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Case No. 51409

[illegible]

Electronically Filed  
Dec 11 2009 11:06 a.m.  
Tracie K. Lindeman

### Respondents.

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Dated this 11th day of December, 2009.

### Counsels for Appellant

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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 December 14, 2009. I am requesting an extension of twenty-one (21) days to file the Reply Brief, up to and including January 4, 2009.

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.

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1           6.     In addition to working on the cases above, I filed a Reply Brief in Emil  
2 v. McDaniel, case No. 51474 on August 27, 2009, a Reply Brief in Witter v. McDaniel, Case No.  
3 52964 on October 16, 2009, and a Petition for Rehearing in Emil v. McDaniel, Case No. 50044,  
4 on October 9, 2009, in the Nevada Supreme Court. I have also filed two motions in Al-Nashiri  
5 v. Obama, Case No. 08-1207 on October 23, 2009, in the District Court for the District of  
6 Columbia. I assisted in preparing and filing a Reply to an Opposition to Petition for Writ of  
7 Certiorari in Al-Nashiri v. Gates, Case No. No. 09-5812 in the Supreme Court of the United  
8 States on November 18, 2009.

9           7.     I lost two (2) weekday's worth of time at my office in early December when my  
10 daughter's medical condition required her hospitalization.

11           8.     The workload explained above coupled with the Thanksgiving and Christmas  
12 holidays cause the undersigned to realize the need to request the twenty-one day continuance in  
13 which to file the Reply.

14           9.     Counsel for Petitioner feels a twenty-one day continuance of the deadline to  
15 January 4, 2009 will allow her sufficient time to draft the Reply and counsel does not foresee  
16 the need for any future extensions in this regard.

17           10.    This request is made in order to provide Mr. Floyd with competent representation,  
18 Nev. Sup. Ct. Rule 151, and not solely for the purpose of delay or for any other improper  
19 purpose. An extension of twenty one (21) days will allow undersigned counsel to address all  
20 of the issues in Respondent's Answering Brief while allowing her to give the immediate  
21 attention to investigation and preparation of three (3) amended petitions for writ of habeas  
22 corpus, as required by the impending court and statutory deadlines in these matters.

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1           11.       I declare under penalty of perjury that the foregoing is true and correct and that  
2 this declaration was executed on December 11, 2009 in Las Vegas, Nevada.

3                               FRANNY A. FORSMAN  
4                               Federal Public Defender

5                               TIFFANI D. HURST  
6                               Assistant Federal Public Defender  
7                               Temporary Nevada Bar Number 11027C  
                              danielle\_hurst@fd.org

8                               C. BENJAMIN SCROGGINS  
9                               Staff Attorney  
10                              ben\_scroggins@fd.org  
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12                             Las Vegas, Nevada 89101  
                              (702) 388-6577

13                             Counsels for Appellant  
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