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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKIE SLAUGHTER, JR.

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

CASE NO. : 61991

**MOTION FOR EXTENSION OF TIME TO
FILE OPENING BRIEF AND APPENDIX
(SECOND REQUEST)**

COMES NOW, Appellant RICKIE SLAUGHTER, JR. by and through appointed counsel, William H. Gamage, Esq. of Gamage & Gamage and makes this Motion For Extension of Time to File Opening Brief And Appendix (First Request) pursuant to NRAP 31. Appellant makes this Motion based upon all papers and pleadings on file with this Court, the below memorandum of points and authorities, along with any oral argument deemed necessary by this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

Appellant requests an extension of 30 days in order to file the Opening Brief and Appendix in support thereof based upon the following:

1. On or about December 27, 2012 Appellant filed their Request For Transcript and served same on the court reporter for the trial court.

2. On or about February 16, 2013, I received emails from court reporter Peggy Isom regarding the completion of some of the transcripts for Appellants transcripts request. Follow-up

1 telephone calls during the week of February 18, 2013 with Court Reporters revealed that I would
2 have to obtain file stamped copies through the Court Clerk's Office.

3 3. On or about that same week, my office received a telephone call from the Dept. 3 Court
4 Reporter indicating that all transcripts were ready for pick-up at the Court Clerk's Office.

5 4. On or about March 1, 2013, I appeared at the Court Clerk's office to pick up the transcript
6 copies and was informed that they had to be ordered as they were not ready for pick-up.
7 Appellant counsel filled out the appropriate request forms.

8 5. Upon receiving the clerk file on or about March 11th, Counsel spent considerable time
9 reviewing nearly 4,000 pages of documents.

10 6. The opening brief is set to be filed May 6, 2013.

11 7. Counsel has briefed many issues that could be brought upon appeal based on the
12 directions of Defendant.

13 8. Defendant is adamant that he have approval and input for the final draft of the brief.

14 9. Counsel needs to meet with Defendant in an effort to reduce the number of issues he
15 would like to bring on appeal, as a brief of all of these issues will make the brief run more than
16 double the page limit set by this Court.

17 10. Because of Defendant's custody status, the only day he can meet face to face with
18 Counsel is on Tuesdays. Such a restriction has created logistical problems for Counsel in meeting
19 with Defendant.

20 11. One previous extension was requested and granted in this Appeal regarding the briefing
21 schedule. Accordingly, no previous extensions have been denied in this appeal.

22 12. Based upon the above and foregoing, Appellant requests a 30 day extension of time to file
23 the opening brief so that Defendant's Counsel can prepare a draft, and to allow enough time for
24 Appellant Counsel to visit with the Appellant so that he can pre-approve the submitted arguments
25 which he has specifically requested that he be allowed to do.

26 13. A grant of a 30 day extension would make the Opening Brief and Appendix due June 5,
27 2013.

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3 14. This Motion is submitted in accordance with the requirements of NRAP 31(b)(3). Further,
4 this request for extension is not made for any undue purpose such as to prejudice any party or to
5 improperly delay these proceedings.

6 DATED THIS 3rd day of May, 2013.

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GAMAGE & GAMAGE

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/s/ William H. Gamage, Esq.

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Attorneys for Appellant

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3 **DECLARATION OF WILLIAM H. GAMAGE, ESQ.**

4 COUNTY OF CLARK)
) ss:
5 STATE OF NEVADA)

6 I, William H. Gamage, Esq, being duly sworn deposes and states under penalty of perjury
7 that I am above the age of 18 years and offer the following information for which I am competent
8 to testify:

- 9
- 10 1. I am a Nevada licensed attorney certified to practice in all Nevada Courts.
 - 11 2. That I was appointed to represent Rickie Slaughter in his above titled appeal.
 - 12 3. On or about December 27, 2012 Appellant filed their Request For Transcript and
13 served same on the court reporter for the trial court.
 - 14 4. On or about February 16, 2013, I received emails from court reporter Peggy Isom
15 regarding the completion of some of the transcripts for Appellants transcripts request.
16 Follow-up telephone calls during the week of February 18, 2013 with Court Reporters
17 revealed that I would have to obtain file stamped copies through the Court Clerk's
18 Office.
 - 19 5. On or about that same week, my office received a telephone call from the Dept. 3
20 Court Reporter indicating that all transcripts were ready for pick-up at the Court
21 Clerk's Office.
 - 22 6. On or about March 1, 2013, I appeared at the Court Clerk's office to pick up the
23 transcript copies and was informed that they had to be ordered as they were not ready
24 for pick-up. Appellant counsel filled out the appropriate request forms.
 - 25 7. Upon receiving the clerk file on or about March 11th, Counsel spent considerable time
26 reviewing nearly 4,000 pages of documents.
 - 27 8. The opening brief is set to be filed May 6, 2013.
- 28

- 1 9. Counsel has briefed many issues that could be brought upon appeal based on the
2 directions of Defendant.
- 3 10. Defendant is adamant that he have approval and input for the final draft of the brief.
- 4 11. Counsel needs to meet with Defendant in an effort to reduce the number of issues he
5 would like to bring on appeal, as a brief of all of these issues will make the brief run
6 more than double the page limit set by this Court.
- 7 12. Because of Defendant's custody status, the only day he can meet face to face with
8 Counsel is on Tuesdays. Such a restriction has created logistical problems for Counsel
9 in meeting with Defendant.
- 10 13. One previous extension was requested and granted in this Appeal regarding the
11 briefing schedule. Accordingly, no previous extensions have been denied in this
12 appeal.
- 13 14. Based upon the above and foregoing, Appellant requests a 30 day extension of time to
14 file the opening brief so that Defendant's Counsel can prepare a draft, and to allow
15 enough time for Appellant Counsel to visit with the Appellant so that he can pre-
16 approve the submitted arguments which he has specifically requested that he be
17 allowed to do.
- 18 15. A grant of a 30 day extension would make the Opening Brief and Appendix due June
19 5, 2013.
- 20
- 21 16. This Motion is submitted in accordance with the requirements of NRAP 31(b)(3).
- 22 Further, this request for extension is not made for any undue purpose such as to
23 prejudice any party or to improperly delay these proceedings.

24 FURTHER DECLARANT SAYETH NAUGHT

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William H. Gamage, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of May, 2013, I served a true and correct copy of the
above and foregoing **Motion For Extension of Time to File Opening Brief And Appendix**
(First Request) via first-class mail, postage prepaid, addressed to the following:

STEVEN B. WOLFSON
District Attorney's Office
200 E. Lewis Ave.
Las Vegas, NV 89011

CATHERINE CORTEZ MASTRO
State Attorney General's Office
100 North Carson Street
Carson City, Nevada 89701-4717

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#85902
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/s/ William H. Gamage, Esq.

Employee of GAMAGE & GAMAGE