

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

2 RONALD ROSS,
3 Appellant,
4 vs.
5 THE STATE OF NEVADA
6 Respondent/Appellee.

Supreme Court No.: 63624
District Court Case No.: C236169
Electronically Filed
Jan 15 2014 03:52 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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9 **MOTION TO STRIKE STATEMENT OF FACTS AND MOTION FOR**
10 **TIME TO SUBMIT SUPPLEMENTAL OPENING BRIEF WITH**
11 **CORRECT FACTS FOR UNDERLYING DISTRICT COURT CASE**

12 COMES NOW, Appellant, RONALD ROSS, by and through his counsel of
13 record, pursuant to NRAP 27(a) and NRAP 28(a)(7) and respectfully requests that
14 this Court strike the portion of the Appellant's Brief entitled "Statement of Facts"
15 and allow the Appellant to submit a Supplemental Brief with the correct facts
16 from District Court case C236169. The State's Answering Brief is due on
17 January 16, 2014. Counsel would request 14 days in which to submit a
18 Supplemental Opening Brief. The proposed due date for the Supplemental
19 Opening Brief would be February 5, 2014. This is the first request of the kind;
20 however, Counsel for the Appellant received one extension in which to file the
21 original Opening Brief. This motion is based on the attached declaration of
22 counsel.
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27 DATED this 15th day of January, 2014.
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CARLING LAW OFFICES, PC

/s/ Matthew D. Carling, Esq.

MATTHEW D. CARLING, ESQ.

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Attorney for Appellant,

RONALD ROSS

DECLARATION OF COUNSEL

I, Matthew D. Carling, do declare as follows:

1. I represent Appellant, RONALD ROSS, in this matter. I filed the Opening Brief in this matter on December 17, 2013. It was brought to my attention that the Statement of Facts contained in the Opening Brief belong to another of the Appellant's cases, *Ronald Ross v. State*, No. 60171 (District Court No. C220916). I was counsel in both of the Appellant's post-conviction matters at the District Court level. Both cases involved theft crimes at different casinos in Las Vegas. The initial facts in both cases involved alleged pick pocket incidents. Counsel inadvertently included the facts from Case No. 60171 and failed to provide the facts from District Court Case No. C236169, the instant case.

2. It appears that the Appendix in this matter is correct as it contains the pleadings and transcripts from District Court Case No. C236169. Therefore, the Appendices will not need to be supplemented at this time.

2. Based on the foregoing, I respectfully request that this Court strike the portion of the Appellant’s Opening Brief entitled “Statement of Facts” and allow me 14 days in which to submit a Supplemental Opening Brief with the correct Statement of Facts for the instant case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 15th day of January, 2014.

CARLING LAW OFFICES, PC

/s/ Matthew D. Carling, Esq.

MATTHEW D. CARLING, ESQ.
Nevada Bar No. 007302
Attorney for Appellant,
RONALD ROSS

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