

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH SIMON JEREMIAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67228

FILED

JUN 22 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

***ORDER DENYING MOTION TO SUPPLEMENT RECORD AND
GRANTING MOTION TO EXTEND TIME***

This is an appeal from a judgment of conviction in a death penalty case. Appellant has filed a motion to supplement the record on appeal with minutes from the proceedings of his codefendants and a portion of the transcript from the trial of his codefendant.

Appellant represents that the minutes are necessary to provide citation to the record in support of the procedural history of the case as it relates to his codefendants. But as respondent points out in its opposition (to which appellant has not replied), the record on appeal contains information supporting the specific procedural history appellant references. Thus, appellant may cite to the record on appeal to support his statements regarding procedural history and supplementation of the record appears unnecessary.

Appellant asserts that a portion of the transcript from his codefendant's trial is necessary to provide context for unidentified critical rulings made in this case. Because the transcript is from the codefendant's trial, which was severed from appellant's trial, it is not appropriately included as part of the record on appeal. See SCR 250(6)(c); NRAP 30. Thus, the motion to supplement the record on appeal is denied.

Cause appearing, appellant's motion for an extension of time to file the opening brief is granted. NRAP 31(b)(3)(D) (allowing for initial extension of up to 60 days to file brief in death penalty appeal upon showing of good cause); SCR 250(6)(e) (same). Appellant shall have until August 17, 2015, to file and serve the opening brief. No further extensions will be granted except upon a showing of "extraordinary circumstances and extreme need." NRAP 31(b)(3)(D); SCR 250(6)(e). Counsel's caseload 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 may result in the imposition of sanctions.

It is so ORDERED.

1. J. J. J., C.J.

cc: Special Public Defender
Attorney General/Carson City
Clark County District Attorney