

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKIE LAMONT SLAUGHTER A/K/A
RICKIE LAMONT SLAUGHTER, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61991

FILED

JUN 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER GRANTING MOTION

Appellant has filed a motion requesting a third extension of time (90 days) to file the opening brief. In support of the motion, counsel indicates that appellant is adamant that additional issues be included in the brief, which will require additional time to research and write. Although counsel should consult with his client in determining what issues to present on appeal, we remind counsel that his client cannot compel him to raise certain issues on appeal where "counsel, as a matter of professional judgment, decides not to present those [issues]." *Jones v. Barnes*, 463 U.S. 745, 751 (1983). Extraordinary circumstances and extreme need having been shown, appellant's motion is granted. NRAP 31(b)(3)(B). Appellant shall have until September 3, 2013, to file and serve the opening brief and appendix.

Any additional extensions will be granted only on showing 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 opening brief

and appendix may result in the imposition of sanctions.

It is so ORDERED.

Pickering, C.J.

cc: Law Offices of Gamage & Gamage
Attorney General/Carson City
Clark County District Attorney