

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,

Petitioner/Appellant,

vs.

WILLIAM GITTERE, et al.,

Respondents/Appellees.

Electronically Filed  
Mar 07 2019 02:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court No. 77345  
District Court Case No. 96C136862-1

**REQUEST FOR EXTENSION OF  
TIME WITHIN WHICH TO FILE  
APPELLANT'S OPENING BRIEF  
FIRST REQUEST**

(Death Penalty Habeas Corpus Case)

Petitioner/Appellant, Marlo Thomas, by and through counsel,  
hereby requests an extension of time of ninety (90) days, to and  
including June 5, 2019, to file his Opening Brief. This request is  
supported by the attached declaration of counsel.

DATED this 7th day of March, 2019.

Respectfully submitted,

/s/ Joanne L. Diamond

JOANNE L. DIAMOND

Assistant Federal Public Defender

Nevada Bar No. 14139C

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702-388-6577

## DECLARATION OF JOANNE L. DIAMOND

I, Joanne L. Diamond, declare as follows:

1. I am an attorney at law, admitted to practice before this Court and employed by the Capital Habeas Unit of the Federal Public Defender, District of Nevada. I am assigned to represent Marlo Thomas in this matter.

2. The Appellant's Opening Brief in this case is currently due today, March 7, 2019. I am seeking an extension of time of ninety (90) days, up to and including June 5, 2019, within which to file and serve this Brief.

3. I am requesting a ninety-day extension because I have not had adequate time to prepare Mr. Thomas' Opening Brief. Specifically, I have had the following case-related responsibilities as lead counsel: an Amended Petition for Writ of Habeas Corpus in *Maestas v. Gittere*, Case No. 2:18-cv-02434-JAD-PAL, is currently due in the United States District Court for the District of Nevada on March 15, 2019; the Reply Brief in this Court in *Walker v. Gittere*, No. 75013, is currently due March 22, 2019. In addition, I have been involved in ongoing litigation

in the United States District Court for the District of Arizona in *Armstrong v. Ryan*, Case No 4:15-cv-00358-RM; and in the Second Judicial District Court in *Vanisi v. Gittere*, No. CR98-0516; the opening brief in *Vanisi*, No. 78209, is due in this Court on June 28, 2019.

4. Given these responsibilities, it was not possible for this office to complete Mr. Thomas' Opening Brief by today. The additional time requested here is necessary for me to devote the attention required to competently represent Mr. Thomas. I do not anticipate any additional requests for an extension of time.

5. On March 6, 2019, I contacted Chief Deputy District Attorney Steven S. Owens, opposing counsel in this matter, via email. Via email response on March 7, 2019, he indicated no opposition to this request.

6. This request is not made solely for the purpose of delay, or for any other improper purpose, but only to ensure that this office provides competent representation to Mr. Thomas. Nev. R. Prof. Conduct 1.1.

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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 7, 2019, in Las Vegas Nevada.

/s/ Joanne L. Diamond  
JOANNE L. DIAMOND

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 7th day of March, 2019, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S OPENING BRIEF shall be made in accordance with the Master Service List as follows:

Steven S. Owens  
Chief Deputy District Attorney

/s/ *Jeremy Kip*

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An Employee of the  
Federal Public Defender,  
District of Nevada