

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 79036

FILED

NOV 30 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION IN PART

Respondent has filed a motion for leave to file an answering brief in excess of the type-volume limitation. Respondent represents that the proposed brief contains 55,975 words. In support of the motion, respondent notes that the opening brief contains 133 pages and raises multiple issues, including constitutional issues and issues of first impression. Respondent also notes the length of the trial (15 days) and the appendix (29 volumes). Appellant opposes the motion.

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 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))). Rather, a motion “will be granted only upon a showing of diligence and good cause.” NRAP 32(a)(7)(D)(i).

This court is not convinced that respondent’s counsel has demonstrated “diligence and good cause” to warrant filing a brief that is almost four times the length permitted by NRAP 32(a)(7)(A)(ii). *Id.*

Nevertheless, this court recognizes the length of the trial, appendix, and opening brief. Accordingly, the motion is granted in part. The clerk shall strike the answering brief filed on November 18, 2020. Respondent shall have 21 days from the date of this order to file and serve an amended answering brief that does not exceed 27,000 words. Respondent is reminded that “[t]he statement of facts . . . should present only facts which are material in light of the issues. Unessential details and repetitive recitations should be eliminated.” *Hernandez*, 117 Nev. at 466, 24 P.3d 769 (2001).

It is so ORDERED.

 _____, C.J.

cc: Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney