

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONTE JOHNSON,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

Electronically Filed
Apr 10 2015 09:32 a.m.
Tracie K. Lindeman
Clerk of Supreme Court
CASE NO: 65168

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

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, 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 and all papers and pleadings on file herein.

Dated this 10th day of April, 2015.

Respectfully submitted,

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

BY /s/ Steven S. Owens
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
Office of the Clark County District Attorney

MEMORANDUM

I, STEVEN S. OWENS, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Respondent's Answering Brief is currently due April 10, 2015. This is an appeal from the denial of petition for writ of habeas corpus (post-conviction). Pursuant to SCR 250(7)(d) and NRAP 31(b)(3)(D), an initial request for extension of time in a capital case will be granted on a clear showing of good cause. Subsequent extensions of time will not be granted except upon a showing of extraordinary circumstances and extreme need.

The State requests 30 days up to and including May 11, 2015, within which to file Respondent's Answering Brief. The State has completed a draft of the Answering Brief which is over 100 pages and requests additional time in which to review and finalize the Brief. After receiving three extensions of time totaling 212 days, Appellant filed a 135 page Opening Brief, and a 43 volume appendix. Appellant raises various complex issues, many of which must be addressed on the merits. Further, the procedural history of this case includes three penalty hearings and multiple appeals. Therefore, considering the complexity of the issues and procedural history, the extensive constitutional issues involved, and the severity of Appellant's sentence, the State hereby makes this second request to extend time to allow additional. This motion is made in good faith and not for the purposes of undue

delay.

Dated this 10th day of April, 2015.

Respectfully submitted,

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

BY */s/ Steven S. Owens*

STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 552212
(702) 671-2500

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 10, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

CHRISTOPHER ORAM, ESQ.
Counsel for Appellant

STEVEN S. OWENS
Chief Deputy District Attorney

BY /s/E.Davis

Employee,
Clark County District Attorney's Office

SSO/Genevieve Craggs/ed