

1 Patricia M. Erickson
2 Nevada Bar No. 3506
3 601 South Tenth St., Suite 206
4 Las Vegas, Nevada 89101
5 702.388.1055
6 Pro Bono Counsel for Appellant:
7 SAMUEL HOWARD

FILED

MAY 06 2004

SUPREME COURT STATE OF NEVADA

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY Samuel Howard
DEPUTY CLERK

7 SAMUEL HOWARD,

8 Appellant,

9 vs.

10 THE STATE OF NEVADA,

11 Respondents.
12 _____

Case No.: 42593

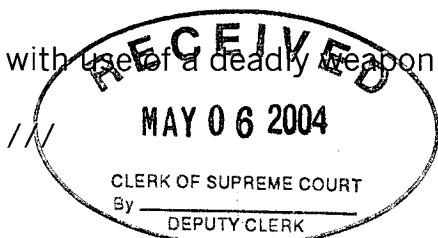
**MOTION TO EXTEND TIME TO FILE
APPELLANT'S OPENING BRIEF**

13
14 COMES NOW the Appellant, SAMUEL HOWARD, by and through his pro bono
15 counsel, Patricia M. Erickson, and respectfully requests this Court enter an order,
16 pursuant to N.R.A.P. 26(b) to extend the time in which to file Appellant's Opening
17 Brief. The Opening Brief is presently due to be filed on May 6, 2004.

18 By this Motion, counsel for Appellant HOWARD requests an additional
19 fourteen (14) days, to and including May 20, 2004 within which to file the
20 Appellant's Opening Brief.

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22 This motion is based upon the following facts:

23 1. This is an appeal from a District Court's order denying a Petition For
24 Writ of Habeas Corpus (Post Conviction) in a capital case in which Appellant
25 PELLEGRINI was sentenced to be executed for the crime of first degree murder
26 with use of a deadly weapon.
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1 2. Undersigned counsel is a sole practionner who employed a secretary
2 and now employees a part time file clerk.

3 3. On April 14, 2004, undersigned counsel's secretary unexpectedly quit
4 working for counsel. Counsel's secretary was responsible for all of the
5 bookkeeping, accounts receivable, billing, calendaring, and daily tasks required to
6 run undersigned counsel's office.

7
8 4. Since April 14, 2004, undersigned counsel has been required to
9 attend to all of the tasks that had previously been completed by her secretary.
10 Additionally, undersigned counsel has had to expend time on the task of trying to
11 find a new employee to complete all of the secretarial tasks associated with the
12 successful operation of the law office.

13
14 5. Based upon the forgoing, undersigned counsel has not been able to
15 finalize research and preparation of Appellant's Opening Brief and requires an
16 additional fourteen (14) days to finalize this project.

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18 6. Therefore, it is respectfully requested that additional time is needed
19 for undersigned counsel to adequately and effectively protect Mr. HOWARD's Fifth
20 Amendment right to due process of law and his Sixth Amendment right to effective
21 assistance of counsel.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 4th day of May, 2004, a true and correct copy of
3 the **MOTION TO EXTEND TIME TO FILE APPELLANT'S OPENING BRIEF** was
4 placed in the United States Mail with first class postage prepaid and addressed to
5 the following:
6

7 James Tufteland, Esq.
8 Deputy District Attorney - Appellate Division
9 200 South Third Street
10 Las Vegas, Nevada 89155

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14 Patricia M. Erickson
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