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SAMUEL HOWARD,  
Appellant,  
v.  
THE STATE OF NEVADA,  
Respondent

Case No. 57

COMES NOW the State of Nevada, by DAVID ROGER, Clark County District Attorney, through his Deputy, NANCY A. BECKER, and moves this Court for an extension of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 13<sup>th</sup> day of July 2011.

Respectfully submitted,

DAVID ROGER  
Clark County District Attorney  
Nevada Bar # 002781

BY */s/ Nancy A. Becker*

NANCY A. BECKER  
Deputy District Attorney  
Nevada Bar #000145  
Office of the Clark County District Attorney  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2750

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**MEMORANDUM**

I, NANCY A. BECKER, am the supervising attorney in the above-captioned case. The State is requesting a thirty (30) day extension of time in which to file its Answering Brief under SCR 250(7)(d) and NRAP 31. One previous extension has been granted to the State, and one extension was granted to Appellant.

Respondent's Answering Brief is currently due July 13, 2011. Pursuant to NRAP 31(b)(3), this Court for extraordinary circumstances and extreme need 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. With respect to extraordinary circumstances and extreme need, the complexity of the numerous issues in Appellant's 64-page Opening Brief was fully realized only after commencing the Respondent's Brief. Because this an appeal from the denial of Appellant's 4<sup>th</sup> Petition for Writ of Habeas Corpus, the State will also need to review an extensive record of all the proceedings, including Appellant's 14-volume appendix. Consequently, the State will require more time to prepare an adequate response than first anticipated.

The State respectfully moves for an enlargement of time of thirty (30) days within which to file Respondent's Answering Brief, up to and including August 12, 2011. This will give the State sufficient time to thoroughly review the record so that it can properly respond to the material in Appellant's Opening Brief.

Dated this 13<sup>th</sup> day of July, 2011.

Respectfully submitted,

DAVID ROGER  
Clark County District Attorney  
Nevada Bar # 002781

BY /s/ Nancy A. Becker

Nancy A. Becker  
Deputy District Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 13th day of July, 2011. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO  
Nevada Attorney General

MIKE CHARLTON  
Assistant Federal Public Defender

NANCY A. BECKER  
Deputy District Attorney

BY /s/ jennifer garcia  
Employee, District Attorney's Office

NAB/Tara Leavitt/jg