

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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THE STATE OF NEVADA,

Appellant,

v.

VINNIE ADAMS,

Respondent.

Electronically Filed  
Mar 12 2021 08:52 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO:

81782

**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 State's Opening Brief. This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

Dated this 12<sup>th</sup> day of March, 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 #010539  
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.

This is a direct appeal from an Order of Dismissal. This Court may extend the time to file an Opening Brief upon a clear showing of good cause. NRAP 31(b)(3).

The State's Opening Brief is currently due on March 15, 2021. This is the State's second request for an enlargement of time. The State respectfully moves for an enlargement of time of thirty (30) days, making this brief due on April 14, 2021.

On October 19, 2018, Appellant was charged by way of criminal complaint with one (1) count of Child Abuse, Neglect or Endangerment Resulting in Substantial Bodily Harm (Category B Felony – NRS 200.508.1). On August 1, 2019, Appellant's case was bound over to the district court for a Competency Evaluation and a Commitment Order was later issued. Appellant was evaluated by two (2) doctors, was found not competent, and was referred to Stein Forensic Facility for treatment and restoration of competency. Subsequently, three (3) doctors determined that Appellant was competent to proceed with the adjudication of his case. Defense counsel challenged this finding and the matter was set for a challenge hearing. Following the challenge hearing, the district court filed a Decision and Order and found Appellant not competent pursuant to Dusky v. U.S.,

362 U.S. 402 (1960). A week later, the district court filed an Amended Decision and Order and found that while Appellant understood the nature of the charges against him, his intellectual and neurocognitive deficits rendered Appellant incompetent without the possibility of restoration despite evidence that Appellant could be competent for future proceedings. Thereafter, Appellant's charges were dismissed without prejudice.

The State intends to argue in its Opening Brief that the district court without authority conducted an inappropriate application of the Dusky standard. As of the filing of this extension motion, the State is not aware of any Nevada authority that discusses the heightened application of the Dusky standard employed by the district court. The State is currently exploring outside authority to thoroughly brief this issue. Thus, the State's Criminal Appeals Unit is respectfully requesting additional time to continue reviewing the record as well as researching the issue to provide this Court with all of the relevant authorities to aid in this Court's review of this issue of statewide importance.

Therefore, the State hereby makes its second request to extend time to allow the Opening Brief to be reviewed. This motion is made in good faith and not for the purposes of undue delay.

I declare under penalty of perjury that the factual representations set forth in the foregoing memorandum are true and correct.

Dated this 12<sup>th</sup> day of March, 2021.

Respectfully submitted,

**STEVEN B. WOLFSON**  
Clark County District Attorney

BY */s/ Alexander Chen*

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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 March 12, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ARRON D. FORD  
Nevada Attorney General

CLAUDIA L. ROMNEY  
Deputy Public Defender

ALEXANDER CHEN  
Chief Deputy District Attorney

BY /s/ J. Garcia  
Employee, District Attorney's Office

AC/Brittini Griffith/jg