

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

3
4 TOYER EDWARDS,
5 Appellant,
6 vs.
7 STATE OF NEVADA,
8 Respondent.

Electronically Filed
Case No. 82639 Oct 12 2021 01:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
**APPELLANT'S MOTION
FOR EXTENSION OF TIME
TO FILE OPENING BRIEF
AND APPENDIX (2nd Request)**

9
10 COMES NOW, Christopher R. Oram, Esq., attorney for Appellant TOYER
11 EDWARDS, and moves this Court for an Order granting an extension of time of
12 forty-five (45) days from the date the Opening Brief and Appendix are now due, to
13 wit: October 13, 2021, and to extend the time up to and including November 29,
14 2021, for the filing of the Opening Brief and Appendix. This motion is made and
15 based upon NRAP 27 and 31(a), the Affidavit of Christopher R. Oram, Esq., filed
16 herewith, and the Points and Authorities attached hereto.
17
18

19 DATED this 12th day of October, 2021.

20
21 Respectfully submitted,

22 By: /s/ Christopher R. Oram
23 Christopher R. Oram, Esq.
24 Nevada Bar No. 4349
25
26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **ARGUMENT**

3
4 ***Extraordinary Circumstances and Extreme Need Exist to Enlarge the Time to***
5 ***File Appellant’s Opening Brief and Appendix***

6 Nevada Rules of Appellate Procedure (NRAP) Rule 31(a) provides that an
7 appellant shall serve and file an opening brief within one hundred and twenty (120)
8 days after the appeal is docketed in the Nevada Supreme Court.
9

10 Additionally, NRAP 31(b)(3)(B) provides that this Court may grant an
11 extension of time upon a showing of extraordinary circumstances and extreme
12 need.
13

14 Mr. Edwards’ Opening Brief and Appendix are currently due on October 13,
15 2021. This is the second request for an extension of time. Additional time is
16 needed to prepare and finalize the Opening Brief in this case given the record and
17 issues that need to be addressed. Counsel has been diligently preparing for the
18 appeal and preparing the appendix.
19
20

21 Additionally, Counsel understands that case load is not ordinarily an excuse
22 that necessitates a continuance. However, unforeseen circumstances have occurred
23 in Counsel’s back-to-back murder trials. In *State v. Omar Rueda-Denvers*, Case
24 No. 07C235875-1, a juror tested positive for COVID-19, which caused a mid-trial
25 delay. The scheduling issues then required the State to need an accommodation to
26 handle a different trial, which only gave Defense Counsel one week between the
27
28

1 Rueda-Denvers murder trial and the capital trial in *State v. Contrayer Zone*, Case
2 No. C-16-316686-2 (currently ongoing). Notwithstanding the unique issues
3 presented, Counsel had been working on this appeal, but requires additional time to
4 finalize the Opening Brief.
5

6 Based upon the record and Counsel's trial schedule, there is an extreme need
7 to extend the time to allow Counsel to finalize the Opening Brief. Therefore,
8 Counsel respectfully requests that this Court extend the time to file the Appellant's
9 Opening Brief and Appendix by forty-five (45) days.
10
11

12 **CONCLUSION**

13 Based on the foregoing, Counsel requests a forty-five (45) day extension to
14 file the Opening Brief and Appendix by November 29, 2021.
15

16 DATED October 12, 2021.

17 Respectfully submitted,

18 By: /s/ Christopher R. Oram
19 Christopher R. Oram, Esq.
20 Nevada Bar No. 4349
21
22
23
24
25
26
27
28

1 **AFFIDAVIT OF CHRISTOPHER R. ORAM IN SUPPORT OF**
2 **APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE**
3 **OPENING BRIEF AND APPENDIX**

4 COUNTY OF CLARK }
5 STATE OF NEVADA } ss:

6 Affiant, CHRISTOPHER R. ORAM, ESQ., being duly sworn, deposes, and
7 states as follows:

- 8 1. I am an attorney duly licensed to practice law in the State of Nevada. I am
9 counsel for the Appellant in the above-entitled matter. I have personal
10 knowledge of all matters contained herein and am competent to testify
11 thereto.
12
13 2. Appellant Edwards’ Opening Brief and Appendix are currently due on
14 October 13, 2021. This is the second request for an extension of time.
15
16 3. Counsel understands that a case load is not ordinarily an excuse that
17 necessitates a continuance. Chas been diligently working to prepare Mr.
18 Edwards’ Opening Brief and Appendix. Unforeseen circumstances have
19 occurred in Counsel’s back-to-back murder trials. In *State v. Omar Rueda-*
20 *Denvers*, Case No. 07C235875-1, a juror tested positive for COVID-19,
21 which caused a mid-trial delay. The scheduling then required the State to
22 need an accommodation to handle a different trial, which resulted in Counsel
23 only having one week between the Rueda-Denvers trial and the capital trial
24 in *State v. Contrayer Zone*, Case No. C-16-316686-2 (currently ongoing).
25
26
27
28

1 4. Counsel respectfully requests that this Court grant this extension and permit
2 Counsel to file the Opening Brief and Appendix by November 29, 2021.
3

4 5. That this motion is made in good faith and not for the purposes of delay.

5 6. That I affirm under the penalty of perjury, the foregoing is true and correct.

6 FURTHER YOUR AFFIANT SAYETH NAUGHT
7

8 DATED this 12th day of October, 2021.

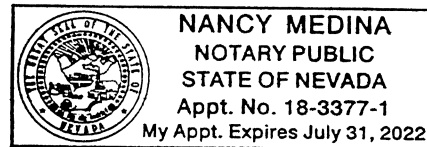
CRM

9
10 CHRISTOPHER R. ORAM, ESQ.

11 SUBSCRIBED AND SWORN TO before me
12 this 12th day of October, 2021.

13 *Nancy Medina*

14 NOTARY PUBLIC in and for said
15 County and State
16
17
18
19
20
21
22
23
24
25
26
27
28



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

AARON FORD
Nevada Attorney General

STEVEN B. WOLFSON
Clark County District Attorney

6