

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE AZUCENA,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Aug 21 2018 04:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 74071

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, KRISTA D. BARRIE, 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 21st day of August, 2018.

Respectfully submitted,

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

BY /s/ Krista D. Barrie
KRISTA D. BARRIE
Chief Deputy District Attorney
Nevada Bar #010310
Office of the Clark County District Attorney

MEMORANDUM

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

Respondent's Answering Brief is currently due August 21, 2018. This is a direct appeal from the Judgment of Conviction. This Court may extend the time to file a Respondent's Answering Brief upon a clear 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 20, 2018, within which to file Respondent's Answering Brief.

Appellant's Opening Brief was originally due on January 25, 2018, but Appellant requested and received two extensions: the first, by stipulation on January 25, 2018, for thirty (30) days, and the second, on February 23, 2018, which was granted in part and allowed Appellant another (49) days to file his Opening Brief. On April 10, 2018, Appellant also filed a Motion for Leave to File Opening Brief in Excess of Type-Volume Limitations, which was granted.

The Opening Brief contains seventy-two pages with nine (9) claims, which include numerous sub issues requiring a thorough examination of this extensive, 2,988 page trial record, which resulted in Appellant's conviction of life in prison.

Moreover, Appellant attached JAVS videos of his jury trial to his Brief, which the State has to review in order to prepare an adequate Response. Additionally, Appellant's Statement of Facts fails to include the detailed testimony of the six child-victims in this case, who testified at trial through the Spanish interpreter, which the State intends to include in the Respondent's Brief in order to provide this Court with the factual background necessary to review the issues presented.

While the State has a working draft, this draft must still be refined and reviewed by not only the assigning attorney, but by the trial deputies in charge of this case.

Therefore, the State hereby makes this second request to extend time to allow an additional thirty (30) days to review and properly brief Appellant's claim for this Court. This motion is made in good faith and not for the purposes of undue delay.

Dated this 21st day of August, 2018.

Respectfully submitted,

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

BY */s/ Krista D. Barrie*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on August 21, 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

DEBORAH L. WESTBROOK
Deputy Public Defender

KRISTA D. BARRIE
Chief Deputy District Attorney

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

KDB/Mariya Malkova/jg