

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIS TYRONE BROWN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK, AND THE
HONORABLE WILLIAM D.
KEPHART, DISTRICT JUDGE

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

Electronically Filed
Jul 06 2017 09:49 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 72950

MOTION FOR ENLARGEMENT OF TIME

First Request

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his deputy, Charles W. Thoman, and moves this Court for an enlargement of time within which to file its Answer to Petition for Writ of Certiorari, Mandamus, and/or, in the Alternative, Writ of Prohibition. This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

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Dated this 5th day of July, 2017.

Respectfully submitted,

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

BY /s/ Charles W. Thoman
CHARLES W. THOMAN
Deputy District Attorney
Nevada Bar # 12649
Office of the Clark County District Attorney

MEMORANDUM

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

Real Party in Interest's Answer is currently due July 5, 2017. This is a petition for writ of mandamus arising from the district court's determination that Petitioner was not entitled to funding for an expert witness pursuant to Widdis v. Second Judicial Dist. Court, 114 Nev. 1224, 968 P.2d 1165 (1998). This Court may extend time to file an Answer upon a showing of good cause. See NRAP 31(b)(3).

The State herein makes its first request for an enlargement of time. The state requests thirty (30) additional days, to include July 5, 2017, within which to file its Answer. If granted, the State's new filing date would be August 4, 2017.

Petitioner filed his self-styled Petition for Writ of Certiorari, Mandamus, and/or, in the Alternative, Writ of Prohibition on May 4, 2017. On June 26, 2017, pursuant to this Court's June 15, 2017, Order directing the State to respond to Petitioner's Widdis claim, the district court placed the matter back on calendar in order to further elucidate its findings that Petitioner was not indigent under Widdis. The State requested expedited transcripts and an Order was filed June 30, 2017. However, the transcripts are still pending. This motion is made in good faith and not for purposes of undue delay.

I declare under penalty of perjury that the factual representations set forth in the foregoing memorandum are true and correct.

Dated this 5th day of July, 2017.

Respectfully submitted,

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

BY */s/ Charles W. Thoman*

CHARLES W. THOMAN
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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 5, 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

GARY A. MODAFFERI, ESQ.
Counsel for Petitioner

CHARLES W. THOMAN
Deputy District Attorney

BY /s/ J. Garcia
Employee,
Clark County District Attorney's Office

CWT/Michael Schwartz/jg