

IN THE SUPREME COURT OF THE STATE OF NEVADA

NARCUS WESLEY,

Appellant,

Vs.

THE STATE OF NEVADA,

Respondent

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Apr 22 2021 11:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No.: 82690

**APPELLANT'S FIRST MOTION TO EXTEND TIME FOR THE FILING
OF THE CASE APPEAL STATEMENT, REQUEST FOR TRANSCRIPTS,
AND CASE DOCKETING STATEMENT**

(Appeal from Judgment of Conviction)

ATTORNEY FOR APPELLANT

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MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRAP 31(b)(3) Appellant hereby moves for his first motion for extension of time for the filing of the Case Appeal Statement, Request for Transcripts, and Case Docketing Statement. Appellant respectfully requests that this Court accept these documents, as submitted through **April 23, 2021**, which represents an extension of time of less than thirty (30) days as to each document.

Pursuant to Nevada Rule of Appellate Procedure 31(b)(3):

(3) Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) Contents of Motion. A motion for extension of time for filing a brief shall include the following:

- (i) The date when the brief is due;
- (ii) The number of extensions of time previously granted (including a 5-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary; and
- (v) The length of the extension requested and the date on which the brief would become due.

(B) Motions in All Appeals Except Child Custody, Visitation, or Capital Cases. Applications for extensions of time beyond that to which the parties are permitted to stipulate under Rule 31(b)(2) are not favored. The court will grant an initial motion for extension of time for filing a brief only upon a clear showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.

(C) Motions in Child Custody or Visitation Cases. The court will grant a motion for extension of time for filing a brief in child custody or visitation cases only in extraordinary cases that present unforeseeable circumstances justifying an extension of time

(D) Motions in Capital Cases. The Supreme Court may grant an initial motion for an extension of time of up to 60 days for filing a brief in a capital case upon a showing of good cause. The court shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.””

Good cause justifies extension of time, as the due dates for these respective items were messengered by undersigned counsel's staff. Upon noticing this error, undersigned counsel acted promptly to submit these documents for the purposes of this appeal, and thus requests this brief extension of time as to each document.

Respectfully, undersigned counsel asks this Court for an order extending time through April 23, 2021 for the Case Appeal Statement, Request for Transcripts, and Case Docketing statement, in this case.

DATED this 22nd day of April, 2021.

/s/ Bret O. Whipple, Esq.
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**DECLARATION OF BRET O. WHIPPLE, ESQ. IN SUPPORT OF
REQUEST FOR EXTENSION OF TIME**

1. I am an attorney licensed to practice law in the State of Nevada and I represent Appellant Narcus Wesley.
2. I am familiar with the procedural history of this case.
3. That I submit that good cause justifies this extension, as the delay has been caused by the inadvertent messengering of these items, this is the first requested extension of time, and the opposing party will not be prejudiced by this brief delay.
4. That this request is not made for the purpose of delay.
5. I am asking for a continuance through April 23, 2021, for the filing of the above referenced documents.

I declare under penalty of perjury of the State of Nevada that the foregoing is true and correct.

Dated this 22nd day of April, 2021.

/s/ Bret O. Whipple, Esq.
Bret O. Whipple, Esq.
Bar No. 6168

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the:

**APPELLANT'S FIRST MOTION TO EXTEND TIME FOR
THE FILING OF APPELLATE DOCUMENTS**

by virtue of e-filing with the Supreme Court:

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/s/ Bret O. Whipple _____

Justice Law Center