

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL HOWARD,

Appellant,

v.

WILLIAM GITTERE, Warden,
AARON D. FORD, Attorney General
for the State of Nevada, and THE
STATE OF NEVADA,

Respondents.

Supreme Court Case Nos. 81278,
81279

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Elizabeth A. Brown
Clerk of Supreme Court

Underlying Case:
Clark County Dist. Ct.
Nos. 81C053867, A-18-780434-W

APPELLANT’S RESPONSE TO MOTION FOR EXTENSION

Recognizing this Court’s practice of granting first extensions on briefs, undersigned counsel do not object to the State’s request for additional time, submitted July 27, 2020. However, Appellant Samuel Howard has a strong personal desire to see the instant case resolved as promptly as possible. Therefore, he respectfully asks that no further extensions of time be allowed on the State’s answering brief after the pending motion is granted.

Because it is relevant to the timeline of the instant appeal, Mr. Howard would also like to update the Court on a recent development in the Ninth Circuit. There, Mr. Howard has pending an appeal from the denial of federal habeas relief in number 10-99003, which relates to the same underlying criminal proceedings as the present case. In April 2020, the Ninth Circuit sua sponte stayed the appeal

until the issue presented in this case was resolved by the state courts. Mr. Howard moved to lift the stay, either in whole or at least with respect to the guilt-phase claims, and the State objected. On July 27, 2020, the Ninth Circuit denied the motion to lift the stay without prejudice to Mr. Howard's ability to renew his request if the instant appeal has not be disposed of in the next 180 days. In undersigned counsel's respectful view, the Ninth Circuit order reinforces Mr. Howard's wish to have the case at bar adjudicated as quickly as it practicably can be, so that the federal habeas can move forward without further delay.

DATED this 28th day of July 2020.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document on July 28, 2020. Electronic service of the document shall be made in accordance with the Master Service List to:

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