

Electronically Filed
Feb 08 2022 11:10 a.m.
Case No. 8:1782
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 82038

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This Motion is based upon the following Memorandum and all papers and pleadings on file herein.

DATED this 8th day of February, 2022.

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MEMORANDUM

On January 13, 2022, this Court entered an Order Directing Supplemental Briefing and Inviting Amicus Briefing in both of the above-captioned cases, directing all parties to simultaneously file supplemental briefs on or before February 14, 2022. The Court has asked the parties to address the following four questions:

- (1) What is the burden of proof that should apply to a district court's decision?
- (2) which party has the burden of proof in a challenge hearing associated with a competency determination?
- (3) what competency standard is alleged to have been applied by the district court in its decision below? and
- (4) what competency standard should a district court apply in a competency determination if not the *Dusky* standard?

Recognizing that these issues are complicated, the Court has provided the parties with a type-volume limitation of 14,000 words and 1,300 lines of text, the standard word limit for an opening brief.

Pursuant to NRAP 27 and NRAP 31(b)(3), the parties subject to this Order jointly request that this Honorable Court grant a 60-day extension of time from February 14, 2022, until **April 13, 2022**, to simultaneously file their supplemental briefs. This is the first request for an extension of time for the filing of the parties' supplemental briefs.

The parties have consulted with one another and have determined that 30 days will not provide sufficient time to research and brief the complex

legal issues posed by the Court's Order. Resolution of the questions posed by this Court will require extra-jurisdictional research into both state and federal competency law which the parties anticipate will take a significant amount of time. Additionally, appellate attorney Deborah Westbrook was recently assigned to represent Vinnie Adams in connection with this supplemental briefing, and requires additional time to get up to speed on the record and the issues involved in this matter. Appellate counsel for Tariq Manson, Melinda E. Simpkins, Esq., had multiple medical procedures scheduled for the last week of January which further necessitated her request for extension. And counsel for the State, Alex Chen, concurs with the need for a 60-day extension, where his brief will have to address the competency standard that was alleged to have been applied in two different cases. The Clark County District Attorney's Office is also undergoing staffing changes and will be short staffed for the next couple of months.

A 60-day extension will allow all three parties sufficient time to conduct the necessary extra-jurisdictional research regarding competency, and to provide a superior legal analysis for this Court to resolve the issues before it. It will also give amici more time to weigh in once briefing has been completed.

This request has been made in good faith and not for the purpose of delay. For all the foregoing reasons, the parties jointly request a 60-day extension of time until **April 13, 2022** to submit their supplemental briefs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 8th day of February, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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