

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

v.

JOHN JOSEPH SEKA,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 80925

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, ALEXANDER G. CHEN, and moves this Court for an enlargement of time within which to file Appellant's Opening Brief. This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

Dated this 4th day of August, 2020.

Respectfully submitted,

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

BY /s/ Alexander G. Chen
ALEXANDER G. CHEN
Chief Deputy District Attorney
Nevada Bar #010539
Office of the Clark County District Attorney

MEMORANDUM

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

Appellant's Opening Brief is currently due August 4, 2020. This is an appeal from the granting of Respondent's Motion for New Trial. This Court may extend time to file an Appellant's Opening Brief upon a showing of good cause. NRAP 31(b)(3).

The State herein makes its first request for an enlargement of time. The State requests thirty (30) additional days to include September 3, 2020, within which to file Appellant's Opening Brief. The State's Criminal Appeals Unit has reviewed the extensive district court record and requires more time to fully prepare the Opening Brief due the nature of Respondent's claims in his Motion and the extensive transcripts. The numerous complex issues of law and creation of a multiple-volume Appendix require more time to adequately brief and prepare sufficient arguments for. Appellant's conviction occurred in 2001 and, since that time, there have been numerous filings and hearings that must be reviewed based on the claims made in the post-conviction Motion. Further, the State needs more time for the preparation of the transcript from the hearing held on June 29, 2020. At this hearing, the district court directly contradicted its previous ruling on Respondent's Motion for New Trial when it denied Respondent's Motion for Bail Pending Appeal and, thus, further

demonstrates the district court's abuse of discretion in granting Respondent's Motion for New Trial. Appellant has contacted the district court reporter for the hearing in an attempt to have this transcript prepared. Appellant respectfully requests additional time to prepare and file an adequate brief and appendix. If granted, the new filing date for the State's Opening Brief would be September 3, 2020. This motion is made in good faith and not for the purposes of undue delay.

Dated this 4th day of August, 2020.

Respectfully submitted,

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

BY */s/ Alexander G. Chen*

ALEXANDER G. CHEN
Chief Deputy District Attorney
Nevada Bar #010539
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 89101
(702) 671-2500

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on August 4, 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

PAOLA M. ARMENI, ESQ.
JENNIFER SPRINGER, ESQ.
Counsel for Appellant

ALEXANDER G. CHEN
Chief Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

AGC/Skyler Sullivan/ed