

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH JUNIOR BARLOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77055

FILED

NOV 07 2019

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

ORDER REGARDING MOTIONS

On May 23, 2019, appellant filed a motion to supplement the record with 6 exhibits. On July 11, 2019, this court entered an order granting appellant's motion. Appellant has filed a motion asking for clarification of this court's order. Upon review of the district court record, the exhibits, and SCR 250(6), this court clarifies its order as follows. The clerk of this court shall strike and return to the district court the following exhibits filed on July 19, 2019:

1. Jury List of the final venire panel with peremptory challenges marked;
2. Notice of Motion and Motion to Correct the Record filed March 29, 2019, with exhibits attached;
3. Minute order of the district court granting the Motion to Correct the Record on April 9, 2019.

The clerk of this court shall return exhibits 17, 18, and 51, received on July 19, 2019, unfiled. Pursuant to SCR 250(6)(c), the clerk of the district court shall have 14 days from the date of this order to paginate, index, and add the following exhibits to the district court record and to transmit them to this court as volume 33 of the record on appeal:

1. Jury List of the final venire panel with peremptory challenges marked;

2. Notice of Motion and Motion to Correct the Record filed March 29, 2019, with exhibits attached;

3. Minute order of the district court granting the Motion to Correct the Record on April 9, 2019.

4. Court Exhibit #17 (State's Closing Powerpoint) admitted June 28, 2018;

5. Court Exhibit #18 (State's Closing Powerpoint (Penalty)) admitted July 6, 2018; and

6. State's Exhibit 51 (Crime Scene Photo Danielle at Scene) admitted June 5, 2018.

Extraordinary circumstances and extreme need having been shown, appellant's motion requesting a third extension of time to file the opening brief is granted. NRAP 31(b)(3)(D); SCR 250(6)(e). Appellant shall have 45 days from the date of this order to file and serve the opening brief. Any additional extensions will be granted only on showing of extraordinary circumstances and extreme need. NRAP 31(b)(3)(D); SCR 250(6)(e). 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 may result in the imposition of sanctions.

It is so ORDERED.

 C.J.

cc: Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk