

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JUN 19 2003

THE STATE OF NEVADA,

Appellant,

v.

MARLO THOMAS,

Respondent.

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY W. Garado  
DEPUTY CLERK

Case No. 40248

**MOTION FOR ENLARGEMENT OF TIME**

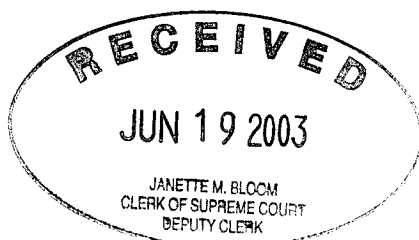
DAVID ROGER  
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Nevada Bar #002781  
Clark County Courthouse  
200 South Third Street, Suite 701  
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(702) 455-4711  
State of Nevada

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Nevada Bar No. 000824  
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Counsel for Appellant

Counsel for Respondent



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

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4  
5 THE STATE OF NEVADA, )

6 Appellant, )

7 v. )

Case No. 40248

8 MARLO THOMAS, )

9 Respondent. )

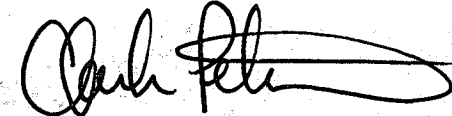
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11 **MOTION FOR ENLARGEMENT OF TIME**

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

24 Office of the Clark County District Attorney  
25 Clark County Courthouse  
26 200 South Third Street, Suite 701  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 455-4711

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

21 DECLARATION  
22 (NRS 53.045)

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

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

26 As a result of a previously approved stipulation of the parties, Respondent's  
27 Answering Brief in Thomas v. State, No 40348, was due by June 1, 2003. Respondent  
28 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

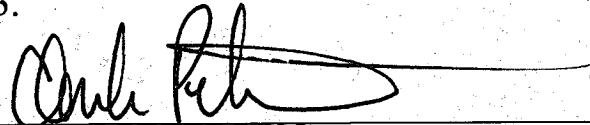
1 common in capital litigation, and raises issues that will be given the utmost scrutiny  
2 both by this Court and by future reviewing courts.

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.

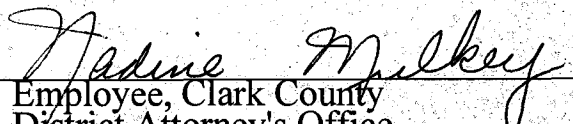
15 Dated this 15th day of June, 2003.

16   
17 CLARK PETERSON  
18 Chief Deputy District Attorney  
19 Nevada Bar #006088  
20 Clark County District Attorney's Office  
21 200 South Third Street  
22 Las Vegas, Nevada 89155-2212  
23 (702) 455-4840  
24  
25  
26  
27  
28

1 **CERTIFICATE OF MAILING**

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

5  
6 DAVID M. SCHIECK  
7 Attorney at Law  
8 Nevada Bar No. 000824  
9 302 East Carson Avenue, Suite No. 600  
10 Las Vegas, Nevada 89101

11   
12 Employee, Clark County  
13 District Attorney's Office

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