

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

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4 Electronically Filed
 Oct 24 2011 03:49 p.m.
 Tracie K. Lindeman
 Clerk of Supreme Court

5 NARCUS WESLEY,)
6 Appellant,)

Case No.: 57473

7 v.)
8 THE STATE OF NEVADA,)
9 Respondent.)

10 **MOTION FOR ENLARGEMENT OF TIME**
11 **(First Request)**

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

16 Dated this 24th day of October, 2011.

17 DAVID ROGER
18 Clark County District Attorney
19 Nevada Bar # 002781

20 BY /s/ Steven S. Owens

21 STEVEN S. OWENS
22 Chief Deputy District Attorney
23 Nevada Bar #004352
24 Office of the Clark County District Attorney
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1 **MEMORANDUM**

2 I, STEVEN S. OWENS, am the supervising attorney in the above-captioned case. The
3 State is requesting a thirty (30) day extension of time in which to file its Answering Brief under
4 NRAP 31. No previous extensions have been granted to the State. Defendant was granted three
5 extensions of time to file his Opening Brief. As good cause for the extension, the State cites the
6 size of the record, number of pages and issue raised in the Opening Brief.

7 This is an appeal from a district court's denial of a post conviction petition for writ of
8 habeas corpus entered on December 7, 2010. Appellant filed his Notice of Appeal on December
9 28, 2010 and filed his Opening Brief on September 22, 2011. Respondent's Answering Brief is
10 due on or before October 24, 2011.

11 Pursuant to NRAP 26(b), this Court for good cause shown can enlarge the time
12 prescribed by the Nevada Rules of Appellate Procedure for doing any act, or may permit an act
13 to be done after the expiration of such time. In addition, NRAP 31 allows for an initial
14 extension of time of up to thirty (30) days upon a showing of good cause.

15 This multiple count case, involving First Degree Kidnapping and multiple Burglary,
16 Robbery and Sexual Assault convictions, involves a seven volume appellant's appendix that is a
17 total of 1,375 pages. The twenty-nine (29) page Opening Brief raise eight separate issues on
18 appeal. The State respectfully moves for an enlargement of time of thirty (30) days, making said
19 brief due on Wednesday, November 23, 2011. This will give the State sufficient time to
20 thoroughly review and respond fully to the material in Appellant's Opening Brief.

21 Dated this 24th day of October, 2011.

22 Respectfully submitted,

23 DAVID ROGER
24 Clark County District Attorney

25 BY */s/ Steven S. Owens*

26 STEVEN S. OWENS
27 Chief Deputy District Attorney
28 Nevada Bar #004352

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CATHERINE CORTEZ MASTO
Nevada Attorney General

STEVEN S. OWENS
Chief Deputy District Attorney

SSO/Christopher Hamner/ed