

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ERNEST LAKEMAN,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Jan 20 2015 03:35 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 64609

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, 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 20th day of January, 2015.

Respectfully submitted,

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

BY /s/ Jonathan E. VanBoskerck
JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
Office of the Clark County District Attorney

MEMORANDUM

I, JONATHAN E. VANBOSKERCK, am the supervising attorney in the above-captioned case. The State is requesting a thirty (30) day extension of time in which to file its Answering Brief pursuant to NRAP 31.

Respondent's Answering Brief is currently due January 20, 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 January 17, 2014, Lakeman filed his first Motion for Extension of Time of 90 days. On March 6, this Court granted Lakeman's extension and ordered the Opening Brief filed by May 28, 2014. On May 9, 2014, Lakeman filed his second Motion for Extension of Time of 120 days. On May 19, 2014, this Court granted Lakeman's request and ordered the Opening Brief filed by September 24, 2014. Lakeman filed the Opening Brief on September 24, 2014, but it was stricken by this Court on October 3, 2014, as it did not meet the appropriate formatting requirements.

On October 29, the State filed a Motion to Strike Appellant's Opening Brief and Appellant's Appendix. In response, Appellant filed a Motion for leave to file an amended Appendix and Opening Brief. The Court granted Appellant's Motion.

Appellant filed an Opening Brief with six separate issues on November 18, 2014. Appellant included a 25-volume appendix consisting of 5,519 pages.

The State makes its second request for an extension of time, citing the following as extraordinary circumstances and extreme need: Lakeman and his co-defendant, Dipak Desai, were charged with twenty-eight separate counts, including Second Degree Murder. Appellant filed an Opening Brief with six separate issues. Each of these six issues include complex and lengthy claims, including claims of sufficiency of the evidence.

While the State has reviewed the lengthy record consisting of forty-five days of trial, the State requests additional time in which to adequately respond to Lakeman's Opening Brief. As Lakeman noted in his second Motion for Enlargement of Time, the complexity of issues and length of the trial requires an extensive amount of time to adequately review the transcripts, even as Lakeman has not included all of the jury trial in his appendix. Due to the workload in the appellate division, and the aforementioned reasons, the State requests additional time to fully brief and respond to Appellant's claims for this Court.

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

February 19, 2015. This motion is made in good faith and not for purposes of undue delay.

Dated this 20th day of January, 2015.

Respectfully submitted,

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

BY */s/ Jonathan E. VanBoskerck*

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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 20, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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