

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS RANDOLPH

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 73825

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Stefany Miley, District Judge
District Court No. 09C250966

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

JoNell Thomas
State Bar #4771
Chief Deputy Special Public Defender
Randall H. Pike
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Attorneys for Randolph

COMES NOW, Appellant, Thomas Randolph, by and through his attorneys Randall H. Pike, Assistant Special Public Defender, and JoNell Thomas, Chief Deputy Special Public Defender, and respectfully moves this Honorable Court for an extension of time to file Appellant's Opening Brief. Appellant requests 60 days from the due date of January 22, 2018 to file his Opening Brief.

This Motion is made and based upon Nevada Supreme Court Rule 250(6)(e) and Counsel's Declaration attached hereto.

DATED this 18th day of January, 2018.

SUBMITTED BY:

RANDALL H. PIKE
ASST. SPECIAL PUBLIC DEFENDER

/s/ JONELL THOMAS

JONELL THOMAS
CHIEF DEPUTY PUBLIC DEFENDER
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Attorney for Appellant

STATEMENT OF FACTS

The Indictment against Thomas Randolph was filed January 7, 2009 charging him with Conspiracy to Commit Murder, 2 counts of Murder with Use of a Deadly

Weapon and Burglary While in Possession of a Deadly Weapon. The State filed its Notice of Intent to Seek the Death Penalty. The attorney of record was changed several times over the next eight years, and finally the Special Public Defender was appointed. The case went to jury trial in June of 2017. Mr. Randolph was found guilty of 2 counts of First Degree Murder with use of a Deadly Weapon and 1 count of Conspiracy to Commit Murder. The jury returned a verdict of death.

The Judgment of Conviction and Notice of Appeal were both filed August 23, 2017. The direct appeal was docketed in this Court on August 25, 2017. On September 22, 2017, volumes 1-40 of the Record on Appeal were filed. Appellant filed a motion to supplement the record on appeal which was granted by this Court on November 22, 2017. The supplemental Record on Appeal, volume 41, was filed on December 4, 2017. The Record contains more than 8,600 pages.

The Opening Brief is due January 22, 2018.

Appellate counsel was not the trial attorney for Mr. Randolph and therefore must read the entire Record on Appeal as to the issues to be raised on appeal. It is respectfully requested that this Court grant a continuance of 60 days for Appellant to file the Opening Brief, up to and including March 23, 2018.

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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 60 days, up to and including March 23, 2018 to file the Opening Brief.

CONCLUSION

Based on the Declaration attached hereto, Mr. Randolph requests the Court grant his motion for an extension of time to file the Opening Brief.

DATED this 18th day of January, 2018.

RESPECTFULLY SUBMITTED:

RANDALL H. PIKE
ASST. SPECIAL PUBLIC DEFENDER

/s/ JONELL THOMAS

JONELL THOMAS
CHIEF DEPUTY PUBLIC DEFENDER
Nevada Bar No. 4771
330 S. Third St., Ste. 800
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702-455-6265
Attorney for Appellant

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 Chief Deputy Special Public Defender assigned to handle Mr. Randolph's capital appeal.

The Record on Appeal in this matter encompasses eight years from Indictment to Sentencing and is over 8,600 pages. As I was not trial attorney, I will need to read the full Record on Appeal. Therefore, I am requesting an extension of 60 days to file the Opening Brief.

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

/s/ JONELL THOMAS

JONELL THOMAS

...

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 18th day of January, 2018, a copy of the foregoing Motion for Extension of Time to File Opening Brief 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