

1                                    **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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4                                    JASON DUVAL MCCARTY,  
5                                    Appellant,  
6  
7                                    v.  
8                                    THE STATE OF NEVADA,  
9                                    Respondent.

CASE NO:

Electronically Filed  
Jul 20 2012 09:57 a.m.  
58104  
Tracie K. Lindeman  
Clerk of Supreme Court

10                                   **MOTION FOR ENLARGEMENT OF TIME**  
11                                   **(First Request)**

12                                   COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark  
13                                   County District Attorney, through his Chief Deputy, JONATHAN  
14                                   VANBOSKERCK, and moves this Court for an enlargement of time within which  
15                                   to file Respondent's Answering Brief. This motion is based on the following  
16                                   memorandum, declaration of counsel and all papers and pleadings on file herein.

17                                   Dated this 20<sup>th</sup> day of July, 2012.

18                                   Respectfully submitted,

19                                   STEVEN B. WOLFSON  
20                                   Clark County District Attorney  
21                                   Nevada Bar #001565

22                                   BY    */s/ Jonathan VanBoskerck*

23                                   JONATHAN VANBOSKERCK  
24                                   Chief Deputy District Attorney  
25                                   Nevada Bar #006528  
26                                   Office of the Clark County District Attorney  
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                                 Las Vegas, Nevada 89155-2212  
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1 **MEMORANDUM**

2 I, JONATHAN VANBOSKERCK, am the supervising attorney in the  
3 above-captioned case. This Court may extend the time to file an Answering Brief  
4 upon a showing of good cause. NRAP 31(b)(3)(D); SCR 250(6)(e).

5 The State's Answering Brief on the instant matter is currently due on July  
6 20, 2012 following FIVE extensions of time granted to the Appellant. This is a  
7 direct appeal from a Judgment of Conviction in a Death Penalty case. Appellant's  
8 Opening Brief is over one hundred (100) pages and addresses twenty (20) issues  
9 with various sub issues. The Record on Appeal consists of 48 volumes and over  
10 10,900 pages. Not only are the issues presented numerous, complex and fact  
11 intensive, this is a Capital case and the State's Answering Brief therefore requires  
12 additional time to complete. The State therefore submits good cause exists to  
13 extend the filing due date. Appellant was granted FIVE (5) extensions of time to  
14 file his Opening Brief (one 90-day extension, two 60-day extensions, and two 30-  
15 day extensions); however, the instant motion is the State's first request for an  
16 extension.

17 Due to the above-described circumstances, Respondent respectfully requests  
18 this Court's permission for an extension of time of NINETY (90) days to file its  
19 Answering Brief; making the Response due to be filed on or before October 18,  
20 2012. This motion is made in good faith and not for purposes of undue delay.

21 Dated this 20<sup>th</sup> day of July, 2012.

22 Respectfully submitted,

23 **STEVEN B. WOLFSON**  
24 Clark County District Attorney

25 BY */s/ Jonathan VanBoskerck*

26 JONATHAN VANBOSKERCK  
27 Chief Deputy District Attorney  
28 Nevada Bar #006528  
Office of the Clark County District Attorney

1                                   **CERTIFICATE OF SERVICE**

2           I hereby certify and affirm that this document was filed electronically with  
3 the Nevada Supreme Court on July 20, 2012. Electronic Service of the foregoing  
4 document shall be made in accordance with the Master Service List as follows:

5  
6                                   CATHERINE CORTEZ MASTO  
                                  Nevada Attorney General

7                                   CHRISTOPHER R. ORAM, ESQ.  
8                                   Counsel for Appellant

9                                   JONATHAN VANBOSKERCK  
10                                  Chief Deputy District Attorney

11  
12  
13  
14                                  BY /s/ eileen davis  
  Employee, District Attorney's Office

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26 JEV/Ryan MacDonald/ed