

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL RIPPO,

S.C. CASE NO. 44094

Appellant,

FILED

vs.

THE STATE OF NEVADA,

MAR 14 2005

Respondent.

ANNE E. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

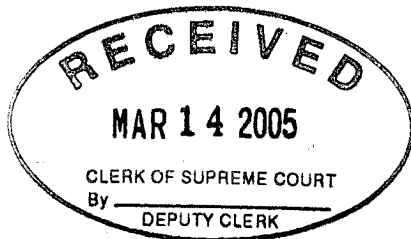
COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, MICHAEL RIPPO, and moves this Court for an Order granting an extension of time of forty five (45) days from the date the Opening Brief is now due, to wit: March 11, 2005, and extend the time to and including, April 25, 2005, for the filing of the Opening Brief. This motion is made and based upon NRAP 27 and 31(a), the Affidavit of Christopher R. Oram, Esq., filed herewith, and the Points and Authorities attached hereto.

DATED this 11 day of March, 2005.

Respectfully submitted by:

Christopher R. Oram

CHRISTOPHER R. ORAM, ESQ.
Nevada Bar No. 004349
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 384-5563
Attorney for Appellant
MICHAEL RIPPO



05-04963

CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

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2 **POINTS AND AUTHORITIES**

3 Time for Serving and Filing Briefs.

4 The appellant shall serve and file the OPENING brief
5 within one hundred and twenty (120) days after the date on
6 which the appeal is docketed in the Supreme Court. The
7 respondent shall serve and file his answering brief within
8 thirty (30) days after service of the brief of the appellant.
9 After service of respondent's brief, any OPENING brief
10 must be served and filed within thirty (30) days. . . . By
11 written stipulation timely filed with the Supreme Court, the
12 parties may extend the time for filing any brief for a total of
13 thirty (30) additional days unless the court otherwise orders.
14 Applications for extensions of time beyond that to which
15 the parties are permitted to stipulate are not favored, and
16 will be considered only on motion for good cause clearly
17 shown, or ex parte in cases of extreme and unforeseeable
18 emergency. The Supreme Court may shorten the periods
19 prescribed above for serving and filing briefs, either by rule
20 for all cases or for classes of cases, or by order for specific
21 cases."

22 That Appellant's Opening Brief in this matter is currently due on March 11, 2005.

23 The undersigned is also preparing for the State of Nevada v. James Wade,
24 C190857. Mr. Wade will proceed to trial on March 28, 2005, in district court
25 department five. Mr. Wade also faces several serious charges and the State is also
26 seeking a penalty of death. The undersigned has been diligently preparing for Mr.
27 Wade's upcoming trial date.

28 This is the second request for extension of time. However, although the
undersigned is aware that caseload is not an excuse, he must dedicate an adequate amount
of time so he may be fully prepared for both Mr. Rippo's case and Mr. Wade's case. Mr.
Rippo received a sentence of death and Mr. Wade faces a sentence of death. Therefore,
based on the seriousness of these cases, the undersigned wishes to be adequately prepared

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1 and has no alternative but to continue Mr. Rippo's opening brief. This will be the final
2 request for extension of time requested regarding Mr. Rippo's brief. Additionally, the
3 undersigned requests a forty five (45) day continuance, due to Mr. Wade's trial
4 commencing on March 21, 2005 and is expected to take two weeks.
5

6 Therefore, the undersigned would respectfully request that this Honorable Court
7 grant an extension of forty five (45) days within which to file Appellant's Opening Brief.
8

9 DATED this 11 day of March, 2005.

10 Respectfully submitted by:

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12 CHRISTOPHER R. ORAM, ESQ.
13 Nevada Bar #004349
14 520 S. Fourth Street, 2nd Floor
15 Las Vegas, Nevada, 89101

16 Attorney for Defendant
17 MICHAEL RIPPO
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2 **AFFIDAVIT OF CHRISTOPHER R. ORAM**
3 **IN SUPPORT OF MOTION FOR EXTENSION OF TIME**
4 **TO FILE OPENING BRIEF**

5 STATE OF NEVADA)
6) ss:
7 COUNTY OF CLARK)

8 CHRISTOPHER R. ORAM, ESQ., being first duly sworn, deposes and states:

9 1. I am an attorney duly licensed to practice law in the State of Nevada. I am
10 counsel for the Appellant in the above-entitled matter. I have personal knowledge of all
11 matters contained herein and am competent to testify thereto.

12 2. That Appellant's Opening Brief in this matter is currently due on March
13 11, 2005.

14 3. The undersigned is also preparing for the State of Nevada v.
15 James Wade, C190857. Mr. Wade will proceed to trial on March 28, 2005, in district
16 court department five. Mr. Wade also faces several serious charges and the State is also
17 seeking a penalty of death. The undersigned has been diligently preparing for Mr.
18 Wade's upcoming trial date.

19 4. This is the second request for extension of time. However, although the
20 undersigned is aware that caseload is not an excuse, he must dedicate an adequate amount
21 of time so he may be fully prepared for both Mr. Rippo's case and Mr. Wade's case. Mr.
22 Rippo received a sentence of death and Mr. Wade faces a sentence of death. Therefore,
23 based on the seriousness of these cases, the undersigned wishes to be adequately prepared
24 and has no alternative but to continue Mr. Rippo's opening brief. This will be the final
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2 undersigned requests a forty five (45) day continuance, due to Mr. Wade's trial
3 commencing on March 21, 2005 and is expected to take two weeks.
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5 5. Therefore, the undersigned would respectfully request that this Honorable
6 Court grant an extension of forty five (45) days within which to file Appellant's Opening
7 Brief.
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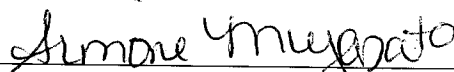
9 6. That this motion is made in good faith and not for purposes of delay.

10 FURTHER YOUR AFFIANT SAYETH NAUGHT.

11 DATED this 11 day of March, 2005.

12 
13 CHRISTOPHER R. ORAM, ESQ.

14 SWORN and SUBSCRIBED before me
15 this 11 day of March, 2005.

16 
17 NOTARY PUBLIC in and for said
18 County and State
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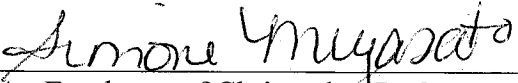
CHRISTOPHER R. ORAM
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2 **CERTIFICATE OF MAILING**

3 I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and
4 that on the 11 day of ^{March}~~February~~, 2005, I did deposit in the United States Postal Service
5 office at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a
6 true and correct copy of the above and foregoing **MOTION FOR EXTENSION OF**
7 **TIME TO FILE OPENING BRIEF**, addressed to:
8

9 David Roger
10 District Attorney
11 200 S. Third Street, 7th Floor
12 Las Vegas, Nevada 89155

13 Brian Sandoval
14 Attorney General
15 100 North Carson Street
16 Carson City, Nevada 89701-4717

17 
18 An Employee of Christopher R. Oram, Esq.
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