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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3
4 GARY LAMAR CHAMBERS
5 Appellant,

6 vs.

7 THE STATE OF NEVADA,
8 Respondent.

S.Ct. No. 73446

D.C. No. C2929871

Electronically Filed
Dec 23 2019 10:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

9
10 **MOTION FOR ENLARGEMENT OF TIME TO FILE**
11 **PETITION FOR SUPREME COURT REVIEW**
12 **(SECOND REQUEST)**

13 COMES NOW Appellant, GARY LAMAR CHAMBERS, by and through his
14 counsel in this matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for the
15 second time for an enlargement of time of seven (7) days from
16 December 23, 2019 to file Appellant's Petition for Supreme Court Review making said
17 Petition due December 30, 2019. This motion is based upon the following memorandum
18 and all papers and pleadings on file herein.

19 Dated this 23rd day of December, 2020.

20 Respectfully submitted,

21
22 /s/ Jean J. Schwartzer
23 JEAN J. SCHWARTZER, ESQ.
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27 Las Vegas, NV 89141
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jean.schwartzter@gmail.com
Counsel for Appellant

1 I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case.
2 Pursuant to NRAP 26(b)(1)(A), this Court may grant a motion for extension of time for
3 filing a Petition for Supreme Court Review based upon a showing of good cause. This is
4 Appellant's second but very brief request for an extension of time to file his Petition for
5 Supreme Court Review.

6 With respect to good cause for the extension, the Order Denying Rehearing
7 issued by the Court of Appeals was issued on November 21, 2019. During the 18 days
8 that followed, appellate counsel's seven year old was out of school the entire subsequent
9 week and her 4 year old was out of school for half of the subsequent week. Additionally,
10 counsel's seven year old has been very sick the past two weeks being diagnosed with
11 strep throat a second time on November 25, 2019 and then a third time today, December
12 9, 2019. For these reasons, Appellant requested and was granted a 14 day extension.
13 However, shortly after requesting this extension, Counsel's 4 year old tested positive for
14 influenza and had to remain home for the entire week. Both children returned to school
15 the following week but Counsel was sick the first half of that week.

16 Appellant is serving a sentence of life without the possibility of parole due to
17 being adjudicated as a habitual criminal in a manner Appellant believes to be in
18 violation of his due process rights. Appellant believes the decision of the Court of
19 Appeals regarding this issue raised in his Opening Brief conflicts with prior decisions of
20 the Supreme Court of Nevada yet is also an issue of first impression with respect to the
21 specifics of his case. Finally, his case involves fundamental issues of statewide public
22 importance because it deals with the violation of due process rights as well as both the
23 State and the district court failing to follow mandatory procedural rules that vest the
24 district court with jurisdiction to sentence someone under the habitual criminal statute as
25 it was in 2007.

26 Therefore, Appellant moves for an enlargement of time of seven (7) additional
27 days within which to file Appellant's Petition for Supreme Court Review up to and
28 including December 30, 2019.

1 This Motion is made in good faith and not for the purposes of undue delay.
2 I declare under penalty of perjury the factual representations set forth in the
3 foregoing memorandum are true and correct.

4 Dated this 23rd day of December, 2019.

5
6 Respectfully submitted,
7 /s/ Jean J. Schwartzer
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15 Counsel for Appellant
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2 **CERTIFICATE OF SERVICE**

3 I certify that on December 23rd, 2019, an electronic copy of the foregoing
4 MOTION FOR ENLARGEMENT OF TIME was sent via the master transmission list
5 with the Nevada Supreme Court to the following:

6
7 AARON FORD, ESQ.
Nevada Attorney General

8 ALEXANDER G. CHEN, ESQ.
9 Chief Deputy District Attorney

10
11 /s/ Jean J. Schwartzer
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