

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

ASHLEY BENNETT,

S.C. CASE NO. 39864

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

SEP 09 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

COMES NOW, Christopher R. Oram, Esq., attorney for Appellant, ASHLEY BENNETT, and moves this Court for an Order granting an extension of time of thirty (30) days from the date the Opening Brief is now due, to wit: September 9, 2003, and extend the time to and including, October 9, 2003 for the filing of the Opening Brief. This motion is made and based upon NRAP 27 and 31(a), the Affidavit of Christopher R. Oram, Esq., filed herewith, and the Points and Authorities attached hereto.

DATED this 8 day of September, 2003.

Respectfully submitted by:

[Signature]

CHRISTOPHER R. ORAM, ESQ.

Nevada Bar No. 004349

520 S. Fourth Street, 2nd Floor

Las Vegas, Nevada 89101

(702) 384-5563

Attorney for Appellant

ASHLEY BENNETT

RECEIVED

SEP 09 2003

CLERK OF SUPREME COURT

By _____
DEPUTY CLERK

CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

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POINTS AND AUTHORITIES

Time for Serving and Filing Briefs.

The appellant shall serve and file the OPENING brief within one hundred and twenty (120) days after the date on which the appeal is docketed in the Supreme Court. The respondent shall serve and file his answering brief within thirty (30) days after service of the brief of the appellant. After service of respondent's brief, any OPENING brief must be served and filed within thirty (30) days. . . . By written stipulation timely filed with the Supreme Court, the parties may extend the time for filing any brief for a total of thirty (30) additional days unless the court otherwise orders. Applications for extensions of time beyond that to which the parties are permitted to stipulate are not favored, and will be considered only on motion for good cause clearly shown, or ex parte in cases of extreme and unforeseeable emergency. The Supreme Court may shorten the periods prescribed above for serving and filing briefs, either by rule for all cases or for classes of cases, or by order for specific cases."

That Appellant's Opening Brief in this matter is currently due on September 9, 2003.

This is the second request for an extension of time. However, the undersigned has been reviewing Mr. Bennett's case and it is quite voluminous and the undersigned will need additional time to prepare for Mr. Bennett's brief.

The undersigned will also be preparing for and filing a Supplemental Brief which will be filed in the Eighth Judicial District Court for Jason Grande v. State of Nevada, C180788, which will be filed on September 15, 2003.

Additionally, the undersigned will be preparing for William Castillo v. State of Nevada, 40982 case number, in which Mr. Castillo received a sentence of death and Mr. Castillo's opening brief will be filed with this Court on September 22, 2003.

///

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2 Therefore, the undersigned would respectfully request that this Honorable Court
3 grant an extension of thirty (30) days within which to file Appellant's Opening Brief.

4 DATED this 8 day of September, 2003.

5 Respectfully submitted by:

6 

7 CHRISTOPHER R. ORAM, ESQ.

8 Nevada Bar #004349

9 520 S. Fourth Street, 2nd Floor

10 Las Vegas, Nevada, 89101

11 Attorney for Defendant

12 ASHLEY BENNETT

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CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

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2 **AFFIDAVIT OF CHRISTOPHER R. ORAM**
3 **IN SUPPORT OF MOTION FOR EXTENSION OF TIME**
4 **TO FILE OPENING BRIEF**

5 STATE OF NEVADA)
6) ss:
7 COUNTY OF CLARK)

8 CHRISTOPHER R. ORAM, ESQ., being first duly sworn, deposes and states:

9 1. I am an attorney duly licensed to practice law in the State of Nevada. I am
10 counsel for the Appellant in the above-entitled matter. I have personal knowledge of all
11 matters contained herein and am competent to testify thereto.

12 2. That Appellant's Opening Brief in this matter is currently due on September
13 9, 2003.

14 3. This is the second request for an extension of time. However, the
15 undersigned has been reviewing Mr. Bennett's case and it is quite voluminous and the
16 undersigned will need additional time to prepare for Mr. Bennett's brief.

17 4. The undersigned will also be preparing for and filing a Supplemental Brief
18 which will be filed in the Eighth Judicial District Court for Jason Grande v. State of
19 Nevada, C180788, which will be filed on September 15, 2003.

20 5. Additionally, the undersigned will be preparing for William Castillo v. State
21 of Nevada, 40982 case number, in which Mr. Castillo received a sentence of death and
22 Mr. Castillo's opening brief will be filed with this Court on September 22, 2003.

23 6. Therefore, the undersigned would respectfully request that this Honorable
24 Court grant an extension of thirty (30) days within which to file Appellant's Opening
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28

CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

1 Brief.

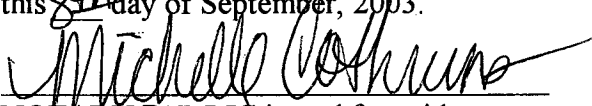
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3 7. That this motion is made in good faith and not for purposes of delay.

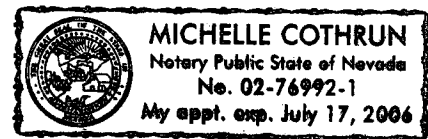
4 FURTHER YOUR AFFIANT SAYETH NAUGHT.

5 DATED this 8 day of September, 2003.

6
7 
CHRISTOPHER R. ORAM, ESQ.

8 SWORN and SUBSCRIBED before me
9 this 8th day of September, 2003.

10 
11 NOTARY PUBLIC in and for said
County and State



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CERTIFICATE OF MAILING

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and
that on the 9 day of September, 2003, I did deposit in the United States Postal Service
office at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a
true and correct copy of the above and foregoing **MOTION FOR EXTENSION OF**
TIME TO FILE OPENING BRIEF, addressed to:

David Roger
District Attorney
200 S. Third Street, 7th Floor
Las Vegas, Nevada 89155

Brian Sandoval
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

Aimone Mupisato
An Employee of Christopher R. Oram, Esq.

CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101