

IN THE SUPREME COURT OF THE STATE OF NEVADA

74743

WILLIAM BRANHAM,  
  
Petitioner/Appellant

vs.

ISIDRO BACA, WARDEN, et  
al.,  
  
Respondents/Appellees

Supreme Court No. 74743  
Electronically Filed  
May 30 2018 04:31 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME  
TO FILE REPLY BRIEF**

COMES NOW Appellant, William Branham (“Branham”), by and through his counsel of record, and hereby files this Motion for Extension of Time to File Reply Brief. Branham is requesting an additional eight days (8) from June 4, 2018, up to and including June 12, 2018, to file Appellant’s Reply Brief. This motion is based on the attached points and authorities and declaration of counsel.

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## POINTS AND AUTHORITIES

For the reasons stated in the attached Declaration of Counsel and pursuant to Nevada Rules of Appellate Procedure 26, 27, and 31(b)(3), Cooper requests an 8-day extension in which to file his Reply Brief from June 4, 2018, up to and including June 12, 2018.

Dated this 30<sup>th</sup> day of May, 2018.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

/s/Jonathan M. Kirshbaum  
JONATHAN M. KIRSHBAUM  
Assistant Federal Public Defender

## **DECLARATION OF COUNSEL**

I, Jonathan M. Kirshbaum, do declare as follows:

1. I am counsel for the appellant in the above-entitled matter. I have personal knowledge of the matters contained herein and am competent to testify thereto.

2. The Reply Brief is currently due June 4, 2018.

3. No extensions have previously been sought or granted with respect to the Reply Brief.

4. While I have started working on the reply brief, my schedule and other obligations have prevented me from finishing it. Since the time that the Answering Brief was filed on May 4, 2018, I had to spend a significant amount of time preparing for an oral argument in the Ninth Circuit in a 40-year old case. The argument was heard on May 16, 2018, in San Francisco. On May 10 and 11, 2018, I had to go to a mandatory two day training. On May 21, 2018, I spent the entire day interviewing candidates for an open attorney position. I had to conduct full day trainings for new members of the unit on May 7 and May 22, 2018. Also during May, I had to draft a petition for a writ of certiorari and three substantive motions, an amended petition, and a reply in the federal

district court. Finally, I will be out of the State between May 31 and June 3 attending a family event.

5. At approximately 12:00 p.m. on May 30, 2018, I emailed deputy district attorney Terrence McCarthy concerning this request. At the time the motion was filed at approximately 4:00 p.m. on May 30, I had not yet heard back from Mr. McCarthy. Although I would have preferred to wait for a response from opposing counsel, I wanted to file the motion before I left town.

6. For the above-stated reasons, and in order to adequately represent Mr. Branham, I respectfully ask that this Court grant this first request for an extension of eight (8) days to file the Reply Brief on or before June 12, 2018.

I declare the foregoing is true and correct.

Respectfully submitted this 30<sup>th</sup> day of May, 2018.

RENE L. VALLADARES  
Federal Public Defender

/s/Jonathan M. Kirshbaum  
JONATHAN M. KIRSHBAUM  
Assistant Federal Public Defender

## **CERTIFICATE OF ELECTRONIC SERVICE AND MAILING**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on May 30, 2018. Electronic Service of the foregoing shall be made in accordance with the Master Service

List as follows:

Terrance P. McCarthy, Deputy District Attorney

/s/ *Adam Dunn*

An Employee of the  
Federal Public Defender, District of Nevada