

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Case No. 43247

FILED

DEC 02 2004

JANETTE 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 eleven (11) days to and including December 10, 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 7th day of December, 2004.

MICHAEL R. SPECCHIO

Washoe County Public
Defender

By

[Signature]
JOHN REESE PETTY
Chief Deputy

RECEIVED

DEC 02 2004

CLERK OF SUPREME COURT
By
DEPUTY CLERK

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IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,)	Case No. 42895
)	
Appellant,)	
)	
vs.)	
)	
THE STATE OF NEVADA,)	
)	
Respondent.)	
_____)	

AFFIDAVIT

STATE OF NEVADA)
 :
COUNTY OF WASHOE)

ss.

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

1. That your affiant is counsel on appeal for Appellant;
2. That Appellant's Opening Brief was due on November 29, 2004, pursuant to an Order by this court filed on November 18, 2004;
3. That due to the Thanksgiving holiday and weekends that gave your affiant only three days to

1
2 write the opening brief;

3 4. That your affiant is still waiting the
4 district court's appellate clerk to provide documents
5 from the district file to be place in the Joint
6 Appendix and expects to receive either today or
7 tomorrow;

8 5. That your affiant has been preparing for
9 another competency hearing involving his client Jane
10 Woerner --- see e.g. Woerner v. Justic Court, 116 Nev.
11 518, 1 P.3d 377 (2000);

12 6. That Respondent has stipulated to the
13 requested extension;

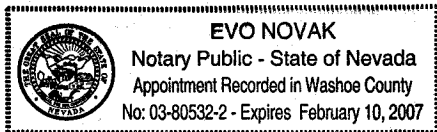
14 7. That this motion for an extension of time
15 seeks an extension of only eleven (11) days to
16 December 10, 2004, but it is expected that the Opening
17 Brief will be filed before that date;

18 8. That this request for an extension of time is
19 made in good faith and not for purposes of delay.
20

21
22 
JOHN REESE PETTY

23 Subscribed and Sworn to before me this 15th
24 day of December, 2004.

25
26 
NOTARY PUBLIC



1 CERTIFICATE OF SERVICE

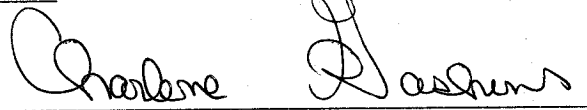
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3 I hereby certify that on DECEMBER 1, 2004, I served a copy
4 of the foregoing by mailing it by first class mail with
5 sufficient postage prepaid to the following addresses:

6 JANETTE M. BLOOM
7 CLERK OF THE COURT
8 SUPREME COURT OF NEVADA
9 201 SOUTH CARSON STREET, SUITE 201
10 CARSON CITY, NEVADA 89701-4702

11 MICHAEL TODD BOTELHO #80837
12 NORTHERN NEVADA CORRECTIONAL CENTER
13 PO BOX 7000
14 CARSON CITY, NEVADA 89702

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

19 DATED this 1st day of DECEMBER, 2004

20 
21 Charlene Gaskins
22
23
24
25
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