

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON DUVAL MCCARTY,
Appellant,
v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
May 02 2016 03:16 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
CASE NO: 58101

MOTION FOR ENLARGEMENT OF TIME (Second Request)

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 Petition for Rehearing. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 2nd day of May, 2016.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
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MEMORANDUM

I, RYAN J. MACDONALD, am the deputy assigned to the above-captioned case. This is a direct appeal from a Judgment of Conviction in a Death Penalty case, which was reversed and remanded by this Court in a published Opinion on March 31, 2016. Currently, such a petition would be due on May 2, 2016, following the State's initial request for a 10-day extension. The undersigned intended—and in fact did—complete the petition while vacationing in Florida during the last days of April. Unfortunately, the draft was saved to a thumbdrive which, along with other items in one piece of luggage, was removed or misplaced during transit. The State is now forced to work off of a very early draft and handwritten notes, but it should not take too long to re-compose the document. Accordingly, the State hereby requests a 5-day extension of time to recreate the petition, staying Remittitur and making its petition due by May 9, 2016. This motion is made in good faith and not for purposes of undue delay.

I declare under penalty of perjury the factual representations set forth in the foregoing memorandum are true and correct.

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Dated this 2nd day of May, 2016.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565

BY */s/ Ryan J. MacDonald*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on May 2, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

CHRISTOPHER R. ORAM, ESQ.
Counsel for Appellant

RYAN J. MACDONALD
Deputy District Attorney

BY /s/ E.Davis
Employee, District Attorney's Office

RJM//ed