

Case No. 83436

Supreme Court of Nevada

Zane Michael Floyd,

Appellant,

vs.

William Gittere, *et al.*,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

**Motion for Extension of Time
within which to file Reply
Brief**

DEATH PENALTY CASE

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Appellant, Zane Michael Floyd, by and through his counsel of record, hereby files this motion for an extension of time of thirty (30) days, up to and including April 27, 2022, within which to file his Reply Brief. This motion is supported by the attached declaration of counsel and the entire file herein.

Dated this 28th day of March, 2022.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ David Anthony

David Anthony
Assistant Federal Public Defender

DECLARATION OF DAVID ANTHONY

I, David Anthony, declare as follows:

1. I am an attorney at law, admitted to practice before this Court, and employed as the Chief of the Capital Habeas Unit for the Federal Public Defender, District of Nevada. I represent the Appellant, Zane Michael Floyd.

2. The State filed its Answering Brief on February 24, 2022, after seeking and receiving a thirty-day extension of time from this Court.

3. I am requesting an extension of time of thirty (30) days, up to and including April 27, 2022, within which to file and serve Mr. Floyd's Reply Brief. It is currently due on March 28, 2022. This is Mr. Floyd's first request for an extension of time.

4. At the present time, substantial progress has been made on the Reply Brief, but it is not yet completed for filing. I anticipate that the pleading will be completed for filing within thirty days.

5. Since the filing of the State's answering brief, I have had to devote most of my time and attention to other time sensitive filings in Mr. Floyd's state and federal cases and to other filing deadlines in

capital cases. On March 14, 2022, I filed two petitions for rehearing with this Court from the denial of original writ petitions in *Floyd v. Eighth Judicial District Court*, Case No. 83167, and *Floyd v. Eighth Judicial District Court*, Case No. 83225. I filed an opposition to a motion filed by the State in *Floyd v. Daniels*, Case No. 3:21-cv-00176-RFB-CLB, on March 25, 2022. I also had to devote time and attention to the federal court's order dismissing a petition in *Witter v. Gittere*, Case No. 3:20-cv-00345-APG-CSD, in preparation for the filing of a motion to alter or amend the judgment, which is a jurisdictional filing deadline due on April 7, 2022. I also had to travel out of state for client visitation on March 9-10, 2022. Finally, I also had several administrative matters to which I had to attend as the Chief of the Capital Habeas Unit.

6. Given these responsibilities, I was not able to complete Mr. Floyd's Reply Brief by the current deadline.

7. I am requesting thirty (30) days to complete the reply to ensure that I am able to finish it while also meeting my obligations in other capital cases and in accordance with my duty to provide Mr. Floyd

with high quality representation consistent with the standards pertaining to capital defense counsel.

8. This request is made for the purpose of protecting Mr. Floyd's interests and not for the purpose of delay or any other improper purpose.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 28, 2022, in Las Vegas, Nevada.

/s/ David Anthony
David Anthony

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2022, I electronically filed the foregoing document with the Nevada Supreme Court by using the appellate electronic filing system. The following participants in the case will be served by the electronic filing system:

Alexander Chen
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/s/ Sara Jelinek
An Employee of the
Federal Public Defender