

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,

Petitioner/Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents/Appellees.

Supreme Court No. 7/345

District Court Case No. 96C136862-1

(Death Penalty Case)

**REQUEST FOR EXTENSION OF
TIME WITHIN WHICH TO FILE
APPELLANT'S OPENING BRIEF
(SECOND REQUEST)**

Electronically Filed
Jun 03 2019 02:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Petitioner/Appellant, Marlo Thomas, by and through counsel,
hereby requests an extension of time of nine (9) days, to and including
June 14, 2019, to file his Opening Brief. This request is supported by
the attached declaration of counsel.

DATED this 3rd day of June, 2019.

Respectfully submitted,

/s/ Joanne L. Diamond

JOANNE L. DIAMOND

Assistant Federal Public Defender

Nevada Bar No. 13804C

411 E. Bonneville Ave., Suite 250

Las Vegas, Nevada 89101

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 on June 5, 2019. I am seeking an extension of time of nine (9) days, up to and including June 14, 2019, within which to file and serve this Brief. This is Thomas's second request.

3. The opening brief has been completed and is currently being reviewed. The supervisor of the Capital Habeas Unit is reading the completed brief. Once reviewed, the supervisor will return his edits to me for incorporation.

4. I have very recently been assigned to the non-capital habeas case *Escobar v. Williams*, No. 18-16417, in which oral argument in the Ninth Circuit Court of Appeals is set for June 7, 2019, in Portland, Oregon. Given my recent assignment to *Escobar* (owing to a medical

emergency affecting the originally assigned attorney), it is not possible for me to familiarize myself with the case and prepare for oral argument on such a short timeframe in addition to completing the final edits to Thomas's opening brief. I will be unable to make any changes to the brief until after my return to the office on June 10, 2019.

5. Based upon the above, I believe that with a nine-day extension, I will be able to complete and file the Opening Brief. Undersigned counsel does not anticipate any further extensions will be necessary.

6. The additional time requested here is necessary for me to devote the attention required to competently represent Mr. Thomas. 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.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 3, 2019, in Las Vegas Nevada.

/s/ Joanne L. Diamond

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 3rd day of June, 2019, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S OPENING BRIEF (SECOND REQUEST) shall be made in accordance with the Master Service List as follows:

Steven Owens
Steven.Owens@clarkcountyda.com

/s/ *Jeremy Kip*
An Employee of the
Federal Public Defender,
District of Nevada