

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA,
Appellant,

v.

THE STATE OF NEVADA
Respondent.

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Oct 19 2020 07:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 79036

THIRD MOTION FOR ENLARGEMENT OF TIME

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 its 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 19th day of October, 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 #0010539
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MEMORANDUM AND DECLARATION OF
ALEXANDER CHEN

I, ALEXANDER CHEN, am the attorney assigned to prosecute this appeal. The State is requesting a thirty (30) day extension of time in which to file its Answering Brief pursuant to NRAP 31.

This is an appeal from a guilty verdict following a 15-day trial for 120 counts, 83 of which were Category A Felonies. Appellant filed a Notice of Appeal on June 24, 2019. All transcripts were completed by October 29, 2019 and Appellant's initial date to file his opening brief was scheduled for January 16, 2020. On January 8, 2020, both parties stipulated to extend the date to file Appellant's Opening Brief 30 days, making the new date February 18, 2020. Appellant filed his first motion requesting an initial 60-day extension to file his opening brief on February 13, 2020. Appellant filed a second motion requesting a 30-day extension on April 10, 2020. Each of Appellant's motions for additional time was granted without opposition from Respondent. Appellant filed their Opening Brief and Motion for Leave to File Opening Brief in Excess of Type-Volume Limitation May 20, 2020. Appellant's Leave to File Opening Brief in Excess of Type-Volume Limitation was granted on June 4, 2020.

NRAP 31(a)(4)(B) initially required that the State file its Respondent's Answering Brief by June 19, 2020. On June 19, 2020, the State filed a Motion for Enlargement of Time. This Court granted that Motion on June 24, 2020. This order

fixed a due date of August 18, 2020, for the State to file its Respondent's Answering Brief. On August 18, 2020, the State filed a second request for an extension of time, which was granted on August 20, 2020. Respondent's Answering Brief is currently due on October 19, 2020.

A subsequent motion for enlargement of time can only be granted upon a showing of "extraordinary circumstances and extreme need." NRAP 31(b)(3)(D); SCR 250(7)(d). The State hereby makes its third request for an extension of time, citing the following as extraordinary circumstances and extreme need. Appellant has filed a 133-page Opening Brief raising multiple issues, each encompassing multiple sub-issues; and the Record on Appeal consists of 29 volumes spanning over 6,800 pages. Appellant's claims consist of roughly 30 sub-issues challenging the legality, sufficiency, and/or constitutionality of 70 of the 93 counts Appellant was convicted of at trial. Additionally, Appellant's claims raise issues of statutory and constitutional interpretation, and issues of first impression. Respondent has a nearly complete draft. However, due to the overwhelming number and complexity of the claims and sub-issues raised, additional time will be needed for the draft to complete Respondent's internal review process. The draft of Respondent's Answering Brief—which is currently nearly 40,000 words long—will need significant editing to ensure that Respondent has complied with their duty to

completely address and respond to all issues raised by Appellant. See, Polk v. State, 126 Nev. 180, 185 (2010).

Respondent respectfully requests this Court's permission for an extension of time of 30 days to file its Answering Brief, which would make the State's brief due on Wednesday, November 18, 2020.

I declare under penalty of perjury that the foregoing is true and correct and that it is not offered for the purpose of delay.

Executed this 19th day of October, 2020, in Clark County, Nevada.

Respectfully submitted,

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

BY */s/ 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 October 19, 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

AC/Julia Barker/ed