1	SANDRA L. STEWART		
2	Attorney at Law Nevada Bar No. 6834		
3	1361 Babbling Brook Court Mesquite, NV 89034	Electronically Filed	
4	702-526-1867	Oct 16 2020 03:05 p.m. Elizabeth A. Brown	
5		Clerk of Supreme Court	
6	Attorney for DAVONTAE WHEELER		
7	DISTRICT COURT		
8	CLARK COUNTY, NEVADA		
9		85	
10	STATE OF NEVADA,	DISTRICT COURT NO.: - C-17-328587-3	
11	Plaintiff,	GRAND JURY NO.: - 17BGJ017C	
12	v.	SUPREME COURT NO.: - 81374	
13	DAVONTAE WHEELER,	APPELLANT'S MOTION FOR ENLARGEMENT OF TIME TO FILE OPENING BRIEF	
14	Defendant.	(FIRST REQUEST)	
15			
16			
17			
18	DAVONTAE WHEELER hereby moves for an enlargement of time to		
19	file his opening brief - to December 28, 2020.		
20	A. DISTRICT COURT PROCEDURAL BACKGROUND		
21	WHEELER was convicted on June 17, 2020 of murder with use		
22	of a deadly weapon and conspiracy to commit robbery. He was		
23	sentenced to 12-life.		
24	The opening brief in this case is due on October 22, 2020.		
25	B. JUSTIFICATION FOR MOTION		
26	No prior enlargement of time was requested for the opening		
27	brief.		
28			
	1		
	Docket 81374 Document 2020-38171		

11 

## Appendix

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

Counsel has worked diligently since being assigned this case to obtain transcripts of all hearings and the trial, and assemble the very lengthy Appendix. Although she requested all transcripts in June, 2020, as of September, 2020 she had still not received all transcripts, so she began contacting court reporters for outstanding transcripts. She received the final two transcripts on September 15, 2020. These had previously been prepared, but they were not in the court file that counsel obtained directly from the court clerk, and for some reason, she had not received them through e-mail or other means. She did not actually receive them until September 15, 2020.

After receiving those last transcripts, counsel proceeded to have the Appendix copied and bound and that was completed on September 25, 2020. Counsel provided a complete copy to Mr. Wheeler on September 28, 2020.

The appendix is 14 volumes and over 3,300 pages.

Because the last transcripts were not received until September, this greatly compressed the time to prepare the Opening Brief to one month. Counsel usually has at least 75 days from the date transcripts are received until the Opening Brief is due.

2

27

28

## Construction Noise

Counsel's office is in her home. Beginning September 23, 2020, construction on her swimming pool began, and the construction noise has made it impossible for her to concentrate for the long blocks of time needed to review and assimilate a 3,300 Appendix in a life sentence case such as this one. During this construction phase, she has lost a month of work from anything requiring long periods of uninterrupted concentration.

## С. CONCLUSION

Counsel begs the court's indulgence in granting this enlargement of time. While eight weeks seems like a long time, she could have obtained two weeks through a telephonic request. She is only requesting 42 days beyond that. The Appendix is finished, bound, and a copy in the hands of the defendant. Counsel only needs to read the Appendix and write the Opening Brief. The Appendix is very lengthy and counsel anticipates it will take her 3-4 weeks to read and analyze all 14 volumes. From a review of the minutes, it appears that there will be several issues to discuss. Counsel anticipates she will need 3-4 weeks to research and write the Opening Brief.

Accordingly, Counsel respectfully requests a 60-day enlargement of time to December 28, 2020 to file the Opening Brief and Appendix.

Dated this 16<sup>th</sup> day of October, 2020.

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

26

27 28 Nevada Bar No.: 6834 Attorney for Appellant, WHEELER

ESO.

SANDRA L. STEWART,

3

CERTIFICATE OF SERVICE I hereby certify that on October 16, 2020, I served a copy of the: APPELLANT'S MOTION FOR ENLARGEMENT OF TIME TO FILE OPENING BRIEF (FIRST REQUEST) by mailing a copy via first class mail, postage thereon fully prepaid, to the following: DAVONTAE WHEELER INMATE NO. 1235057 HIGH DESERT STATE PRISON POST OFFICE BOX 650 INDIAN SPRINGS, NV 89070 and by e-filing the document with the Nevada Supreme Court, thereby providing access to a copy to all other interested parties, including but not limited to, the following: STEVEN B. WOLFSON, ESQ. CLARK COUNTY DISTRICT ATTORNEY 200 LEWIS AVENUE LAS VEGAS, NV 89155-2212 SANDRA L. STEWART