

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL HOWARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42593

FILED

JUN 23 2004

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

ORDER FILING OPENING BRIEF AND APPENDIX

This is an appeal from the denial of appellant's post-conviction petition for a writ of habeas corpus in a capital case. Appellant has filed a motion requesting that this court file his late opening brief and appendix. In support of the motion, appellant's counsel represents that she was unable to timely complete the opening brief because her secretary "unexpectedly quit" and her part-time file clerk was "unable to work during most of the month of May."

Good cause appearing, we grant the motion. See SCR 250(7)(d) (on appeal from a judgment or order resolving an application for a post-conviction relief in a capital case, supreme court may grant an extension of up to 60 days on showing of good cause). The clerk shall file the appendix received on May 27, 2004, and the opening brief received on June 2, 2004. Respondent shall have 30 days from the date of this order to file and serve the answering brief. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). See SCR 250(7)(c).

It is so ORDERED.

Shearing C.J.

cc: Patricia Erickson
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger