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Tracie K. Lindeman

Case No. 54206

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1 **MEMORANDUM**

2 I, NANCY A. BECKER, am the supervising attorney in the above-captioned case.
3 The State is requesting a thirty (30) day extension of time in which to file its Answering
4 Brief under Nevada Rules of Appellate Procedure (NRAP) 31(b)(3). One previous extension
5 has been requested. Under NRAP 26(b), this Court for good cause shown can enlarge the
6 time prescribed by the NRAP for doing any act, or may permit an act to be done after the
7 expiration of such time.

8 This is an appeal from final judgment in a Murder case. Appellant filed a Notice of
9 Appeal on July 22, 2009. Appellant's Opening Brief was initially due on January 29, 2010.
10 On January 4, 2010, Appellant filed his first Motion for Extension of Time which was
11 granted on January 7, 2010. Appellant subsequently filed five (5) additional Motions for
12 Extension of time, all of which were granted. The Clark County District Attorney's Office
13 received Appellant's Opening Brief on February 4, 2011. The State's Answering Brief was
14 due on or before March 11, 2011. The State requested and was granted a first request for an
15 extension of time to file its Answering Brief, making the brief due on May 10, 2011.

16 As good cause for the extension, the State cites the large size of the record, number of
17 pages in the Opening Brief, number and complexity of issues raised, and the
18 contemporaneous pendency of Appellant's co-defendants' appellate proceedings. This
19 Murder case involves a large record with a twenty-five (25) volume appendix consisting of
20 over four thousand (4000) pages. The fifty-nine (59) page Opening Brief raises five (5)
21 issues of exceeding complexity requiring an extensive review of jurisprudence from inside
22 and outside Nevada. Further, some of the issues raised are matters of first impression before
23 the Court. Because this is Appellant's direct appeal following his conviction, a detailed
24 review of the record is required. Additionally, this is a multi-defendant case in which
25 Appellant's co-defendant has also filed a fifty-one (51) page Opening Brief and submitted an
26 eleven (11) volume appendix consisting of approximately twenty-four hundred (2400) pages.
27 While some of the legal issues raised are similar, Appellant's co-defendant raises legally and
28 factually unrelated issues that are very complex. Further, Appellant's co-defendant is also

1 attempting to raise some issues of first impression before the Court. Appellant's co-
2 defendant's brief is nearly due at the same time, May 7, 2011.

3 The State respectfully moves for an enlargement of time of thirty (30) days, making
4 its brief due on June 9, 2011. This will give the State sufficient time to thoroughly review the
5 record so that it can properly respond to the material in Appellant's Opening Brief.

6 DATED this 10th day of May, 2011.

7 Respectfully submitted,

8 DAVID ROGER,
9 Clark County District Attorney

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11 BY */s/ Nancy A. Becker*

12 NANCY A. BECKER
13 Deputy District Attorney
14 Nevada Bar #000145

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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 May 10, 2011. Electronic Service of the foregoing document
4 shall be made in accordance with the Master Service List as follows:

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6 CATHERINE CORTEZ MASTO
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10 NANCY A. BECKER
Deputy District Attorney

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15 */s/ eileen davis*
16 _____
Employee, Clark County
District Attorney's Office
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26 NAB/Patrick Burns/ed
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