

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

DARION MUHAMMAD-COLEMAN,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

Case No: 82915

Electronically Filed
Nov 15 2021 10:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE

OPENING BRIEF

COMES NOW, Appellant, Darion Muhammad-Coleman, by and through appellate counsel, Waleed Zaman, Esq., and moves this Honorable Court to enlarge the time to file an Opening Brief in this matter by approximately forty-five (45) days to December 30, 2021. This Motion is based on the Points and Authorities below, and the declaration of Waleed Zaman, Esq.

Dated this 15th day of November 2021.

Respectfully submitted:

Waleed Zaman

Waleed Zaman, Esq.
Nevada Bar Number 13993
6620 S. Tenaya Way
Suite # 100
Las Vegas, Nevada 89113
Attorney for Appellant

LEGAL ARGUMENT

Nevada Rules of Appellate Procedure Rule 26 (b)(1)(B) allows this Court discretion to enlarge the time to perform any act more than once, including filing of the Opening Brief, based upon extraordinary or compelling circumstances. This Honorable Court docketed this matter on May 17, 2021, and pursuant to Nevada Rules of Appellate Procedure Rule 31 (a)(1)(A), the Opening Brief was due on September 14th, 2021. Appellant requested, and this Court granted, an extension until November 15, 2021, to allow for the completion of transcripts necessary to prepare the instant appeal. The request for transcripts was thereafter promptly reserved. On November 1, 2021, the remaining transcript in this matter was filed, and compiled into the proposed Appendix for this matter. Upon information and belief, preparation of the aforementioned required more time than anticipated (given the previously requested sixty days) and was not within Appellant's control. Moreover, Appellant is in custody, limiting any prejudice incurred by the State, should this Court grant the instant Motion. As a result, counsel seeks additional time to properly prepare the Opening Brief and Appendix, to provide to this Court a through record. It is anticipated that the same will require forty-five days, given that counsel anticipates announcing ready for a jury trial that commences on December 6, 2021, which will hinder counsel's ability to prepare the instant matter for a short time.

Finally, this is the second request for an extension of time to file the Opening Brief, which would be due on December 30, 2021, if granted.

CONCLUSION

Pursuant to the arguments above, Appellant, Darion Muhammad-Coleman, respectfully requests that this Court extend the time to file an Opening Brief in this matter until to December 30, 2021.

Dated this 15th day of November 2021.

Respectfully submitted:

Waleed Zaman
Waleed Zaman, Esq.
Nevada Bar Number 13993
6620 S. Tenaya Way
Suite # 100
Las Vegas, Nevada 89113
Attorney for Appellant

DECLARATION OF WALEED ZAMAN, ESQ.

I, Waleed Zaman, Esq., being first duly sworn, and upon information and belief, declare under penalty of perjury and say:

1. I am an attorney duly licensed to practice before all of the Courts in the State of Nevada, and I was retained to represent Darion Muhammad-Coleman in the instant matter (Case No. 82915);

2. That a forty-five (45) day extension is needed for me to effectively complete and submit Mr. Muhammad-Coleman's Opening Brief, and that this is the second request to enlarge the time allowed for the same.

3. That this request is not made unnecessarily or to delay resolution of the matter.

FURTHER DECLARANT SAYETH NAUGHT

Dated this 15th day of November 2021.

Waleed Zaman

Waleed Zaman, Esq.
Nevada Bar Number 13993
6620 S. Tenaya Way
Suite # 100
Las Vegas, Nevada 89113
Attorney for Appellant

Signed in Conformity with NRS 53.045
on this 15th day of November 2021.

CERTIFICATE OF SERVICE

In accordance with *NRAP* 25, I hereby certify that I filed the foregoing **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** with the Nevada Supreme Court by electronic filing. I certify that the following parties or their counsel of record are registered as e-filers and that they will be served electronically by the system, in accordance with the Master Service List:

Aaron Ford, Esq.
Nevada Attorney General

Alexander Chen, Esq.
Chief Deputy District Attorney - Appellate

I further certify that on November 15th, 2021, I served a true and correct copy of the foregoing **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** through personal mail, addressed in a sealed and prepaid envelope to:

Darion Muhammad-Coleman #1144228
Ely State Prison
4569 North State Rt.
Ely, Nevada 89301

DATED this 15th day of November 2021.

/S/ Jonathan Sitsis
An Employee of Zaman & Trippiedi