

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRSTIN BLAISE LOBATO,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Case No. 58913

Electronically Filed  
May 01 2014 04:23 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE APPELLANT'S SUPPLEMENTAL  
REPLY BRIEF IN EXCESS OF PAGE LIMIT**

COMES NOW, J. BEDIAKU AFOH-MANIN, pro bono counsel for the Appellant, Kirstin Blaise Lobato, and respectively moves this Honorable Court for leave to file the APPELLANT'S SUPPLEMENTAL REPLY BRIEF in excess of the 5-page limit under this Court's Order of March 31, 2014. This Motion is based on the following Declaration and all papers and pleadings on file herein.

Dated this 1<sup>st</sup> day of May, 2014.

Respectfully submitted,

By: /s/ J. Bediaku Afoh-Manin  
J. BEDIAKU AFOH-MANIN  
Pro bono attorney for Appellant  
Associate Counsel per NSC Order

By: /s/ Phung H. Jefferson  
PHUNG H. JEFFERSON  
Pro bono attorney for Appellant  
Nevada Bar Number 7761

**DECLARATION**  
**NRS 53.045**

I, J. BEDIAKU AFOH-MANIN, associate counsel for Kirstin Blaise Lobato as authorized by the Nevada Supreme Court's Order of June 7, 2013, do affirm and state as follows:

1. The Nevada Supreme Court's Order of March 31, 2014 set-forth Ms. Lobato's Supplemental Reply Brief was to be no more than 5 pages, and filed within 11 days after the Respondent's Supplemental Answering Brief was filed.

2. The Respondent's Supplemental Answering Brief was filed on April 21, 2014.

3. Review of the Respondent's Supplemental Answering Brief found Ms. Lobato's Supplemental Reply Brief needs to address: (i) More than a dozen material assertions that are belied by the record or otherwise misrepresent, misapprehend, or omit material facts; (ii) New citations of inapplicable case law and erroneous material assertions and omissions related to case law; and, (iii) Assertions concerning NRS 7.135 that raise a new issue implicating Ms. Lobato's state and federal constitutional rights to effective assistance of counsel, due process of law, and equal protection of the law under rulings by the Nevada Supreme Court and other courts.

4. To adequately address the multitude of erroneous factual and legal assertions and omissions in the Respondent's Supplemental Answering Brief, and

provide the information necessary for the Nevada Supreme Court to accurately understand the issues involved and make an informed judgment, it was found that even with a very strong emphasis on brevity and conciseness 8 pages is needed for Ms. Lobato's Supplemental Reply Brief, with more than 2 pages alone addressing the State's new assertions regarding NRS 7.135.

5. Considering the unusual circumstances described in this Declaration it is believed the requirement of NRAP 32(a)(7)(D) is met that "a showing of diligence and good cause" must be made for Ms. Lobato to be granted permission to file her Supplemental Reply Brief that exceeds the 5 page limit.

Dated this 1<sup>st</sup> day of May, 2014.

By: /s/ J. Bediaku Afoh-Manin  
J. Bediaku Afoh-Manin  
953 Park Place #1R  
Brooklyn, NY 11213  
917-270-6321  
Pro bono attorney for Appellant  
Associate Counsel per NSC Order

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that the MOTION FOR LEAVE TO FILE APPELLANT'S SUPPLEMENTAL REPLY BRIEF IN EXCESS OF PAGE LIMIT was filed electronically with the Nevada Supreme Court on the 1<sup>st</sup> day of May, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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By: /s/ Edna Ballesteros  
An employee of Phung H. Jefferson