

ORIGINAL

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**

DEC 24 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

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Las Vegas Drop Box  
CLERK OF SUPREME COURT  
2008 DEC 22 AM 9:25

**REQUEST FOR A FOURTH EXTENSION OF TIME WITHIN WHICH TO FILE  
APPELLANT'S OPENING BRIEF**

Appellant ZANE M. FLOYD, through counsel, hereby requests a fourth extension of time of forty-five (45) days 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 22nd day of December, 2008.

Respectfully submitted,

FRANNY A. FORSMAN  
Federal Public Defender

*[Signature]*  
TIFFANI D. HURST  
Assistant Federal Public Defender  
Temporary Nevada Bar Number 11027C  
C. BENJAMIN SCROGGINS  
Staff Attorney  
Nevada Bar Number 7902  
411 East Bonneville Ave., Suite 250  
Las Vegas, Nevada 89101  
(702) 388-6577

Counsel for Appellant

**RECEIVED**

28 DEC 24 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

08-32653

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2 DECLARATION

3 Tiffani D. Hurst declares as follows:

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

8 2. The opening brief in Mr. Floyd's case is currently due to be filed on January 2,  
9 2009. I am requesting a fourth extension of forty-five (45) days to file the brief.

10 3. My daughter was born two and a half months premature and remained in the  
11 intensive care unit of the hospital until August 4, 2008. My first request for an extension of time  
12 to file the brief up to and including October 7, 2008, due to the emergency premature birth of  
13 my daughter, anticipated that I would be able to return to work full-time during the month of  
14 September. Unfortunately, due to my daughter's medical issues, I was only able to return part-  
15 time, and was unable to complete the brief during that time. As a result, I requested a second  
16 thirty (30) day extension of time.

17 4. On October 28, 2008, my five month old daughter was hospitalized with  
18 respiratory failure, influenza, pneumonia and a bacterial infection. She is currently hospitalized  
19 in Denver, Colorado, but will hopefully be discharged in early January, at which point I will  
20 need to remain home with her for several days.

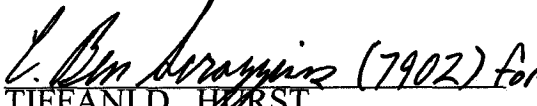
21 5. Attorney C. Benjamin Scroggins from my office has spoken with counsel for the  
22 Respondents in the District Attorney's office, and advised of my intent to request a forty-five  
23 (45) day extension of time. Deputy District Attorney Steven Owens has no objection to the  
24 requested extension of time, considering the unforeseen circumstances.

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

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1           7. I declare under penalty of perjury that the foregoing is true and correct and that this  
2 declaration was executed on December 22nd, 2008 in Las Vegas, Nevada.

3  
4  (7902) for  
5 TIFFANI D. HYRST  
6 Assistant Federal Public Defender  
7 Temporary Nevada Bar Number 11027C  
8 411 East Bonneville Ave., Suite 250  
9 Las Vegas, Nevada 89101  
10 (702) 388-6577

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Counsel for Appellant

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Catherine Cortez Masto  
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Robert E. Wieland  
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PO Box 552212  
Las Vegas, Nevada 89155

*D. Huber*

An Employee of the Federal Public Defender