

ORIGINAL

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Attorneys for Petitioner
Dale Edward Flanagan

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FILED

DALE EDWARD FLANAGAN,

Appellant,

v.

Case No. 40232

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

Respondents.

APPELLANT FLANAGAN'S MOTION TO VACATE BRIEFING SCHEDULE

Appellant Dale Edward Flanagan respectfully moves this Court for an order vacating the briefing schedule set out in its March 18, 2003 Order.

In accordance with that Order, appellant has once again reviewed the district court record. That record continues to be incomplete in that the district court clerk's office is unable to locate portions of the file. Despite indications that transcripts were filed with the

APR 02 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

03-05569

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1 district court on some of the dates for which appellant filed requests for transcripts, those
2 transcripts are not in the record and appellant does not have copies of them.

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4 Consequently, appellant has filed amended requests for transcripts as directed
5 by the Court's March 18, 2003 Order. Those requests have been on file with the court
6 reporters for nearly 90 days, but appellant has had no response from the court reporters as
7 yet.

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9 Consequently, even if the reporters reply promptly, it will be virtually
10 impossible for appellant to incorporate all of those transcripts and get the entire record
11 numbered and prepared in volumes as required by the rules and filed with the opening brief
12 on the schedule set out in the Court's March 18, 2003 Order.

13 Furthermore, appellant did not ignore the rules in not filing his opening brief
14 earlier, but rather was in communication with the Supreme Court clerk's office seeking
15 direction because of the incompleteness of the record. Appellant was advised to await
16 completion of the record before establishing a briefing schedule.

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18 Appellant therefore respectfully requests that all dates relating to briefing be
19 vacated and that a briefing schedule be set only after the transcript requests that have been

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filed have been fulfilled so that the record is complete.

DATED this 31 day of March, 2003.

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of POTTER LAW OFFICES,
and that, on this date, I deposited for mailing at Las Vegas, Nevada, a true copy of the
APPELLANT FLANAGAN'S MOTION TO VACATE BRIEFING SCHEDULE addressed
to:

James Tufteland
Deputy District Attorney
Clark County District Attorney's Office
200 South Third Street, 7th Floor
Las Vegas, Nevada 89155

DATED this 31 day of March, 2003.

An Employee of Potter Law Offices