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4 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

5 ZANE M. FLOYD,

6 Appellant,

7 vs.

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

11 Respondents.

Case No. 51409

Electronically Filed
Nov 12 2009 04:45 p.m.
Tracie K. Lindeman

12 **REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE**
13 **APPELLANT'S REPLY BRIEF**
14 **(First Request)**

15 Appellant ZANE M. FLOYD, through counsel, hereby requests an extension of time of
16 thirty (30) days within which to serve and file his Reply Brief. Nev. Sup. Ct. Rule 250 (7)(d);
17 Nev. R. App. P. 31 (a)(3). This request is supported by the attached declaration of counsel.
18 Counsel for Respondents does not oppose this request.

19 Dated this 12th day of November, 2009.

20 Respectfully submitted,

21 FRANNY A. FORSMAN
22 Federal Public Defender

23 Tiffani D. Hurst
24 Assistant Federal Public Defender
25 Temporary Nevada Bar Number 11027C
26 danielle_hurst@fd.org

27 C. Benjamin Scroggins
28 Staff Attorney
ben_scroggins@fd.org
Nevada Bar Number 7902

411 East Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
(702) 388-6577

Counsel for Appellant

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 Reply Brief in Mr. Floyd's case is currently due to be filed on November 12, 2009. I am requesting an extension of thirty (30) days to file the Reply Brief.

3. I am lead attorney in three (3) federal capital habeas corpus cases in which petitions for writ of habeas corpus have been filed at the United States District Court since April 2009: Nika v. McDaniel, et al., United States District Court Case No. 3:09-cv-00178 JCM (RAM) filed on April 21, 2009; Blake v. McDaniel, et al., United States District Court Case No. 3:09-cv-00327 RCJ (RAM), filed on June 24, 2009; and Hernandez v. McDaniel, et al., United States District Court Case No. 3:09-cv-00545-LRH (RAM), filed on September 18, 2009.

4. The United States District Court's deadline for filing of the amended petitions for writ of habeas corpus in both the Nika and the Blake matters is February 4, 2010. The federal statutory deadline for filing of the amended petition for writ of habeas corpus in the Hernandez matter is December 21, 2009.

5. All three of these cases have demanded my foremost attention as there are vast amounts of investigation to be completed prior to the deadlines stated above. Both the Nika and Hernandez matters involve investigation outside of the United States, and the Blake matter investigation involves well over twenty family members. The difficulties in the Hernandez matter have been compounded by the imminent deadline of December 21, 2009, and the fact that our office was appointed to the matter on September 24, 2009.

6. In addition, undersigned counsel drafted a Reply in Witter v. McDaniel, et al., Nevada Supreme Court Case No. 52964, filed on October 19, 2009; a Petition for Rehearing in Witter v. McDaniel, et al., Nevada Supreme Court Case No. 50447, filed on November 9, 2009; and a Petition for Rehearing in Emil v. McDaniel, et al., Nevada Supreme Court Case No.

1 50044, filed on October 9, 2009.

2 7. Attorney C. Benjamin Scroggins from my office has spoken with counsel for the
3 Respondents in the District Attorney's office, and advised of my intent to request a thirty (30)
4 day extension of time. Deputy District Attorney Steven Owens has no objection to the requested
5 extension of time.

6 8. This request is made in order to provide Mr. Floyd with competent representation,
7 Nev. Sup. Ct. Rule 151, and not solely for the purpose of delay or for any other improper
8 purpose. An extension of thirty days will allow undersigned counsel to address all of the issues
9 in Respondent's Answering Brief while allowing her to give the immediate attention to
10 investigation and preparation of three (3) amended petitions for writ of habeas corpus, as
11 required by the impending court and statutory deadlines in these matters.

12 9. I declare under penalty of perjury that the foregoing is true and correct and that this
13 declaration was executed on November 12, 2009 in Las Vegas, Nevada.

14 FRANNY A. FORSMAN
15 Federal Public Defender

16 Tiffani D. Hurst
17 Assistant Federal Public Defender
18 Temporary Nevada Bar Number 11027C
danielle_hurst@fd.org

19 C. Benjamin Scroggins
20 Staff Attorney
21 ben_scroggins@fd.org
Nevada Bar Number 7902

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24 Counsel for Appellant
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