

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE AZUCENA,

Appellant,

vs.

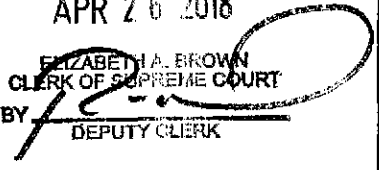
THE STATE OF NEVADA,

Respondent.

No. 74071

FILED

APR 26 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTIONS

Appellant has filed a motion for leave to file an opening brief in excess of the type-volume limitation. *See* NRAP 32(a)(7)(A)(ii) (establishing a limitation of 14,000 words). The certificate of compliance included with the submitted brief indicates that the brief contains 17,150 words. In support of the motion, counsel for appellant states that this case is “extremely complex” with multiple counts against multiple victims.

This court “looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted.” NRAP 32(a)(7)(D)(i); *see also Hernandez v. State*, 117 Nev. 463, 467, 24 P.3d 767, 770 (2001) (“Page limits . . . are ordinary practices employed by the courts to assist in the efficient management of the cases before them.” (quoting *Cunningham v. Becker*, 96 F. Supp. 2d 369, 374 (D. Del. 2000))). Rather, a motion “will be granted only upon a showing of diligence and good cause.” NRAP 32(a)(7)(D)(i).

We are not convinced that appellant’s counsel has demonstrated “diligence and good cause” to warrant a brief in excess of the type-volume limitation. While we appreciate the complexity of the case, we

are not convinced that such a lengthy brief is necessary. Accordingly, the motion is denied. The clerk of this court shall reject the opening brief received on April 10, 2018. Appellant shall have 20 days from the date of this order to file and serve an opening brief that complies with either the standard page limitation (not more than 30 pages) or type-volume limitation (not more than 14,000 words). *See* NRAP 32(a)(7)(A).

No good cause appearing, appellant's motion requesting this court direct the clerk of the district court to transmit the JAVS recordings of certain hearings below is denied.¹ Transcripts of the proceedings are included in appellant's appendix, filed on April 10, 2018, and appellant has failed to demonstrate why this court's review of the original exhibits is necessary to the determination of the issues. *See* NRAP 30(d).

It is so ORDERED.

 C.J.

cc: Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney

¹The district court admitted the JAVS recordings as exhibits below.