IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RIGHETTI,	Appellant,)	Electronically Filed Feb 27 2018 08:37 a.m Elizabeth A. Brown Clerk of Supreme Court Case No. 73015
VS.)	
THE STATE OF NEVADA,)	
	Respondent.)	

APPELLANT'S THIRD MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF IN THIS APPEAL OF A FIRST DEGREE MURDER CONVICTION AND SENTENCE OF DEATH

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 Monday, February 26, 2018, through and including Thursday, April 12, 2018, within which to file the Opening Brief in this case. This Motion is based upon the attached Declaration of counsel.

DATED this 26 day of February, 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. Javier Righetti was convicted 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, February 26, 2018.
- 6. On January 12, 2018, I filed a motion to continue due to the necessity of reviewing an extensive record of approximately 12,500 pages. I had reviewed 8500 pages as of January 12. I estimated at that time that I would be able to complete the review of the record and write the appeal by the end of February. I have been able to complete the review of the 12,500 page record, but I failed to correctly predict how long this task would take and I also did not anticipate that the flu that I

experienced in December would recur, in part, in late January, which has frustrated my ability to timely complete this project. I am currently in the process of writing the appeal, but have found that some of the issues to be raised in this appeal are not the ordinary issues raised in the appeal of a first degree murder conviction; therefore, the research on certain topics is taking, and will continue to take, more time than usual.

- 7. This is a large project, and I am confident that the appeal can be fully researched and written within 45 days.
- 8. This Motion for Extension is made in good faith and not for the purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct. EXECUTED on the 26 day of February, 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 26 day of February, 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 c/o Ely State Prison P.O. Box 1989 Ely, NV 89301

By: /s/ Carrie M. Connolly

Employee, Clark County Public
Defender's Office