

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2                                   \* \* \* \* \*

3                   DONTE JOHNSON

4                                   Appellant,

5                   vs.

6                   THE STATE OF NEVADA,

7                                   Respondent.

S.C. CASE NO. 65168

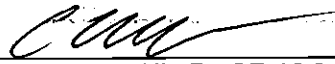
Electronically Filed  
Oct 08 2015 09:36 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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9                   **UNTIMELY MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

10                   COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, DONTE JOHNSON ,  
11 and kindly moves this Court for an Order granting an extension of time of sixty (60) days from the  
12 date the Reply Brief was due, to wit: October 6, 2015, and extend the time to and including  
13 December 7, 2015, for the filing of the Reply Brief. This motion is made and based upon NRAP  
14 27 and 31(a), the Affidavit of Christopher R. Oram, Esq., filed herewith, and the Points and  
15 Authorities attached hereto.

16                   DATED this 7<sup>th</sup> day of October, 2015.

17                                   Respectfully submitted by:

18                                     
19                                   CHRISTOPHER R. ORAM, ESQ.  
20                                   Nevada Bar No. 004349  
21                                   520 S. Fourth Street, 2nd Floor  
22                                   Las Vegas, Nevada 89101  
23                                   (702) 384-5563

24                                   Attorney for Appellant  
25                                   DONTE JOHNSON  
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27  
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CHRISTOPHER R. ORAM, LTD.  
520 SOUTH 4<sup>TH</sup> STREET | SECOND FLOOR  
LAS VEGAS, NEVADA 89101  
TEL. 702.384-5563 | FAX. 702.974-0623

1 POINTS AND AUTHORITIES

2 The Reply Brief was due on October 6, 2015. The matter was inadvertently mis-  
3 calendared for October 7, 2015. The undersigned sincerely apologizes for this oversight and any  
4 inconvenience this oversight has caused the Court.

5 This is the third request for an extension of time. The undersigned is requesting an  
6 additional sixty (60) days to review the voluminous record, briefs, and to draft the Reply Brief.  
7 The undersigned sincerely apologizes for this additional request, however it is essential the  
8 undersigned be granted additional time. This is especially true considering the instant case is  
9 capital and the case is extremely complex and voluminous.

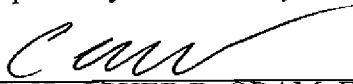
10 In the instant case, the State's Answering Brief was 151 pages. The undersigned's  
11 Opening Brief was similarly voluminous. Due to the voluminous nature of the briefs and the  
12 record, it is extremely necessary the undersigned be granted this additional extension so ample  
13 time may be devoted to the reply brief.

14 Additionally, the undersigned acknowledges that this Court has previously stated that  
15 counsel's caseload will not be grounds for an extension. However, this additional extension is  
16 extremely necessary because the undersigned has been preparing for the capital murder trial of  
17 State of Nevada v. Will Sitton, C261753, which is scheduled to begin on October 12, 2015. The  
18 trial is expected to last through November 6, 2015.

19 Therefore, counsel respectfully request that this Court permit him sixty (60) days, to wit:  
20 December 7, 2015, in order to prepare and submit the Reply Brief.

21 DATED this 7<sup>th</sup> day of October, 2015.

22 Respectfully submitted by:

23   
24 CHRISTOPHER R. ORAM, ESQ.  
Nevada Bar #004349  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada, 89101

25 Attorney for Appellant  
26 DONTÉ JOHNSON  
27  
28

**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. The Reply Brief was due on October 6, 2015. The matter was inadvertently miscalendared for October 7, 2015. The undersigned sincerely apologizes for this oversight and any inconvenience this oversight has caused the Court.

This is the third request for an extension of time. The undersigned is requesting an additional sixty (60) days to review the voluminous record, briefs, and to draft the Reply Brief. The undersigned sincerely apologizes for this additional request, however it is essential the undersigned be granted additional time. This is especially true considering the instant case is capital and the case is extremely complex and voluminous.

In the instant case, the State's Answering Brief was 151 pages. The undersigned's Opening Brief was similarly voluminous. Due to the voluminous nature of the briefs and the record, it is extremely necessary the undersigned be granted this additional extension so ample time may be devoted to the reply brief.

Additionally, the undersigned acknowledges that this Court has previously stated that counsel's caseload will not be grounds for an extension. However, this additional extension is extremely necessary because the undersigned has been preparing for the capital murder trial of State of Nevada v. Will Sitton, C261753, which is scheduled to begin on October 12, 2015. The trial is expected to last through November 6, 2015.

Therefore, counsel respectfully request that this Court permit him sixty (60) days, to wit: December 7, 2015, in order to prepare and submit the Reply Brief.

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

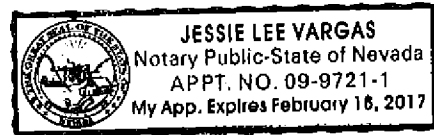
2 FURTHER YOUR AFFIANT SAYETH NAUGHT.

3 DATED this 7<sup>th</sup> day of October, 2015.

4   
CHRISTOPHER R. ORAM, ESQ.

5 SWORN and SUBSCRIBED before me  
6 this 7<sup>th</sup> day of October, 2015.

7   
8 NOTARY PUBLIC in and for said  
County and State



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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on October 7, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
Nevada Attorney General

STEVE OWENS  
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Vargas  
An Employee of Christopher R. Oram, Esq.