

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

JEMAR MATTHEWS,  vs.  THE STATE OF NEVADA,	Appellant,   Respondent,	Supreme Court No. 62241 Electronically Filed Aug 13 2013 09:27 a.m. Tracie K. Lindeman Clerk of Supreme Court <b>MOTION TO EXTEND TIME TO FILE OPENING BRIEF &amp; APPENDIX (THIRD REQUEST)</b>
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**MOTION TO EXTEND TIME TO FILE OPENING BRIEF & APPENDIX**  
**(THIRD REQUEST)**

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(THIRD REQUEST)**

COMES NOW, Appellant JEMAR MATTHEWS by and through appointed counsel, William H. Gamage, Esq. of Gamage & Gamage and hereby files this Motion To Extend Time To File Opening Brief & Appendix (Third Request). Appellant's Opening Brief was scheduled for filing on July 15, 2013. This Motion is made and based upon Rule 26 of the Nevada Rules of Appellate Procedure, all papers on file herein, the attached Declaration of William H. Gamage, Esq., and the following:

1. This motion is made in good faith, and not for purposes of delay.
2. This is the third request for an extension of time to file Appellant's Opening Brief.
3. Counsel for Appellant Jemar Matthews was appointed for purposes of handling this appeal on or about January 22, 2013.

4. Counsel has gathered all necessary documents for the appeal. All transcripts related to Appellant's transcript request have been produced and received by Appellant.

5. Counsel submitted this brief and appendix on the date that it was due: July 15, 2013. Unfortunately, the brief and appendix were rejected by this Court due to insufficient certificate of compliance and for failure to include an index in the attached appendices.

6. From July 15, 2013 to present, Counsel has had multiple deadlines in state district court, federal district court, and the Ninth Circuit Court of Appeals to file opening briefs and or petitions on behalf of numerous clients that Counsel has been appointed to represent.

7. From July 13, 2013 and August 6, 2013 the clerk for counsel, Travis Akin, was out of the office preparing and sitting for the Nevada Bar Exam. His absence created a backlog in projects at this office.

8. From July 15, 2013 and August 6, 2013 counsel moved his children to Reno, NV, where their mother has relocated, to begin the upcoming school year.

9. Because of the demands of multiple deadlines, short staff, and the logistics of moving two children to Reno, NV, Counsel for Appellant was late in responding to the notice of the clerk's rejection of Appellant's brief and in correcting the errors in the brief submitted July 15, 2013.

10. Counsel submitted the brief concurrent with this motion, and now requests an extension of the briefing schedule to accommodate the instant filing of the

opening brief and appendices on or before August 12, 2013, and that the court set the subsequent briefing schedule deadlines in accordance with the Nevada Rules of Appellate Procedure.

11. I declare that the above and foregoing statements are true and correct to the best of my knowledge and that these statements are made under penalty of perjury according to the laws of the State of Nevada.

Dated this 12th day of August, 2013.

GAMAGE & GAMAGE

/s/ William H. Gamage

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of August, 2013, a true and copy of above and (Third Request) was served on all counsel via the Court's electronic filing system to all counsel of record listed below:

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/s/ William H. Gamage, Esq.

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An Employee of GAMAGE & GAMAGE