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

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AMMAR HARRIS aka AMMAR ASIM
FARUQ HARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CASE NO.: 69509

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

Death Penalty

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

Mr. Harris' Opening Brief was due November 1, 2016. This is the fifth request for an extension of time to file the Opening Brief. Counsel for Mr. Harris request a further extension of time within in which to file the Opening Brief because a medical emergency requiring surgery within the immediate family of Mr. Harris' counsel has prevented the timely completion of the Brief. Counsel for Mr. Harris have previously requested an extension of a further seven days,

1 which is still pending before the Court, and would render the Opening Brief due November 10,
2 2016. However, due to the continued changing medical condition of counsel's spouse, requiring
3 further treatment, Mr. Harris requests a fifth extension of 21 days, in which case the Opening
4 Brief would be due December 1, 2016.

5 **FACTUAL AND PROCEDURAL BACKGROUND**

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

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

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

17 **ARGUMENT**

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

19 **Motions for Extensions of Time.** A motion for
20 extension of time for filing a brief may be made no later than
21 the due date for the brief and must comply with the provisions
22 of this Rule and Rule 27.
23
24

1 **(A) Contents of Motion.** A motion for extension

2 of time for filing a brief shall include the following:

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

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

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

10 (iv) The reasons or grounds why an extension is
11 necessary; and

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

14 . . .

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

21 Mr. Harris' Opening Brief is currently due November 1, 2016. This is the fifth request for
22 an extension. Mr. Harris requests a 21-day extension.

23 During the last several months, counsel for Mr. Harris has experienced the dire illness of
24 an immediate family member, which has required surgical intervention and an intensive recovery
period. In the interval since the previous motion requesting an extension, the illness has
complicated and required further attention and intervention. Counsel have been diligently
working to complete the Opening Brief, but, due to familial obligations arising from the illness,
necessary cooperation and consultation has been impossible.

 Mr. Harris therefore respectfully moves for an extension of 21- days, rendering the
Opening Brief due on December 1, 2016.

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

1 **CONCLUSION**

2 Based on the foregoing, Mr. Harris respectfully requests an extension of 21-days,
3 allowing until December 1, 2016 to file his Opening Brief.

4 DATED this 10th day of November, 2016.

5 Respectfully submitted,

6 By: /s/ Robert L. Langford
7 THOMAS A. ERICSSON, ESQ.
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