

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEQUINCY BRASS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81142

FILED

MAR 05 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER

This is an appeal from a judgment of conviction. One of the issues on appeal involves appellant's alleged conflict of interest with his trial counsel and appellant's repeated attempts to remove counsel. Appellant has filed a motion to supplement the opening brief to make reference to newly discovered evidence of a bar complaint that was allegedly pending against appellant's prior counsel at the time of the district court's hearing on the conflict. Respondent opposes the motion and notes that this court's review on appeal should not be influenced by matters that were not presented to the district court. In reply appellant asks this court to take judicial notice of the bar complaint because it bears on the question of whether counsel should have been removed. However, appellant fails to show how the existence of the bar complaint affected the district court's ruling. This court's review on appeal is limited to the documents filed in or considered by the district court in the underlying proceedings. *See Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981); NRAP 10(a) and (b) (together indicating that the record on appeal consists of documents and exhibits filed in the district court, transcripts, minutes, and docket entries). The motion is denied.

The motion for an extension of time to file the answering brief is granted. NRAP 31(b)(3)(B). Respondent shall have until April 30, 2021, to file and serve the answering brief. Given the length of this initial extension request, no further extensions shall be permitted absent extraordinary circumstances and extreme need. NRAP 31(b)(3)(B). Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the answering brief may result in the imposition of sanctions. See NRAP 31(d).

It is so ORDERED.

1. Sanchez, C.J.

cc: Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney