

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDYS MARTINEZ,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Nov 30 2018 02:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 75760

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an enlargement of time within which to file its Respondent's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 30th day of November, 2018.

Respectfully submitted,

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

BY /s/ Steven S. Owens

STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
Office of the Clark County District Attorney

MEMORANDUM AND DECLARATION OF STEVEN S. OWNES

I, STEVEN S. OWENS, am the attorney assigned to prosecute this appeal. The State is requesting a thirty (30) day extension of time in which to file its Answering Brief pursuant to NRAP 31.

This is an appeal from a district court order denying Appellant's Petition for Writ of Habeas Corpus entered on May 18, 2018. Appellant filed a notice of appeal on April 27, 2018. Appellant filed his first motion requesting a fourteen (14) day extension to file his docketing statement on June 11, 2018. Appellant filed a second motion requesting a thirty (30) day extension to file his opening brief on September 13, 2018. Each of Appellant's motions for additional time was granted without opposition from Respondent. Appellant's Opening Brief was not filed until October 31, 2018. NRAP 31(a)(1)(B) requires that the State file its Respondent's Brief by November 30, 2018, as confirmed by this Court's order dated October 31, 2018.

An initial request for extension of time in this case will be granted on a showing of good cause. NRAP 31(b)(3)(B). The State hereby makes its first request for an extension of time, citing the following as good cause. Appellant's case spans a lengthy procedural history in multiple jurisdictions, state and federal, and at different court levels, trial and appellate. This lengthy procedural history requires careful review. I am reading and outlining this record but will not have

sufficient time to review the record and draft a brief by the due date. For these reasons, the State requests additional time to fully brief and respond to Appellant's claims.

Respondent respectfully requests this Court's permission for an extension of time of thirty (30) days to file its Answering Brief, which would make the State's brief due on Monday, December 31, 2018.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 30, 2018, in Las Vegas Nevada.

Dated this 30th day of November, 30 2018.

Respectfully submitted,

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

BY */s/ Steven S. Owens*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 30, 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

BETSY ALLEN, ESQ.
Counsel for Appellant

STEVEN S. OWENS
Chief Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

SSO/Elliot Anderson/ed