

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZANE M. FLOYD,

Appellant,

vs.

E.K. McDANIEL, Warden, and
CATHERINE CORTEZ MASTO,
Attorney General of Nevada,

Respondents.

Case No. 51409

FILED

OCT 03 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK**REQUEST FOR A SECOND EXTENSION OF TIME WITHIN WHICH TO FILE
APPELLANT'S OPENING BRIEF**

Appellant ZANE M. FLOYD, through counsel, hereby requests a second extension of time of thirty (30) days, up to and including November 7, 2008, within which to serve and file his opening brief on appeal. Nev. Sup. Ct. Rule 250 (7)(d); Nev. R. App. P. 31 (a)(3). This request is supported by the attached declaration of counsel. Counsel for Respondents does not oppose this request.

Dated this 2th day of October, 2008.

Respectfully submitted,

FRANNY A. FORSMAN
Federal Public Defender

TIFFANI D. HURST
Assistant Federal Public Defender
Temporary Nevada Bar Number 11027C
411 East Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
(702) 388-6577

Counsel for Appellant

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OCT 03 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

08-23606

DECLARATION

Tiffani D. Hurst declares as follows:

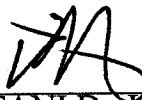
1. I am an attorney at law, admitted to practice in the State of Illinois, and, admitted to limited representation in the State of Nevada, Nev. Sup. Ct. Rule 49.11. I am employed as an Assistant Federal Public Defender in the Capital Habeas Unit of the Law Offices of the Federal Public Defender. I represent the appellant, Zane Michael Floyd, in this matter.

2. The opening brief in Mr. Floyd's case is currently due to be filed on October 7, 2008. My prior request for an extension of time to file the brief up to and including October 7, 2008, due to the emergency premature birth of my daughter, anticipated that I would be able to return to work full-time during the month of September. My daughter's medical issues, however, have resulted in my only being able to return part time during the month of September. As a result, I need a second extension of thirty (30) days.

3. I have spoken with counsel for the Respondents, Deputy District Attorney, Steven Owens, and advised him of my intent to request a thirty (30) day extension of time. Attorney Owens stated that he has no objection to the requested extension of time.

4. This request is made in order to provide Mr. Floyd with competent representation, Nev. Sup. Ct. Rule 151, and not solely for the purpose of delay or for any other improper purpose.

5. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 2, 2008 in Las Vegas, Nevada.



TIFFANI D. HURST
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Counsel for Appellant

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H. Turner

An Employee of the Federal Public Defender