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Attorneys for Petitioner  
Dale Edward Flanagan

**FILED**

NOV 30 2005

JANETTE M. BLOOM  
CLERK OF SUPERIOR COURT  
DEPUTY CLERK

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

\* \* \*

**DALE EDWARD FLANAGAN,**

Case No. 40232

**Appellant,**

**v.**

**THE STATE OF NEVADA, and E.K.  
McDANIEL, Warden, Ely State Prison,**

**Respondents.**

**PETITIONER'S MOTION FOR ENLARGEMENT OF TIME**

Petitioner Dale Edward Flanagan respectfully moves this Court for an  
enlargement of time within which to file Petitioner's Reply Brief.

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

**POINTS AND AUTHORITIES**

This is an appeal from the denial of a petition for writ of habeas corpus in a  
capital case. Petitioner raised 36 claims in his supplemental petition and in his opening brief.


1 The State's responding brief was 65 pages long and raises arguments not previously asserted.

2 The State's response to Petitioner's opening brief was due on September 28,  
3 2005. The State, with Petitioner's consent, moved for an extension of time of 30 days, making  
4 its brief due October 28, 2005. The State's brief was mailed to Petitioner's counsel on  
5 October 31, 2005 and received by counsel on November 4, 2005. Petitioner's reply brief is  
6 currently due on November 30, 2005.

7 Supreme Court Rule 250(7)(d) allows for an initial extension of time up to  
8 60 days upon showing of good cause. Petitioner is asking only for an extension of 45 days to  
9 and including January 16, 2006, because of out-of-town depositions, a trial and prepaid vacation  
10 that have and will occupy much of the time of Petitioner's primary counsel, Robert D. Newell.

11 The State, through its attorney Steven Owens, does not oppose this motion.

12 **POTTER LAW OFFICES**

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1. I am a partner in the law firm of Davis Wright Tremaine LLP. My firm is a member of the American Bar Association Death Penalty Representation Project to provide legal representation to the condemned inmate on death row in this case. I am the lawyer responsible for preparation of the briefs, and I am the lawyer who will be responsible for the preparation of the reply brief in this case.

3. An extension of time to and including January 16, 2006 will provide  
e to complete the work necessary to prepare and file Petitioner's reply brief in this

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

jury the foregoing is true and correct.  
 \_\_\_\_\_  
 September, 2005.  
 \_\_\_\_\_  
 ROBERT D. NEWELL

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of POTTER LAW OFFICES, and  
3 that, on this date, I deposited for mailing at Las Vegas, Nevada, a true copy of the  
4 **PETITIONER'S MOTION FOR ENLARGEMENT OF TIME** addressed to:

5 Steven S. Owens  
6 Deputy District Attorney  
7 Clark County District Attorney's Office  
200 Lewis Avenue, Third Floor  
Las Vegas, Nevada 89101

8 DATED this 28<sup>th</sup> day of November, 2005.

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11 Employee of Potter Law Offices  
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