

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON DUVAL MCCARTY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58101

FILED

FEB 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER GRANTING MOTION IN PART

This is an appeal from a judgment of conviction in a death penalty case. Appellant has filed a motion requesting a fourth extension of time for 90 days to file the opening brief. NRAP 31(b)(3)(D). As cause for the delay, counsel asserts that to sufficiently address issues he intends to raise on appeal, he needs to review the trial transcripts of appellant's co-defendant, who is currently in trial. We decline to grant counsel's requested 90 days but grant an extension of 60 days to file the opening brief. Appellant shall have until April 2, 2012, to file and serve the opening brief. No further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. Id. Counsel's caseload will not be deemed such a circumstance. Cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974).

It is so ORDERED.

Seattle, C.J.

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