

ORIGINAL

RECEIVED
CLERK OF SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

00 MAY 16 PM 3:39

BRENDAN JAMES NASBY,)

Appellant,)

v.)

CASE NO. 35319

THE STATE OF NEVADA)

Respondent.)

FILED

MAY 18 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

RESPONDENT'S MOTION TO ENLARGE TIME

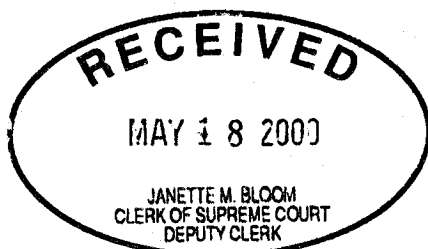
FREDERICK A. SANTACROCE
Attorney at Law
Nevada Bar No. 005121
330 South Third Street
Suite 860
Las Vegas, Nevada 89101
(702) 598-1666

STEWART L. BELL
Clark County District Attorney
Nevada Bar No. 000477
Clark County Court House
200 South Third Street, Suite 701
Post Office Box 552212
Las Vegas, Nevada 89155-2211
(702) 455-4711

FRANKIE SUE DEL PAPA
Nevada Attorney General
Nevada Bar No. 000192
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Appellant

Counsel for Respondent



STIPULATION APPROVED THIS DATE.
EXTENSION OF TIME IS SO ORDERED TO
AND INCLUDING May 24, 2000

[Signature]
cc: Counsel for Respondent

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3
4
5 BRENDAN JAMES NASBY,)

6 Appellant,)

7 v.)

CASE NO. 35319

8 THE STATE OF NEVADA,)

9 Respondent.)

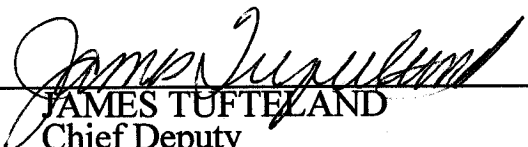
10
11
12 **RESPONDENT'S MOTION TO ENLARGE TIME**

13 COMES NOW, the State of Nevada, by STEWART L. BELL, Clark County
14 District Attorney, through his Chief Deputy JAMES TUFTELAND and moves to
15 enlarge the time within which Respondent's Answering Brief is due up to and
16 including May 24, 2000. This motion is based on the following memorandum, the
17 declaration of counsel, and all papers and pleadings on file herein.

18 Dated this 16th day of May, 2000.

19 Respectfully submitted,

20 STEWART L. BELL
21 District Attorney

22
23 By 
24 JAMES TUFTELAND
25 Chief Deputy
26 Attorney for Respondent
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM

As set forth in the attached declaration, Respondent's Answering Brief is due May 17, 2000. The law clerk assigned to drafting said brief has submitted a first draft review. Said clerk has been instructed to make some additions and revisions but cannot do so and still submit Respondent's Answering Brief by the existing due date.

NRAP 26(b) permits this Court to enlarge the time prescribed by the rule of appellate procedure for doing any act upon good cause shown. Given the large work load of the appellate section of the district attorney's office, the State cannot submit Respondent's Answering Brief by May 17, 2000 without compromising the quality of its brief. The State has approximately 30 brief's due in May alone and is concurrently working on approximately 25 post conviction matters in district court.

Based on the foregoing, the State moves this Court for an enlargement of time of one week within which to file Respondent's Answering Brief, making said brief due May 24, 2000.

STEWART L. BELL
District Attorney

By: 

JAMES TUFTELAND
Chief Deputy District Attorney

DECLARATION

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

Upon receipt of Appellant's Opening Brief, in Nasby v. State, No. 35319, I assigned one of the appellate law clerks the responsibility of preparing Respondent's Answering Brief.


During May 2000, the appellate section has been extremely busy, with approximately thirty briefs due in this Court and twenty-five post conviction matters pending in district court.

I received the draft of Respondent's Answering Brief in the instant case on May 16, 2000. After reviewing said draft and consulting with the deputy who prosecuted the case at trial, it was determined by myself and the trial deputy that the State's brief required some additions and revisions. It is anticipated that an enlargement of time of one week should be sufficient for the State to complete said charges.

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

Dated this 16th day of May, 2000

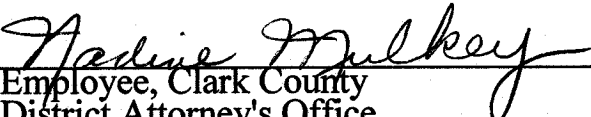
By


JAMES TUFTELAND
Appellate Division

CERTIFICATE OF MAILING

I hereby certify and affirm that I mailed a copy of the foregoing
RESPONDENT'S MOTION TO ENLARGE TIME to the attorney of record listed
below this 16th day of May, 2000..

FREDERICK A. SANTACROCE, ESQ.
330 South Third Street, Suite 860
Las Vegas, Nevada 89101


Employee, Clark County
District Attorney's Office