

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Aug 18 2020 07:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 79036

MOTION FOR ENLARGEMENT OF TIME SECOND REQUEST

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, ALEXANDER CHEN, 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 August 2020.

Respectfully submitted,

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

BY /s/ Alexander Chen
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539
Office of the Clark County District Attorney

MEMORANDUM

I, ALEXANDER CHEN, 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 August 18, 2020. 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 May 20, 2020, Appellant filed his Opening Brief. On June 19, 2020, the State filed its first Motion for Extension of Time. On June 24, 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 August 18, 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 its Answering Brief due the nature of Appellant's claims and the extensive trial transcripts. The underlying case stems from Appellant's convictions of 1 count of Conspiracy to Commit Sexual Assault; 16 counts of Lewdness with a Child Under the Age of 14; 10 counts of Sexual Assault of a Minor Under 14 Years of Age; 21 counts of Sexual Assault with a Minor Under 16 years of Age; 9 counts of Incest; 8 counts of Open or Gross Lewdness; 11 counts of Sexual Assault; 3 counts of Preventing or Dissuading Witness or Victim

from Reporting a Crime or Commencing Prosecution; 5 counts of Child Abuse, Neglect; or Endangerment; 7 counts of Use of a Minor in Producing Pornography; and 7 counts of Possession of Visual Presentation Depicting Sexual Conduct of a Child following a 17-day jury trial. Appellant's Appendix is 29 volumes including pre-trial motions, jury trial transcripts, and numerous hearing transcripts that occurred prior to trial. Appellant's 133-page Opening Brief raises five claims with multiple sub-issues among his claims. Given the numerous complex claims, lengthy record and extensive trial transcripts, the State requires additional time to prepare an adequate response to all of Appellant's claims.

In addition to the 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 its Answering Brief, once drafted, is able to be reviewed by the attorneys who conducted the underlying trial.

The State herein makes its second request for an enlargement of time. The State requests 60 additional days to include October 19, 2020, within which to file Respondent's Answering Brief. If granted, the new filing date for Respondent's Answering Brief would be October 19, 2020. This motion is made in good faith and not for the purpose of undue delay.

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Respectfully submitted,

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

BY /s/ Alexander Chen
ALEXANDER CHEN
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on August 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

WILLIAM M. WATERS
Chief Deputy Public Defender

ALEXANDER CHEN
Chief Deputy District Attorney

BY /s/ E. Davis
Employee,
Clark County District Attorney's Office