

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANET SOLANDER,

Appellant,

v.

THE STATE OF NEVADA,

Respondent

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 76228

**MOTION FOR LEAVE TO FILE RESPONDENT'S ANSWERING BRIEF
IN EXCESS OF TYPE-VOLUME LIMITATIONS**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, pursuant to NRAP 28(g) and the attached Declaration of Counsel, respectfully moves for leave to file an Respondent's Answering Brief in Excess of Type-Volume Limitations pursuant to NRAP 32(a)(7)(D).

Dated this 12th day of July, 2019.

Respectfully submitted,

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

BY /s/ Jonathan E. VanBoskerck

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
Attorney for Appellant/Cross-Respondent

DECLARATION
(NRS 53.045)

I, JONATHAN E. VANBOSKERCK, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Except by Court Order, an Answering Brief shall not exceed 30 pages in length or shall contain no more than 14,000 words or 1,300 lines of text. NRAP 32(a)(7)(A)(i)-(ii); NRAP 32(a)(7)(D).

On April 17, 2019, Solander filed her Opening Brief. Appellant's Opening Brief contained exactly 14,000 words and pleaded fourteen grounds for relief. The Opening Brief is 61 pages long, and Appellant's Appendix is 22 volumes. The procedural history of this case spans many years and concludes with a twenty-one day trial. Appellant successfully complied with the Court's type-volume limitation in her Opening Brief by oftentimes providing only a bare outline of multiple claims without any record citation.¹ Moreover, where Solander did provide more than a bare outline, she omitted important details—such as relevant binding authority or the

¹ For example, Issues 5, 9, 10, 11, 12, and 14 are presented without a single citation to the record. AOB32,45-47,48-49,49-53,54-56,59-60. Issue 8 contains a single citation to a transcript, not to the appendix, in violation of NRAP 28(e)(1), which requires "every assertion in briefs" to be supported by a reference to the "*appendix* where the matter relied on is to be found." (emphasis added); AOB44. Issue 3 violates NRAP 28(e)(1) by failing to cite the "page and volume number" of the appendix. AOB23.

existence of evidence—which bely her claims. Even so, Appellant only barely managed to comply with the word limits set forth in NRAP 32(a)(7)(A)(ii).

Nevertheless, to construct an appropriate response to each of Solander’s claims, the State must provide legal citation and argument in support of its position, including an analysis of how the relevant legal precedent supports the State’s position. Respondent has diligently sought to respond in as concise a manner as possible, without sacrificing depth, breadth, or accuracy. See NRAP 32(a)(7)(A)(D)(i). The State’s initial draft exceeded 30,000 words, and even after multiple editing stages, it still exceeds the word limit by a significant margin. To fully develop the facts and answer the issues Appellant raised therein, it has been necessary to prepare an Answering Brief containing 21,279 words. Thus, Respondent requests that the Court grant this Motion for Leave to File Respondent’s Answering Brief in Excess of Type-Volume Limitations.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated this 12th day of July, 2019.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Jonathan E. VanBoskerck*

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on July 12, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

CAITLYN MCAMIS, ESQ.
Counsel for Appellant

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

/s/ E. Davis

Employee, Clark County
District Attorney's Office