

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAZEN ALOTAIBI,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Jan 11 2016 08:45 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 67380

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 and all papers and pleadings on file herein.

Dated this 11th day of January, 2016.

Respectfully submitted,

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

BY /s/ Ryan J. Macdonald
RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #012615
Office of the Clark County District Attorney

MEMORANDUM

I, RYAN J. MACDONALD, am the supervising attorney in the above-captioned case. The State is requesting a 20-day extension of time in which to file its Answering Brief under NRAP 31(b)(3).

This is a direct appeal from a judgment of conviction that was entered on February 5, 2015, following a 9-day jury trial. Appellant filed his Notice of Appeal also on February 5, 2015, and his Opening Brief on October 26, 2015.

Appellant's Opening Brief and Appendix were originally due on June 10, 2015. On June 5, 2015, Appellant obtained a 14-day telephonic extension of time which to file his Opening Brief and Appendix, making the Opening Brief Due on June 24, 2015.

Appellant then filed a Second Request for an Extension of Time on June 24, 2015, as well as a Third Request on August 24, 2015. This Court never rendered a decision on their extensions because on June 18, 2015, Appellant filed a Motion to Stay Direct Appeal and Remand to Permit Predicate Filing of Petition for Post-Conviction Relief and Evidentiary Hearing Thereon. This Court denied that Motion on September 4, 2015, making Appellant's Opening Brief due on October 23, 2015, over 4 months after the original filing date.

The State's Answering Brief is currently due on January 11, 2016 and only one extension of time has been requested by the State thus far.

This Court may extend the time to file an Answering Brief for a case upon a showing of good cause. NRAP 31(b)(3). As good cause for the extension, the State cites the following: Appellant's case was a media-covered case, and his Opening Brief totals 40 pages and includes 5 volumes of record, and presents complex questions which require research and careful consideration of that record. An adequate response by the State requires a thorough review of the complete record in order to fully address Appellant's claims. Accordingly, the State's Answering Brief requires additional time to complete.

The State respectfully moves for an enlargement of time of 20 days, making said Answering Brief due on Monday, February 1, 2016. This will give the State sufficient time to thoroughly review and respond fully to the material in Appellant's Opening Brief. This motion is made in good faith and not for purposes of undue delay.

Dated this 11th day of January, 2016.

Respectfully submitted,

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

BY */s/ Ryan J. Macdonald*

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

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 11, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/j. garcia
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