

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JUN 19 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Alvarado
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THE STATE OF NEVADA,)
Appellant,)
v.)
MARLO THOMAS,)
Respondent.)

Case No. 40248

MOTION FOR ENLARGEMENT OF TIME

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State of Nevada

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Counsel for Appellant

Counsel for Respondent



1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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5 THE STATE OF NEVADA,)

6 Appellant,)

7 v.)

Case No. 40248

8 MARLO THOMAS,)

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 deputy, CLARK PETERSON, and moves this Court for an
14 enlargement of time within which to file Respondent's Answering Brief. This motion
15 is based on the following memorandum, declaration of counsel and all papers and
16 pleadings on file herein.

17 Dated this 15th day of June, 2003.

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

20
21 BY



22 CLARK PETERSON
23 Chief Deputy District Attorney
Nevada Bar #006088

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25 Clark County Courthouse
26 200 South Third Street, Suite 701
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28 Las Vegas, Nevada 89155-2212
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1 **MEMORANDUM**

2 This is an appeal from the denial of a petition for writ of habeas corpus
3 (post-conviction) in a capital case. This Court may, upon motion showing good cause,
4 extend the time within which to file a brief. NRAP 31(1)(a). Based on the attached
5 declaration, the State requests an additional thirty (30) days within which to file
6 Respondent's Answering Brief.

7 Dated this 15th day of June, 2003.

8
9 DAVID ROGER
10 Clark County District Attorney

11 BY 
12 _____
13 CLARK PETERSON
14 Chief Deputy District Attorney
15 Nevada Bar #006088
16 Office of the Clark County District Attorney
17 Clark County Courthouse
18 200 South Third Street
19 4th Floor
20 Las Vegas, Nevada 89155-2212
21 (702) 455-4711

22 **DECLARATION**
23 (NRS 53.045)

24 I, CLARK A. PETERSON, do hereby declare:

25 I am a duly licensed attorney in the State of Nevada and am employed by the
26 Clark County District Attorney's Office.

27 As a result of a previously approved stipulation of the parties, Respondent's
28 Answering Brief in Thomas v. State, No 40348, was due by June 1, 2003. Respondent
has not met that deadline and is requesting an enlargement of thirty (30) days to
complete the State's brief.

The instant appeal involves the denial of a petition for writ of habeas corpus
(post-conviction) in a capital case. The Opening Brief is lengthy and detailed, as is

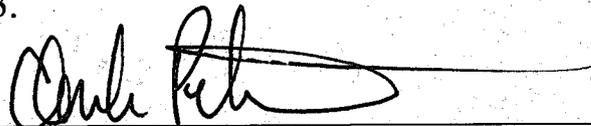
1 common in capital litigation, and raises issues that will be given the utmost scrutiny
2 both by this Court and by future reviewing courts.

3 The brief was assigned to a law clerk who, near the due date, suffered a family
4 tragedy necessitating him to leave the jurisdiction and return after the due date. It was
5 hoped that the brief would be turned in only days after the due date and could be filed
6 along with the request for a short enlargement of time. Upon review of the final draft,
7 however, it was determined that substantial changes needed to be made to the brief
8 itself to appropriately address the issues raised in this capital case. The State
9 apologizes for its delay in requesting an enlargement of time and recognizes that
10 extensions of time beyond the time to which the parties may stipulate is disfavored.
11 Such an enlargement, however, is necessary to fully address the issues raised.

12 An enlargement of time of thirty (30) days is required to complete the State's
13 brief, making the State's answering brief due on July 2, 2003.

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

15 Dated this 15th day of June, 2003.

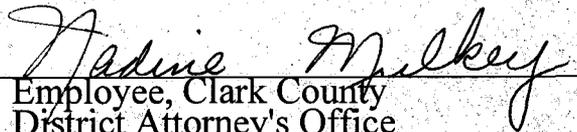
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CERTIFICATE OF MAILING

I hereby certify and affirm that I mailed a copy of the foregoing MOTION FOR ENLARGEMENT OF TIME to the attorney of record listed below on this 15th day of June, 2003.

DAVID M. SCHIECK
Attorney at Law
Nevada Bar No. 000824
302 East Carson Avenue, Suite No. 600
Las Vegas, Nevada 89101



Employee, Clark County
District Attorney's Office

PETE/mulkn