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6 NARCUS WESLEY

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Tracie K. Lindeman

7 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 NARCUS WESLEY,)	Case No.: 52127
)	
9 Appellant,)	District Court Case No.: C232494
10 v.)	District Court Dept. No.: XXIV
)	
11 STATE OF NEVADA,)	
)	
12 Respondent.)	
)	

13 **APPELLANT'S EX-PARTE MOTION**

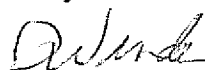
14 **FOR ENLARGEMENT OF TIME TO FILE REPLY BRIEF**

15 **[First Request]**

16 COMES NOW, the Appellant, NARCUS WESLEY a/k/a NARCUS SAMONE
17 WESLEY, by counsel, DAN M. WINDER, ESQ., and moves the Court to grant the Appellant an
18 enlargement of time of an additional one (1) week, within which to file Appellant's Reply Brief.
19 This pleading is supported by the attached Memorandum of Points and Authorities, the Affidavit
20 of Dan M. Winder, Esq., and all pleadings and papers on file, herein.
21

22 DATED this 25th day of November, 2009.

23 Respectfully submitted,

24 By: 
25 DAN M. WINDER, ESQ.
Attorney for Appellant
NARCUS WESLEY

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Statement of the Relevant Facts**

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

9
10 On or about July 3, 2008, the Judgment of Conviction was entered, as a matter of record.
11 Thereafter, the Appellant filed his Notice of Appeal, Case Appeal Statement and Opening Brief
12 and Appendix. Respondent file their Opposing Brief on October 28, 209, the Reply Brief is
13 presently due on November 30, 2009.

14 Due to complex legal issues which required prolonged legal research, as well as the
15 pending holiday, additional time is needed to complete and finalize the Reply Brief.

16 **Law and Argument**

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

18 *“Time for serving and filing briefs...By written stipulation timely filed with the*
19 *Supreme Court, the parties may extend the time for filing any brief for a total of thirty*
20 *(30) additional days unless the court otherwise orders (see Rule 26 (d)). Applications for*
21 *extensions of time beyond that to which the parties are permitted to stipulate are not*
22 *avored, and will be considered only on motion for good cause clearly shown or ex parte*
23 *in cases of extreme and unforeseeable emergency...”*

24
25 The rule provides for a permissive thirty (30) day extension of time, to file any brief. In
the case at bar, the Appellant seeks a one (1) week extension, within which to file his Reply


1 Brief.

2 WHEREFORE, the Appellant moves the Court to grant a one (1) week enlargement of
3 time, within which to file Appellant's Reply Brief, through and including December 7, 2009 and
4 for all such other relief as is just and proper in the premises.

5 Dated this 25th day of November, 2009.

6 Respectfully submitted,

7 By:


8 DAN M. WINDER, ESQ.
9 Nevada Bar No. 001569
Attorney for Appellant

1
2 COUNTY OF CLARK)
3) SS:
4 STATE OF NEVADA)

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 Reply Brief is due, in the above referenced cause of action, on or about
11 November 30, 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 reply brief, an enlargement
15 of time of one (1) week is needed.

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

18
19 FURTHER AFFIANT SAYETH NAUGHT.

20 Dated this 25 day Nov, 2009.

21
22
23 
24 DAN M. WINDER, ESQ.
25 AFFIANT

1
2 **AFFIRMATION**

3 The undersigned does hereby affirm, subject to the penalties for perjury, that the
4 foregoing Affidavit is true to the best of his present knowledge and belie.

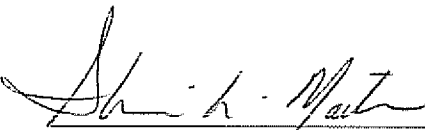
5
6 
7 DAN M. WINDER, ESQ.

8
9 **CERTIFICATE OF SERVICE**

10 The undersigned does hereby certify that on this 25th day of November, 2009, a true and
11 accurate copy of the Appellant's Ex-Parte Motion for Enlargement of Time was forwarded by
12 facsimile and deposited in the United States Mail, postage, pre-paid hand addressed as follows:

13 Clark County District Attorney
14 David Roger, Esq.
15 200 S. Lewis Avenue
Las Vegas, Nevada 89155

16 Attorney General
17 State of Nevada
555 E. Washington Ave. #3900
18 Las Vegas, NV 89101

19
20 
21 An Employee of Dan M. Winder, Esq.