IN THE SUPREME COURT	RECEVED CLERK OF THE STATE OF NEVADA	
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WILLIAM WITTER,	FILED	
Appellant,) FEB 28 2001	
vs.) JANETTE M. BLOOM CLERK OF SUPREME COURT	
THE STATE OF NEVADA,) BY TALL OF CLERK)	
Respondent.) Case No. 36927	
	WILLIAM WITTER, Appellant, vs. THE STATE OF NEVADA,	IN THE SUPREME COURT OF THE STATE OF NEVADA * * * * 0! FEB 26 PM 3: 19 WILLIAM WITTER, Appellant, Vs. THE STATE OF NEVADA, DEPUTY CLERK

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

COMES NOW, Appellant, WILLIAM WITTER, by and through his attorney, DAVID M. SCHIECK, ESQ., and moves this Court for an Order granting an extension of time of thirty (30) days to file Appellant's Opening Brief up to and including March 28, 2001.

This Motion is made and based upon NRAP 31(a)(1), NRAP 26(b), and the Affidavit of counsel attached hereto.

DATED this 23 day of February, 2001.

SUBMATTED BY:

DAVID M. SCHIECK, ESQ. 302 E. Carson Ave., #600 Las Vegas, Nevada 89101 Attorney for Appellant

POINTS AND AUTHORITIES

NRAP 26(b) states as follows:

"(b) Enlargement of time. The court for good cause shown may upon motion enlarge the time prescribed by these rules or by its order for doing any act. or may permit an act to be done after the entertied of such time...."

FEB 2 8 2001

JANETTE M. BLOCM CLERK OF SUPREME COURT DEPUTY CLERK

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Appellant WITTER.

1 NRAP 31(a)(1) states in pertinent part as follows: 2 "... The appellant shall serve and file the opening brief within one hundred and twenty (120) days after 3 the date on which the appeal is docketed in the Supreme Court..." 4 5 The Record on Appeal in this matter was filed October 30, 6 2000 and Appellant's Opening Brief is due on February 26, 2001. 7 This is an appeal from denial of Post Conviction Relief in a 8 capital case. 9 Based on the reasons set forth in counsel's affidavit 10 attached hereto, it is requested that an extension of 30 days 11 be granted to file Appellant's Opening Brief, up to and 12 including, March 28, 2001. 13 DATED this 23 day of February, 2001. 14 Respectfully submitted, 15 16 By: 17 SCHIECK, ESQ. DAVID M. 302 E. Carson Ave., #600 18 Las Vegas, Nevada 89101 Attorney for Appellant 19 AFFIDAVIT OF COUNSEL 20 STATE OF NEVADA) 21 COUNTY OF CLARK) 22 DAVID M. SCHIECK, being first duly sworn, deposes and 23 says: 24 25 That Affiant is an attorney duly licensed to practice law 26 in the State of Nevada, and court-appointed counsel for

That Appellant's Opening Brief is due on February 26, 2001.

That Affiant is also counsel of record for Mack Mason in Mason adv. State, a capital murder trial in District Court, Department 4. That trial started February 14, 2001 and the Court has indicated that if a penalty hearing is necessary, same will start on Monday, February 26, 2001.

That Affiant also has reply briefs due in Towner v. State, Like v. State, and Amati v. State; and an opening brief due in Collins v. State within the next 30 days.

That Affiant requests an extension of 30 days, up to and including March 28, 2001 to file Appellant's Opening Brief.

This Motion is made in good faith and not for the purpose of delay.

Further Affiant sayeth naught.

DAVID M. SCHIECK

SUBSCRIBED and SWORN to before me

this 23 day of February, 2001.

NOTARY PUBLIC



David M. Schieck Attorney At Law

CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 230 day of February, 2001, did deposit in the United States Post Office at Las Vegas, Nevada, a copy of the above and foregoing Motion, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to the following:

Clark County District Attorney 200 S. Third Street Las Vegas NV 89155 Nevada Attorney General 100 N. Carson Carson City NV 89701-4717

KATHLEEN FITZGERALL an employee of David Schieck, Esq.