

IN THE SUPREME COURT OF THE STATE OF NEVADA


DONTE JOHNSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 36991

**FILED**

SEP 24 2002

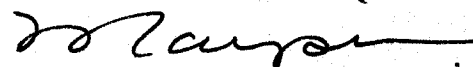
ORDER GRANTING MOTION IN PART

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

This is an automatic appeal from a judgment of conviction and a sentence of death. NRS177.055. On June 25, 2002, this court entered an order directing the parties to file supplemental briefs addressing the constitutionality of Nevada's three-judge panel system in light of the recent United States Supreme Court decision in Ring v. Arizona, 536 U.S. \_\_\_\_ (2002), No. 01-488, 2002 WL 1357257, issued on June 24, 2002. We also vacated the oral argument scheduled for June 26, 2002, and directed the clerk of this court to schedule this appeal for oral argument before the en banc court on the next available argument calendar. On August 14, 2002, the clerk of this court issued a notice rescheduling oral argument on November 12, 2002.

On September 12, 2002, appellant filed a motion for an extension of time, until October 13, 2002, to file the supplemental reply brief. Cause appearing, we grant the motion, in part. Appellant shall have until October 1, 2002, to file and serve the reply brief. We caution appellant that failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. See NRAP 28(c). The oral argument of this matter shall remain scheduled for November 12, 2002.

It is so ORDERED.

 C.J.

cc: Special Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
JoNell Thomas