

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JASON MCCARTY

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 58101

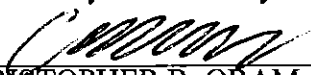
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Apr 02 2012 02:10 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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 thirty (30) days from the date the Opening Brief is now due, to wit: April 2, 2012, and extend the time to and including, May 2, 2012, 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 24 day of April, 2012.

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 April 2, 2012. The instant case is an appeal from a murder conviction, and Mr. McCarty is sentenced to death. This request is necessary and not for the purpose of delay. This request is extremely necessary.

Mr. McCarty's co-defendant's trial concluded on February 10, 2012 (State of Nevada v. Domonic Malone, C224572). As this is a capital case, perfecting Mr. McCarty's direct appeal is especially important. Mr. Malone's sentence is of great importance for an issue concerning the eighth amendment to the United States Constitution.

There are several important factors in the co-defendant's trial that are important to this argument. The undersigned received the transcripts from the entire trial at the end of February. The co-defendant's trial transcripts comprise of over four thousand (4,000) pages. The undersigned has been reviewing the co-defendant's transcripts and sentence to further determine if additional issues are necessary.

The undersigned has been attempting to review the voluminous file of not only Mr. McCarty, but also of the co-defendant. This task has proved nearly impossible in such a short amount of time since the undersigned received the transcripts. The undersigned believes even the most diligent of individuals would have a hard time reading and digesting the voluminous amount of material in such a short period of time.


Additionally, the undersigned was in a capital murder trial which recently concluded on March 30, 2012 (State of Nevada v. Marcus Washington, C275618). It has been extremely difficult to prepare and proceed in a capital trial while simultaneously reading the co-defendant's

1 voluminous trial of over 4,000 pages and drafting Mr. McCarty's Opening Brief. The undersigned
2 realizes the expectations this Court has in regards to an Opening Brief in a capital case. However,
3 now that the undersigned's capital trial has concluded, it will be much easier to finish reviewing
4 the co-defendant's trial and draft Mr. McCarty's Opening Brief.

5 Mr. McCarty does not file this motion for the purpose of delay but out of necessity.
6 Therefore, counsel respectfully request that this Court permit him thirty (30) days in order to
7 properly brief these issues.

8 DATED this 2nd day of April, 2012.

9 Respectfully submitted by:

10 
CHRISTOPHER R. ORAM, ESQ.
Nevada Bar #004349
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada, 89101

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12 Attorney for Appellant
13 JASON MCCARTY
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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 April 2, 2012. The instant case is an appeal from a murder conviction, and Mr. McCarty is sentenced to death. This request is necessary and not for the purpose of delay. This request is extremely necessary.

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2 now that the undersigned's capital trial has concluded, it will be much easier to finish reviewing
3 the co-defendant's trial and draft Mr. McCarty's Opening Brief.

4 3. Mr. McCarty does not file this motion for the purpose of delay but out of
5 necessity. Therefore, counsel respectfully request that this Court permit him thirty (30) days in
6 order to properly brief these issues.

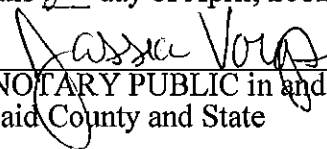
7 4. That this motion is made in good faith and not for purposes of delay.

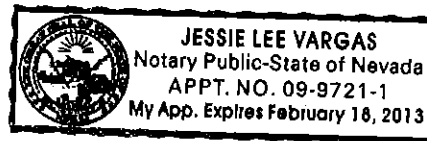
8 FURTHER YOUR AFFIANT SAYETH NAUGHT.

9 DATED this 2nd day of April, 2012.


CHRISTOPHER R. ORAM, ESQ.

11 SWORN and SUBSCRIBED before me
12 this 2nd day of April, 2012.

13 
NOTARY PUBLIC in and for
14 said County and State



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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 2nd 2012. 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.