

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELARIAN K. WILSON,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

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Feb 04 2016 04:20 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 68576

MOTION FOR ENLARGEMENT OF TIME (SECOND REQUEST)

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, OFELIA MONJE, 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 4th day of February, 2016.

Respectfully submitted,

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

BY /s/ Ofelia Monje
OFELIA MONJE
Deputy District Attorney
Nevada Bar #011663
Office of the Clark County District Attorney

MEMORANDUM

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

The instant case is an appeal from the dismissal of Appellant's second post-conviction petition for writ of habeas corpus. This Court may extend the time to file a Respondent's Answering Brief upon a clear showing of good cause, and it may grant additional extensions of time "upon a showing of extraordinary circumstances and extreme need." NRAP 31(b)(3). As such, the State requests a five (5) day extension which would make the Respondent's Answering Brief due February 11, 2016. NRAP 26(a).

The State makes its second request for the following reasons: Appellant's Opening Brief is forty-one (41) pages in length and raises two issues with sub-issues that required a detailed review of the record as well as conscientious legal research. The Appendix is 11 volumes totaling 2,321 pages. Moreover, the record in this case was complex and required a meticulous examination. A draft of the Respondent's Answering Brief has been completed, however the response must still go through the District Attorney's appellate protocol of review which requires a review by the trial attorneys of the facts and procedural posture, followed by a final overall and substantive review by the appellate deputy which must be done prior to the filing deadline of February 4, 2016.

Due to the above-described circumstances, Respondent respectfully requests this Court's permission for an enlargement of time of five (5) days to file its Respondent's Answering Brief, such that the pleading would be filed on February 11, 2016. This Motion is made in good faith and not for purposes of undue delay.

Dated this 4th day of February, 2016.

Respectfully submitted,

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

BY */s/ Ofelia Monje*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 4, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

MATTHEW D. CARLING, ESQ.
Counsel for Appellant

OFELIA MONJE
Deputy District Attorney

BY /s/ E.Davis

Employee,
Clark County District Attorney's Office

OM/Nallely Ocampo/ed