

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

FILED

MARLO THOMAS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FEB 24 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Case No. 40248

MOTION FOR EXTENSION OF
TIME TO FILE OPENING BRIEF

COMES NOW, Appellant, MARLO THOMAS, by and through his attorney, DAVID M. SCHIECK, ESQ., and moves this Court for an Order granting an extension of time of thirty (30) days to file Appellant's Opening Brief up to and including March 21, 2003.

This Motion is made and based upon NRAP 31(a)(1), NRAP 26(b), and the Affidavit of counsel attached hereto.

DATED this 20 day of February, 2003.

SUBMITTED BY:

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

POINTS AND AUTHORITIES

NRAP 26(b) states as follows:

"(b) *Enlargement of time.* The court for good cause shown may upon motion enlarge the time 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...."

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

13-03093

1 This Court granted an extension by Stipulation on February
2 12, 2003 and Appellant's Opening Brief and Appendix are due
3 February 21, 2003. This is an appeal from denial of Post
4 Conviction Relief in a capital case.

5 Based on the reasons set forth in counsel's affidavit
6 attached hereto, it is requested that an extension of 30 days
7 be granted to file Appellant's Opening Brief, up to and
8 including, March 21, 2003.

9 DATED this 20 day of February, 2003.

10 Respectfully submitted,

11 By: 

12 DAVID M. SCHIECK, ESQ.
13 Nevada Bar No. 0824
14 302 E. Carson Ave., #600
15 Las Vegas, Nevada 89101
16 Attorney for Appellant

17 AFFIDAVIT OF COUNSEL

18 STATE OF NEVADA)
19) ss:
20 COUNTY OF CLARK)

21 DAVID M. SCHIECK, being first duly sworn, deposes and
22 says:

23 That Affiant is an attorney duly licensed to practice law
24 in the State of Nevada, and court-appointed counsel for
25 Appellant THOMAS.

26 That Appellant's Opening Brief is due on February 21,
27 2003.

28 That within the last 30 days Affiant prepared and

1 submitted Opening Briefs and Appendixes to this Court in
2 Detloff v. State and Hurd-Samuels v. State.

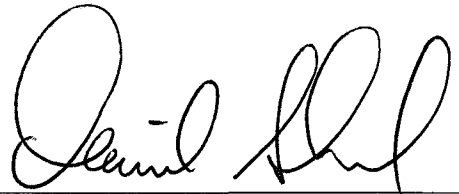
3 In addition, Affiant is court appointed in Nye County to
4 represent Oscar Perez-Marquez who has been charged with murder.
5 Affiant had to prepare for and attend a two day preliminary
6 hearing in Pahrump in Perez-Marquez adv. State. As the State
7 indicated it may seek the death penalty, Affiant,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

9 That Affiant is retained counsel for Brandon Parish whose
10 case was remanded by this Court for a new trial. Mr. Parish is
11 charged with murder. The trial is set to commence March 3,
12 2003.

13 That Affiant requests an extension of 30 days, up to and
14 including March 21, 2003 to file Appellant's Opening Brief and
15 Appendix.
16

17 This Motion is made in good faith and not for the purpose
18 of delay.

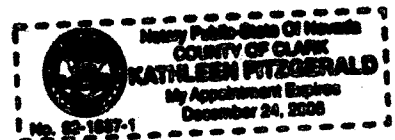
19 Further Affiant sayeth naught.

20
21 

22 DAVID M. SCHIECK

23 SUBSCRIBED and SWORN to before me
24 this 20 day of February, 2003.

25 
26 NOTARY PUBLIC




David M. Schieck
Attorney At Law
302 E. Carson Ave., Ste. 600
Las Vegas, NV 89101
(702) 382-1844

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 20
day of February, 2003, did deposit in the United States Post
Office at Las Vegas, Nevada, a copy of the above and foregoing
Motion, enclosed in a sealed envelope upon which first class
postage was fully prepaid, addressed to the following:

Clark County District Attorney	Nevada Attorney General
200 S. Third Street	100 N. Carson
Las Vegas NV 89155	Carson City NV 89701-4717


KATHLEEN FITZGERALD an employee
of David Schieck, Esq.