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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH ALEXANDER HENDERSON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Docket No. 59313

**MOTION FOR EXTENSION OF TIME
FOR FILING OPENING BRIEF AND
APPENDIX (FIRST REQUEST)**

Appellant Joseph Alexander Henderson through his counsel, Julian Gregory of the Law Office of Gabriel L. Grasso, hereby submits this motion for an extension of time to file and serve the opening brief and appendix in this case. This motion is made in good faith and not for the purposes of undue delay.

On March 27, 2013, the undersigned counsel was appointed to undertake the instant appeal from the District Court's denial of a petition for writ of habeas corpus. A review of the District Court docket indicated that the transcripts for the evidentiary hearing held by the court below had previously been prepared and filed. Accordingly, counsel submitted a certificate of no transcript request on April 9, 2013, and set to obtaining the balance of the file from prior counsel. This Court then ordered that the Opening Brief and Appendix be filed by July 18, 2013.

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1 Despite the exercise of due diligence, the undersigned counsel was
2 unable to obtain the necessary transcripts from the Court Clerk's office un-
3 til late June of 2013, exhausting most of the 120-day period this Court per-
4 mitted for the filing of the Opening Brief and Appendix in this appeal.
5 Counsel is still reviewing and annotating that transcript, and requires addi-
6 tional time to effectively brief the issues.

7 For that reason, counsel would request an extension of time to file the
8 Opening Brief and Appendix in this appeal. The Opening Brief and Appen-
9 dix are due July 18, 2013. There have been no prior requests for extensions
10 of time. Counsel would request an additional ninety days with which to
11 prepare and file the Opening Brief and Appendix, resulting in an extension
12 of the time for filing and service from July 18, 2013, to October 16, 2013.

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14 DATED this 17 of July, 2013.

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16
17 /s/ Julian Gregory
18 JULIAN GREGORY, ESQ.
19 Nevada Bar No. 11978
20 **LAW OFFICE OF GABRIEL L. GRASSO, P.C.**
21 9525 Hillwood Drive, Suite #190
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23 (702) 868-8866
24 Counsel for Appellant
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am a person competent to serve papers, that I
3 am not a party to the above-entitled action, and that on July 17, 2013, I
4 served the foregoing brief via the Nevada Supreme Court's eFlex system to
5 counsel as listed below:
6

7	Name	Address
8	Steven B. Wolfson, Esq.	200 Lewis Ave.
9	Steven S. Owens, Esq.	Las Vegas, NV 89155
10	Clark County District Attorney's Office	
11	Catherine Cortez Masto	100 N. Carson St.
12	Nevada Attorney General's Office	Carson City, NV 89701

13
14 DATED this 17 of July, 2013.
15
16

17 /s/ Julian Gregory
18 JULIAN GREGORY, ESQ.
19 Nevada Bar No. 11978
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24 Counsel for Appellant
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26 **AFFIRMATION**

Pursuant to NRS 239B.030

27 The undersigned does hereby affirm that the preceding document does not
28 contain the social security number of any person.

/s/ Julian Gregory
Julian Gregory, Esq.

07-17-13
Date