

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK R. ZANA ,

S.C. CASE NO. 50786

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JAN 15 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. McNamee*
DEPUTY CLERK

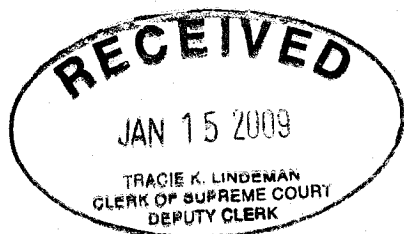
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

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 forty (45) days from the date the Reply Brief is now due, to wit: January 14, 2009, and extend the time to and including, March 2, 2009, 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 14 day of January, 2009.

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
MARK R. ZANA



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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 third request for extension of time regarding Mr. Zana's reply brief. The undersigned is aware, this Court further ordered that "no further extensions would be permitted absent demonstration of extreme and unforeseeable circumstances." However, although this request is not necessarily unforeseeable, it is extremely needed.

On September 11, 2008, The undersigned began trial regarding State of Nevada v. Marc Colon, (Baby Jane Cordova Doe) C220720. Mr. Colon's trial was complex and the State was seeking a penalty of death. Mr. Colon's trial concluded on October 10, 2008. The undersigned prepared extensively over this period of time.

Thereafter, the undersigned began trial regarding State of Nevada v. Bryan Crawley, C233433, which commenced on November 4, 2008. Mr. Crawley's case concluded on December 9, 2008. It has been very difficult to prepare and try both capital trials. The undersigned was not aware the toll the trials would take on the undersigned and his office.

The undersigned would apologize for this request, however, it is necessary so the undersigned can recuperate from the back to back capital trials. The circumstances are extreme

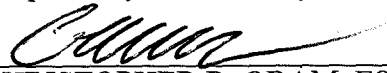
1 as the undersigned did not anticipate both trials proceeding and both trials continuing for such
2 an amount of time. The undersigned apologizes for this request. However, it is necessary.

3 Although the undersigned requests this extension, he informs this Court he has been
4 preparing for Mr. Zana's brief but he will need additional time to complete the brief. The
5 undersigned continues to work on Mr. Zana's reply and will attempt to submit the brief before
6 the forty five (45) day time period has elapsed. However, the undersigned requests a forty five
7 (45) day continuance as he is aware this Court frowns upon requests for several small
8 extensions.
9

10 Therefore, the undersigned would respectfully request that this Honorable Court grant
11 an extension of forty (45) days within which to file Appellant's Reply Brief.

12 DATED this 14 day of January, 2009.

13 Respectfully submitted by:

14 
15 CHRISTOPHER R. ORAM, ESQ.
16 Nevada Bar #004349
17 520 S. Fourth Street, 2nd Floor
18 Las Vegas, Nevada, 89101

19 Attorney for Defendant
20 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 third request for extension of time regarding Mr. Zana's reply brief. The undersigned is aware, this Court further ordered that "no further extensions would be permitted absent demonstration of extreme and unforeseeable circumstances." However, although this request is not necessarily unforeseeable, it is extremely needed.

3. On September 11, 2008, The undersigned began trial regarding State of Nevada v. Marc Colon, (Baby Jane Cordova Doe) C220720. Mr. Colon's trial was complex and the State was seeking a penalty of death. Mr. Colon's trial concluded on October 10, 2008. The undersigned prepared extensively over this period of time.

4. Thereafter, the undersigned began trial regarding State of Nevada v. Bryan Crawley, C233433, which commenced on November 4, 2008. Mr. Crawley's case concluded on December 9, 2008. It has been very difficult to prepare and try both capital trials. The undersigned was not aware the toll the trials would take on the undersigned and his office.

5. The undersigned would apologize for this request, however, it is necessary so the undersigned can recuperate from the back to back capital trials. The circumstances are extreme as the undersigned did not anticipate both trials proceeding and both trials continuing for such

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

1 an amount of time. The undersigned apologizes for this request. However, it is necessary.

2 6. Although the undersigned requests this extension, he informs this Court he has
3 been preparing for Mr. Zana's brief but he will need additional time to complete the brief. The
4 undersigned continues to work on Mr. Zana's reply and will attempt to submit the brief before
5 the forty five (45) day time period has elapsed. However, the undersigned requests a forty five
6 (45) day continuance as he is aware this Court frowns upon requests for several small
7 extensions.
8

9 7. Therefore, the undersigned would respectfully request that this Honorable Court
10 grant an extension of forty (45) days within which to file Appellant's Reply Brief.
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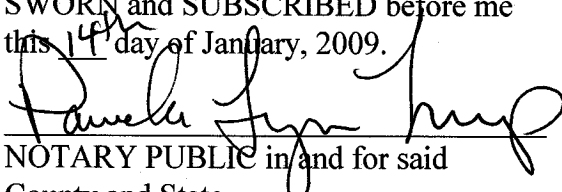
12 8. That this motion is made in good faith and not for purposes of delay.

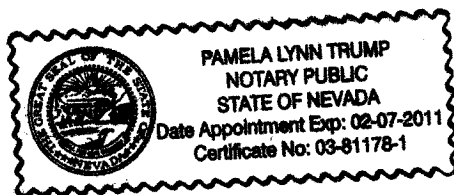
13 FURTHER YOUR AFFIANT SAYETH NAUGHT.

14 DATED this 14 day of January, 2009.

15
16 
CHRISTOPHER R. ORAM, ESQ.

17 SWORN and SUBSCRIBED before me
18 this 14 day of January, 2009.

19 
20 NOTARY PUBLIC in and for said
County and State

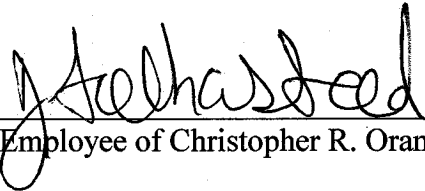


CERTIFICATE OF MAILING

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and that on the 14 day of January, 2009, 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