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Counsel for Appellant:
DIPAK KANTILAL DESAI

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,)	
)	
Appellant,)	CASE NO. 64591
)	
vs.)	
)	
STATE OF NEVADA,)	
)	
Respondents.)	
)	

**MOTION FOR PERMISSION TO EXCEED
PAGE/WORD LIMIT FOR REPLY BRIEF**

Appellant, by and through counsel, Franny Forsman, Law Offices of Franny
Forsman PLLC, requests permission to exceed the type-volume limitations of

NRAP 32(a)(7)(A)(ii). The Reply Brief exceeds the limitation by 6,862 words in that it contains 13,862 words. This motion is based on NRAP 32(a)(7)(D) and the attached Declaration of Counsel.

Dated this 30th day of April, 2015.

FRANNY A. FORSMAN, ESQ.

/s/ Franny A. Forsman
Franny A. Forsman, Esq.
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DECLARATION OF FRANNY A. FORSMAN

1. I am counsel for Appellant and have prepared the Reply Brief in this appeal.
2. I am experienced in the preparation of briefs in appeals in both state and federal courts.
3. Except in death penalty cases, when briefs were filed under my name as the Federal Public Defender for Nevada, I have sought permission to file an oversize brief with this court only in this case (the Opening Brief).
4. This appeal presents an extraordinarily long record as the trial lasted 45 days, pretrial proceedings were numerous and included several extraordinary

proceedings in this court.

5. This appeal presents an unusually large number of issues due to the unusual nature of the prosecution, the complicated theories presented by the State and the unusually large number of Counts in the Indictment. The issues in this appeal are unusually complex as the law in the area of accessory liability and Second Degree Felony Murder is evolving and in some respects, in Nevada, undeveloped.

6. Both Appellant's Opening Brief and Respondent's Answering Brief exceeded the limitations of the Rule and were permitted to be filed. Appellant's Opening Brief contained 20,825 words; Respondent's Answering Brief contained 18,606 words.

7. Appellant's Reply Brief exceeds the limitations of the Rule due to the lack of agreement by the parties on the underlying facts in the case. As a result, a significant portion of the brief addresses the conflicting views of the parties with regard to the facts which form the foundation for the legal issues which are raised. The space devoted to the factual foundation is necessary for the court to accurately assess the arguments. Because of the lack of agreement on the facts, the size of the record and the large number of witnesses, this factual presentation required far more space than would ordinarily be required in a Reply Brief.

8. Appellant utilized a number of techniques to try to reduce the size of the brief including bullet points, incorporation by reference and footnotes and substantial editing and redrafting. Even after utilization of all efforts to reduce the size of the Reply Brief in order to comply with the Rule, in order to adequately present the issues, it is counsel's good faith belief that the brief cannot be further reduced in size.

9. Appellant has been sentenced to life in prison.

Dated this 30th day of April, 2015.

Respectfully submitted,

LAW OFFICE OF FRANNY FORSMAN PLLC

/s/ Franny A. Forsman
Franny A. Forsman
Attorney for Dipak Kantilal Desai

CERTIFICATE OF SERVICE

I hereby certify this document was filed electronically with the Nevada Supreme Court on April 30, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven B. Wolfson
Clark County District Attorney

Catherine Cortez-Masto, Attorney General
State of Nevada

LAW OFFICE OF FRANNY FORSMAN PLLC

/s/ Franny A. Forsman
Franny A. Forsman, Esq.