy District Attorney, STEVEN S. OWENS, and  
14 moves this Court for an enlargement of time within which to file Respondent's  
15 Answering Brief up to and including August 13<sup>th</sup>, 2008. This motion is based on the  
16 following memorandum, declaration and all papers and pleadings on file herein.

17 Dated this 14<sup>th</sup> day of July, 2008.

18 DAVID ROGER  
19 Clark County District Attorney  
Nevada Bar # 002781

20  
21 BY 

22 STEVEN S. OWENS  
23 Chief Deputy District Attorney  
24 Nevada Bar #004352  
25 Office of the Clark County District Attorney  
26 Regional Justice Center  
27 200 Lewis Avenue  
28 Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500

1 MEMORANDUM

2 The certificate of mailing in Appellant's Opening Brief is dated May 29, 2008.  
3 The Opening Brief is 50 pages long, raising six (6) issues and fifteen (15) sub-issues  
4 and Appellant's Appendix is over 5,100 pages long. Due to a shortage of law clerks in  
5 the Appellate division, and the fact that the law clerk assigned to preparing the State's  
6 answer was suddenly stricken with severe medical complications, a proper response  
7 difficult, if not impossible to achieve given the current schedule.

8 NRAP 26(b) permits this Court to enlarge the time for doing any act upon good  
9 cause shown even when the time for doing the act has passed.

10 Rather than rush to complete the State's brief which is due today, July 14, 2008,  
11 the State moves for an enlargement of time within which to file Respondent's  
12 Answering Brief up to and including August 13<sup>th</sup>, 2008. This will allow the State  
13 sufficient time to draft a brief which adequately sets forth the State's position and  
14 won't require superficial editing and a rush to format the brief.

15 Dated this 14<sup>th</sup> day of July, 2008.

16 Respectfully submitted,

17 DAVID ROGER,  
18 Clark County District Attorney

19 BY 

20 STEVEN S. OWENS  
21 Chief Deputy District Attorney  
22 Nevada Bar #004352  
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**DECLARATION**

I, Steven S. Owens, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

I am advised that due to our Appellate case load and medical issues surrounding the law clerk assigned this case, that completion of the State's Answering Brief in Witter v. State, Case No. 50447 cannot be completed on time taking into consideration the length of Appellant's Opening Brief and Appendixes. An extension will allow the State sufficient time to draft a brief which adequately sets forth the State's position and won't require superficial editing and a rush to format the brief.

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

DATED this 14<sup>th</sup> day of July, 2008.

DAVID ROGER,  
Clark County District Attorney

BY



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STEVEN S. OWENS  
Chief Deputy District Attorney  
Nevada Bar #004352  
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**CERTIFICATE OF MAILING**

I hereby certify and affirm that I mailed a copy of the foregoing Motion For  
Enlargement of Time to the attorney of record listed below on July 14, 2008.

GARY A. TAYLOR  
GERALD J. BIERBAUM  
Assistant Federal Public Defender  
411 East Bonneville Ave, Ste. 250  
Las Vegas, Nevada 89101



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Employee, Clark County  
District Attorney's Office

SSO/Michael Radovic/ed