

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JASON MCCARTY

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 58101

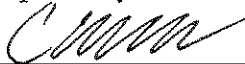
Electronically Filed
Nov 29 2011 02:23 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, JASON MCCARTY, and moves this Court for an Order granting an extension of time of sixty (60) days from the date the Opening Brief is now due, to wit: December 2, 2011, and extend the time to and including, January 31, 2011, 2011 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 29th day of November, 2011.

Respectfully submitted by:


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

Attorney for Appellant
JASON MCCARTY

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."

Mr. McCarty's Opening Brief is currently due on December 2, 2011. The instant case is an appeal from a murder conviction, and Mr. McCarty is sentenced to death. Mr. McCarty's trial lasted twenty-three full days. The undersigned has been diligently working on this appeal and the statement of the case and the statement of the facts have been drafted.

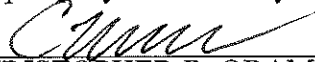
The undersigned is preparing for and will be proceeding to trial in State of Nevada v. Marcus Washington, C275618, a capital murder trial. The trial is expected to convene on December 12, 2011, and the defendant has invoked his speedy trial rights.

More importantly, the undersigned's father recently passed on November 29th and he needs additional time due to these personal matters.

The undersigned has been consumed preparing for the above mentioned capital trial and in personal matters relating to his father's passing. Therefore, counsel respectfully request that this Court permit him sixty (60) days in order to properly brief these issues.

DATED this 29th day of November, 2011.

Respectfully submitted by:


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

Attorney for Appellant
JASON MCCARTY

AFFIDAVIT OF CHRISTOPHER R. ORAM
IN SUPPORT OF MOTION FOR EXTENSION OF TIME
TO FILE OPENING 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. Mr. McCarty's Opening Brief is currently due on December 2, 2011. The instant case is an appeal from a murder conviction, and Mr. McCarty is sentenced to death. Mr. McCarty's trial lasted twenty-three full days. The undersigned has been diligently working on this appeal and the statement of the case and the statement of the facts have been drafted.

3. The undersigned is preparing for and will be proceeding to trial in State of Nevada v. Marcus Washington, C275618, a capital murder trial. The trial is expected to convene on December 12, 2011, and the defendant has invoked his speedy trial rights.

4. More importantly, the undersigned's father recently passed on November 29th and he needs additional time due to these personal matters.

5. The undersigned has been consumed preparing for the above mentioned capital trial and in personal matters relating to his father's passing. Therefore, counsel respectfully request that this Court permit him sixty (60) days in order to properly brief these issues.

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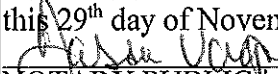
7. That this motion is made in good faith and not for purposes of delay.

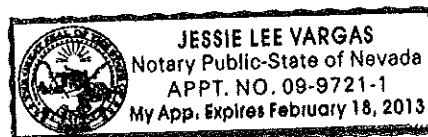
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 29th day of November, 2011.


CHRISTOPHER R. ORAM, ESQ.

SWORN and SUBSCRIBED before me
this 29th day of November, 2011.


NOTARY PUBLIC in and for
said County and State



CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 29, 2011. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ-MASTO
Nevada Attorney General

STEVE OWENS
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Vargas
An Employee of Christopher R. Oram, Esq.