

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUSTAVO GUNERA-PASTRANA,)	Electronically Filed
)	Jan 13 2021 02:19 p.m.
Appellant,)	Elizabeth A. Brown
)	Clerk of Supreme Court
v.)	
THE STATE OF NEVADA,)	Case No. 79861
Respondent.)	

MOTION TO RESCHEDULE ORAL ARGUMENT

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, TALEEN PANDUKHT, and files this Motion to Reschedule Oral Argument. This motion is filed pursuant to NRAP Rule 27 and 34(a) and is based on the following memorandum and all papers and pleadings on file herein.

Dated this 13th day of January, 2021.

Respectfully submitted,

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

BY /s/ Taleen Pandukht
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
Office of the Clark County District Attorney
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DECLARATION

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

On January 5, 2021, the State received Notice of Argument Setting in Gunera-Pastrana v. State, Supreme Court Case Number. 79861. The Notice advised that the case has been scheduled for oral argument on February 10, 2021, at 1:00 p.m via videoconferencing.

Upon receiving the Notice, the Appellate Division of the Clark County District Attorney's Office notified the deputy district attorney who prosecuted the case at trial of the oral argument setting. As a matter of office policy, the Clark County District Attorney's Office has the deputy who prosecuted the case at trial appear before the Court for oral argument whenever possible. The trial prosecutor is the most knowledgeable about the case, having done all the pretrial preparation, presented the case to the jury and having participated in all meetings and conferences at the bench and in chambers. The trial prosecutor is in the best position to articulate the State's position on the appellate issues, as well as answer the Court's questions during oral argument. Additionally, by participating in the appellate process at oral argument, it is believed to be an invaluable teaching tool for our trial deputies by allowing them to experience firsthand the concern the Court has with respect to trial issues and to help them think about appellate ramifications during future trials.

Upon being advised of the oral argument date, the Deputy District Attorney that handled the case was initially ready to handle the oral argument. The other Deputy District Attorney that tried the case as co-counsel at trial moved out of the state and is thus unavailable. Soon thereafter due to an administrative order by the Chief Judge of the Eighth Judicial District Court, it was determined that jury trials would resume on February 1, 2021. Multiple cases have been stacked in order of priority to try and process the current backlog of cases due to the Covid-19 pandemic. The Deputy District Attorney who tried this case is currently set first on the list for trials beginning February 8, 2021. The trial charges involve Sexual Assault with a Minor Under 14 Years of Age and Lewdness with a Child Under the Age of 14 charges. The list is prioritized by the oldest case where the defendant has invoked his speedy trial rights. While cases sometimes are set and continued, the parties had court earlier this morning, and all parties agreed that the matter was ready to proceed to trial. According to the district court, the parties are required to present their case for the entirety of the day so that the next case in line can go to trial. This case is expected to last the entire week. Thus, there is no opportunity for the Deputy District Attorney to pause the jury trial for the purposes of arguing this case.

In order to allow the State's trial deputy the opportunity to represent the State at oral argument, Respondent moves this Court to reschedule the oral argument to the next available date.

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

Dated this 13th day of January, 2021.

Respectfully submitted,

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

BY */s/ Taleen Pandukht*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 13, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
Nevada Attorney General

DEBORAH L. WESETBROOK
Counsel for Appellant

TALEEN PANDUKHT
Chief Deputy District Attorney

BY /s/ J. Garcia
Employee, District Attorney's Office

TP//jg