

IN THE SUPREME COURT OF THE STATE OF NEVADA

TROY MULLNER,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Mar 29 2017 12:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 71030

MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST)

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, and moves this Court for an enlargement of time within which to file Appellant's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 29th day of March, 2017.

Respectfully submitted,

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

BY /s/ Jonathan E. VanBoskerck
JONATHAN VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
Office of the Clark County District Attorney

MEMORANDUM

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

This is an appeal from Appellant's Judgment of Conviction. Respondent's Answering Brief is currently due March 29, 2017. This Court may extend the time to file a Respondent's Answering Brief upon a clear showing of good cause. NRAP 31(b)(3). On December 13, 2016, Appellant filed a Motion for Enlargement of time requesting 45 days to file the Opening Brief. The Motion was granted and the new due date was January 27, 2017. Appellant failed to file on this date, and on February 22, 2017, this Court issued an Order to File Document within 11 days. Appellant filed his Opening Brief on February 28, 2017. No previous extensions have been granted to the State.

The State requests 45 days up to and including May 15, 2017, within which to file its Answering Brief. Appellant's opening brief presents two issues, including a challenge to Defendant's criminal history as a basis for habitual criminal treatment and a challenge to the punishment ordered at sentencing. The District Court granted Appellant an appeal pursuant to Lozada v. State, 110 Nev. 349, 871 P.2d 944, after post-conviction habeas proceedings. These issues require a thorough review of pretrial proceedings, exhibits, and the post-conviction habeas record.

Therefore, the State hereby makes this first request to extend time to allow

additional time to review the appellate record and thoroughly brief Appellant's four contentions of error. This motion is made in good faith and not for the purposes of undue delay.

Dated this 29th day of March, 2017.

Respectfully submitted,

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

BY */s/ Jonathan E. VanBoskerck*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 29, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

JEAN SCHWARTZER, ESQ.
Counsel for Appellant

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

BY /s/ E.Davis

Employee,
Clark County District Attorney's Office

JEV/Christine Atwood/ed