

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

NOV 02 2001

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3 MACK MASON,

) CASE NO. 37964

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY Warado
DEPUTY CLERK

4 Appellant,

5 vs.

) MOTION FOR EXTENSION OF
) TIME TO FILE APPELLANT'S
) OPENING BRIEF AND APPENDIX

6 THE STATE OF NEVADA,

7 Respondent.
8

9 COMES NOW, Appellant, MACK MASON, by and through his
10 attorney, DAVID M. SCHIECK, ESQ., and moves this Court for an
11 Order granting an extension of 30 days, up to and including
12 November 28, 2001, to file Appellant's Opening Brief and
13 Appendix.

14 This Motion is made and based upon NRAP 26(b), the
15 Affidavit filed herewith, and the Points and Authorities
16 attached hereto.

17 DATED this 29 day of October, 2001.

18 SUBMITTED BY:

19 David M. Schieck
20 DAVID M. SCHIECK, ESQ.
21 302 E. Carson Ave., #600
22 Las Vegas, Nevada 89101
Attorney for Appellant

23 STATEMENT OF FACTS

24 MASON was granted a previous extension of 30 days by
25 Stipulation. Appellant's Opening Brief is due October 29,
26 2001.

27 The instant request is for 30 days, up to and including,
28

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NOV 02 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

1 November 28, 2001.

2 POINTS AND AUTHORITIES

3 NRAP 26(b) states as follows:

4 "(b) *Enlargement of time.* The court for good
5 cause shown may upon motion enlarge the time
6 prescribed by these rules or by its order for doing
7 any act, or may permit an act to be done after the
8 expiration of such time...."

9 CONCLUSION

10 Based on the reasons set forth in the Affidavit of Counsel
11 attached hereto, Appellant requests an extension of 30 days to
12 file his Opening Brief and Appendix.

13 DATED this 29 day of October, 2001.

14 Respectfully submitted,

15 By: 

16 DAVID M. SCHIECK, ESQ.
17 302 E. Carson Ave., #600
18 Las Vegas, Nevada 89101
19 Attorney for Appellant

20 AFFIDAVIT OF COUNSEL

21 STATE OF NEVADA)
22) ss:
23 COUNTY OF CLARK)

24 DAVID M. SCHIECK, ESQ., being first duly sworn, deposes
25 and says:

26 That Affiant is an attorney duly licensed to practice law
27 in the State of Nevada, and attorney for Appellant MASON.

28 That MASON'S Opening Brief and Appendix are due October
29, 2001.

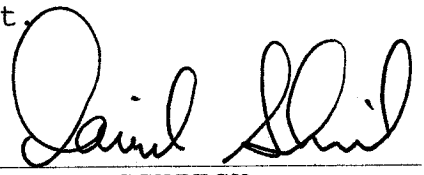
David M. Schieck
Attorney At Law
302 E. Carson Ave., Ste. 600
Las Vegas, NV 89101
(702) 382-1844

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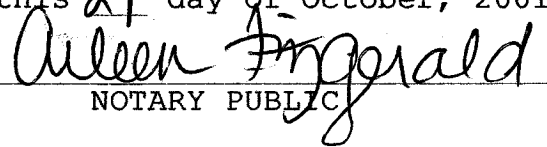
That Affiant needs to prepare for a capital trial starting in District Court on November 5, 2001 and a double homicide trial starting on November 26, 2001.

That Affiant needs an extension of 30 days, up to and including November 28, 2001 to file Appellant's Opening Brief and Appendix. That Affiant makes this request in good faith and not for purposes of delay.

Further Affiant sayeth naught.


DAVID M. SCHIECK

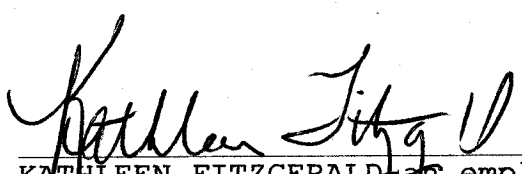
SUBSCRIBED AND SWORN to before me
this 29 day of October, 2001.


NOTARY PUBLIC



CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 29 day of October, 2001, I did deposit in the United States Post Office at Las Vegas, Nevada, a copy of the above and foregoing Motion, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to the following: Clark County District Attorney, 200 S. Third St., Las Vegas NV 89155; and Nevada Attorney General, 100 N. Carson St., Carson City NV 89701-4717.


KATHLEEN FITZGERALD, an employee
of David Schieck, Esq.