

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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3
4 FERRILL JOSEPH VOLPICELLI

CASE NO. 51622

5 Appellant,

6 Vs.

7 THE STATE OF NEVADA,

8 Respondent.

FILED

JAN 09 2009

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10
11 TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Lindeman*
DEPUTY CLERK

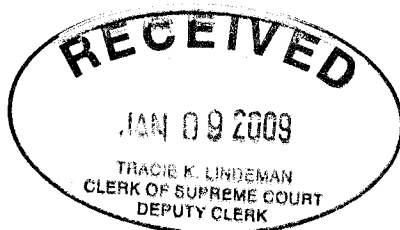
12 MOTION TO EXTEND TIME IN WHICH TO FILE
13 APPELLANT'S REPLY BRIEF

14 Appellant hereby moves this court for an extension of time,
15 to and including February 9, 2009, within which to file his
16 reply brief. The reply brief is currently due to be filed in
17 this court on January 9, 2009.

18 This motion is made pursuant to NRAP 26 and 27 and is based
19 on the following affidavit of counsel.

20 Dated this 9th day of January, 2009.

21
22 *Kay Ellen Armstrong*
KAY ELLEN ARMSTRONG
State Bar No. 0715
415 West Second Street
Carson City, NV 89703
(775) 883-3990
Attorney for Appellant



EXTENSION OF TIME IS SO ORDERED TO
AND INCLUDING FEBRUARY 9, 2009

T. Lindeman, Clerk of Court
cc: Counsel of Record

KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
415 WEST SECOND STREET
CARSON CITY, NEVADA 89703
PHONE (775) 883-3990, FAX (775) 882-8854

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AFFIDAVIT

STATE OF NEVADA)
)
CARSON CITY)


KAY ELLEN ARMSTRONG, being first duly sworn on oath,
deposes and says as follows:

1. I am an attorney licensed to practice law in the
state of Nevada and in such capacity have been appointed to
represent the appellant.

2. My client takes a very active roll in his
representation and because of the holidays I have not had the
opportunity to confer with him regarding the writing of the
reply brief.

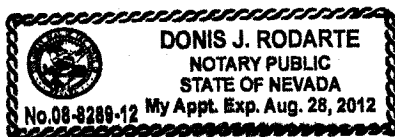
3. This is the first request for an extension of time
for the opening brief, and it is made for good cause and not for
the purpose of delay.

DATED this 9th day of January, 2009.


Kay Ellen Armstrong

SUBSCRIBED AND SWORN to before
me this 9th day of January, 2009.


NOTARY PUBLIC



KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
415 WEST SECOND STREET
CARSON CITY, NEVADA 89703
PHONE (775) 883-3990, FAX (775) 882-8854

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of Kay Ellen Armstrong, Attorney at Law, and that on this date I deposited for delivery with the United States Postal Service, a true copy of the attached document addressed to:

Ferrill J. Volpicelli
#79565
LLCC
1200 Prison Rd.
Lovelock, NV 89419-0359

and further on this date I deposited for delivery by the Reno-Carson Messenger Service, a true copy of the attached document addressed to:

Terrance McCarthy, Deputy
Washoe County District Attorney
75 Court Street
Reno, NV 89520

Attorney General
100 N. Carson Street
Carson City, NV 89701

Dated this 9th day of January, 2009.


Donis Rodarte