

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

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Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 64591

**MOTION FOR LEAVE TO FILE RESPONDENT'S ANSWERING BRIEF
IN EXCESS OF TYPE-VOLUME LIMITATIONS**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, pursuant to NRAP 28(g) and the attached Declaration of Counsel, respectfully moves for leave to file a Respondent's Answering Brief in Excess of Type-Volume Limitations pursuant to NRAP 32(a)(7)(D).

Dated this 27th day of February, 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
Attorney for Respondent

DECLARATION
(NRS 53.045)

I, RYAN J. MACDONALD, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Except by Court Order, a Respondent's Answering Brief shall not exceed 30 pages in length or shall contain no more than 14,000 words or 1,300 lines of text. NRAP 32(a)(7)(A)(i)-(ii); NRAP 32(a)(7)(D).

On September 25, 2014, this Court rejected Appellant's Opening Brief as it did not comply with NRAP 32(a)(4). Pursuant to this Court's order, Appellant was permitted to file an Opening Brief that did not exceed 20,825 words. In order to fully develop the facts and answer the issues Appellant raised therein, it has been necessary to prepare an Answering Brief containing 18,606 words.

Appellant's Opening Brief is 96 pages and raises multiple issues in depth, including constitutional issues and issues of first impression for this Court. Appellant's trial lasted more than a month and the record is comprised of 41 volumes consisting of 9,486 pages. The length of Appellant's Opening Brief necessitates a more detailed and lengthy response than the word limits of NRAP 32(a)(7) would normally permit. Respondent has diligently sought to respond in as concise a manner as possible, without sacrificing depth, breadth, or accuracy. See NRAP 32(a)(7)(A)(D)(i).

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of February, 2015.

BY /s/ Ryan J. MacDonald
RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #012615
Attorney for Respondent

CERTIFICATE OF COMPLIANCE

1. **I hereby certify** that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2003 in 14 point font of the Times New Roman style.
2. **I further certify** that this brief complies with the type-volume limitations of NRAP 32(a)(8)(B) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points and contains 18,606 words.
3. **Finally, I hereby certify** that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 27th day of February, 2015.

Respectfully submitted

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

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 February 27, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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