

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JASON MCCARTY

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 58101

Electronically Filed
Oct 28 2013 11:06 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, JASON MCCARTY, and moves this Court for an Order granting an extension of time of ten (10) days from the date the Reply Brief is now due, to wit: October 28, 2013, and extend the time to and including, November 7, 2013 for the filing of the Reply Brief. This motion is made and based upon NRAP 27 and 31(a), the Affidavit of Christopher R. Oram, Esq., filed herewith, and the Points and Authorities attached hereto.

DATED this 28th day of October, 2013.

Respectfully submitted by:

/s/ Christopher R. Oram, Esq.
CHRISTOPHER R. ORAM, ESQ.
Nevada Bar No. 004349
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 384-5563

Attorney for Appellant
JASON MCCARTY

1 **POINTS AND AUTHORITIES**

2 Time for Serving and Filing Briefs.

3 The appellant shall serve and file the OPENING brief within one
4 hundred and twenty (120) days after the date on which the appeal is
5 docketed in the Supreme Court. The respondent shall serve and file
6 his answering brief within thirty (30) days after service of the brief
7 of the appellant. After service of respondent's brief, any OPENING
8 brief must be served and filed within thirty (30) days. . . . By written
9 stipulation timely filed with the Supreme Court, the parties may
10 extend the time for filing any brief for a total of thirty (30)
11 additional days unless the court otherwise orders. Applications for
12 extensions of time beyond that to which the parties are permitted to
13 stipulate are not favored, and will be considered only on motion for
14 good cause clearly shown, or ex parte in cases of extreme and
15 unforeseeable emergency. The Supreme Court may shorten the
16 periods prescribed above for serving and filing briefs, either by rule
17 for all cases or for classes of cases, or by order for specific cases."

11 Mr. McCarty's Reply Brief is currently due on October 28, 2013. This is the fourth request
12 for an extension of time. The instant case is an appeal from a murder conviction, and Mr. McCarty
13 is sentenced to death. Mr. McCarty's trial lasted twenty-three full days. The Opening Brief in the
14 instant case was approximately 90 pages and the Answering Brief comprised of forty-five pages.
15 The State was granted approximately nine months to file the Answering Brief.

16 The undersigned has finished drafting the Reply Brief. The Reply Brief is currently fifty-
17 five (55) pages. However, additional time is necessary to review and edit the brief. Moreover, Mr.
18 McCarty has specifically requested he be able to review the brief prior to filing. The undersigned
19 intends on mailing Mr. McCarty the brief on October 28, 2013. The undersigned sincerely
20 apologizes for this additional request, but it is extremely necessary the undersigned be given this
21 extension of time.

22 Therefore, Counsel respectfully request that this Court permit him fourteen (14) days in
23 order to properly reply to these issues.

24 DATED this 28th day of October, 2013.

25 Respectfully submitted by:

26 /s/ Christopher R. Oram, Esq.
27 CHRISTOPHER R. ORAM, ESQ.
28 Nevada Bar #004349
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada, 89101

Attorney for Appellant
JASON MCCARTY

AFFIDAVIT OF CHRISTOPHER R. ORAM
IN SUPPORT OF MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

CHRISTOPHER R. ORAM, ESQ., being first duly sworn, deposes and states:

1. I am an attorney duly licensed to practice law in the State of Nevada. I am counsel for the Appellant in the above-entitled matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. Mr. McCarty's Reply Brief is currently due on October 24, 2013. This is the fourth request for an extension of time. The instant case is an appeal from a murder conviction, and Mr. McCarty is sentenced to death. Mr. McCarty's trial lasted twenty-three full days. The Opening Brief in the instant case was approximately 90 pages and the Answering Brief comprised of forty-five pages. The State was granted approximately nine months to file the Answering Brief.

The undersigned has finished drafting the Reply Brief. The Reply Brief is currently fifty-five (55) pages. However, additional time is necessary to review and edit the brief. Moreover, Mr. McCarty has specifically requested he be able to review the brief prior to filing. The undersigned intends on mailing Mr. McCarty the brief on October 28, 2013. The undersigned sincerely apologizes for this additional request, but it is extremely necessary the undersigned be given this extension of time.

Therefore, Counsel respectfully request that this Court permit him fourteen (14) days in order to properly reply to these issues.

4. That this motion is made in good faith and not for purposes of delay.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 28th day of October, 2013.

/s/ Christopher R. Oram, Esq.
CHRISTOPHER R. ORAM, ESQ.

SWORN and SUBSCRIBED before me
this 28th day of October, 2013.

/s/ Jessie Vargas
NOTARY PUBLIC in and for
said County and State

1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with the Nevada
3 Supreme Court on October 28, 2013. Electronic Service of the foregoing document shall be made
4 in accordance with the Master Service List as follows:

5 CATHERINE CORTEZ-MASTO
6 Nevada Attorney General

7 STEVE OWENS
8 Chief Deputy District Attorney

9 CHRISTOPHER R. ORAM, ESQ.

10 BY:

11
12 /s/ Jessie Vargas
13 An Employee of Christopher R. Oram, Esq.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623