

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

ASHLEY BENNETT,

S.C. CASE NO. 39864

Appellant,

FILED

vs.

JAN 02 2004

THE STATE OF NEVADA,

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *S. Jones*
DEPUTY CLERK

Respondent.

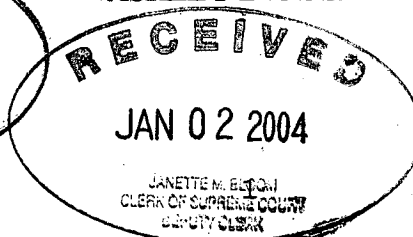
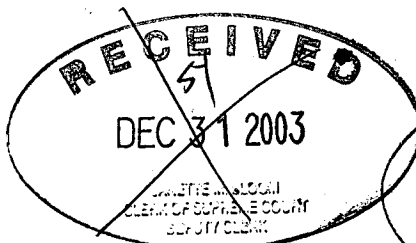
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

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 Reply Brief is now due, to wit: December 22, 2003, and extend the time to and including, January 22, 2004 for the filing of the Reply 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 31 day of December, 2003.

Respectfully submitted by:

CRAM
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



64-00071

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."

Mr. Bennett's reply brief was to be filed with this Court on December 22, 2003.

However, the undersigned inadvertently missed the date. The undersigned had calendared the date to request an extension of time. However, with the holidays and preparing for Mr. Bledsoe's case and Mr. Easley's extension Mr. Bennett's case was neglected.

The undersigned was preparing for Lorenzo Bledsoe v. State of Nevada, 41856, in which the fast track statement and appendix was completed and Federal Expressed to this Court on December 19, 2003, and was filed in this Court on December 22, 2003.

The undersigned filed a motion for extension of time to file the fast track statement in Jose Easley v. State of Nevada 42316 on December 19, 2003. The undersigned should have also filed for an extension regarding Mr. Bennett's case. Unfortunately the motion was inadvertently not completed. The undersigned's office takes pride in not missing deadlines and can not remember the last the this office has missed a filing date. However, with Mr. Bledsoe's fast track statement and appendix and Mr. Easley's extension, Mr. Bennett's extension was not completed. The undersigned would respectfully request that he be permitted to file a reply brief for Mr. Bennett


1 and would ask this Court not to punish Mr. Bennett for the undersigned's mistake. Additionally,
2 the undersigned apologizes for any inconvenience this may have caused the Court.

3 Further, the undersigned has spoken with Mr. Jim Tufteland, Chief District Attorney, and
4 Mr. Tufteland had no objection to the undersigned to filing the reply brief.

5 Therefore, the undersigned would respectfully request that this Honorable Court grant an
6 extension of thirty (30) days within which to file Appellant's Reply Brief.
7

8 DATED this 31 day of December, 2003.

9 Respectfully submitted by:

10 
11 CHRISTOPHER R. ORAM, ESQ.
12 Nevada Bar #004349
13 520 S. Fourth Street, 2nd Floor
14 Las Vegas, Nevada, 89101

15 Attorney for Defendant
16 ASHLEY BENNETT

17 **AFFIDAVIT OF CHRISTOPHER R. ORAM**
18 **IN SUPPORT OF MOTION FOR EXTENSION OF TIME**
19 **TO FILE REPLY BRIEF**

20 STATE OF NEVADA)
21) ss:
22 COUNTY OF CLARK)

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

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

27 2. Mr. Bennett's reply brief was to be filed with this Court on December 22, 2003.
28 However, the undersigned inadvertently missed the date. The undersigned had calendared the
date to request an extension of time. However, with the holidays and preparing for Mr. Bledsoe's

1 case and Mr. Easley's extension Mr. Bennett's case was neglected.

2 3. The undersigned was preparing for Lorenzo Bledsoe v. State of Nevada, 41856,
3 in which the fast track statement and appendix was completed and Federal Expressed to this
4 Court on December 19, 2003, and was filed in this Court on December 22, 2003.
5

6 4. The undersigned filed a motion for extension of time to file the fast track statement
7 in Jose Easley v. State of Nevada 42316 on December 19, 2003. The undersigned should have
8 also filed for an extension regarding Mr. Bennett's case. Unfortunately the motion was
9 inadvertently not completed. The undersigned's office takes pride in not missing deadlines and
10 can not remember the last the this office has missed a filing date. However, with Mr. Bledsoe's
11 fast track statement and appendix and Mr. Easley's extension, Mr. Bennett's extension was not
12 completed. The undersigned would respectfully request that he be permitted to file a reply brief
13 for Mr. Bennett and would ask this Court not to punish Mr. Bennett for the undersigned's
14 mistake. Additionally, the undersigned apologizes for any inconvenience this may have caused the
15 Court.
16

17 5. Further, the undersigned has spoken with Mr. Jim Tufteland, Chief District
18 Attorney, and Mr. Tufteland had no objection to the undersigned to filing the reply brief.
19

20 6. Therefore, the undersigned would respectfully request that this Honorable Court
21 grant an extension of thirty (30) days within which to file Appellant's Reply Brief.
22

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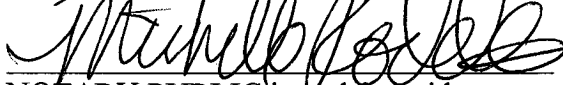
1 7. That this motion is made in good faith and not for purposes of delay.

2 FURTHER YOUR AFFIANT SAYETH NAUGHT.

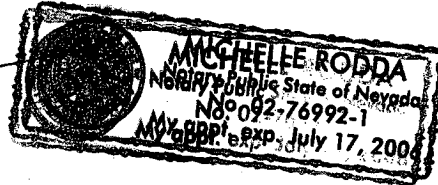
3 DATED this 31 day of December, 2003.

4 
5 CHRISTOPHER R. ORAM, ESQ.

6 SWORN and SUBSCRIBED before me
7 this 31 day of December, 2003.

8 

9 NOTARY PUBLIC in and for said
10 County and State



11
12 CHRISTOPHER R. ORAM
13 520 South Fourth Street, Second Floor
14 Las Vegas, Nevada 89101
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and that on the 31 day of December, 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 REPLY 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

Almona Mijangoto
An Employee of Christopher R. Oram, Esq.

CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
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