

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN DRYDEN,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 83233

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, JOHN AFSHAR, and moves this Court for an enlargement of time within which to file Respondent's Answering Brief. This Motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

Dated this 5th day of April, 2022.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ John T. Afshar
JOHN T. AFSHAR
Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

MEMORANDUM

I, JOHN AFSHAR, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Respondent's Answering Brief is currently due April 6, 2022. This is an Appeal from the denial of a Pre-Sentence Motion to Withdraw Plea. This Court may extend time to file a Respondent's Answering Brief upon a showing of good cause. NRAP 31(b)(3).

The State herein makes its first request for an enlargement of time. The State requests thirty (30) days within which to file Respondent's Answering Brief. Appellant Bryan Dryden filed an opening brief and appendix on March 7, 2022. Dryden challenges the district court's denial of his pre-sentence motion to withdraw guilty plea and argues that the district court did not "articulate a factual basis for its decision to deny the appellant's motion to withdraw his plea" and that "ample evidence in the record [supported] the appellant's motion to withdraw his plea." *See generally* Appellant's Opening Brief. Appellant's Appendix, however, does not contain an order denying Dryden's pre-sentence motion to withdraw his plea.

The State intended to answer Dryden's contentions in its answering brief and include the district court's order denying Dryden's pre-sentence motion to withdraw guilty plea in a respondent's appendix. In a minute order, the district court appears to have denied the motion on January 28, 2021. However, despite a three-day

evidentiary hearing, undersigned's review of Odyssey indicates that the district court never filed a written order denying Dryden's motion. To meaningfully respond to Dryden's claims about the adequacy of the district court's order when there is no order, on March 8, 2022, the State filed a motion requesting this Court to direct the district court to submit an order. This Court denied the motion on March 29, 2022. Respondent respectfully requests additional time to adequately prepare and file an adequate response to Appellant's Opening Brief. If granted, the new filing date for the State's Answering Brief would be on May 6, 2022. This motion is made in good faith and not for the purposes of undue delay.

Dated this 5th day of April, 2022.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ John T. Afshar*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 5, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

TONY L. ABBATANGELO, ESQ.
Counsel for Appellant

JOHN T. AFSHAR
Deputy District Attorney

BY /s/ J. Hall

Employee,
Clark County District Attorney's Office

JTA/Maricela Leon/jh