

1 MICHAEL V. CRISTALLI, ESQ.  
Nevada Bar No. 006266  
2 CRISTALLI & SAGGESE, LTD.  
732 South Sixth Street, #100  
3 Las Vegas, Nevada 98101  
(702) 386-2180

RECEIVED  
CLERK OF SUPREME COURT  
06 OCT 30 PM 2:30

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5 Attorney for Appellant

6  
7 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 ERICK M. BROWN,  
9 Appellant,  
10 V  
11 THE STATE OF NEVADA,  
12 Respondent.

NO.:

47856

**FILED**

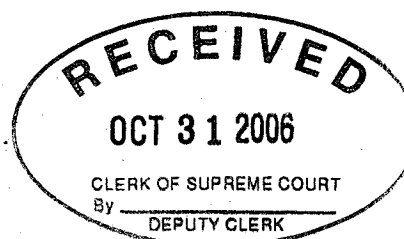
OCT 31 2006

BY JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

13  
14 MOTION FOR EXTENSION OF TIME

15 COMES NOW, ERICK BROWN, an individual, by and through his attorney MICHAEL V.  
16 CRISTALLI, ESQ., of the law firm of CRISTALLI & SAGGESE, LTD., and hereby files this  
17 Motion for Extension of Time to file Appellant's Fast Track Statement, currently scheduled for  
18 November 4, 2006, in the above-entitled action pursuant to Rules 3C(h)(2), of the NRAP.

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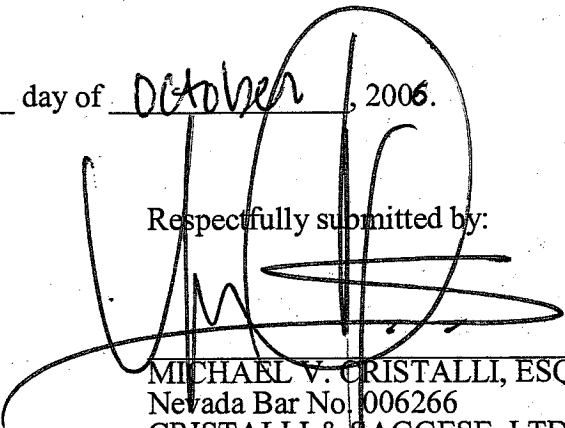


06-22229

1 This Motion is based upon the Points and Authorities attached hereto, all papers on file  
2 herein, and the attached Affidavit of Michael V. Cristalli, Esq.

3  
4 DATED this 20 day of October, 2006.

5  
6 Respectfully submitted by:

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8   
9 MICHAEL V. CRISTALLI, ESQ.  
10 Nevada Bar No. 006266  
11 CRISTALLI & SAGGESE, LTD.  
12 732 South 6<sup>th</sup> Street, #100  
13 Las Vegas, Nevada 89101

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Attorney for Appellant

1 POINTS AND AUTHORITIES

2 Rule 3C(h)(2) of the Nevada Rules of Appellate Procedure states in pertinent part:

3 (h)(2) Extensions of time.

4 Counsel may request by telephone a five (5) day extension of time  
5 for filing fast track statements and responses, and supplemental  
6 fast track statements and responses. If good cause is shown the  
7 clerk of the Supreme Court may grant such request via telephone  
8 or by written order of the clerk. Subsequent extensions of time  
9 for filing fast track statements and responses, and supplemental  
10 fast track statements and responses shall be granted only upon  
11 motion to the Supreme Court. Such motions shall justify the  
12 requested extension in light of the time limits provided in this  
13 Rule, and shall specify the exact length of the extension.

14 There is good cause to extend the time within which to file Defendant/Appellant's Fast Track  
15 Brief.

16 It was not until the undersigned counsel received an Order from the Supreme Court Clerk  
17 regarding the instant matter, that he realized that the brief was late and an extension of time was  
18 needed.

19 An administrative error occurred, as the undersigned counsel lost his administrative assistant.  
20 The notice of appeal was timely filed, after which, the administrative assistant left her duties, and  
21 did not inform the new assistant that transcripts in the above-mentioned matter needed to be  
22 submitted.

23 That, due to this inadvertent oversight, transcript requests were not submitted, and this  
24 oversight has been immediately remedied by the undersigned counsel.

25 That the undersigned counsel is thereby requesting a three (3) week extension in order to  
26 receive the necessary transcripts of the trial, of which counsel is presently without, and shall file the  
27 fast track, immediately upon receipt of said transcripts.

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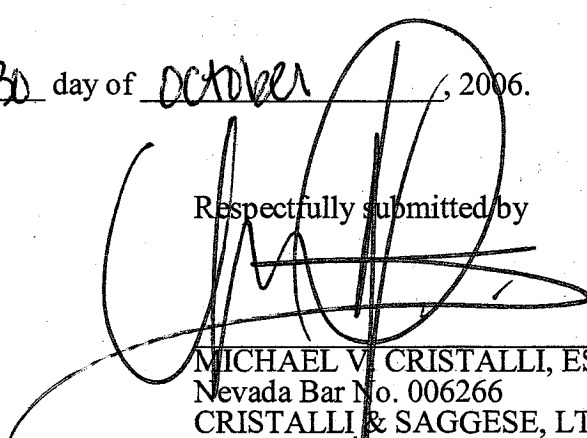
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1 As such, counsel is requesting that this Honorable Court grant a three (3) week extension to  
2 file Appellant/Defendant's Fast Track Statement.

3  
4 DATED this 30 day of October, 2006.

5  
6 Respectfully submitted by

7  
8   
9 MICHAEL V. CRISTALLI, ESQ.  
10 Nevada Bar No. 006266  
11 CRISTALLI & SAGGESE, LTD.  
12 732 South 6<sup>th</sup> Street, #100  
13 Las Vegas, Nevada 89101  
14 (702) 386-2180

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16 Attorney for Defendant/Appellant  
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**AFFIDAVIT OF MICHAEL V. CRISTALLI, ESQ.**

STATE OF NEVADA           )  
                                      )  
CLARK COUNTY            )

ss

MICHAEL V. CRISTALLI, ESQ., being duly sworn, deposes and states:

1. That your affiant is a duly licensed attorney in the State of Nevada.

2. That your affiant represents Defendant in this action.

3. That your affiant has personal knowledge of the facts and circumstances set forth herein and is competent to testify to the same.

4. That it wasn't until the undersigned counsel received an Order from the Supreme Court Clerk regarding the instant matter, that he realized that the brief was late and an extension of time was needed.

5. That an administrative error occurred, as the undersigned counsel lost his administrative assistant. The notice of appeal was timely filed, after which, the administrative assistant left her duties, and did not inform the new assistant that transcripts in the above-mentioned matter needed to be submitted.

6. That, due to this inadvertent oversight, transcript requests were not submitted, and this oversight has been immediately remedied by the undersigned counsel.

7. That the undersigned counsel is thereby requesting a three (3) week extension in order to receive the necessary transcripts of the trial, of which counsel is presently without, and shall file the fast track, immediately upon receipt of said transcripts.

8. That the undersigned counsel lost his administrative assistant in August, 2005. That during that time not only did the law firm lose staff but relocated and several dates were missed calendered.

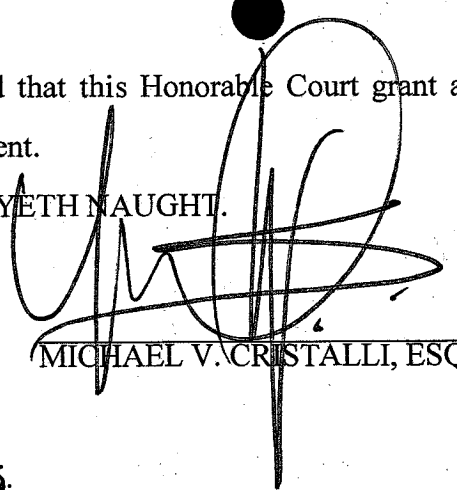
9. That, due to this inadvertent oversight, transcript requests were not submitted, and this oversight has been immediately remedied by the undersigned counsel.

10. That the undersigned counsel is thereby requesting a three (3) week extension in order to receive the necessary transcripts of the trial, of which counsel is presently without, and shall file the fast track, immediately upon receipt of said transcripts.

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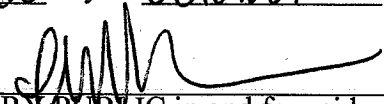
11. It is respectfully requested that this Honorable Court grant an extension to file Defendant/Appellant's Fast Track Statement.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

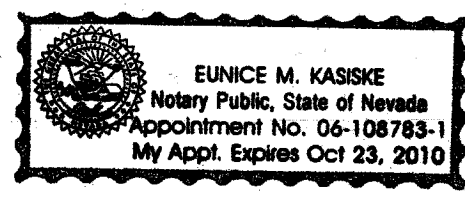


MICHAEL V. CRISTALLI, ESQ.

SUBSCRIBED and SWORN before me  
this 30 day of October 2006.



NOTARY PUBLIC in and for said  
County and State

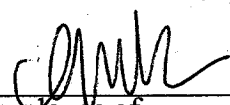


**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 30 day of October, 2006, I caused to be mailed a copy of the foregoing MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT/APPELLANT'S FAST TRACK BRIEF by depositing same into the United States Mail, postage pre-paid, addressed to:

DAVID ROGER, ESQ.  
DISTRICT ATTORNEY  
200 South Third Street  
Las Vegas, Nevada 89101

and that there is regular communication by mail between the place of mailing and the place(s) so addressed.

  
An employee of  
CRISTALLI & SAGGESE, LTD.