

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH SIMON JEREMIAS

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Aug 17 2015 01:38 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 67228

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Judge
District Court No. 09C256769

**MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF (SECOND REQUEST)**

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Motion for Extension of Time to File Opening Brief (Second Request)

COMES NOW, Appellant, Ralph Jeremias, by and through his attorneys David M. Schieck, Special Public Defender, and JoNell Thomas, Deputy Special Public Defender, and respectfully moves this Honorable Court for an extension of time of 45 days, up to and including October 1, 2015, to file Appellant's Opening Brief and Appendix .

This Motion is made and based upon the Points and Authorities contained herein, and Declaration attached hereto.

DATED this 17th day of August, 2015.

SUBMITTED BY:

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER

/s/ JONELL THOMAS

JONELL THOMAS
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STATEMENT OF FACTS

On June 22, 2015, this Court denied Appellant's request to supplement the record and granted the Motion for Extension of Time to file the Opening Brief and Appendix. The Opening Brief is due August 17, 2015.

POINTS AND AUTHORITIES

SCR 250(6(e) states as follows:

“(e) The supreme court may grant an initial extension of time of up to 60 days to file a brief upon a showing of good cause, but shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.”

Appellant is requesting an extension of 45 days to file the Opening Brief based on the reasons set forth in the Declaration of Counsel attached hereto.

CONCLUSION

Based on the Declaration attached hereto, Jeremias requests the Court grant his

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...

motion for an extension of 45 days to file the Opening Brief, up to and including October 1, 2015.

DATED this 17th day of August, 2015.

RESPECTFULLY SUBMITTED:

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER

/s/ JONELL THOMAS

JONELL THOMAS
DEPUTY PUBLIC DEFENDER
Nevada Bar No. 4771
330 S. Third St., Ste. 800
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DECLARATION OF JONELL THOMAS

JONELL THOMAS, hereby declares as follows:

I am an attorney duly licensed to practice law in the State of Nevada, and the Deputy Special Public Defender assigned to handle Mr. Jeremias' capital appeal.

I have completed my review and summary of the lengthy, 27 volume, record and have determined the issues to be presented. I have conducted research for many of the issues, but there are issues of first impression which require additional research and review.

I have drafted much of the brief, but additional drafting is required and the brief will require extensive editing. The attorney in my office who assists with my editing has been in trial and unavailable.

I am attorney of record for Burnside v. State, a capital case. After this Court entered its Order regarding the first request for an extension of time in this case, this Court issued its Opinion in the Burnside case. Because of the short period available for filing a rehearing petition, I switched my focus from this case to the Burnside case and filed a timely petition for rehearing in that matter.

I need to travel to Ely to review the brief in this case with Mr. Jeremias prior to filing it. The Ely State Prison limits visits to those housed on death row to Monday and Tuesday. I intend to schedule the trip within the next 30 days.

I declare that I make this request in good faith and not for purposes of undue delay.

/s/ JONELL THOMAS

JONELL THOMAS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 17th day of August, 2015, a copy of the foregoing Motion for Extension of Time to File Opening Brief (Second Request) was served by electronic filing to: Clark County District Attorney's Office and the Nevada Attorney General's Office.

/s/ JONELL THOMAS

JONELL THOMAS