

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LESTER WITTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50447

FILED

NOV 26 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION

Appellant has filed a motion requesting a second extension of time to file the reply brief. This court will grant such a motion upon a showing of extraordinary circumstances and extreme need. SCR 250(7)(d). Here, the motion is based primarily on counsel's caseload. Counsel's caseload will not be deemed an extraordinary circumstance. Cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974). Despite appellant's failure to make the required showing, we grant the unopposed motion. Appellant shall have 10 days from the date of this order to file and serve the reply brief.

It is so ORDERED.

Maugin A., C.J.

cc: Federal Public Defender/Las Vegas
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger