

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY TERRELL BARR,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 78295

Electronically Filed
Mar 10 2020 03:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR ENLARGEMENT OF TIME TO FILE
APPELLANT'S REPLY BRIEF**

Pursuant to Nevada Rules of Appellate Procedure 31(a)(1),

[u]nless a different briefing schedule is provided by a court order in a particular case or by these or any other court rules, parties shall observe the briefing schedule set forth in this Rule. [For] all appeals except child custody, visitation, or capital cases, [t] appellant's reply brief must be served and filed within 30 days after respondent brief is served.

Counsel for the Appellant requests the extension of time to file Appellant's Reply Brief on March 10, 2020 instead of March 6, 2020 because the issues raised by Appellant on Appellant's Opening Brief are numerous and Respondent's Answering Brief was likewise numerous. Counsel needed the additional four days to complete briefing. Counsel's request for extension was not for purpose of delay.

1 On December 13, 2018 Appellant was found guilty after an eight-day trial.
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3 Trial Court sentenced him on January 29, 2019 to the following: COUNT 1 -
4 CONSPIRACY TO COMMIT BURGLARY- TO THREE HUNDRED SIXTY-
5
6 FOUR (364) in the Clark County Detention Center (CCDC); COUNT 2 -
7 CONSPIRACY TO COMMIT ROBBERY- TO A MINIMUM OF TWELVE (12)
8 MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run
9
10 CONCURRENT with Count 1; COUNT 5 - BURGLARY WHILE IN
11 POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX
12 (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120)
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14 MONTHS to run CONCURRENT to Count 2; COUNT 6 - ROBBERY WITH
15 USE OF A DEADLY WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF
16
17 PAROLE plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36)
18 AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of
19
20 a deadly weapon; COUNT 7 - ROBBERY WITH USE OF A DEADLY
21 WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF PAROLE plus a
22
23 CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A
24
25 MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly
26
27 weapon to run CONSECUTIVE to Count 6; COUNT 8 - BURGLARY WHILE IN
28 POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX
(36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120)

MONTHS to run CONCURRENT with Count 5; COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF PAROLE plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly C-18-335500-2 PRINT DATE: 02/25/2019 Page 3 of 4 Minutes Date: January 29, 2019 weapon to run CONSECUTIVE to Count 7; COUNT 10 - ROBBERY WITH USE OF A DEADLY WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF PAROLE plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 9; COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 8; COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF PAROLE plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 10; COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF PAROLE plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS

1 AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run
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3 CONSECUTIVE to Count 12; COUNT 14 - BURGLARY WHILE IN
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5 POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36)
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7 MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS
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9 to run CONCURRENT with Count 11; COUNT 15 - BURGLARY WHILE IN
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11 POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36)
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13 MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS
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15 to run CONCURRENT with Count 14; COUNT 16 - ROBBERY WITH USE OF
16
17 A DEADLY WEAPON- TO LIFE WITHOUT THE POSSIBILITY OF PAROLE
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19 plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS
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21 AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of
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23 a deadly weapon to run CONSECUTIVE to Count 13; COUNT 17 - ROBBERY
24
25 WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36)
26
27 MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS
28
plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS
AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of
a deadly weapon to run CONSECUTIVE to Count 16; COUNT 18 - ASSAULT
WITH A DEADLY WEAPON- A MINIMUM OF TWELVE (12) MONTHS
AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT
with Count 17; COUNT 19 - ASSAULT WITH A DEADLY WEAPON- TO A

MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 18; COUNT 20 - ASSAULT WITH A DEADLY WEAPON- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 19; COUNT 21 - ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48)

Judgement of Conviction was filed on February 28, 2019. Counsel filed Notice of Appeal and Case Appeal Statement for Mr. Barr on March 5, 2019 and Request for Transcripts on March 8, 2019. Appellant filed Motion for Enlargement of Time for filing of Docketing Statement on April 1, 2019. Supreme Court granted motion on April 17, 2019. Appellant filed Docketing Statement and Motion for Enlargement of Time on April 26, 2019. Supreme Court granted motion and directed Appellant to file proper docketing statement on May 6, 2019. Appellant filed Docketing Statement on May 20, 2019. Supreme Court issued Notice to File Opening Brief and Appendix on July 26, 2019.

CONCLUSION

Counsel for Appellant is requesting clarification of due date of Appellant's Opening Brief and if necessary, an enlargement of time for the reason stated above.

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3 DATED this Monday, August 5, 2019
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7 /s/ Jeannie Hua
8 Jeannie N. Hua, Esq.
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13 (702) 589-7540
14 Counsel for the Appellant

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AFFIDAVIT OF JEANNIE HUA, ESQ., COUNSEL FOR THE APPELLANT

I, Jeannie Hua, hereby declare that:

1. I am Counsel of record for Appellate in this case.
2. Docketing statement was accepted by Nevada Supreme Court on May 20, 2019.
3. Nevada Supreme Court issued Notice to File Opening Brief and Appendix within fifteen (15) days from July 26, 2019.
4. A hundred and twenty days from May 20, 2019 is September 17, 2019.
5. I respectfully request a clarification of due date and in the alternative, an enlargement of time to file Appellant's Opening Brief on September 17, 2019.
6. I declare under penalty of perjury that the foregoing is true and correct.

DATED August 5, 2019

/s/ Jeannie Hua, Esq.

Declarant

Jeannie Hua, Esq.

Bar No. 5672

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TRANSMISSION VIA FACSIMILE

I, Jeannie Hua, hereby certify, that on August 5, 2019, I sent via facsimile a true and correct copy of Motion for Clarification to:

Clark County District Attorney's Office
702-455-2294

/s/ Jeannie Hua
Law Office of Jeannie Hua