

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43247

FILED

OCT 11 2004

ORDER GRANTING MOTION

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

On October 6, 2004, appellant filed a motion requesting a second extension of time to file the opening brief. Counsel for appellant states that "Respondent has stipulated to the requested extension." Cause appearing, we grant the motion. Appellant shall have until November 3, 2004, to file and serve the opening brief and appendix.

We note that the court disapproves of repeated requests for extensions of time to brief appeals in criminal cases. Consequently, no further extensions of time shall be permitted absent demonstration of extreme and unforeseeable circumstances. Counsel's caseload will not be deemed such a circumstance. See Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974).

It is so ORDERED.

Shawing, C.J.

cc: Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick