

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZANE FLOYD,

Appellant,

v.

THE STATE OF NEVADA,

Respondent

Case No. 44868

**FILED**

AUG 05 2005

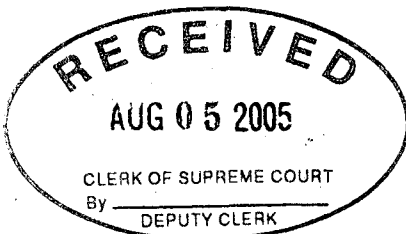
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

**MOTION FOR ENLARGEMENT OF TIME**

DAVID M. SCHIECK  
Clark County, Nevada  
Special Public Defender  
Nevada Bar No. 0824  
333 South Third Street  
Las Vegas, Nevada 89155-2316  
(702) 455-6265

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
Clark County Courthouse  
200 South Third Street, Suite 701  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 455-4711  
State of Nevada

BRIAN SANDOVAL  
Nevada Attorney General  
Nevada Bar No. 003805  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1265



Counsel for Appellant

Counsel for Respondent

05-15605

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3  
4  
5 ZANE FLOYD,

6 Appellant,

7 v.

8 THE STATE OF NEVADA,

9 Respondent

Case No. 44868

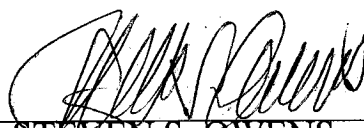
10  
11 **MOTION FOR ENLARGEMENT OF TIME**

12 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District  
13 Attorney, through his deputy, STEVEN S. OWENS, and moves this Court for an  
14 enlargement of time within which to file an answering brief on appeal. This motion is  
15 based on the following memorandum, declaration of counsel and all papers and  
16 pleadings on file herein.

17 Dated this 3rd day of August, 2005.

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

20  
21 BY

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

24 Office of the Clark County District Attorney  
25 Clark County Courthouse  
26 200 South Third Street, Suite 701  
27 Post Office Box 552212  
28 Las Vegas, Nevada 89155-2212  
(702) 671-2750

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  
27  
28

**MEMORANDUM**

This is an appeal from an order dismissing a post-conviction petition for writ of habeas corpus in a capital case. Appellant's Opening Brief is 30 pages long, raises several issues containing specific sub-issues, and Appellant's Appendix is 10 volumes consisting of 2,673 pages.

The State's answering brief is due August 15, 2005. Supreme Court Rule 250 (7)(d) allows for an initial extension of time up to 60 days upon showing of good cause. Additional extensions will not be granted except upon a showing of extraordinary circumstances and extreme need.

The Appellate section of the Clark County District Attorney's office has recently lost 25% of its law clerk staff. Although new staff has been hired recently, several clerks had reduced duty in order to sit for the July bar examination and their workload was redistributed to the remaining clerks in the office. We are currently working on approximately 35-45 pending appeals and 59 pending post-conviction matters in district court.

We are the respondent in most of these assignments. Our work load is not within our control; it is driven by the criminal defense bar and proper person inmates which file the appeals and post-conviction pleadings to which we must respond.

Based on the foregoing and the attached declaration, the State requests an extension of time of 60 days, making the Respondent's Answering Brief due October 14, 2005.

Dated this 3rd day of August, 2005.

Respectfully submitted,

DAVID ROGER, Clark County District Attorney

BY



STEVEN S. OWENS  
Chief Deputy District Attorney

**DECLARATION**  
(NRS 53.045)

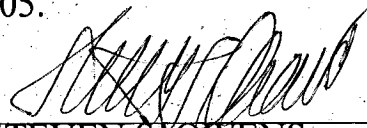
I, STEVEN S. OWENS, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Due to budget concerns in the County, office-wide understaffing and the recent administration of the bar examination, we have been significantly short-handed. The workload has not been reduced. We currently are working on 35-45 pending appeals and 59 post-conviction matters pending in district court.

The law clerk assigned to drafting the Respondent's Answering Brief in Floyd has been working on it diligently. However, due to reduced work force and high workload, he has had to work on other assignments over the past month.

I declare under penalty of perjury the foregoing is true and correct.

Dated this 3rd day of August, 2005.

  
STEVEN S. OWENS  
Chief Deputy District Attorney  
Nevada Bar #0004352  
Clark County District Attorney's Office  
200 South Third Street  
Las Vegas, Nevada 89155-2212  
(702) 671-2750

- 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
- 27
- 28

David M. Schieck  
Clark County, Nevada  
Special Public Defender  
333 South Third Street  
Las Vegas, Nevada 89155-2361

*Nadine Mulkey*  
Employee, Clark County  
District Attorney's Office

I:\APPELLAT\WPDOCS\SECRETARY\MOTIONS\EXTEND\FLOYD, ZANE, 44868, ENLG OF TIME.DOC 4