

IN THE SUPREME COURT OF THE STATE OF NEVADA

NARCUS S. WESLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57473

**FILED**

MAR 23 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
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ORDER DENYING MOTION

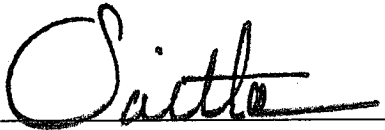
Appellant has filed a motion requesting a second extension of time (90 days) to file the reply brief. When we granted the prior motion, which also requested 90 days, we cautioned appellant that additional extensions would only be granted upon a showing of extraordinary circumstances and extreme need, NRAP 31(b)(3)(B), and that counsel's caseload would not be deemed such a circumstance, cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974). In support of the present motion, counsel points to the "numerous pertinent issues he must reply to as the State filed a 32 page answering brief"<sup>1</sup> and counsel's caseload in that he was preparing for a capital trial that commenced at the same time the reply brief was due in this case. We are not convinced that extraordinary circumstances and extreme need have been shown for a second 90-day extension of time. Accordingly, the motion is denied. Appellant shall have

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<sup>1</sup>The answering brief is 30 pages long, excluding the table of contents, table of authorities, and the required certificates regarding compliance with the rules and service, NRAP 32(a)(7)(C), which is the precise length allowed by NRAP 32(a)(7)(A)(i).

until May 7, 2012, to file and serve the reply brief. Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

, C.J.

cc: Christopher R. Oram  
Attorney General/Carson City  
Clark County District Attorney