

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW FUGATE,

Docket No. 69925

Appellant,

Dist. Ct. CR15-0134

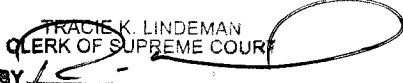
vs.

FILED

THE STATE OF NEVADA,

APR 15 2016

Respondent.

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME TO FILE
FAST TRACK STATEMENT

COMES NOW, KARLA K. BUTKO, Esq., and JOHN OHLSON, Esq., and hereby request that this Court grant a continuance of the due date on the Fast Track Statement herein.

The due date for the Fast Track Statement is set for April 18, 2016. To date, the trial transcripts, plea transcript and sentencing transcripts have not been filed into court or delivered to counsel. The transcript request was filed into court on March 21, 2016 and served upon Peggy Hoogs Court Reporting Service. Contact with Peggy Hoogs Court Reporting Service today ended with the discovery that the court reporter determined the due date for the transcripts was April 18, 2016,

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and that they sought an extension from the Nevada Supreme Court. While the transcripts have been requested as a rush, it appears that they will not be prepared in time for review, compilation into a proper Appendix and for preparation of the Fast Track Statement by April 18, 2016.

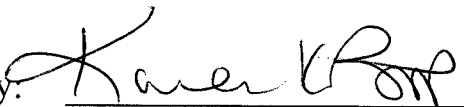
Further, counsel have decided that it would be best to visit with Mr. Fugate at the Northern Nevada Correctional Center prior to filing any type of appellate documents. On Monday, April 11, 2016, efforts began to set an attorney visit with Mr. Fugate at NNCC. There have been serious changes to the attorney visit process which will cause delay in every visit. The visit is no longer scheduled with the Warden's Secretary. Instead, an e-mail is sent to a new system. That e-mail is answered in due course. After the answer is negative for the date requested, a new request must be made. This process takes days. After spending two days attempting to gain a visit with Mr. Fugate this week, it was discovered that SUNDAY was available. Mr. Fugate's visiting days are Friday, Saturday and Sunday. The prison has determined that attorneys have to compete with other scheduled visitors and may only visit their clients on scheduled visiting days. Since Sunday was not acceptable to counsel, the first available attorney visit date at NNCC for this client was Friday, April 22, 2016. This falls after the due date of the Fast Track Statement.

Progress is usually intended to expedite life and make the process easier. One call to the Warden's Secretary has now turned into many, many e-mails and a delay of almost two weeks to get to see a client. Counsel cannot change the prison's approach and will have to live with the new drama.

At any rate, counsel seeks an additional 30 days in which to file the Fast Track Statement on this case. This would make the Fast Track Statement due on May 18, 2016. Counsel believes that a continuance is required in order to prepare and deliver competent appellate documents for this Court's review. There are legitimate appellate issues found herein and which deserve the effective assistance of counsel.

Wherefore, counsel seeks an extension of 30 days with which to file the Fast Track Statement herein, i.e., until May 18, 2016. This request is being made in good faith and not for purposes of delay.

DATED this 13th day of April, 2016.

By: 
KARLA K. BUTKO, ESQ.
JOHN OHLSON, ESQ.
P. O. Box 1249
Verdi, NV 89439
(775) 786-7118

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I certify that I am an employee of Karla K. Butko, P. O. Box 1249, Verdi, NV 89439, and that on this date I caused the foregoing document to be delivered to all parties to this action by

X placing a true copy thereof in a sealed, stamped envelope with the United States Postal Service at Reno, Nevada. (Client)

X Reno/Carson Messenger Service
(Washoe County D.A.'s Office & John Ohlson)

_____ Electronically using Nevada Supreme Court's ECF system

addressed as follows:

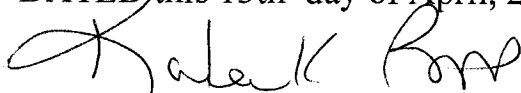
CHRIS HICKS, ESQ.
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MATTHEW FUGATE
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Northern Nevada Correctional Center
P. O. Box 7000
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JOHN OHLSON, Esq.
6140 Plumas Street
Suite 200
Reno, NV 89509

DATED this 13th day of April, 2016.

By:



KARLA K. BUTKO, ESQ.