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IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

\* \* \*

LAILONI MORRISON, ) CASE NO. 40097 FEB 21 2003  
)  
Appellant, )  
)  
vs. ) MOTION FOR EXTENSION  
) OF TIME TO FILE  
THE STATE OF NEVADA, ) APPELLANT'S OPENING BRIEF  
) AND MOTION TO ALLOW  
Respondent. ) LATE FILING

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY Alvarado  
DEPUTY CLERK

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 March 18, 2003 to file Appellant's Opening Brief.

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

DATED this 19 day of February, 2003.

SUBMITTED BY:

David M. Schieck  
DAVID M. SCHIECK, ESQ.  
Nevada Bar No. 0824  
302 E. Carson Ave., #600  
Las Vegas, Nevada 89101  
Attorney for Appellant

STATEMENT OF FACTS

LAILONI MORRISON filed a Motion for Extension of Time to File Opening Brief which this Court granted and the brief was due February 18, 2003. The instant motion is for an extension of 30 days, up to and including March 18, 2003. In addition,

FEB 21 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

1 it is requested that this Court allow Appellant to file this  
2 Motion 1 days late based on the reasons set forth in the  
3 attached affidavit.

4 POINTS AND AUTHORITIES

5 NRAP 26(b) states as follows:

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

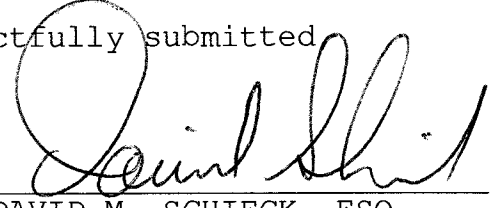
11 CONCLUSION

12 Appellant requests an extension of 30 days of file his  
13 Opening Brief and he requests this Court grant the motion to  
14 allow the late filing of the instant motion.

15 DATED this 19 day of February, 2003.

16 Respectfully submitted

17 By:

  
18 DAVID M. SCHIECK, ESQ.  
19 Nevada Bar No. 0824  
20 302 E. Carson Ave., #600  
21 Las Vegas, Nevada 89101  
22 Attorney for Appellant

23 AFFIDAVIT OF COUNSEL

24 STATE OF NEVADA)  
25 ) ss:  
26 COUNTY OF CLARK)

27 DAVID M. SCHIECK, ESQ., being first duly sworn, deposes  
28 and says:

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

1 Appellant LAILONI MORRISON.

2 That MORRISON'S Opening Brief was due February 18, 2003.

3 That within the last 30 days Affiant prepared and  
4 submitted Opening Briefs and Appendixes to this Court in  
5 Detloff v. State and Hurd-Samuels v. State.

6 In addition, Affiant is court appointed in Nye County to  
7 represent Oscar Perez-Marquez who has been charged with murder.  
8 Affiant had to prepare for and attend a two day preliminary  
9 hearing in Pahrump in Perez-Marquez adv. State. As the State  
10 indicated it may seek the death penalty, Affiant, pursuant to  
11 Supreme Court Rule 250, gave priority to that matter.

12 That Affiant is retained counsel for Brandon Parish whose  
13 case was remanded by this Court for a new trial. Mr. Parish is  
14 charged with murder. The trial is set to commence March 3,  
15 2003. Affiant was also out of the office ill two days last  
16 week.

17  
18 That Affiant's secretary prepared the instant motion on  
19 February 18, 2003 but due to an unexpected illness had to leave  
20 the office early on the 18th and the Motion was never sent to  
21 this Court.

22 Based on the foregoing reasons it is requested that the  
23 late filing of this motion be allowed and a 30 day extension be

24 . . .

25 . . .

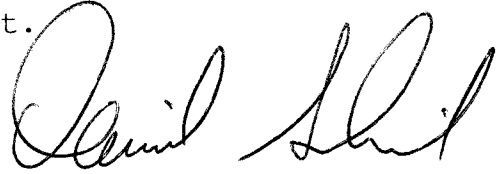
26 . . .

27 . . .

28 . . .

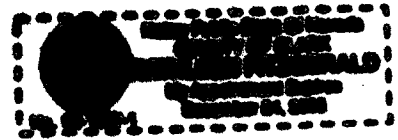
1 granted to file the Opening Brief. This extension is sought in  
2 good faith and not for purposes of delay.

3 Further Affiant sayeth naught.

4  
5 

6 DAVID M. SCHIECK

7 SUBSCRIBED AND SWORN to before me  
8 this 19 day of February, 2003.



9   
10 NOTARY PUBLIC

11 CERTIFICATE OF MAILING

12 I, KATHLEEN FITZGERALD, do hereby certify that on the 19  
13 day of February, 2003, I did deposit in the United States Post  
14 Office at Las Vegas, Nevada, a copy of the above and foregoing  
15 Motion, enclosed in a sealed envelope upon which first class  
16 postage was fully prepaid, addressed to the following: Clark  
17 County District Attorney, 200 S. Third St., Las Vegas NV  
18 89155; and Nevada Attorney General, 100 N. Carson St., Carson  
19 City NV 89701-4717.

20  
21   
22 KATHLEEN FITZGERALD  
23 an employee of David Schieck, Esq.  
24  
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26  
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