

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


IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \*

MARLO THOMAS,  
  
Appellant,  
  
vs.  
  
THE STATE OF NEVADA,  
  
Respondent.

FILED

MAR 24 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

Case No. 40248

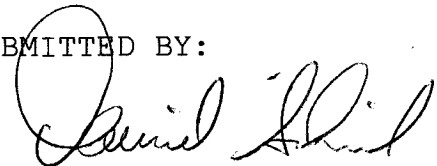
MOTION FOR EXTENSION OF TIME OF  
ONE WEEK TO FILE OPENING BRIEF AND APPENDIX

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 one week to file Appellant's Opening Brief and Appendix up to and including March 28, 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 March, 2003.

SUBMITTED BY:

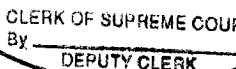


DAVID M. SCHIECK, ESQ.  
Nevada Bar No. 0824  
302 E. Carson Ave., #600  
Las Vegas, Nevada 89101  
Attorney for Appellant

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

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1 any act, or may permit an act to be done after the  
2 expiration of such time...."

3 This is Appellant's third motion for extension of time.

4 This Court, on February 27, 2003, approved an extension of 30  
5 days and Appellant's Opening Brief and Appendix are due March  
6 21, 2003. This is an appeal from denial of Post Conviction  
7 Relief in a capital case.

8 Based on the reasons set forth in counsel's affidavit  
9 attached hereto, it is requested that an extension of one week  
10 be granted to file Appellant's Opening Brief, up to and  
11 including, March 28, 2003.

12 DATED this 20 day of March, 2003.

13 Respectfully submitted,

14  
15 By: 

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

21 AFFIDAVIT OF COUNSEL

22 STATE OF NEVADA)  
23 ) ss:  
24 COUNTY OF CLARK)

25 DAVID M. SCHIECK, being first duly sworn, deposes and  
26 says:

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

That Appellant's Opening Brief is due on March 21, 2003.

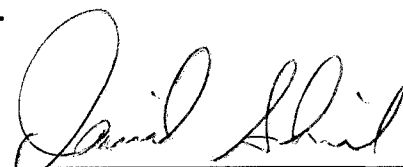
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1 That Affiant is also court appointed in Gato v. State, a  
2 murder case in Justice Court. The State has come up with new  
3 evidence which necessitated an unforeseen amount of time to  
4 prepare for the preliminary hearing set for March 21, 2003.

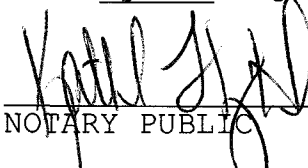
5 That Affiant requests an extension of one week, up to and  
6 including March 28, 2003 to file Appellant's Opening Brief and  
7 Appendix.

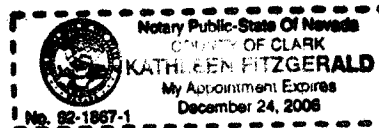
8 This Motion is made in good faith and not for the purpose  
9 of delay.

10 Further Affiant sayeth naught.

11  
12  
13   
14 DAVID M. SCHIECK

15 SUBSCRIBED and SWORN to before me  
16 this 20 day of March, 2003.

17   
18 NOTARY PUBLIC



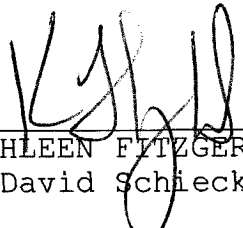
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CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 21  
day of March, 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  
200 S. Third Street  
Las Vegas NV 89155

Nevada Attorney General  
100 N. Carson  
Carson City NV 89701-4717

  
KATHLEEN FITZGERALD an employee  
of David Schieck, Esq.