

Electronically Filed
Oct 17, 2012 11:55 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO:

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

Dated this 17th day of October, 2012.

Respectfully submitted,

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

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD

Deputy District Attorney

Nevada Bar #012615

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1 **MEMORANDUM**

2 I, RYAN J. MACDONALD, am the supervising attorney in the above-
3 captioned case. This Court may grant a second motion to extend the time to file an
4 Answering Brief in a capital case upon a showing of extraordinary circumstances
5 and extreme need. NRAP 31(b)(3)(D); SCR 250(6)(e).

6 This is a direct appeal from a Judgment of Conviction in a Death Penalty
7 case. The State moved for and was granted a previous ninety day extension of
8 time, permitting the State to file its Answering Brief on October 18, 2012. The
9 Record on Appeal consists of 49 volumes comprising almost 11,000 pages.
10 Appellant's Opening Brief is over 100 pages and addresses 20 issues with various
11 sub issues. Yet despite the length of the Opening Brief, the factual statements
12 contained therein are cursory in comparison to the case law cited. The State's
13 Answering Brief will need to expand on the factual basis for the district court's
14 rulings and apply that background to the applicable law. The factual nature of the
15 alleged errors requires a more detailed review of this very lengthy record.

16 Accordingly, the State submits that cause exists to extend the filing due date.
17 Appellant was granted FIVE extensions of time to file his Opening Brief (one 90-
18 day extension, two 60-day extensions, and two 30-day extensions); however, the
19 instant motion is only the State's second request for an extension.

20 Due to the above-described circumstances, Respondent respectfully requests
21 this Court's permission for a final extension of time of SIXTY (60) days to file its
22 Answering Brief; making the Response due to be filed on or before December 17,
23 2012. This motion is made in good faith and not for purposes of undue delay.

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1 Dated this 17th day of October, 2012.

2 Respectfully submitted,

3 **STEVEN B. WOLFSON**
4 Clark County District Attorney

5
6 BY */s/ Ryan J. MacDonald*

7 **RYAN J. MACDONALD**
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CATHERINE CORTEZ MASTO
Nevada Attorney General

CHRISTOPHER R. ORAM, ESQ.
Counsel for Appellant

RYAN J. MACDONALD
Deputy District Attorney

RJM//ed