

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS WILLIAM 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

**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
TO FILE OPENING BRIEF
(THIRD REQUEST)**

Sandra L. Stewart, Esq.
State Bar No. 6834
140 Rancho Maria Street
Las Vegas, NV 89148
702-363-4656
Attorney for Thomas Randolph

THOMAS RANDOLPH hereby moves for an enlargement of time to file his opening brief - to December 10, 2018.

A. DISTRICT COURT PROCEDURAL BACKGROUND

RANDOLPH was convicted on August 23, 2017 of conspiracy to commit murder, and double murder. **He was sentenced to death.**

Counsel was appointed to represent Mr. Randolph on direct appeal to the Nevada Supreme Court on April 30, 2018.

The opening brief in this case is due on November 19, 2018, pursuant to an enlargement of time which was granted by this Court on October 4, 2018.

B. JUSTIFICATION FOR MOTION

This request is necessitated by the fact that (1) the ROA is over 8,000 pages in length and counsel has identified at least 13 issues with sub-issues that need to be discussed in the Opening Brief, and (2) counsel has suffered some personal issues with the death of her 15-year-old cat in October, and counsel contracting the flu in November. Counsel is currently only working on Mr. Randolph's appeal, and will only be working on this appeal until it is finished, excepting transcript requests in a new case that was just assigned.

1. Many Issues and Sub-Issues

Counsel has finished reading the 8,000-page ROA and has also finished preparing a typewritten outline of the issues. That outline is 83 pages in length.

One issue involves improper admission of prior bad acts involving a case where Randolph was previously tried in Utah for

the murder of his second wife, and acquitted of that murder. All those records were expunged, suggesting choice-of-law issues and whether any testimony regarding that case was even properly considered in **any** proceeding in Nevada. Additionally, there were six separate motions in Nevada on that issue spanning a period of seven years by three separate sets of defense counsel, including a motion to admit the bad acts, a motion for reconsideration, a renewed motion for reconsideration, a motion to supplement *Petrocelli* hearing, and a renewed motion to supplement *Petrocelli* hearing.

Another issue involves the Constitutionality of Nevada's lethal injection protocol in light of the new execution manual which came out on November 7, 2017, after trial of this case was concluded, and whether it comports with the *Baze* ruling out of Kentucky (reviewed by the United States Supreme Court), and also in light of the pending *Dozier* case here in Nevada. Just these two issues, alone, are complicated both factually and legally and require a great deal of research not only of Nevada law, but Utah and United States Supreme Court decisions. Both may involve issues of first impression.

Currently, I am at the point where I have identified and understand the issues in this case. Left yet to do are research of the issues, analysis, and writing the Opening Brief, itself.

I anticipate that will take three weeks, given the number and complexity of the issues involved.

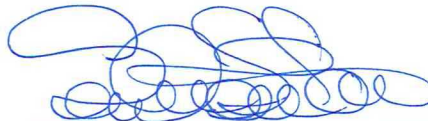
2. Personal Set-Backs

While I have been working exclusively on this case (excepting a reply brief which I filed in another case the beginning of November), I have unfortunately suffered some setbacks of a personal nature. My 15-year-old cat that I have had since it was six weeks old, became very ill with Stage 3 kidney failure and a heart murmur and we lost him on October 22, 2018. A great deal of my time was devoted to caring for him during the last week of his life until the vet convinced us that he was suffering and we had to let him go. More recently, I came down with the flu and was unable to work at full tilt for about a week.

C. CONCLUSION

For the reasons outlined above, Counsel respectfully requests an enlargement of time of three weeks to file the Opening Brief in this case to December 10, 2018.

Dated this 18th day of November, 2018.



SANDRA L. STEWART, ESQ.
Nevada Bar No.: 6834
Attorney for Appellant, RANDOLPH

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the:

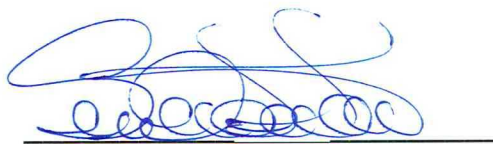
**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
TO FILE OPENING BRIEF
(THIRD REQUEST)**

by mailing a copy on November 19, 2018, 2018 via first class
mail, postage thereon fully prepaid, to the following:

**THOMAS RANDOLPH, IM NO. 1183344
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
ELY, NV 89070**

and by e-filing a copy with the Nevada Supreme Court, thereby
providing a copy to:

**CLARK COUNTY DISTRICT ATTORNEY
OFFICE OF THE DISTRICT ATTORNEY
200 LEWIS AVENUE, THIRD FLOOR
LAS VEGAS, NV 89155-2212**


A handwritten signature in blue ink, appearing to read 'Sandra L. Stewart', is written over a horizontal line.

SANDRA L. STEWART