

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

DONTE JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Case No. 45456

FILED

JAN 30 2006

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

MOTION TO ALLOW APPELLANT TO FILE
AN OPENING BRIEF IN EXCESS OF 30 PAGES

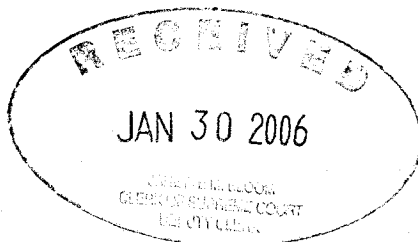
COMES NOW, Appellant DONTE JOHNSON, by and through his attorneys,
DAVID M. SCHIECK, The Special Public Defender and LEE-ELIZABETH
McMAHON, Deputy Special Public Defender, and moves this Court for an
Order allowing the Opening Brief to exceed 30 pages, to-wit 45 pages.

This Motion is made and based on the Points and Authorities and
Affidavit attached hereto.

Dated this 27th day of January, 2006.

RESPECTFULLY SUBMITTED:

BY [Signature]
DAVID M. SCHIECK, ESQ.
Nevada Bar No. 0824
SPECIAL PUBLIC DEFENDER
LEE-ELIZABETH McMAHON
DEPUTY SPECIAL PUBLIC DEFENDER
Nevada Bar No. 1765
333 SOUTH THIRD STREET, 2ND FLOOR
LAS VEGAS, NEVADA 89155-2316
(702) 455-6265



06-02192

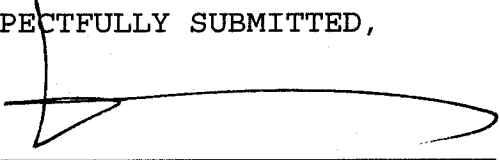
1 POINTS AND AUTHORITIES

2 DONTÉ JOHNSON has submitted herewith his Opening Brief of 45
3 pages. NRAP 29(g) provides that except by permission of the Court,
4 briefs shall not exceed 30 pages, exclusive of pages containing the
5 table of contents, table of citations and any addendums.

6 Due to the nature of the issues involved, it is respectfully
7 requested that the Court allow the brief to exceed the limit of NRAP
8 29(g) and contain 45 pages.

9 Dated this 27th day of January, 2006.

10 RESPECTFULLY SUBMITTED,

11 
12 BY
13 DAVID M. SCHIECK, ESQ.
14 SPECIAL PUBLIC DEFENDER
15 Nevada Bar No. 0824
16 LEE-ELIZABETH McMAHON
17 DEPUTY SPECIAL PUBLIC DEFENDER
18 Nevada Bar No. 1765
19 333 SOUTH THIRD STREET, 2ND FLOOR
20 LAS VEGAS, NEVADA 89155-2316
21 (702) 455-6265

22 AFFIDAVIT OF COUNSEL

23 STATE OF NEVADA)
24) ss:
25 COUNTY OF CLARK)

26 LEE-ELIZABETH McMAHON, first being duly sworn, deposes and says:

27 That Affiant is an attorney duly licensed to practice law in the
28 State of Nevada and counsel for DONTÉ JOHNSON.

That Affiant executes this affidavit in support of a Motion to
Allow Appellant to File an Opening Brief in excess of thirty pages.

That Affiant has handled numerous criminal appeals to this Court
and strives to always meet the requirements of the Court concerning
the length of briefs.

That Affiant has raised only those issues which she believes to

1 have merit with as much brevity as possible and still make the
2 necessary point.

3 Wherefore, Affiant respectfully requests that this Honorable
4 Court grant this Motion and allow Appellant to file a Brief of 45
5 pages.

6 Further Affiant sayeth naught.

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LEE ELIZABETH McMAHON

SUBSCRIBED and SWORN to before me
this 27th day of January, 2006.



13 NOTARY PUBLIC

14 CERTIFICATE OF MAILING

15 I, KATHLEEN FITZGERALD, do hereby certify that on the 27th day
16 of January, 2006, a copy of the foregoing Motion was deposited in the
17 United States Mail at Las Vegas, Nevada, enclosed in a sealed envelope
18 upon which first class postage was fully prepaid, addressed to
19 District Attorney, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89155 and
20 Nevada Attorney General, 100 N. Carson St., Carson City, NV 89710.

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An employee of The Special
Public Defender's Office