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IN THE SUPREME COURT OF THE STATE OF NEVADA

2008 NOV 10 AM 11:30

ZANE M. FLOYD,

Case No. 51409

Appellant,

vs.

FILED

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

Respondents.

NOV 12 2008

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

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

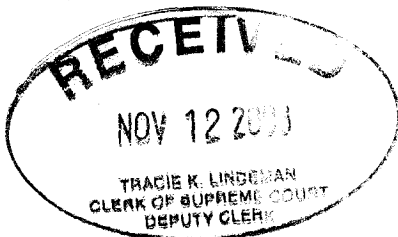
Appellant ZANE M. FLOYD, through counsel, hereby requests a third extension of time of forty-five (45) days within which to serve and file his opening brief on appeal. Nev. Sup. Ct. Rule 250 (7)(d); Nev. R. App. P. 31 (a)(3). This request is supported by the attached declaration of counsel. Counsel for Respondents does not oppose this request.

Dated this 10th day of November, 2008.

Respectfully submitted,

FRANNY A. FORSMAN
Federal Public Defender

[Signature] (79022) for
TIFFANI D. HYRST
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

18-28808

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 November 13, 2008. I am requesting a third extension of forty-five (45) days to file the brief.

3. My daughter was born two and a half months premature and remained in the intensive care unit of the hospital until August 4, 2008. My first 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. Unfortunately, due to my daughter's medical issues, I was only able to return part-time, and was unable to complete the brief during that time. As a result, I requested a second thirty (30) day extension of time.

4. On October 28, 2008, my five month old daughter was hospitalized with respiratory failure, influenza, pneumonia and a bacterial infection. She remains hospitalized, but will hopefully be discharged in mid-November, at which point I will need to remain home with her for several days.


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

6. 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.

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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 November ^{10th} 2008 in Las Vegas, Nevada.

3
4 
5 TIFFANI D. HURST
6 Assistant Federal Public Defender
7 Temporary Nevada Bar Number 11027C
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Counsel for Appellant

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An Employee of the Federal Public Defender