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

Electronically Filed
Jun 07 2010 01:51 p.m.
Tracie K. Lindeman

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Dated this 7th day of June, 2010.

FRANNY A. FORSMAN
Federal Public Defender
DAVID ANTHONY
Assistant Federal Public Defender
Bar No. 07978
411 East Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
(702) 388-6577
Email: David_Anthony@fd.org

Counsel for Appellant

DECLARATION

I, David Anthony, hereby declare 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 June 7, 2010. A request for an extension of time of ten (10) days is sought, up to and including June 17, 2010, in which to file Mr. Rippo's reply brief. This is Mr. Rippo's second request for an extension of time in which to file his reply brief. I have previously requested an extension of time of forty-five days.

3. The reply brief has been drafted but it is not yet completed for filing. The state's answering brief is seventy-eight pages in length. The reply brief is currently forty-seven pages in length and requires the insertion of citations to the appendix. I am requesting an extension of time in order to make edits to the brief, to make a good faith attempt to limit the page length of the brief to conform to the page limitations prescribed by the Court's appellate rules, NRAP 32(a)(7)(B), and to insert citations to the joint appendix. NRAP 28(e).

4. In addition, I have had to devote a substantial amount of time in the last thirty days to other capital habeas matters. I filed a petition for rehearing in this Court in Sherman v. State, Nev. Sup. Ct. No. 50653, on June 4, 2010; I filed a post-hearing reply brief in Lopez v. McDaniel, Eighth Judicial District Court Case No. C068946, on May 25, 2010, in preparation for a hearing conducted on June 1, 2010; I had a hearing in Beets v. McDaniel, Eighth Judicial District Court Case No. C088206, on May 14, 2010, and I am subject to an order of the court to assist a court appointed psychologist in connection with an upcoming hearing on the issue of mental retardation; and I currently have an amended petition due in Kirksey v. McDaniel, United States District Court Case No. 2:97-cv-0333-PMP-PAL, on June 9, 2010. I was also out of the state giving a presentation to capital habeas attorneys

1 from the Tenth Circuit Court of Appeals in Tulsa, Oklahoma, on May 14-15, 2010.

2 5. This request is made in order to provide Mr. Rippo with competent
3 representation, NRPC 1.1, and not solely for the purpose of delay or for any other improper
4 purpose. I will not request any further extensions of time to file the reply brief under any
5 circumstances.

6 I declare under penalty of perjury that the foregoing is true and correct and that this
7 declaration was executed on June 7, 2010, in Las Vegas, Nevada.

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