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Elizabeth A. Brown
Clerk of Supreme Court

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6 Attorney for DAVONTAE WHEELER

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

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10 STATE OF NEVADA,
11 Plaintiff,
12 v.
13 DAVONTAE WHEELER,
14 Defendant.

DISTRICT COURT NO.: - C-17-328587-3
GRAND JURY NO.: - 17BGJ017C
SUPREME COURT NO.: - 81374

**APPELLANT'S MOTION FOR ENLARGEMENT OF
TIME TO FILE OPENING BRIEF
(FIRST REQUEST)**

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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

Appendix

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.

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C. CONCLUSION

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

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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