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MICHAEL RIPPO,
Appellant,
-vs-
E.K. McDANIEL, et al.,
Respondent.

Electronically Filed
Apr 23 2010 02:15 p.m.
Tracie K. Lindeman

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DECLARATION

I, David Anthony, hereby declares as follows:

1. I am an attorney, admitted to the practice of law before this Court. 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, Michael Rippo, in this matter.

2. The reply brief in Mr. Rippo's case is currently due to be filed on April 23, 2010. A request for an extension of time of forty-five (45) days is sought, up to and including June 7, 2010, in which to file Mr. Rippo's reply brief. This is Mr. Rippo's first request for an extension of time in which to file his reply brief.

3. I have had to devote a substantial amount of time in the last thirty days to other capital habeas matters. Specifically, I arranged for MRI testing, interpretation of the MRI images by a neuroradiologist, and am in the process of working with a neurologist to obtain an expert report for an upcoming hearing in Beets v. McDaniel, Eighth Judicial District Court Case No. C-088206 (capital case); I had multiple discovery hearings in Parker v. McDaniel, Eighth Judicial District Court Case No. C-092278 (capital case), and I am in the process of arranging for expert forensic testing for an upcoming hearing; I had dispositive motion filing deadlines in federal court in Bejarano v. McDaniel, United States District Court Case No. 2:98-cv-01016-PMP-RJJ (capital case) on April 13, 2010, and an upcoming filing deadline on May 5, 2010; I prepared for and conducted oral argument before this Court in Sherman v. State, Nevada Supreme Court Case No. 50653 (capital case) on April 5, 2010; I filed a reply brief with this Court in Snow v. State, Nevada Supreme Court Case No. 53884 (capital case), on March 25, 2010; and I have recently been assigned to two new capital habeas cases, one of which has required extensive travel for client meetings and court proceedings in state and federal court as well as meetings with staff for investigation, McConnell v. McDaniel, United States District Court Case No. 3:10-cv-00021-RCJ-RAM (capital case) (notice of acceptance file on April 19, 2010).

1 4. I also have two upcoming training presentations where I am serving as faculty,
2 one of which is for capital habeas practitioners in the Tenth Circuit Court of Appeals, in
3 Tulsa, Oklahoma, and the other one is for federal criminal trial practitioners in Chicago,
4 Illinois, and my written materials for both presentations are due on April 26, 2010.

5 5. I have contacted counsel for the Clark County District Attorney's Office and
6 explained the need for an extension of time to file the reply brief, and can represent that
7 counsel for the respondent does not oppose the instant request.

8 6. This request is made in order to provide Mr. Rippo with competent
9 representation, NRPC 1.1, and not solely for the purpose of delay or for any other improper
10 purpose. I do not anticipate any further requests for an extension of time to file Mr. Rippo's
11 reply brief.

12 I declare under penalty of perjury that the foregoing is true and correct and that this
13 declaration was executed on April 23, 2010, in Las Vegas, Nevada.

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16 David Anthony
 Attorney for Appellant
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Katrina Manzi
An Employee of the Federal Public Defender