

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 28 2022 02:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

JESSE D. NOBLE, JR.

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. **83024**

District Court No. 8th JD
C-18-336940-1 (Clark County)

**UNOPPOSED MOTION FOR A ONE WEEK EXTENSION OF TIME TO
FILE RESPONDENT'S ANSWERING BRIEF (SECOND REQUEST)**

Respondent, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Mariana Kihuen, Deputy Attorney General, hereby moves this Honorable Court, pursuant to NRAP 26(b)(1)(A), for a seven (7) day extension of time, or up to and including Monday, March 7, 2022, in which to serve and file Respondent's Answering Brief. The brief is currently due today, February 28, 2022.

This is Respondent's second request for an extension of time to file the Respondent's Answering Brief. Respondent brings this motion in good faith and

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not for the purpose of delay. Respondent requires this extension based upon the following Declaration.

RESPECTFULLY SUBMITTED this February 28, 2022.

AARON D. FORD
Attorney General

By: /s/ Mariana Kihuen
MARIANA KIHUEN
Nevada Bar No. 12241
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Ave, Ste. 3900
Las Vegas, Nevada 89101
mkihuen@ag.nv.gov

DECLARATION OF COUNSEL

I, MARIANA KIHUEN, being first duly sworn according to law, hereby state that the assertions of this declaration are true:

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division, and I make this affidavit on behalf of *Unopposed Motion for a One Week Extension of Time to File Respondent's Answering Brief (Second Request)* in the above captioned case.
2. Counsel understands that this Honorable Court granted a 62-day extension on December 28, 2021 and stated that "no further extensions shall be permitted absent extraordinary circumstances and extreme need."
3. Since then, the case was reassigned to a new Deputy Attorney General who recently joined the Post-Conviction Division on February 7, 2022. New counsel filed a Notice of Appearance on February 11, 2022.
4. Counsel has had less than three weeks to review the case and to draft a Respondent's Answering Brief. Counsel has been working diligently on this case and familiarizing herself with other State and Federal habeas petitions newly assigned to her that also have upcoming deadlines. This is in addition to spending time complying with the administrative and training duties required of all new employees of the Nevada Attorney General's Office.

5. Counsel needs additional time to supplement the Appellant's Appendix and to get a final review and approval of Respondent's Answering Brief from the Chief Deputy Attorney General who oversees the division.
6. On February 28, 2022, Counsel contacted Noble's counsel, Mr. Joseph Gersten, via telephone to determine his position on this motion. Mr. Gersten responded that he did not oppose this motion.

DATED this 28th day of February, 2022.

AARON D. FORD
Attorney General

By: /s/ Mariana Kihuen
MARIANA KIHUEN
Nevada Bar No. 12241
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Avenue, Ste. 3900
Las Vegas, Nevada 89101

AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security of any person.

DATED: February 28, 2022

AARON D. FORD
Attorney General

By: /s/ Mariana Kihuen
MARIANA KIHUEN
Nevada Bar No. 12241
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Avenue, Ste. 3900
Las Vegas, Nevada 89101

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for a One Week Extension of Time to File Respondent's Answering Brief (Second Request)* in accordance with this Court's electronic filing system and consistent with NEFCR 9 on February 28, 2022.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the Court's electronic filing system.

Joseph Z. Gersten, Esq.
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Attorney for Appellant

/s/ M. Landreth

An employee of the Office of the Attorney General