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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAIMON MONROE,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

CASE NO: **65827**

D.CT. CASE NO: 06-C-227874

**MOTION FOR AN EXTENSION OF TIME TO FILE OPENING
BRIEF**

[Second request, First non-stipulated request]

COMES NOW the Appellant, DAIMON MONROE, by and through undersigned Counsel, MICHAEL H. SCHWARZ, ESQ., and moves this Honorable Court for an Order Extending the Time for the Filing of his Opening Brief. Counsel has already asked for one continuance with the State, which they were kind enough to stipulate to. This is a very difficult case, as Counsel was unable to find even one issue in addition to those alleged by the Appellant. This is a rarity for Counsel. In

addition, the Appellant is currently being warehoused in the DOC facility in Ely, Nevada and communication with him has been difficult as their use of the phone is subject to a very high degree of regulation.

Currently the due date is November 5, 2014 and Appellate's counsel has another Opening Brief due on November 14, 2014 in another case and now has a Reply Brief that is due in a case [Docket No. 65782] that is now due. This Reply requires Counsel's immediate and focused attention, as it is a case of first impression in Nevada. It is also an issue of grave importance not just because of the nature of the argument, but because if successful it will greatly enhance trial counsels' ability to represent mentally ill individuals in the criminal context. Especially those individuals who are competent to stand trial, but suffer from disabilities that cause severe and/or really require full vetting in the criminal context in order for them to obtain a fair trial.

As such, in the interests of judicial economy and commiserate with Counsel's innate limitations, it is in counsel's best interest to continue this difficult case, as opposed to continuing all three cases.

The State frequently asks for multiple extensions of time in Counsel's cases and he has never objected unless they were requesting more than (2) two (30) thirty day extensions.

...

WHEREFORE, Counsel would request a 30 day extension for the filing of his Opening Brief.

Respectfully submitted this 30th day of October, 2014.

/s/ Michael H. Schwarz
MICHAEL H. SCHWARZ, ESQ.

CERTIFICATE OF MAILING

I, the undersigned, hereby acknowledge, under the pains and penalties of perjury, that a copy of the above and foregoing Motion For Extension of Time to File Opening Brief (Second Request) was transmitted by way of the Nevada Supreme Court's electronic filing system, on the 30th day of October, 2014 and addressed as follows:

STEVEN B. WOLFSON, ESQ.
Appellate Division: , DDA
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Counsel for the Respondent's
last known address.

/s/ Ross Huebner
An associate of the Law Offices of Michael H. Schwarz, Esq.