

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVONTAE WHEELER,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Apr 05 2021 10:30 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 81374

MOTION FOR ENLARGEMENT OF TIME SECOND REQUEST

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

Dated this 5th day of April, 2021.

Respectfully submitted,

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

BY /s/ Alexander Chen
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #10539
Office of the Clark County District Attorney

MEMORANDUM

I, ALEXANDER CHEN, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office. I am the supervising attorney in the above-captioned case. Respondent's Answering Brief is currently due on Monday, April 5, 2021. The State requests a thirty-day (30) extension of time in which to file its Answering Brief. NRAP 26(b) provides that this Court may enlarge the time for doing any act required by the Nevada Rules of Appellate Procedure upon good cause shown.

This is the State's second request for an enlargement of time. If granted, the new filing date for Respondent's Answering Brief would be due on or before Wednesday, May 5, 2021.

Appellant filed his Opening Brief on January 5, 2021, after receiving one eight-week extension of time. Appellant's Opening Brief raises several issues and contains fourteen appendices. The State's Criminal Appeals Unit has reviewed the extensive district court record and requires more time to fully prepare its Answering Brief due the nature of Appellant's claims and the extensive trial transcripts. The underlying case stems from Appellant's convictions for Murder with Use of a Deadly Weapon and Conspiracy to Commit Robbery. In addition to the reasons raised in the State's first Motion for Extension of Time, the State would also note

that it requires additional time in order to ensure that its Answering Brief, once drafted, is able to be reviewed by the attorneys who conducted the underlying trial.

Due to the above-described circumstances, Respondent respectfully requests the Court's permission for an extension of time of thirty (30) days to file its Opening Brief, making the State's response due to be filed on or before Wednesday, May 5, 2021. This motion is made in good faith and not for purposes of undue delay.

Dated this 5th day of April, 2021.

Respectfully submitted,

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

BY */s/ Alexander Chen*

ALEXANDER CHEN
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 5, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

SANDRA L. STEWART, ESQ.
Counsel for Appellant

ALEXANDER CHEN
Chief Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

AC/Julia Barker/ed