IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY TERRELL BARR,
                    Appellant,
          vs.
THE STATE OF NEVADA,
                    Respondent.

No. 78295

FILED

OCT 10 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY_____
        DEPUTY CLERK

ORDER DENYING MOTION IN PART

Appellant has filed a motion for leave to file an opening brief in excess of 30 pages. 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))). Accordingly, a motion "will be granted only upon a showing of diligence and good cause." NRAP 32(a)(7)(D)(i).

Appellant fails to demonstrate that a brief more than three times the allowed length is necessary. "[I]t is not counsel's obligation to present every nonfrivolous claim" that counsel has identified, *Hernandez*, 117 Nev. at 465, 24 P.3d at 768-69, nor is it a hallmark of effective appellate representation to present every nonfrivolous claim. *Kirksey v. State*, 112 Nev. 980, 998, 923 P.2d 1102, 1113 (1996). "[T]he weeding out of weaker issues is widely recognized as one of the hallmarks of effective appellate advocacy." *Miller v. Keeney*, 882 F.2d 1428, 1434 (9th Cir. 1989). The motion is denied. The clerk of this court shall reject the opening brief and appendix

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filed on September 17, 2019.[1] Appellant shall have 14 days from the date of this order to file a brief of no more than 60 pages and the appendix.

It is so ORDERED.

_____, C.J.

cc: Jeannie N. Hua
       Attorney General/Carson City
       Clark County District Attorney

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[1]Appellant is advised that the brief must include page numbers and a title page as required by NRAP 32(a), and the brief should be submitted separately from the appendix, not in the same document.