

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

2 *****

3 MICHAEL RIPPO,

4 Appellant,

5 -vs-

6 E.K. McDANIEL, et al.,

7 Respondent.

) No. 53626
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) Electronically Filed
) Aug 17 2009 04:52 p.m.
) Tracie K. Lindeman

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9 **REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE**
10 **APPELLANT'S OPENING BRIEF**

11 Appellant Michael Rippo, through counsel, hereby requests an extension of time
12 of sixty (60) days, to and including October 16, 2009, within which to file his opening
13 brief on appeal. Nev. Sup. Ct. Rule 250 (7)(d); Nev. R. App. P. 31 (a)(3). This request
14 is supported by the attached declaration of counsel. Counsel for the respondents does
15 not oppose the instant request.

16 Dated this 17th day of August, 2009.

17 Respectfully submitted,

18 FRANNY A. FORSMAN
19 Federal Public Defender

20 DAVID ANTHONY
21 Assistant Federal Public Defender
22 Bar No. 07978
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24 Las Vegas, Nevada 89101
25 (702) 388-6577
26 Email: David_Anthony@fd.org

27 Counsel for Appellant

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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 opening brief in Mr. Rippo's case is currently due to be filed on August 17, 2009. A request for an extension of time of sixty (60) days is sought, up to and including October 16, 2009, in which to file Mr. Rippo's opening brief. This is Mr. Rippo's first request for an extension of time.

3. I have had to devote a substantial amount of time in the last thirty days to other capital and non-capital habeas matters. Specifically, I filed a reply brief and a motion in Snow v. McDaniel, Eighth Judicial District Court Case No. C-061676 (capital case), on July 15, 2009, which was heard on July 22, 2009; an opposition to motion to dismiss and two motions in Beets v. McDaniel, Eighth Judicial District Court Case No. C-088206 (capital case), on August 10, 2009; and a reply brief in Bejarano v. McDaniel, United States District Court Case No. CV-S-98-1016-PMP(RJJ) (capital case), on August 17, 2009. I am currently preparing for an evidentiary hearing in Lopez v. McDaniel, Eighth Judicial District Court Case No. C-068946 (capital case), which is scheduled for September 11, 2009. I have also had to prepare for a faculty presentation at a continuing legal education seminar which is scheduled for August 19, 2009, in Chicago, Illinois.

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

5. This request is made in order to provide Mr. Rippo with competent representation, NRPC 1.1, and not solely for the purpose of delay or for any

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1 other improper purpose. I do not anticipate any further requests for an extension of time
2 to file Mr. Rippo's opening brief.

3 I declare under penalty of perjury that the foregoing is true and correct and that
4 this declaration was executed on August 17, 2009, in Las Vegas, Nevada.

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6 David Anthony
7 Attorney for Appellant
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1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I hereby certify that pursuant to NRCP 5(b)(2)(D) this document was filed
3 electronically with the Nevada Supreme Court on the 17th day of August, 2009.

4 Electronic Service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN
5 WHICH TO FILE APPELLANT’S OPENING BRIEF shall be made in accordance with
6 the Master Service List as follows:

7 Steven Owens, Deputy District Attorney

8
9 Katrina Lang,
10 An Employee of the Federal Public Defender