

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

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3
4 JASON DUVAL MCCARTY,
5 Appellant,

6 v.

7 THE STATE OF NEVADA,
8 Respondent.

Electronically Filed
Dec 14 2012 04:45 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 58101

9
10 **MOTION FOR ENLARGEMENT OF TIME**
 (Third Request)

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

16 Dated this 14th day of December, 2012.

17 Respectfully submitted,

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

20
21 BY */s/ Ryan J. MacDonald*

22 RYAN J. MACDONALD
23 Deputy District Attorney
24 Nevada Bar #012615
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26 Regional Justice Center
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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 two previous extensions of time,
8 permitting the State to file its Answering Brief on October 17, 2012.

9 The trial in this matter was five weeks long and dozens of pretrial motions
10 were litigated. As a result, Record on Appeal consists of 49 volumes comprising
11 almost 11,000 pages. Appellant's Opening Brief is over 100 pages and addresses
12 20 issues with various sub-issues. Despite the State's previous over-ambitious
13 intentions to complete its briefing in this appeal by October 17, additional time is
14 required given the gravity and complexity of this case; this is Defendant's direct
15 appeal from two sentences of death and the nature of the alleged errors requires a
16 more detailed review of this very lengthy record.

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

21 Due to the above-described circumstances, Respondent respectfully requests
22 this Court's permission for an extension of time of SIXTY (60) days to file its
23 Answering Brief, making the Response due to be filed on or before February 15,
24 2013. This motion is made in good faith and not for purposes of undue delay.

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1 Dated this 14th day of December, 2012.

2 Respectfully submitted,

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

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

8 **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