

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

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THOMAS WILLIAM RANDOLPH,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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Electronically Filed  
Apr 19 2019 09:18 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 73825

**MOTION FOR ENLARGEMENT OF TIME SECOND REQUEST**

Comes Now the State of Nevada, by Steven B. Wolfson, Clark County District Attorney, through his Chief Deputy, CHARLES THOMAN, and moves this Court for an enlargement of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum, declaration of counsel and all papers and pleadings on file herein.

Dated this 19<sup>th</sup> day of April, 2019

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Charles Thoman  
CHARLES THOMAN  
Chief Deputy District Attorney  
Nevada Bar # 012649  
Office of the Clark County District Attorney

## MEMORANDUM

I, Charles Thoman, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office. I am the supervising attorney in the above-captioned case. Respondent's Answering Brief is currently due on Friday, April 19, 2019. The State is requesting a 60-day extension of time in which to file its Answering Brief. SCR250(7)(d) and NRAP 31(b)(3)(D) provide that this Court may enlarge the time upon showing of good cause.

This is the State's second request for an enlargement of time. If granted, the new filing date for Respondent's Answering Brief would be due on or before Tuesday, June 18, 2019. The State contacted Appellant's attorney, Sandra L. Stewart, on April 18, 2019. She indicated that neither she nor Appellant would have any objection to the State filing the instant request.

Appellant filed his Opening Brief on December 18, 2018. As the State emphasized in its initial request, Appellant's Opening Brief raises eight issues and contains a forty-volume appendix. One of those issues involves a challenge to Nevada's Method of Execution. Two weeks ago, on April 1, 2019, the United States Supreme Court issued an opinion which addressed challenges to a state's method of execution in Bucklew v. Precythe, 139 S. Ct. 1112 (2019). The slip opinion is thirty-one pages long, and it addresses a test which "anyone bringing a method of execution claim alleging the infliction of unconstitutionally cruel pain must meet." Id. at 1129.

The State will likely rely heavily on the Court's analysis in that two-week-old case in its answering brief. The State requests more time to adequately address Bucklew.

Furthermore, an increase in appeals and post-conviction petitions for writ of habeas corpus have occupied the time which undersigned counsel otherwise could have devoted to adequately addressing Appellant's many claims.

Due to the above-described circumstances, Respondent respectfully requests the Court's permission for an extension of time of 60 days to file its Opening Brief, making the State's response due to be filed on or before June 18, 2019. This is Respondent's second Motion for Enlargement of Time, and this motion is made in good faith and not for purposes of undue delay.

Dated this 19<sup>th</sup> day of April, 2019

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Charles Thoman*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 19, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
Nevada Attorney General

SANDRA L. STEWART, ESQ.  
Counsel for Appellant

CHARLES THOMAN  
Chief Deputy District Attorney

BY /s/ E. Davis

Employee,  
Clark County District Attorney's Office

CT/Joshua Prince/Yu Meng/ed