

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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JAVIER RIGHETTI,	)	Electronically Filed
	)	Jan 12 2018 04:14 p.m.
Appellant,	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
vs.	)	Case No. 73015
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	

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**APPELLANT'S SECOND MOTION FOR EXTENSION OF TIME  
TO FILE OPENING BRIEF**

Comes Now Appellant JAVIER RIGHETTI, by and through Deputy Public Defender HOWARD S. BROOKS, and moves for a forty five (45) day extension of time from Friday, January 12, 2018, through and including Monday, February 26, 2018, within which to file the Opening Brief in this case. This Motion is based upon the attached Declaration of counsel.

DATED this 12 day of January, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Howard S. Brooks  
HOWARD S. BROOKS, #3374  
Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610  
(702) 455-4685

### **DECLARATION OF HOWARD S. BROOKS**

1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. A jury convicted Javier Righetti of Attempt Robbery, Battery With Intent to Commit Sexual Assault, First Degree Kidnapping, Attempt Sexual Assault With a Child Under 16 Years of Age; Sexual Assault With a Child Under 16 Years of Age; Robbery With Use of a Deadly Weapon; First Degree Kidnapping With Use of a Deadly Weapon; Sexual Assault With a Child Under 16 Years of With Use of a Deadly Weapon; Sexual Assault with a Child Under 16 Years of Age With Use of a Deadly Weapon; and First Degree Murder With Use of a Deadly Weapon.

3. The jury sentenced Righetti to death for the crime of First Degree Murder With Use of a Deadly Weapon.

4. The Judgment of Conviction was filed May 8, 2017. The Clark County Clerk's Office filed the Notice of Appeal the same day.

5. The Opening Brief is currently due to be filed today, January 12, 2018.

6. The Appellant previously filed a motion for a continuance in early October 2017 when the Appellant had reviewed approximately 2000 pages of the 11000 page record in this case. As of today, the Appellant has reviewed approximately 8500 pages of the record which we now believe to consist of approximately 12000 pages.

7. My progress in completing the review of the record has been delayed because of work on another complex appeal, the case of Michael Johnson v. State of

Nevada, Case No. 72401, and because I was sick in late December and early January with the flu.

8. As matters currently stand, I believe I can finish the review of the record within two weeks; thereafter, I believe I can finish the drafting of the Opening Brief within four weeks. Therefore, I am requesting a continuance of six weeks to file the Opening Brief in this death penalty case.

9. This motion is made in good faith and not merely for any purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 12 day of January, 2018.

/s/ Howard S. Brooks  
HOWARD S. BROOKS

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 12 day of January, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT  
STEVEN S. OWENS

HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

JAVIER RIGHETTI  
NDOC NO: 1177953  
Ely State Prison  
P.O. Box 1989  
Ely, NV 89301

By: /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office