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

Electronically Filed
May 12 2014 02:11 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 DELARIAN WILSON,)
9 APPELLANT,)
10 vs.)
11 STATE OF NEVADA)
12 RESPONDENT.)
13 -----)

CASE NO: 64617

14 **Appellant's Motion For Extension Of Time To File Opening Brief And**

15 **Appendix**

16 Appellant, Delarian Wilson, by and through his attorney Keith C. Brower,
17 Esq., respectfully requests that this Court extend the May 12, 2014 deadline for
18 filing an Opening Brief and Appendix in this matter.

19 For the following reason Appellant respectfully requests additional time in
20 which to file an opening brief and appendix:

- 21 1. On May 12, the date this Appeal was due, Appellant filed a Notice
22 Of Withdrawal Of Appeal.
- 23 2. Appellate counsel has previously asked for, and was granted, a five
24 (5) day continuance in this matter making the Opening Brief and
25 Appendix due April 22, 2014; and a thirty (30) day continuance
26

1 with a due date of May 12, 2014. The original brief being due on
2 April 16, 2014.

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4 3. That no previous requests for an extension have been denied in
5 whole or in part.

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7 4. That appellate counsel requested a five (5) day continuance so that
8 he could discuss the brief with his client. That after that
9 discussion, Appellant wished to review the brief further; and
10 appellate counsel did so via a visit with Appellant on May 2, 2014
11 and at that time Appellant indicated he wished to withdraw his
12 appeal. That appellate counsel informed Appellant of the need to
13 think about this further and that following that visit Appellant
14 reiterated that he wished to withdraw his plea via a telephonic
15 conversation which took place on May 5, 2014. That following
16 this phone conversation Appellant was visited again on May 9,
17 2014 wherein he signed a declaration of his intent to withdraw his
18 plea.
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23 5. That the filing of a brief in this matter becomes moot upon the
24 granting of Appellant's Notice Of Withdrawal Of Appeal.

25
26 6. That this motion is being filed in an abundance of caution, and after
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1 consulting with several attorneys and with this Court's Clerk's
2 Office.

- 3
4 7. That Appellant's brief would be available for filing within five
5 days of the denial of his Notice Of Withdrawal; but again would
6 become moot upon the granting of his Notice Of Withdrawal Of
7 Appeal.
8

9 As such, counsel requests that this Court grant an extension of the filing
10 Appellant's Opening Brief and Appendix due May 12, 2014 until such time as the
11 filing of an Opening Brief either becomes moot due to the granting of his Notice
12 Of Withdrawal Of Appeal or mandated by the denial of said Notice.
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15 DATED this 12th day of May, 2014.

16 Respectfully submitted,
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19 By
20 Keith C. Brower, Esq.
21 Nevada Bar# 7288 - Attorney For Appellant
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1 **Certificate Of Service**

2 I hereby certify that I am a person competent to serve papers, and that I am not
3 a party to the above-entitled action. I also hereby certify that this document was
4 electronically filed with the Nevada Supreme Court on the 12th day of May, 2014.
5 Electronic Service of the foregoing document shall be made in accordance with the
6 Master Service List as follows:
7

8 Catherine Cortez Masto
9 Steven S. Owens

Keith Brower

10 Any notice by this Court of the necessity to mail a copy of this motion to the
11 above named individuals, or any other individuals as directed by this Court will be
12 complied with.
13

14 I further certify that I served a copy of this document by mailing a true and
15 correct copy thereof (postage pre-paid) addressed to:
16

17 Delarian Wilson
18 NDOC BAC# 1022177
19 Southern Desert Correctional Center
20 P.O. Box 208
21 Indian Springs, NV 89070-0208

22 By 

23 Keith C. Brower, Esq.
24 Nevada Bar# 7288 - Attorney For Appellant
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