

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL RIPPO,

Appellants,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 44094

**FILED**

OCT 03 2005

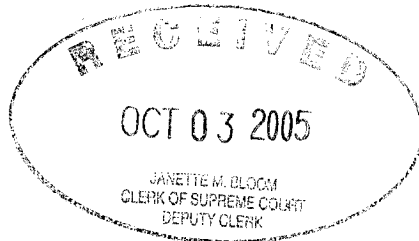
**MOTION FOR LEAVE TO FILE  
AMENDED BRIEF**

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Case No. 44094

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

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5 MICHAEL RIPPO,  
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Case No. 44094

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11 **MOTION FOR LEAVE TO FILE AN**  
12 **AMENDED BRIEF**


13 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District  
14 Attorney, through his Chief Deputy, STEVEN S. OWENS, and submits this Motion  
15 for Leave to File an Amended Brief. This motion is based on the following  
16 memorandum of counsel and all papers and pleadings on file herein.

17 Dated 30<sup>th</sup> day of September, 2005.

18 Respectfully submitted,

19 DAVID ROGER  
20 Clark County District Attorney  
Nevada Bar # 002781

21  
22 BY

  
23 STEVEN S. OWENS  
24 Chief Deputy District Attorney  
Nevada Bar #004352

25 Attorney for Respondent  
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1 MEMORANDUM

2 In compliance with this Court's Order of August 24, 2005, Appellant Rippo  
3 recently submitted twenty volumes of supplemental appendix with his Reply Brief  
4 which includes many relevant documents that should have been in the original  
5 Appellant's Appendix. Consequently, Respondent's Answering Brief contains no  
6 citations to the new supplemental appendix. For matters outside the Appellant's  
7 Appendix, Respondent's Answering Brief erroneously cites to the record on appeal  
8 ("ROA") which is not before the court.

9 NRAP 28(e) provides that "every assertion in briefs regarding matters in the  
10 record shall be supported by a reference to the page of the transcript or appendix  
11 where the matter relied on is to be found." The State desires to comply with the  
12 applicable rules and has an interest in this Court quickly and easily finding the parts of  
13 the record that support its position. Therefore, to avoid confusion Respondent seeks  
14 leave to conform the Answering Brief to the new supplemental appendix by correcting  
15 the erroneous citations and citing instead where appropriate to the supplemental  
16 appendix now on file. No other changes have been made in the Amended Answering  
17 Brief submitted herewith.

18 Dated this 30<sup>th</sup> day of September, 2003.

19 Respectfully submitted,

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

23 BY



24 STEVEN S. OWENS  
25 Chief Deputy District Attorney  
26 Nevada Bar #004352

27 Attorney for Respondent  
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