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 KODY HARLAN Appellant, vs. THE STATE OF NEVADA, Respondent. MOTION FOR ENLARGEMENT OF TIME (Fifth Request) COMES NOW Appellant, KODY HARLAN, by and through his counsel in thi COMES NOW Appellant, KODY HARLAN, by and through his counsel in thi matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for the fifth time for a enlargement of time of twenty (20) days from February 16, 2021 to file Appellant' Opening Brief, making said brief due March 8, 2021. This motion is based upon th following memorandum and all papers and pleadings on file herein. 	1	IN THE SUPREME COURT OF THE STATE OF NEVADA
 Appellant, S.Ct. No. 80318 S.Ct. No. 80318 Feb 16 2021 09:36 p.m. D.C. No. C333318 Electronically Filed Feb 16 2021 09:36 p.m. D.C. No. C333318 Electronically Filed Feb 16 2021 09:36 p.m. Elizabeth A. Brown Clerk of Supreme Court Comes not an entropy of the second secon	2	
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6 vs. 7 THE STATE OF NEVADA, 8 Respondent. 9 MOTION FOR ENLARGEMENT OF TIME (Fifth Request) 10 MOTION FOR ENLARGEMENT OF TIME (Fifth Request) 13 COMES NOW Appellant, KODY HARLAN, by and through his counsel in thi matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for the fifth time for a enlargement of time of twenty (20) days from February 16, 2021 to file Appellant ⁴ 16 Opening Brief, making said brief due March 8, 2021. This motion is based upon the following memorandum and all papers and pleadings on file herein.	4	Appellant, S.Ct. No. 80318 Feb 16 2021 09:36 p.m.
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101111121213131414151516171718191010111213141516171718191910101112131415151617171819191010111112131415151617171717171819191111121314151516171717171819 <th>8</th> <th>Respondent.</th>	8	Respondent.
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18 Dated this 16 th day of February, 2021.	17	
	18	Dated this 16 th day of February, 2021.
19 D (11) 1 (11) 1	19	
20 Respectfully submitted,	20	Respectfully submitted,
21 /s/ Jean J. Schwartzer	21	/s/ Jean J. Schwartzer
22 JEAN J. SCHWARTZER, ESQ. Law Office of Jean J. Schwartzer, Ltd	22	JEAN J. SCHWARTZER, ESQ. Law Office of Jean J. Schwartzer, Ltd
23 170 S. Green Valley Parkway #300 Suite 110- 473	23	170 S. Green Valley Parkway #300 Suite 110- 473
24 Las Vegas, NV 89141 Phone: 702-979-9941	24	Las Vegas, NV 89141 Phone: 702-979-9941
25 jean.schwartzer@gmail.com Counsel for Appellant	25	jean.schwartzer@gmail.com Counsel for Appellant
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MEMORANDUM

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I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case. Appellant's Opening Brief is due on February 16, 2021. Pursuant to NRAP 31(b)(3)(B), this Court may grant a fifth motion for extension of time for filing an Opening Brief upon a showing of extreme need. This is Appellant's fifth request for an extension of time to file his Opening Brief.

7 Counsel apologizes for the delay but due to unforeseen technical difficulties out 8 of her control, she is unable to complete the brief. Counsel worked on finishing the 9 Opening Brief over the last two weeks and set aside this past Sunday, Monday and 10 today solely to finish researching and briefing a novel issue being raised with respect 11 to the constitutionality of the jury instructions regarding robbery after the fact in the 12 context of felony murder and the jury instructions regarding conspiracy theory of 13 liability. Due to the fact that this is a novel issue, there is no published case law 14 directly on point. Counsel was able to find unpublished decisions wherein it appears 15 that this particular issue or an ancillary issue was possibly raised but because the 16 decisions were not published, they were not detailed enough to determine the details 17 of the arguments made and case law cited to in the appellate briefs. Therefore Counsel 18 needed to review the briefs filed in those appeals as well as some of the underlying 19 pleadings filed in district court as part of her research. Counsel also needed to access 20 Odyssey and/or DC Portal to upload documents in the instant case for the appendix. 21 However, the Nevada Supreme Court website was not working properly on Sunday 22 and Monday. Additionally, Odyssey and DC Portal were not working on Monday and 23 today and only started working with reliability later afternoon today. Due to these 24 technical difficulties, counsel was unable to conduct the research needed to finish the 25 brief and was unable to upload some of the documents needed for the appendix.

Although Counsel would normally only need a few more days to complete this
 brief, Counsel must now change gears and focus on an upcoming two day evidentiary

1	hearing that is to take place next week. This is not a work load issue. This is a timing
2	issue with respect to the technical difficulties that were out of Counsel's control. This
3	is the reason for the request of twenty (20) days as opposed to only a few days.
4	Therefore, Appellant requests twenty (20) additional days to file his Opening
5	Brief making said brief due on March 8, 2021.
6	This Motion is made in good faith and not for the purposes of undue delay.
7	I declare under penalty of perjury the factual representations set forth in the
8	foregoing memorandum are true and correct.
9	Dated this 16 th day of February, 2021.
10	
11	Respectfully submitted,
12	<u>/s/ Jean J. Schwartzer</u> JEAN J. SCHWARTZER, ESQ.
13	Law Office of Jean J. Schwartzer, Ltd. 170 S. Green Valley Parkway #300
14	Las Vegas, NV 89141 Phone: 702-979-9941
15	jean.schwartzer@gmail.com Counsel for Appellant
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1 2	CERTIFICATE OF SERVICE
2	I HEREBY CERTIFY AND AFFIRM that this document was filed
4	electronically with the Nevada Supreme Court on February 16 th , 2021. Electronic
5	Service of the foregoing document shall be made in accordance with the Master
6	Service List as follows:
7	
8	
9	AARON FORD, ESQ. Nevada Attorney General
10	ALEXANDER G. CHEN, ESQ.
11	Chief Deputy District Attorney
12	
13	/s/ Jean J. Schwartzer
14	JEAN J. SCHWARTZER, ESQ. Law Office of Jean J. Schwartzer, Ltd 170 S. Green Valley Parkway #300
15 16	Suite 110- 473 Las Vegas, NV 89141 Phone: 702-979-9941
17	Phone: 702-979-9941 jean.schwartzer@gmail.com Counsel for Appellant
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