

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

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5 MICHAEL DAMON RIPPO,)

Case No. 53626

6 Appellant,)

7 v.)

8 THE STATE OF NEVADA,)

9 Respondent)

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11 **MOTION FOR EXTENSION OF TIME**

12
13 DAVID ANTHONY
14 Assistant Federal Public Defender
15 Nevada Bar No. 007978
16 411 East Bonneville Avenue, Ste 250
17 Las Vegas, Nevada 89101
18 (702) 388-6577

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
Regional Justice Center
200 Lewis Avenue, 3rd Fl.
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

CATHERINE CORTEZ MASTO
Nevada Attorney General
Nevada Bar #003926
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1265

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28 Counsel for Appellant

Counsel for Respondent

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11 **MOTION FOR EXTENSION TIME**
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13 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District
14 Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an
15 extension of time within which to file Respondent's Answering Brief. This motion is based
16 on the following memorandum and all papers and pleadings on file herein.

17 Dated this 17th day of November, 2009.

18 Respectfully submitted,

19 DAVID ROGER
20 Clark County District Attorney
Nevada Bar # 002781

21
22 BY /s/ Steven S. Owens

23 STEVEN S. OWENS
24 Chief Deputy District Attorney
25 Nevada Bar #004352
26 Office of the Clark County District Attorney
27 200 Lewis Avenue
28 Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2750

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MEMORANDUM

I, STEVEN S. OWENS, am the supervising attorney in the above-captioned case. The State is requesting a sixty (60) day extension of time in which to file its Answering Brief under SCR 250(7)(d). No previous extensions have been granted. As good cause for the extension, the State cites the large size of the record and number of pages in the Opening Brief.

This is an appeal from a district court order denying Appellant's second post-conviction Petition for Writ of Habeas Corpus. The district court denied Appellant's second Petition for Writ of Habeas Corpus and issued Findings of Fact, Conclusions of Law and Order on September 22, 2008. Appellant filed his Notice of Appeal and his Opening Brief was originally due on August 17, 2009. However, on August 20, 2009, Appellant's counsel, Mr. David Anthony, filed a sixty (60) day extension of time, which was granted by the Court.

The Clark County District Attorney's Office received Appellant's Opening Brief on October 16, 2009. Respondent's Answering Brief is due on or before November 18, 2009.

Pursuant to NRAP 26(b), this Court for good cause shown can enlarge the time prescribed by the Nevada Rules of Appellate Procedure for doing any act, or may permit an act to be done after the expiration of such time. In addition, Supreme Court Rule 250(7)(d) allows for an initial extension of time of up to sixty (60) days upon a showing of good cause.

This capital case involves an extraordinary large record consisting of a forty-eight (48) volume appendix—consisting of 11,661 pages. The ninety-three (93) page Opening Brief raises approximately fourteen (14) issues and twenty (20) sub-issues.

The State respectfully moves for an enlargement of time of sixty (60) days, making said brief due on January 18, 2009. This will give the State sufficient time to thoroughly review and respond fully to the material in Appellant's Opening Brief.

1 I declare under penalty of perjury the factual representations set forth in the foregoing
2 memorandum are true and correct.

3 Dated this 17th day of November, 2009.

4 Respectfully submitted,

5 DAVID ROGER
6 Clark County District Attorney
7 Nevada Bar # 002781

8
9 BY */s/ Steven S. Owens*

10 STEVEN S. OWENS
11 Chief Deputy District Attorney
12 Nevada Bar #004352
13 Office of the Clark County District Attorney
14 Regional Justice Center
15 200 Lewis Avenue
16 Post Office Box 552212
17 Las Vegas, Nevada 89155-2212
18 (702) 671-2750
19
20
21
22
23
24
25
26
27
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 17, 2009. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO
Nevada Attorney General

DAVID ANTHONY
Assistant Federal Public Defender

STEVEN S. OWENS
Chief Deputy District Attorney

BY /s/ eileen davis
Employee, District Attorney's Office

SSO/Christopher Hamner/ed