

IN THE SUPREME COURT OF THE STATE OF NEVADA

B. J. W.-A.,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Mar 15 2022 08:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83621 & 84276

RESPONSE TO EMERGENCY MOTION UNDER NRAP 27(e)

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, and files this Response to Emergency Motion Under NRAP 27(e). This motion is filed pursuant to Nevada Rules of Appellate (NRAP) Rules 27 and is based on the following memorandum and all pleadings on file herein.

Dated this 15th day of March, 2022.

Respectfully submitted,

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

BY */s/ Jonathan E. VanBoskerck*

JONATHAN E. VANBOSKERCK
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ARGUMENT

Appellant's Emergency Motion asks this Court to expedite the appellate process. While Respondent does not see any difference between this case and the typical appeal from any certification order, Respondent offers no opposition if the Court's caseload is such that it can accommodate the request. However, Respondent would object to any shortening of the time allowed for an answering brief. Respondent has a mere 30 days in which to respond to a brief where appellate counsel on Respondent's side was not involved in the proceedings below. While this appeal appears to offer a single legal issue, that issue has multiple sub-issues, will mandate careful review of the record, a dive into the legislative history and will likely require extensive legal research addressing a unique contention by Appellant. Notably, Appellant admits he received an extension of time to file his Opening Brief. Emergency Motion, p. 1. Additionally, Appellant's Opening Brief Routing Statement premises retention of this case by the Supreme Court on the belief that "his appeal raises as principal issues questions of statewide public importance and questions of first impression." Appellant's Opening Brief, p. 1. Taking Appellant at his word, there is more than one case riding on the quality of Respondent's briefing. As such, Respondent will need time to provide the best possible work product to this Court.

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CONCLUSION

WHEREFORE, the State respectfully indicates that it has no opposition to Appellant's request to expedite so long as doing so does not deprive Respondent of the time necessary to provide this Court with quality briefing.

Dated this 15th day of March, 2022.

Respectfully submitted,

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

BY */s/ Jonathan E. VanBoskerck*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 15, 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

W. JEREMY STORMS
JONELL THOMAS
Special Public Defender's Office

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Chief Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

JEV//ed