

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DAMON RIPPO

Petitioner/Appellant,

vs.

STATE OF NEVADA, et al.,

Respondents/Appellees.

Case No. 53626

Electronically Filed
Aug 21 2018 07:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REQUEST FOR EXTENSION OF TIME WITHIN WHICH
TO FILE PETITION FOR REHEARING**

Appellant Michael Damon Rippo requests an extension of time of four (4) days, up to and including August 24, 2018, in which to file a petition for rehearing from this Court's order affirming in part, reversing in part, and remanding for an evidentiary hearing.

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This request is supported by the attached declaration of
counsel.

DATED this 20th day of August, 2018.

Respectfully submitted,

/s/ David Anthony

DAVID ANTHONY

Assistant Federal Public Defender

411 E. Bonneville Ave., Suite 250

Las Vegas, Nevada 89101

702-388-6577

david_anthony@fd.org

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 Federal Public Defender. I represent the appellant, Michael Damon Rippo, in this appeal.

2. On August 2, 2018, this Court issued an order affirming in part, reversing in part, and remanding this case for an evidentiary hearing. Mr. Rippo's petition for rehearing is currently due on August 20, 2018. A request for an extension of time of four (4) days is sought, up to and including August 24, 2018, in which to file the petition. This is Mr. Rippo's first request for an extension of time.

3. I have made substantial progress on the petition for rehearing but it is not yet complete for filing. This case has a complex procedural history on the judicial bias claim at issue in this appeal, including an opinion rejecting the claim on direct appeal, an opinion affirming the denial of post-conviction relief, an opinion of the United States Supreme Court reversing the denial of relief, and now a re-issued third opinion

affirming in part, reversing in part, and remanding for an evidentiary hearing. It has taken a substantial amount of time to draft a petition for rehearing in light of the procedural history above. I have been working diligently on the petition and anticipate that it will be completed for filing in four days.

4. I have also been unable to complete the petition for rehearing due to my administrative obligations as the Chief of the Capital Habeas Unit that have arisen over the last eighteen days. I have two new employees starting in the unit this month which requires that I devote time to training. There are two case teams in the unit that have evidentiary hearings scheduled in October, and there are two case teams that have recently been appointed to new federal habeas cases. I have had to devote substantial time to each of these cases.

5. I also have a reply to an eighty-seven page pleading currently due this Friday, August 24, 2018, in *Armstrong v. Ryan*, CV-15-00358-TUC-RM.

6. This request for a short extension of time 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 other improper purpose. I will compete and file the petition for rehearing on August 24, 2018.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 20, 2018, in Clark County, Nevada.

DATED this 20th day of August, 2018.

Respectfully submitted,

/s/ David Anthony
DAVID ANTHONY
Assistant Federal Public Defender
Nevada State Bar No. 7978
411 E. Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
702-388-6577
david_anthony@fd.rog
Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20th day of August, 2018, electronic service of the foregoing Request for Extension of Time within which to File Petition for Rehearing shall be made in accordance with the Master Service List as follows:

Steven Owens
Deputy District Attorney
steven.owens@clarkcountyda.com

Adam Paul Laxalt
Attorney General

/s/ Sara Jelinek
An Employee of the Federal Public
Defender, District of Nevada