

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED C. HARVEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72829

FILED

DEC 04 2017

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

ORDER

Attorney Timothy R. Treffinger has filed a substitution of counsel on behalf of appellant as well as a request for an extension of time to file the opening brief. The substitution is signed by appellant and Mr. Treffinger. The substitution also has a signature line for attorney Sharon Dickinson, appellant's current counsel, above which is a signature. However, in a separate filing, Ms. Dickinson represents that the signature is not hers and that a clerk in her office signed the substitution without notifying Ms. Dickinson.

Because it is signed by both appellant and his new counsel, we approve the substitution. The clerk shall remove Ms. Dickinson as counsel of record for appellant. Mr. Treffinger's request for an extension of time is granted. NRAP 31(b)(3)(B). Appellant shall have until January 2, 2018, to file and serve the opening brief and appendix. No further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. *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.

Given this order, the motion for an extension of time filed by Ms. Dickinson on November 16, 2017, is denied as moot.

It is so ORDERED.

Cherry, C.J.

cc: Clark County Public Defender
Timothy R. Treffinger
Attorney General/Carson City
Clark County District Attorney
Alfred C. Harvey