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Respondent

Electronically Filed
Aug 28 2009 02:30 p.m.
Tracie K. Lindeman

COMES NOW the State of Nevada, by DAVID ROGER, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an extension of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 28th day of August 2009.

Respectfully submitted,

DAVID ROGER
Clark County District Attorney
Nevada Bar # 002781

BY /S/Steven S. Owens

STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352

Office of the Clark County District Attorney
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2750

1 **MEMORANDUM**

2 Pursuant to NRAP 26(b), this Court for good cause shown can enlarge the time
3 prescribed by the Nevada Rules of Appellate Procedure for doing any act, or may permit an
4 act to be done after the expiration of such time. In addition, this is a death penalty case and
5 Supreme Court Rule 250(7)(d) allows for an initial extension of time of up to sixty (60) days
6 upon showing of good cause.

7 With respect to good cause, Appellant's Opening Brief is 85 pages long and raises
8 three complex main issues with numerous sub-issues, and references thirty-seven (37)
9 volumes of appendix containing 7,425 pages.

10 The law clerk assigned to this case was promoted to Deputy District Attorney and is
11 no longer working in the Criminal Appeals Unit. He was unable to complete this lengthy,
12 multipart brief before he left. A new law clerk has been hired to filled his position and is
13 taking over the responsibility of preparing the answering brief.

14 On February 17, 2009 appellant requested and was granted a fifth extension of time
15 by order filed March 27, 2009. Due to these circumstances, the State respectfully moves for
16 an enlargement of time of sixty (60) days, making said brief due Friday, October 10, 2009.
17 Granting the enlargement of time will allow the new law clerk the additional time necessary
18 to thoroughly review, adequately research and address Appellant's claims. The State regrets
19 having to request this third extension of time.

20 Dated this 28th day of August, 2009.

21 Respectfully submitted,

22 DAVID ROGER
23 Clark County District Attorney
24 Nevada Bar # 002781

25 BY /S/Steven S. Owens

26 STEVEN S. OWENS
27 Chief Deputy District Attorney
28 Nevada Bar #004352
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on this 28th day of August 2009. Electronic Service of the foregoing document shall be made in accordance with the Mast Service List as follows:

Catherine Cortez Masto
Steven S. Owens
Danielle Hurst

/s/ Margie English
Employee, Clark County
District Attorney's Office

OWENSs/ /english