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DAN M. WINDER, ESQ.
Nevada Bar No. 001569
LAW OFFICE OF DAN M. WINDER, P.C.
3507 W. Charleston Blvd.
Las Vegas, Nevada 89102
Telephone: (702) 474-0523
Facsimile: (702) 474-0631
winderdanatty@aol.com
Attorney for Appellant
NARCUS WESLEY

FILED

MAR 06 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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IN THE SUPREME COURT OF THE STATE OF NEVADA

NARCUS WESLEY,

Case No.: 52127

Appellant,

District Court Case No.: C232494

v.

District Court Dept. No.: XXIV

STATE OF NEVADA,

Respondent.

APPELLANT'S EX-PARTE MOTION

FOR ENLARGEMENT OF TIME TO FILE OPENING BRIEF & APPENDIX

SECOND
[Third Request]

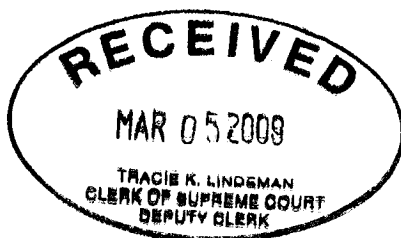
COMES NOW, the Appellant, NARCUS WESLEY a/k/a NARCUS SAMONE WESLEY, by counsel, DAN M. WINDER, ESQ., and moves the Court to grant the Appellant an enlargement of time of an additional thirty (30) days, within which to file Appellant's Opening Brief and Appendix. This pleading is supported by the attached Memorandum of Points and Authorities, the Affidavit of Dan M. Winder, Esq., and all pleadings and papers on file, herein.

DATED this 3 day of March, 2009.

Respectfully submitted,

By:

[Signature]
DAN M. WINDER, ESQ.
Attorney for Appellant
NARCUS WESLEY



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Statement of the Relevant Facts

This appeal arises from an underlying case, in the District Court of Clark County, in the matter of State of Nevada v. Narcus Wesley, Case No. C232494. On May 9, 2007, the Defendant was arraigned on the charges of Robbery, Use of a Deadly Weapon in a Crime, Sexual Assault, and Sexual Assault/Seduction. On May 22, 2008, the Defendant was sentenced to a term of imprisonment, inclusive of the range of life imprisonment (with the possibility of parole).

On or about July 3, 2008, the Judgment of Conviction was entered, as a matter of record. Thereafter, the Appellant filed his Notice of Appeal and Case Appeal Statement. The Opening Brief and Appendix are presently due on March 3, 2009. Counsel has been waiting for copies of additional transcripts requested in Defendant's case in order to properly prepare brief.

Your Affiant is a sole practitioner and has several jury trials scheduled for the month of March; State of Nevada v. Belay Garba scheduled to begin March 9, 2009, State of Nevada v. Ariana McKinney scheduled to begin March 16, 2008 and State of Nevada v. Phillip Castillo scheduled to begin March 23, 2008. In addition, five non-jury trials are also scheduled in the month of March.

Due to the above named trials and requests for additional transcripts, counsel requests an extension of time to adequately research, prepare and file the Opening Brief in the above captioned case.

Law and Argument

The Nevada Rules of Appellate Procedure, Rule 31 (a) (1), provide as follows:

“Time for serving and filing briefs...By written stipulation timely filed with the
Supreme Court, the parties may extend the time for filing any brief for a total of thirty

1 (30) additional days unless the court otherwise orders (see Rule 26 (d)). Applications for
2 extensions of time beyond that to which the parties are permitted to stipulate are not
3 favored, and will be considered only on motion for good cause clearly shown or ex parte
4 in cases of extreme and unforeseeable emergency..."

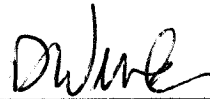
5 The rule provides for a permissive thirty (30) day extension of time, to file any brief. In
6 the case at bar, the Appellant seeks a thirty (30) day extension, within which to file his Opening
7 Brief and Appendix.

8 WHEREFORE, the Appellant moves the Court to grant a thirty (30) day enlargement of
9 time, within which to file Appellant's Opening Brief and Appendix, through and including April
10 6, 2009 and for all such other relief as is just and proper in the premises.

11 Dated this 3 day of March, 2009.

12 Respectfully submitted,

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15 By:



16 DAN M. WINDER, ESQ.
17 Nevada Bar No. 001569
18 Attorney for Appellant
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1 COUNTY OF CLARK)
2) SS:
3 STATE OF NEVADA)
4

5 **AFFIDAVIT OF DAN M. WINDER, ESQ.**

6 1. Your Affiant is the attorney of record in the case of Narcus Wesley v. State of
7 Nevada, in the Supreme Court of the State of Nevada, Case No. 52127.

8 2. Your Affiant is fully knowledgeable, regarding all of the matters set forth in this
9 Affidavit and is competent to testify, respecting the same.

10 3. That the Opening Brief and Appendix are due, in the above referenced cause of
11 action, on or about March 3, 2009.

12 4. That your Affiant is a sole practitioner and your Affiant and his staff are working
13 diligently on the matters related to the preparation of the instant appeal.

14 5. That in order to adequately and properly prepare the appeal, an enlargement of
15 Time of thirty (30) days is needed, within which to file the Appellant's Opening Brief and
16 Appendix.

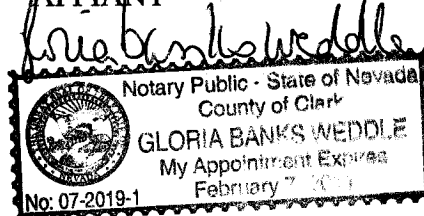
17 6. That the extension of time is requested for good cause and is not interposed for
18 the purpose of delay.

19 FURTHER AFFIANT SAYETH NAUGHT.

20 Dated this 3, day March, 2009.

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23 DAN M. WINDER, ESQ.

24 AFFIANT




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DAN M. WINDER, ESQ.

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**Clark County District Attorney
David Roger, Esq.
200 S. Lewis Avenue
Las Vegas, Nevada 89155**


An Employee of Dan M. Winder, Esq.