

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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KIRSTIN BLAISE LOBATO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Case No. 49087

FILED

OCT 01 2007

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

2007 SEP 27 PM 3:42

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MOTION FOR EXTENSION OF TIME TO
FILE OPENING BRIEF AND APPENDIX

COMES NOW, Appellant, KIRSTIN BLAISE LOBATO, by and through her attorneys, DAVID M. SCHIECK, Special Public Defender and JONELL THOMAS, Deputy Special Public Defender, and moves this Court for an Order granting an extension of time of thirty (30) days to file Appellant's Opening Brief up to and including October 29, 2007.

This Motion is made and based upon NRAP 31, the Affidavit filed herewith, and the Points and Authorities attached hereto.

DATED this 24 day of September, 2007.

SUBMITTED BY:

DAVID M. SCHIECK

SPECIAL PUBLIC DEFENDER

[Signature]
JONELL THOMAS
Deputy Special Public Defender
Nevada Bar No. 4771
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

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1 STATEMENT OF FACTS

2 The Opening Brief and Appendix are due September 27, 2007
3 pursuant to the Stipulation on file herein.

4 POINTS AND AUTHORITIES

5 NRAP 31(a)(1) states in pertinent part as follows:


6 "(1) ... Applications for extension of time beyond
7 that to which the parties are permitted to stipulate are
8 not favored, and will be considered only on motion for
9 good cause clearly shown...."

9 CONCLUSION

10 An extension of time of 30 days, up to and including October
11 29, 2007 (October 27th is a Saturday) is requested to file
12 Appellant's Opening Brief based on the reasons set forth in the
13 Affidavit of Counsel attached hereto.

14 DATED this 24 day of September, 2007.

15 SUBMITTED BY:
16 DAVID M. SCHIECK
17 SPECIAL PUBLIC DEFENDER

18 
19 Jonell THOMAS
20 Deputy Special Public Defender
21 Nevada Bar No. 4771
22 330 S. Third St., Ste. 800
23 Las Vegas, Nevada 89155
24 702-455-6265
25 Attorney for Appellant

22 AFFIDAVIT OF COUNSEL

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

25 JONELL THOMAS, being first duly sworn, deposes and says:

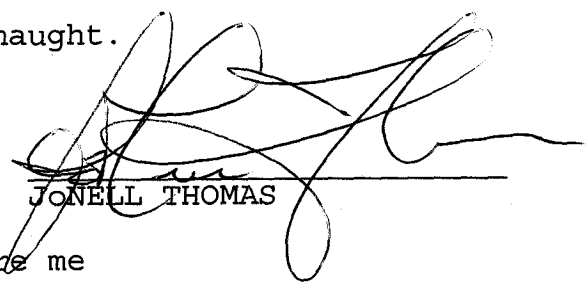
26 That Affiant is an attorney duly licensed to practice law in
27 the State of Nevada, and the appellate attorney for The Special
28 Public Defender's Office.

1 That Affiant began employment with the Office of the Special
2 Public Defender on August 27, 2007. That she has begun reading
3 the 9 volumes of the Appendix which encompasses transcripts
4 for a 3 week trial.

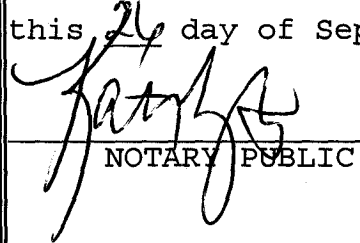
5 That the Opening Brief is due September 27th but Affiant will
6 need an extension of time in order to complete her review of the
7 appendix. In addition, the Appellant has requested that appellate
8 attorney and trial attorney, David Schieck, sit down with her prior
9 to filing the brief and discuss the issues. That Affiant and Mr.
10 Schieck are co-ordinating their schedules to go out to the prison
11 and visit Ms. Lobato.

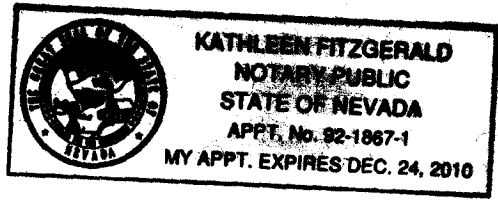
12 Therefore, Affiant requests an extension of 30 days, up to and
13 including October 29, 2007, to allow her to complete her review of
14 the appendix, visit with the Appellant, and prepare the Opening
15 Brief. That Affiant makes this request in good faith and not for
16 purposes of delay.

17 Further Affiant sayeth naught.

18
19 
20 JONELL THOMAS

21 SUBSCRIBED AND SWORN to before me
22 this 24 day of September, 2007.

23 
24 NOTARY PUBLIC

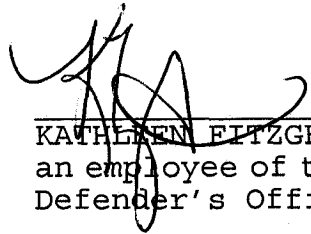


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CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 27 day of September, 2007, 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