

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

KEITH BARLOW,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

Electronically Filed  
Apr 20 2020 07:42 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 77055

**MOTION FOR ENLARGEMENT OF TIME SECOND REQUEST**

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 20<sup>th</sup> day of April, 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 April 20, 2020. The State is requesting a sixty (60) 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.

On February 18, 2020, the State filed its first Motion for Extension of Time. On March 5, 2020, this Court filed an Order granting the State Motion for Extension

of Time, and the deadline for filing a Respondent's Answering Brief was rescheduled to April 20, 2020.

This is the State's second 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.

In addition to these reasons raised in the State's first Motion for Extension of Time, the State would also note that it requires additional time in order to ensure that the Appellate brief, once drafted, is able to be vetted by the numerous attorneys who worked on the underlying trial.

The State herein makes its second request for an enlargement of time. The

State requests sixty (60) additional days to include June 19, 2020, within which to file Respondent's Answering Brief. If granted, the new filing date for the Respondent's Answering Brief would be June 19, 2020. This motion is made in good faith and not for the purposes of undue delay.

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

Dated this 20<sup>th</sup> day of April, 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 April 20, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

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MONICA TRUJILLO  
Special Public Defender's Office

JOHN NIMAN  
Deputy District Attorney

BY /s/ E. Davis

Employee,  
Clark County District Attorney's Office

JN/Ronald Evans/ed