

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA RAY HONEA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76621

FILED

DEC 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

Appellant has filed a motion to exceed the page limit in his opening brief by 24 pages. However, the brief submitted on December 10, 2018, does not comply with the formatting requirements of NRAP 32. In particular, the footnotes are not in the same size and typeface as the body of the brief. See NRAP 32(a)(5). Accordingly, the clerk of this court shall reject the brief received on December 10, 2018. Appellant shall have 7 days from the date of this order to file a brief that complies with all formatting requirements. The motion to exceed the page limit is denied without prejudice to appellant's ability to renew the motion upon submission of the reformatted brief.

We remind appellant that 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))); *Jones v. Barnes*, 463 U.S. 745, 753 (1983) (warning that a brief that "raises every colorable issue runs the risk of burying good

arguments"). Rather, a motion "will be granted only upon a showing of diligence and good cause." NRAP 32(a)(7)(D)(i). Thus, counsel for appellant should make every effort to file a brief that is within the page *or* type-volume limitation set forth in NRAP 32(a)(7). If a properly formatted brief exceeds the page limit set forth in NRAP 32(a)(7)(A)(i), the brief will nonetheless be acceptable without a motion to exceed the page limit if it contains no more than 14,000 words. *See* NRAP 32(a)(7)(A)(ii).

It is so ORDERED.

_____*Dwyer*_____, C.J.

cc: Jonathan E. MacArthur, P.C.
Attorney General/Carson City
Clark County District Attorney