

Electronically Filed
April 16 2013 03:48 p.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 16th day of April, 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
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2500

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 four previous extensions of time,
8 permitting the State to file its Answering Brief on April 16, 2013. The underlying
9 trial was almost eight weeks long and the Record on Appeal consequently consists
10 of 50 volumes comprising almost 11,000 pages, all of which has been reviewed.
11 Appellant's Opening Brief is over 100 pages and addresses 20 issues with various
12 sub issues. The State recognizes that, in its previous order, this Court noted that
13 any additional extension motion would be greeted with disfavor; however, the brief
14 is in review and very near to completion. Given the gravity and scale of this case,
15 undersigned counsel believes it would be imprudent to truncate the review process.

16 Accordingly, the State submits that cause exists to extend the filing due date,
17 but only for FOUR DAYS. Appellant was granted five extensions of time to file
18 his Opening Brief and the instant motion is also the State's fifth request for an
19 extension.

20 Due to the above-described circumstances, Respondent respectfully requests
21 this Court's permission for a final extension of time of FOUR days to file its
22 Answering Brief; making the Response due to be filed on or before Monday, April
23 22, 2013. This motion is made in good faith and not for purposes of undue delay.

24 ...

25 ...

26 ...

27 ...

28 ...

1 Dated this 16th day of April, 2013.

2 Respectfully submitted,

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

5 BY */s/ Ryan J. MacDonald*

6 **RYAN J. MACDONALD**
7 Deputy District Attorney
8 Nevada Bar #012615
9 Office of the Clark County District Attorney
10 Regional Justice Center
11 200 Lewis Avenue
12 P.O. Box 552212
13 Las Vegas, Nevada 89155-2212
14 (702) 671-2500
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with
3 the Nevada Supreme Court on April 16, 2013. Electronic Service of the foregoing
4 document shall be made in accordance with the Master Service List as follows:

5 CATHERINE CORTEZ MASTO
6 Nevada Attorney General

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

9 RYAN J. MACDONALD
10 Deputy District Attorney

11
12
13 */s/ eileen davis*
14 _____
15 Employee, Clark County
16 District Attorney's Office
17
18
19
20
21
22
23
24
25
26

27 RJM//ed
28