

ARMANDO VASQUEZ-REYES,  
  
Appellant,  
  
vs.  
  
THE STATE OF NEVADA,  
  
Respondent.

**APPELLANT’S MOTION FOR LEAVE TO FILE**  
**OPENING BRIEF IN EXCESS OF TYPE-VOLUME LIMITATION**

Comes Now Appellant, ARMANDO VASQUEZ-REYES, by and through Deputy Public Defender, AUDREY CONWAY, and moves this Honorable Court for leave to file an Opening Brief in excess of type-volume limitations. This Motion is based upon the attached Declaration of Counsel.

DATED THIS 27 day of August, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Audrey Conway  
AUDREY CONWAY #5611  
Deputy Public Defender

## **DECLARATION OF AUDREY CONWAY**

1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender assigned to represent appellant in this appeal; I am familiar with the procedural history of this case.

2. This case involves multiple convictions for eight counts of sexual assault on a minor and two counts of lewdness with a minor, and an aggregate sentence of 45 years to life in prison with lifetime supervision. The trial lasted for eight days, and the appellate appendix consists of twelve volumes and over 2,400 pages.

3. During the three and a half years between appellant's first appearance in District Court on July 14, 2016, and his sentencing date of December 10, 2019, the State and appellant engaged in extensive litigation, including multiple pre-trial motion hearings and two suppression hearings.

4. Given the sheer number of charges and convictions, and the issues related to these convictions, Declarant cannot meet the page/word limit requirements under NRAP 32(a)(7).

5. Pursuant to Declarant's obligations under the Nevada Rules of Appellate Procedure, the Nevada Rules of

Professional Conduct and ADKT 411, the Nevada Indigent Defense Standards of Performance, Standards 2-10(a), 3-1, 3-2(a)-(f), Declarant is required to raise all potentially meritorious issues in the Opening Brief, including unpreserved issues and issues which may be “complex, unique, controversial in nature, such as issues of first impression or arguments for change in the existing law.”

7. The instant Opening Brief raises numerous potentially meritorious issues, some of which are issues of first impression and issues of constitutional magnitude and/or complex in magnitude. Those issues include the following, several of which have multiple sub-parts:

a. The Court violated the Fifth, Sixth, and Fourteenth Amendments and the Nevada Constitution by rejecting defense jury instructions and by providing prejudicial jury instructions.

b. The State committed misconduct, violating the Fifth, Sixth, and Fourteenth Amendments and the Nevada Constitution.

c. The trial court violated appellant’s federal and state constitutional rights in denying suppression of all evidence related to appellant’s s illegal detention and subsequent statements to police.

d. The Court violated appellant's federal and state constitutional rights by admitting irrelevant, inflammatory and prejudicial evidence and by excluding relevant and probative evidence.

e. The Court unreasonably restricted the defense case and limited cross-examination in violation of the Fifth, Sixth, and Fourteenth the Sixth Amendment.

f. The trial court erred in denying the defense motion to strike the testimony of an unqualified expert, violating appellant's rights under the Fifth, Sixth, and Fourteenth Amendments and the Nevada Constitution.

g. The court erred in admitting improper rebuttal testimony.

h. The State failed to prove beyond a reasonable doubt that appellant committed these crimes.

i. Cumulative error warrants reversal of these convictions.

8. To fully develop the facts and issues in this case, I found it necessary to write an Opening Brief in excess of 14,000 words and 1,300 lines of text. The Opening Brief contains 17,591 words which exceeds the limitations set forth in NRAP 32(a)(7).

9. Accordingly, I am requesting that this Honorable Court grant appellant leave to submit the Opening Brief in excess of 14,000 words.

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

EXECUTED on the 27 day of August, 2020.

/s/ Audrey Conway  
AUDREY CONWAY

## **CERTIFICATE OF COMPLIANCE**

1. I hereby certify that the opening brief complies partially with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

The opening brief has been prepared in a proportionally spaced typeface using Times New Roman in 14 size font.

2. I further certify that the opening brief is proportionately spaced, has a typeface of 14 points or more, however, it contains 17,591 words which exceeds the limitations set forth in NRAP 32(a)(7).

DATED this 27 day of August, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Audrey Conway  
AUDREY CONWAY, #5611  
Deputy Public Defender

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27 day of August, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
ALEXANDER CHEN

AUDREY CONWAY

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

ARMANDO VASQUEZ-REYES  
NDOC No: 1227206  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89018

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