

IN THE SUPREME COURT OF THE STATE OF NEVADA

SIAOSI VANISI

Petitioner/Appellant,

vs.

TIMOTHY FILSON, Warden, et
al.,¹

Respondents/Appellees.

Supreme Court No. 65774

District Court Case No. C98-0516

(Death Penalty Habeas Corpus
Case)

Electronically Filed
Apr 17 2017 03:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO ALLOW LONGER ORAL ARGUMENT

Appellant, Siasoi Vanisi, by and through his counsel of record,
hereby files this Motion to Allow Longer Oral Argument pursuant to
NRAP 34(b).

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¹ Pursuant to NRAP 43(c)(1), Warden Filson is automatically substituted as a Respondent.

This request is supported by the attached points and authorities
and declaration of counsel.

DATED this 17th day of April, 2017.

Respectfully submitted,

/s/ *Randolph M. Fiedler*

RANDOLPH M. FIEDLER

Assistant Federal Public Defender

Nevada Bar No. 12577

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POINTS AND AUTHORITIES

On March 28, 2017, this Court issued a Notice of Oral Argument Setting, placing this case on calendar for May 1, 2017 at 10:30 a.m., with thirty minutes for argument. Mr. Vanisi, through undersigned counsel, respectfully requests that this Court allow sixty minutes for argument.

Under NRAP 34(b), counsel may request additional time for oral argument. Such leave is to be “liberally granted” if “cause therefor is shown.” Cause to lengthen the argument is present here because this is a capital case presenting numerous, complex issues of fact and law. The pleadings, composed of roughly 350 pages of briefing, reflect the complexity and number of issues in this case. Resolving the issues in this case will require this Court to address questions related to procedural default, constitutional law, mental health evidence, and the ineffectiveness of trial, appellate, and initial post-conviction counsel. Individually, a single one of these questions could take an entire fifteen-minute argument.

This case, however, requires this Court to address these questions together, along with the corresponding difficulties of analyzing the relationship between these questions. It is respectfully submitted that

allowing each side thirty minutes of argument would be helpful to this Court in resolving this case. The additional time will allow the issues to be more thoroughly presented and make counsel available for more questioning from the Court. The additional time will also ensure that more issues can be addressed during the argument.

In light of these circumstances, Mr. Vanisi requests that this Court allow for each side to have thirty minutes of argument, for a total of sixty minutes.

Counsel for Respondents, Chief Appellate Deputy Terrance McCarthy of the Washoe County District Attorney's Office, has indicated he has no position with regard to this request. See Dec. of Randolph M. Fiedler attached.

DATED this 17th day of April, 2017.

Respectfully submitted,

/s/ *Randolph M. Fiedler*
RANDOLPH M. FIEDLER
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DECLARATION OF RANDOLPH M. FIEDLER

I, Randolph M. Fiedler, declare as follows:

1. I am an attorney at law, admitted to practice before this Court, employed as an Assistant Federal Public Defender. I represent Siaosi Vanisi in this capital case.

2. I am requesting that this Court allow additional time for oral argument. As indicated in the Motion to Allow Longer Argument, thirty minutes of argument will make it difficult to adequately convey the complexities of Mr. Vanisi's case. Given this, I am requesting that this Court allow for sixty minutes of argument, or thirty minutes for each side.

3. On April 17, 2017, I contacted, via telephone, counsel for Respondents, Chief Appellate Deputy Terrance McCarthy of the Washoe County District Attorney's Office. He indicated that he had no position with regard to this request.

4. This request is not made for any improper purpose, but only to ensure that this office provides competent representation to Mr. Vanisi. Nev. R. Prof. Conduct 1.1.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 17, 2017 in Las Vegas, Nevada.

/s/ *Randolph M. Fiedler*
RANDOLPH M. FIEDLER
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 17th day of April, 2017. Electronic service of the foregoing MOTION TO ALLOW LONGER ORAL ARGUMENT shall be made in accordance with the Master Service List as follows:

Heather D. Procter
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/s/ Stephanie S. Young

An Employee of the Federal Public
Defender, District of Nevada