

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jul 28 2021 04:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NARCUS WESLEY,

Appellant,

Vs.

THE STATE OF NEVADA,

Respondent

Case No.: 82690

FIRST MOTION TO EXTEND TIME FOR FILING OF OPENING BRIEF

(Appeal from Judgment of Conviction)

ATTORNEY FOR APPELLANT

BRET O. WHIPPLE, ESQ.
JUSTICE LAW CENTER
1100 South 10th Street
Las Vegas, NV 89104
Phone: 702-731-0000
Fax: 702-974-4008

ATTORNEY FOR RESPONDENT

STEVEN B. WOLFSON, ESQ.
DISTRICT ATTORNEY
200 Lewis Ave
Las Vegas, NV 89101
Phone: 702-671-2500

AARON D. FORD
Nevada Attorney General
100 North Carson Street
Carson City, Nevada
(775) 684-1265

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRAP 31(b)(3) Appellant hereby moves for his second extension of time for the filing of the Opening Brief in the above captioned matter.

The Opening Brief is currently due July 28, 2021. No previous request to extend time has been made in this case.

Appellant requests a new due date of **September 28, 2021, a sixty (60) day** extension of time.

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.””

In this case, undersigned counsel requires additional time to draft and prepare the opening brief, and there having been no previous request made, good cause justifies this request.

DATED: 28th day of July, 2021.

/s/ Bret O. Whipple, Esq.
BRET O. WHIPPLE, ESQ.
JUSTICE LAW CENTER
1100 South 10th Street
Las Vegas, NV 89104
Phone: (702) 731-0000
FAX: (702) 974-4008

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the:

MOTION TO EXTEND TIME

by virtue of e-filing with the Supreme Court:

STEVEN B. WOLFSON, ESQ,
CLARK COUNTY DISTRICT ATTORNEY
23 LEWIS AVENUE
LAS VEGAS, NV 89155-2212

AARON D. FORD
Nevada Attorney General
100 North Carson Street
Carson City, Nevada
(775) 684-1265

On this 28th day of July, 2021.

/s/ Bret O. Whipple _____
Bar No. 6168
JUSTICE LAW CENTER
1100 South Tenth Street
Las Vegas, NV 89104
Fax: 702-974-4008

**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 in the above captioned matter.
3. That I submit that good cause justifies this initial request for a continuance of 60 days as additional time is required to compose and finalize the Opening Brief.
4. That this request is not made for the purpose of delay.

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

On this 28th day of July, 2021.

/s/ Bret O. Whipple
Bar No. 6168
JUSTICE LAW CENTER
1100 South Tenth Street
Las Vegas, NV 89104
Fax: 702-974-4008