

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL RIPPO,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

JOHN BEJARANO a/k/a JUAN  
MUNOZ a/k/a JOHN BEJARNO

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 44094

FILED

MAY 12 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
CHIEF DEPUTY CLERK

Case No. 44297

OPPOSITION TO MOTION O CONTINUE ORAL ARGUMENT

CHRISTOPHER R. ORAM, ESQ.  
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100 North Carson Street  
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(775) 684-1265

Counsel for Respondent

RECEIVED

28 MAY 12 2006

CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 MICHAEL RIPPO,  
3 Appellant,

4 v.

Case No. 44094

5 THE STATE OF NEVADA,  
6 Respondent.

7 JOHN BEJARANO a/k/a JUAN  
8 MUNOZ a/k/a JOHN BEJARNO

9 Appellant,

10 v.

Case No. 44297

11 THE STATE OF NEVADA,  
12 Respondent.

13 **OPPOSITION TO MOTION O CONTINUE ORAL ARGUMENT**


14 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney,  
15 through STEVEN S. OWENS, Chief Deputy District Attorney, and hereby submits  
16 the attached points and authorities in Opposition to Defendant's Motion to Continue  
17 Oral Argument Set for June 13, 2006.

18 Dated this 11<sup>th</sup> day of May, 2005.

19 Respectfully submitted,

20 DAVID ROGER  
21 Clark County District Attorney  
22 Nevada Bar # 002781

23 BY

24   
25 STEVEN S. OWENS  
26 Chief Deputy District Attorney  
27 Nevada Bar #004352  
28 Office of the Clark County District Attorney  
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**POINTS & AUTHORITIES**

Rippo's counsel, Attorney Christopher Oram, seeks a continuance of the oral argument scheduled in this case for June 13, 2006, due to a trial he has in another case set for the same week. Under usual circumstances the State would not be opposed to such a request. However, the current Rippo appeal has been pending for more than a year and half and raises a far-reaching issue that potentially could overturn the sentences of most of Nevada's death row population. Numerous post-conviction petitions on capital cases are being filed on the same McConnell retroactivity issue in the courts below, but have come to a stand-still awaiting further ruling from this Court.

While Mr. Oram's other case, Myrdus Archie C196420, is scheduled to proceed to trial the week of June 12, 2006, in Dep't 21, the parties are awaiting DNA results which may or may not be available by that date. There is no certainty that the case will actually begin on the 12<sup>th</sup>. The prosecutor in that case will do whatever is necessary to accommodate Mr. Oram's schedule to permit his argument in the present appeal to go forward on June 13<sup>th</sup>. As a capital case, the Rippo appeal must take higher priority.

Further complicating the request to continue is that Rippo has been consolidated with the John Bejarano appeal, S.Ct. No. 44297 for purposes of oral argument. Continuing the Rippo oral argument will either necessitate the continuance of Bejarano or result in bifurcation of the cases, neither of which is conducive to the efficient administration of justice.

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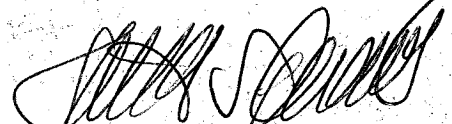
1       WHEREFORE, the State respectfully requests that the Defendant's Motion to  
2 Continue Oral Argument be denied.

3       Dated this 11<sup>th</sup> day of May, 2006.

4                       Respectfully submitted,

5                       DAVID ROGER  
6                       Clark County District Attorney  
7                       Nevada Bar # 002781

8                       BY



9                       STEVEN S. OWENS  
10                      Chief Deputy District Attorney  
11                      Nevada Bar #004352  
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16                      Las Vegas, Nevada 89155-2212  
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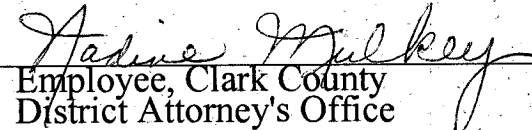
**CERTIFICATE OF MAILING**

I hereby certify and affirm that I mailed a copy of the foregoing Opposition to Motion to Continue Oral Argument to the attorneys of record listed below on this 11<sup>th</sup> day of May, 2006.

CHRISTOPHER R. ORAM  
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Employee, Clark County  
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OWENS/mulkn

**CLERK OF THE SUPREME COURT**  
201 SOUTH CARSON STREET  
CARSON CITY, NEVADA 89701-4702  
(775) 684-1600

MICHAEL RIPPO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 44094**

District Court Case No. C106784

**NOTICE OF ORAL ARGUMENT SETTING**

DATE: April 21, 2006

TO: Christopher R. Oram  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger and Steven S. Owens,  
Chief Deputy District Attorney

Pursuant to **NRAP 34**, the above-referenced matter is set for oral argument as follows:

**Date:** June 13, 2006  
**Time:** 1:30 PM  
**Length:** 60 minutes  
**Location:** Carson City  
Courtroom - Second Floor  
201 South Carson Street  
Carson City, NV 89701

**BEFORE:** En Banc Court  
Full Court

cc: