

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH BARLOW,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Feb 18 2020 10:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 77055

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, JOHN NIMAN, 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, declaration of counsel and all papers and pleadings on file herein.

Dated this 18th day of February, 2020.

Respectfully submitted,

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

BY /s/ John Niman
JOHN NIMAN
Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

MEMORANDUM

I, JOHN NIMAN, 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 February 18, 2012. The State is requesting a sixty-day extension of time in which to file its Answering Brief. NRAP 26(b) provides that this Court may enlarge the time for doing any act required by the Nevada Rules of Appellate Procedure upon good cause shown.

On February 27, 2019, Appellant filed a Motion for Enlargement of Time. On March 6, 2019, this Court filed an Order granting Appellant's Motion for Extension of Time, and the deadline for filing an Opening Brief and Appendix was rescheduled to May 28, 2019. On May 23, 2019, Appellant filed a second Motion for Enlargement of Time. On July 11, 2019, this Court filed an Order granting Appellant's Motion, granting Appellant an additional sixty (60) days to file an Opening Brief and Appendix. On August 15, 2019, Appellant filed a third Motion for Enlargement of Time. On November 7, 2019, this Court filed an Order granting Appellant's Motion, and the deadline for filing an Opening Brief was rescheduled to December 21, 2019.

This is the State's first request for an extension of time.

The State's Criminal Appeals Unit has reviewed the extensive district court record and requires more time to fully prepare the Answering Brief due the nature

of Appellant's claims and the extensive trial transcripts. The underlying case was a capital case, with the conviction arising after a twelve (12) day jury trial. The Appellant's Appendix contains thirty-three (33) volumes. Appellant further brings twelve (12) claims in his one hundred forty-three (143) page Opening Brief. Many of these claims contain various sub-claims, each of which the State is required to respond to. Further, certain claims are of constitutional dimension, including a challenge to the States peremptory strikes under Batson v. Kentucky, and an alleged denial of Appellant's rights under the confrontation clause. Given the numerous complex claims, lengthy record, and extensive trial transcripts, the State requires additional time to prepare a sufficient response.

The State herein makes its first request for an enlargement of time. The State requests sixty (60) additional days to include April 20, 2020, within which to file Respondent's Answering Brief.¹ If granted, the new filing date for the Respondent's Answering Brief would be April 18, 2020. This motion is made in good faith and not for the purposes of undue delay.

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¹ Sixty days from the current filing date of February 18, 2020 would be April 18, 2020. However, given that April 18, 2020 is a Saturday, the State respectfully requests the filing date be rescheduled for April 20, 2020.

I declare under penalty of perjury that the factual representations set forth in the foregoing memorandum are true and correct.

Dated this 18th day of February, 2020.

Respectfully submitted,

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

BY */s/ John Niman*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 18, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

JONELL THOMAS
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JOHN NIMAN
Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

JN/Ronald Evans/ed