

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH BARLOW

Electronically Filed
Feb 27 2019 09:23 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 77055

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Douglas Herndon
District Court No. C-13-290219-1

**MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF (FIRST REQUEST)**

JoNell Thomas
State Bar #4771
Special Public Defender
Navid Afshar
State Bar #14465
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Attorneys for Barlow

COMES NOW, Appellant, Keith Barlow, by and through his attorney JoNell Thomas, Special Public Defender, and respectfully moves this Honorable Court for an extension of time of 90 days, up to and including May 28, 2019, to file Appellant's Opening Brief.

This Motion is made and based upon the Points and Authorities contained herein, and Declaration attached hereto.

DATED February 26, 2019.

SUBMITTED BY:

/s/ JONELL THOMAS

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STATEMENT OF FACTS

After a jury trial, Mr. Barlow was sentenced by the jury to death on two (2) counts of murder with use of a deadly weapon. The Judgment of Conviction was filed September 26, 2018 and the appeal was docketed in this Court on September 27, 2018. The Opening Brief is due February 27, 2019.

POINTS AND AUTHORITIES

SCR 250(6(e) states as follows:

“(e) The supreme court may grant an initial extension of time of up to 60 days to file a brief upon a showing of good cause, but shall not grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.”

Appellant is requesting his first extension of time to file the Opening Brief for 90 days, up to and including May 28, 2019 based on the reasons set forth in the Declaration of Counsel attached hereto.

CONCLUSION

Based on the Declaration attached hereto, Mr. Barlow requests an extension of time to file his Opening Brief.

DATED February 26, 2019.

SUBMITTED BY:
/s/ JONELL THOMAS

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DECLARATION OF JONELL THOMAS

JONELL THOMAS, hereby declares as follows:

1. I am an attorney duly licensed to practice law in the State of Nevada and I am the Special Public Defender for the Clark County Special Public Defender's Office. I am handling Mr. Barlow's capital appeal. I am receiving assistance from our new appellate deputy, but I retain primary responsibility for this appeal because it is a capital case and Mr. Afshar is not qualified under SCR 250 to handle capital appeals.

2. I have begun preparation of Mr. Barlow's appeal and am currently in the process of reviewing the record and identifying potential issues. Extensive analysis, research, and writing remains to be done in this matter.

3. I have not been able to devote myself to this brief on a full-time basis. As the department head of the Special Public Defender's Office I have numerous responsibilities which cannot be delegated to anyone else. In the past few months I have focused on a variety of matters concerning personnel, budgeting, committee assignments, and drafting the position of our office on a large number of bills that are pending before the Nevada Legislature. I have also worked extensively on a capital trial (State v. Arenas) which took place in January; supplemental briefing, based upon this Court's order, in a case which is nearly a decade old (Flowers v. State); and

editing of other briefs filed by other attorneys in my office. Although I have worked every day since the beginning of the new year, including weekends and holidays, I have not found sufficient time to complete the brief in this case.

I declare that I make this request in good faith and not for purposes of undue delay.

/s/ JONELL THOMAS

JONELL THOMAS
Nevada Bar #4771

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 2/26/2019, a copy of the foregoing Motion for Extension of Time to File Opening Brief (First Request) was served by electronic filing to: Clark County District Attorney's Office and the Nevada Attorney General's Office.

/s/ JONELL THOMAS

JONELL THOMAS