

ORIGINAL

**IN THE SUPREME COURT
FOR THE STATE OF NEVADA**

LATISHA BABB,

Appellant,

vs.

JENNIFER LOZOWSKY, ET AL,

Respondents.

Sup. Ct. Case No.: 49929

District Ct. Case No.:
CR98P0074B

FILED

DEC 05 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
CY *S. Young*
DEPUTY CLERK

On Appeal from the Second Judicial District Court, Washoe County,
The Honorable Connie Steinhammer, Department IV

**APPELLANT'S UNOPPOSED MOTION
TO EXTEND DEADLINE TO FILE APPELLANT'S OPENING
BRIEF—TOTAL OF FOUR DAYS**

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Attorneys for Appellant



COMES NOW the Petitioner, LATISHA BABB, by and through her counsel, LISA A. RASMUSSEN, and hereby moves this Court for an order extending the deadline to file Appellant's Opening Brief a total of four days, to December 3, 2007.

This Motion is made and based upon the following Memorandum of Points and Authorities, the attached Affidavit of Lisa A. Rasmussen and the attached stipulation executed between the undersigned and the Respondent.

MEMORANDUM OF POINTS AND AUTHORITIES

1. The undersigned was appointed to represent Latisha Babb in these proceedings.
2. Ms. Babb is serving two, life without parole sentences and this is an appeal from post-convictions proceedings.
3. Ms. Babb's Opening Brief is due on November 29, 2007.
4. On November 29, 2007, the undersigned requested one additional day to file the Opening Brief on November 30, 2007 for a variety of reasons set forth in the Motion filed on November 29, 2007. The Motion is incorporated herein by this reference.
5. On November 30, 2007, while in the process of finalizing the Opening Brief and preparing to mail it at the main post office prior to the 9:00 p.m. mailing deadline, the undersigned accidentally locked herself out of her office suite and was unable to get back in with sufficient time to compile the final brief and prepare it for

mailing. (See Affidavit of Lisa Rasmussen, attached hereto.)

6. The inability to deposit the brief in the mail prior to 9:00 p.m. on Friday November 30, 2007 necessitated this Motion, which requires an affidavit from the undersigned. As a result, the undersigned mailed the brief on today's date, the next business day, after she was able to have her signature notarized by staff.


7. This request is made in good faith and not for the purpose of delay. The undersigned has made one prior request for a ONE DAY extension. This Motion is essentially a Motion to extend the deadline a total of four days and may be considered in conjunction with the previously filed motion.

8. The undersigned apologizes for the inconvenience this has caused.

9. Prejudice will result to Ms. Babb if this Motion is not granted as this was an unavoidable and unexpected circumstance.

Dated this 3rd day of December, 2007.

Watt, Tieder, Hoffar & Fitzgerald, LLP


LISA A. RASMUSSEN, ESQ.
3993 Howard Hughes Parkway, #400
Las Vegas, NV 89169
(702) 789-3100
Attorneys for Latisha Babb

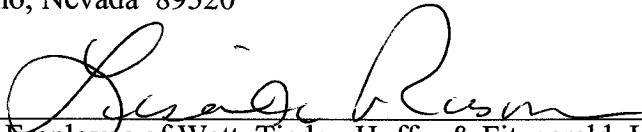
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Watt, Tieder, Hoffar & Fitzgerald, LLP, that I am a person competent to serve papers and not a party to the above-entitled action and that on the 3rd day of December, 2007, I served a copy of the foregoing:

**APPELLANT'S UNOPPOSED MOTION
TO EXTEND DEADLINE TO FILE APPELLANT'S OPENING
BRIEF—A TOTAL OF FOUR DAYS**

upon the following via U.S. Mail

Richard A. Gammick, Esq.
Terrence P. McCarthy, Esq.
Washoe County District Attorney's Office
P.O. Box 30083
Reno, Nevada 89520



An Employee of Watt, Tieder, Hoffar & Fitzgerald, LLP

AFFIDAVIT OF LISA A. RASMUSSEN, ESQ.

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

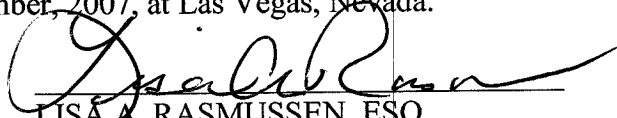
I, LISA A. RASMUSSEN, having been duly sworn, hereby state as follows:

1. I am counsel appointed to represent Latisha Babb and am admitted to practice before all courts in the State of Nevada.
2. Ms. Babb's Opening Brief was originally due November 29, 2007.
3. On November 29, 2007, I sought a one day extension of time to file the brief because the compilation of the Appendix took longer than anticipated as the record in this case is substantial. Additionally, citations to the record consumed more time than is typically. The State had no objection to this one day extension and a stipulation was executed to that effect.
4. On November 30, 2007, I was completing the brief in order to finalize it and take it to the United States post office. The airport post office allows filings in the drop box until 9:00 p.m.
5. At approximately 7:30 p.m., I left my office suite to use the ladies room and I inadvertently locked myself out of the office. I did not have access to my office, my purse, my cellular phone or anything of any use under the circumstances.
6. It took me some time to track down security and by the time I was able to regain access to my office, it was after the 9:00 p.m. filing deadline before I could complete the assembly of Ms. Babb's Opening Brief.
7. As a result of the delay, I am required to file the Opening Brief along with this Motion and Affidavit. I was not able to have the Affidavit notarized until Monday, December 3, 2007.
8. On today's date, I am mailing the brief, along with this Affidavit and Motion to enlarge time an additional three days, to December 3, 2007.
9. I apologize for my errors, which caused me more inconvenience than imaginable, but were not intentional.
10. I have no reason to believe that they State would be opposed to this request as the three additional days are not likely to cause them any prejudice.
11. This motion and Affidavit are made in good faith and not for the purpose of delay, but rather, for good cause.

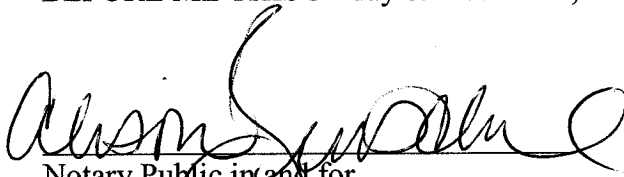
12. Between the two motions, I have requested a total of four days extension of the deadline, which had I done in the first motion, would probably not have been opposed by this Court or the State. I apologize for the need to do this in piece-meal fashion.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 3rd day of December, 2007, at Las Vegas, Nevada.


LISA A. RASMUSSEN, ESQ.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 3rd day of December, 2007


Notary Public in and for
Said County and State

