

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONTE JOHNSON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Case No. 36991

FILED

MAY 17 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Masada
DEPUTY CLERK

APPLICATION FOR EXTENSION OF TIME

COMES NOW the Appellant, DONTE JOHNSON, by and through his attorney, LEE-ELIZABETH McMAHON, Deputy Special Public Defender, and moves this Honorable Court for an extension of time from May 19, 2001, through and including June 19, 2001, within which to file Appellant's Opening Brief.

This Application is based upon the Affidavit of counsel attached hereto.

DATED this 15th day of May, 2001.

PHILIP J. KOHN
CLARK COUNTY SPECIAL PUBLIC DEFENDER

By

LEE-ELIZABETH McMAHON
Deputy Special Public Defender
Nevada Bar #1765
309 South Third Street, 4th Floor
Las Vegas, Nevada 89155-2316
(702) 455-6265

RECEIVED

MAY 17 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

A F F I D A V I T

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

LEE-ELIZABETH McMAHON, having been first duly sworn, and upon information and belief, deposes and says:

1. That affiant, yesterday afternoon May 14, 2001 received the order of this Honorable Court addressed to Dayvid Figler, Deputy Special Public Defender dated May 9, 2001 in which it was ordered that the Opening Brief herein be filed within ten (10) days of the order; that is Saturday May 19, 2001.

2. Your affiant, who is now responsible for the Opening Brief, cannot meet this deadline.

3. Affiant, who was not assigned the direct appeal herein acquired same by default when Dayvid Figler, who was assigned the case on direct appeal had not begun work on same.

4. That your affiant met with the head of the office, Philip J. Kohn, the Special Public Defender of Clark County requesting that she not be required to be appellant counsel given the appeal case load already assigned to her. As Mr Figler said he could not do it, and there was no other attorney in the office without an upcoming trial your affiant's request was denied.

5. Affiant is not unmindful that the Opening Brief was due before February 19, 2001 but that was not your affiant's responsibility, but that of Mr. Figler.

6. Affiant needs an additional thirty (30) days to complete the Opening Brief herein and respectfully requests that this extension be granted.

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1 7. That this request for an extension of time is made in
2 good faith.

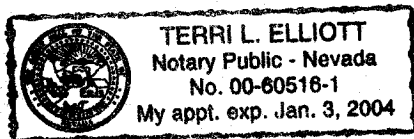
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LEE-ELIZABETH McMAHON

6 SUBSCRIBED AND SWORN to before
7 me this 15th day of May, 2001.

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NOTARY PUBLIC in and for
said County and State.



21 RECEIPT OF A COPY of the foregoing Application for Extension
22 of Time is hereby acknowledged this 15th day of May, 2001.

23 STEWART L. BELL
24 CLARK COUNTY DISTRICT ATTORNEY

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By

Adeline Mulkey