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*Attorneys for Petitioner
Dale Edward Flanagan*

Electronically Filed
Aug 13 2014 11:46 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

DALE EDWARD FLANAGAN,

Petitioner-Appellant,

Supreme Court Case No.: 63703

v.

THE STATE OF NEVADA and JACK
PALMER, Warden, Northern Nevada
Correctional Center,

DEATH PENALTY CASE

Respondents-Appellees.

MOTION FOR SECOND EXTENSION OF TIME TO FILE

APPELLANT'S REPLY BRIEF

COMES NOW, Petitioner-Appellant DALE EDWARD FLANAGAN, by and through his counsel of record CAL J. POTTER, III., ESQ., and requests an extension of seven (7) days up to and including Monday, August 25, 2014, within which to file his Reply Brief, which currently is due on Monday, August 18, 2014.

Appellant brings this motion pursuant to NRAP 26(b), 27(b), and 31(b)(3). This is Appellant's second request for an extension and is made to permit Appellant to address this Court's decision in *Brown v. McDaniel*, Case No. 60655, which was

1 decided on August 7, 2014. This request is based on the papers and pleadings filed
2 herein, the points and authorities submitted herewith, and the following Affidavit of
3 Michael Laurence, Esq.

4 DATED this 13th of August, 2014.

5 POTTER LAW OFFICES

6 By /s/ Cal J. Potter, III, Esq.

7 CAL J. POTTER, III, ESQ.

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12 California Bar No. 121854

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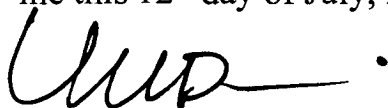
16 *Attorneys for Petitioner-Appellant*

- 1 9. That Appellant's Reply Brief currently is due on August 18, 2014, following
2 this Court's granting Appellant's request for a forty-five-day extension of time;
3 10. That your Affiant is responsible for drafting the Reply Brief on behalf of
4 Petitioner-Appellant;
5 11. That your Affiant seeks a brief seven (7) day extension for the filing of the
6 Reply Brief in this matter to permit counsel to address this Court's decision in
7 *Brown v. McDaniel*, Case No. 60065, filed August 7, 2014, in which this Court
8 addresses issues raised in Appellant's Opening Brief.
9 12. That your Affiant learned of this Court decision in *Brown* today and is unable
10 to review and redraft the Reply in light of that decision until the week of
11 August 18, 2014, because he will be out of the office traveling from August 13,
12 until August 18, 2014;
13 13. Permitting Appellant to address the *Brown* decision in the Reply Brief serves
14 the interest of judicial economy because it will obviate the need for the filing
15 of any supplemental briefing in this case;
16 14. That, for the reasons stated above, your Affiant is requesting an additional
17 seven (7) days in which to file the Reply Brief in this matter up to and
18 including Monday, August 25, 2014;
19 15. That your Affiant files this enlargement of time in good faith and not for the
20 purposes of delay.

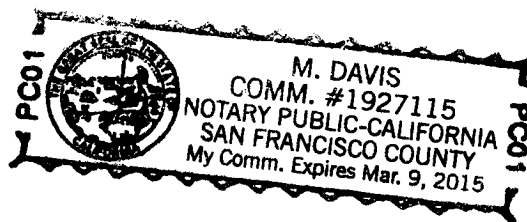
21 Further Affiant Sayeth Naught.

22 
23 MICHAEL LAURENCE, ESQ.

24 SUBSCRIBED and SWORN to before
25 me this 12th day of July, 2014.

26 

27 NOTARY PUBLIC
28



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **FACTS**

4 Petitioner-Appellant's Reply Brief currently is due on August 18, 2014. Michael
5 Laurence, Esq., is responsible for drafting the Reply Brief.

6 Counsel requests an extension of seven (7) days in which to file the Reply Brief
7 in this matter up to and including Monday, August 25, 2014. This extension is
8 requested to permit counsel to address this Court decision in *Brown v. McDaniel*, Case
9 No. 60065, filed August 7, 2014, in which this Court addresses issues raised in
10 Appellant's Opening Brief. Permitting Appellant to address the *Brown* decision in the
11 Reply Brief serves the interest of judicial economy because it will obviate the need for
12 the filing of any supplemental briefing in this case. This request for an additional
13 seven (7) days in which to file the Reply Brief up to and including Monday, August
14 25, 2014, is made in good faith and not for the purposes of delay.

15 **II.**

16 **ARGUMENT**

17 NRAP 31(b)(3) governs motions for extension of time and provides as follows:

18 (3) Motions for Extensions of Time. A motion
19 for extension of time for filing a brief may be
20 made no later than the due date for the brief
 and must comply with the provisions of this
 Rule and Rule 27.

21 (A) Contents of Motion. A motion for extension of
22 time for filing a brief shall include the following:

23 (I) The date when the brief is due;

24 (ii) The number of extensions of time
25 previously granted (including a 5-day
26 telephonic extension), and if extensions were
 granted, the original date when the brief was
 due;

27 (iii) Whether any previous requests for
28 extensions of time have been denied or denied
 in part;

1 (iv) The reasons or grounds why an extension
2 is necessary; and

3 (v) The length of the extension requester and
4 the date on which the brief would become due.

5 **III.**

6 **CONCLUSION**

7 _____ For the reasons stated, and in accordance with NRAP 31(b)(3), the Appellant
8 respectfully requests an extension of seven (7) days to file the Reply Brief through
9 and including Monday, August 25, 2014.

10 DATED this 13th of August, 2014.

11 POTTER LAW OFFICES

12 By /s/ Cal J. Potter, III, Esq.

13 CAL J. POTTER, III, ESQ.

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22 *Attorneys for Petitioner-Appellant*

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