

ORIGINAL

FILED

AUG 25 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

Patricia M. Erickson
Nevada Bar No. 3506
601 South Tenth St., Suite 206
Las Vegas, Nevada 89101
702.388.1055
Pro Bono Counsel for Appellant:
SAMUEL HOWARD

SUPREME COURT STATE OF NEVADA

SAMUEL HOWARD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondents.

Case No.: 42593

**MOTION TO EXTEND TIME TO 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 order, pursuant to N.R.A.P. 26(b) to extend the time in which to file Appellant's Reply Brief. The Reply Brief is presently due to be filed on August 25, 2004.

By this Motion, counsel for Appellant HOWARD requests an additional forty-seven (47) days, to and including October 11, 2004 within which to file the Appellant's Reply Brief.

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.

RECEIVED

AUG 25 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

14-15351

1 2. On August 10, 2004, undersigned counsel, who is also counsel in the
2 federal case entitled United States of America v. Ricardo Figueroa case no. CR-S-
3 03-235-RCJ(PAL), learned that Mr. Figueroa was not going to accept the very
4 favorable negotiations offered in the case and was set upon going to trial.
5 Undersigned counsel was very surprised by Mr. Figueroa's decision to decline
6 the offered negotiations as they were so favorable and has had to expend a
7 significant amount of time preparing for this trial which is firmly scheduled to
8 commence on August 31, 2004 before the Honorable R. Clive Jones. This trial is
9 anticipated to take four (4) days to complete.
10

11
12 3. As undersigned counsel is required to begin trial on August 31, 2004
13 in the federal case entitled United States v. Ricardo Figueroa, case no. CR-S-03-
14 235-RCJ(PAL) which is anticipated to take four (4) days, has oppositions due to be
15 filed in the capital trial entitled State of Nevada v. Doneale Feazell, case no.
16 C110711 on September 10, 2004, and will be out of the country from September
17 18, 2004 through October 2, 2004, it is respectfully requested that this Honorable
18 Court allow undersigned counsel until October 11, 2004 to file the Reply Brief in
19 the above entitled matter.
20

21 6. It is respectfully requested that the requested additional time is
22 necessary for undersigned counsel to adequately and effectively protect Mr.
23 HOWARD's Fifth Amendment right to due process of law and his Sixth Amendment
24 right to effective assistance of counsel.
25

26 ///
27
28

1 Given the forgoing, counsel for Appellant HOWARD respectfully requests this
2 Honorable Court enter an order granting her request to extend the time to file the
3 Appellant's Opening Brief to and including October 11, 2004.
4

5 DATED this 24th day of August, 2004.

6 Respectfully Submitted:

7
8 

9 PATRICIA M. ERICKSON, ESQ.
10 Nevada Bar #3506
11 601 South Tenth St., Suite 206
12 Las Vegas, Nevada 89101
13 Telephone: (702) 388-1055
14 Pro Bono Counsel for Appellant:
15 SAMUEL HOWARD
16
17
18
19
20
21
22
23
24
25
26
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

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

R