

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

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4 **JAQUEZ DEJUAN BARBER**

5 Appellant,

6 v.

7 **THE STATE OF NEVADA,**

8 Respondent

9) Case No. 62649

Electronically Filed
Oct 11 2013 09:36 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

10 **MOTION TO HOLD BRIEFING IN ABEYANCE AND**
11 **MOTION TO EXTEND TIME**
12 **First Request**

13 COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark
14 County District Attorney, through his Chief Deputy, JONATHAN
15 VANBOSKERCK, and moves this Court to hold the briefing schedule in abeyance
16 until it decides Respondent's Motion to Strike and for an enlargement of time of
17 thirty (30) days from the date of said ruling. This Motion is based on the following
18 memorandum and all papers and pleadings on file herein.

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20 Dated this 11th day of October, 2013.

21 Respectfully submitted,

22 STEVEN B. WOLFSON
23 Clark County District Attorney
24 Nevada Bar # 001565

25 BY /s/ Jonathan E. VanBoskerck

26 JONATHAN E. VANBOSKERCK
27 Chief Deputy District Attorney
28 Nevada Bar #006528
 Office of the Clark County District Attorney

MEMORANDUM

I, JONATHAN E. VANBOSKERCK, am the supervising attorney in the above-captioned case. The State is requesting that the briefing in this matter be held in abeyance until this Court rules upon Respondent's Motion to Strike Portions of Appellant's Opening Brief for Lack of Jurisdiction and Motion to Hold Briefing in Abeyance (Motion to Strike), filed September 23, 2013. Additionally, Respondent requests a thirty (30) day extension of time after this Court rules upon the Motion to Strike in which to file its Answering Brief under NRAP 31.

Appellant has received multiple extensions in this matter. Appellant first requested an additional 21 days on April 1, 2013. (Appellant's Motion for Extension of Time to File Fast Track Statement, filed April 1, 2013). Appellant asked for a second extension of 65 days on April 22, 2013. (Appellant's Motion for Extension of Time to File Fast Track Statement, filed April 22, 2013). Appellant's third request asked for a 30 day extension. (Appellant's Motion for Extension of Time to File Fast Track Statement, filed June 26, 2013). Appellant's fourth request asked for 7 days. (Appellant's Motion for Extension of Time to File Fast Track Statement, filed July 26, 2013). Appellant's fifth request asked for an indeterminate extension until such time as this Court ruled on Appellant's request for full briefing. (Appellant's Motion for Extension of Time Pending the Court's Decision on Motion for Full Briefing, filed August 5, 2013). This Court granted

1 Appellant's request for full briefing and gave Appellant an additional 30 day
2 extension to file a full brief. (Order Granting Motion, filed August 9, 2013).
3 Appellant then requested two short additional extensions. (Appellant's Motion for
4 One Day Extension of Time to File Opening Brief, filed September 9, 2013;
5 Appellant's Motion for One Day Extension of Time to File Opening Brief, filed
6 September 11, 2013).
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9 This Court may extend the time to file an Answering Brief upon a showing
10 of good cause. NRAP 31(b)(3). The State requests this Court to hold briefing in
11 abeyance until this Court rules on the Motion to Strike and for 30 days beyond that
12 date because the disposition of the Motion to Strike will impact the content of
13 Respondent's Answering Brief. The Motion to Strike asked this Court to
14 determine whether it has jurisdiction to address the first two issue of Appellant's
15 Opening Brief. (Motion to Strike Portions of Appellant's Opening Brief for Lack
16 of Jurisdiction and Motion to Hold Briefing in Abeyance, filed September 23,
17 2013). In order to file an answering brief Respondent needs to know whether those
18 issues should be addressed. Additionally, the disposition of the Motion to Strike
19 will impact the depth of analysis as to the remaining issues due to the requirements
20 of NRAP 32. Finally, Respondent has been working on the remaining issues
21 presented in Appellant's Opening Brief. A first draft of Respondent's Answering
22 Brief has been penned that addresses all issues except those that are the subject of
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1 the Motion to Strike. Respondent is working on a second draft as it relates to the
2 issues not subject to the Motion to Strike.

3 Respondent respectfully requests this Court hold the briefing schedule in
4 abeyance until it rules on the Motion to Strike and for an extension of time of thirty
5 (30) days beyond that date to file its Answering Brief.
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7
8 Dated this 11th day of October, 2013.

9 Respectfully submitted,

10 STEVEN B. WOLFSON
11 Clark County District Attorney
Nevada Bar # 001565

12 BY */s/Jonathan E. VanBoskerck*

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