

**ORIGINAL**

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

**FILED**

**AUG 21 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ANTHONY CASTANEDA,  
Appellant,

THE STATE OF NEVADA,  
Respondent.

CASE NO:

64515

**MOTION FOR ENLARGEMENT OF TIME  
(Second Request)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and moves this Court for an enlargement of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

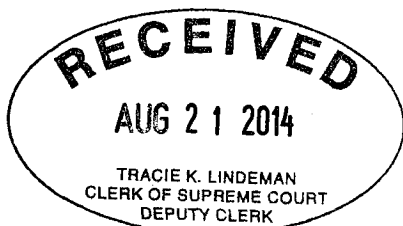
Dated this 18<sup>th</sup> day of August, 2014.

Respectfully submitted,

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

BY

*[Signature]*  
RYAN J. MACDONALD  
Deputy District Attorney  
Nevada Bar #012615  
Office of the Clark County District Attorney



14-27670

## MEMORANDUM

I, RYAN J. MACDONALD, am the supervising attorney in the above-captioned case. The State is requesting a FORTY-FIVE (45) day enlargement of time in which to file its Answering Brief pursuant to NRAP 31. One previous extension was filed on July 3, 2014, by the State, and granted by this Court on July 15, 2014.

The Answering Brief is currently due on Monday, August 18, 2014. On December 13, 2013, this Court suspended briefing pending the filing of the Judgment of Conviction by the District Court. On January 3, 2014, this Court filed an Order Reinstating Briefing and allowed Appellant FORTY (40) DAYS in which to file a Fast Track Statement. On February 12, 2014, Appellant filed a Motion for Extension of Time Due to Late Receipt of Transcripts, and Alternatively, Motion for Full Briefing. This Court granted the Motion for Full Briefing on February 18, 2014, and allowed NINETY (90) DAYS for Appellant to file his Opening Brief. On May 19, 2014, Appellant filed a Motion for Extension of Time to File Opening Brief. On May 19, 2014, this Court granted an extension of NINE (9) DAYS, making the Opening Brief due on June 2, 2014. On June 3, 2014, Appellant filed his Opening Brief.

When a subsequent request is made, this Court will grant a motion for enlargement of time upon showing of extraordinary circumstances or extreme need.

NRAP 31(b)(3)(B). This Appeal is from a SEVEN (7) DAY jury trial and Appellant raises NINE (9) claims of error, some with multiple sub-claims, in his Opening Brief. Those claims are highly fact intensive. They include claims regarding sufficiency of the evidence and alleged prosecutorial misconduct, in addition to alleged errors by the district court concerning the admission of bad acts evidence, the admission of jury instructions, the exclusion of rebuttal testimony, rejection of a double jeopardy claim, rejection of request for hearing on juror attentiveness, and rejection of a request for dismissal based on alleged witness perjury. As such, the record must be thoroughly and diligently reviewed, and the State's Answering Brief requires additional time to complete.

Due to the above-described circumstances, Respondent respectfully requests this Court's permission for an enlargement of time of FORTY-FIVE (45) days to file its Answering Brief, making the Answering Brief due to be filed on or before Thursday, October 2, 2014. This motion is made in good faith and not for purposes of undue delay.

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Dated this 18<sup>th</sup> day of August, 2014.

Respectfully submitted,

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

BY

  
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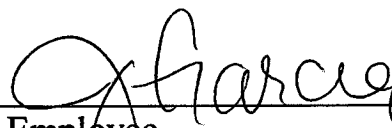
**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I mailed a copy of the foregoing Motion for Extension of Time to the attorney of record and the Attorney General:

CATHERINE CORTEZ MASTO  
Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717

AUDREY CONWAY  
Deputy Public Defender  
309 S. Third Street, Suite 226  
Las Vegas, Nevada 89101

BY



Employee,  
Clark County District Attorney's Office

RJM/Sarah Killer/jg