

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH BARLOW

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Electronically Filed
Sep 22 2016 02:56 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Docket No. 70812

Direct Appeal From Appellant's Pro Per Notice of Appeal
Eighth Judicial District Court
The Honorable Kerry Early, District Judge
District Court No. C-13-290219-1

**MOTION FOR LEAVE TO FILE
RESPONSE TO ORDER TO SHOW CAUSE**

JoNell Thomas
State Bar #4771
Chief Deputy Special Public Defender
Alzora B. Jackson
State Bar #2255
Chief Deputy Special Public Defender
Monica R. Trujillo
Chief Deputy Special Public Defender
State Bar #11301
David M. Schieck
State Bar #0824
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorneys for BARLOW

**MOTION FOR LEAVE TO FILE
RESPONSE TO ORDER TO SHOW CAUSE**

Comes now the Appellant Keith Barlow, by and through his counsel JoNell Thomas, and seeks leave to file a response to this Court's Order to Show Cause which was issued on August 30, 2016.

Mr. Barlow is awaiting trial in the Eighth Judicial District Court on two charges of first degree murder and other offenses. The State is seeking the death penalty. On July 8, 2016, Mr. Barlow filed a proper person Notice of Appeal from an order of the district court denying his pretrial petition for a writ of habeas corpus. On August 30, 2016, this Court issued an order for counsel to show cause why the appeal should not be dismissed for lack of jurisdiction, both because an order denying a pretrial petition for a writ of habeas corpus is not appealable and because the notice of appeal was not timely filed as notice of entry of the order was served on March 23, 2015. On September 6, 2016, Mr. Barlow's counsel filed in this Court a notice of withdrawal of appeal. The following day, counsel submitted a declaration from Mr. Barlow in which he acknowledged his intent to voluntarily dismiss the appeal based upon consultation with counsel.

On September 14, 2016, undersigned counsel received a copy of a letter sent by Mr. Barlow to this Court indicating that he does not wish to voluntarily dismiss

his appeal. In light of this letter, counsel now seeks to file a response to this Court's order to show cause.

Dated: 9/22/2016

RESPECTFULLY SUBMITTED:

DAVID M. SCHIECK
Special Public Defender

/s/ JONELL THOMAS

JONELL THOMAS
Chief Deputy Special Public Defender
Nevada Bar No. 4771
330 S. Third St., No. 800
Las Vegas NV 89101
702-455-6270

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on September 22, 2016, a copy of the foregoing Motion for Leave to File Response to Order to Show Cause was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ JONELL THOMAS

JONELL THOMAS