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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JARELL WASHINGTON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO.: 82896

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

(2ND Request)

Appellant JARELL WASHINGTON, by and through his counsel of record, James A. Oronoz, Esq., hereby submits this Motion to Enlarge Time To File Opening Brief in this matter.

The Appellant's opening brief is currently due on November 5, 2021. This is the second request for an extension of time to file the Opening Brief. Counsel for Mr. Washington requests a thirty (30) day extension in which to file the opening brief. With a thirty-day extension, the opening brief would be due on or before December 6, 2021.

FACTUAL AND PROCEDURAL BACKGROUND

This is a direct appeal from the District Court's Judgment Of Conviction issued on May 6, 2021.

1 On June 25, 2019, The Grand Jury voted to indict Mr. Washington on the
2 charges of Murder With Use of a Deadly Weapon and Robbery With Use of a
3 Deadly Weapon.

4 On February 10, 2020, the Court heard the Deputy District Attorney Kenneth
5 N. Portz, Esq.'s Request for Entry of Plea. At this hearing Judge Herndon denied
6 Defendant's Motion to Dismiss Counsel. District Attorney Portz stated that the
7 State would be filing an Amended Indictment charging the Defendant with one
8 count of second degree murder with use of a deadly weapon and that is what the
9 Defendant pled guilty to. On March 12, 2020, the Honorable Judge Herndon hear
10 Defendant's Motion to Dismiss Counsel, Frank P. Kocka, Esq. The Court then
11 inquired if Defendant was moving to withdraw his plea and Mr. Washington
12 answered affirmatively. Judge Herndon granted the Motion to Dismiss Counsel.
13

14 On March 26, 2020, JAMES A. ORONoz, ESQ., was appointed as defense
15 counsel for Mr. Washington.
16

17 On February 19, 2021, The Honorable Tierra Jones presided over the
18 Evidentiary Hearing. On March 17, 2021, the Court heard additional arguments
19 relating to Defendant's Motion to Withdraw Plea and decided she was going to
20 issue a written decision on the matter. On March 19, 2021, Judge Jones issued a
21 Minute Order Denying Defendant's Motion to Withdraw Plea. Order Denying
22 Defendant's Motion to Withdraw Guilty Plea was filed on March 23, 2021.
23
24

1 On April 16, 2021, Mr. Washington was sentenced on the charge of second
2 degree murder with use of a deadly weapon to 120 to 300 months in the Nevada
3 Department of Corrections on the murder charge with a consecutive sentence of 72
4 to 180 months in the Nevada Department of Corrections for the weapons
5 enhancement, with 680 days of credit for time served. The Judgment of Conviction
6 was filed May 6, 2021.
7

8 ARGUMENT

9 GOOD CAUSE EXISTS TO ENLARGE THE TIME TO FILE 10 APPELLANT'S OPENING BRIEF

11 Nevada Rule of Appellate Procedure 31(b)(3) provides in relevant part:
12

13 **Motions for Extensions of Time.** A motion for extension
14 of time for filing a brief may be made no later than the due date
15 for the brief and must comply with the provisions of this Rule
16 and Rule 27.

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

19 (i) The date when the brief is due;

20 (ii) The number of extensions of time previously
21 granted (including a 5-day telephonic extension), and if
22 extensions were granted, the original date when the brief was
23 due;

24 (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.

...

(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

1 cause. The court shall not grant additional extensions of time
2 except upon a showing of extraordinary circumstances and
extreme need.

3 The Appellant's opening brief is currently due on November 5, 2021. This
4 is the second request for an extension. The Appellant now requests a thirty (30)
5 day extension of time to file the opening brief.
6

7 As good cause for the extension, Appellant cites the following: this appeal
8 involves a heavily-litigated murder case with many pre-trial motions, and multiple
9 hearings on the issues. Counsel for Appellant needs the additional thirty (30) days
10 to address adequately the issues and incorporate the sections from the record into
11 the opening brief.
12

13 Appellant's counsel respectfully moves for an enlargement of time of thirty
14 (30) days, making the opening brief due on December 6, 2021. This additional
15 time will give appellant counsel the necessary time to present properly
16 Appellant's issues on appeal.

17 This motion is made in good faith and not for the purposes of undue delay.
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1 **CONCLUSION**

2 Based on the foregoing, Appellant respectfully requests an enlargement of
3 time of thirty (30) days until December 6, 2021, in which to file his Opening.
4

5 DATED this 1st day of November 2021.

6 Respectfully submitted,

7 By: /s/ James A. Oronoz

8 JAMES A. ORONoz, ESQ.
9 Nevada Bar No. 6769
10 *Attorney for Appellant*

11 **CERTIFICATE OF SERVICE**

12 I hereby certify and affirm that this document was filed electronically with
13 the Nevada Supreme Court on November 1, 2021. Electronic Service of the
14 foregoing document shall be made in accordance with the Master Service List as
15 follows:

16 AARON FORD
17 Nevada Attorney General

18 STEVEN B. WOLFSON
19 Chief Deputy District Attorney

20 JAMES A. ORONoz
21 Counsel for Appellant

22 By: /s/ Jan Ellison
23 An employee of ORONoz & ERICSSON, LLC
24