

DIANE C. LOWE, ESQ.
Nevada Bar No. 14573
LOWE LAW, L.L.C.
7350 West Centennial Pkwy #3085
Las Vegas, Nevada 89131
T (725)212-2451 F (702)442-0321
Email: DianeLowe@LoweLawLLC.com
Attorney for Appellant

Electronically Filed
Nov 14 2021 08:14 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE MENDOZA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Case No. 82740

**APPELLANT'S MOTION TO
ENLARGE TIME TO FILE
REPLY BRIEF**

(1st request)

Appellant JORGE MENDOZA, by and through his counsel, respectfully requests additional time in which to file the Reply Brief in this matter.

FACTUAL AND PROCEDURAL BACKGROUND

This is an appeal from the denial of a post-conviction petition for writ of habeas corpus in Jorge Mendoza vs. Warden, William Gittere, Civil Case No. A-19-804157-W. XVII:3741-43. The written judgment of conviction was filed on December 2, 2016, for the companion criminal case C-15-303991-1. XIII:3013-6. The trial court denied post-conviction relief initially orally at the hearing on the

1 briefings February 23, 2021. XVII:3628-82 at 3679-81. Jorge Mendoza was
2 convicted of First-Degree Murder with use of a deadly weapon and 6 Felony B
3 crimes after a 19-day jury trial which resulted, for him, in an aggregate sentence of
4 23 years to Life imprisonment on December 12, 2016, the Honorable Judge
5 Carolyn Ellsworth presiding throughout. XIII:3013-6. The Opening Brief was
6 filed August 4 2021. Respondent's Answering Brief was filed October 4, 2021.
7 Appellant's Reply brief is currently due November 17, 2021. Due to the current
8 caseload of this attorney, illnesses and hospitalization of 2 family members, and
9 the upcoming holidays - Appellant would like additional time to ensure all of the
10 65 cases cited in the Answering brief can be carefully analyzed and addressed.
11 Accordingly, counsel requests an additional sixty (60) days to file the Opening
12 Brief or to Monday January 17, 2021.
13
14

15
16
17
18 **GOOD CAUSE EXISTS TO ENLARGE THE TIME TO FILE**
19 **APPELLANT'S OPENING BRIEF**

20 Nevada Rule of Appellate Procedure 26(b)(1)(A) provides in relevant
21 part:
22

23 For good cause, the court may extend the time prescribed by
24 these Rules or by its order to perform any act, or may permit
25 an act to be done after the time expires.

26 The Appellant's Reply Brief is currently due on November 17, 2020.
27 The Appellant is requesting a thirty (60) day extension of time to file the Reply
28

1 Brief. Counsel requests this extension of time because the prior brief on another
2 case took longer to research and write than anticipated and it ate into most of the
3 time this counsel had reserved to focus on the Mendoza brief. In addition, counsel
4 has 9 briefs due between now and January 20, 2022. Therefore, good cause exists
5 for this Court to enlarge the time to file the Reply Brief. Accordingly, Mr.
6 Mendoza respectfully requests an additional 60 days in which to file his Reply
7 Brief.

8
9
10
11
12 Dated the 14th day of November 2021.

13
14 /s/ DIANE LOWE

15 _____
16 Diane C Lowe, Esq. Nevada Law License 14573
17 Lowe Law, LLC
18 7350 West Centennial Parkway #3085
19 Las Vegas, Nevada 89131
20 Telephone: (725) 212-2451
21 Facsimile: (702) 442-0321
22 Email: DianeLowe@LoweLawLLC.com
23 Website: www.LoweLawLLC.com

24 **CERTIFICATE OF SERVICE**

25 I hereby certify that service of this document was filed electronically with the Nevada Supreme
26 Court on November 14, 2021. Electronic Service of the foregoing document shall be made in
27 accordance with the Mater Service List as follows:
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

/s/ DIANE LOWE

An Employee of Lowe Law, L.L.C.