

GAMAGE & GAMAGE
William H. Gamage, Esq.
Nevada Bar No. 009024
5580 South Fort Apache Street, Suite 110
Las Vegas, Nevada 89148
Telephone: (702) 386-9529
Facsimile: (702) 382-9529
Attorneys for Appellant

Electronically Filed
Jun 05 2013 04:39 p.m.
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
(THIRD 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 (Third 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 90 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. Appellant
7 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. Counsel also made a trip to the evidence vault to
10 view and make copies of exhibits, and spoke to investigators previously involved in this case.

11 6. Because of Appellant's custody status, the only day he can meet face to face with Counsel
12 is on Tuesdays. Such a restriction has created logistical problems for Counsel in meeting with
13 Appellant.

14 7. Two previous extensions were requested and granted in this Appeal regarding the briefing
15 schedule. Accordingly, no previous extensions have been denied in this appeal.

16 8. The opening brief is set to be filed June 5, 2013.

17 9. A review of the record in this case shows that Appellant has played an integral role in his
18 defense from the opening stages.

19 10. Counsel met with Appellant to review the status of the case and to make an effort to
20 reduce the number of issues that Appellant seeks to bring on appeal. Counsel advised Appellant
21 on the Nevada Rules of Appellate Procedure in regards to time extensions and the disfavored
22 status of motions to exceed the 30 page limit, but Appellant insists that Appellant's Counsel file
23 this 90 day extension so that he may brief the issues.

24 11. Appellant is adamant that he have approval and input for the final draft of the brief, and is
25 insistent on bringing at least seven issues on appeal. A brief of all of these issues will make the
26 brief run more than double the page limit set by this Court.

27 12. Based upon the above and foregoing, Appellant requests a 90 day extension of time to file
28 the opening brief so that Appellant and Appellant's Counsel can prepare drafts, and to allow

1 enough time for Appellant Counsel to visit with the Appellant so that he can approve the
2 submitted arguments which he has specifically requested that he be allowed to do.

3 13. A grant of a 90 day extension would make the Opening Brief and Appendix due
4 September 3, 2013.

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

8 DATED THIS 5th day of June, 2013.

9 **GAMAGE & GAMAGE**

10 **/s/ William H. Gamage, Esq.**

11 _____
12 William H. Gamage, Esq.
13 Nevada Bar No. 009024
14 5580 South Fort Apache Street, Suite 110
15 Las Vegas, Nevada 89148
16 Telephone: (702) 386-9529
17 Facsimile: (702) 382-9529
18 Attorneys for Appellant
19
20
21
22
23
24
25
26
27
28

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

2 COUNTY OF CLARK)
3) ss:
4 STATE OF NEVADA)

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

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

- 1 8. Because of Appellant's custody status, the only day he can meet face to face with
2 Counsel is on Tuesdays. Such a restriction has created logistical problems for Counsel
3 in meeting with Appellant.
- 4 9. Two previous extensions were requested and granted in this Appeal regarding the
5 briefing schedule. Accordingly, no previous extensions have been denied in this
6 appeal.
- 7 10. The opening brief is set to be filed June 5, 2013.
- 8 11. A review of the record in this case shows that Appellant has played an integral role in
9 his defense from the opening stages.
- 10 12. Counsel met with Appellant to review the status of the case and to make an effort to
11 reduce the number of issues that Appellant seeks to bring on appeal. Counsel advised
12 Appellant on the Nevada Rules of Appellate Procedure in regards to time extensions
13 and the disfavored status of motions to exceed the 30 page limit, but Appellant insists
14 that Appellant's Counsel file this 90 day extension so that he may brief the issues.
- 15 13. Appellant is adamant that he have approval and input for the final draft of the brief,
16 and is insistent on bringing at least seven issues on appeal. A brief of all of these
17 issues will make the brief run more than double the page limit set by this Court.
- 18 14. Based upon the above and foregoing, Appellant requests a 90 day extension of time to
19 file the opening brief so that Appellant and Appellant's Counsel can prepare drafts,
20 and to allow enough time for Appellant Counsel to visit with the Appellant so that he
21 can approve the submitted arguments which he has specifically requested that he be
22 allowed to do.
- 23 15. A grant of a 90 day extension would make the Opening Brief and Appendix due
24 September 3, 2013.

25 / / /

26 / / /

27 / / /

28

1 16. This Motion is submitted in accordance with the requirements of NRAP 31(b)(3).

2 Further, this request for extension is not made for any undue purpose such as to
3 prejudice any party or to improperly delay these proceedings.

4 FURTHER DECLARANT SAYETH NAUGHT
5

6 /s/ William H. Gamage, Esq.
7

8 _____
9 William H. Gamage, Esq.

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on the 5th day of June, 2013, I served a true and correct copy of the
12 above and foregoing **Motion For Extension of Time to File Opening Brief And Appendix**
13 **(Third Request)** via first-class mail, postage prepaid, addressed to the following:
14

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

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

18 RICKIE SLUAGHTER JR.
19 #85902
22010 Cold Creek Road
Indian Springs, Nevada 89070
20

21 /s/ William H. Gamage, Esq.
22

23 _____
24 Employee of GAMAGE & GAMAGE
25
26
27
28