

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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JEMAR MATTHEWS, vs. THE STATE OF NEVADA,	Appellant, Respondent,	Supreme Court No. 62241 Electronically Filed Jun 28 2013 09:43 a.m. Tracie K. Lindeman Clerk of Supreme Court MOTION TO EXTEND TIME TO FILE OPENING BRIEF & APPENDIX (SECOND REQUEST)
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10 **MOTION TO EXTEND TIME TO FILE OPENING BRIEF & APPENDIX**

11 **(SECOND REQUEST)**

12 **WILLIAM H. GAMAGE, ESQ.**

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26 *Counsel for State of Nevada*

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10 **MOTION TO EXTEND TIME TO FILE OPENING BRIEF & APPENDIX**
11 **(SECOND REQUEST)**

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13 **COMES NOW**, Appellant JEMAR MATTHEWS by and through appointed
14 counsel, William H. Gamage, Esq. of Gamage & Gamage and hereby files this Motion
15 To Extend Time To File Opening Brief & Appendix (Second Request). Appellant's
16 Opening Brief was scheduled for filing on June 24, 2013. This Motion is made and based
17 upon Rule 26 of the Nevada Rules of Appellate Procedure, all papers on file herein, the
18 attached Declaration of William H. Gamage, Esq., and the following:
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- 20 1. This motion is made in good faith, and not for purposes of delay.
- 21 2. This is the second request for an extension of time to file Appellant's
- 22 Opening Brief.
- 23 3. Counsel for Appellant Jemar Matthews was appointed for purposes of
- 24 handling this appeal on or about January 22, 2013.
- 25 4. Counsel has gathered all necessary documents for the appeal after
- 26 having received the last set of files on or about the second week of April. All
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1 transcripts related to Appellant's transcript request have been produced and received
2 by Appellant.

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4 5. Counsel for Appellant has interviewed prior counsel and family
5 members of Appellant related to this matter and still must meet with Jemar Matthews
6 in order to counsel him on the nature of his case and the issues at stake.

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8 6. Appellant Jemar Matthews is housed at Southern Desert State Prison
9 (along with his visitation days) and counsel's case and trial schedule, difficulties have
10 been experienced in meeting with his client to confer on his case. Appellant Matthews
11 has requested via mail that he be allowed to speak with counsel prior to the filing of
12 the instant opening brief and appendix.

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14 7. The brief is almost in its final form, and counsel realized on or about June
15 27, 2013 that the actual date to file the opening brief was June 24, 2013. Counsel,
16 though mistake or inadvertence failed to insure this date was on this offices' current
17 calendar.

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19 8. On or about June 1, 2013, Gamage & Gamage transitioned from a
20 Microsoft Exchange driven calendaring system through Microsoft Outlook to a cloud
21 based calendaring system through Google. Pursuant to that transition, the entire
22 Gamage & Gamage electronic calendar was exported and then imported (or uploaded)
23 onto the Google system.

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26 9. Samplings of the newly uploaded calendar indicated that the transition
27 was successful. However, counsel has been informed on 3 occasions that appointment
28 dates were either missed or caught at the last minute because they were not on the

1 Google calendaring system. Based upon these occurrences, counsel has had staff re-
2 checking the calendaring for cases to insure that important dates are properly posted.
3 Apparently, the opening brief date for this appeal was not caught in sufficient time.
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5 10. Accordingly, good cause appearing and for the reasons mentioned in the
6 foregoing Declaration of William H. Gamage, Esq., it is hereby requested that the
7 Appellant be granted a twenty-one (21) day extension of time to and including
8 Monday July 15, 2013, within which to file the Appellant's Opening Brief, Appendix
9 and to serve opposing counsel.
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11 11. I declare that the above and foregoing statements are true and correct to
12 the best of my knowledge and that these statements are made under penalty of perjury
13 according to the laws of the State of Nevada.
14

15 Dated this 27th day of June, 2013.
16

17 GAMAGE & GAMAGE

18 /s/ William H. Gamage
19

20 William H. Gamage, Esq.
21 Nev. Bar No. 9024
22 GAMAGE & GAMAGE
23 5580 South Fort Apache, Ste 110
24 Las Vegas, Nevada 89148
25 (702) 386-9529
26 (702) 382-9529 (facsimile)
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the 27th day of June, 2013, a true and copy of above and
3 foregoing MOTION TO EXTEND TIME TO FILE OPENING BRIEF & APPENDIX
4 (Second Request) was served on all counsel via the Court's electronic filing system to
5 all counsel of record listed below:
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<p>9 STEVEN WOLFSON Clark County District Attorney 200 Lewis Avenue Las Vegas, Nevada 89155 10 (702) 671- 2501 11 (702) 455-2294 12 <i>Respondent</i></p>	<p>CATHERINE CORTEZ MASTO, ESQ. ATTORNEY GENERAL 100 N. Carson Street Carson City, Nevada 89701- 4717 (775) 684-1100</p>
<p>13 JEMAR MATTHEWS Inmate No. 1014654 14 Southern Desert State Prison 15 PO Box 208 16 Indian Springs, Nevada 89070</p>	

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18 /s/ William H. Gamage, Esq.

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20 An Employee of GAMAGE & GAMAGE
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