

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 58101

FILED

FEB 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Angel*
DEPUTY CLERK

ORDER GRANTING MOTION

This is an appeal from a judgment of conviction in a death penalty case. Respondent has filed a motion requesting a fourth extension of time to file the answering brief. As cause for the request, respondent cites to the lengthy trial record, the numerous issues appellant raises on appeal, and periodic illnesses of counsel. Although we grant the motion, NRAP 31(b)(3)(D), we caution respondent that any further requests for an extension of time will not be viewed favorably. Respondent shall have until April 16, 2013, to file and serve the answering brief. No further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. Id. Counsel's caseload normally will not be deemed such a circumstance. Cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the answering brief may result in the imposition of sanctions.

It is so ORDERED.

Pickering, C.J.

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