

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )

Electronically Filed  
Nov 24 2020 01:13 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Case No. 79036

**APPELLANT’S OPPOSITION TO RESPONDENT’S MOTION FOR  
LEAVE TO FILE RESPONDENT’S ANSWERING BRIEF IN  
EXCESS OF TYPE-VOLUME LIMITATIONS**

COMES NOW Appellant, CHRISTOPHER SENA, by and through Deputy Public Defender William M. Waters, hereby Opposes Respondent’s Motion to File an Answering Brief in excess of the type-volume limits within NRAP 32.

This Opposition is based upon the following Memorandum and all papers and pleadings on file herein.

DATED this 24 day of November, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By /s/ William M. Waters  
WILLIAM M. WATERS, #9456  
Deputy Public Defender

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Respondent has filed a Motion pursuant to NRAP 28 to exceed the type-volume limits for its Answering Brief. Respondent seeks to file a brief containing 55,975 words, which constitutes 41,975 more words than allowed under NRAP 32(a)(7)(A)(i)-(ii)(allowing 14,000 words in a noncapital case). Respondent contends such an excessive brief is warranted based upon Appellant's opening brief which contained 27,608 words – after this Court granted Appellant's Motion to File his Opening Brief in Excess of Type Volume Limitations – and Respondent's need to “to fully develop the facts and answer the issues Appellant raised therein[.]” Respondent also asserts it has “diligently sought to respond in as concise a manner as possible, without sacrificing depth, breadth, or accuracy.”

Appellant is certainly cognizant of the complexity of his case, the voluminous appendix, and the need to exceed 14,000 words to properly address all meritorious issues raised below. Additionally, Appellant appreciates that Respondent rarely opposes good faith motions filed by Appellants with cases pending in this Court. Nevertheless, while sympathetic to Respondent's situation, Appellant

would note he was able to file an Opening Brief almost **one half** the length of Respondent's proposed Answering Brief.

Appellant did so by judiciously addressing only the issues he believed were most meritorious and doing so as concisely as possible. Therefore, Appellant questions why Respondent would need 28,367 more words than Appellant to address Appellant's arguments. Appellant is also concerned that should this Court allow Respondent vastly more words in its Answering Brief than Appellant submitted in his Opening Brief, then that decision may result in an unfair appellate advantage to Respondent.

### **CONCLUSION**

Appellant recognizes that his case involves numerous issues which cannot be adequately addressed in 14,000 words. Appellant also understands that Respondent is entitled to present an Answering Brief that contains at least as many words as Appellant's Opening Brief. Nevertheless, Respondent's request for 55,975 words appears excessive, unnecessary, and unfair to Appellant.

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Accordingly, while Appellant recognizes Respondent's need to exceed the 14,000 word limit, he respectfully requests this Court deny Respondent's request to exceed Appellant's word limit by 28,367 words.

Respectfully submitted,

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By /s/ William M. Waters  
WILLIAM M. WATERS, #9456  
Deputy Public Defender  
309 So. Third Street, Suite #226  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 24 day of November, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
ALEXANDER CHEN

WILLIAM M. WATERS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

CHRISTOPHER SENA  
NDOC No: 1217884  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

BY /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office