

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 58101

FILED

APR 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angelou
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 fifth extension of time to file the answering brief. Considering the brief extension sought and counsel's representation that no further extensions will be requested, the motion is granted. NRAP 31(b)(3)(D). Respondent shall have until April 22, 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. *See* NRAP 31(d).

It is so ORDERED.

Pickering, C.J.

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