

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMMAR HARRIS,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Jun 02 2017 04:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 69509

MOTION FOR ENLARGEMENT OF TIME (THIRD REQUEST)

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and moves this Court for an enlargement of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 2nd day of June, 2017.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #012615
Office of the Clark County District Attorney

MEMORANDUM

I, RYAN J. MACDONALD, am the attorney in the above-captioned case. This Court may extend the time to file an Answering Brief upon a showing of extraordinary circumstances or extreme need. NRAP 31.

This is a direct appeal from a Judgment of Conviction in a Death Penalty case. The State's Answering Brief on the instant matter is currently due on June 2, 2017, following two extension requests. For context, Appellant was granted SIX extensions of time before filing the Opening Brief. However, on May 3, 2017, this Court denied the State's second request, charging that the reasons provided in the second extension motion (length and complexity of the case; size of the Appendix) did not rise to the level of "extraordinary circumstances or extreme need." Fair enough; the undersigned realizes that this Court puts an understandable emphasis on moving its docket along.

So, let me explain why this motion is supported by extraordinary circumstances and extreme need. Although I do this reluctantly, in fear of appearing to offer excuses, but it is simply the truth that the undersigned has recently experienced the following: (1) an extraordinarily busy period at work; (2) the sudden death of a friend (who was more like family), whose son I am a godparent to and the need to deal with issues there; (3) my sister's house burning down and the need to help her in a time of distress; and, (4) personal health issues.

Although I could describe this as a confluence of events, it has been more like a conflagration.

I know this Court usually includes the citation from *Varnum* stating that counsel's workload will normally be no excuse, I submit to you that my caseload would not be an issue absent these other factors. As a prosecutor, I always avoid needless delays, because I have little choice in the volume of work I receive, unlike those in private practice. The good news is that it appears much of the above described situations are abating and I only anticipate asking for more time under this standard in one other case. I hope this is received with all the earnestness with which it is written and that there are several reasons that extraordinary circumstances and extreme need justify this motion. Undue delay is not one of them.

Due to the above-described circumstances, Respondent respectfully requests this Court's permission for an extension of time of 30 days to file its Answering Brief; making the Response due to be filed on or before July 3, 2017. This motion is made in good faith.

///

///

///

///

Dated this 2nd day of June, 2017.

Respectfully submitted,

STEVEN B. WOLFSON

Clark County District Attorney

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD

Deputy District Attorney

Nevada Bar #012615

Office of the Clark County District Attorney

Regional Justice Center

200 Lewis Avenue

P.O. Box 552212

Las Vegas, Nevada 89155-2212

(702) 671-2500

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on June 2, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

THOMAS A. ERICSSON, ESQ.
ROBERT L. LANGFORD, ESQ.
Counsels for Appellant

RYAN J. MACDONALD
Deputy District Attorney

BY /s/ E.Davis
Employee, District Attorney's Office

RJM//ed