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

10)
11)
AMMAR HARRIS aka AMMAR ASIM)
12)
FARUQ HARRIS,)
13)
Appellant,)
14)
vs.)
15)
THE STATE OF NEVADA,)
16)
Respondent.)

CASE NO.: 69509

**APPELLANT'S MOTION TO
EXTEND TIME TO FILE
OPENING BRIEF
(Third Request)**

Death Penalty

17 Appellant AMMAR HARRIS, by and through his counsel of record, Thomas A. Ericsson
18 and Robert L. Langford, hereby submits this Motion to Extend Time to File Opening Brief.

19 Mr. Harris' Opening Brief is currently due on August 12, 2016. This is the third request
20 for an extension of time to file the Opening Brief. Counsel for Mr. Harris request an extension of
21 time within in which to file the Opening Brief as a result of what appears to be an oversight or
22 omission in the District Court which requires correction. Counsel for Mr. Harris request an
23 extension of a further 60 days, to allow time for this Court to remand the matter to the District
24

1 Court, for the District Court to enter a minute order, for the District Attorney to prepare an order
2 and enter it, and for the matter to be returned to this Court.

3 **FACTUAL AND PROCEDURAL BACKGROUND**

4 On February 20, 2013, a verbal exchange took place between occupants of a Range
5 Rover and a Maserati on Las Vegas Boulevard, Las Vegas, Nevada. Shots were fired. One
6 passenger in the Maserati was killed, the other injured. The Maserati entered the Flamingo and
7 Las Vegas Boulevard intersection and struck a taxicab. The taxicab exploded, and the two
8 occupants of the taxicab were killed.

9 This matter proceeded to a jury trial in October and November, 2015, and Ammar Harris
10 was convicted of all charges and sentenced to three death sentences on the three murder
11 convictions.

12 The Clerk of the Court of the Eighth Judicial District, Clark County, Nevada, filed a
13 Notice of Appeal in this matter on January 5, 2016. The Record on Appeal was filed by the court
14 clerk on February 4, 2016. The Record on Appeal consists of 26 volumes and 5,797 pages.

15 **ARGUMENT**

16 Nevada Rule of Appellate Procedure 31(b)(3) provides in relevant part:

17 **Motions for Extensions of Time.** A motion for
18 extension of time for filing a brief may be made no later than
19 the due date for the brief and must comply with the provisions
20 of this Rule and Rule 27.

21 **(A) Contents of Motion.** A motion for extension
22 of time for filing a brief shall include the following:
23

24 (i) The date when the brief is due;

1 (ii) The number of extensions of time previously
2 granted (including a 5-day telephonic extension), and if
3 extensions were granted, the original date when the brief was
4 due;

5 (iii) Whether any previous requests for extensions of
6 time have been denied or denied in part;

7 (iv) The reasons or grounds why an extension is
8 necessary; and

9 (v) The length of the extension requested and the
10 date on which the brief would become due.

11 . . .

12 **(D) Motions in Capital Cases.** The Supreme
13 Court may grant an initial motion for an extension of time of
14 up to 60 days for filing a brief in a capital case upon a
15 showing of good cause. The court shall not grant additional
16 extensions of time except upon a showing of extraordinary
17 circumstances and extreme need.

18 Mr. Harris' Opening Brief and Appendix are currently due on August 12, 2016. This is
19 the third request for an extension. Mr. Harris requests a 60-day extension.

20 While preparing the Opening Brief, the undersigned investigated a potential appellate
21 issue regarding the admission of certain prejudicial photographs into evidence during the trial.
22 Counsel believe this is a critical matter on appeal. Following examination of the record on
23 appeal, and research into their correspondence with opposing counsel and the Court, it appears to
24 the undersigned that although the District Court indicated that a minute order would be entered,
and that the State would thereafter be directed to draft an appropriate order reflecting the District
Court's ruling, those events in fact never took place.

Counsel for Mr. Harris have been preparing the Opening Brief diligently, and by their
thorough review of the record came to realize this omission. Counsel have further been in
frequent contact with Mr. Harris regarding the preparation of the Opening Brief, and the
requested 60-day extension is simply an estimation of the time required to remand the matter to
the District Court, have an appropriate order drafted and entered, have the matter returned to this

1 Court, and allow Counsel an opportunity to brief that single issue and consult with Mr. Harris
2 regarding the same.

3 Mr. Harris respectfully moves for an enlargement of time of 60 days, rendering the
4 Opening Brief and Appendix due on October 11, 2016.

5 This motion is made in good faith and not for the purpose of undue delay.

6 **CONCLUSION**

7 Based on the foregoing, Mr. Harris respectfully requests an enlargement of time of 60
8 days, allowing until October 11, 2016 to file his Opening Brief.

9 DATED this 10th day of August, 2016.

10 Respectfully submitted,

11 By: /s/ Robert L. Langford
12 THOMAS A. ERICSSON, ESQ.
13 Nevada Bar No. 4982
14 ROBERT L. LANGFORD, ESQ.
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16 *Attorneys for Appellant*
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