

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46509

FILED

OCT 23 2006

ORDER GRANTING MOTION

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

This is an automatic appeal from a judgment of conviction and a sentence of death. NRS 177.055. Appellant has filed a motion for a second extension of time to file the reply brief. Cause appearing, we grant the motion. SCR 250(6)(e)(on direct appeal from a judgment of conviction and sentence of death, supreme court may grant an extension of up to 60 days on showing of good cause).

Appellant shall have until October 25, 2006, to file and serve the reply brief. We note that oral argument is scheduled for this appeal on Wednesday, November 1, 2006, at 9:30 a.m., before the en banc court in Carson City. In order to allow this court enough time to review the reply brief prior to argument, appellant shall have the brief delivered to the clerk's office in Carson City for filing by 5 p.m. on the due date. For the purposes of this filing, we suspend NRAP 25(1)(a), which allows that a document is considered timely filed if it is mailed, given to a commercial courier, or deposited in the Las Vegas drop box on the due date. For counsel's convenience, however, appellant may fax a copy of the brief to the clerk's office by 5 p.m. on the due date and deposit the original in the U.S. mail or the Las Vegas drop box.

It is so ORDERED.

Maupin, A.C.J.

cc: Special Public Defender David M. Schieck
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger