

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DALE EDWARD FLANAGAN,

Appellant,

v.

THE STATE OF NEVADA,

Respondent

Case No. 63703

Electronically Filed  
Mar 20 2014 10:39 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME  
(First Request)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an extension of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 20<sup>th</sup> day of March, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Steven S. Owens

STEVEN S. OWENS  
Chief Deputy District Attorney  
Nevada Bar #004352  
Office of the Clark County District Attorney

## **MEMORANDUM**

I, STEVEN S. OWENS, am the supervising attorney in the above-captioned case. The State is requesting a sixty (60) day extension of time in which to file its Answering Brief under NRAP 31(b)(3) and SCR 250(7)(d).

This is an appeal from the District Court's Order denying Appellant's second Petition for Writ of Habeas Corpus (Post-Conviction). On November 21, 2013, Appellant filed a Motion for Extension of Time to file his Opening Brief. This Court granted the First Extension in its entirety, and gave Appellant sixty (60) days to file his Opening Brief. On January 23, 2014, Appellant filed a second Motion for Extension of Time, requesting an additional twenty-one (21) days to file his Opening Brief. This Court also granted the Second Extension in its entirety.

No motions for extension of time have been requested or granted to the State. The State's Answering Brief is currently due on March 21, 2014.

This case involves an extensive record, including nine (9) days of jury trial, three (3) penalty hearings, two (2) post-conviction petitions, and multiple briefs and hearings on Appellant's post-conviction petitions. The extensive record is particularly relevant in this case because the District Court denied Appellant's second petition because it was successive and barred by law of the case. In its Findings of Facts, Conclusions of Law and Order, the District Court noted that the underlying facts Appellant proffered in his second petition were previously available

to defense and to the extent Appellant alleged new facts, they were immaterial and not withheld by the State.

Further, Appellant has filed a thirty-three (33) page Opening Brief based on nine (9) volume Appellant's Appendix containing 1,442 pages. Given the lengthy record, the State requires additional time to investigate these issues, thoroughly research, and properly brief the issues for this Court. Accordingly, the State requests sixty (60) days up to and including May 20, 2014, within which to file Appellant's Answering Brief. This motion is made in good faith and not for purposes of undue delay.

Dated this 20<sup>th</sup> day of March, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Steven S. Owens*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 20, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO  
Nevada Attorney General

CAL J. POTTER, III, ESQ.  
Counsel for Appellant

STEVEN S. OWENS  
Chief Deputy District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

MICHAEL LAURENCE, ESQ.  
303 Second Street, Suite 400 South  
San Francisco, California 94107

Counsel for Appellant

BY \_\_\_\_\_  
Employee, District Attorney's Office

SSO/Andrea Champion/ed