

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

SECOND MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

JoNell Thomas
State Bar #4771
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorney for Thomas Randolph

COMES NOW, Appellant, Thomas Randolph, by and through his attorney, JoNell Thomas, Clark County Special Public Defender, and respectfully moves this Honorable Court for a second extension of time to file Appellant's Opening Brief. Appellant requests four (4) months from the due date of March 23, 2018, to file the Opening Brief and Appendix.

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

DATED this 22nd day of March, 2018.

SUBMITTED BY:

/s/ JONELL THOMAS

JONELL THOMAS
Special Public Defender
Nevada Bar No. 4771
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
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.

An initial request for an extension of time was granted for 60 days, and the Opening Brief is due March 23, 2018.

In addition to reading the entire record which contains more than 8,600 pages, Appellate counsel was appointed by the Board of the Clark County Commissioners as Special Public Defender in February, 2018.

Since that time, there have been critical administrative issues that had to be dealt with including filling vacant employee positions; restructuring organizational units; developing training programs for new employees; changes to administrative

personnel based on the restructuring of the organizational units; meetings with the finance department to discuss budget issues that would affect the current and next fiscal year; and coordinating securement of office space and technical equipment, and other managerial responsibilities essential to the operation of the department.

There are still open attorney positions to be filled, one of which is the appellate attorney position that is vacant due to my appointment as department head for the Special Public Defender. Once the position is filled, it will entail training and mentoring the new appellate attorney.

It is respectfully requested that this Court grant a continuance of four (4) months for Appellant to file the Opening Brief, up to and including July 21, 2018.

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 four (4) months from March 23, 2018.

CONCLUSION

Based on extraordinary circumstances and extreme need set forth in the

...

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

DATED this 22nd day of March, 2018.

RESPECTFULLY SUBMITTED:

/s/ JONELL THOMAS

JONELL THOMAS
SPECIAL PUBLIC DEFENDER
Nevada Bar No. 4771
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
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 Clark County Special Public Defender. I am also handling Mr. Randolph's capital appeal.

Preparation of this appeal requires extensive effort. In addition to reading the entire record which contains more than 8,600 pages for a case which involved eight years of extensive litigation, significant research is required on issues of first impression.

Moreover, I was appointed by the Board of the Clark County Commissioners as Special Public Defender on February 6, 2018 after the previous Special Public Defender retired in July, 2017. Since that time there have been critical administrative issues that I have had to be dealt with including filling vacant employee positions; restructuring organizational units; developing training programs for new employees; changes to administrative personnel based on the restructuring of the organizational units; meetings with the finance department to discuss budget issues that would affect the current and next fiscal year; and coordinating securement of office space and technical equipment, and other managerial responsibilities essential to the operation of the department.

There are still open attorney positions to be filled, one of which is the appellate attorney position that is vacant due to my appointment as department head for the Special Public Defender. Once the position is filled, it will entail training and mentoring the new appellate attorney.

It is respectfully requested that this Court grant a continuance of four (4) months for Appellant to file the Opening Brief, up to and including July 21, 2018.

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 22nd day of March, 2018, a copy of the foregoing Second 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