

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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MARK R. ZANA ,

S.C. CASE NO. 50786

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 05 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

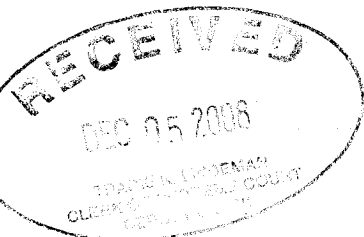
COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, MARK R. ZANA ,  
and moves this Court for an Order granting an extension of time of thirty (30) days from the  
date the Reply Brief is now due, to wit: December 2, 2008, and extend the time to and  
including, January 2 2008, for the filing of the Reply 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 2 day of December, 2008.

Respectfully submitted by:

*[Signature]*

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



08-31080

## POINTS AND AUTHORITIES

### Time for Serving and Filing Briefs.

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

This is the second request for extension of time regarding Mr. Zana's reply brief. On October 23, 2008, this Court granted the undersigned's second request for additional time to submit the opening brief and appendix. This Court further ordered that "no further extensions would be permitted absent demonstration of extreme and unforeseeable circumstances." (Order, October 23, 2008).

On November 4, 2008, the undersigned began trial regarding State of Nevada v. Bryan Crawley, C233433. Mr. Crawley is facing a sentence of death. On December 1, 2008, the jury found Mr. Crawley guilty and now his case will proceed to the penalty phase. The undersigned had not anticipated Mr. Crawley's case proceeding to trial. Further, although the undersigned was prepared and had an indication the case may proceed to trial, he did not anticipate the length of time the trial would take.

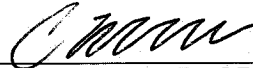
Additionally, Mr. Zana's case has several significant issues that must be adequately addressed. Mr. Zana's opening brief consisted of 66 pages and the State's answering brief consisted of 50 pages. The undersigned apologizes for this request. However, it is necessary.

1 Further, the undersigned is aware that caseload is not an excuse. However, the length of Mr.  
2 Crawley's trial was unforeseen.

3 Therefore, the undersigned would respectfully request that this Honorable Court grant  
4 an extension of thirty (30) days within which to file Appellant's Reply Brief.

5 DATED this 2 day of December, 2008.

6 Respectfully submitted by:

7 

8 CHRISTOPHER R. ORAM, ESQ.

9 Nevada Bar #004349

10 520 S. Fourth Street, 2nd Floor

11 Las Vegas, Nevada, 89101

12 Attorney for Defendant

13 MARK R. ZANA

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

**AFFIDAVIT OF CHRISTOPHER R. ORAM**  
**IN SUPPORT OF MOTION FOR EXTENSION OF TIME**  
**TO FILE REPLY BRIEF**

STATE OF NEVADA            )  
  ) ss:  
COUNTY OF CLARK         )

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

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

2. This is the second request for extension of time regarding Mr. Zana's reply brief. On October 23, 2008, this Court granted the undersigned's second request for additional time to submit the opening brief and appendix. This Court further ordered that "no further extensions would be permitted absent demonstration of extreme and unforeseeable circumstances." (Order, October 23, 2008).

4. On November 4, 2008, the undersigned began trial regarding State of Nevada v. Bryan Crawley, C233433. Mr. Crawley is facing a sentence of death. On December 1, 2008, the jury found Mr. Crawley guilty and now his case will proceed to the penalty phase. The undersigned had not anticipated Mr. Crawley's case proceeding to trial. Further, although the undersigned was prepared and had an indication the case may proceed to trial, he did not anticipate the length of time the trial would take.

5. Additionally, Mr. Zana's case has several significant issues that must be adequately addressed. Mr. Zana's opening brief consisted of 66 pages and the State's answering brief consisted of 50 pages. The undersigned apologizes for this request. However, it is necessary. Further, the undersigned is aware that caseload is not an excuse. However, the

length of Mr. Crawley's trial was unforeseen.

6. Therefore, the undersigned would respectfully request that this Honorable Court grant an extension of thirty (30) days within which to file Appellant's Reply Brief.

7. That this motion is made in good faith and not for purposes of delay.

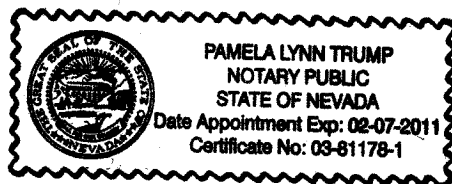
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 2 day of December, 2008.

  
CHRISTOPHER R. ORAM, ESQ.

SWORN and SUBSCRIBED before me  
this 2 day of December, 2008.

  
NOTARY PUBLIC in and for said  
County and State



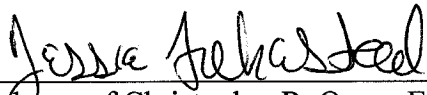
CHRISTOPHER R. ORAM  
520 South Fourth Street, Second Floor  
Las Vegas, Nevada 89101

**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and that on the 2 day of December, 2008, I did deposit in the United States Postal Service office at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**, addressed to:

David Roger  
District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89155

Catherine Cortez Masto  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717

  
An Employee of Christopher R. Oram, Esq.

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