

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \*

DOMONIC RONALDO MALONE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 61006

Electronically Filed  
Oct 01 2012 12:58 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Motion for Extension of Time to File  
Appellant's Opening Brief and Appendix (First Request)

COMES NOW, Appellant, Domonic Malone, by and through his attorneys, David M. Schieck, Special Public Defender and JoNell Thomas, Deputy Special Public Defender, and moves this Court for an Order granting an extension of time of 60 days, up to and including December 3, 2012, to file Appellant's Opening Brief and Appendix. This is Appellant's first request for an extension of time.

This Motion is made and based upon NRAP 31, and the Declaration

...

...

attached hereto.

Dated: October 1, 2012

DAVID M. SCHIECK  
SPECIAL PUBLIC DEFENDER

*/s/ JONELL THOMAS*

By \_\_\_\_\_  
JONELL THOMAS, NSB 4771  
DEPUTY SPECIAL PUBLIC DEFENDER  
330 SOUTH THIRD STREET, STE. 800  
LAS VEGAS, NEVADA 89155-2316  
(702) 455-6265

### STATEMENT OF FACTS

The Opening Brief and Appendix are due October 4, 2012. Based on the Declaration attached hereto, Appellant is requesting an extension of 60 days, up to and including December 3, 2012, to file his Opening Brief.

### POINTS AND AUTHORITIES

Pursuant to NRAP 31, a motion for an extension of time must be made no later than the due date for the brief.

### CONCLUSION

Appellant is requesting an extension of time to file his Opening Brief and

...

Appendix.

DATED: October 1, 2012.

DAVID M. SCHIECK  
SPECIAL PUBLIC DEFENDER

*/s/ JONELL THOMAS*

By \_\_\_\_\_  
JONELL THOMAS, NSB 4771  
DEPUTY SPECIAL PUBLIC DEFENDER  
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DECLARATION OF JONELL THOMAS

JoNell Thomas makes the following declaration:

I am the Deputy Special Public Defender representing Mr. Malone on his direct appeal in the instant case.

The State filed a Notice of Intent to Seek the Death Penalty in this case. There was a trial and penalty hearing which took approximately 3 weeks after the case was pending in the district court for five (5) years. The jury did not sentence Mr. Malone to death and therefore the Appellant is responsible for preparing the Appendix. It took an extraordinary amount of time to review the list of documents filed and minutes in order to put together the appendix which was just completed last week. The appendix contains only those documents and transcripts which

counsel reasonably believes are necessary for the issues to be raised on appeal.

There are 19 volumes containing almost 4,000 pages. Preparation of the brief will require an exhaustive review of the record as well as extensive research.

Counsel is requesting additional time to review the appendix and prepare the opening brief.

The Opening Brief is due October 4, 2012 and I am requesting a 60 day extension. I declare that I make this request in good faith and not for purposes of delay.

*/s/ JONELL THOMAS*

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JONELL THOMAS

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on the 1st day of October, 2012, a copy of the foregoing Motion for Extension of Time to File Appellant's Opening Brief (first request) was served as follows:

**BY ELECTRONIC FILING TO**

District Attorney's Office  
200 Lewis Ave., 3<sup>rd</sup> Floor  
Las Vegas, NV 89155

Nevada Attorney General  
100 N. Carson St.  
Carson City NV 89701

*/s/ JONELL THOMAS*

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JONELL THOMAS