

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT JAMES DAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38028

FILED

AUG 29 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY Alvarado
DEPUTY CLERK

MOTION TO AMEND FAST TRACK STATEMENT

COMES NOW Appellant, ROBERT JAMES DAY by and through his attorney, DIANNE M. DICKSON, Deputy Public Defender, and moves this Honorable Court to allow the Fast Track Statement to be supplemented as per the request of the Appellant Robert Day as per his pro per motion which is attached and incorporated herein.

DATED this 24th day of August, 2001.

MORGAN D. HARRIS
CLARK COUNTY PUBLIC DEFENDER

By [Signature]
DIANNE M. DICKSON
NEVADA BAR #5620
DEPUTY PUBLIC DEFENDER
309 SOUTH THIRD STREET, #226
LAS VEGAS, NEVADA 89155-2610
(702) 455-4685

RECEIVED

AUG 29 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

Robert James Day #69140
H.D.S.P. / Unit 6-c-29
P.O. Box 650
Indian Springs, NV 89018

August 16, 2001

Dianne M. Dickson, Esq.
Deputy Public Defender
309 S. Third St., Rm 226
Las Vegas, NV 89155-2610

Re: Robert James Day v. State of Nevada

Dear Ms. Dickson,

Enclosed, please find my pro per motion for leave to supplement my fast track statement as well as the information (statement of facts) I wish to supplement with, and I would like for you to submit it to the court, or, in the alternative, prepare and submit one of your own. for me.

Thank you for your assistance in this matter.

Sincerely,

Robert James Day

Robert James Day #69140

cc: file

1 In the Supreme Court of the State of Nevada

2
3
4 Robert James Day,
5 Appellant,
6

7 vs.

No. 38028

8
9 The State of Nevada,
10 Respondent.

11
12 Pro per motion for leave to supplement
13 fast track statement

14
15 COMES NOW, the appellant, Robert James Day,
16 pro per, and through his attorney, Dianne M.
17 Dickson, Deputy Public Defender, hereby respectfully
18 moves this Honorable Court for leave to supplement
19 his fast track statement in the above entitled
20 cause. In support thereof, appellant would offer
21 as follows:

22
23 1. In appellant's fast track statement counsel
24 inadvertently omitted a fact appellant feels is crucial
25 to his claim that the in-court identification by Ms. Walker
26 was impermissibly tainted.

27 2. Because the omitted fact is so crucial to his
28

1 claim, and because it is undoubtedly relevant to
2 the decisional process on this issue, appellant
3 would ask that the court allow him to bring the
4 matter to the attention of the court.

5 WHEREFOR, appellant prays this Honorable Court
6 will grant this motion to supplement his fast
7 track statement.

8 Respectfully Submitted,
9 Robert James Day
10 Robert James Day, pro per
11

12 Dated this 15th day of August, 2001. I, Robert
13 James Day do solemnly swear, under penalty of
14 perjury, that the above motion for leave to supple-
15 ment fast track statement is accurate, correct,
16 and true to the best of my knowledge and belief.
17 NRS 171.102 and NRS 208.165.
18

19 Respectfully Submitted,
20 Robert James Day
21 Robert James Day, pro per
22
23
24
25
26
27
28

1 In the Supreme Court of the State of Nevada

2
3
4 Robert James Day,
5 Appellant,
6

7 vs.

> No. 38028

8
9 The State of Nevada,
10 Respondent.

11
12 Fast track Statement (cont.)

13 Statement of facts

14 Karen Walker testified that appellant was an
15 occasional guest at the Parkway Inn, (Trans. Vol.
16 I, p. 18) and that she'd had occasional conversations
17 there with appellant, (Trans. Vol. I, p. 20).

18 Officer Huffmaster testified that his police rep-
19 ort indicated that Walker had related that she'd
20 had no contact with the robber prior to the rob-
21 bery. (Trans. Vol. I, p. 53-54).

22 Respectfully Submitted,

23 Robert James Day

24 Robert James Day, pro per
25 # 69140

26 H.D.S.P. / Unit 6-C-29

27 P.O. Box 650

28 Indian Springs, NV 89018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17 DATED THIS 15th day of August, 2001.

18 I, Robert James Day, do
19 solemnly swear, under the penalty of perjury, that
20 the above Fast track statement is accurate,
21 correct, and true to the best of my knowledge.

22 NRS 171.102 and NRS 208.165.
23

24 Respectfully submitted,

Robert James Day
25 Robert James Day, pro per

26 ~~Defendant~~
27 APPELLANT
28

1 RECEIPT OF A COPY of the foregoing Motion to Amend Fast
2 Track Statement is hereby acknowledged this 24th day of August,
3 2001.

4 STEWART L. BELL
5 CLARK COUNTY DISTRICT ATTORNEY

6
7 By *Therine Mulkey*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28