

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RIGHETTI,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Aug 06 2018 03:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 73015

MOTION FOR ENLARGEMENT OF TIME SECOND REQUEST

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, CHARLES W. THOMAN, 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 6th day of August, 2018.

Respectfully submitted,

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

BY /s/ Charles W. Thoman
CHARLES W. THOMAN
Chief Deputy District Attorney
Nevada Bar #012649
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. I am the supervising attorney in the above-captioned case.

Respondent's Answering Brief is currently due on August 6, 2018. This is a direct appeal from a Judgment of Conviction in a death penalty case. This Court may extend time to file a Respondent's Answering Brief upon a showing of good cause. NRAP 31(b)(3). Further extensions may be granted upon a showing of extraordinary circumstances and extreme need. Id.

The State herein makes its second request for an enlargement of time. The State requests thirty (30) days to include September 5, 2018, within which to file Respondent's Answering Brief.

Appellant's Opening Brief was originally due to be filed on October 5, 2017. Six months later, after receiving three extensions, Appellant filed his forty-two (42) page Opening Brief along with a fifty-one (51) volume Appendix of some 11,276 pages on April 12, 2018.

The Opening Brief contains four (4) complex issues and several sub-issues requiring a thorough examination of the extensive record. While the law clerk to whom this case was assigned has reviewed over 8,500 pages of the record and is working on a draft of the State's Answering Brief, almost 3,000 pages remain to be

reviewed to ensure that Appellant's claims are properly briefed for this Court. Moreover, after reviewing the issues raised in the Opening Brief, it has come to the State's attention that, despite alleging a sufficiency of the evidence claim as to one of the death penalty aggravators, Appellant neglected to include a Statement of Facts pertaining the facts adduced from the guilt-phase and penalty-phase trial. Appellant further failed to cite the factual record multiple times, thus requiring the State to conduct a deeper examination of the fifty-one appendices in order to comprehensively respond to Appellant's claims. Finally, this draft, once finalized, will still need to be reviewed by the assigning attorney and by the trial deputies in charge of this case.

Therefore, the State hereby makes this second request to extend time to allow additional time to review and thoroughly brief Appellant's claim for this Court. This motion is made in good faith and not for the purposes of undue delay.

Dated this 6th day of August, 2018.

Respectfully submitted,

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

BY */s/ Charles W. Thoman*

CHARLES W. THOMAN
Chief Deputy District Attorney
Nevada Bar #012649
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 August 6, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

HOWARD S. BROOKS
Deputy Public Defender

CHARLES W. THOMAN
Chief Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

CWT/Melanie Marland/ed