

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY DECORLEON 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 TO ALLOW APPELLANT'S OPENING
BRIEF TO EXCEED WORD LIMITATION**

Navid Afshar
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Comes now, Appellant Larry Brown, by and through his attorney, Deputy Special Public Defender Navid Afshar, and moves this Honorable Court to grant Appellant's request for his Opening Brief to exceed the word limit set forth in 32(a)(7)(A)(ii). Pursuant to said rule, an Opening Brief is acceptable if it contains no more than 14,000 words. The Opening Brief submitted simultaneously with this Motion is 14,586 words. Mr. Brown moves this Court to grant his motion for excess word limit and file the Opening Brief.

This motion is made and based upon the Statement of Facts and Declaration of Counsel attached hereto.

STATEMENT OF FACTS / CASE

This is an appeal from a judgment of conviction, by jury verdict, of conspiracy to commit robbery, robbery with use of a deadly weapon, and first-degree murder with use of a deadly weapon. 17AA 3360. The district court twice amended the judgment of conviction, to correct errors, on October 20, 2020 and December 2, 2020. 18AA 3431, 52. A timely notice of appeal was filed on October 19, 2020. 18AA 3429. An amended notice of appeal was filed on December 8, 2020. 18AA 3458. This Court has

jurisdiction under NRS 177.015.

Larry Brown was charged with conspiracy to commit robbery, robbery with use of a deadly weapon, murder with use of a deadly weapon, and ownership or possession of a firearm by a prohibited person. 14AA 2728. Trial began on December 9, 2019 and concluded with the jury's verdict on December 19, 2019. 5AA 965. This appeal presents two issues of first impression in Nevada, as well as a lengthy Batson challenge. The original draft of this brief was over 16,000 words. Through extensive editing, the brief has been reduced to 14,586.

Counsel submits that given the large volume size of the appendix, the length of trial, and the complexity of the issues, in order to fairly

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present the issues and facts relevant to this appeal, a word limit of 14,586 is respectfully warranted.

DATED: 7/8/2021

RESPECTFULLY SUBMITTED:

/s/ NAVID AFSHAR

Navid Afshar
Nevada Bar No. 14465
330 S. Third Street Ste. 800
Las Vegas NV 89155

DECLARATION OF NAVID AFSHAR

Navid Afshar, hereby declares as follows:

I am an attorney duly licensed to practice law in the State of Nevada, and the Deputy Special Public Defender assigned to handle Mr. Brown's direct appeal. This declaration is made in support of the instant motion to request the Opening Brief be filed in excess of the word limit set forth in NRAP 32(a)(7)(A)(ii) based on the reasons set forth herein.

1. The appeal presents numerous issues, several of which require extensive factual discussion:

- a) Whether footwear impression analysis is a reliable science, and if so, can it be admitted into evidence without requiring an expert.
- b) Whether a private company's concern for revealing trade secrets – in a sealed hearing – outweighs a defendant's right to Confrontation under the Sixth Amendment.
- c) Whether the district court abused its discretion in permitting audio-visual testimony when there were no sufficient grounds and the court failed to make a requisite finding of necessity.
- d) Whether the jury process was a violation of *Batson v. Kentucky*.
- e) Whether the district court abused its discretion by admitting unauthenticated, unreliable, irrelevant, and highly prejudicial evidence for rebuttal.
- f) Whether cumulative error requires reversal.

2. The original draft of this brief was over 16,000 words.

Through extensive editing, the brief has been reduced to 14,586.

Counsel submits that in order to fairly present the issues and facts relevant to this appeal, a word limit of 14,586 is respectfully warranted. I declare that I make this request in good faith and not for purposes of delay.

Dated: 7/8/2021

/s/ NAVID AFSHAR

Navid Afshar
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330 S. Third Street Ste. 800
Las Vegas NV 89101

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 8th day of July, 2021, a copy of the foregoing Motion 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

/s/ NAVID AFSHAR

NAVID AFSHAR