

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMMAR HARRIS,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Jul 18 2017 01:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 69509

MOTION FOR ENLARGEMENT OF TIME (FIFTH 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 18th day of July, 2017.

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

Pursuant to NRAP 31(b)(3), this Court will grant an initial request for extension of time for an Answering Brief on a “clear showing of good cause,” but additional extensions are granted only upon a higher showing of “extraordinary circumstances and extreme need.” The State’s First Motion for Enlargement of Time for 60 days was granted; the State’s Second Motion for 60 days was denied in part and only 30 days was granted; the State’s Third Motion for 30 days was granted, making the State’s Answering Brief due by July 3, 2017. A Fourth Motion was filed requesting until July 18, 2017, but the Court has not yet ruled on that motion which remains pending. The State now files the instant Fifth Motion for Enlargement of Time requesting 30 days so that the Answering Brief is due on August 17, 2017. The State offers the following explanation as extraordinary circumstances and extreme need justifying the enlargement of time.

In the State’s Third Motion for Enlargement of Time filed on June 13, 2017, the attorney previously assigned to this appeal set forth several personal issues he was experiencing which are incorporated herein by this reference. Within the last few days, that employee has unexpectedly taken federally protected leave of absence from work for an indeterminate period of time necessitating the re-assignment of all his cases. The previously assigned attorney left no instructions, notes, or draft of an Answering Brief and is unavailable. Undersigned counsel is immediately assuming

responsibility for the instant appeal and will draft the Answering Brief but is unfamiliar with the case and requires 30 days enlargement of time.

Additionally, the Appellate Division is currently short-handed due to the annual transitioning of law clerks, some of whom are promoting as attorneys and others who are leaving for work elsewhere, and will not be fully staffed again with new law clerks until September 25th. Those new law clerks will require training and will not be up to full speed for the first month or so. In addition to the unexpected absence of the attorney mentioned above, two other appellate attorneys, including the undersigned, are scheduled for overlapping summer vacations at the end of July. Finally, although it may not justify the State's delay, Appellant needed six extensions of time totaling about eight months in which to file the Opening Brief, and the State's requests for the Answering Brief are not disproportionate. Although regrettable, the confluence of all these circumstances is extraordinary and demonstrates the State's extreme need.

WHEREFORE, the State respectfully requests the instant motion for enlargement of time be granted.

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Dated this 18th day of July, 2017.

Respectfully submitted,

STEVEN B. WOLFSON

Clark County District Attorney

BY */s/ Steven S. Owens*

STEVEN S. OWENS

Chief Deputy District Attorney

Nevada Bar #004352

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on July 18, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

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ROBERT L. LANGFORD, ESQ.
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STEVEN S. OWENS
Chief Deputy District Attorney

BY /s/ E.Davis
Employee, District Attorney's Office

SSO//ed