

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Jan 28 2015 03:15 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO:

64591

**MOTION FOR ENLARGEMENT OF TIME
(Third Request)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and moves this Court for an enlargement of time within which to file the State's Answering Brief. This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

Dated this 28th day of January, 2015.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #012615
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MEMORANDUM

I, RYAN MACDONALD, am the supervising attorney in the above-captioned case. The State is requesting a sixty (60) day extension of time in which to file its Answering Brief pursuant to NRAP 31.

Respondent's Answering Brief is currently due January 28, 2015. This is a direct appeal from the Judgment of Conviction. Pursuant to NRAP 31(b)(3)(B), an initial request for extension of time in a non-capital case will be granted on a clear showing of good cause. Subsequent extensions of time will not be granted except upon a showing of extraordinary circumstances and extreme need. NRAP 31(b)(3)(B).

On April 21, 2014, this Court granted Appellant's Motion for a one hundred and twenty day extension in part, giving Appellant until July 21, 2014, to file an Opening Brief. On July 18, 2014, this Court granted Appellant's Second Motion for Enlargement of Time and granted a forty-three day extension, giving Appellant until September 2, 2014, to file an Opening Brief. On September 25, 2014, this Court granted Appellant's Motion to file an Opening Brief in excess of the type-volume limitation, but rejected the filed Opening Brief as it was not prepared in accordance with NRAP 32. The Opening Brief was struck and Appellant was given until October 3, 2014 to file the Opening Brief.

The State's Answering Brief was originally due on October 30, 2014. On October 30, 2014, the State filed a Motion for Enlargement of time, seeking an additional sixty days to file its Answering Brief. On November 3, 2014, Desai filed a Non-Opposition to Extension of Time. This Court granted the State's Motion on November 6, 2014, giving the State until December 29, 2014 to file the Answering Brief. On December 29, 2014, the State filed a Second Motion for Enlargement of time, seeking an additional thirty days to file its Answering Brief. The Answering Brief is currently due on January 28, 2015.

The State makes its third request for an extension of time, citing the following as extraordinary circumstances and extreme need: As this Court is aware, Desai's case is lengthy and complex, and includes various Constitutional issues as well as issues of first impression for this Court. The State has reviewed the record and has completed a draft of the Answering Brief which is currently under review by the relevant trial and appellate attorneys. Due to the complexity of the case, an in-depth review process is necessary. The reviewing trial attorneys are currently in trial on murder cases, and thus have been unable to complete a full review of the Answering Brief.

Due to the above-described circumstances, Respondent respectfully requests this Court's permission for a third extension of time of sixty days to file its Answering Brief, making the State's response due to be filed on or before Monday,

March 30, 2015. This motion is made in good faith and not for purposes of undue delay.

Dated this 28th day of January, 2015.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Ryan J. MacDonald*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 28, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

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RICHARD A. WRIGHT, ESQ.
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RYAN J. MACDONALD
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BY /s/ j.garcia
Employee, District Attorney's Office

RJM/Genevieve Craggs /jg