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Respondent,

Docket 85631 Document 2023-20031

1 **MEMORANDUM**

2 I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case.
3 Appellant's Opening Brief is due on June 23, 2023. Pursuant to NRAP 31(b)(3)(B),
4 this Court may grant a second motion for extension of time for filing an Opening Brief
5 upon a showing of extreme need. This is Appellant's second request for an extension
6 of time to file his Opening Brief.

7 With respect to extreme need, counsel received an email from the Department
8 of Indigent Defense Services informing her that although the fiscal year closes on
9 June 30th, appointed attorneys were urged to submit billing as soon as possible due to
10 the fact that the appointed attorney funds were running low. The email further stated
11 that if the funds run out, there would potentially be delays in payments lasting for
12 months.

13 Counsel had planned on spending this past week finishing the Opening Brief in
14 the instant appeal and next week putting her billing together to submit in time for the
15 end of the fiscal year. However, after this email was received, counsel had to
16 rearrange her schedule and put together her billing this past week to ensure payment
17 in a timely fashion. Next week counsel will finish the Opening Brief in the instant
18 appeal. Counsel had childcare this past week but does not have childcare next week,
19 making it more difficult to work full days this coming week. Therefore, Appellant
20 requests fourteen (14) additional days to file his Opening Brief making said brief due
21 July 7, 2023.

22 This Motion is made in good faith and not for the purposes of undue delay. I
23 declare under penalty of perjury the factual representations set forth in the foregoing
24 memorandum are true and correct.

25 Dated this 23th day of June, 2023.

26 Respectfully submitted,

27 /s/ Jean J. Schwartzer
28 JEAN J. SCHWARTZER, ESQ.
Law Office of Jean J. Schwartzer

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3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY AND AFFIRM that this document was filed
5 electronically with the Nevada Supreme Court on June 23th, 2023. Electronic Service
6 of the foregoing document shall be made in accordance with the Master Service List
as follows:

7
8 AARON FORD, ESQ.
Nevada Attorney General

9 ALEXANDER G. CHEN, ESQ.
10 Chief Deputy District Attorney

11
12 /s/ Jean J. Schwartz
13 JEAN J. SCHWARTZER, ESQ.
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Counsel for Appellant
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