

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

FILED

MARLO THOMAS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

APR 03 2006

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

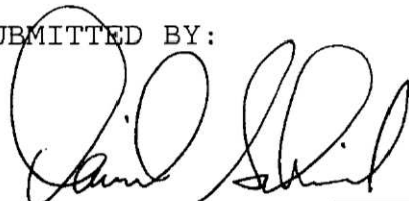
Case No. 46509

MOTION FOR EXTENSION OF TIME TO
FILE APPELLANT'S OPENING BRIEF

COMES NOW, Appellant, MARLO THOMAS, by and through his attorney, DAVID M. SCHIECK, ESQ., and moves this Court for an Order granting an extension of time of sixty (60) days to file Appellant's Opening Brief up to and including May 30, 2006 (May 28 is a Sunday and May 29 is a holiday). This Motion is made and based upon Supreme Court Rule 250 (6)(e) and the Affidavit of counsel filed herewith.

DATED this 24 day of March, 2006.

SUBMITTED BY:



DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
Nevada Bar No. 0824
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

STATEMENT OF FACTS

SCR 250 6(e) Extension of time reads as follows:

"The supreme court may grant an initial extension of time of up to 60 days to file a brief upon a showing of good cause, but shall not grant additional extensions of time except upon a showing of extraordinary circumstances and

APR 03 2006

CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

1 extreme need."

2 The Record on Appeal in this matter was filed January 18, 2006
3 and Appellant's Opening Brief is due on March 29, 2006

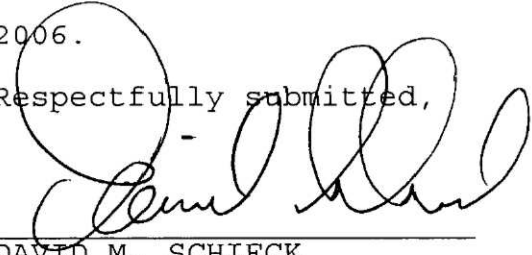
4 Based on the reasons set forth in counsel's affidavit attached
5 hereto, it is requested that an extension of 60 days be granted to
6 file Appellant's Opening Brief, up to and including May 30, 2006 (May
7 28 is a Sunday and May 29 is a holiday).

8 CONCLUSION

9 An extension of time of 60 days is requested to file Appellant's
10 Opening Brief, up to and including May 30, 2006.

11 DATED this 27 day of March, 2006.

12 Respectfully submitted,

13 
14 DAVID M. SCHIECK
15 SPECIAL PUBLIC DEFENDER
16 Nevada Bar No. 0824
17 330 S. Third St., Ste. 800
18 Las Vegas, Nevada 89155
19 702-455-6265
20 Attorney for Appellant

21 AFFIDAVIT OF COUNSEL

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

25 DAVID M. SCHIECK, ESQ., being first duly sworn, deposes and says:

26 That Affiant is an attorney duly licensed to practice law in the
27 State of Nevada, and attorney for Appellant Marlo Thomas.

28 That Thomas' Opening Brief is due March 29, 2006.

On appeal from denial of Thomas' Petition for Writ of Habeas
Corpus (Post Conviction), this Court affirmed the conviction but
remanded the matter for a second penalty hearing. The jury in the

1 second penalty hearing found the aggravators outweighed the mitigators
2 and issued a verdict of death. The record on appeal in this matter
3 contains all court documents and transcripts from the trial and first
4 penalty hearing and from the second penalty hearing.

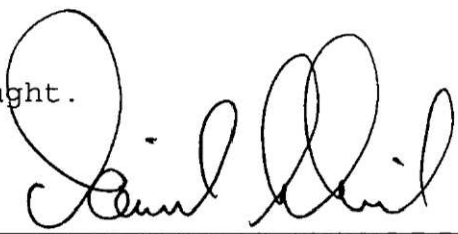
5 Pursuant to Supreme Court Rule 250 the Opening Brief is due 70
6 days from the date of filing the record on appeal in the Supreme
7 Court.

8 During January and February Affiant prepared for and represented
9 a defendant in a high-profile capital case, State v. Scholl, Eighth
10 Judicial District Court, Department 9, which lasted more than a week.

11 That Affiant is just now able to begin to read and review the
12 record on appeal prepared by the clerk's office in State v. Thomas.

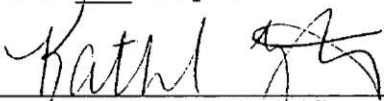
13 That Affiant therefore requests an extension of 60 days, up to
14 and including May 30, 2006 to prepare and file Appellant's Opening
15 Brief. That Affiant makes this request in good faith and not for
16 purposes of delay.

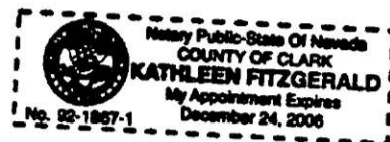
17 Further Affiant sayeth naught.

18 
19
20 DAVID M. SCHIECK

21 SUBSCRIBED AND SWORN to before me

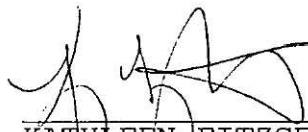
22 this 27 day of March, 2006.

23 
24 NOTARY PUBLIC



CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 27 day of March, 2006, I did deposit in the United States Post Office at Las Vegas, Nevada, a copy of the above and foregoing Motion, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to the following: Clark County District Attorney, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89155; and Nevada Attorney General, 100 N. Carson St., Carson City NV 89701-4717.



KATHLEEN FITZGERALD
an employee of the Special Public
Defender's Office