

ORIGINAL

FILED

MAY 23 2008

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

SIAOSI VANISI,

Appellant,

Supreme Court No. 50607

v.

District Court No. CR98P0516

THE STATE OF NEVADA,

DEATH PENALTY CASE

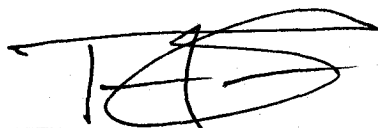
Respondent.

MOTION FOR EXTENSION OF TIME

COMES NOW Appellant, SIAOSI VANISI, by and through his co-counsel of record THOMAS L. QUALLS, ESQ., and hereby moves this Honorable Court for an Order allowing counsel thirty (30) days to file the Opening Brief that at this time is due May 30, 2008.

This Motion is made and based upon the attached Memorandum of Points and Authorities, the Affidavit of THOMAS L. QUALLS, ESQ.; and, upon any and all other relevant records, documents, motions and pleadings on file herein; as well as upon such testimony or documentation as may be required by this Honorable Court.

RESPECTFULLY SUBMITTED this 22 day of May, 2008.



THOMAS L. QUALLS, ESQ.
Co-Counsel for Appellant,
SIAOSI VANISI

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MAY 23 2008
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

08-13111

Law Offices of Thomas L. Qualls, Esq.
230 East Liberty Street
Reno, Nevada 89501
(775) 333-6633 Fax: (775) 348-9315

1 of Appeal was timely filed on November 28, 2007. Appellant's Opening Brief was originally due
2 on March 31, 2008. Appellant filed a Motion for Extension of time, which was granted, causing
3 the Opening Brief to be due May 30, 2008.

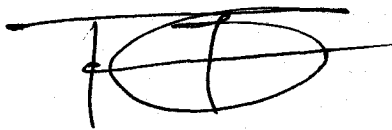
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5 **II.**

6 **ARGUMENT**

7 One of Appellant's counsel, SCOTT EDWARDS, ESQ., suffered a heart attack on May
8 15, 2008 and as a result spent the weekend in the Intensive Care Unit at St. Mary's Hospital in
9 Reno, Nevada. Mr. Edwards has since been released from the hospital with the Doctor's order that
10 he is not to work until at least after Memorial Day. Accordingly Appellant's counsel requests
11 additional time for Mr. Edwards to convalesce in order to assist with the preparation of the
12 Opening Brief. VANISI's case is complicated and the State's challenge of the new rule announced
13 in McConnell relevant to this case requires extensive historical analysis. Accordingly, it is
14 necessary for undersigned counsel to be allowed additional time in order to provide zealous
15 representation of Appellant SIAOSI VANISI's interests. This request is made in good faith and
16 not for the purpose of unnecessary delay.
17

18
19 **WHEREFORE**, Appellant SIAOSI VANISI, by and through the undersigned counsel,
20 respectfully requests this Honorable Court enter an order to allow counsel an additional thirty (30)
21 days to file the Opening Brief up to and including June 30, 2008.

22 **RESPECTFULLY SUBMITTED** this 22 day of May, 2008.

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26 **THOMAS L. QUALLS, ESQ.**
27 Co-Counsel for Appellant,
28 SIAOSI VANISI

AFFIDAVIT OF THOMAS L. QUALLS, ESQ.

STATE OF NEVADA)

)§

COUNTY OF WASHOE)

I, THOMAS L. QUALLS, ESQ., having been duly sworn, deposes and states under penalty of perjury the assertions of the Affidavit are true as follows:

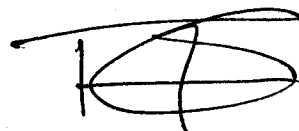
1. That your Affiant is an attorney licensed to practice law in all courts of the State of Nevada;

2. That your Affiant was appointed as co-counsel for purposes of representing Appellant SIAOSI VANISI in the case of *Siaosi Vanisi v. The State of Nevada*, Case No. 50607;

3. That your Affiant believes that thirty (30) days is necessary and adequate time for filing of the Opening Brief;

4. That your Affiant makes the foregoing requests in order to provide an adequate and effective representation for SIAOSI VANISI.

FURTHER YOUR AFFIANT SAYETH NOT.



THOMAS L. QUALLS, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Office of Thomas L. Qualls and that on the 22nd day of May, 2008, I served a copy of the Motion for Extension of Time upon all counsel of record via personal delivery and US postal service to the following address:

Washoe County District Attorney's Office
Terrence McCarthy, Appellate Division
One South Sierra Street, 4th floor
Reno, Nevada 89520

DATED this 22nd day of May, 2008.



Kristy Schaaf