

**SUPREME COURT OF THE STATE OF NEVADA**

ARTHUR MOORE,

Appellant,

v.

THE STATE OF NEVADA

Respondent.

Nevada Supreme Court Case No.: 82747

District Court Case No.: 0316287

Electronically Filed  
Jan 23 2022 12:56 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO ENLARGE TIME TO FILE  
REPLY BRIEF**

**APPELLANT'S EX-PARTE MOTION FOR ENLARGEMENT  
OF TIME TO FILE FAST TRACK STATEMENT AND APPENDIX**  
**[Second Request]**

COMES NOW, the Appellant, ARTHUR MOORE, by counsel, DAN M. WINDER, ESQ., and moves the Court to grant the Appellant an enlargement of time of an additional thirty (30) days, through and including February 24 2022, within which to file Appellant's Reply Brief. This pleading is supported by the attached Memorandum of Points and Authorities, the Affidavit of Dan M. Winder, Esq., and all pleadings and papers on file, herein.

DATED this 23<sup>rd</sup> day of January, 2022.

Respectfully submitted,  
LAW OFFICE OF DAN M. WINDER, P.C.

By: /s/ Dan M. Winder  
DAN M. WINDER, ESQ.  
Nevada State Bar No.: 001569  
ARNOLD WEINSTOCK, ESQ.  
Nevada State Bar No.: 000810

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **Statement of the Relevant Facts**

This appeal arises from an underlying case, in the District Court of Clark County, in the matter of State of Nevada v. Arthur Moore, Case No. C316287.

On April 1, 2021, a Judgement of Conviction was filed in this case.

Thereafter, the Appellant filed his Notice of Appeal, Case Appeal Statement and Request for Rough Draft Transcripts and Opening Brief with Appendix.

The Reply Brief is due January 24, 2021. Appellant has made considerable progress on the Reply Brief. Additional time is necessary for the following reasons:

- 1.) Appellate counsel has within the last few weeks, experienced the deaths of his mother and older brother. Accordingly, there has been many obligations and distractions which have interfered with my preparation of the Reply Brief.
- 2.) Appellate counsel has to visit Appellant at High Desert State Prison and based on that visit, counsel must add addition points to the reply brief, as per Appellant.
- 3.) This case involves extensive legal research regarding issues of constitutional import which requires more time due to the lengthy motion practice in the district court and a lengthy jury trial.

### **Law and Argument**

The Nevada Rules of Appellate Procedure, Rule 26 (b) (1)(A), provide as follows:

“For good cause, the Court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires.”

This is the second request for an extension on the Reply Brief.

These circumstances are extraordinary and constitute good cause.

WHEREFORE, the Appellant moves the Court to grant a thirty (30) day enlargement of time, through and including February 24, 2022, within which to file Appellant's Reply Brief and for all such other relief as is just and proper in the premises.

Dated this 23<sup>rd</sup> day of January, 2022.

Respectfully submitted,  
LAW OFFICE OF DAN M. WINDER, P.C.

By: /s/ Dan M. Winder  
DAN M. WINDER, ESQ.  
Nevada State Bar No.: 001569  
ARNOLD WEINSTOCK, ESQ.  
Nevada State Bar No. 000810  
Attorney for Appellant

COUNTY OF CLARK       )  
                                      ) SS:  
STATE OF NEVADA       )

**AFFIDAVIT OF DAN M. WINDER, ESQ.**

1.       Your Affiant is an attorney with The Law Office of Dan M. Winder, P.C. which is attorney of record in the case of Arthur Moore v. State of Nevada, in the Supreme Court of the State of Nevada, Case No. 82747.

2.       Your Affiant is fully knowledgeable, regarding all of the matters set forth in this Affidavit and is competent to testify, respecting the same.

3.       That Appellate counsel has within the last few weeks, experienced the deaths of his mother and older brother. Accordingly, there has been many obligations and distractions which have interfered with my preparation of the Reply Brief.

4.       Appellate counsel must visit Appellant at High Desert State Prison, and based on that visit, counsel must add additional points, as per appellant, to the brief.

5.       This case involves extensive legal research regarding issues of constitutional import which requires more time due to difficulty in visiting Appellant as well as complex legal research.

6.       That in order to adequately and properly prepare the Reply Brief, an enlargement of time of thirty (30) days is needed, through and including February 24, 2022, within which to file the Appellant's Reply Brief.

7.       That the extension of time is requested for good cause and is not interposed for the purpose of delay.

FURTHER AFFIANT SAYETH NAUGHT.

I swear under penalty of perjury under the laws of the State of Nevada that the foregoing

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statements are true and correct.

Dated this 23<sup>rd</sup> day of January 2022.

/s/ Dan M. Winder

DAN M. WINDER, ESQ.

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

The undersigned does hereby affirm, that on 23<sup>rd</sup> day of January, 2022, an electronic copy of the foregoing Appellant's Motion to Enlarge Time to File Appellant's Reply Brief was sent via the master transmission list with the Nevada Supreme Court.

STEVEN B. WOLFSON  
Clark County District Attorney  
AARON D. FORD  
Nevada Attorney General

/s/ P. Singer  
P. Singer, an employee of Dan M. Winder, Esq.