

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

Electronically Filed
Aug 26 2020 09:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 80121

SECOND MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, JOHN NIMAN, and moves this Court for a second enlargement of time within which to file 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 26th day of August, 2020.

Respectfully submitted,

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

BY /s/ John Niman
JOHN NIMAN
Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

MEMORANDUM

I, JOHN NIMAN, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office. I am the supervising attorney in the above-captioned case.

Respondent's Answering Brief is currently due on Wednesday, August 26, 2020. The State is requesting a thirty (30) day extension of time in which to file its Answering Brief. NRAP 26(b) provides that this Court may enlarge the time for doing any act required by the Nevada Rules of Appellate Procedure upon good cause shown. This is the State's second request for an enlargement of time. If granted, the new filing date for Respondent's Answering Brief would be due on or before Friday, September 25, 2020.

Appellant filed his twenty-two (22) page Opening Brief, along with a single volume appendix on June 26, 2020. Pursuant to his Notice of Appeal, Appellant is challenging his amended judgment of conviction resulting from the revocation of his probation for a crime to which Appellant pled guilty. Appellant's Appendix, Volume 1 ("1AA") at 086-087. However, Appellant's Opening Brief ("AOB") extensively challenges the district court's denial of a Petition for Writ of Habeas Corpus (Post-Conviction), in which Appellant challenged the validity of his guilty plea. AOB at 11, 18; see 1AA at 080-084.

On July 7, 2020, the State filed a Motion to Strike those portions of Appellant's Opening Brief that were not properly noticed for appeal, citing jurisdictional, as well as procedural, issues. Appellant filed his Response to that Motion on July 13, 2020. The State then filed its Reply in Support of Motion to Strike on July 15, 2020. As of the time of the filing of the instant Motion for Enlargement of Time, the State is awaiting this Court's ruling on that Motion to Strike. The State maintains that its briefing is complete as to Appellant's properly noticed appellate issue – specifically, the revocation of his probation; however, the State is awaiting further instruction from this Court regarding whether briefing is necessary on those issues that are the subject of the State's pending Motion to Strike. As this Court's disposition on the State's pending Motion to Strike will significantly impact the content of the State's Answering Brief, the State hereby makes this second request to extend time to allow for this Court's consideration of its Motion to Strike, then for the State's further action in accordance with this Court's determination. This motion is made in good faith and not for the purpose of undue delay.

I declare under penalty of perjury that the factual representations as set forth in the foregoing memorandum are true and correct.

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Dated this 26th day of August, 2020.

Respectfully submitted,

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

BY */s/ John Niman*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on August 26, 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

TERRENCE M. JACKSON, ESQ.
Counsel for Appellant

JOHN NIMAN
Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

JN/Joshua Judd/ed