

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 79036

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

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, ALEXANDER CHEN, pursuant to NRAP 28(g) and the attached Declaration of Counsel, respectfully moves for leave to file a Respondent's Answering Brief in Excess of Type-Volume Limitations pursuant to NRAP 32(a)(7)(D).

Dated this 17th day of December, 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

DECLARATION
(NRS 53.045)

I, ALEXANDER CHEN, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Except by Court Order, a Respondent's Answering Brief shall not exceed 30 pages in length or shall contain no more than 14,000 words or 1,300 lines of text. NRAP 32(a)(7)(A)(i)-(ii); NRAP 32(a)(7)(D).

On May 20, 2020, Appellant filed a Motion for Leave to File Opening Brief in Excess of Type-Volume Limitation, requesting permission to file an Opening Brief an Excess of Type-Volume Limitation, as well as his Opening Brief containing 27,608 words. On June 4, 2020, this Court granted the motion. On November 18, 2020, the State filed an Answering Brief and Motion to Exceed to page limit because it was necessary to prepare an Answering Brief containing 56,587 words. On November 30, this Court granted the State's Motion in part and directed the State to file an Answering Brief no longer that 27,000, which was less than Appellant's opening brief.

Appellant's Opening Brief is 133 pages and raises multiple issues in depth, including multiple constitutional issues and issues of first impression. Appellant's trial lasted 15 days, and the record is comprised of 29 volumes consisting of over 6,805 pages. The length of Appellant's Opening Brief necessitates a more detailed and lengthy response than the word limits of NRAP 32(a)(7) would normally permit.

Respondent has diligently sought to respond in as concise a manner as possible, while striving not to sacrifice depth, breadth, or accuracy. See NRAP 32(a)(7)(A)(D)(i). Respondent submits that it can engage in no further editing while still being able to adequately respond to and address Appellant's claims. Respondent's answering brief is currently 27,738 words, having reduced its original draft by over half. Moreover, the draft is only 130 words more than Appellant's Opening Brief.

Cogently addressing and responding to Appellant's claims required legal and factual analysis above and beyond what Appellant provided to this Court. The State submits that Appellant's legal and factual analysis is insufficient to address the detailed and intensely fact specific claims raised by Appellant. Instead, Appellant appears to have avoided providing to this Court the specific details of Appellant's crimes. As a result, Respondent had a responsibility to provide more in depth legal and factual analysis so this Court could adequately and sufficiently address all issues raised. Respondent has done so and complied with their duty to completely address and respond to all issues raised by Appellant. See, Polk v. State, 126 Nev. 180, 185 (2010). There is nothing unfair about this Court having all of the facts and law needed to reach a legally sound conclusion.

I hereby declare under penalty of perjury that the foregoing is true and correct.

///

Dated this 17th day of December, 2020.

Respectfully submitted,

STEVEN B. WOLFSON

Clark County District Attorney

BY */s/ Alexander Chen*

ALEXANDER CHEN

Chief Deputy District Attorney

Nevada Bar #010539

Office of the Clark County District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 17th day of December, 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

/s/ J. Garcia

Employee, Clark County
District Attorney's Office

AC/Julia Barker/jg