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 Pro Bono Counsel for Appellant:
 SAMUEL HOWARD

FILED

OCT 20 2004

JANETTE M. BLOOM
 CLERK OF SUPREME COURT
 BY S. Young
 DEPUTY CLERK

SUPREME COURT STATE OF NEVADA

SAMUEL HOWARD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondents.

Case No.: 42593

MOTION TO LATE FILE APPELLANT'S
REPLY BRIEF

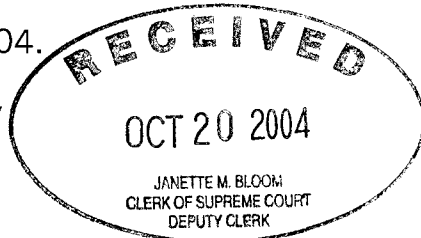
COMES NOW the Appellant, SAMUEL HOWARD, by and through his pro bono counsel, Patricia M. Erickson, and respectfully requests this Court enter an permitting the late filing of Appellant's Reply Brief and Appendix. The Reply Brief was due to be filed on October 11, 2004.

This motion is based upon the following facts:

1. This is an appeal from a District Court's order denying a Petition For Writ of Habeas Corpus (Post Conviction) in a capital case in which Appellant HOWARD was sentenced to be executed for the crime of first degree murder with use of a deadly weapon.

2. Undersigned counsel was out of her office due to illness and confined to bed on: October 7, 2004; October 9 through 10, 2004; October 14 through 16, 2004.

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04-19356

3. Based upon the forgoing, undersigned counsel was not able to finalize preparation of Appellant's Reply Brief by October 11, 2004 and respectfully requests this Honorable Court enter an order permitting the late filing of Appellant's Reply Brief and Appendix which are being submitted simultaneously with his motion under separate cover.

DATED this 18th day of October, 2004.

Respectfully Submitted:



PATRICIA M. ERICKSON, ESQ.
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Pro Bono Counsel for Appellant:
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October, 2004, a true and correct copy of the **MOTION TO LATE FILE APPELLANT'S REPLY BRIEF** was placed in the United States mail with first class postage prepaid and addressed to:

James Tufteland, Esq.
Chief Deputy District Attorney - Appellate Division
200 South Third Street
Las Vegas, Nevada 89155



Patricia M. Erickson