

IN THE SUPREME COURT OF THE STATE OF NEVADA

DALE EDWARD FLANAGAN,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 40232

FILED**MOTION FOR
ENLARGEMENT OF TIME**

SEP 28 2005

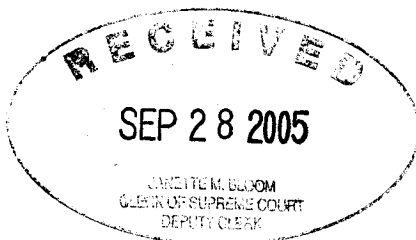
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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5 DALE EDWARD FLANAGAN,)

6 Appellant,)

7 v.)

Case No. 40232

8 THE STATE OF NEVADA,)

9 Respondent.)

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11 **MOTION FOR
ENLARGEMENT OF TIME**

12 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District
13 Attorney, through his Chief Deputy, STEVEN S. OWENS moves for an enlargement
14 of time within which to file Respondent's Answering Brief.

15 This motion is based on the following declaration, and all papers and pleadings
16 on file herein.

17 Dated September 27, 2005.

18 Respectfully submitted,

19 DAVID ROGER
20 Clark County District Attorney
21 Nevada Bar # 002781

22 BY 

23 STEVEN S. OWENS
24 Chief Deputy District Attorney
25 Nevada Bar #004352
26 200 South Third Street
27 Las Vegas, Nevada 89155-2212
28 (702) 671-2750

Attorney for Respondent

1 **MEMORANDUM**

2 This is an appeal from an order dismissing a post-conviction petition for writ of
3 habeas corpus in a capital case. Appellant's Opening Brief is 80 pages long, raises 36
4 issues, and Appellant's Appendix is 33 volumes (7,972 pages). Our office must
5 respond to many appeals and petitions for writ of habeas corpus, and additional time
6 is needed to adequately respond to this voluminous brief and appendix.

7 The State's Answering Brief is due September 28, 2005. Supreme Court Rule
8 250 (7)(d) allows for an initial extension of time up to 60 days upon showing of good
9 cause. Additional extensions will not be granted except upon a showing of
10 extraordinary circumstances and extreme need.

11 Based on the foregoing and the attached declaration, the State requests an
12 extension of time of 30 days, making the Respondent's Answering Brief due October
13 28, 2005.

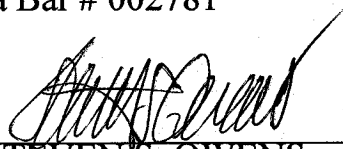
14 The Appellant, per Attorney Cal J. Potter, III, does not oppose this motion.

15 Dated this 27th day of September, 2005.

16 Respectfully submitted,

17 DAVID ROGER
18 Clark County District Attorney
19 Nevada Bar # 002781

20 BY


21 STEVEN S. OWENS
22 Chief Deputy District Attorney
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24 200 South Third Street
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27 Attorney for Respondent
28

DECLARATION

53.045

I, STEVEN S. OWENS, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office as Chief Deputy Capital Case Coordinator in the Criminal Appeals Unit.

Appellant's brief and appendix are voluminous and will take additional time to adequately respond. Additionally, our office must respond to many appeals and petitions for writ of habeas corpus.

I declare under penalty of perjury the foregoing is true and correct.

Dated this 27th day of September 2005.



STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
200 South Third Street
Las Vegas, Nevada 89155-2212
(702) 671-2750

Attorney for Respondent

1 **CERTIFICATE OF MAILING**

2 I hereby certify and affirm that I mailed a copy of the foregoing Motion For
3 Enlargement of Time to the attorneys of record listed below on September 27, 2005.

4
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Employee, Clark County
District Attorney's Office

OWENS/Vernon Bailey/english