

SUPREME COURT OF THE STATE OF NEVADA

ARTHUR MOORE,

Appellant,

v.

THE STATE OF NEVADA

Respondent.

Nevada Supreme Court Case No.: 82747

District Court Case No.: C51687

Electronically Filed
Aug 06 2021 09:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO ENLARGE TIME TO FILE
OPENING BRIEF AND APPENDIX

APPELLANT'S EX-PARTE MOTION FOR ENLARGEMENT
OF TIME TO FILE FAST TRACK STATEMENT AND APPENDIX
[First Request]

COMES NOW, the Appellant, ARTHUR MOORE, by counsel, DAN M. WINDER, ESQ., and moves the Court to grant the Appellant an enlargement of time of an additional sixty (60) days, through and including October 8, 2021, within which to file Appellant's Opening Brief and Appendix. This pleading is supported by the attached Memorandum of Points and Authorities, the Affidavit of Arnold Weinstock, Esq., and all pleadings and papers on file, herein.

DATED this 6th day of August, 2021.

Respectfully submitted,
LAW OFFICE OF DAN M. WINDER, P.C.

By: /s/ Arnold Weinstock
DAN M. WINDER, ESQ.
Nevada State Bar No.: 001569
ARNOLD WEINSTOCK, ESQ.
Nevada State Bar No.: 000810

MEMORANDUM OF POINTS AND AUTHORITIES

Statement of the Relevant Facts

This appeal arises from an underlying case, in the District Court of Clark County, in the matter of State of Nevada v. Arthur Moore, Case No. C316287.

On April 1, 2021, a Judgement of Conviction was filed in this case.

Thereafter, the Appellant filed his Notice of Appeal, Case Appeal Statement and Request for Rough Draft Transcripts.

The Opening Brief and Appendix is due August 9, 2021. Appellant has made considerable progress on the Opening Brief and Appendix. Additional time is necessary for the following reasons:

- 1.) Although Appellate counsel was counsel at the trial level it is necessary to review several court transcripts and complete extensive legal research.
- 2.) Appellate counsel has to visit Appellant at High Desert State Prison and based on that visit, counsel must add addition points to the brief, as per Appellant.
- 3.) This case involves extensive legal research regarding issues of constitutional import which requires more time due to the lengthy motion practice in the district court and a lengthy jury trial.

Law and Argument

The Nevada Rules of Appellate Procedure, Rule 26 (b) (1)(A), provide as follows:

“For good cause, the Court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires.”

This is the first request for an extension.

These circumstances are extraordinary and constitute good cause.

WHEREFORE, the Appellant moves the Court to grant a sixty (60) day enlargement of time, through and including October 8, 2021, within which to file Appellant's Opening Brief and Appendix and for all such other relief as is just and proper in the premises.

Dated this 6th day of August, 2021.

Respectfully submitted,
LAW OFFICE OF DAN M. WINDER, P.C.

By: /s/ Arnold Weinstock
DAN M. WINDER, ESQ.
Nevada State Bar No.: 001569
ARNOLD WEINSTOCK, ESQ.
Nevada State Bar No. 000810
Attorney for Appellant

COUNTY OF CLARK)
) SS:
STATE OF NEVADA)

AFFIDAVIT OF ARNOLD WEINSTOCK, ESQ.

1. Your Affiant is an attorney with The Law Office of Dan M. Winder, P.C. which is attorney of record in the case of Arthur Moore v. State of Nevada, in the Supreme Court of the State of Nevada, Case No. 82747.

2. Your Affiant is fully knowledgeable, regarding all of the matters set forth in this Affidavit and is competent to testify, respecting the same.

3. That although Appellate counsel was counsel at the trial court level, it is necessary to review many transcripts and to do extensive legal research to prepare this appeal.

4. Appellate counsel must visit Appellant at High Desert State Prison, and based on that visit, counsel must add additional points, as per appellant, to the brief.

5. This case involves extensive legal research regarding issues of constitutional import which requires more time due to difficulty in visiting Appellant as well as complex legal research.

7. That in order to adequately and properly prepare the Opening Brief and Appendix, an enlargement of time of sixty (60) days is needed, through and including October 8, 2021, within which to file the Appellant's Opening Brief and Appendix.

8. That the extension of time is requested for good cause and is not interposed for the purpose of delay.

FURTHER AFFIANT SAYETH NAUGHT.

I swear under penalty of perjury under the laws of the State of Nevada that the foregoing

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statements are true and correct.

Dated this 6th day of August, 2021.

/s/ Arnold Weinstock
ARNOLD WEINSTOCK, ESQ.

CERTIFICATE OF ELECTRONIC TRANSMISSION

The undersigned does hereby affirm, that on 6th day of August, 2021. an electronic copy of the foregoing Appellant's Motion to Enlarge Time to File Appellant's Opening Brief and Appendix was sent via the master transmission list with the Nevada Supreme Court.

STEVEN B. WOLFSON
Clark County District Attorney
ADAM PAUL LAXALT
Nevada Attorney General

/s/ P. Singer
P. Singer, an employee of Dan M. Winder, Esq.