

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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FERRILL JOSEPH VOLPICELLI

CASE NO. 51622

Appellant,

Vs.

THE STATE OF NEVADA,

Respondent.

FILED

OCT 09 2008

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

MOTION TO EXTEND TIME IN WHICH TO FILE
APPELLANT'S OPENING BRIEF

Appellant hereby moves this court for an extension of time, to and including November 10, 2008, within which to file his opening brief. The opening brief is currently due to be filed in this court on October 9, 2008.

This motion is made pursuant to NRAP 26 and 27 and is based on the following affidavit of counsel.

Dated this 9th day of October, 2008.

[Signature]
KAY ELLEN ARMSTRONG

State Bar No. 0715
415 West Second Street
Carson City, NV 89703
(775) 883-3990
Attorney for Appellant

RECEIVED
OCT 09 2008
TRACE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

EXTENSION OF TIME IS SO ORDERED TO AND INCLUDING 11/10/08

[Signature], Clerk of Court
cc: Counsel of Record

08-26024

KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
415 WEST SECOND STREET
CARSON CITY, NEVADA 89703
PHONE (775) 883-3990, FAX (775) 882-8854

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PHONE (775) 883-3990, FAX (775) 882-8854

AFFIDAVIT

1
2 STATE OF NEVADA)
3)
4 CARSON CITY)

5 KAY ELLEN ARMSTRONG, being first duly sworn on oath,
6 deposes and says as follows:

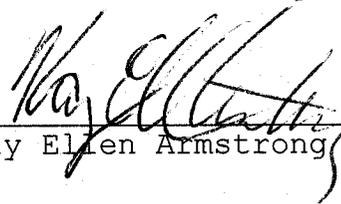
7 1. I am an attorney licensed to practice law in the
8 state of Nevada and in such capacity have been appointed to
9 represent the appellant.

10 2. My 88-year-old father-in-law was hospitalized in
11 central California and my husband and I traveled to California
12 to stay with him for a week following his discharge.

13 3. I flew to New Mexico because my mother suffered a
14 series of mini-strokes and was unable to drive to her doctor
15 appointments.

16 4. This is the first request for an extension of time
17 for the opening brief, and it is made for good cause and not for
18 the purpose of delay.

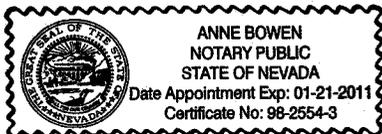
19 DATED this 9th day of October, 2008.

20
21 
22 Kay Ellen Armstrong

23 SUBSCRIBED AND SWORN to before
24 me this 9th day of October, 2008.

25 

26 NOTARY PUBLIC



KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
415 WEST SECOND STREET
CARSON CITY, NEVADA 89703
PHONE (775) 883-3990, FAX (775) 882-8854

CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b), I certify that I am an employee of Kay Ellen Armstrong, Attorney at Law, and that on this date I deposited for delivery with the United States Postal Service, a true copy of the attached document addressed to:

Ferrill J. Volpicelli
#79565
LLCC
1200 Prison Rd.
Lovelock, NV 89419-0359

and further on this date I deposited for delivery by the Reno-Carson Messenger Service, a true copy of the attached document addressed to:

Terrance McCarthy, Deputy
Washoe County District Attorney
75 Court Street
Reno, NV 89520

Attorney General
100 N. Carson Street
Carson City, NV 89701

Dated this 9th day of October, 2008.



Anne Bowen