

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3
4 **ORIGINAL**

5 ZANE MICHAEL FLOYD,)

6 Appellant,)

7 v.)

CASE NO. 36752

8 THE STATE OF NEVADA)

9 Respondent.)

10 **FILED**

11 **JUL 25 2001**

12 **MOTION TO ENLARGE TIME**

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

13
14 MORGAN D. HARRIS
Clark County Public Defender
15 Nevada Bar No. 001879
309 S. Third St., Ste. 226
16 Las Vegas, Nevada 89155
(702)455-4685

STEWART L. BELL
Clark County District Attorney
Nevada Bar No. 000477
Clark County Court House
200 South Third Street, Suite 701
Post Office Box 552212
Las Vegas, Nevada 89155-2211
(702) 455-4711

18 FRANKIE SUE DEL PAPA
Nevada Attorney General
Nevada Bar No. 000192
Capitol Complex
Carson City, Nevada 89710
(702) 486-3420

19
20
21
22 Counsel for Appellant

Counsel for Respondent

23
24
25 **RECEIVED**

26 JUL 25 2001

27 JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

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

2
3
4
5 ZANE MICHAEL FLOYD,)

6 Appellant,)

7 v.)

CASE NO. 36752

8 THE STATE OF NEVADA,)

9 Respondent.)

10
11
12 **MOTION TO ENLARGE TIME**

13 COMES NOW, the State of Nevada, by STEWART L. BELL, Clark County
14 District Attorney, through his deputy JAMES TUFTELAND, and moves to enlarge the
15 time within which to file Respondent's Answering Brief up to and including
16 September 17, 2001.


17 This motion is based on the following memorandum, declaration and all papers
18 and pleadings on file herein.

19 Dated this 23rd day of July, 2001.

20
21 Respectfully submitted,

22 STEWART L. BELL
23 District Attorney

24
25 By


26 JAMES TUFTELAND
27 Nevada Bar No. 000439
28 Chief Deputy
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM

Appellant's Opening Brief was received by the respondent State of Nevada on April 30, 2001. The time within which to file Respondent's Answering Brief was enlarged pursuant to Supreme Court Order filed May 22, 2001, following Appellant's motion for an extension of time and permission to file an opening brief in excess of thirty pages. Said answering brief is currently due July 23, 2001.

A draft of Respondent's Answering Brief has been completed but review of said draft has not been completed and in discussion's with the law clerk who drafted the brief, it appears that some revision and/or additions will be necessary.

NRAP 26(b) allows for enlargement of time upon good cause shown. The appellate section of the district attorneys office has been operating at less than full strength for several months while continuing to work on approximately thirty appeals and over one hundred district court post-conviction matters. There are times when deadlines simply cannot be met.

Based on the foregoing, an enlargement of time of eight weeks within which to file Respondent's Answering Brief is hereby requested, making said brief due on or before September 17, 2001.

Respectfully Submitted,

STEWART L. BELL
District Attorney

By: 
JAMES TUFELAND
Chief Deputy District Attorney

DECLARATION

I, James Tufteland, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

I assigned the responsibility of drafting Respondent's Answering Brief in the case styled Zane Michael Floyd v. The State of Nevada, No. 36752, to one of the appellate section's law clerks. The appellate section is budgeted for eight law clerks but has been operating with seven for the past three months and is currently down to six. Additionally, four of the clerks are currently studying for the Nevada Bar Exam including the clerk assigned to this appeal.


The work load typically averages about thirty appeals and over one hundred district court post-conviction matters per month. Meeting deadlines on each and every one of these matters is just not humanly possible.

A draft of respondent's brief was received by undersigned counsel first thing Monday morning, July 23, 2001, but review of said draft and discussion's with the law clerk reveal that some revision and perhaps additions to said draft are necessary before said brief will be acceptable for filing. This is an appeal of a capital conviction with a fourteen volume appendix. Due to the extent of the record and the importance of the issues an enlargement of time of eight weeks from the current due date will likely be necessary to make those changes and file said brief.

Chief Deputy District Attorney Lynn Robinson has spoken with counsel for Appellant, Robert L. Miller, and he has agreed to allow the State the additional time it requests.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated this 23rd day of July, 2001.

By 
JAMES TUFTELAND,
Chief Deputy District Attorney
Nevada Bar No. 000439

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

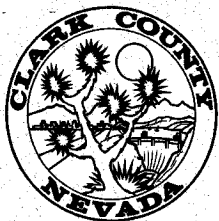
I hereby certify and affirm that I mailed a copy of the foregoing Motion to Enlarge Time to File Respondent's Answering Brief to the attorney of record listed below on July 23, 2001.

MORGAN HARRIS
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155



Employee, Clark County
District Attorney's Office

TUFTELAND/David Schubert/english



OFFICE OF THE DISTRICT ATTORNEY

POST-CONVICTION PROCESSES

Clark County Courthouse • 200 S Third St 4th Fl • PO Box 552212 • Las Vegas NV 89155-2212
(702) 455-4843 • Fax: (702) 383-8465

STEWART L. BELL

District Attorney

July 23, 2001

J. CHARLES THOMPSON

Assistant District Attorney

JOHNNIE B. RAWLINSON

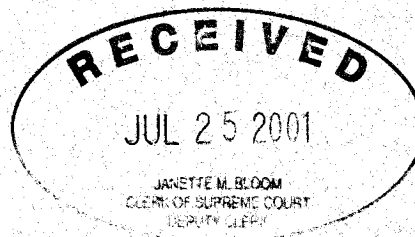
Assistant District Attorney

JAMES TUFTELAND

Chief Deputy

The Honorable Janette Bloom
Clerk of the Supreme Court
Office of the Clerk
State of Nevada
Capitol Complex
Carson City, Nevada 89710

Re: Zane Michael Floyd,
v.
State of Nevada
No.36752




Dear Ms. Bloom:

We are enclosing the original and one copy of our Motion for Enlargement of Time in the above-captioned case for filing in your office and consideration by the Court

Very truly yours,

STEWART L. BELL
District Attorney

BY


James Tufteland
Chief Deputy

Tufteland/Schubert/english
Encl