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Elizabeth A. Brown  
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**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,	)	(Second 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 31, 2018.

By this Motion, counsel for Appellant Cabrera requests an additional thirty (30) days within which to file the reply brief. If this Honorable Court grants this request, Ms. Cabrera's pleading will be due to be filed on or before November 30, 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 and two counts of attempt murder with use of a deadly weapon. Subsequently, the jury decided that a sentence of life without the possibility of parole should be imposed for each conviction of first degree murder. The district court imposed life without possibility of parole for each murder conviction and ordered all sentences to run concurrently with each other.

Ms. Cabrera's appeal presents this Court with several issues of first impression regarding the availability of a duress defense to: (1) capital murder, (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 and (3) felony murder.

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In 1984, because a prison escape defense is based upon necessity rather than duress, this Honorable Court specified that it was not called “to determine whether duress negates the mens rea of a crime.”<sup>1</sup> In this appeal, Ms. Cabrera challenges the district court’s view of duress as negating the mental state ie the intent associated with the criminal act.<sup>2</sup> Therefore, the present appeal requests this Honorable Court to determine the question left unanswered by this Honorable Court in 1984.

The duress defense and policies underlying the defense are complicated and difficult to clearly present. Therefore, subsequent to this Honorable Court granting the first request for additional time to file Ms. Cabrera’s Reply Brief, undersigned counsel has continued to research the arguments presented by the State’s Answering Brief. Unfortunately, undersigned counsel is still researching and writing and clarifying the legal responses to the state’s arguments.

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<sup>1</sup> Jorgensen v. State, 100 Nev. 541, 544–45, 688 P.2d 308, 310 (1984)

<sup>2</sup> AOB at 29-32, 34 and 38.

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 shall be filed on or before November 30, 2018.

DATED this 31<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 31<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  
Patricia M. Erickson