

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jan 16 2015 09:00 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DAIMON MONROE,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

DOCKET NO.: 65827

D.Ct. Case No.: 06-C-228752

MOTION FOR EXPANSION OF TIME
PURSUANT TO NRAP 26

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Attorney for the Respondent.

**MOTION FOR PERMISSION TO FILE LATE OPENING BRIEF
(MOTION FOR FILING OF LATE OPENING BRIEF AND APPENDIX)**

COMES NOW the Appellant, by and through undersigned Counsel, MICHAEL H. SCHWARZ, ESQ., and moves this Honorable Court for permission to file a Late Opening Brief and Appendix. Because of economic reasons, Counsel had to lay off one of his key employees, who was tasked with docketing Counsel's office's appeals, as well as assisting in research and writing. My office has just completed two recent Supreme Court filings [Docket 65487 - Reply Brief and Docket 62732 - Opening Brie]. Both of which were filed early. After completing this two tasks, Counsel conducted an inventory of his cases and discovered that the Opening Brief in this case was mistakenly not filed, although the arguments were completed some time ago, the appellate issues, as well as the arguments made below, are negligible. The State, nor the Appellant are prejudiced by this brief delay, as the Appellant is serving several life sentences and the State should not have an trouble responding to the simple issues set forth in this appeal, as it is has been briefed by both parties before.

Wherefore, Counsel respectfully requests that this Honorable Court grant the expansion of time and allow the late filing of the Appellant's Opening Brief.

Respectfully,

/s/ Michael H. Schwarz

MICHAEL H. SCHWARZ, ESQ.

CERTIFICATE OF SERVICE

I certify that I am an employee or associate of the Office of Michael H. Schwarz, Esq., and that on this 15th day of January, 2015, I served a copy of the foregoing Motion for Expansion of Time Pursuant to NRAP 26 (digital copy), through the e-flex filing system at the Nevada Supreme Court, to:

Steven B. Wolfson, D.A.
Clark County District Attorney's Office
Appellate Division
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CATHERINE CORTEZ-MASTO
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100 N. Carson Street
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Their last known addresses.

/s/ Vanessa Wright

Vanessa Wright, an employee or agent of
The Law Office of Michael H. Schwarz, Esq.