

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 49087

**FILED**

**OCT 11 2007**

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

ORDER GRANTING MOTION AND RE: TRANSCRIPTS

Appellant has filed a motion requesting a second extension of time to file and serve the opening brief and appendix.<sup>1</sup> Cause appearing, we grant the motion. Appellant shall have until October 29, 2007, to file and serve the opening brief and appendix. As the court disapproves of repeated requests for extensions of time to brief appeals in criminal cases, no further extensions of time shall be permitted absent demonstration of extreme and unforeseeable circumstances. Counsel's caseload will not be deemed such a circumstance. Cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974).

On March 16, 2007, appellant filed a transcript request form requesting court recorder Lisa Lizotte to produce transcripts. All requested transcripts were due to be filed by April 16, 2007. See NRAP 9(b).<sup>2</sup> On March 19, 2007, Ms. Lizotte filed a motion for an extension of

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<sup>1</sup>On August 22, 2007, this court approved the parties' stipulation granting appellant a 30-day extension of time to file and serve the opening brief and appendix.

<sup>2</sup> A copy of the transcript request form is attached to this order.

time to file the requested transcripts. On April 30, 2007, this court entered an order granting Ms. Lizotte's motion and ordering her to file the requested transcripts by June 14, 2007.

To date, Ms. Lizotte has timely filed all the requested transcripts, with the exception of the transcript of proceedings held on July 28, 2006.<sup>3</sup> Ms. Lizotte shall have 15 days from the date of this order to prepare and file the July 28, 2006, transcript. If more time is needed to complete the preparation of the transcript, Ms. Lizotte shall within the same time period, file a motion requesting an extension of time and stating the reason for the extension. See NRAP 9(c). If the requested transcript cannot be produced, Ms. Lizotte shall notify this court, in writing, of this fact.

It is so ORDERED.

 C.J.

cc: Special Public Defender David M. Schieck  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Lisa Lizotte, Court Recorder

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<sup>3</sup> Appellant also requested the transcript of "Status Check: Indigence," held on May 19, 2006. However, a review of the district court minute entries reveals that this proceeding was continued on that date and heard on May 23, 2006. Accordingly, there is no transcript to be filed in this court of proceedings held on May 19, 2006.

1 **REQT**  
 2 DAVID M. SCHIECK  
 3 SPECIAL PUBLIC DEFENDER  
 4 Nevada Bar #0824  
 5 330 S. Third St., Ste. 800  
 6 Las Vegas, Nevada 89155  
 7 (702) 455-6265  
 8 Attorneys for Defendant

**FILED**  
 MAR 12 2 11 PM '07  
*Chief Clerk*  
 CLERK OF THE COURT **FILED**

DISTRICT COURT  
 CLARK COUNTY, NEVADA

MAR 16 2007

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

\* \* \* No. 49087

9	THE STATE OF NEVADA,	)	CASE NO. C 177394
10	Plaintiff,	)	DEPT. NO. II
11	vs.	)	
12	KIRSTEN LOBATO,	)	DATE OF HEARING: N/A
13	Defendant.	)	TIME OF HEARING: N/A

**REQUEST FOR ROUGH DRAFT TRANSCRIPT**

15 TO: LISA LIZOTTE, Reporter/Recorder  
 16 LIZ GARCIA, Reporter/Recorder  
 17 DEBI VAN BLARICOM, Reporter/Recorder

18 Defendant, KIRSTEN LOBATO, by and through her attorney, DAVID M.  
 19 SCHIECK, Special Public Defender, requests preparation of a rough  
 20 draft transcript of certain portions of the proceedings before the  
 21 district court, as follows:

**Date or dates of proceeding:**

22	DATE	Proceeding	Reporter/Recorder
23	10/7/04	At the Request of the Court;	
24		Reset Trial Date	Lisa Lizotte
25	10/28/04	All Pending Motions	Liz Garcia
26	11/9/04	All Pending Motions	Lisa Lizotte
27	1/27/05	Deft's Motion to Continue Trial Date	Lisa Lizotte
28	2/1/05	Reset Trial Date	Lisa Lizotte
	3/8/05	Deft's Mtn to Associate Counsel	Lisa Lizotte
	8/16/05	Deft's Mtn to Associate Counsel	Lisa Lizotte
	10/27/05	State's Request re Trial Date	Lisa Lizotte
	11/3/05	All Pending Motions	Lisa Lizotte

1	3/3/06	All Pending Motions	Lisa Lizotte
	3/27/06	All Pending Motions	Debi Van Blaricom
2	5/19/06	Status Check: Indigence	Lisa Lizotte
	5/23/06	All Pending Motions	Lisa Lizotte
3	7/28/06	All Pending Motions	Lisa Lizotte
	8/10/06	Argument/Decision on Deft's	Lisa Lizotte
4		Motion to Dismiss	Lisa Lizotte
	9/7/06	All Pending Motions	Lisa Lizotte
5	9/11/06	Trial by Jury	Lisa Lizotte
	9/12/06	Trial by Jury	Lisa Lizotte
6	9/13/06	Trial by Jury	Lisa Lizotte
	9/14/06	Trial by Jury	Lisa Lizotte
7	9/15/06	Trial by Jury	Lisa Lizotte
	9/18/06	Trial by Jury	Lisa Lizotte
8	9/19/06	Trial by Jury	Lisa Lizotte
	9/20/06	Trial by Jury	Lisa Lizotte
9	9/21/06	Trial by Jury	Lisa Lizotte
	9/22/06	Trial by Jury	Lisa Lizotte
10	9/25/06	Trial by Jury	Lisa Lizotte
	9/26/06	Trial by Jury	Lisa Lizotte
11	9/27/06	Trial by Jury	Lisa Lizotte
	9/28/06	Trial by Jury	Lisa Lizotte
12	9/29/06	Trial by Jury	Lisa Lizotte
	10/02/06	Trial by Jury	Lisa Lizotte
13	10/03/06	Trial by Jury	Lisa Lizotte
	10/04/06	Trial by Jury	Lisa Lizotte
14	10/05/06	Trial by Jury	Lisa Lizotte
	10/06/06	Trial by Jury	Lisa Lizotte
15	11/21/06	Sentencing	Lisa Lizotte
	2/2/07	Sentencing	Lisa Lizotte

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17           **Portions of the transcript requested:** All proceedings of all  
18 hearing.

19           This notice requests a transcript of only those portions of the  
20 district court proceedings which counsel reasonably and in good faith  
21 believes are necessary to determine whether appellate issues are  
22 present. Voir dire examination of jurors, opening statements and  
23 closing arguments of trial counsel, and the reading of jury  
24 instructions shall not be transcribed unless specifically requested  
25 above.

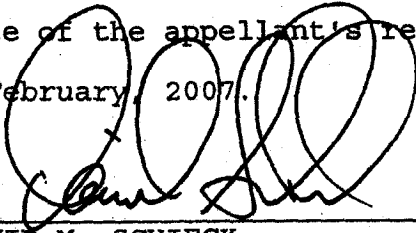
26           I recognize that I must personally serve a copy of this form on  
27 the above named court reporter and opposing counsel.

28           That the above named court reporter shall have twenty (20) days

1 from the date of filing the Notice of Appeal, to prepare an original  
2 plus three copies at State expense and file in the district court  
3 clerk the original rough draft transcript(s) requested herein.

4 Further, pursuant to NRAP 3C(d)(3)(iii), the court reporter shall  
5 also deliver copies of the rough draft transcript to the Supreme Court  
6 clerk, to appellant's counsel and respondent counsel no more than  
7 twenty(20) days after the date of the appellant's request.

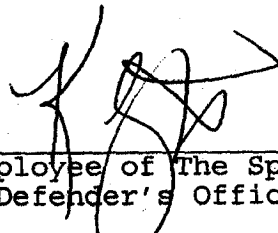
8 DATED this 9 day of February, 2007.

9  
10 By   
11 DAVID M. SCHIECK  
12 SPECIAL PUBLIC DEFENDER  
13 330 S. THIRD ST., STE. 800  
14 LAS VEGAS, NEVADA 89155-2316  
15 (702) 455-6265

16 **CERTIFICATE OF MAILING**

17 The undersigned does hereby certify that on the 9 day of  
18 February, 2007, I deposited in the United States Post Office at Las  
19 Vegas, Nevada, a copy of the Request for Rough Draft Transcript,  
20 postage prepaid, addressed to the following:

21 Lisa Lizotte  
22 Liz Garcia  
23 Debi Van Blaricom  
24 Dept. II  
25 200 Lewis Ave., Rm. 16B  
26 Las Vegas NV 89155

27   
28 An employee of The Special Public  
Defender's Office

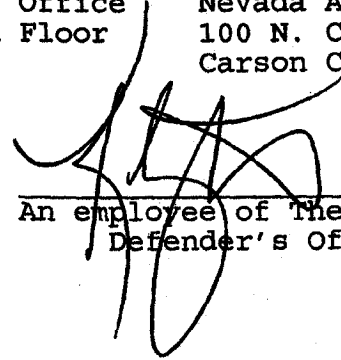
29 The undersigned does hereby certify that on the 12 day of  
30 ~~February~~ **MARCH**, 2007, I deposited in the United States Post Office at Las

31 . . .

32 . . .

1 Vegas, Nevada, a copy of the Request for Rough Draft Transcript,  
2 postage prepaid, addressed to the following:

3  
4 District Attorney's Office Nevada Attorney General  
200 Lewis Ave., 3rd Floor 100 N. Carson  
5 Las Vegas NV 89155 Carson City NV 89701-4717



6  
7 An employee of The Special Public  
8 Defender's Office

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SPECIAL PUBLIC DEFENDER'S OFFICE  
330 SOUTH THIRD STREET, SUITE 800  
LAS VEGAS NV 89155  
702-455-6265

# FAX

**Date:** February 9, 2007  
**Name:** Lisa Lizotte, Court Reporter  
**Organization:** Department II  
**Fax Number:** 671-4317

**Subject:** Lobato, Case No. C177394

**Comments:** Request for Transcripts

5 pages (including this cover sheet)

**From the desk of...**  
Kathleen Fitzgerald, Secretary  
Special Public Defender's Office  
330 S. 3rd St., Ste. 800  
Las Vegas NV 89155  
702-455-0210

Feb. 09 2007 03:42PM

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