

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Case No. 43247

FILED

OCT 6 2004

ANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

Appellant, by and through his counsel, hereby applies for an extension of thirty (30) days to and including November 3, 2004, within which to file his Opening Brief in the above-entitled case. The reasons for this request are set forth in the attached affidavit.

DATED this 1<sup>st</sup> day of October, 2004.

MICHAEL R. SPECCHIO

Washoe County Public  
Defender

By

*[Signature]*  
JOHN REESE PETTY  
Chief Deputy

RECEIVED

OCT 6 2004

CLERK OF SUPREME COURT

By

DEPUTY CLERK

04-18549

1  
2  
3  
4  
5  
6 IN THE SUPREME COURT OF THE STATE OF NEVADA  
7

8 MICHAEL TODD BOTELHO, ) Case No. 43247  
9 Appellant, )  
10 vs. )  
11 THE STATE OF NEVADA, )  
12 Respondent. )  
13 \_\_\_\_\_ )

14 AFFIDAVIT

15 STATE OF NEVADA )  
16 : ss.  
17 COUNTY OF WASHOE )

18 JOHN REESE PETTY, under penalty of perjury,  
19 deposes and says:

20 1. That your affiant is counsel on appeal for  
21 Appellant;

22 2. That Appellant's Opening Brief is due on  
23 October 4, 2004;

24 3. That your affiant oversees an appellate  
25 division of two lawyers, including affiant, and that  
26 this division writes appeals in all cases generated by

1  
2 the attorneys in this office as well as those non-fast  
3 track cases where a district court judge has appointed  
4 this office as appellate counsel; and further, that  
5 new cases are being processed everyday that require  
6 some appellate action such as reviewing files,  
7 ordering transcripts and other related activities;

8 4. That your affiant is the Appellate Deputy at  
9 the Office of the Washoe County Public Defender  
10 assigned to this appeal, and is working on writing the  
11 Opening Brief and further, has been diligently moving  
12 his other caseload along;

13 5. That your affiant's other duties as a Chief  
14 Deputy and as the head of the Juvenile Division of  
15 this office also takes some time from research and  
16 writing this appeal;

17 6. That Respondent has stipulated to the  
18 requested extension;

19 7. That this motion for an extension of time  
20 seeks an extension of only thirty (30) days to  
21 November 3, 2004, but it is expected that the Opening  
22 Brief will be filed before that date;

23 ///

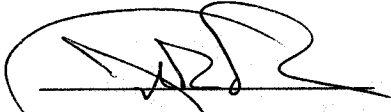
24 ///

25 ///

26 ///

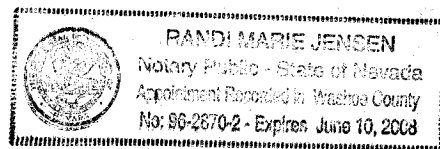
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

8. That this request for an extension of time  
is made in good faith and not for purposes of delay.

  
JOHN REESE PETTY

Subscribed and Sworn to before me this 15<sup>th</sup>  
day of October, 2004.

  
NOTARY PUBLIC



- 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

JANETTE M. BLOOM, CLERK  
Office of the Clerk  
Supreme Court of Nevada  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

And served a copy by inter-office mail to:  
RICHARD GAMMICK  
Washoe County District Attorney  
Attention: GARY HATLESTAD, Appellate Deputy

4th day of OCTOBER, 2004

Charlene Gaskins

Charlene Gaskins