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3
4 IN THE SUPREME COURT OF THE STATE OF NEVADA
5

6 SHAWN RUSSELL HARTE,

7 Appellant,

CASE NO. 43877

8 v.

District Court No. CR980074

FILED

9 THE STATE OF NEVADA,

10 Respondents.
11 _____/

OCT 1 2004

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

12 **MOTION FOR LEAVE TO FILE A LATE PLEADING**

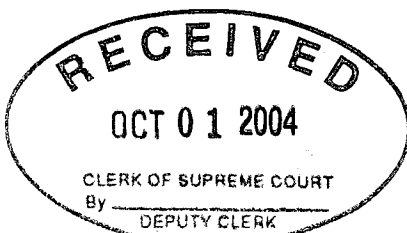
13 COMES NOW Appellant above-named, by and through his undersigned appointed
14 counsel, DONALD YORK EVANS, LTD., and hereby moves the above-entitled Court for its
15 order granting Appellant leave to late file the Docketing Statement in the above-entitled matter.

16 Undersigned counsel offers no excuse to the Court other than his own dereliction of duty
17 in failing to file the Docketing Statement in a timely fashion. Undersigned counsel regrets the
18 error and apologizes to the Court for his dereliction.

19 Undersigned counsel has spoken to State's counsel, Terrence McCarthy, Deputy District
20 Attorney, Appellate Division, Washoe County District Attorney's Office, who authorized
21 undersigned counsel to state to the Court that he had no objection to the Court granting the relief
22 requested allowing the Appellant to late file his docketing statement.

23 Appellant respectfully requests.

24 DATED: This 30th day of September, 2004.



[Signature]

DONALD YORK EVANS, LTD.
P.O. Box 864
Reno, NV 89504
(775) 348-7400
Attorney For Appellant

CERTIFICATE OF SERVICE

I certify that I am an employee of DONALD YORK EVANS, ESQ., and that on this date

I

✓ deposited for mailing, via U.S. mail

 caused to be delivered, via Reno-Carson Messenger Service

 delivered via facsimile machine

 personally delivered

a true and correct copy of the foregoing document, addressed to:

Terrence McCarthy, Esq.

Appellate Division

P.O. Box 30083

Reno, NV 89520

DATED this 30, day of Sept, 2004.


GINGER ROGERS HOWARD

DONALD YORK EVANS

ATTORNEY AT LAW

P.O. BOX 864

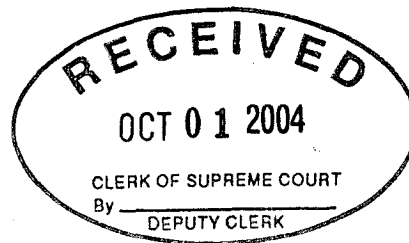
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September 30, 2004

Clerk Nevada Supreme Court
201 South Carson Street
Carson City NV 89701



RE: Harte v. State of Nevada

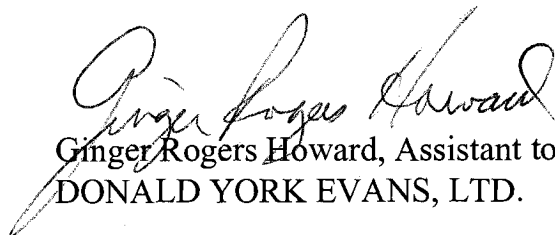
To Whom It May Concern:

Enclosed please find an original and 4 copies of a Motion for Leave to File a Late Pleading along with an Order regarding same.

Also enclosed is a stamped self-addressed stamped envelope to return the file-stamped copies to this office.

In the meantime, if you have any questions regarding the above, please do not hesitate to contact this office.

Yours very truly,


Ginger Rogers Howard, Assistant to
DONALD YORK EVANS, LTD.

DYE:grh
Enclosures