

1                                    **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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5       DAIMON MONROE,

6                                    Appellant,

7       v.

8       THE STATE OF NEVADA,

9                                    Respondent.

) Case No. 52788  
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)  
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Electronically Filed  
Sep 16 2009 11:58 a.m.  
Tracie K. Lindeman

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11                                    **MOTION FOR EXTENSION OF TIME**  
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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
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7 Appellant, )  
8 v. )  
9 THE STATE OF NEVADA, )  
10 Respondent )

11  
12 **MOTION FOR EXTENSION TIME**

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

17 Dated this 16<sup>th</sup> day of September, 2009.

18 Respectfully submitted,

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

21  
22 BY /s/ Steven S. Owens

23 STEVEN S. OWENS  
24 Chief Deputy District Attorney  
25 Nevada Bar #004352  
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**MEMORANDUM**

This Court entered an order on August 26, 2009, directing the State to file its Answering Brief within thirty days, making said brief due on or before September 16, 2009. The law clerk originally assigned to prepare Respondent's Answering Brief subsequently required more time but left the office before completing Respondent's Answer. This required the newly assigned law clerk to review all the transcripts and relevant documents anew. The law clerk currently assigned to prepare Respondent's Answering Brief has advised me she will be unable to complete the brief in time.

Pursuant to NRAP 26(b), this Court for good cause shown can enlarge the time prescribed by the Nevada Rules of Appellate Procedure for doing any act, or may permit an act to be done after the expiration of such time.

With respect to good cause, Appellant currently has three (3) direct appeals pending before this Court (Nos. 52916, 52234,<sup>1</sup> and 52788). Appellant's arguments in his instant appeal rely to a great extent on the facts and circumstances of case No. 52234. As such, the law clerk assigned to prepare Respondent's Answering Brief has had to familiarize herself with the facts of both cases in order to properly address Appellant's instant claims on the merits. Given the complexity of the issues raised by Appellant as well as the vast volumes of records and trial transcripts directly and indirectly associated with this case, Respondent's law clerk requires more time to prepare Respondent's Answering Brief.

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<sup>1</sup> This Court recently reversed and remanded No. 52234, and said case is currently the subject of a Petition for Rehearing on the appropriate remedy being remand rather than reversal and remand to be filed shortly.

1           The State respectfully moves for an enlargement of time of thirty (30) days, making  
2 said brief due October 16, 2009.

3           Dated this 16<sup>th</sup> day of September, 2009.

4                               Respectfully submitted,

5                               DAVID ROGER  
6                               Clark County District Attorney  
7                               Nevada Bar # 002781

8                               BY /s/ Steven S. Owens

9                               STEVEN S. OWENS  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with the  
3 Nevada Supreme Court on September 16, 2009. Electronic Service of the foregoing  
4 document shall be made in accordance with the Master Service List as follows:

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6 CATHERINE CORTEZ MASTO  
Nevada Attorney General

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10 STEVEN S. OWENS  
Chief Deputy District Attorney

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12 BY /s/ eileen davis  
13 Employee, District Attorney's Office  
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SSO/Simone O'Connell/ed