

David M. Schieck
Attorney At Law
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(702) 382-1844

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

FILED

LAILONI MORRISON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

JAN 22 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

CASE NO. 40097

MOTION FOR EXTENSION OF TIME
TO FILE OPENING BRIEF AND APPENDIX

COMES NOW, Appellant, LAILONI MORRISON, by and through his attorney, DAVID M. SCHIECK, ESQ., and moves this Court for an Order granting an extension of 30 days, up to and including February 16, 2003 to file Appellant's Opening Brief and Appendix.

This Motion is made and based upon NRAP 26(b), the Affidavit filed herewith, and the Points and Authorities attached hereto.

DATED this 17 day of January, 2003.

SUBMITTED BY:

DAVID M. SCHIECK, ESQ.
302 E. Carson Ave., #600
Las Vegas, Nevada 89101
Attorney for Appellant

STATEMENT OF FACTS

MORRISON'S Stipulation for an Extension of Time to File Opening Brief and Appendix was filed on December 20, 2002. An extension until January 17, 2003 was granted.

JAN 22 2003
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

03-01104

1 Based on the facts set forth in Counsel's Affidavit
2 attached hereto an extension of 30 days, up to and including
3 February 16, 2003, is requested to file the Opening Brief and
4 Appendix.

5 POINTS AND AUTHORITIES

6 NRAP 26(b) states as follows:

7 "(b) *Enlargement of time.* The court for good
8 cause shown may upon motion enlarge the time
9 prescribed by these rules or by its order for doing
any act, or may permit an act to be done after the
expiration of such time...."

10 CONCLUSION

11 Appellant requests an extension of an extension of 30 days
12 to file his Opening Brief and Appendix.

13 DATED this 17 day of January, 2003.

14 Respectfully submitted,

15 By: 

16 DAVID M. SCHIECK, ESQ.
17 302 E. Carson Ave., #600
18 Las Vegas, Nevada 89101
19 Attorney for Appellant

20 AFFIDAVIT OF COUNSEL

21 STATE OF NEVADA)
22) ss:
23 COUNTY OF CLARK)

24 DAVID M. SCHIECK, ESQ., being first duly sworn, deposes
25 and says:

26 That Affiant is an attorney duly licensed to practice law
27 in the State of Nevada and court appointed counsel for
28 MORRISON.

1 That MORRISON'S Opening Brief is due January 17, 2003.


2 That Affiant has been working on the opening brief in
3 Dettloff v. State and has had to request 2 separate one week
4 extension in that case due to research on the issues and the
5 poorly put together appendix by trial counsel.

6 That Affiant, in addition, had to prepare for a
7 preliminary hearing on January 9, 2003 on a double homicide in
8 Henry adv. State.

9 That Affiant had a sentencing in Ely, Nevada on January
10 13, 2003.

11 Based on the foregoing reasons it is requested that an
12 extension of 30 days be granted to file the Opening Brief.
13 This extension is sought in good faith and not for purposes of
14 delay.

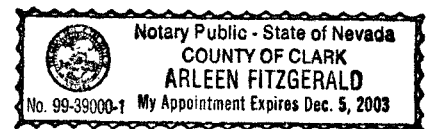
15 Further Affiant sayeth naught.

16 
17
18 DAVID M. SCHIECK

19 SUBSCRIBED AND SWORN to before me

20 this 17 day of January, 2003.

21 
22 NOTARY PUBLIC



23 CERTIFICATE OF MAILING

24 I, KATHLEEN FITZGERALD, do hereby certify that on the 17th
25 day of January, 2003, I did deposit in the United States Post
26 Office at Las Vegas, Nevada, a copy of the above and foregoing
27 Motion, enclosed in a sealed envelope upon which first class
28

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Attorney At Law
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Las Vegas, NV 89101
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1 postage was fully prepaid, addressed to the following: Clark
2 County District Attorney, 200 S. Third St., Las Vegas NV
3 89155; and Nevada Attorney General, 100 N. Carson St., Carson
4 City NV 89701-4717.



KATHLEEN FITZGERALD

an employee of David Schieck, Esq.

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