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Elizabeth A. Brown  
Clerk of Supreme Court

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

IVONNE CABRERA,	)	
	)	Case No.: 74341
Appellant,	)	
	)	MOTION FOR ADDITIONAL
vs.	)	TIME TO FILE REPLY BRIEF
	)	
THE STATE OF NEVADA,	)	(First Request)
	)	
Respondent.	)	
_____	)	

COMES NOW, Patricia M. Erickson, counsel for Appellant Ivonne Cabrera, and respectfully requests this Court enter an order, pursuant to N.R.A.P. 26(b), extending the time within which to file Ms. Cabrera's Reply Brief which is due to be filed on October 1, 2018.

By this Motion, counsel for Appellant CABRERA requests an additional thirty (30) days within which to file Ms. Cabrera's pleading. If this Honorable Court grants this request, Ms. Cabrera's Reply Brief will be due to be filed on or before October 31, 2018.

This direct appeal arises from the April 26, 2012 double homicide committed by JOSE GONZALES - Ms. Cabrera's co-defendant. After a seven day jury trial, Ms. Cabrera was convicted of: one count of conspiracy to commit murder, one count of burglary while in possession of a firearm, two counts of first degree murder with use of a deadly weapon, two counts of attempt murder with use of a deadly weapon.

At the commencement of the district court litigation, the state filed a notice of its intent to seek the death penalty. On July 20, 2017, after hearing evidence in mitigation and aggravation and after the state argued for imposition of the death penalty, the jury decided that a sentence of life without the possibility of parole should be imposed for each conviction of first degree murder.

Ms. Cabrera's seventy-two page opening brief was filed on August 2, 2018. The state's answering brief was filed on August 31, 2018.

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Ms. Cabrera’s appeal presents this Court with several issues of first impression regarding the availability of a duress defense to: (1) capital murder, and (2) non-capital crimes ie conspiracy to commit murder, burglary while in possession of a firearm and attempt murder with use of a deadly weapon.<sup>1</sup>

The duress defense and policies underlying the defense are complicated and difficult to clearly present. Undersigned counsel is still engaged in researching other state statutes which the state alleges are “almost identical to” or are “similar” to NRS 194.010 which should result in this Court adopting those state’s analyses of duress. Counsel is also still engaged in research regarding the minority position, espoused by the state, that a duress defense precludes a finding of intent to commit a crime and therefore should preclude that defense to all of the crimes the jury determined Ms. Cabrera committed.

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<sup>1</sup> See p.17 of State’s Answering Brief which recognizes that this case presents a question of first impression.

Based upon the importance of the duress issues presented by this appeal, it is respectfully requested that this Honorable Court grant the present motion and order that the reply brief be filed on or before October 31, 2018.

DATED this 1<sup>st</sup> day of October, 2018.

Respectfully Submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 1<sup>st</sup> day of October, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven Owens, Clark County Chief Deputy District Attorney

Adam Laxalt, Attorney General

Patricia M. Erickson

          /s/          Patricia M. Erickson  
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