

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JUL 16 2008

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WILLIAM LESTER WITTER,

Appellant,

v.

THE STATE OF NEVADA,

Respondent

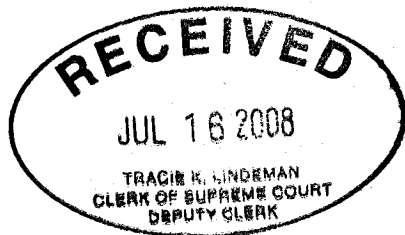
Case No. 50447

MOTION FOR ENLARGEMENT OF TIME

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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 13th, 2008. This motion is based on the
16 following memorandum, declaration and all papers and pleadings on file herein.

17 Dated this 14th 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
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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 13th, 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 14th day of July, 2008.

16 Respectfully submitted,

17 DAVID ROGER,
18 Clark County District Attorney

19 BY




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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.

DATED this 14th day of July, 2008.

BY 
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 \\APPELLATE\WPDOCS\SECRETARY\MOTIONS\EXTEND\WITTER, WILLIAM, 50447, 2ND MTN.EXT.TIME TO 8-13-08.DOC