

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MARLIN COOPER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72091

**FILED**

DEC 19 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER GRANTING MOTION*

Extraordinary circumstances and extreme need having been shown, appellant's motion requesting a second extension of time to file the opening brief is granted. NRAP 31(b)(3)(B). Appellant shall have until January 8, 2018, to file and serve the opening brief and appendix. Any additional extensions will be granted only on showing of extraordinary circumstances and extreme need.<sup>1</sup> *Id.* Counsel's caseload normally 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 and appendix may result in the imposition of sanctions.

It is so ORDERED.

Cherry, C.J.

<sup>1</sup>Although counsel must exercise due diligence in attempting to contact and communicate with her client, we remind counsel that, ultimately, it is her duty to determine what issues to raise on appeal based on counsel's exercise of professional judgment. *See* RPC 1.4; *Kirksey v. State*, 112 Nev. 980, 998, 923 P.2d 1102, 1113-14 (1996).

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