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Feb 13, 2013 10:58 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO:

THE STATE OF NEVADA,
Respondent.

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 13th day of February, 2013.

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 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 and two sixty-
8 day extensions of time, permitting the State to file its Answering Brief on February
9 15, 2013. The underlying trial was almost seven weeks long and the Record on
10 Appeal consequently consists of 49 volumes comprising almost 11,000 pages, all
11 of which must be reviewed. Appellant's Opening Brief is over 100 pages and
12 addresses 20 issues with various sub issues. Yet despite the length of the Opening
13 brief, the factual statements contained therein are cursory in comparison to the case
14 law cited. The State's Answering Brief will need to expand on the factual basis for
15 the district court's rulings and apply that background to the applicable law. The
16 factual nature of the alleged errors requires a more detailed review of this very
17 lengthy record. In addition to the extensive review this case requires, several
18 factors, including periodic illness of the undersigned attorney during the extension
19 period, have rendered compliance with the February 15 deadline impossible. The
20 State submits that the gravity of this case merits further extension of the deadline.

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

25 Due to the above-described circumstances, Respondent respectfully requests
26 this Court's permission for a final extension of time of SIXTY (60) days to file its
27 Answering Brief; making the Response due to be filed on or before April 16, 2013.

1 This motion is made in good faith and not for purposes of undue delay.

2 Dated this 13th day of February, 2013.

3 Respectfully submitted,

4 **STEVEN B. WOLFSON**

5 Clark County District Attorney

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

8 **RYAN J. MACDONALD**

9 Deputy District Attorney

10 Nevada Bar #012615

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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