

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 58101

FILED

APR 10 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER GRANTING MOTION

This is an appeal from a judgment of conviction in a death penalty case. Appellant has filed a fifth motion for an extension of time (30 days) to file the opening brief. NRAP 31(b)(3)(D). Thus far, appellant has been granted extension requests totaling approximately 240 days. As cause for the instant motion, counsel explains that he must review the transcripts from the trial of appellant's codefendant to determine if "additional issues are necessary" to this appeal and that he has been in trial in an unrelated capital prosecution. Although we grant the extension request in this instance, we caution counsel that those reasons will not constitute good cause for any request for additional time. Appellant shall have until May 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.

[Signature], C.J.

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