

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

2
3 DAVID MURPHY,

4 Appellant,

5 v.

6 THE STATE OF NEVADA,

7 Respondent.

) No. 72103

) Electronically Filed
) May 17 2017 12:13 p.m.
) Elizabeth A. Brown
) Clerk of Supreme Court

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11 **Appellant's Motion For Extension Of Time to File Opening Brief (First Request)**

12 Comes Now Appellant, DAVID MURPHY, by and through his attorney, Casey
13 A. Landis, and moves for a sixty (60) day extension of the due date for the filing of
14 Appellant's Opening Brief. At present, Appellant's Opening Brief is due on June 2,
15 2017, and Appellant is asking for the due date to be extended to August 1, 2017. The
16 reasons underlying Appellant's instant request are detailed herein, as part of the
17 attached declaration of counsel.

18 DATED this 17th day of May, 2017

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20 **LANDIS LAW GROUP**

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22 _____
23 /s/ Casey A. Landis
24 CASEY A. LANDIS, ESQ.
25 Nevada Bar No. 9424
26 12090 Francesca Drive
27 Grand Blanc, MI 48439
28 Telephone: 702.487.3650
 clandis@lvjusticeadvocates.com
 Attorney for Appellant

DECLARATION OF CASEY A. LANDIS

CASEY A. LANDIS makes the following declaration:

1. That I am an attorney duly licensed to practice law in the State of Nevada; that I am the Attorney that represents the Appellant in the instant matter, and that I am familiar with the facts and circumstances of this case.

2. That Appellant filed a Notice of Appeal with the Eight Judicial District Court on December 30, 2016. Thereafter, this Honorable Court docketed the appeal on February 2, 2017.

3. That the briefing schedule for the instant appeal is governed by NRAP 31, which requires Appellant to file an Opening Brief within one hundred and twenty (120) days after the appeal is docketed by the Nevada Supreme Court. In the instant case, the Opening Brief is due on June 2, 2017.

4. That Appellant is requesting a sixty (60) day extension of the due date for filing Appellant's Opening Brief. If granted, the due date would be August 1, 2017.

5. That Appellant makes this request based upon the date the complete transcripts necessary for this appeal were completed and the extraordinary length the jury trial spanned in this case.

6. That the full and complete trial transcripts were not received from the court recorder until April of 2017. The Court Reporter responsible for vast majority of the requested trial transcripts did not file a notice that the requested transcripts were delivered until April 19, 2017. Due to the complexity of the appeal and the undersigned's other professional obligations, Counsel for Appellant has been unable to complete the Opening Brief in the time remaining after the trial transcripts were completed and filed.

7. The volume of the trial transcripts alone further complicates Appellant's attempts to file an Opening Brief by the current deadline. The jury trial spanned over nineteen (19) judicial days. The trial was complicated by the existence

1 of two co-defendants and multiple cooperating witnesses who testified against
2 Appellant pursuant to agreements to testify. A significant amount of the evidence of
3 the case involved expert testimony regarding cell phone location data and crime scene
4 ballistic evidence. Counsel for Appellant has not been able to review the trial
5 transcript and prepare the appellate issues in time to meet the present deadline based
6 in large part on these complexities and the length of the trial.

7 8. That, based on the forgoing, Appellant requests a finding of good cause,
8 extraordinary circumstances, and extreme need for a first extension of time of sixty
9 (60) days for the filing of Appellant's Opening Brief. See NRAP 31(b)(3)(B).

10 I declare under penalty of perjury that the foregoing is true and correct.
11 (NRS 53.045).

12 EXECUTED this 17th day of May, 2017.

13
14 /s/ Casey A. Landis
CASEY A. LANDIS

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 17th day of May, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT CASEY A. LANDIS
STEVEN S. OWENS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

DAVID MURPHY,
NDOC No. 65173
Ely State Prison
P.O. Box 1989
Ely, NV 89301

BY /s/ Casey A. Landis