

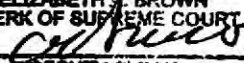
IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH JUNIOR BARLOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77055

FILED

AUG 05 2020

ELIZABETH J. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER REGARDING MOTIONS

Appellant has filed a motion for a 60-day extension of time to file the reply brief. The motion is granted. NRAP 31(b)(3)(D) (allowing for initial extension of up to 60 days to file brief in death penalty appeal upon showing of good cause); SCR 250(6)(e) (same). Appellant shall have until September 29, 2020, to file and serve the reply brief. No further extensions will be granted except upon a showing of "extraordinary circumstances and extreme need." NRAP 31(b)(3)(D); SCR 250(6)(e). Counsel's caseload will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the reply brief may be deemed a waiver of the right to file a reply. NRAP 31(d).

Appellant has filed a pro se motion for the discharge of his counsel and for the appointment of new appellate counsel. This is a direct appeal from a judgment of conviction and a sentence of death. Appellant complains that counsel has not communicated adequately with him and had refused to raise issues on appeal that appellant deems relevant. These allegations do not rise to the level of an actual conflict of interest or warrant the discharge of counsel and the appointment of new counsel. It is well-settled that the decision as to what issues to raise on appeal falls within the professional responsibility of counsel. *Jones v. Barnes*, 463 U.S. 745 (1983); *Kirksey v. State*, 112 Nev. 980, 998, 923 P.2d 1102, 1114 (1996). Moreover,

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appellant is not entitled to reject court-appointed counsel and the appointment of alternate counsel absent a showing of good cause. See *Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999); *Thomas v. Wainwright*, 767 F.2d 738, 742 (11th Cir. 1985) (appellant's general loss of confidence or trust in counsel is not adequate cause for appointment of new counsel). The motion is denied.

It is so ORDERED.

Pickering, C.J.

cc: Special Public Defender
Keith Junior Barlow
Attorney General/Carson City
Clark County District Attorney