

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY BROWN

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 81962

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Judge
District Court No. C-17-326247-1

**MOTION FOR EXTENSION OF TIME
TO FILE DOCKETING STATEMENT (FIRST REQUEST)**

Navid Afshar
State Bar #14465
Deputy Special Public Defender
JoNell Thomas
State Bar #4771
Special Public Defender
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Las Vegas, NV 89155
(702) 455-6265
Attorney for Larry Brown

COMES NOW, Appellant Larry Brown, by and through his attorneys JoNell Thomas, Special Public Defender and Navid Afshar, Deputy Special Public Defender, and moves this Court for an extension of time to file the Docketing Statement in the instant matter. This is Appellant's first request and is for 30 days, up to and including December 10, 2020. The motion is made and based on the following statement of the case as well as NRAP 14 and the Declaration of Counsel attached hereto.

STATEMENT OF THE CASE

An Indictment was filed September 6, 2017 charging Larry Brown and his Co-Defendant Anthony Carter with 1 count each of Conspiracy to Commit Robbery, Robbery with use of a Deadly Weapon, and Murder with Use of a Deadly Weapon. Mr. Carter was also charged with one count each of Possession of Controlled Substance with Intent to Sell and Ownership or Possession of Firearm by Prohibited Person. Mr. Brown pled not guilty and waived the 60-day rule. Mr. Carter pled guilty to one count of Voluntary Manslaughter with Use of a Deadly Weapon. His Judgment of Conviction was filed September 23, 2020.

On the first day of trial, an Amended Third Superseding Indictment was filed against Mr. Brown in open Court, charging him with 1 count each of Conspiracy to Commit Robbery, Robbery with use of a Deadly Weapon, and Murder with Use of a Deadly Weapon. On December 20, 2019, a Fourth Amended Superseding Indictment was filed adding Count 4, Ownership or Possession of Firearm by Prohibited Person. After discussion regarding bifurcated charges, Mr. Brown pled guilty to count 4, only, and a Guilty Plea Agreement (Alford Plea) was filed.

The jury returned its verdict on December 20, 2019; finding Mr. Brown guilty of Counts 1 (Conspiracy to Commit Robbery), 2 (Robbery with use of a Deadly Weapon), and 3 (First Degree Murder with use of a Deadly Weapon).

On September 18, 2020, Mr. Brown was sentenced as follows: Count 1: 28-72 months; Count 2: 72-180 months, plus a consecutive 72-180 months for use of deadly weapon, concurrent to Count 1; and Count 3: 20 years to Life, plus a consecutive term of 96-240 months for use of a deadly weapon (the aggregate total of 28 years, concurrent with count 2). He received a sentence of 28-72 months for Count 4 (Ownership or

Possession of Firearm by Prohibited Person), consecutive to Count 3. The aggregate total sentence is Life with a minimum of 30 years and 4 months.

The Judgment of Conviction (Plea of Guilty-Alford) was filed September 23, 2020. It mistakenly contained all charges and sentences. The Court was notified of the error. The Notice of Appeal was filed October 19, 2020 in order to preserve the client's appellate rights without delay. The appeal was docketed in the Nevada Supreme Court on October 20, 2020 under case no. 81962. The Docketing Statement is due November 10, 2020.

The Amended Judgment of Conviction (AJOC) was filed October 20, 2020. Appellant has 30 days to file his Amended Notice of Appeal. The AJOC still contained errors and the Court was notified. As of the date of filing this Motion, the second Amended Judgment of Conviction has not been filed.

As the due date for the Docketing Statement is November 10, 2020; and rather than file an amended Docketing Statement, counsel is requesting that this Court grant his motion for 30 days to file the

Docketing Statement to give the Court time to file a Second Amended Judgment of Conviction. This would also prevent Appellant from having to file multiple Amended Notice(s) of Appeal and Case Appeal Statement(s).

POINTS AND AUTHORITIES

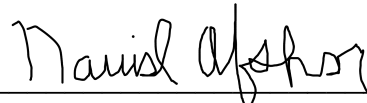
NRAP 14 sets forth the time for filing a docketing statement. NRAP 14(d) states in pertinent part: “A motion for an extension of time within which to file the docketing statement will be granted for good cause.....”

CONCLUSION

Appellant requests an extension of 30 days, up to and including December 10, 2020, to file his Docketing Statement. This motion is based on the reasons set forth in the Declaration of Counsel attached hereto.

Dated 11/10/2020

SUBMITTED BY:



NAVID AFSHAR

Nevada State Bar #14465

Attorney for Appellant Brown

DECLARATION OF NAVID AFSHAR

NAVID AFSHAR, hereby declares as follows:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and the deputy with the Clark County Special Public Defender's office assigned to represent Mr. Brown on his direct appeal from a verdict from a jury trial and guilty plea (alford).

2. I was not the trial attorney in this case but assisted trial counsel at certain points.

3. The trial attorney(s) reviewed the Judgment of Conviction which was filed September 23, 2020 and noted several errors in the document. The district court was notified and an Amended Judgment of Conviction was filed October 20, 2020 but still contained errors. The district court was again notified of the errors.

4. The Notice of Appeal was filed from the Judgment of Conviction in order to preserve Appellants right to appeal. The docketing statement is due November 10, 2020.

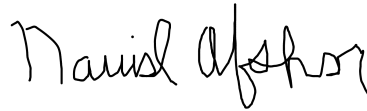
5. Rather than file an amended Notice of Appeal and then a second amended Notice of Appeal, Appellant is hoping the Court will shortly file

the Second Amended Judgment of Conviction and one amended Notice of Appeal will be filed from both the AJOC and second AJOC.

6. I am requesting an extension of 30 days to file the Docketing Statement to give the district court time to file the corrected Second Amended Judgment of Conviction; and time for Appellant to file his Amended Notice of Appeal.

I declare that I make this request in good faith and not for purposes of delay.

Dated: 11/10/2020

A handwritten signature in black ink, appearing to read "David Afsar", written in a cursive style.

NAVID AFSHAR
Attorney for Brown

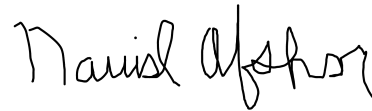
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 11/10/2020, a copy of the foregoing document was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701



NAVID AFSHAR