## IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRSTIN BLAISE LOBATO,

Appellant,

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V.

THE STATE OF NEVADA,

Respondent

Case No. 58913

Electronically Filed Jun 04 2012 11:41 a.m. Tracie K. Lindeman Clerk of Supreme Court

## MOTION FOR EXTENSION TIME 3<sup>rd</sup> Request

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an enlargement of time of thirty (30) days from June 4, 2012, making said brief due July 5, 2012. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 4<sup>th</sup> day of June, 2012.

Respectfully submitted,

STEVEN B. WOLFSON Clark County District Attorney Nevada Bar # 001565

BY /s/ Steven S. Owens STEVEN S. OWENS Chief Deputy District Attorney Nevada Bar #004352 Office of the Clark County District Attorney 200 Lewis Avenue Post Office Box 552212 Las Vegas, Nevada 89155-2212 (702) 671-2750

## **MEMORANDUM**

I, STEVEN OWENS, am the supervising attorney in the above-captioned case. This Court may extend the time to file an Answering Brief upon a clear showing of extraordinary circumstances and extreme need. NRAP 31(b)(3)(B).

The State's Answering Brief on the instant matter is currently due June 4, 2012. Two previous extensions of thirty (30) days were granted. In May 2012 there was a change in personnel assisting in this matter, which could not be foreseen and additional time was needed for familiarization and transition given the numerous claims raised in Appellant's Opening Brief and the size of the record. A draft has been completed, and after consultation, numerous revisions are necessary before final submission. Appellant's opening brief is over one hundred thirty (130) pages and addresses seventy nine (79) claims from Appellant's Petition for Writ of Habeas Corpus filed in the district court. Appellant's appendix consists of eleven (11) volumes and over two thousand (2000) pages, which includes almost eight hundred (800) pages of trial transcript and Appellant's Petition, which is also almost eight hundred (800) pages. Appellant was given a fifty-four (54) day extension of time to file her Opening Brief on December 7, 2011. Further, Appellant's Opening Brief was rejected for failure to comply with NRAP 32(a) on February 23, 2012. Appellant's Opening Brief was ultimately filed and accepted on March 5, 2012. The issues presented are numerous and fact intensive. The State therefore submits that extraordinary circumstances and extreme need exists to extend the filing due date.

Due to the aforementioned circumstances, Respondent respectfully requests this Court's permission for an extension of time of thirty (30) days to file its Answering Brief; making the Response due to be filed on or before Thursday, July 5, 2012. This motion is made in good faith and not for purposes of undue delay.

1	I declare under penalty of perjury the factual representations set forth in the
2	foregoing memorandum are true and correct.
3	Dated this 4 <sup>th</sup> day of June, 2012.
4	Respectfully submitted,
5	STEVEN B. WOLFSON
6	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar # 001565
7	DV /s/ Stavar S Obugus
8	BY /s/ Steven S. Owens STEVEN S. OWENS
9	Nevada Bar #004352
10	200 Lewis Avenue
11	STEVEN S. OWENS Chief Deputy District Attorney Nevada Bar #004352 Office of the Clark County District Attorney 200 Lewis Avenue Las Vegas, Nevada 89155-2212 (702) 671-2750
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1	CERTIFICATE OF SERVICE
2	I HEREBY CERTIFY AND AFFIRM that this document was filed
3	electronically with the Nevada Supreme Court on June 4, 2012. Electronic Service
4	of the foregoing document shall be made in accordance with the Master Service
5	List as follows:
6	CATHEDINE CODTEZ MAGTO
7	CATHERINE CORTEZ MASTO Nevada Attorney General
8	TRAVIS N. BARRICK Counsel for Appellant
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10	STEVEN S. OWENS Chief Deputy District Attorney
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13	/s/ jennifer garcia
14	Employee, Clark County District Attorney's Office
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